

State of Alaska Comments – Pebble Project Preliminary Draft EIS, Section 4.2 – Land Ownership, Management, & Use

Agency	Comment No.	Section, Paragraph, and Page #	Cooperating Agency Comment (and Purpose of Comment)	Proposed Resolution (Additions or Deletion of Text)	Response
ADNR/ Mining, Land & Water/ Mining	1	4.2.2.1	<p>Regarding the sentence that reads: “No land in the project footprint would be conveyed or sold, although an Uplands Mining Lease and associated permits would be required for mining activities and facilities on State lands, and temporary use permits, easements, and ROWs for the transportation corridors and natural gas pipeline would be required on State and ANCSA corporation lands to construct and operate the project if approved (see Appendix E, laws, permits, approvals, and consultations required).”</p> <p>This is incorrect. The State does not have express authority to require a claimant to convert to an upland mining lease. Because mining claims established under AS 38.05.195 are self-initiated mineral rights and are subject to annual abandonment for failure to maintain, large operations and producing mines often opt for Upland Mining Leases (AS 38.05.205) to secure mineral tenure through an express written agreement (lease) with the State. While this method is certainly preferred by the State, the State cannot force a mineral claimant to convert to an upland mining lease.</p> <p>Further, if the applicant did not choose to convert mining claims to an upland mining lease, there would be no change in land status and encumbrance from a mineral right perspective only.</p>	Consider the revision: “No land in the project footprint would be conveyed or sold, though an Upland Mining Lease may be acquired, and associated authorizations would be required for mining activities and facilities on State lands; temporary use permits, easements, and ROWs for the transportation corridors and natural gas pipeline would be required on State and ANCSA corporation lands to construct and operate the project if approved (see Appendix E, laws, permits, approvals, and consultations required).”	Revision made as suggested.
ADNR/ Mining, Land & Water/ Mining	2	4.2.2.2	The land encumbered by State of Alaska Mining Claims by Pebble is managed under the Alaska Land Act (AS 38.05), would be guided by the Bristol Bay Area Plan and further managed by the Alaska Reclamation Act (AS 27.19), the Mine Operation Act (AS 27.20), and	Consider revision.	Text revised using provided information.

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			the Alaska Administrative Code on Mining Reclamation (11 AAC 97), subject to the mineral right provisions established by AS 38.05.195 and/or AS 38.05.205. The Bristol Bay Area Plan is not the sole guiding instrument for management of State lands encumbered by Pebble's mineral right assertion.		
ADNR/ Mining, Land & Water/ Mining	3	4.2.2.3	It may be worth mentioning that end land use and designation (post mining and reclamation) is determined by the State.	Consider mention.	Text added as suggested.
ADF&G/ Wildlife/ Refuges	4	Sec 4.2.2.2	"Active management for fish and wildlife protection would necessarily be modified in the immediate area through the life of the mine and into post-closure as a result of the project." text is misleading, Revise text to more accurately depict that management changes and impacts would be needed as a result of project.	SUGGESTED REWRITE: "Modification of active management for fish and wildlife protection would be necessary as a result of the project, in the immediate area through the life of the mine and into post-closure."	Revisions made as suggested.
ADF&G/ Wildlife/ Refuges	5	Sec 4.2.2.2	Section contains no discussion of extremely close proximity of the Amakdedori Port site and Transportation corridor to McNeil River SGS or SGR with regard to management intents for the refuge and sanctuary, as well as the general DNR habitat lands the project is sited on.	Revise section to include proximity of McNeil River SGS and SGR and management intents that may be affected by proposed project components on nearby lands.	Section 3.2.2.1 was edited to include this information.
ADF&G/ Wildlife/ Refuges	6	Sec 4.2.5 Table 4.2-1	No mention of key management issues for MRSGS and MRSGR in Chapter.	Update information in key issues summaries to include information on McNeil River SGS/ McNeil River SGR management issues as noted throughout comments.	Text was edited to state "Modification of active management for fish and wildlife protection would be necessary in the immediate area and nearby McNeil River State Game Sanctuary and Reserve."

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ADF&G/ DWC/ Refuges	7	Section 4.2.6	Cumulative Effects section of Chapter 4, Section 2 is brief and incomplete. While the section identifies a number of reasonably-foreseeable future actions it does not present any information on the actual cumulative effects of the proposed action in relation to these RFFA's.	Revise cumulative effects sections to include analysis of cumulative nature of project impacts.	Cumulative Effects section has been expanded to include more specific impacts and broader implications.
ADF&G/ Comm. Fish/ Homer	8	4.2.2.2	The Mine Site section states that "The habitat resources of the North and South Fork Koktuli stream corridors that traverse this unit are managed for protection" The mine site is within units R06-23 and R06-24 of the Bristol Bay Area Plan. This statement refers to unit R06-24 but is incomplete in it's interpretation.	The full definition of the defined "Management Intent" for unit R06-23 as defined in the BBAP (2013) is: "The habitat resources of the two stream corridors that traverse this unit (R06-24) are to be protected. (See management intent for R06-24.)" And is defined for unit R06-24 as: "Mineral development within R06-24 should be performed in such a manner as to ensure that impacts to the anadromous and high value resident fish streams are avoided or reduced to levels deemed appropriate in the state/federal permitting processes related to mineral deposit development. Specifically, such development is to ensure the protection of the streams affected by MCO 393 and their associated riverine habitats, which includes the area within 100' of OHW. Mineral entry and location within the two streams is not allowed pursuant to	Section 3.2.2.1 was edited to include some information on MCO 393. No figures developed at this time.

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				MCO 393." This needs to be in the DEIS along with a map of the DNR Region/units overlaid on the mine site and all related infrastructure.	
ADF&G/ CF/ Homer	9	4.2.2.2	The above statement in the Mine Site section of the EIS goes on to say that ".....in addition, the area is managed for moose wintering habitat. Active management for fish and wildlife protection would be modified as necessary in the immediate area as a result of the project. There would not be a conflict with management plans but may require permit conditions to accommodate additional plan direction related to fish and wildlife management".	Active management and Affected area need to be defined/described better.	Management and the affected environment are provided in Section 3.2.2.1.
ADF&G/ Comm. Fish/ Homer	10	4.2.3.3	There is currently no active resource extraction at Diamond Point.	Correct said statement.	Statement corrected.