

Montana Office:
PO Box 9383
Missoula, MT 59807
info@greatbear.org
(406) 829-9378



Northern Office:
P.O. Box 1616
Haines, AK 99827
gbf@greatbear.org
(907) 766-2024

www.greatbear.org

June 2, 2023

Sara Church
Division of Mining, Land and Water
Fairbanks Mine Permitting Office
3700 Airport Way
Fairbanks, AK 99709
dnr.fbx.mining@alaska.gov
Sent by email

Re: Public comment on *APMA J20195690#1- A Hard Rock Exploration Application Amendment Within the Juneau Mining District- Glacier Creek*

Dear Ms. Church:

Please accept these comments on behalf of the Great Bear Foundation regarding Constantine North Inc.'s amended permit application APMA J20195690#1 for expansion of the Palmer Project. The Great Bear Foundation is a nonprofit 501c3 organization with offices in Haines, Alaska and Missoula, Montana, dedicated to the conservation of the world's bear species and the healthy, biologically diverse habitats they need to survive. We have been engaged in conservation issues in the Chilkat Watershed since 2010, and the area is of significance to our members and supporters due to its high value habitat for black and brown bears and the wild Pacific salmon on which they depend. We have members and staff with close ties to the Chilkat Watershed, and our northern office is located close to the mouth of the Chilkat River, downstream of the proposed activities.

The Chilkat Watershed is among the most biologically diverse watersheds in Southeast Alaska, with highest diversity of mammal species and vascular plants, and the Chilkat-Klehini river system provides some of the highest value salmon habitat in Southeast Alaska.¹ The salmon are arguably the most important driver of the ecosystem and are essential to the local and regional commercial fishing, tourism, and subsistence economies, but they are incredibly vulnerable to environmental factors such as degradation of water quality, lowering of stream levels, and increased sedimentation from erosion associated with road-building, deforestation, and driving heavy equipment across their streams, as proposed in the permit application. We are concerned for the

¹ Smith, M., ed., 2016. *Ecological Atlas of Southeast Alaska*, P34

ecological and economic impacts of the proposed activities both at the immediate sites and downstream, including impacts to the Chilkat Bald Eagle Preserve.

The Great Bear Foundation offers these comments with the expectation that the Department of Natural Resources (DNR) will act to protect the Chilkat Watershed and the communities it supports from the impacts of proposed mining activities.

Request for Extension

While we appreciate the extension of the original 14-day public comment period to 30 days, the comment period still fails to allow the public and the Department adequate time to analyze and comment on the 100-page permit application. DNR and the applicant failed to conduct any public outreach on the application—the May 10, 2023 meeting of the Alaska Chilkat Bald Eagle Preserve Advisory Council where a DNR representative was scheduled to inform the public about the application was canceled and not rescheduled. The Great Bear Foundation informed DNR on May 12, 2023 that members of the public attempted to attend that meeting to receive this information, but the Department made no attempt to address the complaint.

We are aware of numerous requests for extension to the public comment period from impacted stakeholders who want to participate in the public process. We would like to see the Department honor the public interest and foster engagement in the decision-making process by honoring these requests for extension. In addition to requests submitted directly to DNR, on May 25, 2023, 30 local residents and Chilkat Indian Village Vice President Jones Hotch, Jr. testified to the Haines Borough Assembly asking the body to intervene on behalf of the community to request a 90-day extension from DNR, some citing a letter to DNR signed by at least 170 residents.² We hereby reiterate those requests to extend the comment period to 90 days to allow the public and DNR adequate time to analyze the application and potential impacts of proposed activities. We also request that public hearings on the application be held in Haines and Klukwan, with opportunities for questions and public testimony.

Incomplete Application

Application J20195690#1 is incomplete in that it fails to provide adequate information necessary for DNR to make informed decision. The application proposes significant new activities in new locations close to the Klehini River—with new potential impacts, and it lacks baseline data on natural conditions for impacted creeks, fish habitat, uplands, and downstream waters. The application lacks substantive information about anadromous and resident fish in impacted streams, impacts of water withdrawal, impacts of driving heavy equipment across streams, impacts of road- and trail-building and associated timber- and brush-cutting, noise impacts of helicopter activity and blasting for seismic

² <https://khns.org/many-haines-residents-testify-asking-for-greater-scrutiny-of-palmer-project>, accessed 6/1/23.

surveys on area wildlife, local residents, tourism activities, subsistence users, and people recreating in the area.

We ask DNR to use its authority to reject the amended permit application on the grounds that it is incomplete, it fails to adequately address potential ecological, social, and economic impacts, the applicant and the Department failed to consult with the downstream communities, and the proposed developments diverge so significantly from existing permitted activities that a new permit application is in order. We request that the Department require the applicant to submit a new application addressing the points raised in this comment letter for public comment.

Water Withdrawal

The application proposes withdrawing water from four new creeks: a) unnamed Creek (“Plateau Creek”), b) the informally named “Bear Creek”, c) a reach of “Glacier Creek” downstream from the previously permitted withdrawal, and d) an unnamed alpine creek (“Little Jarvis”). The applicant anticipates withdrawing approximately 2,000 gallons of water from these creeks per 12 hour shift, up to 4,000 gallons per day, from June 1 to October 21. The only proposed mitigation is a screen on the pump intake “to protect fish.”³ DNR must require analysis of whether the screen will protect fish eggs and juvenile fish, and analysis of impacts to salmon redds and other fish habitat at the withdrawal site and downstream. DNR must ensure that water withdrawal does not harm fish and their habitat through dewatering, disturbance, or any other impacts.

The lower reaches of Plateau Creek, a tributary of Glacier Creek, are listed by the Alaska Department of Fish and Game (ADFG) as anadromous fish habitat. The application notes that ADFG’s 2019 and 2021 surveys indicate that portions of the creek are dry during drought conditions. DNR should require analysis of potential impacts of water removal from Plateau Creek, considering both the presence of anadromous fish habitat and the possibility of the creek running dry. Drought conditions have become increasingly common in the Chilkat Valley in recent years in the summer months. DNR should consider impacts of potentially dewatering this creek in a changing climate.

Bear Creek is mapped by ADFG as anadromous fish habitat, and impacts of water withdrawal on fish and habitat should be analyzed.

The application claims that “Glacier Creek is mapped for resident fish only and does not have anadromous fish (last investigated by ADFG in 2021), but the ADFG Anadromous Waters Catalog lists coho salmon, cutthroat trout, dolly varden as present.”⁴ DNR should

³ Constantine North, Inc., 2023. *Amendment to Multi-Year 2019-2023 Application for Permits to Mine in Alaska #5690*, p7.

⁴ Giefer, J., and S. Graziano. 2022. *Catalog of waters important for spawning, rearing, or migration of anadromous fishes – Southeastern Region, effective June 15, 2022*, Alaska Department of Fish and Game, Special Publication No. 22-04, Anchorage.

require analysis of impacts of water withdrawal on both resident and anadromous fish habitat at the withdrawal site and downstream.

Plateau and Klehini Sites

The applicant proposes new geotechnical work and infrastructure north and south of the confluence of Glacier Creek and the Klehini River, including seismic refraction surveys, 51 new overburden drill holes, and installation of 8-10 new monitoring wells. Proposed work will involve the use of helicopters, a sonic track-mounted drill, track-mounted crawler, bulldozer, excavator, skidder, Bobcat brusher, one ton and $\frac{3}{4}$ ton 4x4 trucks, ATVs and/or side-by-sides, and a 10hp water pump. The applicant proposes constructing 5.6 miles of new trail, up to 25' wide, including some trails with vertical incline gradients up to 30%. While a bridge *may* be installed across Glacier Creek to support the Baby Brown timber sale, a lack of activity on that sale suggests that the installation of the bridge is unlikely. In the absence of a bridge, the applicant proposes driving heavy equipment across Glacier Creek. The Department must not allow the applicant to ford Glacier Creek, or any other creek, with heavy equipment, especially when fish are present. The Department should consider third party monitoring of any activities that occur in or adjacent to creeks.

Seismic Surveys

The applicant proposes roughly 5.24 miles of seismic survey work, involving removal of vegetation along seismic lines 5-15' feet wide for a total of 11 seismic lines across the two sites. The applicant fails to address the impacts of vegetation removal on wildlife, including habitat loss and fragmentation, precipitation run-off, and erosion, potentially increasing sedimentation in adjacent surface waters. The applicant fails to address impacts of twice-daily blasting for seismic surveys on wildlife such as black and brown bears, lynx, moose, mountain goats, and birds, as well as local residents, recreational users, tourism, and subsistence users. The applicant also fails to address impacts of chemical residue from explosives on water quality and area flora and fauna.

Plateau and Klehini Sites as Potential Tailings Storage

In addition to the direct, induced, and cumulative impacts of the activities explicitly described in the application, DNR must consider the long-term impacts of the intended development of the Plateau and Klehini sites. Constantine's Preliminary Economic Assessment (available at <https://americanpacificmining.com/projects/palmer-vms-project/>) identifies the Klehini Site as its preferred alternative for a tailings storage site.⁵ Liz Cornejo, vice-president of DOWA Alaska, the majority owner of the Palmer Project joint venture, confirmed on public record at the May 25, 2023 Haines Borough Assembly meeting that the developments proposed in the application for the Plateau and Klehini

⁵ Goodwin, R., McLeod, k, et. Al., 2022. [Amended NI 43-101 Technical Report for the Palmer Project](#), Pp 18-1 – 18.3

sites are intended for tailings storage.⁶ In considering this permit application, DNR must not limit itself to a reductionist, piecemeal analysis of the proposed activities as described, but instead analyze the potential direct, induced, and cumulative impacts of the intended result: tailings storage at the confluence of the anadromous Glacier Creek and Klehini River.

The Alaska Supreme Court ruled in *Sullivan v. Resisting Environmental Destruction on Indigenous Lands (REDOIL)* that Article VIII of the Alaska Constitution requires the State to take a “hard look” at cumulative impacts of a proposed project to ensure that it is consistent with the public interest.⁷ The ruling states that “Consideration of cumulative impacts is constitutionally required throughout all the phases of a project.”⁸ The Department must consider cumulative impacts of developments and activities proposed in this permit along with those of the applicant’s previous and ongoing activities, and with other projects occurring in the area such as the Baby Brown timber sale and related roadwork.

Conclusion

Additional agency review of potential direct, induced, and cumulative environmental, economic, and cultural impacts of this project is needed. It is DNR’s duty to conduct a meaningful analysis of proposed activities including road-building, timber- and brush-cutting, detonation of explosives, persistent helicopter use, drilling, water withdrawal, and driving heavy equipment across streams, and to require sufficient information from the applicant about natural baseline conditions and potential impacts to inform responsible decision-making. In the absence of such information and analysis, we request that DNR reject this application as incomplete. We request that DNR require the applicant to submit a new application addressing the concerns raised in this comment letter, and provide a 90-day public comment period for the new application, with public hearings in both Klukwan and Haines.

Thank you for considering our comments and entering them into the public record.

Sincerely,

Shannon K. Donahue
Executive Director

⁶ <https://khns.org/many-haines-residents-testify-asking-for-greater-scrutiny-of-palmer-project>, accessed 6/1/23.

⁷ *Sullivan v. Resisting Environmental Destruction on Indigenous Lands (REDOIL)*, 311 P.3d 635 (Alaska 2013).

⁸ *Sullivan*, 311 P.3d at 634.