

CENTER for SCIENCE in PUBLIC PARTICIPATION

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"Technical Support for Grassroots Public Interest Groups"



Tongass National Forest,
Kensington Gold Mine POA SEIS,
8510 Mendenhall Loop Rd,
Juneau, Alaska 99801

Submitted electronically via: <https://www.fs.usda.gov/project/?project=55533>

07 November 2019

Dear Tongass National Forest,

The Comments below are from Stu Levit on behalf of The Center for Science in Public Participation in response to the Forest's notice dated September 20, 2019 letter regarding the project. Please contact me if you need additional information or assistance.

Comments

Tailings and Closure

The starting assumption for the proposed expansion should be predicated on requiring a dry closure, meaning that the impoundment will be dry (and not a wet storage facility, pond, lake, etc.). This is essential because the failure of a dam or other impoundment facility would have catastrophic impacts to Burners Bay and other area/regional waters. This could - and should - be achieved by many means, such as using the drain on the upstream foot of the liner-dam to keep the water levels in the tailings as low as possible and thereby ensuring that the impoundment is not a water-retaining impoundment. This drained water would of course have to be treated to water quality standards prior to release.

The idea of a post-mine lake, especially if it has aesthetic or recreational value, may be an appealing post-mine benefit. However, such benefits must be weighed against the perpetual liabilities - particularly in an important ecological area such as this. The risk of failure resulting in significant downstream and regional impacts is a greater liability. Therefore a full risk assessment should be completed to justify a wet-closure impoundment.

Further, the burden of proving the efficacy and permanence of wet tailings closure should fall on the mining company. It should be required to fully demonstrate to regulators and the public its effectiveness (and lack of liabilities). Alternatively, and additionally, regulators and the public should not have the burden to demonstrate the proposed technology's lack of effectiveness or liabilities. The burden of proof should be very high to demonstrate with certainty that a wet closure is economically and technically feasible, fully protective of environmental resources (including surface and ground water quality, fish, wildlife, etc.) and human health. The proof proposed should employ widely accepted methodologies applicable to this mine and surrounding area. The entire body of proof and data must be made available for public and regulatory review and comment - including ensuring that the public has a meaningful, effective opportunity to publicly participate in the review and discussion of such an analysis. Further, evidence should include demonstrating the specific proposal's reliability - and not simply that the method has been proven in a model or a laboratory test.

Risks of Worst Case Scenario

Prior to permit approval, possibly as part of a risk assessment, the mine should be required to develop a response plan for a worst-case tailings impoundment failure for tailings disposal, including all mine dams/impoundments. This helps ensure that if a failure occurs there is a better chance at a rapid response and will help identify flaws that can be corrected before failure and identify opportunities to respond to such failure. Most importantly, it will underscore the huge long-term risks that will persist from a wet tailings impoundments and allow for comparison to the demonstrably lower risks created by dry closure.

Reclamation

While the proposed changes necessitate changes to the Reclamation and Closure Plan, the changes appear to relate more to the measurements (more acres, soil salvage, acceptable weed establishment (define “infestation”), specific responses when the established goals are not met, and timeframes to determine success/failure, resets to the time-clocks, etc.) as compared to improving the reclamation plans themselves. It is recommended that all reclamation and closure plans establish specific measurable goals to determine reclamation success. This is more useful to the entire process than citing to broad-sweeping, largely unmeasurable, corporate policies. The former are mostly (almost entirely) absent from the latest Reclamation and Closure Plan (see Reclamation and Closure Plan- POA 1 Update and Section 7.1).

The mine should commit to actual site reclamation and establish clear, *measurable* plans and objectives. Examples include, but are not limited to:

- Specified percentages of aerial and basal cover of native species;
- Established maximum percentages of noxious weeds;
- Specified levels of alpha and beta diversity; and
- Revegetation that is achieved for a specific duration (e.g. for 5 years) during which no maintenance or other activities (including no surface manipulations, applications of water, fertilizer, herbicide, etc.) is performed - and if such activities are performed the clock is re-started.

These types of commitments have actual meaning and establish genuine intent and goals. Without them the proposed reclamation plan is rendered to little more than promises with no guarantee of their breadth or success.

Thank you for considering my comments.

Sincerely,



Stu Levit, M.S.