

Angoon Community Association

PO Box 328 * Angoon, Alaska 99820 * Phone: (907) 788-3411 * Fax: (907) 788-3412

RESOLUTION OF THE ANGOON COMMUNITY ASSOCIATION No. 2020-23

WHEREAS: The Angoon Community Association (ACA) is the tribal governing body of the Community of Angoon as authorized by the acts of Congress of June 18, 1934, (48 Stat. 948), and May 1, 1936 (Stat. 1250) approved by the Secretary of the Interior on May 10, 1939 and ratified by the membership of Angoon Community Association by an election on November 15, 1939, and

WHEREAS: Article V-Powers, Section 1 (a) states "To negotiate with the Federal and Territorial (state) Governments on behalf of the Community...", and

WHEREAS: in the exercise of our sovereign powers, Article V, Section 1, paragraphs (j) and (l) of ACA's bylaws empower the Tribal Council "... [t]o protect and preserve the property and natural resources of the community "and"... protect the general welfare and security of the Community, and

WHEREAS: in 1978 President Jimmy Carter established the Admiralty Island National Monument in Proclamation 4611 because of its "superlative combination of scientific and historic objects," , and

WHEREAS: The Presidential Proclamation acknowledged that "Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years... [and the cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems, and

WHEREAS: in 1980 Congress ratified the 1978 Presidential Proclamation and directed that "subject to valid existing rights... [the Secretary of Agriculture was to manage the Admiralty Island National Monument] to protect objects of ecological, cultural, geological, historical, prehistorical and scientific interests, and

WHEREAS: indigenous members of the Angoon Community Association, the federally recognized Tribe for Angoon (ACA), have customarily and traditionally used the resources in Hawk Inlet and Greens Creek for millennia, and

WHEREAS: Hawk Inlet and Greens Creek, and the rest of Admiralty Island, is a sacred place to the people of Angoon, and

WHEREAS: Congress recognized the importance of Admiralty's unique values and Angoon's reliance on subsistence to help maintain our culture by stating in the Alaska National Interest Lands Conservation Act (ANILCA) (title VIII) of the importance of not limiting subsistence opportunities and in Title V, Sec. 503 and repeated in Sec. 504 that mine tailings and milling would not cause "...irreparable harm..", and

WHEREAS: Congress further recognized the threat of mining activity to fish habitat directed the Forest Service in ANILCA Title V, Sec. 505 to protect and maintain fish habitat and productivity, when such habitats are affected by mining activities, and

WHEREAS: in the September 2013 Record of Decision for the Greens Creek tailings expansion Forest Supervisor Forrest Cole emphasized that prior to further expansion of tailings disposal, additional studies are needed, and

WHEREAS: on its corporate website, Hecla Mining Company claims "we are committed to being a responsible company in many ways: by prioritizing the health and safety of our employees; by minimizing our impact on the environment through the development of innovative technologies and approaches to mining; by positively impacting our communities as a key contributor in the development and enhancement of local economies; by supporting local charities through the Hecla Charitable Foundation; and by behaving responsibly toward our key stakeholders (available at <http://www.hecla-mining.com/responsibility/> on September 19, 2012, and

WHEREAS: in spring 2015 one of our hunters contributed harbor seal tissues for laboratory analysis and results included data on heavy metal concentrations. This seal's liver mercury concentration was in the highest XX% of all seals tested in Alaska, for which data are currently available, in keeping with our cultural tradition, this seal was shared with others in our village and eaten, prior to the lab results being available, and

WHEREAS: the high levels of mercury in the Hawk Inlet seal's liver cause us concern for the health of the seal and our other subsistence resources, such as clams, crab, halibut, shrimp, deer and seaweed. We have urged our tribal members to not collect any food from Hawk Inlet until it has been proven safe to consume, and

WHEREAS: a pre-mining baseline study published as Final Results of the 1981 Field Program for the Greens Creek Mine, October 1981 was done as a condition of permitting the original Hawk Inlet Mine to be constructed and operated, and

WHEREAS: limited monitoring indicates that fugitive dust is blowing contamination from the tailings pile far into the Monument lands and wilderness areas creating harm to plants and our subsistence foods, and

WHEREAS: the dust monitoring is crude and does not extend to the furthest reaches of this dust contamination, and

WHEREAS: the pre-mining baseline studies were to be replicated periodically after the mine was in operation in order to determine what changes had occurred to the marine, fresh waters and uplands as a result of the mine operations, and

WHEREAS: the mine has been in operation for over thirty years and the baseline study has not been replicated to measure changes in the health of Hawk Inlet, adjacent fresh waters and uplands, now

THEREFORE, BE IT RESOLVED: that Angoon Community Association urgently requests that The US Forest Service, State of Alaska and US Environmental Protection Agency suspend further permit processing for discharge and tailings disposal expansion at the Hecla Greens Creek Mine on Admiralty Island until the pre-mining baseline studies on biodiversity, habitats and contaminants in Hawk Inlet have been replicated to ascertain health of the ecosystem and subsistence foods.

BE IT FURTHER RESOLVED that the Angoon Community Association requests that the Forest Service require tracing the full extent of the dust onto the lands and waters and conduct plant and animal uptake studies to assure the safety of our foods and cultural resources.

SIGNED: Kevin Frank, Sr.
Kevin Frank, Sr., President

CERTIFICATION

I, the undersigned, as Secretary of the Angoon Community Association hereby certify that the Council of the Association is composed of seven (7) members, of whom _ constitutes a quorum were present at a meeting there of duly and regularly called, noticed, convened and held this 6th day of November, 2020; and that the foregoing resolution No. 2020-23 was adopted at such a meeting by a vote of 7 Aye and
_Nay.

In witness thereof, I have set my hand as Secretary this 6th day of November 2020.

ATTEST: Mary L. Dawson vice president
Jerilyn George, Secretary - out of town

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LETTER OF OPPOSITION AGAINST THE NORTHERN EXTENSION PROJECT

November 11, 2020

Basia Trout, Admiralty Island National Monument Ranger
Tongass National Forest
Greens Creek NEP SEIS
8510 Mendenhall Loop Road
Juneau, Alaska 99801

Your public notice states a proposal was submitted by Helca Greeks Creek in June 2020, for yet another tailings expansion when the 2013 tailings expansion supposedly still has life.

Prior to any decision being rendered, the following must be addressed:
(Not prioritized in any specific order as are all equally significant)

1. **The public comment period is to short**, especially given all the additive challenges; some created by the covid-19; travel and testing mandates, public gathering restrictions and distancing requirements, mail slow down etc.
2. **1981 Scientific Baseline Study** has never been replicated, Forest Service can require the significant scientific testing and analysis be conducted prior to rendering a record of decision as clearly FS is the final decision maker here.
3. **Additional Tailings Area Request:** In 2013, Greens Creek requested a considerable amount of land for additional tailings area. And Forest Service gave approval without any mandatory scientific testing being conducted.
4. **Elevated toxic metals:** A seal was shot by local hunter and its organs was given to Friends of Admiralty who retained Michele Ridgway, Oceanus Alaska, to conduct testing. The test showed elevated toxic metals; 12 times the amount for manganese, 646 times for lead. The seal's liver tested mercury at 222 parts per million. The highest level tested. Our tribal council expressed grave concern about the high level of toxins in our traditional food. Unfortunately, the meat had already been shared/consumed.
5. **Alarming and sharp increase of cancer** is occurring amongst our people. The daily dumping of 1-2 million gallons a day of mine

tailings, waste water and other mine related runoff eventually makes its way to our shoreline. Due to the Japanese current, the toxic tailings leach into our waterways contaminating our traditional and customary foods. No to mention, the drying out and redistribution of tailings by normal wind action. ACA tribal council expressed this cancer concern in their letter of opposition to tailing expansion. Moreover, President Wally Frank put a moratorium on harvesting of any food in that area. Therefore, our local people lost known hunting and gathering area.

Lucy Merrell in her 6/18/19 Letter to the Editor, Juneau Empire asks- What happens 20-50 years down the road, the tailings will still be as corrosive and destructive as ever. She also raised a legitimate and plausible concern that reclamation funds could be misspend. Although her comments were aimed at Pebble Mine, they are relevant nonetheless.

5. **Plan of Operation (POO):** which represent increasing environmental impact of which under 3rd category "operations that are or will likely cause significant disturbance." This states "...the Forest Service will periodically monitor and inspect..." Monitoring usually means testing and/or causing/requiring testing. Where are these test results?

6. **Promises of Jobs:** This is always a justification dangled. Greens Creek has a handful of local full time and use to add a few more during the summer months. The greater majority, however, comes from elsewhere and/or the lower 48. Our past elders always stressed the importance of protecting our land, our waterways, our food.

7. **Protection of the Land:** Three local elderly couples traveled to Washington, DC on several occasions financed by themselves, to lobby for the protection of our lands/food. This resulted in the formation of Admiralty National Monument. Angoon, the islands only permanent town, is occupied by its indigenous clans; who resided here from time immemorial, as said by our past elders.

As an oral culture, our ancient stories tie us directly to our land and our traditional and customary Way of Life. In the past, to protect our fish, our people outlawed fish traps through Grand Camp ANB. In more recent years, due to low salmon returns, our tribal council took official action to close off Kanalku for subsistence gathering, our people honored that decision.

President Carter Proclamation 4611, "Protection of the entire island,"
"All lands including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as part of the Monument..."

H.R. 5605 page 2 lines 17-21, clearly states "...to recognize, protect, and preserve cultural values of the Tlingit peoples and the Angoon village community and assure perpetuation of the natural resources essential to their cultural and subsistence needs.."

Based on the above, the question arises- why is the Forest Service entertaining additional request for more tailings area foregoing the requirement of testing(s)? After reading 2013 letters and emails on 2013 Tailings Expansion, its' obvious, the public is requesting and awaiting this vital information. Perhaps the 1995 JV between Forest Service and Greens Creek is precluding non-partial oversight.

We state very strongly that Forest Service can and should require a comparable to the 1981 scientific baseline study prior to rendering record of decision. Until we can be assured that our food from our waters are cleared for human consumption, we adamantly oppose tailing expansion. Furthermore, any application should be considered as and treated as a new application; this would ensure regulatory compliance.

Respectfully Submitted,

Kevin Frank Sr.
President

Kevin Frank Sr.

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November 6, 2020

After attending the virtual scoping meeting on October 20, 2020 held from 5pm to 7:30 pm.

We don't agree with the follow, that was stated during the meeting as to what was being proposed, as well as the process that is being used to for the proposed tails expansion.

1. That this is a supplemental EIS and not a full EIS. We want a full EIS
2. There is no Anilca Section 810 review as required in Anilca when asking for additional land that is not in the 2013 ROD. We want a section 810 review.
3. A base line study hasn't been done since the original was done in 1981, a study designed to be done every 10 to 15 years.
4. The time line is too short for something this important, that affects and has affected our tribal members, the indigenous people of the Island.

President Walley Frank Sr issued a warning to tribal members not to hunt or fish north of Parker Point because of the discovery a seal with dangerously high levels of mercury that is dangerous for human consumption.

That warning removed approximately 35 miles of traditional hunting and fishing territory off our table as indigenous people of Admiralty Island. This is the responsibility of the Forest Service to have prevented, it wasn't prevented. The Forest Service has not fulfilled its obligations to protect our resources and we have lost faith that they have and will in the future.

We feel these are valid reasons, to ask for a third party to be involved other than the Forest Service that stands to have a substantial financial gain by allowing the mine to expand their tailings site, with the appearance of a conflict of interest and the Greens Creek Mining Company, that additional studies be completed and that

compensation for our current loss be implemented prior to authorizing a third expansion.

President Kevin Frank Sr

Handwritten signature of Kevin Frank Sr. in cursive script.

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