



Southeast Alaska Conservation Council

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USDA Forest Service
ATTN: Pat Dryer/Niblack Surface Exploration Project
Tongass National Forest
8510 Mendenhall Loop Road
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Transmitted electronically via portal:

<https://cara.ecosystemmanagement.org/Public/CommentInput?Project=60100>

Southeast Alaska Conservation Council 2021 Niblack Plan of Operations

Mr. Dryer,

This comment is in response to the proposed Amendment to the 2021 Niblack Project Plan of Operations (PoO).

Based in Juneau, Alaska (Tlingit/Áak'w Kwáan lands), Southeast Alaska Conservation Council (SEACC) is a regional grassroots organization with more than 6,000 supporters. For over 50 years, SEACC has been bringing together diverse Alaskans from our region's communities to protect the natural resources of Southeast Alaska, ensure sound stewardship of the lands of the region, and protect subsistence resources and traditional ways of life side-by-side with commercial fishing, tourism, and recreation.

In the 2021 Niblack PoO, the Company originally requested permission to construct five helicopter platforms on United States Forest Service (USFS) lands. The Company proposed to accomplish geochemical soil sampling and ground-based geophysical survey work in an area encompassing approximately 948 acres on Federal mining claims owned by Niblack. The "belt" of claims and exploratory area lies immediately on the marine coastline of Niblack Anchorage and the larger saltwater body of Moira Sound.¹

The proposed amendment triples the amount of helicopter landing pads to 15 semi-permanent landing sites, adds core drilling activities, water withdrawal from local streams, use of drill additives, tree felling at 12 of the 15 sites (eight to 10 "tall trees" per site, equaling up to 120 old-growth trees), and delineates reclamation activities. These activities should not be authorized under a Categorical Exclusion (CE), as the drill program may extend past the 2022 operating season according to the PoO, and the increased scope of activities will likely have

¹ Core Geoscience, 2021



more than a “temporary, short-term” effect on the coastal environment.² Also, the scoping document does not specify when helicopter drill pads will be removed; Niblack’s PoO states that these pads will remain in-place until “completion of drilling activity,” and that “Potentially some wood-deck pads will be left in place temporarily if there is an early indication that they may be reused.” The USFS scoping document does not clarify when the pads will be removed; it states that “All materials and equipment will be removed when operations are complete.” This does not specify when reclamation will take place, but the expectation under the terms of the CE is that all activities will take place within “1 year or less.”³ The Forest Service should either:

- Clarify the terms of the permit and require Niblack to remove all equipment, structures, and waste from the sites within 1 year of issuance or;
- Use an Environmental Assessment, since Niblack appears to be setting up another long-term exploration project in the Forest Service lands area that will span more than one year.

The new scope of activities also generates a need to examine Niblack’s current environmental track record and its adherence to Best Management Practices. Attached is SEACC’s recent comment regarding Niblack’s wastewater permit to the Alaska Department of Environmental Conservation.⁴ The salient points from our comment, which required in-depth study of historical permitting and project details, are:

- Niblack has repeatedly *not* followed BMPs regarding their wastewater treatment, monitoring, and mitigation.
- Niblack has no current Spill Prevention/Response Plan in place with the Alaska Division of Mining, Land, and Water (DMLW), despite having a 20,000-gallon fuel container on site, near the beach, and now increasing their fuel use and transportation with helicopters. As we have recently seen near Sitka in Neva Strait, fuel spills can and do occur.⁵ The negligence of the Department of Natural Resources (DNR) in allowing the Company to operate without such a plan is egregious. The Forest Service could help bring pressure to bear on this issue, especially considering USFS lands and associated resources will be affected if a spill occurs. As we have recently seen in a comprehensive report regarding Alaska mines, the difference between permitting estimates of Alaska mining spills versus the reality is astounding and disheartening.⁶
- Niblack’s marine discharge is not currently being treated effectively. The astronomically high levels of copper, lead, arsenic, and other contaminants going into the marine environment are a direct result of the DEC’s decision to allow Niblack to leave their Potentially Acid Generating (PAG) waste rock pile uncovered for years. The material has

² USDA Forest Service, 2022

³ Categorical Exclusions, 36 CFR 220.6(e)(8)

⁴ Southeast Alaska Conservation Council, 2022

⁵ Alaska Department of Environmental Conservation, 2022

⁶ Lubetkin, 2022



indeed acidified and is now leaching high levels of dissolved metals, which are being discharged into the marine environment. The company acknowledges this and water quality monitoring results prove it. Yet Niblack continues to be allowed to dump untreated, highly acidic effluent into the marine environment. The ability to chemically treat the discharge exists onsite, yet remains unused, despite the promise by the Company and the DEC that, if it became obvious the PAG pile was acidifying, the chemical treatment tanks would be employed, and a cover put on the pile.

SEACC asks the Forest Service to take a hard look at this Company's track record in terms of environmental protection. The statement in the PoO Amendment that "Niblack routinely implements BMPs to reduce impacts, assure safe operations and increase overall project efficiency" is patently false.

While SEACC understands that wastewater quality and discharge are outside the scope of the USFS, it should not ignore the track record of this operation when determining what type and scope of related project activity to allow on Federal public lands. The Forest Service could help bring pressure to bear with regard to the Spill Prevention/Response issue, if nothing else, because now fuel and other potential contaminants are being transported on Federal lands as well as private holdings.

Niblack is not a mindful actor in terms of environmental protection. The DEC has allowed the Company to get away with this for a number of years. The Forest Service should do better, and do what it can to encourage and enforce BMPs and environmentally protective mitigations with regard to Niblack operations. Regular unannounced inspections should be made during the season of operations (2022) to ensure that Niblack is doing what it has promised to do, and those results should be made public.

The Niblack Anchorage area and Moira Sound are beautiful, remote, and relatively pristine areas. Years ago, the nearby Kegan area and river were recommended for a Wild and Scenic designation by USFS staff. Big runs of coho and pink salmon, as well as sockeye salmon, occur in the area. Uses of the area include subsistence fishing and hunting, commercial fishing, and recreation.⁷

Please do your duty and help protect this area from negative impacts by industry. As we stated in our comment to the DEC:

"The people of Alaska need industry. SEACC does not protest this fact. What we protest is the lack of accountability by government agencies to enforce compliance with the

⁷ Southeast Alaska Conservation Council, 2022



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laws and policies which will allow industry to do business, but will also protect our lands and waters.”⁸

Thank you for the opportunity to comment.

Respectfully,

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Tongass Forest Program Manager

Katie Rooks, M.S.
Environmental Policy Analyst

⁸ Southeast Alaska Conservation Council, 2022



Works Cited

Alaska Department of Environmental Conservation. (2022, March 21). Tug Western Mariner Grounding Neva Strait. Retrieved from Division of Spill Prevention and Response: dec.alaska.gov/spar/ppr/spill-information/response/2022/01-tug-western-mariner-grounding

Core Geoscience. (2021, May 26). 2021 Exploration Plan of Operations on USFS Lands, Prince of Wales Island, Alaska. Seattle, WA.

Core Geoscience. (2021, December). Supplemental Information to Support Amendment No. 1: 2021 Niblack Project Plan of Operations. Seattle, WA.

Lubetkin, S. P. (2022, April). Alaska Mining Spills: A comparison of the predicted impacts described in permitting documents and spill records from five major operational hardrock mines. Earthworks et.al.

Southeast Alaska Conservation Council. (2022, March 14). SEACC Final Niblack Comment.

USDA Forest Service. (2022, March 31). 2021 Niblack Project Surface Exploration. Alaska Region 10. Retrieved from fs.usda.gov/project/?project=60100