



May 23, 2023

RE: Greens Creek North Extension Project #57306

The Southeast Alaska Land Trust (SEALT) submits this letter commenting on the Greens Creek North Extension Project #57306 Draft Supplemental Environmental Impact Statement (SEIS). SEALT is a 501(c)(3) organization that collaborates with communities, individuals, and organizations throughout Southeast Alaska to help ensure that the highly valued habitat, recreation, open space, and cultural and historic areas continue to thrive for the well-being of each generation.

In pursuit of this mission, SEALT operates an in-lieu fee (ILF) program under the newly modified 2022 SEALT In-Lieu Fee Compensatory Mitigation Program Instrument to provide compensatory mitigation for unavoidable impacts to wetlands and aquatic resources that have been permitted by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. SEALT provides the following comments based on our experience and expertise operating our ILF Program throughout the watersheds of Southeast Alaska.

The Draft SEIS outlines four alternatives for the Greens Creek North Extension Project (Project), including a no-action alternative. Excluding the no-action alternative (Alternative A), the remaining alternatives will result in permanent functional losses to wetlands, a special aquatic site as defined in 40 CFR § 230.3(m). The Draft SEIS states that “direct impacts on wetlands are significant adverse impacts because they would not be reclaimed as wetlands...and the losses would be permanent.”

As outlined in the Draft SEIS, the 2013 Final EIS required that impacts to waters of the U.S. (WOTUS), including wetlands, are mitigated according to the Section 404 CWA permitting process. The 2013 Record of Decision identified the permanent loss of wetlands as a primary issue because unavoidable impacts to wetlands could not be replaced on site. Similarly, impacts to wetlands and aquatic habitats are listed in the 2023 Draft SEIS as a significant issue identified during the scoping period.

Congress has allowed the mine to operate in Admiralty Island National Monument under the specific condition that it does not cause irreparable harm. Impacting wetlands without providing adequate mitigation would result in irreparable harm to Admiralty Island National Monument, and to the unique habitat values and ecosystem services provided by the wetlands that would be lost through this Project. Because the functional losses to the watershed would be permanent, in-kind compensatory mitigation for these significant adverse impacts could be required if Alternatives B, C, or D are selected.

The Draft SEIS identifies the following options for compensatory mitigation for unavoidable impacts to wetlands:

- Permittee-responsible or in-lieu fee program sponsored offsite, in-kind wetland restoration at Forest Service-acquired lands at Cube Cove on Admiralty Island; and
- Permittee-responsible or in-lieu fee program sponsored offsite wetland acquisition and permanent protection of private parcels or inholdings on Admiralty Island.

These mitigation options could be achieved by working with either of the two ILF compensatory mitigation providers available to sell wetland credits in Southeast Alaska: the SEALT ILF Program or the Southeast Alaska Mitigation Fund. Purchase of credits from an ILF program is a practicable means to provide compensatory mitigation to offset unavoidable impacts to the aquatic environment.

In a related permit application under Department of the Army (DA) permit number POA-1988-00269 that was published on April 17, 2023, the permittee proposes no mitigation for the permanent functional losses of special aquatic sites resulting from this Project.

The land trust welcomes necessary development the community of Southeast Alaska, and it is something we help facilitate through our ILF Program. If Alternatives B, C, or D are selected by the Project, mitigation could be practicably achieved by working with an ILF program.

Sincerely,



Margaret Custer

Executive Director