

Angoon Community Association

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Submitted electronically via portal:

<https://cara.fs2c.usda.gov/Public/CommentInput?Project=64682>

Mary Jean Duncan
Angoon Community Association
Email – mjduncan53@gmail.com

Re: The Angoon Community Association's Comments on the Greens Creek Mining Company Surface Exploration Project 2026-2030 Environmental Assessment, Finding of No Significant Impact, and DRAFT Decision Notice

Dear Scott Leslie,

The Angoon Community Association (“Angoon” or “Tribe”), a federally recognized Tribe to which the United States owes a trust duty of protection,¹ writes to express our concerns over the U.S. Forest Service’s Environmental Assessment (“EA”), Finding of No Significant Impact (“FONSI”), and DRAFT Decision Notice (“Draft Decision”) for the Greens Creek Mining Company Surface Exploration Project, 2026-2030 (“Project”). Admiralty Island has long been the home of Angoon, whose members include Kootznوو Tlingit, or *Xootsnoowú Kwáan*. Angoon’s members rely on the lands, waters, and wildlife of what is now the Admiralty National Monument for their continuing existence and, as part of that relationship, continue to serve as the original guardians of this land.

The deep relations between members of Angoon and the landscape require recognition of the many shared interests between the Tribe and the Forest Service. In addition to the agency’s trust obligations and its own policy and regulatory requirements, these interests require meaningful consultation and engagement between the Forest Service and Angoon. With respect to this proposed Project, the Forest Service must listen to Angoon’s concerns about the Greens Creek Mine and take active steps to facilitate collaboration in order to address the fundamental flaws and inadequacies in the Project EA, which are set forth below.

¹ 89 Fed. Reg. 99899 (2024).

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These comments are also a follow up to the letter submitted on behalf of the Tribe and Corporation by Kootznoodoo, Inc. Board Chair, Eunice James on January 15, 2025, that included several specific comments on the “Surface Exploration Plan of Operations – 2024-2028.” This letter concluded with a request for a stand-alone environmental assessment to be conducted with several considerations. To our knowledge none of the comments and recommendations in our letter were addressed in the “No Significant Impact” finding.

Inadequate Consultation and Request for Consultation

The Forest Service’s consultation and coordination regarding the Project and the management of subsistence resources have not been meaningful. The Forest Service has legal responsibilities to consult with Angoon on a government-to-government basis.² However, consultation on the Project has been inadequate. The Forest Service’s own guidelines require that “all consulting parties should agree that consultation is indeed taking place . . . and it should be documented as such.”³ The EA fails to state when it offered an opportunity for consultation on the Project.⁴ It is unclear when the Forest Service offered consultation with the Tribe, since the EA vaguely refers to “the intent to initiate an environmental review of this project.”⁵ Angoon is a small community and needs time to review, consider, and respond to the Project and any request for consultation. The Tribe requests an immediate halt on all activity related to the Project until meaningful consultation occurs and, consistent with the Forest Service’s obligations, continued engagement and dialogue prior to the issuance of a final decision on this Project.

Inadequate Notice Protocols

Angoon finds the Forest Service’s publication of legal notice in the *Juneau Empire* grossly inadequate. The Forest Service’s website provides that “The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection [and] [t]hose wishing to object should not rely upon dates or timeframe information provided by any other source.”⁶ Yet, the *Juneau Empire* is 100 miles away and behind a paywall. It is unacceptable that the Tribe must rely on legal notice in a newspaper requiring payment for access.

² Exec. Order No. 13175, 65 Fed. Reg. 67249 (Nov. 6, 2000); Exec. Order No. 13007, 61 Fed. Reg. 26771 (May 24, 1996).

³ FSH 1509.13, § 11.2 (Mar. 9, 2016).

⁴ Greens Creek Mining Company Surface Exploration Project 2026-2030 Environmental Assessment, Finding of No Significant Impact, and DRAFT Decision Notice, 38 (Oct. 2025) (hereinafter “EA”).

⁵ *Id.*

⁶ <https://cara.fs2c.usda.gov/Public/CommentInput?Project=64682>

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Failure to Respond to Key Past Concerns

Consultation is not meaningful when the agency simply ignores the Tribe's input. Angoon has consistently expressed concerns about Greens Creek Mine that have gone unanswered. For example, earlier this year Angoon requested that any assessment of surface exploration operations consider potential future development *after* exploration and include Angoon in all aspects of the assessment.⁷ The EA does not adequately assess future development or include Angoon's knowledge and assessment of cultural values and potential impacts.⁸ The Forest Service must "[i]nform Indian tribes and ANCs how their information and recommendations were considered in Forest Service decisions, including explanations in the event that tribal input was not adopted or incorporated."⁹ Yet, Angoon has not received an explanation in response to its concerns. The Forest Service has not meaningfully engaged with or listened to Angoon.

Failure to Establish CIMP and Angoon's Own Monitoring

In the Greens Creek Mine North Extension Project, Final Record of Decision ("2024 ROD"), the Forest Service committed to establishing a Collaborative Integrated Monitoring Panel ("CIMP") as part of Hecla's compliance with mitigation and monitoring requirements.¹⁰ This requirement was in response to Angoon's concerns over monitoring activities and reinforces the Forest Service's guidance "to include tribal representatives and experts as ad hoc and formal team members."¹¹ The Forest Service was to convene the CIMP within 90 days of the ROD being published and invite the Angoon Community Association, Kootznoowoo Inc., and Hecla to participate on a this CIMP panel.¹² The CIMP was directed to review existing monitoring data, make transparent available information, evaluate trends in environmental indicators, assess the effectiveness of BMP's, provide input on monitoring gaps, and consider developing a collaborative monitoring program.¹³ The Forest Service "commit[ed] to listening to the input of each member of the panel to ensure that all parties' voices and concerns are heard."¹⁴ The CIMP has not been established almost twelve months after the ROD was finalized.

⁷ Letter from Angoon Community Association and Kootznoowoo, Inc. to Michael Downs, Ranger, Admiralty National Monument (Jan. 15, 2025).

⁸ EA at 13.

⁹ FSH 1509.13, § 11.42 (Mar. 9, 2016).

¹⁰ Greens Creek Mine North Extension Project, Final Record of Decision (Nov. 2024), 33 (hereinafter "2023 ROD").

¹¹ FSH 1509.13, § 11.42 (Mar. 9, 2016).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 34.

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In the 2024 ROD, the Forest Service also committed to developing an MOU with Angoon to establish recurring meetings, transparent information sharing, and collaborative decision-making.¹⁵ The Forest Service has not yet developed an MOU with Angoon.

Furthermore, Angoon has requested to have its own personnel on-site and present for the implementation of all exploration activities, wetland surveys, wildlife surveys, bear guards, goshawk and eagle nesting surveys, and botany and invasive plant surveys.¹⁶ However, the EA does not appear to include a provision for Angoon on-site monitoring. The Forest Service has not listened. Until this request is granted, Angoon reiterates its request to access and the right to review all drilling activity logs, reclamation, safety, spill, and bear encounter reports.¹⁷

Lack of Coordination

This Draft Decision and the Forest Service's lack of communication results in lost opportunity for cooperation regarding shared interests in the economic, cultural, and environmental health of Admiralty Island. Angoon has a strong interest in improving relationships and establishing cooperative agreements with the Forest Service to avoid poor communications and to improve resource stewardship, educational, employment, and economic development. In addition to interest, Angoon has the knowledge and expertise to turn these interests into action—provided the Forest Service fulfills its obligations to engage with and support the Tribe's interests. Numerous statutes create a flexible structure to support exactly these cooperative agreements.¹⁸ ANILCA also expressly authorizes such cooperative agreements.¹⁹ Furthermore, the Forest Service, in its own guidance, commits to exploring opportunities to form partnerships and considering the full range of economic, social, and cultural values stemming from its relationship with tribes.²⁰ However, the Forest Service has not committed to a tangible, enforceable agreement with Angoon that realizes the cultural and economic potential of Admiralty Island National Monument.

Inadequate Consideration of ANILCA and Other Statutes

The Forest Service has inadequately considered its legal obligations under ANILCA and other statutes. The Forest Service believes that “[u]nder current federal mining law, [it is]

¹⁵ *Id.*

¹⁶ Letter from Angoon Community Association and Kootznoowoo, Inc. to Michael Downs, Ranger, Admiralty National Monument (Jan. 15, 2025). This request is in addition to the Collaborative Integrated Monitoring Panel.

¹⁷ *Id.*

¹⁸ See, e.g., List of Programs Eligible for Inclusion in Funding Agreements Negotiated with Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs and Fiscal Year 2022 Programmatic Targets, 87 Fed. Reg. 7201 (Feb. 8, 2022).

¹⁹ 16 U.S.C. § 3119.

²⁰ FSH 1509.13, § 11.42 (Mar. 9, 2016).

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obligated to allow exploration.”²¹ However, the Mining Law conditions mining activities. Mining activities must be “not inconsistent with the laws of the United States.”²² The Forest Service has legal requirements under numerous statutes,²³ including Title VIII of ANILCA, to protect subsistence uses.²⁴ ANILCA requires the Forest Service to ensure its actions will not significantly restrict subsistence uses.²⁵ ANILCA also requires the Forest Service to manage Admiralty Island National Monument to protect “objects of ecological, cultural, geological, historical, prehistorical, and scientific interest.”²⁶ ANILCA expressly conditions Greens Creek mining activities to prohibit irreparable harm to Admiralty Island National Monument and to ensure uses will cause “less environmental harm than the use of any other reasonably available location.”²⁷ Existing mining claims do not “diminish[] authorities of the Secretary under any other provision of law to regulate mining activities.”²⁸

Despite these legal obligations, the subsistence evaluation in the EA is insufficient, due to the overall inadequacy of the EA’s analysis and failure to incorporate Angoon’s perspectives. The EA fails to mention the Forest Service’s requirements under the Native American Graves Repatriation Act altogether. The Forest Service’s treatment of mining activities as inevitable is inconsistent with law and does not excuse incomplete analysis.

The Forest Service’s review of this Project do not exist in a vacuum, but is part of a long history of relationships. The Draft Assessment: Tongass As an Indigenous Place (“Draft Assessment”) developed for the planning process to update the Tongass National Forest Plan discusses this history. It also identifies mining as a resource concern and specifically calls for consultation “early and often” as a minimum “on all management and project consideration within [a Tribe’s] traditional homelands.” Furthermore, the Draft Assessment documents management priorities, approaches for capacity building, and the need to improve the current

²¹ Letter from Michael Downs, District Ranger, Forest Service to Ms. Eunice James, Chairperson, Kootznoowoo Inc. (Dec. 3, 2024).

²² 30 U.S.C. § 22.

²³ Section 106 of the Historic Preservation Act, the National Environmental Policy Act, the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act.

²⁴ 16 U.S.C. §§ 3111-3126.

²⁵ 16 U.S.C. § 3120.

²⁶ Pub. L. 96-497 (Dec. 2, 1980), 94 Stat. 2400 § 503(c).

²⁷ § 503(i)(1).

²⁸ § 504(i)(2).

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lack of trust. We urge the Forest Service to address the concerns raised in this Letter in light of the historical context, concerns, and priorities identified in the Draft Assessment.²⁹

Inadequate Environmental Review: Sectional Comments

Section 2.2-2.3. Surface and Mineral Ownership. This section regarding the “Greens Creek Land Exchange Act of 1995,” analysis in the Application cites Section 2(2) giving the mine access to public lands for exploration, but ignores the requirements under Section 2(1) of the Land Exchange: “The Alaska National Interest Lands Conservation Act (ANILCA) established the Admiralty Island National Monument and sections 503 and 504 of that Act provided special provisions under which the Greens Creek Claims would be developed. The provisions supplemented the general mining laws under which these claims were staked.” ANILCA compliance must be addressed in this application. An analysis must be made as to how the exploration plans complies with the entirety of ANILCA.

Section 2(3) of the Land Exchange Act; “. . . an agreement by which the area surrounding the Greens Creek Claims could be explored and developed under terms and conditions consistent with the protection of the values of the Admiralty Island National Monument.” (The land exchange was not considered a major federal action and not analyzed under NEPA, so the effects remain undocumented.) The purpose of the Land Exchange was to provide “an innovative approach which allows for limited development of mineral resources while providing for both short- and long-term environmental protection of Admiralty Island National Monument.” Since 1995, the Forest Service has shown no effort to limit development and this Project plans to expand it. Long-term environmental protection was essentially abandoned in 2013 when the Forest Service admitted that the mine tailings pile will require active water treatment for centuries if not into perpetuity. The Forest Service also abdicated their responsibility for short and long-term protection of Monument values when it transferred all responsibility to the State of Alaska to set parameters and monitor the fresh water and marine tidal and submerged

²⁹ Draft Assessment, The Tongass as an Indigenous Place, 59-60, available at <https://www.fs.usda.gov/sites/nfs/files/legacy-media/tongass/Draft%20Assessment%20The%20Tongass%20as%20an%20Indigenous%20Place.pdf>

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lands.³⁰ There is no evidence in the record that the Forest Service has even reviewed the data produced by the State of Alaska. Furthermore, it is unclear whether consideration of the land exchange in the form of royalties used for buying in-holdings and money for roads and schools ever materialized. Thus, this Project would continue a shameful record of the Forest Service failing to meet its obligations under existing law. The exploration proposed in this Project is a required step and thoroughly connected to subsequent mining. The two actions cannot be separated.³¹ But, because mining activities would and are causing irreparable harm to the Monument, the mining does not comply with ANILCA Sec. 503 and 504.³² Therefore, this Project, which would enable further exploration, does not either.

In addition to failing to comply with existing law, the Project documents also include a number of inconsistencies and lack clarity. The following comments highlight specific issues of concern to Angoon:

Clarification needed: Is Figure 4-1 project Area the same as the Area of Interest (AOI) referred to in the text? Is it the same as the Map 4.9?

Section 4.3. Geologic Mapping: This section states, as do other sections of the Exploration Plan that: “[n]o trash, equipment or samples left overnight.” This does not clearly address human waste, which can negatively affect wildlife by introducing pathogens, pollutants, and by attracting animals to areas where they could be harmed. Wildlife may be attracted to human waste, disrupting their natural behavior, and contact with it can spread diseases like E. coli and *Toxoplasma gondii* to animals, sometimes with serious consequences. The applicant should be required to utilize one of the many commercially available devices for containing human waste and pack it out for proper disposal.

Section 4.5.1. Air-borne electro-magnetic surveys: Studies have shown that air-borne EM surveys can have adverse effects on wildlife include behavioral changes like disorientation and stress, and physiological impacts on reproduction, orientation, and survival. Animals may experience disruptions to their ability to navigate using Earth's magnetic field, find food, or reproduce, and some studies have shown increased stress hormone levels or changes in movement patterns.³³ Please provide an analysis of these potential effects.

³⁰ “There is no evidence of any regulatory agency conducting independent compliance sampling” SRK Consulting Environmental Audit of the Greens Creek Mine, 2009. Available at: <https://dnr.alaska.gov/mlw/mining/large-mines/greens-creek/pdf/envaudits/gcaudit2009.pdf>

³¹ “This land exchange will permit KGCMC to explore and develop an area for mining located within the non-Wilderness portion of the National Monument.” GREENS CREEK LAND EXCHANGE ACT OF 1995.

³² ANILCA states “that the use of the site to be leased will not cause irreparable harm to the Monument” at subsection f(2)(A).

³³ See, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9732734/>

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Section 4.5.2. Ground EM surveys: Studies have demonstrated that ground EM surveys can negatively affect wildlife through behavioral changes, such as altered migration, mating, and foraging, as well as potential physiological effects like increased stress. Many species, from insects to mammals, are sensitive to electromagnetic fields (EMF), using them for navigation and other functions, and have shown a response to both low-level and higher-intensity fields. Documented effects include changes in social behavior, increased stress indicators, and potential impacts on orientation and survival. Please provide an analysis of these potential effects.

Section 4.5.3. Ground IP surveys Induced Polarization (IP)'s: We have the same concerns over IP's as we do for air-borne and ground EM surveys. We request an analysis of mitigation measures including but not limited to minimizing physical habitat disruption and conducting surveys during less sensitive times (e.g., outside of peak migration, nesting or breeding seasons). Please provide an analysis of these potential effects.

Section 4.5.5. Heli-Airborne Gravity Gradiometric (AGG) surveys: The analysis states that a helicopter would fly the survey lines approximately 100 feet above treetops at a rate typically more than 20 miles per hour. Adverse effects of Heli-Airborne AGG surveys on wildlife are well established and are due primarily from the physical and auditory disturbance of the helicopter's low flight path, which can cause animals to flush or become agitated, and potentially impact nesting birds. While the gravity gradiometric technology itself is passive and does not emit harmful sound, the low-flying helicopter can trigger avoidance behaviors in many species, potentially biasing wildlife surveys and leading to habitat avoidance or stress, particularly for sensitive species like eagles. We request a survey of wildlife distribution, nesting sites and sensitive seasonal time frames to be avoided. Pilots should be required to record and submit observations of wildlife flushing and agitated behavior, and to avoid nesting and birthing seasons. Please provide an analysis of these potential effects and adequate mitigation.

4.6.1 Drill Site Preparation: The Exploration Plan states that "[b]efore any drill site clearing or construction takes place, the site must be approved by the Forest Service. This will follow a strict path of approval. Exact locations for each drilling site are submitted to the Forest Service by December 15 on the year before drilling. The Forest Service will review those sites in order to prescribe third party field studies, such as goshawk and botany surveys. The third-party report will be submitted to the forest service at least two weeks prior to drilling. After the Forest Service has reviewed the studies and given notification to proceed, then drill site preparation can begin."

Clarification needed: Have these sites already been identified and surveyed? Was archeological/cultural clearance considered? Why did the Forest Service not involve Angoon?

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The Exploration Plan states that “[t]he sum total of drill site clearing for any one year will be less than 5 acres, which is reclaimed annually.”

Clarification needed: Angoon requests access to past reclamation reports.

The Exploration Plan further states that “[o]nce constructed, the sump is lined with an impermeable geotextile (HDPE) so that all drilling fluids and cuttings will be kept within the drillhole, sump and mixing tank system.” The permit lacks any analysis of how long the liner will remain intact and contain the fluids or what may happen when containment is breached. Additionally, degrading HDPE geotextiles have environmental effects including the release of additives and microplastics into the soil or water and the potential leaching of hazardous substances. The degradation process also results in the loss of mechanical strength and can negatively impact local ecosystems, such as by disturbing marine communities or interfering with soil properties.³⁴ An analysis of these potential effects must be included.

Clarification needed: Are water and mud levels in the sump monitored? Are there contingency plans if the membrane fails? Are there any underlayment requirements for the membrane? (i.e. no sharp sticks rocks, etc.). Is the use of side anchors required to prevent slippage of membrane into excavation.?

The Exploration Plan states that “[s]umps vary in size, depending on topography, trees and depth to bedrock. Typically, they are four feet deep and approximately 15 feet to a side.” This works out to an average capacity of 900 cubic feet, or 6,730 gallons.

Clarification needed: Is this capacity adequate for all cuttings, drill water and atmospheric water? What happens if cuttings and rainwater exceed capacity? Is a freeboard reserve of capacity required to prevent overflowing and account for the contribution of rainwater or intercepted ground water? The Plans states that “{t}wice daily the sumps are checked for integrity” at Table 5.2. How are they checked? Are water volumes or levels monitored? Where is this recorded and how is it reported? Please provide this information. What are the contingency plans in place should the capacity of the sump prove insufficient?

4.6.2 Drilling Water Supply: The EA states that “[a]pproximately 5 to 30 gallons per minute of ‘make-up’ water is required per drill during routine drilling conditions.” The Forest Service needs to provide more information so that the public can make an informed decision on the amount of water required in relation to the sump capacity.

Clarification needed: How much of the make-up water and recycled water ends up in the sump, downhole or out the by-pass?

³⁴ See, <https://www.sciencedirect.com/science/article/abs/pii/S095965261930900X>

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The Exploration Plan states that “[d]rilling operations typically require 3 days to 4 weeks at a given drill site, noise disturbance is constrained to that amount of time.” See 5.2. This is approximately 21,600 gallons (3 days of drilling) to 1,200,600 gallons (4 weeks of drilling). This volume seems to far exceed the average sump capacity cited.

The application states that the typical sump only holds 6,730 gallons (see below). The analysis as written lacks adequate information for the public and the Tribe to determine the size and therefore the effects of the sumps or whether or not they may overflow especially given that atmospheric or ground water does not seem to be considered in the analysis.

Clarification needed: How much water is recycled?

Map 4.9 at page 21: It appears that the Greens Creek Mineral claims are outside the land Exchange boundaries but is unclear due to the overlapping lines.

Clarification needed: Please land exchange and mineral claims boundaries with sufficient detail.

4.6.4 Materials and Drilling Additives: The Exploration Plan states that “[w]ith the exception of rod lube, drilling additives will be environmentally safe and certified by either the National Sanitation Foundation (NSF) International / American National Standards Institute (ANSI Standard 40) for use in potable water. . . only natural, fatty acid, fully biodegradable and/or non-toxic lubes will be used. The typical drilling additives are listed in Table 4-1.” Please provide material Safety Data Sheets (MSDS) for all drilling additives.

4.6.6 Drill Site Reclamation: The Exploration Plan states that “[a]ll tools, trash, and dimensional lumber will be removed from the drill sites as they are completed.” “All sumps and any bare ground will be reclaimed the same season as drilled, regardless of plans to re-use a drilling platform the following year.” “Sump geotextile will be cut back to ground surface, with excess fabric removed from the drill site.”

Clarification needed: Please analyze the possible ecological effects of geotextile left to deteriorate in place. Does this material have a MSDS?

The Exploration Plan states that “[t]hose photos will be submitted to the Forest Service as part of a yearly activity and reclamation report, to be submitted by December 15 of each year.” Please include an overview of past reports, including reporting on human waste removal.

The Exploration Plan references “[e]rosion to Surface Waters The excavations and bypass waters have the risk to deliver silts to fresh water.” There is no discussion of erosion or sediment migration from the topsoil stockpile.

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The Exploration Plan states, “[t]he drilling contact waters contain drilling additives and formation minerals which may pose a risk to surface waters. As the drilling additives are non-toxic, and the formation minerals are of similar constitution to naturally outcropping rock, the main concern is the potential for clays and silts to add turbidity to surface waters.” This is an unsupported conclusion that needs additional information and clarification.

Clarification needed: Clarify whether the rock is mineralized. The increase of lead in Hawk Inlet is blamed on normal erosion of a mineralized area. (cite Hawk Inlet Monitoring Report) Clarify whether the Forest Service has information on dissolved metal content of the drill water due to formation minerals.

The Exploration Plan states that “[t]o keep drilling contact waters from surface waters, drillholes are cased through the overburden, cuttings are transported from the drillhole to sumps on impermeable liners and sumps are to have HDPE liners. These protective measures effectively separate the drilling fluids from the environment.” The Forest Service offers no information as to the connectivity of ground water to nearby surface waters. The presence of connected fissures and faults, elevated ground water levels and aquifers is absent. Without measuring a water balance, the Forest Service cannot determine where contact water may migrate from the borehole. We recommend an accurate water balance be established. A large discrepancy, established prior to implementing this Project, should result in the abandonment and sealing of the hole.

The Exploration Plan states that “[p]etroleum spills will be reported under State and Federal guidelines as described in Table 5-3. Front line workers and supervisors fill out a brief Spill Report, designed by HGCMC’s Environmental Department to record time, location, type of fluid, amount spilled, amount recovered in clean up and method of clean up. Those reports are then used by HGCMC’s Environmental Department to generate reports as required by Federal and State law.” This spill plan amounts to unmonitored self-monitoring. Third party inspection should be required.

The Exploration Plan states that “[a]s the proposed exploration activities are concentrated in the Zinc Creek and Greens Creek drainages, the mandated fresh and marine water sampling programs will be testing for water pollution associated with those activities. Although this testing is designed for the mine and tailings operations, it will provide a back-up measure to all spill reporting required for the exploration activities.” Petroleum hydrocarbons must be added to the Fresh and Marine water monitoring as the exploration could be a source.

Table 5.3.

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To Ground or Water	
To impermeable secondary containment Less than 55 gallons	A Spill Report must be submitted to HGCMC Environmental Department within 24 hours. Spills between 1 and 55 gallons are reported to ADEC on a monthly basis.
Over 55 gallons	An Incident Report must be filed within HGCMC's <i>Intelix</i> database within 24 hours. The spill is also reported to ADEC within 48 hours.
Less than 55 gallons	A Spill Report must be submitted to HGCMC Environmental Department within 24 hours. Spills between 1 and 55 gallons are reported to ADEC on a monthly basis.

Clarification needed: How is a spill to ground water detected? What remediation steps are included in a spill report? What post-spill steps are required to examine nearby surface waters? Fluoresceine dye test?

5.4.2 Ground Water: The Exploration Plan states that “[d]rilling operations may affect groundwater by introducing drilling waters into aquifers or by creating a new groundwater flow path – the borehole. The first can be assessed in terms of volume and toxicity of drilling fluids added, hydrodynamic dispersion, potentially affected aquifers and returns to streams, if any. The second’s affect can be determined by evaluating interactions between aquifers and understanding the potential oxidation of formation minerals. To put these investigations into context, the hydrogeology and drilling practices need to be understood. Two fundamentally different groundwater systems exist in the project area, that of the overburden and that of the bedrock.” “Hydraulic conductivities range from a moderately high average of 1.07×10^{-4} cm/sec in tills to a very low 9.55×10^{-9} cm/sec in marine clays (EDE 2003).” The information is inadequate, containing no location of these faults in relation to the drill holes.

Clarification needed: Given the wide range, how does the pubic or Forest Service know what it is at any particular drill site? “Units are not extensively fractured except when in close proximity to several through-going faults which trend northwest to southeast.”

The Exploration Plan states, “[t]o illustrate how thin this layer of sulfides would be in the sump, a drillhole 1,671 feet deep (10-year average for HGCMC surface drilling) will be used. A sump collecting those cuttings from an HQ sized bit would require a sump 3 feet deep and 12 feet on a side. The cuttings from a 20-foot horizon of mineralization, typical for the Greens Creek Mine, would form a layer less than 0.5 inches thick in the sump. This thin band of sulfide rich cuttings would be surrounded by carbonate rich gangue mineralogy as it accompanies sulfide mineralization. As the sump lining is impermeable and as the gangue will likely have an excess of neutralization potential needed to keep the pore waters neutral upon oxidation, acid generation or metal leaching is minimized.” The application lacks any reference, study or research to

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support the assumption that the amount of carbonate would be sufficient to neutralize any sulfide mineralization that is exposed. Cuttings should be collected and analyzed for neutralization potential.

Clarification Needed: Lining is impermeable for a time. How long?

The Exploration Plan states that “[b]aseline environmental studies have been performed for streams within the AOI (Greens and Zinc Creek) proposed as discussed in the 1983 and 2013 EIS’s for HGCMC’s Mine and Tailings Expansion (Forest Service 1983 and 2013). Further descriptions provide that “[t]he marine environment also receives regular testing for HGCMC’s permitted activities. Shallow sediments are tested for metals, as well as mussels and polychaete worms.” However, there is no monitoring for hydrocarbons required in either the freshwater monitoring or in marine waters, so the effects of any fuel spillage or hydraulic oil leakage would not be detected.

5.20 Solid Wastes: “Solid wastes are managed within the permitted Greens Creek mine solid waste plan. ADEC has issued a Solid Waste Management Permit (Permit No. 2014DB003).” This is in error. The current Waste Management Permit is 2020DB0001. The Waste management Permit requires a third-party environmental audit be conducted at termination of the permit (5 years). This permit expired on February 25, 2025. The last environmental audit was conducted January of 2019. In fact, in the 36 years the Greens Creek Mine has been in production, only two five-year environmental audits have been conducted. It remains an open question if Greens Creek is in compliance with the Waste Management permit conditions. We object to any further work until such time as a third-party Environmental audit is conducted and any significant findings are remedied.

Conclusion

In closing, Angoon has multiple concerns about the Project, including the Forest Service’s failure to meaningfully and appropriately engage and consult with Angoon, and to consider Angoon’s requests and recommendations, which compound its past failures to listen to the Tribe’s numerous concerns, and the adequacy of the subsistence and environmental review. We request that the Forest Service halt any further consideration and review of the Project until the agency meets its obligations to meaningfully consult with the Tribe, provides and makes public for comment the missing information described in this letter, ensures compliance with the condition of the Waste Management Permit, including conducting a third-party environmental audit.³⁵ Despite these concerns, we continue to hope that the Forest Service and Angoon can

³⁵ The Forest Service has authority to serve a notice of noncompliance when Hecla fails to comply with an approved plan of operations. 2023 ROD (citing 36 C.F.R. § 228.7(b)).

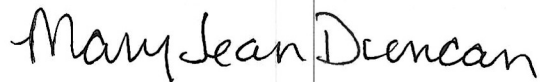
Angoon Community Association

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build a fruitful and respectful partnership in service and protection of our shared interests in the waters, lands, plant and animal relatives of our homelands.

Please contact me as soon as possible to discuss these concerns and arrange for consultation with the Tribe. We appreciate your consideration of our comments and look forward to further dialogue about these critical issues.

Sincerely,

A handwritten signature in black ink that reads "Mary Jean Duncan". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Mary Jean Duncan, Tribal President

Angoon Community Association