



File Code: 2800

Date: July 18, 2014

Dear Stakeholder:

On August 30, 2013, the Forest Supervisor of the Tongass National Forest signed a record of decision (ROD) approving an expansion of the tailings disposal facility at the Greens Creek Mine, which is located within the Admiralty Island National Monument. Copies of the ROD and Final Environmental Impact Statement (FEIS) are available for review at Forest Service offices on the Tongass and online at: www.fs.fed.us/nepa/nepa_project_exp.php?project=32662.

In the ROD, the Forest Supervisor explained how concerns had been raised about each of the alternatives considered in the FEIS as not meeting one or another of the applicable legal requirements. Most of these requirements are contained in Section 503 of the Alaska National Interest Lands Conservation Act (ANILCA), which established Admiralty Island and Misty Fjords National Monuments and includes numerous special provisions that govern mining on valid claims within the monuments.

In response to the concerns regarding compliance with these provisions, the Forest Supervisor modified one of the alternatives to allow an 18-acre expansion of the tailings disposal facility, much smaller than the 54-acre expansion that was originally proposed. This alternative was adopted as way to provide “only a relatively short-term solution to the issues related to tailings disposal and protection of Admiralty Island National Monument . . .”

Consequently, the Forest Supervisor stated “The Tongass National Forest will work with other appropriate parties to develop a supplement to the Forest Service Directives to clarify how to apply the complex set of legal requirements that are specific to Admiralty Island National Monument and Misty Fjords National Monument.”

The Regional Office, working with the Tongass National Forest, has researched the legislative history of ANILCA and related information to reconcile all legal direction that applies to mining within the two national monuments. The enclosed draft supplement to Forest Service Manual 2800 represents our proposed holistic interpretation of the applicable legal requirements. The enclosed explanation of the proposed supplement provides the reasons why the proposed supplement represents a defensible interpretation of the entire body of applicable law.

I want to emphasize two points at the outset: First, the Alaska Region is committed to protecting Admiralty Island and Misty Fjords National Monuments for current and future generations. At the same time, we are committed to carrying out the special provisions of ANILCA that provide for mining to continue on valid claims within these monuments. Striking the proper balance between these objectives can be a challenge, one that we are dedicated to meeting in collaboration with all interested parties. In that regard, during the public comment period on this proposal, the Region will conduct government-to-government consultation with the affected

tribal organizations and related consultation with affected Alaska Native corporations established under the Alaska Native Claims Settlement Act.

Second, the proposed supplement and the explanation of it describe how to deal with a situation in which the only feasible alternative that would allow mining to continue would also affect one of the monuments in a way that might be viewed as causing irreparable harm. This question arose during preparation of last August's Greens Creek Mine Final EIS and ROD.

I want to be clear, however, that the Forest Service has never made a formal determination about the feasibility of any alternative other than the one selected in the ROD. The proposed supplement is entirely prospective; it explains how to reconcile potentially conflicting legal requirements in *future* project-level decisions. It does *not* make a judgment on any specific project or alternative as being feasible or infeasible.

These are complicated issues. Many people feel strongly about how best to protect Admiralty Island and Misty Fjords National Monuments, and many feel equally strongly about maintaining the right to mine on valid claims within the monuments. Please take the time to review the enclosed documents and provide your comments on them. Please send written comments to:

Regional Forester
USDA Forest Service, Alaska Region
Attn: 2800 Manual Supplement
P.O. Box 21628
Juneau, AK 99802-1628

Comments may also be sent by email to: FS-comments-alaska-regional-office@fs.fed.us, or by facsimile to (907) 586-7852.

Comments must be received by August 22, 2014.

Please direct your questions about the proposed supplement to Randy Coleman, Regional Policy Analyst, at (907) 586-8814 or email rcoleman@fs.fed.us.

Sincerely,

BETH G. PENDLETON
Regional Forester

Enclosures (3)

cc: Forrest Cole, Jim Ustasiewski