

**Government to Government Consultation  
Meeting Minutes**

**Consultation between the US Forest Service and the Ketchikan Indian Community  
May 2, 2018 - 4:00 PM - Ketchikan Indian Community Conference Room**

<b>Ketchikan Indian Community Tribal Council</b>	<b>U.S. Forest Service</b>
Gianna Willard Flanery – President, Tribal Council	Daryl Bingham-Acting District Ranger/NEPA Planner
Irene Dundas – Member, Tribal Council and Chair, Our Way of Life (OWL) Committee	
Gloria Burns- Member, Tribal Council	
Trixie Bennett- Member, Tribal Council	
Susan Pickerell- Member, Tribal Council	
Tony Gallegos- Director, Tribal Council Cultural Resources	
Aaron Burns- Administrative Assistant, Tribal Council	
<b>Organized Village of Saxman Tribal Council</b>	
Gianna Willard Flanery – President, Tribal Council	
Irene Dundas – Member, Tribal Council and Chair, Our Way of Life (OWL) Committee	
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Trixie Bennett- Member, Tribal Council	
Susan Pickerell- Member, Tribal Council	
Aaron Burns- Administrative Assistant, Tribal Council	

Prior to this meeting, District Ranger Susan Howle sent the Memorandum of Understanding (MOU) between the Forest Service and the Ketchikan Indian Community to the Tribal President since consultation was described in the MOU.

The Government to Government consultation began about 1625 hrs., with the meeting called to order by Our Way of Life Chair, Irene Dundas. In her opening remarks, she related stories of past dialogue between the US Forest Service and Alaska Native Tribes, including consultations involving several Tribes simultaneously where there was little exchange of ideas and concerns. She expressed concerns over that process as she and the Tribes felt that the process had been very one-sided and not a productive dialog. She then mentioned more recent events and how the local discussions were meaningful because of the setting, the availability of Forest Service leadership specialists, and the open manner in which the meetings have been held as an open discussion.

District Ranger Susan Howle then thanked Ms. Dundas and the present Tribal council members for the opportunity to consult and engage the council at this point regarding the mining exploration project near Helm Bay, and the proposed South Revillagigedo Integrated Resource Project. She provided some background on the projects, and described the processes to be used in analyzing each. She went on to discuss the agency’s policy on Government to Government consultation. She reaffirmed that even though

the Memorandum of Understanding (MOU) between the U.S. Forest Service and Ketchikan Indian Community was expired, we would continue to operate under the existing MOU.

Ranger Howle then began a presentation discussing the Helm Bay mining exploration Notice of Intent that the Forest Service received from AgnicoEagle USA Limited (hereafter referred to as AgnicoEagle). She provided some background of how we had received the request and the 15-day response time required per the agency's Minerals policy (36 CFR 228). She stated that we had met that timeframe after having her staff review the proposed activities and made the determination that the activities involved in the proposed exploration would cause no lasting surface damage.

Eddie Gazetti then joined the meeting by phone to discuss the practices and processes involved in surface exploration using the induced polarization (IP) geophysics sampling process. Irene Dundas then described the significance of the area to the Native community. She stated that the Helm Bay area was once home to the Kiks people, ancestors of the Kiksadi people who currently reside in and around Sitka. She went on to explain that these were the people who were at war with early Russian settlers in Southeast Alaska. She reiterated that this land was precious to the Native community of Alaska.

Eddie then explained that the process would require the clearing of two paths, not much more than would be required of a foot path. Chain saws and hand tools would be used to clear the paths (i.e., clearing of brush and small (2 inch) in diameter trees and branches). The clearings would be specific distances from the Helm Bay shoreline and a cable would be lain along the length of each path. The cables would be connected to a generator to pass an electrical signal through the ground and the timing and strength of the signal would help identify materials underground. Eddie also stated that because this would be in a Roadless Area no trees could be removed without Secretary approval, and went on to explain the timeframe of the request (mid-April 2018 – June 30, 2018) and that the Roadless approval remained with the Secretary of Agriculture.

Irene asked what AgnicoEagle was looking for. Eddie responded, Gold. Irene then asked questions about AgnicoEagle, (e.g., Were they a US Company? Where were they based?). Eddie replied that they were a relatively large company out of Sparks, Nevada. Irene then asked what brought a company from Nevada to Southeast Alaska. Ranger Howle mentioned that the person who would have that background, Martin Stanford was ill and couldn't attend this meeting. Daryl mentioned that he had spoken to Martin and that there was a great deal of history in the area with regard to mining and that it had been going on for so long that some of the past activity itself had become historically important. Daryl went on to state that many of the old mining records were available online through the State of Alaska website.

Sue Pickerell asked what size of generator would be used to power the cables used for the project. Eddie responded that a commercially available portable generator should be adequate and would be the likely choice since it would have to be carried in and out of the field by hand. She then asked how long the project would take and Eddie replied that the timeframe proposed was from April to June, or two to three months. and in the end all signs of the study would be removed. She then asked about the Forest Service cabins located in Helm Bay and where they were in relation to the project. Daryl pointed them out on a map. Sue Pickerell then asked about the shovel proposed for use, seeking confirmation that it was a hand shovel and not a backhoe or other powered device. Eddie assured Sue that it was a hand shovel.

Trixie Bennett mentioned that she had knowledge of herring spawning in the area and possibly salmon streams. Jon Hyde and Ben Limle responded that they didn't have that knowledge, but that the activities were not ground disturbing and that AgnicoEagle had to get permits for use of a barge in Helm Bay.

Irene Dundas talked about AgnicoEagle as a company, mentioning that she had looked into their company on-line and saw that they had an ethics department and their leadership had a strong professional background. She went on to explain that she had recently returned from a mining symposium on Prince of Wales Island. She stated that she learned that the mines there typically employed 12 people and asked if AgnicoEagle might provide local jobs in the future. Ranger Howle mentioned that the crew size couldn't be very large since their camp would be on a barge anchored in Helm Bay and about the size of a typical Forest Service Barge. Eddie clarified that the Notice of Intent stated that three to five persons would be working on the initial exploration project for one to two months. However, in the future, if mining operations were to begin, the number would likely increase.

Sue Pickerell then asked if the Forest Service consider a company's history when considering such projects. Eddie replied that requirements vary using Montana's "Bad Actor Law" as an example, but in general, the 1872 Mining Law allows exploration on lands not formally withdrawn. He went on to state that the 1872 law supersedes other laws and when a request, or NOI is received for exploration, the requirement to authorize is not discretionary, but does drive ecological compliance among operators

Sue Pickerell then asked what the Forest Service would do to monitor this project during exploration for this project. Eddie Responded that once the project begins, a site visit will take place and monitoring photos taken. A report would be prepared. Follow-up site visits would take place where, if the project was not in compliance, it could be shut down until deficiencies were corrected. Eddie went on to outline the likely monitoring plan for this project. After the initial site visit, a second visit would occur near the middle of the project timeline to ensure ongoing compliance. When the exploration activities are complete, a final site visit would take place to ensure that the site was properly cleaned and any disturbance, mitigated.

Irene mentioned a previous mining project on Duke Island. She provided a brief history of the significance of the island and that she had worked with the Forest Service in monitoring the mining activity on the Island. She mentioned that on one site visit, her party had observed leaking "sumps" that were contaminating stream water. She stated that the Forest Service was quick to ensure that this was immediately corrected by the proponent. Irene then requested that KIC and Forest Service have the same relationship in this project and that we keep KIC apprised of the monitoring. She also asked if the KIC might accompany the Forest Service on a site visit. Ranger Howle indicated that it would be possible.

At 1725, consultation on the Helm Bay concluded at this point and Eddie Gazzetti left the meeting.

Ranger Susan Howle then provided a brief introduction to the South Revillagiedo Integrated Resource Project (hereafter referred to as the South Revilla Project), including some discussion about the importance of tribal input to the project. She mentioned the importance of Tribal input with specific local knowledge and technical expertise and how those attributes would benefit the project. She then asked Daryl Bingham to provide a history and background of the project.

Daryl spoke about how the current proposal is based on a series of previously analyzed projects combined into a new analysis covering the Shelter Cove and Shoal Cove areas that include a range of timber harvest, watershed, and recreational opportunities. Daryl went on to discuss the possibilities of the interconnectedness of the proposed activities and how the inputs of the Tribe could help drive the analysis to include specific interests of Tribal and community members.

Daryl also described the opportunity for KIC to become a cooperating agency during the NEPA planning process. He spoke to the benefits of having the widest range of interests and resources possible on an interdisciplinary team (IDT) and if KIC were to become a cooperating agency on either or both of the

projects being discussed (Helm Bay Mining and South Revilla) their delegate would be a member of the IDT providing input and review throughout development of the NEPA documents. Daryl then stated that accepting that role as an IDT member is a commitment that requires regular engagement at IDT meetings and adherence to timelines. He mentioned that meetings are generally held during business hours and meeting durations vary, but can be focused to specific topics.

Ranger Howle summed up the process by formally encouraging the council to consider participation as a cooperating agency and went to ask for thoughts or ideas related to the South Revilla Project.

Sue Pickerell and Gloria Burns discussed the idea of Culture Camps and the possibility of traditional longhouses that would each suit a number of traditional and healing uses. They highlighted the desire for a location readily accessible to subsistence type resources such as hunting, fishing, berry picking, cedar bark and spruce roots.

The Ranger then suggested that each specialist briefly discuss their resource as it relates to the proposed project.

Discussion began with Jon Hyde who described the plan to conduct instream work and remove barriers to fish passage in Painted Creek. He cited a past watershed assessment where some of the existing needs were already evaluated. Tony Gallegos brought in the possibility of partner funds to accomplish instream work using grants available to Tribal Government for transportation type work in removing or repairing culverts.

Brock Martin stated that the project would harvest and estimate 60 MMBF on about 6,000 acres with an emphasis on old-growth timber harvest. Irene Dundas asked about tree species and where the logs would go. Brock responded with an outline of regulations on the distribution of harvested trees and percentages of particular species could be exported vs. which could only be domestically processed. Irene then mentioned the importance of timber sales in the creation of local jobs, including stevedoring and other jobs that would directly benefit the local community and tribal members. Tony Gallegos then mentioned that there are ooligan and herring runs in the Carroll Inlet. He stated that the analysis should specifically consider those fisheries to prevent losses in those fish populations.

Ben Limle outlined the wildlife element of the project discussing goshawk surveys in the area. Irene Dundas then mentioned subsistence uses and that KIC is not a subsistence tribe because of location, and that some of their members who live in some areas are subsistence users, and that this area, especially with the new road access, would be important to them. Gloria Burns then elaborated on subsistence resources to the Native community. She brought up cedar bark and spruce roots among others. Gloria then discussed criteria for good roots for weaving and that young trees were best since the roots would not need to be split. She stated that roots from young trees were best, but taking those roots is bad for the tree. She mentioned that if there are areas to be harvested where young trees would be destroyed, perhaps we could coordinate so that roots could be gathered prior to the timber harvest.

The council and Forest Service Staff then gathered at the maps and reference documents prepared by Michael Yun, who gave a brief description on the contents of each document. There was general discussion in favor of the potential recreation developments, in particular the possibilities of the creation of a culture camp. The overall area was discussed, however the focus moved toward the Shelter Cove area, including the Log Transfer Facility (LTF). It was explained that the nature of the LTF was industrial, and many of the surrounding Land Use Designations (LUDS) were development LUDs (i.e., allowed timber harvest). The conversation moved on toward multiple use, including timber harvest, recreation and cultural uses. Brock mentioned that areas previously harvested near Shelter Cove had been

cut as recently as the 1990's and would not be harvested for several decades, including that the area surrounding Shelter Cove would fall within the 1,000 ft. beach buffer, potentially never being harvested for commercial purposes.

Irene Dundas and Gloria Burns both spoke about the qualities of having a culture camp near Shelter Cove, since there was a "canoe beach" (suitable for landing canoes) and salmon runs in the adjacent creek. Irene then noticed a Cultural Resource icon on the proposed Recreation Master Plan map and asked what the resource was. Michael indicated that it was a fish trap. This further drove the conversation toward the benefits of having a camp in that area.

The conversations split into a few groups mostly asking about details of resources and local knowledge of the area that were inaudible to me.

The meeting concluded at about 1830.