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DONLIN GOLD PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
810(a) PUBLIC HEARING

AKIAK, ALASKA

February 17, 2016  
Commencing at 3:00 p.m.

Volume I - Pages 1 - 38, inclusive

Recorded at  
Akiak Community Center  
Akiak, Alaska

Transcribed by:  
Mary A. Vavrik, RMR

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1                                   A-P-P-E-A-R-A-N-C-E-S  
 2 For U.S. Bureau of Land Management:  
 3       Mark Spencer  
       District Manager  
 4       Bruce Seppi  
       Wildlife Biologist  
 5  
 6 Transcribed by:  
 7       Mary A. Vavrik, RMR  
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1 you have an idea, for those of you who attended, about the  
 2 project.  
 3     And there is a mine, the pipeline, and also the  
 4 transportation system that's part of this large proposed  
 5 project.  
 6     Your comments were needed on that Environmental  
 7 Impact Statement. They are very important. And the  
 8 reason why they presented that Environmental Impact  
 9 Statement was because of one particular law that required  
 10 them to do that, which is important to get your comment.  
 11 And that's called the National Environmental Policy Act.  
 12 Some of you may be familiar with it.  
 13     We're here today to also get your comments on the  
 14 potential effects of this project on your subsistence way  
 15 of living. And we're here because of a separate law which  
 16 some of you or most of you might be familiar with, which  
 17 is the Alaska National Interest Lands Conservation Act.  
 18 And that law requires us to reach out to communities when  
 19 any proposed project like the Donlin Gold Mine potentially  
 20 affects federally-managed land, like land managed by BLM.  
 21     And that's why we are here. So we're here to talk  
 22 about that again and also get your comments on this  
 23 preliminary report that we did on the subsistence way of  
 24 living and the project's potential impacts. And we need  
 25 your comments because this is a draft. It's a preliminary

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1                                   P-R-O-C-E-E-D-I-N-G-S  
 2       **MR. MARK SPENCER:** Thank you. We have  
 3 sign-in sheets if you have just come in. As Bruce is  
 4 trying to get this to work, we are going to go ahead and  
 5 start as best as we can. And I'd like to thank you again,  
 6 all of you, for waiting and for your patience. The  
 7 weather -- as you all know, we were fogged in in Bethel,  
 8 and so we were waiting to get on a plane earlier this  
 9 morning, but it didn't work out.  
 10     My name is Mark Spencer, and I'm the district manager  
 11 for the Anchorage District Office of the Bureau of Land  
 12 Management. And I'd like to introduce Bruce Seppi as our  
 13 subsistence and wildlife biologist in the Anchorage  
 14 office.  
 15     If I may ask, how many of you attended the first  
 16 presentation which was by the Army Corps? If you can  
 17 raise your hands, I can kind of get an idea. [Showing of  
 18 hands.] Since some of you are familiar with the project --  
 19 how many of you did not attend the presentation? [Showing  
 20 of hands.] A couple. Okay. All right.  
 21     And there is a reason why we came back today to visit  
 22 with you. We couldn't make the first trip. When the Army  
 23 Corps did their presentation, they talked about the  
 24 proposed Donlin Gold Mine, as most of you know. And they  
 25 talked about the Environmental Impact Statement. And so

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1 report. It's not a final.  
 2     Bruce wrote the report with our staff, and he's  
 3 looking at impacts of the project on wildlife, fish,  
 4 moose, caribou; but we don't have an understanding of  
 5 really how you use these resources. And that's why your  
 6 comments are so important to how we do a final report for  
 7 you to look at. And that's why we're here today.  
 8     It's a little lengthy, but I think we want to give  
 9 you the information again that was talked about when the  
 10 Army Corps came out here. And then we will go through  
 11 some slides that explain about this law and what was  
 12 looked at in the report that we worked on.  
 13     So this is a formal presentation. We also call it a  
 14 hearing. And there is a section in the Alaska National  
 15 Interest Lands Conservation Act called 810. And it  
 16 requires that we evaluate subsistence uses and that we  
 17 look -- when we get a proposal that affects BLM lands --  
 18 and this is a pipeline that may withdraw, reserve, lease,  
 19 or permit the use of federal lands -- we have to look at  
 20 the impacts of subsistence on local communities, as I just  
 21 talked about.  
 22     We determined that this preliminary draft that we are  
 23 going to talk about, that we have determined that this may  
 24 have a significant restriction on subsistence uses. And  
 25 this is "may." We need your input. And so following our

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1 summary, our presentation, we would like to get your  
2 comment, again, on this preliminary analysis.  
3 So as you can see, this is kind of out of the law.  
4 And since we determined that there may be a significant  
5 restriction on subsistence uses, we had to look at three  
6 things that ANILCA -- the abbreviation -- this law  
7 requires. First of all, one of the criteria, the first  
8 thing we have to look at is the reduction and the  
9 availability of subsistence resources which can be caused  
10 by a decline in the population or abundance of those  
11 resources, those harvestable resources.  
12 And so this may include, as you know so well, fish,  
13 wildlife -- there is sort of the list that the law  
14 identifies -- edible plants, logs, firewood, drinking  
15 water; anything that's important for your community.  
16 So factors that might cause a reduction include  
17 adverse impacts on habitat, direct impacts on the  
18 resources I just mentioned, or increased competition from  
19 nonsubsistence users.  
20 And then the second thing -- the alteration -- that's  
21 the second thing the law requires, that the report looks  
22 at alteration -- excuse me -- a reduction in the  
23 availability of resources used for subsistence purposes.  
24 And that's caused by an alteration of the distribution or  
25 migration patterns.

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1 And then last, the limitations on access, how you get  
2 there, access to your subsistence resources, including  
3 limitations from increased competition, physical or legal  
4 barriers.  
5 So some of you might remember this from the Army  
6 Corps' presentation. And for those of you who didn't  
7 attend it, we are going to describe the project now. It  
8 might be a good refresher, including for us, on what the  
9 project entails.  
10 So the three components you see up there. Some of  
11 you may be aware that Donlin Gold submitted an application  
12 to the Bureau of Land Management for a right-of-way grant  
13 back in July 2012 and January '13. And Donlin Gold, the  
14 way it affects the Bureau of Land Management is they are  
15 proposing to construct and operate and close a  
16 315-mile-long pipeline, a natural gas pipeline and  
17 associated fiber optic cable that runs from Cook Inlet  
18 westward to Crooked Creek and the Kuskokwim watershed.  
19 So of that 315 miles, 97 miles, about a third,  
20 affects federal land that's managed by the Bureau of Land  
21 Management. And that's why we are here today. That 97  
22 miles requires BLM to do a preliminary analysis on the  
23 effects on subsistence resources and also a final report.  
24 So that 97 miles, that's about 30 percent of the  
25 total 315 miles. And then the State of Alaska, they

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1 manage about 65 percent on State lands, and then ANCSA  
2 corporation has about 4 percent of that.  
3 And so that pipeline, the purpose of it is to provide  
4 energy to operate the gold mine, which is located, as most  
5 of you may know, about ten miles north of Crooked Creek.  
6 So in addition to the pipeline and mine site, the  
7 project also includes transportation. Some of you may  
8 have seen the barge information when our report talked  
9 about it on the Kuskokwim River. And two of the six  
10 alternatives analyzed in the draft EIS affect the pipeline  
11 that I just described.  
12 So for an example, Alternative 3B, which was talked  
13 about by the Army Corps, instead of using a natural gas  
14 pipeline, they would substitute that with a diesel  
15 pipeline within the same right-of-way. And then  
16 Alternative 6A which the Corps talked about looks at just  
17 kind of moving the pipeline for about 46 miles through a  
18 portion along the Dalzell Gorge.  
19 So as you all may have seen from the Army Corps'  
20 presentation, three components that were analyzed in the  
21 Environmental Impact Statement -- and that's what this  
22 report looks at, the three parts of the project, effects  
23 on subsistence resources. And that includes, again, the  
24 pipeline, the pit mine itself, the gold mine, and the  
25 transportation that's used to support the project.

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1 So the proposed pipeline includes not only the  
2 right-of-way that we talked about, the 300-plus mile  
3 right-of-way, but it also includes 12 airstrips. And  
4 these range from about 3,500 to 5,000 feet long. And nine  
5 of these would be newly built along the right-of-way  
6 during construction. And that pipeline area, that  
7 component of the project also includes nine construction  
8 camps. That equals about 233 cleared acres, 65 pipe  
9 storage areas, an estimated 70 gravel pits ranging from  
10 one to 50 acres in size, and it would cross seven  
11 watersheds involving about 396 stream crossings. And 77  
12 of those crossings include anadromous streams,  
13 salmon-rearing streams.  
14 The proposed pipeline route -- that's a picture of  
15 that area near Windy Fork of the Kuskokwim watershed -- is  
16 also in Game Management Unit 19C, GMU 19C.  
17 So the proposed mine site there before you, this  
18 includes a waste rock facility that the Army Corps talked  
19 about in detail during the presentation. That would fill  
20 in about 2,240 acres of American Creek; a tailings storage  
21 facility that would fill in about 2,351 acres of Anaconda  
22 Creek; and the tailings storage facility would be  
23 contained behind a 465-foot high dam.  
24 The mine has two pits. The AMCA pit would be about  
25 1,850 feet deep from the high wall, and the Lewis pit

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1 would be about 1,653 feet from the high wall. And the two  
2 pits merge into one open pit. It's about 2.2 miles long  
3 by one mile wide near the end of mining operations.  
4 So at mine closure, when it closes, runoff from the  
5 tailings storage facility would be pumped into the open  
6 pit, and then the pit is estimated to take roughly 50  
7 years to fill. And pumping would be required to prevent  
8 it from overflowing both into Crooked Creek and the  
9 Kuskokwim watershed.  
10 So the pit water may not meet water quality standards  
11 and would need to be treated before it could be released  
12 into Crooked Creek. And upon closure, a water treatment  
13 plant would have to be constructed, again, 50 years after  
14 the mine operations cease.  
15 Water from the pit lake would have to be pumped and  
16 treated into the wastewater treatment plant into  
17 perpetuity, and that's to prevent the untreated pit water  
18 from flowing into Crooked Creek and the Kuskokwim River.  
19 And that's, again, the site of the proposed pit and the  
20 wastewater facility and tailings storage facility. And  
21 that is in Game Management Unit 19A.  
22 Okay. This is the transportation photo of the  
23 proposed port site at Jungjuk on the Kuskokwim River. And  
24 the port site is part of the transportation facilities.  
25 It also includes at the port 2.8 million gallons of fuel

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1 storage and a 30-mile long mine access road from the  
2 Kuskokwim River to mine site itself. And that includes 45  
3 stream crossings and 13 gravel pits and a 5,000 foot  
4 airstrip at the mine itself. And again, this also  
5 includes Game Management Unit 19A.  
6 So another port site shot. So barges would supply  
7 the mine with fuel and cargo. As some of you may have  
8 seen from some of the earlier pictures the Army Corps had,  
9 it would involve 64 barge or cargo barge round trips and  
10 58 fuel barge trips. That's about 122 round trips  
11 annually from the Bethel port site to Jungjuk port site  
12 during a 110-day season, which is from June 1 to  
13 October 1. River barges would be then transported by a  
14 tug pushing a four-barge configuration, four barges for  
15 each trip. And each fuel barge would carry 1.29 million  
16 gallons of diesel fuel.  
17 And the port at Jungjuk would need to supply fuel and  
18 also cargo to the treatment plant, the wastewater  
19 treatment plant facility for the pit lake into perpetuity.  
20 And again, this is Game Management Unit 19A.  
21 So the preliminary analysis that was done by the  
22 Bureau of Land Management to subsistence is, again, based  
23 on those alternatives that were presented in the  
24 Environmental Impact Statement and includes all six  
25 alternatives that were looked at by the Bureau of Land

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1 Management and the potential effects, possible effects on  
2 subsistence uses. And you can find this -- we have some  
3 hard copies of the report, which I hope a lot of you got.  
4 But you can also find this in Appendix N, as in Nancy, of  
5 the Environmental Impact Statement.  
6 So again, the testimony from Akiak, your community,  
7 and the other ten communities are very important. And we  
8 are going to take those comments into very careful  
9 consideration in issuing a final.  
10 So for the evaluation, we looked at each project  
11 component that we just talked about and the effect on  
12 subsistence uses and needs, and we divided it up into the  
13 mine, transportation and the pipeline.  
14 So we will talk about the mine site first. Villages  
15 closest to the mine site itself would potentially  
16 experience the most effects to subsistence, including  
17 Napaimute [pronunciation] -- I hope I got that name right.  
18 Help me out.  
19 **MR. BRUCE SEPPI:** Napaimute.  
20 **MR. MARK SPENCER:** Napaimute. Thank you.  
21 I had it written down. John was going to school me on it.  
22 So I didn't get it right.  
23 And especially Crooked Creek. Mine activities -- and  
24 that includes ore trucks in the mine, trucks on the port  
25 road, drilling, blasting, for example, power generation --

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1 would likely change the distribution of certain wildlife  
2 species important to subsistence, such as moose, caribou,  
3 fur-bearing animals, and that would be long-term and would  
4 cause potential impacts during the construction phases, as  
5 well as when mining activities are actually occurring  
6 during the life of the mine. And areas important to  
7 Crooked Creek for berry picking, wood cutting and hunting  
8 would be directly affected by the mine.  
9 And adjacent areas could potentially be contaminated  
10 with dust emissions, and that contains particulates in the  
11 air that we all know about from ore processing and from  
12 trucks on haul roads and access roads. And this can make  
13 the berry picking area undesirable or unusable to  
14 subsistence users.  
15 Water released from the mine during operations has  
16 the potential to affect salmon and resident fish  
17 populations important to subsistence, as well as the  
18 aquatic food web in Crooked Creek and the Kuskokwim River.  
19 At actual mine closure, as we mentioned before, the pit  
20 lake would fill with untreated water and would not meet  
21 water quality standards that could potentially affect or  
22 impact fish and wildlife.  
23 The water treatment plant, as I mentioned earlier,  
24 would be built 50 years after the mine closes to treat  
25 water from the pit that may or may not meet water quality

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1 standards for fish. So possible water releases from the  
2 mine during operations and at closure, when water is being  
3 pumped into the pit, and after the water treatment plant  
4 is constructed, may have the potential to affect fish both  
5 in Crooked Creek and the Kuskokwim River. And that could  
6 result in significant restrictions to subsistence  
7 resources.  
8 Potential runoff from the tailings dam and pit lake  
9 would also have the potential to contaminate fish and  
10 resources important to subsistence both in Crooked Creek  
11 and the lower Kuskokwim River into perpetuity, impacting  
12 fish resources important to all communities from Crooked  
13 Creek to the mouth of the Kuskokwim River.  
14 The second component -- we have one slide, so bear  
15 with us -- for the natural gas pipeline road, and then we  
16 have transportation, is the potential effects to  
17 subsistence from construction and operation of the natural  
18 gas pipeline would affect the villages of Tyonek,  
19 Skwentna, Nikolai, McGrath, Takotna, as well as the  
20 downriver villages of Sleetmute, Stony River, Georgetown  
21 and Crooked Creek. And during construction of the  
22 pipeline, the effects of clearing the right-of-way,  
23 trenching, drilling, the presence of machinery, workers,  
24 construction camps and infrastructure along the entire  
25 right-of-way could cause a redistribution of moose,

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1 caribou and fur bearers and negatively affect access to  
2 subsistence use areas and the availability of subsistence  
3 resources.  
4 During mine operations, that airstrip that I  
5 mentioned that would remain along the pipeline  
6 right-of-way at Farewell would potentially increase access  
7 to subsistence resources by nonlocal residents using  
8 aircraft and potentially competition for the subsistence  
9 resources along and adjacent to the pipeline right-of-way.  
10 Villages negatively affected by increased access to and  
11 from competition in the area include McGrath, Nikolai and  
12 Takotna.  
13 And then for transportation impacts, the potential  
14 effects to subsistence from this transportation  
15 infrastructure that we described, including barging of  
16 cargo and fuel and construction of the port at Jungjuk on  
17 the Kuskokwim River, would affect all villages on the  
18 river from Crooked Creek to the mouth of the Kuskokwim  
19 River.  
20 The impacts from the barging that we described, the  
21 number of trips include displacement and disruption of  
22 subsistence activities by the barge traffic or reduced  
23 access to subsistence fishing activities, such as set nets  
24 and fish wheels, processing nets along the river. And  
25 subsistence fish resources, such as salmon and other

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1 resident species, may also be negatively affected by the  
2 magnitude and intensity of barge traffic, which is  
3 proposed in Alternative 2. And that is the preferred  
4 alternative, Alternative 2, which is the proposed Donlin  
5 project.  
6 Effects to fish may increase when the water levels  
7 are low, for example, on the Kuskokwim River, as barge  
8 rafts will need to be uncoupled and barges towed  
9 individually or in pairs where lighter barge loads per  
10 trip would be required to navigate to the port. And this  
11 would require additional barge round trips on the river  
12 and potentially increase impacts to subsistence fishers on  
13 the Kuskokwim River and other fish resource areas.  
14 So here are the findings that were determined based  
15 on what was just described and the report on potential  
16 impacts. So the evaluation concludes that Alternative 2,  
17 the project alternative, may result in a significant  
18 restriction to subsistence uses for the communities of  
19 Crooked Creek and Napaimute in relation to the mine site,  
20 and then the communities on the Kuskokwim River from barge  
21 traffic on the river itself; and that's Bethel, Napakiak,  
22 Napaskiak, Oscarville, Kwethluk, Akiakchak, Akiak and  
23 Tuluksak, Upper and Lower Kalskag, Aniak, Chuathbaluk,  
24 Napaimute and Crooked Creek, and the communities of  
25 McGrath, Nicolai, and Takotna for increased access and

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1 competition from nonlocal users at the Farewell strip  
2 along the pipeline right-of-way.  
3 So in addition, potential spill scenarios involving  
4 ocean and river barge release of diesel fuel, cyanide,  
5 mercury, tailings dam failure and release of untreated  
6 water from the pit lake and tailings dam after mine  
7 closure may result in significant restriction to  
8 subsistence uses for the Kuskokwim River communities that  
9 were listed.  
10 So we found in this preliminary 810 evaluation that  
11 alternatives -- the alternatives that were discussed in  
12 the Environmental Impact Statement, 2, 3A, 3B, 4, 5A and  
13 Alternative 6 and the cumulative effects, the total amount  
14 of the effects that were considered in that Environmental  
15 Impact Statement may significantly restrict subsistence  
16 uses. So again, these findings of "may significantly  
17 restrict" that we just described requires the Bureau of  
18 Land Management to conduct hearings to solicit public  
19 comments, again, from you, the subsistence users, as  
20 required by Section 810. So that's why we are here.  
21 Following the public hearing, a finding -- this is a  
22 draft -- may be revised to "will not significantly  
23 restrict" based on changes to alternatives or new  
24 information that you are going to present us today that we  
25 may have missed something or new mitigation measures

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1 resulting from the hearings.  
2 And if the finding of "may significantly restrict"  
3 subsistence uses is not changed or revised or the impacts  
4 cannot be mitigated or addressed on the project, there is  
5 a three-part determination that must be made before the  
6 Bureau of Land Management can authorize the 97-mile  
7 right-of-way for the pipeline.  
8 So an 810 determination section is prepared only when  
9 we have a finding of "may significantly restrict" for the  
10 selected alternatives, and the "may significantly  
11 restrict" determination affects all of the alternatives.  
12 And the determination separately addresses those three  
13 items required under the law, Section 810(a)(3). And it  
14 states why the proposed action is necessary and how that  
15 action complies with each requirement.  
16 And so the three actions that require a determination  
17 are up there: a significant restriction to subsistence  
18 uses, why is it necessary, and how is it consistent with  
19 how we manage the sound management of federal public  
20 lands.  
21 The second thing is how the proposed activity will  
22 involve the minimal amount of public land necessary to  
23 accomplish the purposes of a project. And then last, what  
24 reasonable steps will be taken to minimize adverse effects  
25 upon subsistence uses and resources resulting from the

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1 project.  
2 So after that compliance with the 810 process for  
3 these three steps, BLM may proceed with the action. Your  
4 comments are very important. And so we are looking for --  
5 when commenting on subsistence either today through  
6 testimony -- and we will have a recorder, if that's okay,  
7 and you can state your name and then spell it out for us,  
8 and we are going to transcribe it for the record. Be as  
9 specific as you can. The more specific you can be on how  
10 you use your subsistence resources -- if we missed  
11 something in the report, if we are totally wrong, if we  
12 are right -- that helps us a lot more, rather than just  
13 saying, I like it, I don't like it, because we can't  
14 change the report to get to a final without comments. We  
15 need your knowledge here.  
16 So how to comment today? We also have comment forms  
17 on submitting written comments. You can fax them. You  
18 can email them. Snail mail through the post office works  
19 great. The comment period ends April 30th. So you have a  
20 little bit of time to read that report. I think we have  
21 contact information -- yeah. Email comments, Bruce's  
22 name, bruceseppi@blm.gov if you have questions. And you  
23 can get your comments in those ways. And you have a  
24 little bit of time to read through that information.  
25 I know it's a lot that we went over today that you

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1 have heard about, but I hope that helps give you an  
2 introduction on this preliminary analysis and how it  
3 relates to the project.  
4 So would anybody like to provide any formal  
5 testimony? And I'll ask Bruce to take the tape recorder,  
6 because we don't have a transcriber. And again, for  
7 testimony, what we will do is we are looking for just  
8 comments to help us out. And then after we do the formal  
9 testimony, if you are comfortable with that, Bruce and I  
10 will stay here just to answer questions informally. If we  
11 are not clear on something or you have questions during  
12 your testimony, just ask us so we can try to give you a  
13 response.  
14 Would anybody like to say anything? Yes, sir. And  
15 if you could just state your full name and spell it, our  
16 transcriber will take all this down. Thank you.  
17 **MR. WILLIE KASAYULIE:** Good afternoon. My  
18 name is Willie Kasayulie, last name spelled  
19 K-A-S-A-Y-U-L-I-E. I'm from the village of Akiakchak  
20 downriver, about 12 miles downriver from this community.  
21 I serve on the tribal council as well as the village  
22 corporation of my community. And I also need to disclose  
23 that I am a director on the Calista Corporation before I  
24 make any statements.  
25 I was involved early on in the implementation of

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1 ANCSA when we went through the selection process of the  
2 lands back after 1971 for our village corporation. At the  
3 time, based on the formula provided by the federal  
4 government and the number of shareholders that we had,  
5 Akiakchak was allotted 115,000 acres of land. And we  
6 worked with the Elders at the time. And one of their  
7 advices to us when we went through the selection process  
8 was to select lands that would best provide subsistence  
9 resources for our shareholders and village residents.  
10 We realize that 115,000 acres, even though the  
11 numbers might sound big, is not a whole lot of land. It's  
12 just a piece of land that our people use for subsistence  
13 purposes.  
14 Now, having said that, one of the things that they  
15 kept telling us when we went through the selection process  
16 was that the whole region itself -- and it's about the  
17 size of the state of Oregon -- were the bread basket for  
18 our community. Our people traditionally have conducted  
19 subsistence activities through the headwaters of the  
20 Kuskokwim all the way down to the mouth of the Kuskokwim  
21 from both the lands and the waters that provided food for  
22 our families. And it still does do today, too.  
23 At the time, even when the gas and the price of goods  
24 seemed like a lot cheaper -- they were a lot cheaper back  
25 then. But at the time families and relatives would pool

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1 resources of finances and food to conduct subsistence  
2 activity because they did not have limited -- well, they  
3 did have limited financial resources at the time. And  
4 even today with the high cost of energy and goods that we  
5 are faced with, our people still pool their resources to  
6 conduct subsistence activities today.  
7 And the reason I'm saying those pooling of resources  
8 is because without money our people cannot conduct  
9 subsistence activity. Money means that we have to buy  
10 ammunition, fuel, food, and whatever equipment that we  
11 need to conduct our subsistence activities, no matter  
12 where we live.  
13 Early on when we were doing a study on regional  
14 government concepts for the region, two of the people that  
15 were involved in selecting lands for Calista mentioned the  
16 Donlin site. The individual that recommended selection of  
17 that land was Eddie Hoffman. Eddie Hoffman is well known  
18 in our region as the first chief for the Association of  
19 Village Council Presidents. And he had a vision where if  
20 that site was being developed, that it would provide jobs  
21 and opportunities for the shareholders and members and  
22 residents in our region. That was told to us by the  
23 people that worked with him at the time when he was  
24 serving on the directorship for the Calista Corporation.  
25 In all that we do in conducting subsistence

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1 activities, even before the first White men set foot on  
2 this homeland, there were always risks that we faced, and  
3 risks of losing life and property at the time is still  
4 true today.  
5 Now, with your comments about conducting 804 [sic]  
6 analysis of subsistence on the potential impact of the  
7 mine, it made me think that the individuals that are doing  
8 this analysis are more or less environmentalists because  
9 you are using, in my view, scare tactics even if the mine  
10 is not developed yet. There are a lot of ifs: If this  
11 happens, that happens. If the mine fails in some ways, if  
12 the dam breaks, this happens. Those are the reality.  
13 Now, I would like also to hear and see the current  
14 impact of subsistence on current mines, such as Fort Knox.  
15 Now, how was the subsistence activity impacted at the  
16 time, even today with the existence of Fort Knox being  
17 operated in the Fairbanks area? Were the subsistence  
18 resources affected? We don't know. Well, at least I  
19 don't know. Maybe you guys know because that's what  
20 information that I don't see and read about in front of  
21 me.  
22 You have to understand, too, that the Alaska Natives,  
23 us Alaska Natives that are sitting around the table,  
24 including the American Indian of the Lower 48, we are the  
25 most regulated people in the world, meaning that every

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1 time we want to do something, the federal and state says,  
2 here is the laws that you have to follow in order for you  
3 to survive. And this is basically the same concept that  
4 is being presented to us.  
5 We have to think about generations down the road.  
6 The people that I hear about opposing the mine and its  
7 development have jobs. They have businesses. And their  
8 spouses are at work. Their concept of thinking about the  
9 future is very, very limited because they are thinking  
10 about today and not the future. And that's the concept  
11 that we have to adhere to in terms of discussing this  
12 issue about the activity of the mine. We are not going to  
13 be here all the time. What are our generation of  
14 grandchildren and great grandchildren going to do if they  
15 don't have a job to conduct subsistence activity?  
16 We realize the importance of subsistence today  
17 because that's the way our people survive today. But at  
18 the same time, we have to think about our grandchildren  
19 and great grandchildren when we are gone. Who is going to  
20 provide for them? Are you going to come up from the grave  
21 and provide for your grandchildren? Definitely not. But  
22 I think this is an opportunity for us to develop this  
23 Environmental Impact Statement that can be protective of  
24 the subsistence resources and to ensure that the mine is  
25 developed responsibly.

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1 There is other things, too, that I need to mention.  
2 The berry picking you mentioned up there, I don't think  
3 anybody here from this lower Kuskokwim area go up there  
4 and berry pick. The only people that conduct subsistence  
5 activity up there are people from that area. And if we do  
6 go up that river, we are already restricted today because  
7 of the Alaska Native Claims Settlement Act. We got a user  
8 fee from The Kuskokwim Corporation. We can't even get on  
9 their land to hunt. That means we have to pay The  
10 Kuskokwim Corporation money in order for us to hunt on  
11 their lands because we are already even restricted today  
12 by our own people, our cousins and our relatives from  
13 upriver. That's the reality that we face today.  
14 Majority of the subsistence activity we conduct in  
15 the fall time is along the waterways. I don't think  
16 anybody here would be willing to walk from Crooked Creek  
17 to the mine site ten miles because that's a dense land.  
18 But for those of us that are accessible to the mountain  
19 range up there, we walk -- we can walk that ten miles  
20 without any restriction because that's an opportunity that  
21 is provided to us to see game from long distance. And we  
22 are able to hunt that game without any obstructions in  
23 front of us.  
24 I have to say that I reject the assertion in the 804  
25 analysis that there would be significant restrictions to

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1 subsistence. And I'm kind of offended by the BLM expert  
 2 in subsistence saying that this is what's going to happen  
 3 if this development occurs. And it makes me wonder if the  
 4 BLM expert on subsistence came out and asked our people,  
 5 the real experts; if this development goes, where is it on  
 6 your analysis of you talking with the residents of this  
 7 region to get their opinion when you are developing this  
 8 804 analysis?  
 9 Again, I want to say that it's more -- the way that I  
 10 take your comments to us are scare tactics to me. It  
 11 seems like they are scare tactics because, like I said  
 12 earlier, if this happens, then that occurs. And it will  
 13 have an impact on subsistence. Granted, it will have some  
 14 impact on it.  
 15 Many of us are aware of the Trans-Alaska Pipeline  
 16 that currently exists. Now, if that pipeline had a  
 17 significant impact on subsistence resources, we would not  
 18 be seeing any pictures of caribou and big game close to  
 19 that area going back and forth. And I'm thinking that in  
 20 terms of a pipeline being constructed from Beluga to the  
 21 mine site, that would give an opportunity for big game to  
 22 utilize that corridor to traverse back and forth between  
 23 the lands that they may browse to feed themselves.  
 24 The other thing, too, that I read in the analysis, I  
 25 understand that the 804 analysis is also conducted on

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1 State land. Is that correct?  
 2 **MR. BRUCE SEPPI:** No. It's just federal  
 3 land.  
 4 **MR. WILLIE KASAYULIE:** Okay. Because I  
 5 saw that language in there where it states that the  
 6 analysis was conducted on both State and corporate lands.  
 7 If that's not the case, get it out of here. If that's the  
 8 case, show me the agreement that you have between BLM and  
 9 the State of Alaska -- for that matter, the village  
 10 corporations, the regional corporations -- if such an  
 11 agreement was arrived at to conduct an analysis on those  
 12 lands.  
 13 You also mentioned the Farewell area. I don't think  
 14 any of us from the lower Kuskokwim area have ever gone up  
 15 to the Farewell Burn to conduct our subsistence activity.  
 16 Those lands are more accessible by urban hunters than the  
 17 true subsistence hunters that are located downriver.  
 18 Those people that come from Anchorage to Farewell Burn  
 19 that are utilizing that airport are there for trophy  
 20 hunting, not for subsistence, in my view, because there is  
 21 a lot of stories that we hear about sports hunters leaving  
 22 a lot of subsistence meat rotting wherever they may kill  
 23 an animal. That's not our way of life. That's not how we  
 24 were raised. But yet these urban hunters are allowed to  
 25 come into the area that's closest to Anchorage to conduct

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1 subsistence activity -- or hunt. Not necessarily  
 2 subsistence, but probably sportsmen.  
 3 The Farewell area would be best addressed by the  
 4 State of Alaska by providing appropriate oversight of  
 5 hunting because that's who is coming into that area to  
 6 conduct the hunts for their pleasure.  
 7 Our preference for development is minimal impact to  
 8 the land. That has always been the case, even in our  
 9 communities. One of the Elders that used to be an  
 10 opponent of the mine, and he was a radio talk host on the  
 11 KYUK, and he only spoke in Yup'ik; what he used to say  
 12 was, look in your backyard first before you criticize  
 13 other sites, meaning the dump areas, meaning the sewage  
 14 waste areas, meaning the trash around our houses. Let's  
 15 look at our backyard and clean that backyard up first  
 16 before we criticize the other sites where potential  
 17 development takes place. And he was right, in my view,  
 18 because that's what we would have to deal with in the  
 19 future.  
 20 As far as the alternatives that were mentioned, we  
 21 are not supportive of Alternative 3B, which would require  
 22 diesel to be utilized as a source of fuel to operate the  
 23 mine. We know even today some of our independent  
 24 generator utility operators have to adhere to emissions  
 25 affecting greenhouse. Even a small operator, a single

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1 operator has to adhere to those. And I don't know why  
 2 it's recommended that diesel be utilized to provide power  
 3 to the site up there, even though a lot of emissions would  
 4 occur.  
 5 The other thing that we are all so -- even outside of  
 6 the mining activity, the activities that are being  
 7 developed close to our homelands or our villages is that  
 8 we want to see very minimal impact to the subsistence  
 9 resources that we depend upon.  
 10 Even today we have restrictions on summer fishing  
 11 already in existence. And this restriction that we face  
 12 has created upriver versus downriver conflict. But we are  
 13 trying to resolve that issue today amongst ourselves.  
 14 It's always best to have any issues resolved among  
 15 ourselves rather than someone coming into our community  
 16 and telling us how to improve our lives because that's the  
 17 way our people have been from time immemorial. We may  
 18 have disagreements, but we sit down and resolve these  
 19 issues amongst ourselves to the benefit of our people for  
 20 our survival.  
 21 There is also a mention of the potential impact if  
 22 there were any spills or accidents on the Kuskokwim River.  
 23 Today, as a fuel operator, if less than 50 gallons or 20  
 24 gallons of oil leaks out of our bulk tanks, we have DEC  
 25 right there telling us to clean it up.

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1 Now, there was an accident not too long ago close to  
2 Kwethluk where that barge sunk with fuel in it. As I  
3 understand it, it took DEC several years to finally get  
4 that owner -- because he's a nonNative -- to clean up that  
5 mess that he created by his equipment.  
6 Now, if we are on the same level, if the nonNative  
7 businesses are treated at the same level as we are, more  
8 power to the Department of Environmental Conservation.  
9 But that's not the case today because we always seem to be  
10 at the brunt end of the shorter stick, so to speak. And  
11 whereas if a nonNative does a similar activity by  
12 polluting our lands, a longer stick is used. We are  
13 supposed to be equal. Treat us equally as you want to  
14 treat others.  
15 And finally, I wanted to say that Calista as a  
16 corporation under existing federal law would like to have  
17 a consultation with Department of Interior in this matter  
18 and other matters that may have an impact on the  
19 development of the Donlin Gold site.  
20 Those are my comments. I hope -- I don't want to  
21 sound negative, but we have to look at what we see into  
22 the future for our -- for the benefit of the people that  
23 will come after us in terms of jobs, in terms of  
24 subsistence, and in terms of the continuation of our  
25 people into the future.

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1 Thank you.  
2 **MR. MARK SPENCER:** Thank you for your  
3 comment. Would you like to submit those written comments  
4 with your name on it?  
5 **MR. WILLIE KASAYULIE:** Yeah. It's got my  
6 name on it.  
7 **MR. MARK SPENCER:** Thank you very much.  
8 Are there any other comments or testimony? Would anybody  
9 else like to speak? Anybody?  
10 If you could just tell us your name, please, and  
11 spell your name for us.  
12 **MR. MOSES K. PETER:** My name is Moses K.  
13 Peter. I'm from the Native Village of Tuluksak, which is  
14 a couple of miles from this village. I'd like to get  
15 permission from the leaders, the tribal council, and our  
16 village corporation to comment on this matter.  
17 **UNIDENTIFIED MALE SPEAKER:** Yes. Go  
18 ahead.  
19 **MR. MOSES:** Qu yana. The proposed Donlin  
20 Gold Project has, as you mentioned, three components: The  
21 mine site, the transportation infrastructure and the  
22 pipeline. This project is going to have a probable, not  
23 reasonable or may, significant impact on the villages in  
24 the Kuskokwim area. For years my village has been a  
25 neighbor of the NYAC mining project. We don't have the

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1 luxury of hunting in that area. We are prohibited. We  
2 are restricted.  
3 The analysis is going to have some probable  
4 restriction on our way of life. The salmon, we all heard  
5 it's being restricted. Then we are going to have more  
6 restriction come in this summer and summers ahead of us.  
7 Our way of life is going to decline.  
8 The mammals' or the animals' routes are going to be  
9 changed. The barges that are going up and down the  
10 Kuskokwim, the islands -- there are moose in these small  
11 islands right now, sometimes ten. It's going to have some  
12 impacts. They are going to probably migrate further out.  
13 There is going to be some competition from sports hunters,  
14 trophy hunters on our way of life. It's happening in the  
15 NYAC mining block area.  
16 Those Elders that passed on from Tuluksak has fought  
17 the NYAC mining block area. They lose some, they won  
18 some. But whatever time we won, we are gaining our  
19 self-determination of our way of life. We gain our  
20 traditional laws of our hunting rights whatever time we  
21 win.  
22 I'm really uncomfortable. When I read the news that  
23 the Corps and the BLM were feeling very uncomfortable  
24 about this project, it put a smile to my face. And I know  
25 that those Elders that have passed on, change that they

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1 finally -- the Corps and the BLM are realizing that our  
2 way of life that they have fought for is very sensible.  
3 And we will continue to fight for it.  
4 Thank you.  
5 **MR. MARK SPENCER:** Thank you. Give us  
6 your name, please.  
7 **MR. MARTIN NICOLAI:** My name is Martin  
8 Nicolai, N-I-C-O-L-A-I. I'm from Kwethluk. And before I  
9 read from my notes here, I'd like to say that up on the  
10 Kuskokwim there are many people who are pushing for the  
11 mine to develop and help our villages, help our region in  
12 terms of jobs and money, but there are also many people  
13 who are against the development of the mine because we  
14 don't know what is ahead of us.  
15 And as part of our Yup'ik culture, we have heard of  
16 examples that the Elders that talk among themselves to  
17 determine the future and how things will progress and make  
18 the right choice.  
19 From my notes here, according to the Census Bureau,  
20 the Bethel area population grew from about 11,000 people  
21 in 1980 to 17,000 in 2010. Kwethluk, my home town, grew  
22 from 454 in 1980 to 721 people in 2010. So in this  
23 30-year period, we had an average population increase of  
24 about 55 percent area wide. If we use this average of  
25 growth for the Bethel area for the next 30 years, we will

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1 have approximately 27,000 people by 2045.  
2 And those who look at the world today, the worldwide  
3 population is expected to be over nine billion people by  
4 2050.  
5 As our population grows, it's going to put a strain  
6 on some of our subsistence activities. We might have to  
7 try harder to get our subsistence food that we are so used  
8 to nowadays. But even so, our local fish and salmon that  
9 come up every summer, they will continue to be a big part  
10 of our food in the coming years.  
11 If Donlin Gold starts operations, it's going to  
12 affect our lives for the next 35 years and beyond. A side  
13 note here. In the 35 years from now, I don't expect to be  
14 alive, but my children, my grandchildren, they will still  
15 be here. And it's going to affect our lives every summer.  
16 With Alternative B, the mine operation is going to affect  
17 our daily lives every summer for the next 30, 35 years.  
18 I'm not looking forward to heavy barge traffic,  
19 double or even triple the amount that we have today. And  
20 they are all loaded with fuel and other hazardous  
21 materials. We cannot say for a certainty that every  
22 summer will be spill free, accident free, that they cause  
23 no danger to the entire Kuskokwim; but a single accident  
24 spilling fuel or cyanide or mercury on the river or on the  
25 mine site, it has a potential of wiping out most of our

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1 fish population in the Kuskokwim River.  
2 That's what I'm scared about. I know it's -- but  
3 it's just me, my own talk. But if that happens, where  
4 would I get my fish? Where would I get my salmon from? I  
5 don't know any other place to fish and store my food.  
6 Where will I go to? Who will provide me my salmon if that  
7 ever happens? I hope to God it never happens. Even if  
8 the mine gets approved and starts operation, I hope that  
9 never, ever happens.  
10 But this Kuskokwim River is our life. We depend on  
11 it. We live on it. We don't have any other place to  
12 move. That's just me, my personal thought.  
13 And I thank you.  
14 **MR. MARK SPENCER:** Thank you. Yes, would  
15 you like to speak, sir?  
16 **MR. CHARITON EPCHOOK:** Yes.  
17 **MR. MARK SPENCER:** Please state your name  
18 and spell it for us, too. That would be helpful. Thank  
19 you.  
20 **MR. CHARITON EPCHOOK:** Thank you. I'm  
21 Chariton Epchook, E-P-C-H-O-O-K, and I'm currently not in  
22 favor of the development of the Donlin Gold, even though  
23 it may bring projects or more jobs to our economically  
24 depressed region here.  
25 The barge traffic going up and down the Kuskokwim

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1 will further erode our riverbanks, regardless if they are  
2 federal, State, corporate or private lands, which may also  
3 affect our salmon by not going up to where they usually go  
4 to spawn or alter the natural course of the river.  
5 As we know from the previous years, the Y down there  
6 below Akiak, the Kuskokwim River right around Akiakchak is  
7 getting shallower and shallower every year, while the  
8 Kuskokwak looks like it's taking over. The sides of the  
9 Kuskokwak Slough are eroding, causing more damage to that  
10 slough that goes into the Kwethluk River, which is also  
11 causing more erosion to the Kwethluk River, as well.  
12 And most of the villages here are in the flood zone.  
13 And every so often the river villages, they get flooded.  
14 And if that is to happen within that area, all those  
15 contaminated tailings, they are going to leak off into the  
16 Yukon and Kuskokwim area, which will eventually kill off  
17 everything, including us, leaving nothing for our future  
18 generations.  
19 Quyana.  
20 **MR. MARK SPENCER:** Thank you for your  
21 comment. Would anybody else like to speak? I'll give you  
22 a minute to have a last go at it, or chance. Anyone else,  
23 would you like to provide testimony?  
24 Again, if you think of anything else, your comments  
25 are very important to us, and they'll be fully considered

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1 as we work on the final. And this is the most important  
2 part is coming out to visit with you and the other  
3 communities.  
4 If you want to think about it and send in your  
5 comments, your written comments in later, again, we have  
6 forms. The email address is on there, too. And in  
7 closing, the time for the period for comments is April  
8 30th.  
9 So again, thank you very much for your time today.  
10 And thank you for waiting for us, too. You have been very  
11 patient.  
12 And so this concludes the hearing and the  
13 presentation in Akiak. And have a good day.  
14 (Proceedings adjourned at 4:15 p.m.)  
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