

From: [Craig, Bill](#)
To: [Bellion, Tara](#); [Evans, Jessica](#); [Smith, Neal](#)
Subject: FW: Donlin Gold DEIS comment deadline extension
Date: Wednesday, April 13, 2016 8:31:32 AM
Attachments: [DEIS extension request, 4-11-16.pdf](#)
Importance: High

-----Original Message-----

From: Gordon, Keith POA [<mailto:Keith.Q.Gordon@usace.army.mil>]
Sent: Wednesday, April 13, 2016 7:55 AM
To: Craig, Bill
Subject: FW: Donlin Gold DEIS comment deadline extension
Importance: High

-----Original Message-----

From: Gordon, Keith POA
Sent: Tuesday, April 12, 2016 6:45 AM
To: 'Craig, Bill' <bill.m.craig@aecom.com>
Subject: FW: Donlin Gold DEIS comment deadline extension
Importance: High

-----Original Message-----

From: Sarah Saunders [<mailto:ssaunders@earthjustice.org>]
Sent: Monday, April 11, 2016 12:22 PM
To: Gordon, Keith POA <Keith.Q.Gordon@usace.army.mil>
Cc: Peter Heisler <pheisler@earthjustice.org>
Subject: [EXTERNAL] Donlin Gold DEIS comment deadline extension
Importance: High

Dear Mr. Gordon,

Attached is a request for an extension of the Donlin Gold Project draft environmental impact statement comment deadline submitted by Earthjustice.

If you have any questions or concerns, please contact Peter Heisler at pheisler@earthjustice.org <<mailto:pheisler@earthjustice.org>> .

Thank you,

Sarah Saunders

Litigation Assistant/Administrative Coordinator

Earthjustice Alaska Office

441 W 5th Avenue, Suite 301

Anchorage, AK 99501

T: 907.792.7101

F: 907.277.1390

earthjustice.org <<http://www.earthjustice.org/>>

The information contained in this email message may be privileged, confidential and protected from disclosure.

If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.



April 11, 2016

VIA ELECTRONIC MAIL

Keith Gordon
Project Manager
U.S. Army Corps of Engineers, Alaska District
CEPOA-RD-Gordon, P.O. Box 6898
JBER, AK 99506-0898
E: Keith.q.gordon@usace.army.mil

Dear Mr. Gordon:

We respectfully request an extension of the April 30, 2016, deadline to submit comments on the Draft Environmental Impact Statement (DEIS) prepared by the U.S. Army Corps of Engineers (Corps) for the Donlin Gold Project.¹ An extension would further the purposes of the National Environmental Policy Act (NEPA) by providing a full and fair opportunity for public involvement. It is particularly warranted by the scale of the proposed action, the length and scope of the DEIS, and several issues that have hindered meaningful engagement during the existing comment period. Some of the communities in the region have requested a six-month extension. We support and join that request.

One of NEPA's primary goals is to afford the public an opportunity to scrutinize information concerning the environmental consequences of proposed actions.² Federal agencies must "to the fullest extent possible . . . [e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment."³ To that end, they are free to extend the time for comment on an environmental impact statement as they see fit.⁴ An extension of the comment period on the DEIS would be especially appropriate, for the reasons discussed below.

The proposed action is a massive mining project that will have extensive, permanent impacts on the environment. In its current form, it involves: a 2-square-mile pit that would eventually fill with water and require water treatment in perpetuity;⁵ a 2,240-acre waste rock

¹ U.S. Army Corps of Eng'rs, *EIS Schedule*, <http://donlingoldeis.com/EISSchedule.aspx>.

² See 40 C.F.R. § 1500.1(b).

³ *Id.* § 1500.2(d).

⁴ See *id.* § 1506.10(c), (d).

⁵ U.S. Army Corps of Eng'rs, Donlin Gold Project Draft Environmental Impact Statement at 2-40 (Nov. 2015) (DEIS).

pile and 2,351-acre tailings impoundment;⁶ 122 barge trips on the Kuskokwim River every summer during the mine's operations;⁷ and a 315-mile-long natural gas pipeline requiring nine new air strips and numerous roads during construction.⁸ Significant environmental consequences could include contamination of streams and rivers,⁹ destruction of wetlands and fish and wildlife habitat,¹⁰ interference with subsistence harvests by local communities,¹¹ and impairment of a substantial segment of the Iditarod National Historic Trail.¹² It is therefore crucial that the public have sufficient time to consider and develop opinions about the project.

The scale of the proposed action is reflected in the DEIS. The document contains more than five thousand pages of analysis, as well as twenty appendices prepared by the Corps and cooperating agencies. It covers a wide range of highly technical subjects, such as mining geochemistry, surface water and groundwater hydrology, water and air quality, and ecology and toxicology. Interested groups and individuals need time commensurate with the depth and breadth of the DEIS to absorb its contents, communicate with others affected by the project, and consult with experts.

Moreover, several factors have prevented stakeholders from utilizing the full length of the comment period to engage on the project. Earthjustice requested hard copies of the DEIS on December 1, 2015, but did not receive them until March. Further, while we appreciate the Corps' responsiveness to requests for sources cited in the DEIS, we were recently informed that the Corps would not be able to provide documents explaining why pipeline alternatives were rejected without a formal request under the Freedom of Information Act. We have now submitted that request and expect prompt disclosure of the documents; however, even with the most expeditious processing, the public would not have access to them until the current comment deadline is near or has passed.

We also note concern in the sled dog racing community that a new rule in the Iditarod Trail Sled Dog Race has limited mushers' ability to express their viewpoints on the Donlin Gold Project. The rule prohibits mushers from making public statements "injurious to" the race, including comments "disparaging to any of the sponsors," until 45 days after the race is complete.¹³ One of the race sponsors is mine proponent Donlin Gold.¹⁴ Because the race ended

⁶ *Id.* at 2-30.

⁷ *Id.* at 2-45.

⁸ *Id.* at 2-58, 2-76, 2-98.

⁹ *Id.* at 2-173.

¹⁰ *Id.* at 2-175, 2-177 to 2-179.

¹¹ *Id.* at 2-184.

¹² *Id.* at 3.20-44 to 3.20-46.

¹³ See Iditarod Trail Comm., Iditarod Trail International Sled Dog Race Official Rules 2016, at 16, <http://d3r6t1k4mqz5i.cloudfront.net/wp-content/uploads/2011/12/2016-RACE-RULES-10-26-15.pdf?019e32>.

¹⁴ See *Sponsors*, Iditarod.com, <http://iditarod.com/race/sponsors/>.

on March 19, 2016,¹⁵ mushers will feel constrained from submitting comments that might be deemed critical of the proposal until May 3, 2016. That date follows the close of the comment period, so mushers would be unable to meet the deadline. In any event, they deserve time before comments are due in which to influence public opinion on an issue that is salient to their interests: the proposed natural gas pipeline would lie in the vicinity of the Iditarod National Historic Trail for about 60 miles, crossing it 13 times.¹⁶

Other groups and local communities also seek more time to comment on the DEIS. For example, the Northern Alaska Environmental Center has submitted a request based on the concerns of stakeholders in the Kuskokwim River region, limitations on mushers' ability to comment, and the need to raise public awareness about the project.¹⁷ The City of Bethel seeks a six-month extension in light of the magnitude of the proposed project, as well as the length of the DEIS.¹⁸ Likewise, the Native Village of Napaimute asks for an additional six months to allow meaningful public involvement in the NEPA process.¹⁹ We support these requests, which underscore the fact that many of those who will be directly affected by the project view the current deadline as overly restrictive.

For the foregoing reasons, we respectfully request that you extend the comment deadline on the DEIS by six months. Thank you for your consideration of this request.

Respectfully submitted,

s/ Peter Heisler
Associate Attorney
Earthjustice

¹⁵ See *Current Race Standings*, Iditarod.com, <http://iditarod.com/race/2016/standings/>.

¹⁶ DEIS at 3.15-13, fig. 3.15-2; *id.* at 3.16-19, tbl. 3.16-5.

¹⁷ Letter from N. Alaska Env'tl. Ctr., to Keith Gordon, Project Manager, U.S. Army Corps of Eng'rs (Apr. 2016).

¹⁸ City of Bethel, Alaska, Resolution No. 16-05, at 1-2 (Feb. 9, 2016), http://www.cityofbethel.org/vertical/sites/%7B86032ACB-92B0-4505-919A-3F45B84FECD9%7D/uploads/Res._16-05_Review_Extention_For_Donlin_EIS.pdf.

¹⁹ Native Vill. of Napaimute, Resolution No. 16-02, at 1 (Feb. 17, 2016), <http://napaimute.org/wp-content/uploads/2016/02/2-18-RES-16-02-DEIS-EXTENSION.pdf>.