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Re: Juneau–Cascade Point Ferry Terminal Stage 1 Design-Build (Project #HSHWY00031) – Public Comment

Introduction

The Southeast Alaska Conservation Council (SEACC), representing more than 8,000 supporters across Southeast Alaska and nationwide, submits this comment regarding the proposed Cascade Point Ferry Terminal Stage 1 Design-Build Project (Project #HSHWY00031) in collaboration with Seikoonie Fran Houston, Spokesperson for the Áak'w K̄wáan, Raven Moiety, Dog Salmon from the Yaxté Hít as well as Shaax S'aani Andriana M. Moss and Kaasei Naomi Michalsen of the Wooshkeetaan Shark House. We appreciate the extension of the comment period and submit this updated letter to clarify positions that have evolved since our November 28 comment. SEACC has engaged in transportation, land-use, and environmental review processes in Berners Bay and Lynn Canal for decades, including prior litigation related to actions at Cascade Point. We appreciate the opportunity to provide comments and remain committed to ensuring that transportation investments serving Juneau and the Northern Lynn Canal are evaluated transparently, consistently, with open fiscal prudence, and in full compliance with environmental and cultural protection laws.

As proposed, the Cascade Point terminal represents the latest iteration of development concepts dating back nearly three decades. Goldbelt, Inc.'s Master Plan identified Cascade Point for marine-access development as early as 1996, and successive versions of transportation proposals (including the Juneau Access Road, employee-transport concepts for the Kensington Mine, and various terminal configurations) have been advanced over the years. Those proposals stalled for a combination of reasons: prohibitive cost estimates, unresolved permitting issues, ecological concerns in Berners Bay, and questions regarding long-term operational viability. The current terminal proposal arrives in the wake of those historical attempts and must be evaluated with that context firmly in mind.



Our central procedural concern is that the State awarded a multimillion-dollar design-build contract and established project advancement dates before completing baseline studies, a purpose-and-need analysis, or required cultural and environmental reviews. This reversal of NEPA sequencing undermines the requirement that a project connect logical termini, demonstrate independent utility, and avoid restricting reasonable alternatives. Proceeding under a gubernatorial directive to advance the project while regulatory compliance remains incomplete places the Department of Transportation in a compromised position with respect to funding and permitting. By committing to Phase 1 construction and scheduling ground-breaking in the absence of a demonstrated public necessity, the State has created the public perception that analytical work is being used to justify prior commitments rather than inform decision-making. This approach places public review and agency analysis after key decisions have already been made.

Further, the recently released economic analysis prepared for the Department of Transportation (DOT) raised substantial concerns among regional partners, local governments, and subject-matter experts. Numerous internal inconsistencies undermine confidence that the analysis provides a reliable basis for decision-making. Observations from our internal review suggest that substantial portions of the assessment appear to have been drafted without rigorous data validation, contain statements of opinion presented as fact, and arbitrarily dismiss impacts to cultural resources, ecological impacts, and project purpose.

These issues elevate two threshold questions: whether the current proposal rests on a sound analytical foundation and whether the project is being developed with a transparent, well-defined purpose and need. If the analyses supporting the project are incomplete, internally inconsistent, or produced after decisions were already made, then the risk of inadequate review, improper segmentation, and legal vulnerability increases. SEACC believes the State must correct course by fully and transparently evaluating the project's underlying purpose, demonstrating the necessity for a new terminal, assessing cumulative and connected actions (including mining-related development) and ensuring that environmental and cultural safeguards are upheld.

The following sections of this comment letter expand on these concerns, identify deficiencies in the available analyses and process, and outline necessary steps for ensuring that the Cascade Point proposal meets applicable legal, environmental, and community-based standards before proceeding further.



Environmental and Cultural Resource Concerns

The Cascade Point project lies within an ecologically and culturally significant landscape at the southern end of Berners Bay. This area supports critical forage fish populations, migratory species, marine mammals, and longstanding Alaska Native cultural use. SEACC is concerned that the State is segmenting the project into phases and move forward with piecemeal construction prior to evaluating direct, indirect, and cumulative impacts consistent with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Clean Water Act (CWA), Section 106 of the National Historic Preservation Act (NHPA), and the potential applicability of the Native American Graves Protection and Repatriation Act (NAGPRA). Additionally, because the State has explicitly aligned Cascade Point with concurrent mining activity, including through memoranda of understanding (MOUs) and public statements, the environmental review must consider the full reasonably foreseeable use of the site, not only the limited Phase 1 footprint.

Environmental Concerns

Forage Fish: Herring and Eulachon

Berners Bay is one of the most ecologically important estuarine complexes in Southeast Alaska. It historically supported annual Pacific herring (*Clupea pallasii*) and eulachon (*Thaleichthys pacificus*) spawning events that sustain a dense spring aggregation of predators, including humpback whales, Steller sea lions, harbor seals, porpoises, bald eagles, and numerous seabirds. NOAA monitoring associated with baseline studies for Kensington note that eelgrass communities are present along Echo and Bridget Coves, provide valuable habitat for juvenile fish of many species, and are particularly vulnerable to disturbance from “construction of the terminal facilities and increased wave disturbance from boat traffic.”¹

The *Southeast Alaska Ecological Atlas*, published by Audubon Alaska, identifies Berners Bay and the Lynn Canal subregion, including the shoreline around Cascade Point, as areas of high ecological importance for its provision of early-season feeding opportunities for

¹ Harris, P. M., S. W. Johnson, L. G. Holland, A. D. Neff, J. F. Thedinga, and S. D. Rice. *Hydrocarbons and Fisheries Habitat in Berners Bay, Alaska: Baseline Monitoring Associated with the Kensington Gold Mine*. AFSC Processed Report 2005-06. Juneau, AK: Alaska Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, October 2005.



various bird and terrestrial species, as well as containing one of Southeast Alaska's best coho (*Oncorhynchus kisutch*) rearing watersheds.²

While the importance of the area is historically noted, the current ecological activity in Berner's Bay is less known due to inconsistent funding for wildlife surveys by ADF&G. Despite that dearth of funding, the 2025 Herring Survey noted:

Lynn Canal (Sections 11-A and 15-B/C) – Due to budgetary constraints, only one aerial survey was conducted in Central/South Lynn Canal in 2025. Active herring spawn was observed and reported on May 6 and 7 with a cumulative total of 0.7 nmi occurring south of Point Sherman. Commercial fisheries last occurred in 1982, and the commercial sac roe herring fishery was repealed by the Board of Fisheries in 2018.³

This underscores two key points: first, even with limited surveys, the available observations confirm that the area continues to support herring runs; and second, although the State's minimal monitoring provides insufficient biological data to assess potential impacts, the information that is available demonstrates the presence of a run which justifies precautionary protection and further monitoring.

These spawning events shape the entire seasonal food web, with predators arriving in large numbers to feed on herring and eulachon clusters. Any in-water construction (pile driving, blasting, dredging, wake effects from increased marine traffic, and propeller-induced substrate disturbance) could smother eggs, disrupt larval development, or displace spawning activity. Herring and eulachon are well-documented as highly sensitive to underwater acoustic disturbance; impulsive noise from piles, in particular, is known to exceed injury thresholds. With eulachon, the species is characterised as having low site fidelity, meaning that they may not return to the same stream the next year, especially if conditions are less favorable.⁴ The degradation of habitat from dredging and construction activities may result in their extirpation from Berner's Bay. Herring present a different management concern. Tag-recovery models show that interannual spawning-site fidelity in Pacific herring averages approximately 76%, with regional estimates ranging from 53% to 90%. Because a large proportion of each cohort reliably returns to the same spawning grounds, any habitat degradation in those areas is likely to

² Smith, Melanie, ed. Ecological Atlas of Southeast Alaska. Anchorage, AK: Audubon Alaska, 2016.
<https://indd.adobe.com/view/publication/bb243dff-5852-44c5-bdf5-4b1be96bdc53/3guk/publication-web-resources/pdf/SEAK Atlas.pdf>

³ Alaska Department of Fish and Game. 2025 Southeast Alaska Herring Summary. Petersburg Area Office, May 28, 2025.
<https://www.adfg.alaska.gov/static/applications/dcfnewsrelease/1671728704.pdf>

⁴ U.S. Fish and Wildlife Service, Office of Subsistence Management. FP25-02: Southeastern/Unuk River/Eulachon. Staff analysis for the Federal Subsistence Board meeting, Anchorage, AK, January 2025.
<https://www.doi.gov/sites/default/files/documents/2025-01/fp25-02fsb.pdf>



affect that returning fraction every year, resulting in cumulative, interannual impacts on spawning success and stock productivity.⁵

Despite this, the presented economic analysis devotes only cursory attention to marine impacts and does not reference the *Ecological Atlas*, ADF&G spawning surveys, NOAA Essential Fish Habitat (EFH) designations, or recent peer-reviewed data on Lynn Canal forage fish populations. We contend that the Cascade Point project must undergo a NEPA assessment including:

- (1) multi-year baseline data;
- (2) seasonal distribution mapping;
- (3) hydroacoustic analyses;
- (4) vibration and turbidity modeling; and
- (5) construction timing restrictions necessary to avoid ESA-listed species and NOAA-managed fisheries.

Marine Mammals and ESA/MMPA Review

Berners Bay is a seasonal feeding hotspot for:

- Humpback whales (Central North Pacific DPS, protected under MMPA, and portions listed under ESA),
- Steller sea lions (Eastern DPS, delisted but still protected),
- Harbor seals,
- Dall's porpoise and harbor porpoise.

NOAA's ESA and MMPA regulations require:

1. Incidental Harassment Authorizations for construction noise;
2. Biological Assessments for any ESA-listed species;
3. Analysis of vessel strikes, behavioral disruption, displacement, and cumulative use.

The Cascade Point Phase 1 Scope of Work acknowledges that a §404 permit would be required, but the conversations on permitting are still in a preliminary phase. We contend that acoustic modeling, migration timing assessment, and vessel operations plans that account for increased ferry and projected mining-related barge traffic are necessary as part of the permits for the full intended use of the area. Moreover, because wildlife interactions and impacts are concentrated offshore of the proposed marine structures, the operational footprint is much larger than the site diagrams in design presentations might

⁵ Linnea A. Flostrand et al., "Measuring and Modelling Pacific Herring Spawning-Site Fidelity and Dispersal Using Tag-Recovery Dispersal Curves," *ICES Journal of Marine Science* 66, no. 8 (September 2009): 1754-61, <https://doi.org/10.1093/icesjms/fsp151>



suggest. The impact of the proposed infrastructure extends beyond the physical infrastructure itself to include its intended use.

Anadromous Streams and Riparian Habitat

Multiple anadromous fish streams, documented in ADF&G's Anadromous Waters Catalog, enter Berners Bay near Cascade Point. These streams support coho (*Oncorhynchus kisutch*), pink (*O. gorbuscha*), and cutthroat trout (*O. clarkii*). Construction of the expanded access road, bridge replacement, and upland disturbance must be evaluated for:

- culvert capacity and fish passage;
- stormwater runoff and sedimentation;
- hydrologic changes to spawning gravels;
- erosion and debris flow risk from slope cuts.

As these waters are cataloged as anadromous, the project cannot proceed with instream work, equipment use, water withdrawals, road or bridge crossings, or placement of fill below ordinary high water without first securing ADF&G authorization under the Anadromous Fish Act (AS 16.05.871).⁶ Any crossing, culvert, or structural modification that could hinder upstream or downstream movement also triggers the Fishway Act (AS 16.05.841), requiring agency approval to ensure unimpaired fish passage.⁷ Typical Title 16 permits for comparable projects in Southeast Alaska address pile driving, pad construction, road widening, excavation, riprap installation, and hydrologic diversions, all activities relevant to the Cascade Point proposal.

ADF&G submitted comment on November 24, 2025 noting:

Cascade Creek has a steep waterfall near the shoreline that blocks anadromous fish passage. Habitat Section biologists captured cutthroat trout and Dolly Varden below the barrier in April 2020, approximately 450 ft downstream of the proposed bridge site. Based on the overall stream gradient profile and the stream features found above the barrier, resident fish may be found at the proposed bridge site. Habitat Section biologists will survey the proposed bridge site for fish presence. A Fish Habitat Permit may be required for construction of a bridge over Cascade Creek if resident fish are found. We will notify you of our findings in a trip report.

Quarry rock blasting may disturb brown bears near Sawmill Creek (ADF&G Stream No. 115-20- 10520 supports chum, coho, and pink salmon and Dolly Varden), which drains to Berners Bay approximately 1 mile north of Cascade Creek. Bears feed on salmon in the lower reach of Sawmill Creek. We recommend avoiding blasting activities,

⁶ Alaska Statutes § 16.05.871 (2024), <https://www.akleg.gov/basis/statutes.asp#16.05.871>

⁷ Alaska Statutes § 16.05.841 (2024), <https://www.akleg.gov/basis/statutes.asp#16.05.841>



to the extent feasible, during spring and summer when bears are emerging from dens and feeding on salmon in the lower reach of the creek.

To date, no hydrological modeling or fish habitat surveys have been presented to the public. Without these analyses, neither the public nor regulatory agencies can evaluate whether proposed design features maintain natural flow regimes, preserve fish passage, or prevent sedimentation and wetland alteration in Berners Bay. While Title 16 permit processes do not trigger a public notice, we ask that the findings of any assessments or mitigation requirements found for Title 16 compliance be made public.

Along with the Title 16 review documents, the federal nexus of the project requiring a Section 404 permit and the subsequent NEPA review – there are triggering mechanisms to call for an ANILCA Section 810 assessment. The importance of the forage fish in this area should be considered in any planning documents and permit applications.

Need to Analyze Full Intended Use, Including Mining

The Dunleavy Administration has publicly linked the Cascade Point terminal to future industrial use. The Governor’s office signed an MOU with Goldbelt and Grande Portage Resources committing to support concurrent development of a passenger ferry terminal and a freight barge terminal planned for ore export.⁸⁹ Grande Portage has been explicit, in multiple publicly released statements, that “having the ferry terminal proceed first is highly advantageous” for the company’s ore-shipping timeline and reduces its costs for future infrastructure.

In December 2025, Grand Portage published that “[t]he Company is also pleased to provide an update on developments related to the proposed ore barge dock at Cascade Point, following the Company’s June 2024 announcement of a Letter of Intent (“LOI”) with Goldbelt, Inc. (“Goldbelt”), Juneau’s Alaska Native Corporation.

Cascade Point is located approximately 15 miles (24 km) from the New Amalga Mine project and is accessible via Glacier Highway, an existing state-maintained roadway. The design for the ore dock will be integrated with Goldbelt’s planning for a future Alaska

⁸ Grande Portage Resources Ltd., “Grande Portage Announces Important Developments for Direct Ore Shipping at the Proposed Cascade Point Marine Terminal Site near Juneau, Alaska,” *Grande Portage News Releases*, May 29, 2025, <https://grandeportage.com/news/grande-portage-announces-important-developments-for-direct-ore-shipping-at-the-proposed-cascade-point-marine-terminal-site-near/>

⁹ Goldbelt Inc., “Goldbelt Signs MOU with Department of Transportation & Public Facilities for Cascade Point Development,” *Goldbelt Alaska Operations News*, March 9 2023, <https://www.goldbelt.com/goldbelt-signs-mou-with-department-of-transportation-public-facilities-for-cascade-point-development/>



Marine Highway System ferry terminal at the site, intended to improve marine access and transportation infrastructure in the Juneau area. The location can accommodate both functions in separate areas, with flexibility for the two projects to be built either concurrently or sequentially.

Since the execution of the LOI, significant progress has been made on the broader Cascade Point ferry terminal project, which is being advanced by the Alaska Department of Transportation & Public Facilities (“ADOT&PF”) in coordination with Goldbelt. In July 2025, ADOT&PF awarded a US\$28.5M contract for Phase 1 work at Cascade Point, covering uplands development, site preparation, and engineering and environmental studies. This work represents a key step towards preparing the site for construction of marine infrastructure.

Subsequently, in December 2025 the State of Alaska signed a US\$1.3M contract with Juneau Hydro to extend hydropower infrastructure to Cascade Point. The planned electrification will provide grid-based renewable power to the site, supporting lower operating costs and reduced emissions relative to diesel-based alternatives.

Grande Portage further reports that Goldbelt has provided the Company with the next phase of engineering drawings for the proposed ore barge dock to be co-located at Cascade Point. The dock concept is intended to utilize available space at Cascade Point to operate alongside the passenger ferry terminal in a separate area of the site, subject to permitting, engineering refinement, and final agreements.”¹⁰

The project requires an Individual Clean Water Act Section 404 permit, and the U.S. Army Corps of Engineers’ permit decision constitutes a federal action subject to NEPA, which requires agencies to take a “hard look” at the environmental consequences of major federal actions and to evaluate connected and interdependent actions within a single review.¹¹ Because the State and Goldbelt’s memorandum of understanding with Grande Portage explicitly links the ferry terminal to a future ore-export dock, the facilities are interdependent and constitute connected actions that cannot proceed independently. NEPA therefore requires review of the full scope of the action rather than a segmented analysis that isolates the ferry terminal from its operational purpose. In the transportation context, NEPA compliance further requires that a project connect logical termini,

¹⁰ ACCESS Newswire, “Grande Portage Reports Advancements of Transportation Infrastructure at the New Amalga Gold Project,” *Washington DC News*, December 16, 2025, accessed December 19, 2025, <https://www.washingtondcnews.net/news/278757264/grande-portage-reports-advancements-of-transportation-infrastructure-at-the-new-amalga-gold-project>

¹¹ National Environmental Policy Act, 42 U.S.C. § 4332(2)(C); Council on Environmental Quality, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, former 40 C.F.R. § 1508.25(a)(1) (connected actions).



demonstrate independent utility, and not restrict consideration of reasonable alternatives.¹² The proposed mine barge terminal and associated operations would rely on the same access roads, bridge crossings, upland disturbance, and coastal fill as the ferry terminal, making cumulative analysis unavoidable. Treating the ferry terminal phases as standalone or transportation-only projects would constitute improper segmentation and would fail to disclose the project's true scope and impacts.

Cultural Resource Concerns

Inadequacy of the Cultural Survey and Need for Section 106 Review

The cultural survey referenced in the DOT&PF materials does not constitute a Section 106 assessment. The identified cultural survey boundary is limited primarily to the uplands footprint of Phase 1 and does not extend to the tideline, intertidal zone, or nearshore marine footprint, despite the clear intent to construct marine causeways and a ferry trestle in subsequent phases. The Area of Potential Effects (APE) should be identified and communicated in publicly available documents as the Section 106 assessment process proceeds.

Figure 1 (*below*) shows the approximate cultural survey boundary line. Note the label in the center right of the slide. The wording "approximate" is paramount and concerning. While the boundary of the survey encompasses the general footprint of the proposed AMHS and Goldbelt site development polygons, the survey deviates upward from its prior path following the treeline as it reaches the lower left corner near the label "Cascade Point". With the known and identified cultural site placed within the parking-lot, there is evidence and likelihood of other potential culturally significant sites in the immediate vicinity.

At the Southeast Alaska Transportation Plan update Open House on November 20, DOT team members stated that the polygons may not align perfectly with the actual survey boundary. That discrepancy must be addressed and shows a level of detail that either places the planning team in a precarious situation. DOT must explain how the cultural survey footprint was determined, justify why the border of the survey is augmented to exclude an area that very may well have culturally significant sites, and ensure that the 106 Assessment boundary adequately addresses the full scope of project development, consequent phase work, and intended use impacts. This should include the tidelands that would likely be affected by marine traffic. We highlight that Tribal consultation should have taken place in the project development phase so as not to put the onus of cultural

¹² Federal Highway Administration, *Environmental Impact and Related Procedures*, 23 C.F.R. § 771.111(f).



preservation in a defensive strategy rather than a preemptively mitigating one and we call for appropriate Tribal consultation.

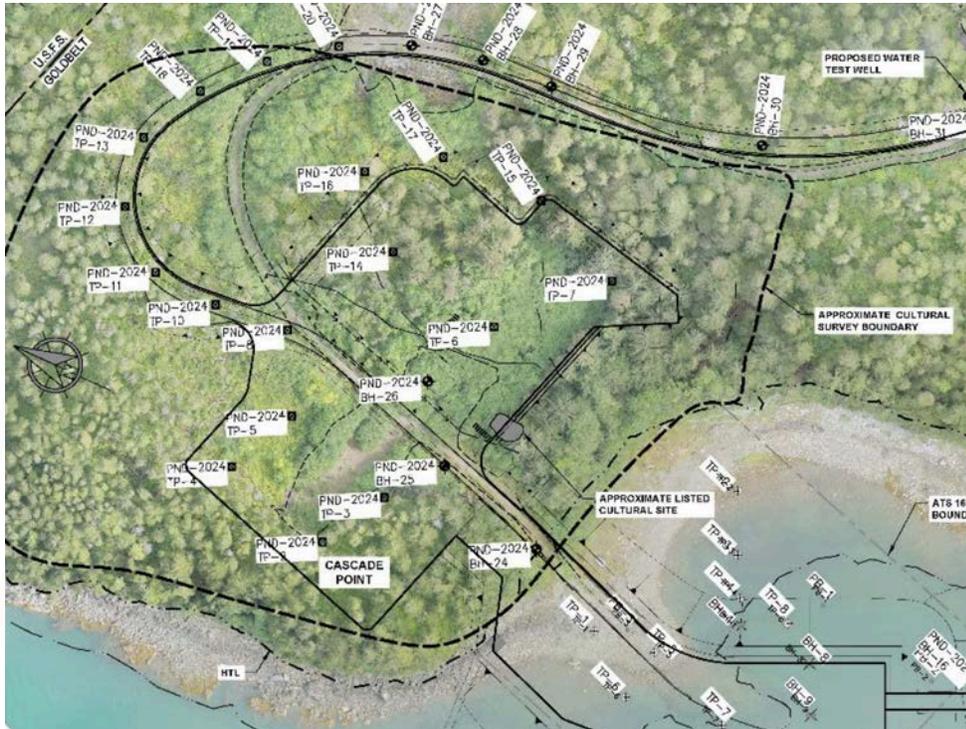


Figure 1. A map excerpt from the March 5, 2024 DOT presentation slides showing the outline of the approximate cultural survey boundary in a thick dashed line.¹³

We posit that this cultural survey boundary is legally insufficient to proceed with the project and will not serve as sufficient for developing a Section 106 assessment. Under the Federal Highway Administration Guidance, the Area of Potential Effect is “[t]he geographic area(s) within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. An APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”¹⁴ As §404 permits are requested and a Section 106 review occurs as part of that process, we ask for transparency in the delineation of the APE and for consultation with Tribal entities to be intentional and meaningful.

¹³ Alaska Department of Transportation & Public Facilities. *AMHOB Meeting Slides, March 5, 2024* (revised). March 5, 2024. Accessed November 19, 2025.

<https://dot.alaska.gov/amhob/docs/archives/2024%20-%20AMHOB%20Meeting%20Slides%203.5.24%20revised.pdf>

¹⁴ Federal Highway Administration. “Key Terms.” *Section 106 Tutorial: Environmental Review Toolkit*. Accessed November 25, 2025. https://www.environment.fhwa.dot.gov/env_topics/section_106_tutorial/keyterms.aspx



The cultural review boundary in the design materials does not consider foreseeable activities beyond the surveyed area, including road construction, dredge-and-fill work, upland disturbance, or vessel traffic associated with the planned ore-shipment MOU with Grande Portage. These activities present a reasonable likelihood of sediment disturbance, marine contamination, or operational impacts outside the narrow footprint. Accordingly, the APE must extend to the full road corridor and the connected marine and intertidal zones, where:

- Alaska Native harvest of herring eggs and eulachon historically occurred;
- culturally modified trees, petroglyphs, and features may remain;
- archaeological deposits may persist under sediment cover;
- shoreline camps and travel routes were historically located.

Especially in the context of the documented MOU noting that further development is intended to occur concurrently with the Cascade Point Ferry Terminal, the footprint of potential impact needs to consider that the shoreline, roaded area upland of the terminal, and surrounding forest, will be deeply affected by these activities.

Under the National Historic Preservation Act, agencies must “take into account” the effect of any undertaking on historic properties before making decisions that limit alternatives (54 U.S.C. § 306108). The implementing regulations (36 C.F.R. Part 800) require:

1. Defining an APE broad enough to capture all direct, indirect, and cumulative effects (§ 800.16[d]);
2. Identification efforts appropriate to the scale and nature of the undertaking, including subsurface testing where needed (§ 800.4[b]);
3. Consultation with Tribes as sovereign governments, not as stakeholders (§ 800.2[c][2]);
4. Avoidance and minimization as the preferred forms of mitigation (§ 800.6[a]).

The current cultural survey line used for Cascade Point fails the first requirement, as well as all subsequent points..

As shown in Figure 2 (*below*), DOT’s upland development site map presented to the Alaska Marine Highway Operations Board on March 5, 2024, reveals that the proposed construction footprint directly overlaps an identified cultural site, represented by the dark grey polygon bisected by planned roadwork. Figure 3 (*below*) provides an even clearer depiction of this impact: the labeled “existing cultural site” is shown as being cut through by a circulation lane, paved over by a crosswalk, and incorporated into a staging area and access road, illustrating that the project intends to physically dissect and bury the



archaeological feature beneath new infrastructure. Yet, in stark contrast, Figure 4, presented later at Southeast Conference, omits the cultural site entirely. That omission occurred in a forum where Indigenous leaders were present and positioned to offer critical cultural insight and procedural guidance. The inconsistency between these figures, first acknowledging the site, then covering it with road construction, and finally omitting it from a public-facing map, raises serious concerns about transparency, accuracy, and what information is present in different forums.

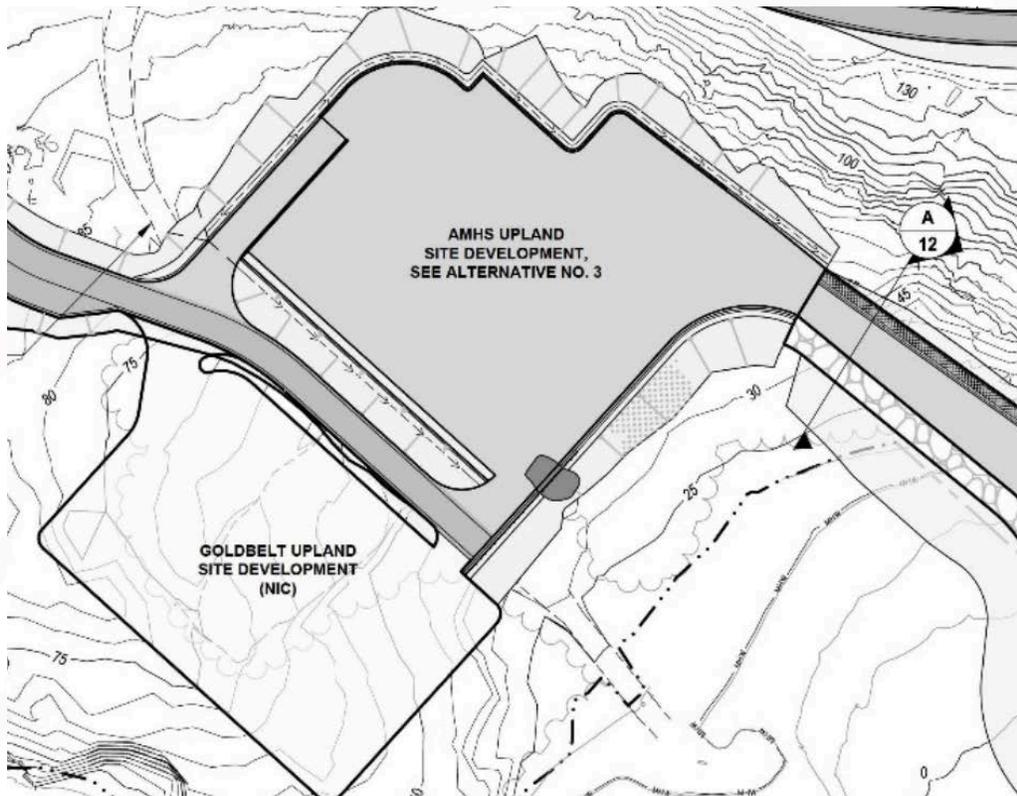


Figure 2. The upland development site map as presented by DOT in the Alaska Marine Highway Operations Board meeting from March 5, 2024.¹⁵ Note that the dark grey shapefile bisected by the proposed site development is an identified cultural site (see figure 2).

¹⁵ Ibid

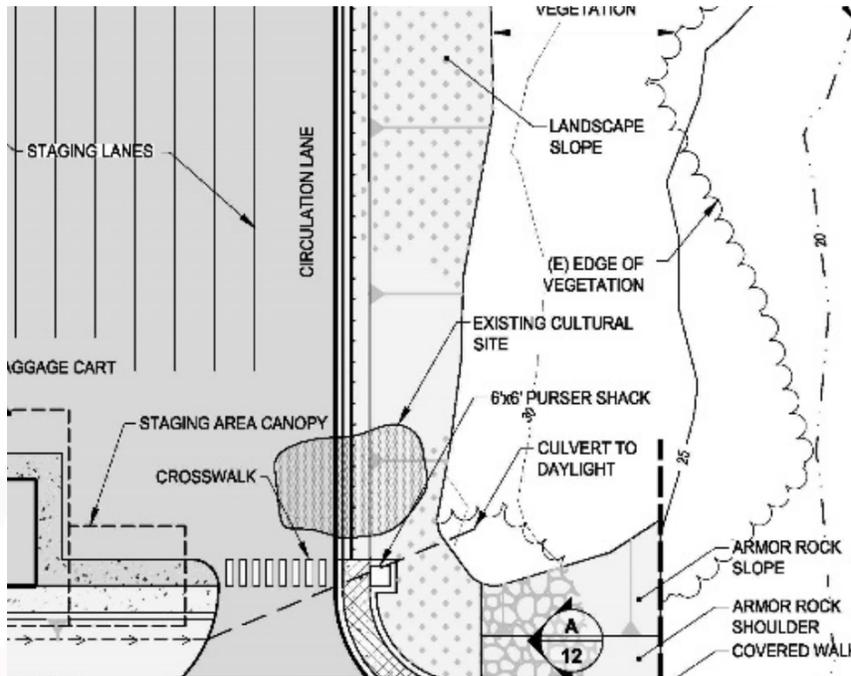


Figure 3. This later slide from the March 5, 2024 DOT presentation further details the identified “existing cultural site” and shows how it will be bisected and paved over by a circulation lane and crosswalk to a staging area and access road.¹⁶

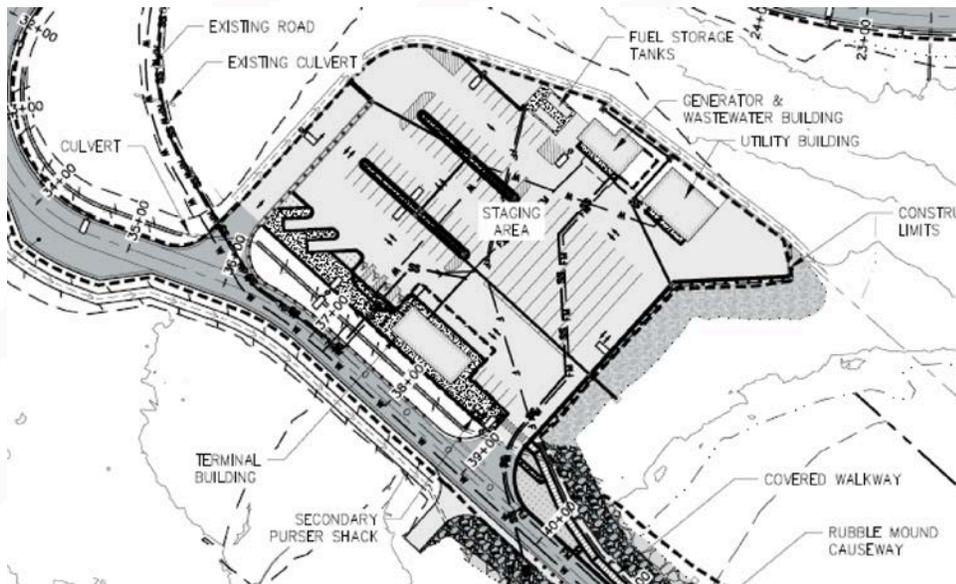


Figure 4. The map of the project area as presented at Southeast Conference with the cultural site missing.¹⁷

¹⁶ Ibid

¹⁷ Alaska Department of Transportation & Public Facilities, Office of the Commissioner. *Transportation Commissioner Anderson and Director Goins: Keeping Alaska Moving*. Juneau, AK: Alaska DOT&PF, September 2025. Accessed November 19 2025.

https://seconference.org/wp-content/uploads/Transportation-Commissioner-Anderson-and-Director-Goins_DOTPF_update_d.pdf



Need for Consultation with the Áak'w Kwáan and Tribal Governments

Cascade Point lies within the traditional territory of the Áak'w Kwáan. Indigenous knowledge systems hold essential knowledge of the area's cultural landscapes. This includes the presence of potential archeological and historically significant sites, including potential burial sites. There is no indication in the available record that meaningful consultation has occurred with these entities.

A Section 106 Assessment should be required under the application process for a §404 permit. Under Section 106:

- Tribes must be consulted early and continuously;
- their knowledge of cultural sites must inform site avoidance, monitoring plans, and mitigation;
- cultural practitioners must be involved in field reconnaissance and survey design.
- If sites are found with the likelihood of negative impacts to them, a Memorandum of Agreement or Programmatic Agreement is required, outlining the resolution measures for resolving those impacts.¹⁸

Federal guidance from the Advisory Council on Historic Preservation (ACHP) further requires agencies to avoid any action that prejudices the outcome of consultation by committing resources or making irreversible decisions prior to concluding the process.

As part of our review for this comment letter, SEACC staff spoke with Seikooni Fran Houston, spokesperson for the Áak'w Kwáan. She explained that, following in her mother Rosa Miller's footsteps, she advocates for the recognition of the cultural importance of Cascade Point. Ms. Houston identified that, in her ethnographic history of the region, Cascade Point supported seven villages and, in no uncertain terms, the area houses multiple cultural features including petroglyphs, village sites, and burial locations, making the area of utmost cultural importance. This builds on her mother, Rosa Miller's, submissions to the State, that echo the same sentiment of the value of the site and the lack of consultation or engagement from State agencies in attempting to develop Berner's Bay.

A mountain is located at Berners Bay, Spirit Mountain (also known as Lions Head Mountain), which is sacred to the Awk Kwan because when our Shamans died, his spirit enters Spirit Mountain and dwells in it up to the present. Therefore, the mountain is sacred and our shamans' spirits and graves are protected by the constant surveillance of the Eagle. Spirit Mountain is an important place to the Awk of the past, the present, and the future.

¹⁸ Advisory Council on Historic Preservation, *Achieving Resolution in the Section 106 Process*, accessed November 24, 2025, <https://www.achp.gov/protecting-historic-properties/section-106-process/achieving-resolution>



We have raised our concerns numerous times with the Alaska Department of Transportation but have received no response or acknowledgement. Once again, despite previous notice, the Department failed to consult with the Awk Kwan about impacts of this destructive road to our sacred ancestral lands.¹⁹

In addition, Shaax S'aani Andriana M. Moss and Kaasei Naomi Michalsen of the Wooshkeetaan Shark House are joining this comment to ensure the record reflects that Wooshkeetaan, whose ancestral homeland includes Berners Bay, also holds enduring cultural responsibilities to Cascade Point. As Kaasei Naomi Michalsen explained, Tlingit governance is organized through opposite clan relationships, and those opposites carry obligations of care, protection, and support. Wooshkeetaan, as the Eagle side, therefore has a responsibility to stand with their Raven-side opposites within the Áak'w Kwáan, particularly where ancestral lands, burial sites, and cultural continuity are at risk. Their participation is offered with specific intentionality: they do not claim to speak for other clans or houses, but rather to speak for their own house while honoring the Tlingit principle that one shows up for one's opposites in times of need. Their signatures affirm that concerns regarding Cascade Point are shared across houses connected to Berners Bay, and that the cultural significance of this area cannot be reduced to a single voice or minimized through narrow, procedural consultation.

With respect to the Native American Graves Protection and Repatriation Act (NAGPRA), it is important to clarify its scope. NAGPRA's land-disturbance provisions apply only to Federal or Tribal lands, and therefore do not directly govern ground-disturbing activities on ANCSA corporation lands, such as those owned by Goldbelt Corporation.²⁰ However, NAGPRA remains relevant in two important ways:

- First, where human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered and come into the possession or control of a federal agency or museum, NAGPRA's consultation, inventory, and repatriation requirements apply regardless of where the items originated.²¹
- Second, the likelihood of burial sites and culturally significant materials in the project area underscores the inadequacy of the State's current cultural review and reinforces the necessity of robust, front-end consultation under NHPA Section 106, rather than reliance on post-construction monitoring alone.

¹⁹ Miller, Rosa. *Public comment letter to Governor Bill Walker and Lieutenant Governor Byron Mallott*. Juneau, AK, May 11, 2016.

²⁰ Native American Graves Protection and Repatriation Act, 25 U.S.C. § 3002(a); 43 C.F.R. §§ 10.2(g)–(h); Alaska Native Claims Settlement Act, 43 U.S.C. §§ 1601–1629h.

²¹ Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3005–3006; 43 C.F.R. §§ 10.8–10.11.



In this case, the defined cultural survey boundary shown in planning materials and the feasibility analysis' characterization of known cultural areas as merely "disturbed," coupled with a recommendation for limited subsurface monitoring during construction, are insufficient. This approach risks irreversible harm to historic properties and sacred cultural landscapes and fails to meet the consultation, identification, and avoidance obligations required under Section 106 for a project requiring a federal permit.

Flawed Reasoning in the Analysis Recommendations for Addressing Archaeological Impacts

The inadequacy of the project's cultural resource review is further underscored by the language used in the *Analysis of the Proposed Cascade Point Ferry Terminal*, which asserts that:

"Previous studies at the Cascade Point area have noted a disrupted archaeological site — indicating historical human presence while leaving some aspects of its context unclear. Given that most surface evidence has already been disturbed, archaeologists suggest that the site will provide greater cultural and historical understanding through subsurface monitoring during construction. Permit requirements will include archaeological supervision, which aims to preserve, document, and recover any material found. With these measures integrated into the permitting process and given the current state of the site, heritage concerns at Cascade Point are considered addressed and are not seen as grounds to stop the project in advance."²²

This reasoning is deeply flawed and directly contradicts NHPA regulations. It implies that construction itself (including roadbuilding, parking lot excavation, and eventual marine facility development) constitutes an acceptable method of archaeological investigation or preservation. Subsurface monitoring during active disturbance is not a substitute for avoidance, controlled excavation, or pre-disturbance study. Archaeological monitoring during construction is not equivalent to an archaeological excavation.

In fact, 36 C.F.R. § 800.5(a)(1) is clear that an undertaking that destroys or diminishes the integrity of a site is an adverse effect, and 36 C.F.R. § 800.6 requires agencies to resolve adverse effects *before* permitting or constructing the project, not during construction. The assessment's claim that heritage concerns are "not grounds to stop the project" pre-judges the outcome of the Section 106 process and violates the requirement that agencies retain flexibility to avoid, minimize, or mitigate impacts.

²² King, Ed. *Analysis of the Proposed Cascade Point Ferry Terminal*. Prepared for Alaska Department of Transportation, September 26, 2025. <https://dot.alaska.gov/amhob/docs/archives/Cascade-Point-Ferry-Terminal-Economic-Analysis.pdf>



Furthermore, framing construction over an identified cultural site as the best method of preservation is an inherent contradiction that runs counter to archaeological standards and Tlingit cultural stewardship. This claim also calls into question Ed King's authority and qualifications to speak on appropriate methods for protecting Áak'w Kwáan cultural history. Effective stewardship requires collaboration with Tribal experts and archaeologists, not assumptions that destructive activity will somehow generate meaningful preservation outcomes.

By suggesting that archaeological values will be best understood by excavating and then paving over a known site, the assessment disregards archaeological best practice, violates federal regulatory standards, and dismisses the past, present, and future cultural significance of the Áak'w Kwáan homeland.

The Cascade Point proposal requires a comprehensive, integrated environmental and cultural review that addresses:

- forage fish habitat (salmon, herring, and eulachon) and predator aggregations;
- ESA-listed and MMPA-protected species, including eel grass;
- anadromous streams and riparian hydrology;
- cumulative impacts from combined ferry and mining uses;
- shortcomings in the cultural review boundary that should not be replicated as the APE in the Section 106 review;
- meaningful consultation with Áak'w Kwáan and Tribal governments;
- accurate and transparent disclosure of archaeological findings.

These should be undertaken with non-invasive methods, such as LiDAR, magnetometry, resistivity, aerial photography, possibly muon tomography. There are myriad ways to do archaeological surveys that yield substantial insight into the historical relevance of the area *without* physically disturbing the site.

Without these analyses, the environmental and cultural review remains incomplete and inconsistent with federal requirements. Consistent with the findings from *Thomas v Peterson*, the “consideration of cumulative impacts after the [project] has already been approved is insufficient to fulfill the mandate of NEPA. A central purpose of an EIS is to force the consideration of environmental impacts in the decisionmaking process”.²³ A comprehensive Environmental Impact Statement that integrates the ferry terminal, the

²³ *Thomas v. Peterson*, 753 F.2d 754, 765 (9th Cir. 1985).
<https://law.resource.org/pub/us/case/reporter/F2/753/753.F2d.754.84-3887.html>



intended ore terminal, and foreseeable industrial uses is necessary to ensure that Berners Bay's ecological and cultural resources are not irreversibly harmed. Without such analyses, the State lends itself to legal barriers that will continue to pose fiscal and time consuming consequences. Given the Governor's March 2023 memorandum of understanding for Cascade Point and Grande Portage Resources' formal letter of intent to utilize the site for direct ore shipment, these are not speculative assumptions but documented and actively pursued development objectives.^{24 25}

Procedural Deficiencies, Segmentation, and Misaligned Purpose

The Cascade Point project reflects a pattern of procedural misalignment in which planning, feasibility analysis, and funding decisions have advanced without adequate coordination or rigor. Rather than first completing a comprehensive feasibility review, including an assessment of transportation need and a thorough evaluation of environmental and cultural impacts, the State committed significant resources prematurely. It awarded a multimillion-dollar design-build contract for Phase 1 before conducting an adequate needs assessment, before dedicating sufficient funding to support the permitting process needed to determine whether the project could realistically proceed, and while engaging with private mining interests prior to an objective determination of whether construction of the terminal is warranted at all.

The result is a project whose analytical materials read less like decision-support documents and more like attempts to rationalize a predetermined outcome. Or, as AMHOB member Bob Horchover noted, "It read to me like a timeshare brochure... I don't think it was realistic and I'm not sure where they got some of their numbers. I don't know what kind of cars are going to be driving out there that are going to get 28 miles a gallon. I was quite surprised that it seemed like it was not really anchored in reality."²⁶ In summary, the feasibility assessment lacks rigor, subject matter expertise, and is deeply insufficient for drawing any real conclusions about the actual feasibility of the proposed project.

²⁴ Goldbelt, Inc. "Goldbelt Signs MOU with Department of Transportation & Public Facilities for Cascade Point Development." Goldbelt. Accessed November 26, 2025.

<https://www.goldbelt.com/goldbelt-signs-mou-with-department-of-transportation-public-facilities-for-cascade-point-development/>

²⁵ Grande Portage Resources Ltd. "Grande Portage Resources Signs Letter of Intent with Goldbelt, Juneau's Alaska Native Corporation." Grande Portage Resources. Accessed November 26, 2025.

<https://grandeportage.com/news/grande-portage-resources-signs-letter-of-intent-with-goldbelt-juneaus-alaska-native-corporation/>

²⁶ Sabbatini, Mark. "Cascade Point Terminal Has Offsetting Ferry Impacts, Big Pluses for New Mine, State Study Finds." *Juneau Independent*. October 27, 2025. Accessed November 25, 2025.

<https://www.juneauindependent.com/post/cascade-point-terminal-has-offsetting-ferry-impacts-big-pluses-for-new-mine-state-study-finds>



This piecemeal strategy, in which “Phase 1” road and uplands package precedes later marine components, raises concerns about improper segmentation under NEPA. Transportation actions must be evaluated as a single, connected project when they share logical termini, lack independent utility, and constrain reasonable alternatives. Under 23 C.F.R. § 771.111, a project must connect logical endpoints, function as a stand-alone investment, and avoid limiting consideration of other reasonably foreseeable transportation improvements.²⁷

Here, Phase 1 has no standalone public purpose. A road and bridge to a remote coastal point without a marine terminal provides no transportation benefit. Its only functional value is as a prerequisite for a ferry terminal and for the ore-shipping terminal that Grande Portage Resources intends to construct. DOT&PF and the Dunleavy administration have publicly endorsed these dual objectives, and Grande Portage’s own press releases make clear that the timing and alignment of state-funded work directly advance their mining timeline. In fact, there’s available documentation of various iterations of plans to develop this area since 1996, which further illustrate the intent for multiple interdependent projects.²⁸

By advancing construction planning and project commitments before completing required environmental and cultural review, DOT&PF has placed permitting agencies, Tribal governments, and the public in a reactive posture, evaluating impacts only after substantial decisions and investments have already been made. Doing so materially undermines the integrity of the permitting process, constrains the range of reasonable alternatives, and heightens the risk of procedural violation under federal law. As the Advisory Council on Historic Preservation emphasizes, agencies must avoid actions that prejudice the outcome of environmental or cultural resource review by committing resources or making irreversible decisions prior to the completion of consultation and analysis.²⁹ Proceeding in this manner not only increases legal vulnerability, but also exposes the State to avoidable financial and programmatic risk should required permits or consultations necessitate redesign, mitigation, or denial.

²⁷ 23 C.F.R. § 771.111 (current through eCFR, accessed November 25, 2025),

<https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.111>.

²⁸ U.S. Forest Service, Juneau Ranger District. *Cascade Point Access Road Final Environmental Impact Statement: Record of Decision*. R10-MB-368. Tongass National Forest, Chatham Area. Juneau, AK: U.S. Department of Agriculture, n.d.

https://upload.wikimedia.org/wikipedia/commons/c/c1/Cascade_Point_access_road_final_environmental_impact_statement_%28IA_CAT10849879%29.pdf

²⁹ Advisory Council on Historic Preservation. *Protecting Historic Properties: A Citizen’s Guide to Section 106 Review*. January 13, 2021. Accessed December 19, 2025. https://www.achp.gov/sites/default/files/documents/2021-01/CitizenGuide2021_011321.pdf



Backward Sequencing: Commitment Before Analysis

The feasibility assessment authored by Ed King was submitted more than seven months after its original scheduled due date, after DOT&PF had already “signed a \$28.5 million contract to begin work on the project.” The AMHS Advisory Board had repeatedly requested a feasibility review yet did not receive one until 4 months after the contracting decision. As reported by the Anchorage Daily News, board members described the analysis as “not really anchored in reality” and said it was “put together in a very workmanlike way to try and, what I would say, build a case for Cascade Point, as opposed to evaluate options.”³⁰

This backward sequence makes the resulting analysis appear defensive rather than analytical. Instead of evaluating whether the terminal is needed, the report identifies modest and conditional benefits while ignoring key operational drawbacks. These omissions reflect pressure to justify a project for which commitment had already occurred.

Critique of Intended Beneficiaries versus Industrial Influence

Despite the State’s framing of Cascade Point as an AMHS efficiency improvement, the clearest and most consistent beneficiary is not the public, but Goldbelt Inc. in partnership with the proposed New Amalga gold mine. Grande Portage’s public statements explicitly describe the ferry terminal as advantageous for reducing their development costs. The State’s agreement with Goldbelt further confirms coordinated intent to advance both passenger and freight terminals.

When a project’s true functional purpose differs from its stated purpose, segmentation becomes more likely, and analytical rigor is of greater necessity. The cumulative impacts of shared access roads, causeway preparation, shoreline fill, and expanded vessel traffic cannot be divorced from their industrial intent.

In noting the beneficiaries of the funding structure, it’s worth noting that the funding structure and ownership dynamic of the project, under which the State would lease land from a private corporation for infrastructure intended to serve a public function for the foreseeable future, introduce significant long-term financial and operational risk. Because lease terms, rental rates, and renewal conditions would remain subject to future

³⁰ Samuels, Iris. “Ferry Advisory Board Questions Economic Analysis of Planned Southeast Alaska Terminal.” *Anchorage Daily News*, October 28, 2025.
<https://www.adn.com/business-economy/2025/10/28/ferry-advisory-board-questions-economic-analysis-of-planned-south-east-alaska-terminal/>



negotiation, the State cannot ensure stable or predictable costs over the life of the infrastructure. This arrangement creates the potential for escalating rent charges or unfavorable lease modifications that could increase public expense, limit operational flexibility, or undermine continued public access if the private landowner's interests or market conditions change over time.

Transportation Benefits: Limited, Conditional, and Inferior to Auke Bay

The Cascade Point analysis identifies some potential operational savings from a shorter sailing distance, but these savings are minor relative to capital costs and do not translate into meaningful system improvements. In fact, the cost of travel from Cascade Point to any intended final destination in Juneau is likely to cost passengers more, which is projected to decrease ridership. Further, the analysis ignores several critical facts:

Auke Bay Remains the More Reliable and Accessible Terminal

Auke Bay's location within Juneau's established transportation corridor provides:

- direct access to city transit within 2 miles,
- full cellular service,
- ready availability of taxis and rideshare,
- proximity to emergency services,
- reduced travel distance for the majority of Juneau residents.

By contrast, Cascade Point is nearly 40 miles from town, well beyond the plowed and resource-allocated routes. There is no cellular coverage, no transit access, and no existing taxi or rideshare service. Foot passengers arriving from Haines or Skagway would be stranded without a vehicle.

Goldbelt's Paid Shuttle Is Not a Service Improvement, It Is a Problem Invented to Create a Market

The proposal that Goldbelt could provide paid shuttle service does not solve a transportation problem, it creates one. Under the existing terminal configuration, foot passengers arrive 40 miles closer to downtown, groceries, medical facilities, and public transportation. Under the proposed configuration, they would be required to:

- Pay an estimated \$56 for a taxi or extend their time to their final destination with another shuttle that (ironically) would make a stop at the existing ferry terminal stop in Auke Bay.³¹
- spend any saved time from a shorter ferry on a shuttle ride to town,

³¹ King, Ed. *Analysis of the Proposed Cascade Point Ferry Terminal*. Prepared for Alaska Department of Transportation, September 26, 2025. <https://dot.alaska.gov/amhob/docs/archives/Cascade-Point-Ferry-Terminal-Economic-Analysis.pdf>



- and rely on a private corporation to provide access to public transportation.

The better solution is simple: do not create the barrier in the first place. Moving the terminal to a remote, less location and then charging passengers to regain access is neither equitable nor efficient. If transportation from the ferry terminal to town is a primary impediment, we posit that adding a consistent bus stop route at the Auke Bay terminal is a much more cost effective means of getting passengers to town, without adding 40 miles to a trip or needing to allocate millions of dollars to unnecessary new infrastructure that would give Grand Portage a boost in their mine development.

Reliability Claims Ignore Weather and Operational Constraints

Auke Bay's protected waters offer superior year-round operability. Cascade Point, by contrast, sits across from the mouth of Berners Bay, where cross-winds, swell, and winter icing present operational challenges. Even DOT&PF's own operability review acknowledges seasonal limitations and complexities in operating in an area with a complicated wave environment. As noted by William Tonsgard Jr's experience, "it gets extremely windy and rough in all these places. It's not just wind, the North wind blows. Southeast wind comes straight out of Echo Cove's lot straight into Cascade Point where the proposed ferry landing, even though it's a short distance from one place to the other. It builds four to five foot swells fast.

Contrary to some people's beliefs, the North wind does not blow by Point St. Mary's, it hooks around, and there is a big swell that beats on the beach at Cascade Point! Yes, there are calm days like there are in most places, but when it's blowing, the place takes a beating and it's not once a year, it's quite often, especially in fall and winter... Snow on the roads in this area is usually significantly more than in Juneau."³²

These accounts highlight how the promised gains in reliability are speculative at best and ultimately the project remains a solution in search of a problem and destined to underperform in precisely the conditions it claims to solve.

Lack of Public Support and Regional Need

Support for the Cascade Point terminal is not coming from the communities it would serve nor was it generated organically from public request and need. The Alaska Marine Highway Operations Board has stated that it does not support the project and that the

³² Tonsgard Jr., William. "My Turn: The Case Against Cascade Point Ferry Terminal." *Juneau Empire*. Accessed November 26, 2025. <https://www.juneauempire.com/opinion/my-turn-the-case-against-cascade-point-ferry-terminal/>



economic analysis raises more questions than answers. Board members have expressed concern that the project does not align with system needs and will burden AMHS with additional obligations, noting that the draft analysis conflicts with the fundamental priorities outlined in the Alaska Marine Highway System's Long Range Plan, so much so that the AMHOB initiated a request for Corrective Action.³³ According to AMHOB member Paul Johnsen, the planning framework was originally centered on "[w]hat do the communities need? What do we need to have reliable ferries? What do we need for the terminals to interchange different ships? And I don't see that we have a need for an additional ferry terminal. So I don't like this — the new changes made to the long-range plan — and I'm guessing they're politically motivated..."³⁴

Both the Mayor of Haines and the Mayor of Skagway, as well as their municipal assemblies, have publicly opposed the terminal. As reported by KTOO, both communities emphasized:

- the terminal does not meet their transportation needs,
- the project diverts funds from long-overdue repairs at existing terminals,
- and the relocation would create new barriers for their residents.³⁵

To quote the June 24, 2025 Haines Borough Assembly meeting minutes:

"It appears that the.in its infinite wisdom and power, has decided against many objections to the contrary, that to go ahead on the Cascade Point Ferry terminal... Haines Borough: and for the sweet tune of 77 million dollars, and... feel that this is totally counterproductive to our existence here in Upper Lynn Canal... and Skagway apparently feels exactly the same... so I would beseech the borough to do anything in its power to try to stop this ridiculous concept and join the Skagway in opposing it, and... because really, I mean it affects all of us. This is not really a political issue. Every one of us will feel the effect when we try to go to Juneau, and we're stuck out in the middle of nowhere in the middle of winter trying to get to Juneau with an extra 30 miles to go, and it's going to cost more for our freight, and is also going to affect the the people coming to Haynes. You know our our visitor industry, which is our main industry is going to suffer because people don't really want to be inconvenienced to that degree. And you know, with the

³³ Alaska Marine Highway Operations Board. *Findings of the Alaska Marine Highway Operations Board*. Corrective Action Request, October 29, 2025. <https://dot.alaska.gov/amhob/docs/archives/AMHOB-Corrective-Action-Request-102925.pdf>

³⁴ Sabbatini, Mark. "Cascade Point Terminal Has Offsetting Ferry Impacts, Big Pluses for New Mine, State Study Finds." *Juneau Independent*, October 27, 2025.

<https://www.juneauindependent.com/post/cascade-point-terminal-has-offsetting-ferry-impacts-big-pluses-for-new-mine-state-study-finds>

³⁵ Larson, Clarise. "Haines and Skagway Both Oppose Cascade Point Ferry Terminal. Juneau Hasn't Taken a Stance." *KTOO*, November 3, 2025.

<https://www.ktoo.org/2025/11/03/haines-and-skagway-both-oppose-cascade-point-ferry-terminal-juneau-hasnt-taken-a-stance/>



current financial situation in the State. Why would we really want to put out 77 million dollars for yet another ferry terminal when we have one that was just great and better than that...”³⁶

These are the communities that rely on AMHS service most directly. Their opposition underscores that the State has yet to demonstrate a public transportation purpose. Furthermore, the use of funding for an undesired project also utilizes public transportation funds that could have been made available for legitimately needed infrastructure for outlying communities to reach definitive medical care.

The piecemeal permitting and construction approach for Cascade Point, combined with its alignment with mining interests, improper sequencing, and lack of public support, demonstrate that the project is not justified on transportation merits. Reliable, accessible service already exists at Auke Bay. Funds and efforts should go towards stabilizing sailing schedules, securing engineers to properly maintain the fleet, and upgrading vessels as needed, not adding unnecessary terminals. The feasibility assessment offers no persuasive evidence that Cascade Point would improve service, and substantial evidence that it would undermine access, equity, safety, and public value.

A credible environmental review must evaluate the true purpose of the project, address reasonably foreseeable related impacts (which, through the MOU with Grande Portage, Governor Dunleavy has made abundantly clear), and consider what the actual intent is of a transportation project that displaces passengers 40 miles from town. As currently structured, the proposal suggests a politically driven directive originating from Governor Dunleavy and the power dynamic he wields over appointees rather than a genuine assessment of community transportation needs. The alignment of state investment with Grande Portage’s commercial objectives (at the expense of public access, efficiency, and resident benefit) raises credible concerns that public transportation funding is being steered to advance corporate welfare rather than serve Alaskans. This concern is strengthened by the history of gubernatorial cuts to AMHS, including Dunleavy’s proposed 75% reduction in 2020 and his creation of the Alaska Marine Highway Reshaping Work Group, which promoted fleet downsizing, creating a context in which renewed investment in AMHS infrastructure deemed a low priority by AMHOB is deeply

³⁶ Haines Borough. “06.24.25 Assembly Meeting Transcript.” Haines, AK: Haines Borough, June 24, 2025. PDF. <https://www.hainesalaska.gov/media/93421> [typos and spelling directly from transcript]



suspect.^{37 38} This dynamic reflects top-down decisionmaking, not a transparent process guided by the judgment and priorities of DOT professionals committed to responsible planning and public interest outcomes.

Recommendations and Required Corrective Actions

SEACC recommends that DOT&PF take the following actions to bring the Cascade Point terminal proposal into alignment with statutory requirements, statewide transportation priorities, and obligations to Tribal governments and the public. These corrective steps are necessary to address procedural deficiencies, ensure legal sufficiency, and prevent irreversible impacts to Berners Bay's ecological and cultural resources.

Prepare a Full Environmental Impact Statement (EIS)

Given the scale of the project, the known environmental sensitivities of Berners Bay, and the explicit alignment between the State's work and Grande Portage's proposed ore terminal, a comprehensive Environmental Impact Statement (EIS) is the only adequate path forward as part of the §404 permitting process.

A proper EIS must:

- evaluate the ferry terminal together with the foreseeable mining-related port infrastructure;
- examine cumulative impacts on herring, eulachon, marine mammals, and anadromous streams;
- fully analyze alternatives, including a No Action Alternative and maintaining or upgrading operations at Auke Bay;
- integrate cultural resource surveys and Tribal input before any construction activity;
- include transparent socio-economic analysis that is not constrained by predetermined outcomes.

Proceeding with a series of narrow Environmental Assessments for each isolated phase would constitute potentially unlawful segmentation and would fail to resolve the substantial uncertainties embedded in the current proposal.

³⁷ Barnes, Mollie. "Governor Proposes Cutting Ferry Funding at the End of the Summer." *Juneau Empire*, February 15, 2019. Accessed November 26, 2025.

<https://www.juneauempire.com/news/governor-proposes-cutting-ferry-funding-at-the-end-of-the-summer/>

³⁸ Alaska Marine Highway Reshaping Work Group. *Report to Governor Mike Dunleavy*. October 2, 2020.

https://dot.alaska.gov/comm/amh-reshaping-workgroup/docs/Report-to-Governor_AMH-ReshapingWorkGroup-10022020.pdf



Reevaluate the Project's Merits in the Context of Statewide Needs and Opportunity Costs

Alaska's ferry-dependent communities, especially smaller communities such as Haines, Skagway, Angoon, Hoonah, Kake, and others, rely on the Alaska Marine Highway System for essential access to medical care, groceries, school travel, freight services, and emergency mobility. The State must conduct a transparent assessment of the opportunity costs associated with allocating tens of millions of dollars to Cascade Point, including: terminal and dock repairs at existing AMHS facilities statewide; vessel maintenance and crew-housing upgrades needed for system reliability; service-frequency improvements that would provide immediate benefits to residents; and alternative uses of capital that better advance the State's transportation mission.

The budget appropriations and consequent gubernatorial veto heighten these concerns. Funding redirected toward Cascade Point was done at the expense of legislative appropriations under SB 57, which included core state-match obligations for the federal-aid aviation program, the federal-aid highway program, the Surface Transportation Program local match, and other federally supported transportation projects.³⁹ Without the full state match, Alaska does not meet federal obligation requirements, placing at risk as much as \$600 million in federal transportation dollars that support airports, highways, and critical rural infrastructure statewide.⁴⁰ DOT&PF has acknowledged that the removal of these legislative match appropriations creates a substantial funding gap, and independent reporting confirms that federal dollars cannot be drawn down without state participation.⁴¹

The State must therefore conduct a transparent assessment of the opportunity costs associated with allocating tens of millions of dollars to Cascade Point, including:

- terminal and dock repairs at existing AMHS facilities statewide;
- vessel maintenance and crew housing upgrades needed for system reliability;
- service frequency improvements that would provide immediate benefits to residents;

³⁹ Patrick Gilchrist, "\$600M in Federal Transportation Grants at Stake in Alaska After Vetoes of State Match Funds," KUAC, June 18, 2025, <https://fm.kuac.org/2025-06-18/600m-in-federal-transportation-grants-at-stake-in-alaska-after-vetoes-of-state-match-funds>

⁴⁰ Dermot Cole, "Dunleavy Vetoes Risk Hundreds of Millions in Federal Highway and Aviation Dollars," Reporting from Alaska, June 18, 2025, <https://www.dermotcole.com/reportingfromalaska/2025/6/18/nlqdxm35nciywpkfr7k9nteddpfx8q>

⁴¹ Sean Maguire, "Alaska Lawmakers Slam Dunleavy, Transportation Officials for Lack of Information on Impacts of Vetoes," Anchorage Daily News, July 24, 2025, <https://www.adn.com/politics/alaska-legislature/2025/07/24/alaska-lawmakers-slam-dunleavy-transportation-officials-for-lack-of-information-on-impacts-of-vetoes>



- alternative uses of capital that better advance the State's transportation mission.

There are multiple funding constellations that could affect the permitting structure and the calculus to the state budget and impacts to other communities. If funding is specifically allocated geographically already, there is still the question of the remaining unallocated funds for subsequent phases and the opportunity costs to other communities. As presently framed, Cascade Point diverts limited funds toward infrastructure with limited public benefit while simultaneously exacerbating a statewide match shortfall that threatens the timely execution of federally supported projects. A legitimate assessment is therefore required to ensure that public funds are not being reallocated to benefit private industrial interests (such as those associated with the New Amalga mining project) at the expense of essential public access, rural mobility, and Alaska's ability to secure federal infrastructure investment.

Require Completion of the Individual Clean Water Act §404 Process, Including Section 106 Consultation, Prior to Any Project Commitment

The Cascade Point Scope of Work explicitly calls for preparation and submission of an Individual Clean Water Act Section 404 permit, rather than reliance on a general or Nationwide Permit. This acknowledgment reflects the scale and nature of the proposed activities, including bridge construction, culvert installation, wetland disturbance, and shoreline modification, as well as the presence of substantial cultural and ecological concerns that require full federal review.

Since the economic justification notes that "the economic impacts of the new ferry terminal 'are contingent upon speculative, yet potentially significant, industrial development opportunities,'" the permitting process must assess the functionally singular project, including:

- future ore terminal, breakwater, and marine causeway construction;
- barge operations, concentrate handling, and increased vessel traffic;
- cumulative infrastructure impacts shared between ferry and mining uses; and
- operational spill risks and long-term shoreline modification of Berners Bay.

The Scope of Work's call for quarrying and stockpiling construction aggregate and armor rock for future marine placement confirms that the ferry terminal cannot be analyzed in isolation. Mining-related infrastructure is a connected and reasonably foreseeable action and must be evaluated as part of the same federal review. Segmentation of these impacts would be inconsistent with NEPA and the Corps' obligations under the Clean Water Act.



Because an Individual §404 permit is required, the U.S. Army Corps of Engineers must provide full public notice and an opportunity for meaningful public and Tribal comment on the complete scope of impacts, rather than limiting review to an artificially narrow transportation-only purpose. The State should be required to disclose all mining-related intentions and coordinate permitting accordingly so that the federal review process reflects the project's true purpose and cumulative effects.

Importantly, no construction activities, contracts, or irreversible public funding commitments should proceed until the Individual §404 permit process is completed, including meaningful consultation under Section 106 of the National Historic Preservation Act. Federal guidance from the Advisory Council on Historic Preservation prohibits agencies from taking actions that would prejudice the outcome of Section 106 consultation by committing resources or foreclosing alternatives prior to the completion of the review process. Proceeding with design-build contracting, site preparation, or financial commitments before the conclusion of the §404 and Section 106 processes would violate this principle and undermine the integrity of federal review.

Pause Contract Activities Until Feasibility and Environmental Reviews Are Complete

DOT&PF should immediately halt all ground-disturbing activity under the Phase 1 design-build contract until feasibility assessments, environmental analyses, and cultural resource consultations are complete. Permitting and feasibility reviews must precede construction, not serve as post hoc justifications for activities already underway.

Continuing construction before completing these reviews:

- prejudices the outcome of NEPA and 36 C.F.R. Part 800 processes;
- narrows the range of reasonable alternatives;
- increases the likelihood of legal action or injunction;
- undermines public trust.

A temporary pause now will avoid costly project delays later if deficiencies lead to litigation or federal remand.

Engage in Meaningful Tribal Consultation: Goldbelt Is Not a Substitute for Tribal Governments

While Goldbelt, Inc. is an Alaska Native Corporation with an important regional role, it is not a Tribal government and does not substitute for meaningful government-to-government consultation with Tribes that hold cultural and subsistence ties to the Cascade Point area. Consultation with Tribal governments must occur directly



and independently, through appropriate Tribal offices and leadership, and cannot be satisfied through coordination with a corporate landowner alone.

Meaningful consultation should have occurred at the outset of project conception. Prior to feasibility assessments, contract development, or the allocation of public funds, the State should have engaged Tribal governments to identify cultural landscapes, subsistence uses, and areas of concern that bear directly on project siting and design. This obligation is heightened when a project requires a federal permit, such as a Clean Water Act §404 permit, and therefore constitutes a federal action triggering additional consultation and disclosure requirements.

Because the §404 permit provides the federal nexus for this project, the U.S. Army Corps of Engineers must also evaluate whether the proposed action may significantly restrict subsistence uses, thereby requiring compliance with Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA). While ANILCA §810 applies to federal actions, not state-only projects, its procedural requirements are triggered where a federal authorization may affect subsistence resources or access. Here, the project's location within Berners Bay, its reliance on shared access infrastructure, and its connection to foreseeable mining-related marine and transportation activity raise substantial questions regarding impacts to subsistence fishing, travel routes, and culturally significant use areas. A Section 810 evaluation, including hearings, must therefore be conducted as part of the federal permitting process, rather than deferred or ignored.

In parallel, a lawful and ethical Section 106 process must be undertaken with meaningful Tribal participation, including appropriate confidentiality protections to ensure that sensitive cultural knowledge is not disclosed or treated as a liability when it conflicts with commercial interests. The State's current approach, advancing feasibility determinations and design assumptions without Tribal consultation, undermines both Section 106 and Section 810, and risks foreclosing avoidance alternatives before they are meaningfully considered.

The State must also be transparent about the presence of cultural sites within the project footprint. The current assessment's position that paving a parking lot over an identified cultural site and then monitoring disturbances during construction constitutes adequate preservation is unacceptable. This claim defies established archaeological standards and violates the intent of the National Historic Preservation Act.



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A lawful and ethical Section 106 process requires:

- A sufficient APE to include the intertidal and marine footprint;
- updated archaeological surveys, including subsurface testing with non-excavating methods, and socio-cultural surveys in consultation with Tribal representatives;
- avoidance of cultural sites;
- development of a mitigation plan that does not rely on destructive disturbance as a research method.

Summary of Recommendations

To correct the procedural, analytical, and ethical deficiencies of the current approach, SEACC recommends that DOT&PF:

1. Pause contracting and construction until NEPA, NHPA, ADF&G Title 16 and adequate and transparent feasibility reviews are completed.
2. Conduct meaningful Tribal consultation with appropriate Tribal governments and cultural authorities.
3. Adopt avoidance-first cultural resource practices and reject any preservation rationale premised on disturbance.
4. Prepare a comprehensive EIS that evaluates all connected and cumulative actions, including mining-related use.
5. Reassess statewide transportation needs and conduct a transparent opportunity-cost evaluation before allocating further funds.

Taken together, these actions are essential to ensuring that the Cascade Point project is evaluated honestly, conducted lawfully, and aligned with Alaska's public interest rather than industrial interests.

Thank you for considering our comments. We appreciate the extension of the comment period, as well as the effort put forth by the project team. SEACC looks forward to your responses and the opportunity to review forthcoming environmental analysis documents.

Respectfully submitted,

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