

Permitting guide

Pebble Watch has created this guide to provide an overview of the permits, authorizations, and processes that may be required for the Pebble project, and to identify those that allow for a public comment period.

Currently, the Pebble mine project is in a pre-permitting phase. Once a mine plan is complete, developers can begin the long process of gaining permits from local, state and federal agencies. This could take up to three years.

Using this guide

An actual list of required permits for the Pebble project cannot be created until the project is defined, so this list should be used as a general guide only. It is not indicative of future Pebble project plans or design. Permits are grouped by function, and are designated as major or minor based on the amount of information, effort and time needed to acquire each. The “major” or “minor” designation does not reference a permit’s importance, as each may be needed before a complete project may proceed. Most major permits have an associated public review and comment period.

AGENCIES

ADEC	Alaska Department of Environmental Conservation
ADNR	Alaska Department of Natural Resources
ADOL	Alaska Department of Labor
ADOT/PF	Alaska Department of Transportation & Public Facilities
ADPS	Alaska Department of Public Safety
BATF	Bureau of Alcohol, Tobacco, and Firearms
COE	United States Army Corps of Engineers
DHS	Department of Homeland Security
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
JPO	Joint Pipeline Office
L&PB	Lake and Peninsula Borough
MSHA	Mine Safety and Health Administration
NMFS	National Marine Fisheries Service
SHPO	State Historic Preservation Office
T&ES	Threatened & Endangered Species
USCG	United States Coast Guard
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service

PERMIT CATEGORIES

See inside for details on permits that will likely be required for the Pebble project. Visit www.pebblewatch.com for a version of this guide with links to additional information.

Major permits

Overall project

Project design

Dam Safety
Reclamation

Water

Water Discharge
Storm Water
Underground injection
Water use

Air

Air quality

Fill/Material Use and Placement

Wetland fills
Solid waste disposal
Construction in or over navigable waters
Material sale

Land Use

State land

Cultural Resources Protection

Oil Spill

Fish and Wildlife Protection

Local Government

Minor permits

Air quality
Aviation
Communications
Explosives
Hazardous materials and wastes
Highway transportation
Marine safety
Mine safety
Public health and safety
Registrations
Security



MAJOR PERMITS

Minimum time frames may be extended. ! = critical comment period

	AGENCY	WHAT PERMIT COVERS	PUBLIC COMMENT PERIOD
Detailed Construction and Operation Description	All	How the project is to be constructed and operated	
Plan of Operations Approval	ADNR	All aspects of the project on State land	
PROJECT DESIGN			
<i>Dam Safety</i>			
Certificate of Approval to Construct a Dam	ADNR	Detailed design plans	None
Certificate of Approval to Operate a Dam	ADNR	Detailed operational plan	None
<i>Reclamation</i>			
Reclamation Plan Approval	ADNR	Closure design and preparation (e.g., stockpile locations)	None
WATER			
<i>Water Discharge</i>			
Section 402 National Pollutant Discharge Elimination System Water Discharge Permit	EPA or ADEC	Discharges to surface waters and wetlands	! 30-day minimum
Certificate of Assurance (Section 401)	ADEC	Discharges to surface waters and wetlands (linked to USACE Section 404 Permit Application Process)	None
Non-Domestic Wastewater Disposal Section of Waste Management Permit	ADEC	Detailed treatment process plans	30-day minimum
Plan Review for Non-Domestic Wastewater Treatment System* (not a permit; plan review only)	EPA or ADEC	Detailed design and construction plans	None
Plan Review and Construction Approval for Domestic Sewage System* (not a permit; plan review only)	ADEC		None
<i>Storm water</i>			
Storm Water Construction and Operation Permit	APDES	Run-off from disturbed ground surface	7 days posted on website and notice to T&ES Agency
Storm Water Pollution Prevention Plan	State of Alaska	Run-off from disturbed ground surface	None
<i>Underground Injection</i>			
Underground Injection Control Well	Division of Water (DEC)	Underground injection of water or drilling muds	30-day minimum
<i>Water Use</i>			
Temporary Water Use Permit	ADNR	Construction and early operation; good up to five years	None
Permit to Appropriate Water	ADNR	Post 5-year operation	! 30-day minimum
AIR			
<i>Air Quality</i>			
Air Quality Control Permit to Construct (one of the following): <ul style="list-style-type: none"> • Prevention of Significant Deterioration • Minor permit • Title V Operating Permit 	ADEC	Non-mobile air emissions (stacks, dust, non-road engines, e.g., light plants, pumps)	30 days

MAJOR PERMITS continued

Minimum time frames may be extended. ! = critical comment period

	AGENCY	WHAT PERMIT COVERS	PUBLIC COMMENT PERIOD
FILL/MATERIAL USE & PLACEMENT			
<i>Wetland Fills</i>			
 Section 404 Permit for Discharge of Dredge or Fill Materials into Waters of the U.S., including wetlands Section 404 Permit Review	EPA/COE	Dredge or fill discharge into wetlands/waters of the U.S.	! 30 - 60 days
Certificate of Assurance (Section 401)	ADEC	Discharges to surface waters and wetlands (linked to USACE Section 404 Permit Application Process)	None
<i>Solid Waste Disposal (landfills, waste rock and tailings)</i>			
Solid Waste Disposal Section of Waste Management Permit	ADEC	Disposal of solid waste, (e.g., tailings, waste rock)	30-day minimum
<i>Construction in or Over Navigable Waters</i>			
Section 10 Permit for Construction of any Structure in or over any Navigable Waters of the U.S. (Part of 404 application)	COE	Structures over navigable waters	30-day minimum
Construction Permit for a Bridge or Causeway Across Navigable Waters of the U.S.	USCG	Bridge or causeway over navigable waters	30 Days
<i>Material Sale</i>			
Material Sale on State Land (MLW)	AK DNR	Sale of State gravel	! 30-day minimum <i>(ADNR MLW tends to bundle permit comment periods into one big process.)</i>
LAND USE			
<i>State Land</i>			! for all in this section
Upland Mining Lease	ADNR	Mining on land	30-day minimum
Millsite Permit	ADNR	"Surface authorization" for mill facility	30-day minimum
Tidelands Lease	ADNR	Tidelands structures for use of state-owned tidelands. Less than 3 miles to ordinary high water.	30-day minimum
Lease of Other State Lands	ADNR	Specific as needed	30-day minimum
Miscellaneous Land Use Permit	ADNR	Misc. uses (e.g., borrow sites)	30-day minimum
Road Right of Way (ROW)	ADNR or land-owner	Road right-of-way	<i>(These permit applications are not required by Alaska law to have a comment period.)</i>
Power Line ROW		Power line right-of-way	
Pipeline ROW	ADNR - JPO	Pipeline right-of-way	
CULTURAL RESOURCES PROTECTION			
Section 106 Historical and Cultural Resources Protection	SHPO/COE	Cultural resources protection	30 days
Cultural Resources Authorizations	SHPO	Cultural resources protection	30 days
OIL SPILL			
Spill Prevention, Control, and Countermeasure (SPCC) Plan	ADEC	Spill prevention	None
Oil Discharge Prevention and Contingency Plan (ODPCP or "C" Plan)	ADEC	Spill prevention and response	45 days
Facility Response Plan (FRP)	EPA	Spill response	None
Facility Response Plan (FRP)	USCG		None

	AGENCY	WHAT PERMIT COVERS	PUBLIC COMMENT PERIOD
FISH & WILDLIFE PROTECTION			
Fish Habitat Permit (A.S. 16.05.871)	ADFG	Construction in anadromous streams; Anadromous fish habitat permit	None
Fish Passage Permit (A.S. 16.05.841)	ADFG	Ensuring fish passage; Resident streams comment on fish passage issues	None
Bald Eagle Protection Act Clearance	USFWS	Eagle nests	None
Migratory Bird Protection	USFWS	Migratory birds	None
Threatened & Endangered Species Act (ESA) Consultation (Section 7)	USFWS / NMFS	Threatened and Endangered species	
LOCAL GOVERNMENT - LAKE AND PENINSULA BOROUGH			! <i>for all in this section</i>
Development Permit	L & PB Planning Commission	Large scale development projects	Part of the public notice process for the meeting
Large Project Permit	L & PB Assembly	Large development projects meeting c	14-day minimum

About NEPA

Under the National Environmental Policy Act (NEPA), an environmental analysis of how a project could impact the environment needs to be completed before a decision to approve a permit is made. In this process, one agency will be designated as the “lead agency” to supervise preparation of the environmental analysis. For the Pebble project, this agency will likely be the U.S. Army Corps of Engineers (COE).

The Public Role

“The public has an important role in the NEPA process, particularly during scoping, in providing input on what issues should be addressed in an EIS (Environmental Impact Statement) and in commenting on the findings in an agency’s NEPA documents. The public can participate in the NEPA process by attending NEPA-related hearings or public meetings and by submitting comments directly to the lead agency. The lead agency must take into consideration all comments received from the public and other parties on NEPA documents during the comment period.” -www.epa.gov, *NEPA Basics page*

 Submitting the Section 404 permit application to COE will start the NEPA process.

About 404(c)

Section 404(c) of the Clean Water Act gives the Environmental Protection Agency (EPA) the authority to limit or prohibit disposal sites for dredged or fill material — including wetlands — “if the discharge will have unacceptable adverse effects on municipal water supplies, shellfish beds and fishery areas, wildlife or recreational areas.” The EPA’s recently conducted a watershed assessment of the Nushagak and Kvichak watersheds to gather information to help the agency decide whether a 404(c) action is warranted in this area. If available science suggests unique factors of Bristol Bay’s wetlands are vital to supporting the region’s one-of-a-kind fisheries and wildlife, EPA may initiate a 404(c) action. If this should happen, the decision would include additional opportunities for public comment.

MINOR PERMITS

not requiring public comment periods

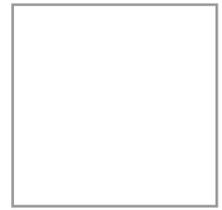
Most of these permit applications will be filed late in the permitting process. PFS-level (prefeasibility study-level) design is either adequate for all minor permits, or the additional information will be available before a particular permit application needs to be filed.

	AGENCY
AIR QUALITY PERMIT TO OPEN BURN	
Burn Permit	ADNR
Burn Permit	ADEC
AVIATION	
Notice of Proposed Construction or Alteration	FAA
COMMUNICATIONS	
Radio License	FCC
EXPLOSIVES	
License to Transport Explosives	BATF
Permit and License for Use of Explosives (BATF)	BATF
Notice of Controlled Firing Area for Blasting	FAA
HAZARDOUS MATERIALS & WASTES	
Obtain Hazardous Waste Generator (Resource Conservation and Recovery Act [RCRA]) Identification Number	EPA
Hazardous Materials Registration Number	USDOT
Approval to Transport Hazardous Materials	ADPS
HIGHWAY TRANSPORTATION	
Utility Permit on ROW	ADOT / PF
Driveway Permit	

	AGENCY
MARINE SAFETY	
Hazardous Cargo	USCG
Fuel Offloading	
Person in Charge Certification	
MINE SAFETY	
Miner Training and Retraining Plan Approval	MSHA
Mine Identification Number	
Notification of Legal Identity	
PUBLIC HEALTH & SAFETY	
Approval to Construct and Operate a Public Water Supply System (plan review required)	ADEC
Food Sanitation Permit	ADEC
Life and Fire Safety Plan Check	ADPS
State Fire Marshall Plan Review Certificate of Approval for Each Bldg	ADPS
Certificate of Inspection for Fired and Unfired Pressure Vessel	ADOL
EMPLOYER	
Employer Identification Number Registration	ADOL
SECURITY	
Port Security Operations Plan	DHS
Port Facility Security Coordinator Certification	

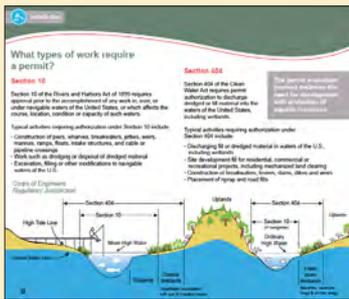


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RESOURCES

Get to these resources easily: Just visit www.pebblewatch.com for a web version of this permitting guide.



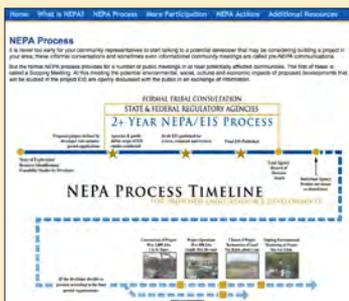
U.S. Corps of Engineers Regulatory Field guide

This field guide provides descriptions of wetlands, permits (Section 10, Section 404) and mitigation procedures.



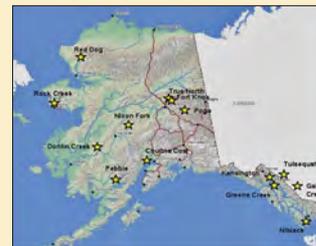
Section 404 of the Clean Water Act

This EPA publication focuses on Section 404 of the Clean Water Act, including descriptions of agencies involved and information on wetlands identification.



Cooperative Extension NEPA Project Permits Page

The Cooperative Extension at the University of Fairbanks offers this resource to describe the National Environmental Policy Act (NEPA) and how

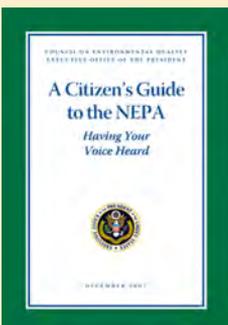


Large Mine Permitting in Alaska

The Alaska Department of Natural Resources maintains a "Large Mine Permitting" web page, which details the permitting process for

Alaskan residents can participate in shaping proposals near their communities. Read about the process, NEPA actions, and participation ideas.

projects such as Pebble. Find fact sheets, presentations and links to several large projects coordinated by the Large Mine Permitting Team.



Citizen's Guide to the NEPA

The Bureau of Land Management has a detailed guide to the NEPA process at its web site, as well as a 184-page handbook for download. Information relating to public participation in the NEPA process is contained mainly in Chapters 6, 8, 9, and 12.



Alaska Department of Natural Resources Pebble Project page

This page describes the Pebble project and links to permit applications, field reports and more.