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PEBBLE PROJECT

SCOPING MEETING

ANCHORAGE, ALASKA

Taken April 19, 2018
Commencing at 11:00 a.m.

Volume I - Pages 1 - 58, inclusive

Taken at
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Anchorage, Alaska

Reported by:
Mary A. Vavrik, RMR
Reporter 1

1 A-P-P-E-A-R-A-N-C-E-S

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4 Chief of Regulatory Division

5 Sheila Newman
6 Deputy Chief
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20 Stakeholder

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23
24
25 BE IT KNOWN that the aforementioned proceedings were taken
at the time and place duly noted on the title page, before
Mary A. Vavrik, Registered Merit Reporter and Notary
Public within and for the State of Alaska.

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. CHARLES EDISON MCKEE: My name is
3 Charles Edison McKee. And my testimony to the Corps of
4 Engineers in reference to the Pebble Mine is if there is
5 an opportunity to purchase, if approved, their mine from
6 them to prevent them from extraction of the resources that
7 they wish to draw out of the ground, I would like the
8 opportunity to see what the offer would -- the settlement
9 to pay the purchase price would be before they actually
10 mine it, the reason being is the experience that Alaska
11 had in Prudhoe Bay is when the leases were sold for 900
12 million, the legislature accepted only gold bullion in
13 payment.

14 And upon receipt and delivered to the bank account
15 Lloyds of London and the flight time it took to get there,
16 they lost two-thirds' value of the gold bullion because
17 they were -- the big boys were mad that we would accept a
18 Federal Reserve debt instrument and which cannot pay a
19 claim. So they dumped the gold they had on hand on the
20 open market and dropped the value of the gold that we
21 accepted in payment for the leases on Prudhoe Bay.

22 And that oil was not just oil; it was gas and it was
23 dirty gas. It's got peptide ingredients, one of which is
24 sulfur. Sulfur is used to make stainless steel, the
25 ingredient needed for stainless steel production. So if

1 you are a hog farmer, the adage is you make money off of
2 everything but the squeal. Well, in this case with the
3 Prudhoe Bay discovery, you are making money out of even
4 the squeal, vapor recovery. And they weren't being taxed
5 for that. It was the vapor that peeled off the crude oil.
6 And they made a whole lot of credit off of that and didn't
7 pay any taxes for it.

8 In fact, they installed a vapor recovery down in
9 Valdez at the tail end of the pipeline to separate, to
10 pull it off and put it on the tanker. It went out with
11 the same tankers, but that's how it was monetized. With
12 the Prudhoe Bay, they are going to do the same thing. If
13 the paychecks are paid out, revenue is going to be paid
14 out in Federal Reserve debt instrument. It does not pay a
15 claim. It has no value. It's not backed by gold or
16 silver. It's backed by good faith and credit of the
17 Federal Reserve. They don't have anything on it or in it.

18 In fact, they just have a printing agreement with the
19 federal government to charge us a user fee, a rental fee,
20 but we don't have anything to -- any control over it.

21 So the whole idea of mining this resource in Prudhoe
22 Bay and damaging the fishery that exists there today, you
23 are being subject to manipulation of the financial market,
24 the corporation, be it the individual corporation or the
25 banking financial system.

1 And so I suggest that you look at your -- your
2 individual master file, your Social Security account and
3 your association with your corporation and pull yourself
4 from the corporate beneficiary status and regain your --
5 your whole person title.

6 And so I, in my testimony, am interested in
7 purchasing the mining interest of this deposit they are
8 talking about extracting and with my line of credit I have
9 established. And supporting that would also be my
10 copyright ownership of TXU 545.416, 1992. And you could
11 also take a look at that on my website, [www.new --](http://www.new-new-pi.com)
12 [new-pi.com](http://www.new-new-pi.com). And that's my website. And what you will see
13 is the rendition -- my math and then the rendition of
14 NASA's artistic rendition of the universe being created
15 from the Big Bang or let be there be light occurrence in
16 the universe that we now are projected into in physical
17 form.

18 So with that, I would like to hear from the Corps of
19 Engineers and their relationship to United States
20 Corporate 8 USC 1101(a)(22)a. And that's part of the
21 written documentation I'm leaving, two pages. One is
22 titled Applicable Laws and Definitions. The other one is
23 a personal rejection of me giving credibility to a fiction
24 or a legal fiction as a real living man.

25 Thank you.

1 MR. DANIEL J. MICHELS: Dan Michels. I
2 own Crystal Creek Lodge near King Salmon, Alaska, been a
3 guide in the Bristol Bay area since 1988 and have flown
4 the entire Bristol Bay area from the Kuskokwim River to
5 the end of the Alaska Peninsula, from the western capes to
6 the eastern reaches of Lake Clark National Park. Very
7 experienced in knowing the subsistence cultures and also
8 the commercial fishing cultures.

9 I'm here to speak against this mine. I feel it is a
10 catastrophe waiting to happen. I just observed the Pebble
11 plan by video, and while it's their best effort to date,
12 everything I've seen from this organization is constantly
13 shifting, constantly deceitful, and basically a variation
14 of spin.

15 And my awareness of this goes back 12 years of them
16 attempting to lobby me and witnessing various stages of
17 their development. And what they have here looks very
18 good, but yet what is at stake here is one of the world's
19 great ecosystems. And wild salmon is at the foundation of
20 it. We already have in place a \$1.5 billion annual
21 industry that supports what I do, as well as other guides,
22 commercial fishermen, and supports thousands of persons
23 who use the Bristol Bay region as a basis for subsistence.

24 There is numerous points of science, of how heavy
25 minerals are toxic to salmonids. Every mine that's ever

1 been put into production anywhere in the world has
2 environmental issues. And this is such a sensitive place
3 with its water, its tectonic activity, its temperature
4 variations, it's a disaster waiting to happen.

5 This is public land, and I'm here to speak on behalf
6 of public interests. This is -- and what we are dealing
7 with is a special interest looking to dominate public land
8 for the profit of foreign corporations and foreign penny
9 stock investors. I beseech those reviewing this to
10 consider that it is not in the public best interest. And
11 please allow this world-class ecosystem that is a treasure
12 of the United States and a treasure of Alaska and a
13 treasure of the world not to be put upon by this mine.

14 MR. RICKY DAVID DELKITTIE, SR.: My name's
15 Rick Delkittie, Sr. I'm a tribal member from Nondalton.
16 And I lived there all my life. I live a subsistence
17 lifestyle, along with getting food from Carrs and Costco.

18 I'd like to point out some of the -- some stuff out
19 there that we are aware of that's in our area. We are on
20 the Ring of Fire, and we also are on a fault line. I
21 remember 1964, March 27th. We are 170 miles from the
22 epicenter. That earthquake broke over six feet of ice.
23 The ground was moving like waves.

24 We have a lot of water over there, wetlands. And we
25 all understand that everything living over there needs to

1 have fresh water to survive. My people have been over
2 there for over 10,000 years. Salmon has been coming over
3 there for that long, too, along with all the other fish.

4 Some of the impacts that I saw when Cominco was over
5 there over 30 years ago drilling test holes, and they had
6 just let that mud go on the tundra. Right today you go to
7 one of their drill sites over there, and that tundra still
8 hasn't come back. The vegetation is dormant or just died.
9 It's not -- there is nothing there. You could very
10 distinctly tell where the spill occurred from the drill
11 site.

12 There is seismic activity in that area with dynamite.
13 I'm a hunter, and I have to follow rules when I kill fish,
14 birds and animals. When they were doing their seismic
15 work with dynamite, they were killing ground squirrels,
16 parka squirrels, all the birds that nest in them bushes.
17 I don't think they had a permit for that.

18 I have some experience with dynamite. There has been
19 a project that took place in the '80s up the Tazimina
20 River across from Nondalton. There was a hydroelectric
21 plant. There is an 80-foot waterfall up there, and they
22 drilled a hole on one side of the waterfall, and they made
23 a hole in that solid rock down and then back out and then
24 back into the river. And they used dynamite.

25 We have lodges right adjacent to our village, and the

1 owner's son told me no more salmon is going up there where
2 they used to go. There is a pool below the waterfall. No
3 more king salmon, no more sockeye salmon go over there for
4 the last over 20 years, ever since -- ever since they used
5 that dynamite and it got into the watershed.

6 These are some of the things I believe that the Army
7 Corps should look into and really find out the impacts it
8 have on watershed. The dynamite use they had done in the
9 Frying Pan area has the same impact as the Tazimina River
10 project.

11 The impact that this project have on me personally,
12 they took my trapping ground away. I no longer can go and
13 trap for fur over toward the Frying Pan area.

14 The Army Corps, the EPA and all of the other
15 organizations that work under the federal government, they
16 all have mission statements. I believe that they need to
17 revisit their mission statement every now and again to
18 make sure that they are following the guidelines that they
19 are charged to do. A part of Army Corps' mission is to
20 protect and maintain the navigable capacity of the
21 nation's waters. This is really important. There is only
22 three percent water on this earth.

23 I have seen creeks and streams go away over there in
24 the Lake Clark and Nondalton area. So the water is going
25 away. We see it firsthand. It's been there for all our

1 lives. And now we travel around with four-wheeler up in
2 the mountains, and we notice creeks are not flowing
3 anymore.

4 After all the organizations look at all this
5 information about this proposal, I would like them to have
6 no action alternative. The people of Alaska already spoke
7 on this from every voting district. And the majority is
8 against this proposal. And it's the Bristol Bay Forever
9 initiative.

10 So I would really like everybody involved to look at
11 this really close. We already have big industry over
12 there that's working quite well. Are they going to take
13 that away? Because that's a lot of money, not only for
14 the people that work for it. They have to pay federal
15 taxes and State taxes. Are they going to cut off that arm
16 that's giving them money and accept mining that they don't
17 get any money from?

18 No action alternative. Thank you.

19 Two more things. I would like to add more
20 information. I have two books here, Where Water is Gold
21 by Carl Johnson, and the other book is from the
22 Hinterlands to Tidewater by John Branson.

23 MR. ROB ROSENFELD: So you are submitting
24 those for the record, is that right, Rick?

25 MR. RICKY DAVID DELKITTIE, SR.: Uh-huh.

1 MR. GERALD PROTZMAN: Well, my name is
2 Gerald Protzman. I was born in Seward, Alaska. I'm 69.
3 My dad was born across the street from me. And his dad
4 was born in British Columbia on their way to Alaska.

5 In the early '70s -- well, when I was 15 I started
6 working in Prince William Sound, and in the early '70s
7 they were discussing the tankers coming into Valdez and
8 different alternatives for it. And there was a city
9 meeting in Whittier, and I attended. And my concern was
10 is Valdez was so far into Prince William Sound that
11 sometime there would be an accident, you know. It -- and
12 which, actually, it turned out there was. And one of the
13 reasons it was so much on my mind is I personally had an
14 accident. At Point Freemantle we hit an unchartered rock,
15 which is right across the channel from Bligh Reef.

16 And Bristol Bay is, like, the most famous salmon in
17 the world, maybe. And I've always known people from
18 there, even though I've never worked there. And I just
19 think that the chance of ruining that would be
20 devastating. I mean, everybody in Alaska knows somebody
21 that fishes or has family that fishes in Bristol Bay. And
22 copper and gold are a mineral that will always be there
23 and will always belong to Alaska.

24 50 years from now maybe the technology will be better
25 and maybe some Alaskan company or American company can

1 mine it. And so I don't understand why there would be
2 such a rush to get it out of the ground now. I mean,
3 our -- our relatives are also going to need jobs, you
4 know, 100 years from now.

5 And another concern I have is, like, who is going to
6 be responsible for a cleanup 50 or 100 years from now?
7 And I don't think it's going to be a foreign company
8 that's not here no more.

9 In Prince William Sound when the oil spill happened
10 there -- and actually I worked on the oil spill. And the
11 salmon did okay. They came back. But the salmon spawn up
12 in the rivers. Prior to that, herring was a big -- a
13 really big thing in Prince William Sound. I remember
14 working to a couple years on the off-loading of it. I
15 mean, it would be hundreds of tons of herring every year.
16 The herring never did come back because they spawn in the
17 ocean. And I think that is the difference with this is
18 because where the mine is going to be is going to be where
19 the salmon spawn, not the herring. So I think the salmon
20 would be at risk.

21 I guess that's all I have.

22 MR. JASON BRUNE: For the record, my name
23 is Jason Brune. I am testifying today in complete support
24 of this project. I believe that all projects in the
25 United States and specifically Alaska need to be afforded

1 the opportunity to have due process for their projects,
2 and the American public obviously needs to have the
3 confidence that projects will be evaluated fairly and our
4 investment climate requires that to encourage responsible
5 resource development in Alaska.

6 I believe that this project has done a significant
7 amount of due diligence and work, spending hundreds of
8 millions of dollars on environmental studies to understand
9 the fish, the wildlife, the hydrology, the other
10 environmental factors. And the companies have done a lot
11 of work to incorporate that data into making sure that the
12 project that is being proposed will be able to coexist
13 with the salmon fishery and with the other subsistence
14 users.

15 I think that the significant amount of jobs that will
16 be created by this project will be incredibly beneficial
17 for our state, and I don't think that it's a choice of one
18 resource over the other. I absolutely want to reiterate
19 that it is coexisting and that it can be done
20 concurrently.

21 I would like to reiterate that sentiment by saying
22 that Alaskans, Americans have a choice where they develop
23 their natural resources. In areas like Alaska where we
24 have an environmental ethic that is second to none, we
25 have proven that, with projects from the Trans-Alaska

1 Pipeline system to other mining projects, that we will
2 ensure that the environment is taken care of while this
3 mine goes forward. We can choose to do that here or we
4 can say no to projects like this and force that
5 development to Third World jurisdictions where they don't
6 have the environmental ethic that we have, where they
7 don't have the concern for health of child labor laws, for
8 benefits for the people that are working.

9 There is no question that we should think globally
10 and develop locally in this case and choose to make those
11 development opportunities in Alaska where we will care for
12 the environment and provide jobs for our residents.

13 With that, that's all I have. And thanks for the
14 opportunity to testify. I very much support this project.

15 MR. GEORGE EDWARDSON: My name is George
16 Edwardson. I'm from Barrow, Alaska. Geologist, mining
17 and petroleum technician. I've got three college degrees
18 on the subject. And all these -- these past 20 years I
19 have been, you know, protecting our Arctic Ocean from
20 contaminations, whether it be from mining or from oil and
21 gas or people pollution. And I have been with the tribe
22 for over 25 years, Inupiat Community of the Arctic Slope.
23 But I'm here to speak as myself. Okay.

24 And being a geologist, I understand what I've learned
25 through these years of politicking is when you go to Point

1 Barrow 11 miles east, northeast of the town and go
2 straight out 200 miles, and then you go west to 168 miles
3 past Wrangell Island and go straight out 200 miles, it
4 turns out this whole water in between is a nursery for the
5 last third of the world's fish.

6 And the reason why I say the last third, there was an
7 international gathering in Seward in the end of the '70s
8 that was called the Bering Sea Synthesis. 13 nations in
9 the Arctic. And they -- they explained this is the last
10 third of the world's fish. And Pebble Mine is part of
11 that fish that goes in the Arctic. Salmon fingerlings,
12 when they get into the ocean, ride the currents that go
13 from the Pacific Ocean to the Arctic Ocean. And once they
14 mature, they swim back to the rivers to lay their eggs
15 again. This is a cycle, the last third of the world's
16 fish tank.

17 And I learned, you know, the first third that
18 disappeared was the Pacific Ocean. Those people
19 overharvested and ate all the fish. Basically the Pacific
20 cannot sustain a people anymore.

21 Then you look at the planet and then you see another
22 third of the world's fish in the North Sea. About five
23 years ago I went to Norway and found a treaty between
24 Russia and Norway. When one country fishes the North Sea,
25 the other country does not have a single boat in the North

1 Sea because they both know it has been overharvested and
2 they will kill it if they both go fishing.

3 That treaty is still going on between the two
4 countries. And then you look at the rest of the world.
5 The last third of the world's fish is the salmon in the --
6 you know, between Siberia and Alaska. That is the last
7 third of the world's commercial fish. And you disturb
8 where that -- those fish are being laid, then you have put
9 the last third of the world's fish in danger.

10 I have been saying this for years. And the
11 information I use is what I learned from an international
12 hearing. So you got no choice. You have to leave it
13 alone if you don't want to destroy the world's last third
14 of the fish.

15 Did I say it good enough? Okay. That's what I came
16 to say.

17 MS. TARYN KIEKOW HEIMER: Good afternoon.
18 My name is Taryn Kiekow Heimer. I am the deputy director
19 of the Marine Mammal Protection Project at the Natural
20 Resources Defense Council, and I'm here in Anchorage today
21 on behalf of our more than three million members and
22 activists, many of whom live in Alaska. I am also here
23 today to support the communities and residents of Bristol
24 Bay, who overwhelmingly oppose the proposed Pebble Mine.

25 Bristol Bay is a resource of national and global

1 significance. The last time I publicly testified in
2 Alaska about the Pebble Mine, I thanked EPA administrator
3 Gina McCarthy for listening firsthand to the concerns of
4 the people whose communities and livelihoods are
5 threatened by the Pebble Mine and for responding to the
6 requests of tribes and others who protect the Bristol Bay
7 watershed.

8 Unfortunately, I'm not able to testify publicly
9 before the Army Corps of Engineers because it has designed
10 a process that precludes meaningful public participation.
11 While the Army Corps is offering a hot microphone at six
12 of its public hearings, it excluded public testimony in
13 Dillingham, Homer and here in Anchorage. Further, it is
14 not holding public hearings at potentially impacted
15 communities downstream of the mine or fishery hubs in the
16 Pacific Northwest.

17 As you know, the scoping process is the best time to
18 identify issues and provide recommendations to agencies on
19 what should be analyzed in the Environmental Impact
20 Statement. However, a process developed for activities
21 with controversial impacts like those at issue here that
22 does not provide opportunity for certain members of the
23 public to testify before or speak to a broader audience or
24 to hear answers to questions raised by others and that
25 does not engage potentially impacted communities

1 downstream of the mine ultimately is not designed to help
2 citizens and organizations effectively participate.

3 Under these circumstances, I do not believe these
4 scoping meetings have been designed to help our members
5 effectively participate in this phase of the NEPA process.
6 Had the Army Corps offered an open mic today, all of us
7 would have heard about the importance of salmon and clean
8 water, which is the lifeblood and economic lynchpin of
9 Bristol Bay.

10 The overwhelming majority of the people do not want
11 the Pebble Mine and are asking the Army Corps to say no to
12 the Pebble Mine.

13 NRDC will be submitting detailed scoping comments to
14 the Army Corps, so I will just make a handful of brief
15 points here today.

16 First, the Army Corps should not permit the Pebble
17 Mine. Doing so would threaten a \$1.5 billion annual
18 commercial salmon fishery that supports 14,000 jobs and is
19 a subsistence culture that has lived there for millennia.

20 Second, the EIS should consider a range of
21 alternatives, including the no action alternative,
22 alternative power sources, alternative transportation
23 corridors, and alternative port sites.

24 Third, the Army Corps must incorporate extensive
25 up-to-date scientific information. In its permit

1 application, Pebble proposed several entirely new
2 components to the project, including a 188-mile-long
3 natural gas pipeline, a large port and 4.5-mile dredged
4 channel in Cook Inlet waters, use of an icebreaking barge
5 to make daily round trip crossings of Lake Iliamna, a
6 230-megawatt power plant, and the construction of more
7 than 80 miles of private roads that will have more than
8 200 stream crossings and at least eight bridges.

9 Yet Pebble did not submit any baseline studies from
10 which the agency can begin evaluating the impacts of the
11 new components. The only baseline studies publicly
12 available are more than a decade old with data collected
13 from 2004 to 2008, and those focused solely on the mine
14 site, failing entirely to include newly proposed project
15 components, such as the transportation corridor, Iliamna
16 Lake ferry, and the proposed port site.

17 These previously unanticipated components will
18 require significant additional study before the Army Corps
19 can move forward with an EIS.

20 Fourth, the EIS should analyze a full range of
21 possible impacts from mining, the tailings dams, the
22 transportation corridor, the pipeline and the port site,
23 including failures and spills. The EIS should conduct
24 this analysis based on the substantial body of information
25 already available about mining and pipeline disasters.

1 Finally, the EIS must consider a range of mitigation
2 options, although no amount of modern engineering or
3 mitigation could sufficiently protect Bristol Bay from the
4 inherent risk of large scale mining.

5 Building a mine of this size in this location will be
6 destructive. The only certainty is that eventually
7 mitigation will fail, contamination will occur, and salmon
8 will be destroyed.

9 On behalf of NRDC and its members, I look forward to
10 more substantive opportunities to participate in a manner
11 that fulfills the purposes of NEPA.

12 Thank you for your consideration of these and future
13 comments. Thank you.

14 MR. JOHN HOLMAN: So my first comment is
15 in regards to whether or not the mine that the Corps is
16 considering permitting is really the mine that is going to
17 happen. And I feel that it's not. Looking at the plan,
18 looking at the extent of roads, infrastructure, power,
19 everything involved, there is no way that they are going
20 to actually keep this mine at the level that the mine is
21 currently shooting for in regards to permitting. So I
22 believe that the Corps really needs to look at this mine
23 as what it truly is, which is something that's probably
24 double, three times the size of what they are permitting
25 for.

1 So in my opinion, this whole process is based on
2 something that's not even reality. They are looking at a
3 mine years ago based on the price of ore at that time.
4 The price of ore now is even less. They are considering
5 building a smaller mine. It just doesn't pencil out.
6 They really need to look at what's really going to happen
7 there on a realistic basis. And some of that is going to
8 be looking at the -- just, you know, sheer cost approach
9 from the price of metals, but also looking at potential
10 output over the next ten years. And then they have got to
11 look at it, okay, if that doesn't pencil out, how many
12 years before this pencils out.

13 So my next comment has to do with the new routing.
14 The original proposal that they had put forth was a
15 northern route along the north side of the lake. This new
16 permit they are shooting for brings the ore across the
17 lake and a new road that runs over Gibraltar Creek near
18 Kokhanok, up over the hills out to the deepwater port in
19 the bay.

20 My problem is that they -- they spent years and years
21 studying that northern route. They looked at all of the
22 stream crossings. They looked at all of the impact that
23 they would have and all the different land issues and all
24 of the environmental issues. And then they switched to
25 this new route and, boom, they have got it all figured out

1 without any baseline. They haven't studied it for years.
2 It was all within the last year they said, oh, yeah, this
3 new route is going to work. We are going to cross 200
4 streams, but we have got it figured out, so give us a
5 permit for it.

6 There is no way they can have any idea about river
7 flows, how many of these creeks have fish, how many -- how
8 many are nonexistent at times and flow at other times. I
9 mean, there is just so many issues that they have no idea
10 about without getting some serious baseline. And they
11 don't have it.

12 My next point has to do with the overall picture.
13 Okay. They are talking about permitting something that in
14 its very nature is going to change the entire landscape,
15 and it's going to be destructive to current businesses. I
16 own a business in Bristol Bay. I grew up out there. But
17 at this point in my life, my livelihood relies on Bristol
18 Bay as it is. I'm not opposed to development. And
19 obviously the commercial fishing has managed to -- to use
20 a renewable resource and turn that into businesses, as
21 well.

22 But what this potentially does, it takes away the
23 reason that I have a business. If my clients fly in and
24 we get in a plane and we fly over dump trucks, roads,
25 dust, potentially land and fish listening to explosive

1 blasting, which is exactly what will happen if this
2 project moves forward where they want to do it, we are
3 jeopardizing not only my business, but countless other
4 businesses like mine.

5 Now, you know, you might say, well, whatever. It's
6 just some businesses. You guys will recover. But it's
7 not just my business. It's not just the sportfishing. My
8 business supports hundreds of other businesses in the
9 state of Alaska. We purchase all of our goods right here
10 in the state, primarily in Anchorage. We employ
11 businesses to transport these goods out to Bristol Bay.
12 My clients come through Anchorage. They utilize hotels,
13 rental cars. I mean, everything. It's all intertwined.
14 And they have got to look at the big picture of what they
15 are really jeopardizing if they were to allow this to move
16 forward.

17 And I can guarantee. I have clients that have
18 straight up said, look, if I come out here and I see a
19 gigantic open pit mine, which is what they're going to
20 see, along with the roads and everything else, that will
21 be the last time you see me come to your fishing lodge or
22 anywhere in this part of the state, period. Maybe they
23 will come back and go to Denali. But we're talking about
24 ruining the livelihood of thousands and thousands of
25 people out there, not to mention the damage to the

1 resource that is a renewable resource.

2 So I think they really need to look at that much,
3 much closer and decide whether even a functional mine that
4 doesn't have a big disaster, really, is this worth what we
5 are going to give away in exchange for that.

6 I would like the Corps to really look at the effects,
7 also, on aviation safety out there. I fly around every
8 day, as do a lot of other people just getting around in
9 the course of doing business, but this project is going to
10 introduce a whole new level of air traffic into this area.
11 I don't know if they have really studied it all or looked
12 at the potential for incidences in that area. I don't
13 know if it's really in their scope to do that, but I'd
14 like them to at least consider the potential for this
15 interaction with helicopters, float planes.

16 There is already -- there is literally hundreds of
17 float planes flying around and wheel planes. So I'd like
18 them to look at that.

19 Another thing that I'd like looked at is the
20 multi-year or it could be decade change in water flows
21 that happens. I have been out there for 30 years in the
22 profession of fishing and in and out flying around all
23 over different rivers, and I've seen water levels vary
24 from no water to high water, of course, and that's going
25 to happen regardless.

1 But one thing I don't know that they have really
2 looked at is when they take discharge from this potential
3 mine and put it back into, say, Upper Talarik Creek or
4 Koktuli and start raising that water level -- obviously,
5 they're going to raise the water level. But when you have
6 a July flood, which happens pretty regularly, we have got
7 the river at flood stage and then you pump in so much more
8 water, what's that going to do to the surrounding river?
9 What's it going to do to the salmon that are either egg
10 form, alevin or fry that are trying to survive that? They
11 are going to get flushed. They are going to possibly get
12 washed out of the river.

13 I don't know if they really know from year to year
14 what kind of variances they are going to see in any of
15 these watersheds. They have looked at a couple of them,
16 for sure, but I would like them to really look at that as
17 a reality, high water versus low water and what the
18 discharge is going to look like in those rivers as far as
19 raising and lowering the levels.

20 And that's about it.

21 MR. MARK NEWMAN: My name is Mark Newman.
22 I moved to Alaska in 1975. My profession is wastewater
23 water treatment. I currently hold a Level III in
24 wastewater and a Level I in water treatment. I have three
25 years' experience in treatment in Alaska. Clean water is

1 essential for a healthy salmon habitat. My concern is the
2 ability of the Pebble Mine project to return the water to
3 the pristine conditions that they are in now once they are
4 exposed to the industrial process of mining.

5 It is my understanding that dissolved copper greater
6 than nine parts per billion is lethal to salmon. From my
7 experience as an operator, maintaining that level of
8 treatment would be very challenging, at best. Accidents
9 or mechanical breakdowns happen, and this could cause
10 irreparable harm to the habitat.

11 For those and many other reasons, I oppose the Pebble
12 Mine project. Why trade a renewable resource for a
13 nonrenewable resource? In the words of the late Ted
14 Stevens, wrong mine, wrong place.

15 MS. NANCY PFEIFFER: This is just
16 completely incompatible with life out there. It's
17 incompatible with one of the largest fisheries in the
18 world that feeds so many people. What they are talking
19 about in that other room, it cannot be done without an
20 impact. It's impossible. I don't know. I just -- okay.
21 I don't know what to say. It -- you know, it can't be
22 done. Like, you can't have that kind of development and
23 not make a huge impact on a place.

24 Okay. Thanks.

25 MS. ROCHELLE HARRISON: Okay. I'm

1 Rochelle Harrison, and I'm representing myself, my husband
2 and my family. We operate a hunting/fishing operation in
3 the Bristol Bay area. We are very concerned about the
4 proposed Pebble Mine. We have been following it from the
5 very beginning. And we feel at this point that the permit
6 application is not -- should not be submitted at this
7 point because it is -- the application is based on missing
8 or inadequate baseline data.

9 For instance, there isn't enough data to show that
10 the fisheries in these vital areas can be protected. It's
11 not just a catastrophic event such as mine waste leakage
12 that concerns us, but also it concerns all of us that have
13 viable -- making a viable -- I'm sorry. It concerns those
14 of us who are already making a viable living in this area.

15 But it also is the day-to-day overuse and fouling of
16 the area. Between noise pollution from blasting and
17 200-plus crossing streams daily by extremely heavy
18 equipment, the application does need to address how the
19 mine would protect and mitigate the effects of these
20 things.

21 At this point, there isn't even current data for the
22 streams, nor known local fish populations. Alaska
23 Department of Fish & Game doesn't even know what fish live
24 in which drainages.

25 If the water is fouled, which is to be expected from

1 wastewater discharge, whether the water is overclean or
2 foul, it won't meet the fish's needs, and the fishery
3 could collapse. Also if the projected surface water is
4 discharged into the creeks, especially during the spring,
5 it could annihilate eggs and spawned fish. This is only
6 one problem not effectively addressed or completely
7 ignored in the application.

8 Other considerations include the actual economic
9 feasibility plan such as who would build the road. It's
10 doubtful that without a long-term investment, planning to
11 expand and develop the mine over many years as they -- as
12 Northern Dynasty has reassured its shareholders, it's
13 doubtful that they could build and support the complex
14 infrastructure that they are proposing.

15 There is also the historical and wilderness value of
16 the area, and that would be incalculable to replace. Our
17 business would personally be affected by many of these
18 losses, but most specifically, since we are not in the
19 immediate mine area, by -- because we take some of our
20 clients up in this area because they request to visit and
21 fish this famously world-renowned fishery, and once you
22 are a fisher person, you can only imagine what it's like
23 to visit and fish the Talarik and the Kuktuli. They are
24 truly the Taj Mahals of the fishing world.

25 Also, as the fish populations degrade and/or collapse

1 in this area, those in the fishing and hunting business
2 will have to leave and find other places to take their
3 clients, which means they will be putting increased
4 pressure on the adjacent area, which is where we are. And
5 this is a world where there is ever-increasing crowded use
6 of wilderness areas.

7 We as small business owners are concerned as Alaska
8 citizens and ask you to reject the Pebble permit
9 application because it lacks the necessary information for
10 a complete evaluation, and we believe it could
11 unacceptably alter our world-class tourist destination and
12 our home.

13 Thank you.

14 MS. SYLVIA PANZARELLA: I'm Sylvia
15 Panzarella, and I'm here to say that I'm strongly against
16 Pebble Mine. We have been against this for many years. I
17 cannot see risking the fishing industry. It's the largest
18 red salmon run in the world, first or second largest.
19 Building an acid pit in an extreme earthquake zone is
20 crazy. We don't need to risk our fisheries. The world
21 doesn't need to risk the fisheries. It's not just Alaska.
22 It's the whole world.

23 So that's what I have to say.

24 MR. MARIUS PANZARELLA: I'm here today
25 because this is a critical time in Alaska where we need to

1 protect the environment. And it's such a clear travesty
2 to have this huge mine with a destruction very easily of a
3 fishing industry with no long-term benefits for the people
4 of this state and the possibility of an extremely serious
5 environmental disaster.

6 And that's what I have to say.

7 MR. GLENN M. GUSTAFSON: Hello. I am
8 Glenn M. Gustafson. I first moved to Alaska from
9 Washington state in early 1981 to work as an accountant
10 for ARCO, Alaska, Inc. I am an investor and a proponent
11 of mineral development. Directly and indirectly, my son
12 and I own substantial holdings in Exxon/Mobile, Chevron,
13 and probably a lot of other resource extraction companies.

14 But the thing that is the most important to us is our
15 commercial fishing business. I put myself through law
16 school as a commercial fishing crew member between 1982
17 and 1985, and after that I have been a continuous drift
18 permit holder and boat captain commercial fishing in
19 Bristol Bay each summer.

20 My son, who is now 20 and attending the local
21 University of Alaska here, has commercial fished since he
22 was a toddler. He's also a drift permit holder and boat
23 captain in Bristol Bay, and he has done that since age 13
24 every summer. This is an important part of our lifestyle
25 and our income. It's afforded us to live comfortable

1 lives and to put our children, including my son Grant, who
2 is a student pursuing a B.A. degree in professional
3 piloting -- he wants to become a commercial airline
4 pilot -- and my daughter who is a Vagelos,
5 V-A-G-E-L-O-S -- it's after Roy Vagelos, former CEO of
6 Merck. She's a Vagelos scholar at University of
7 Pennsylvania in Philadelphia.

8 And both my kids have commercial fished. And I think
9 that their values and their work ethic and their character
10 have been very positively influenced by that opportunity.
11 And we would like to do everything possible to see that
12 that is sustained for future generations in our family.

13 And for that reason, I am opposed to the Pebble Mine
14 development in the Bristol Bay area. I think that the
15 history of some of the support engineering firms and
16 contractors of at least some of the folks that were
17 initially involved in the Pebble project have established,
18 with the recent earthen dam failure in British Columbia
19 causing damage to the Fraser River, which is also another
20 large salmon spawning grounds, demonstrates that it's an
21 industry that is fraught with potential and large great
22 potential for adverse environmental impact. And given the
23 relative values of this worldwide class commercial salmon
24 fishery for sockeye salmon in Bristol Bay, the largest in
25 the world, relative to the opportunity to mine for more

1 copper and a little bit of gold strikes heavily in favor
2 of not allowing the mine to progress and to sustaining the
3 viability of this commercial fishery.

4 You know, my pitch is that, you know, there is
5 already a lot of copper out in the world that has been
6 mined and refined and that it would be a lot more
7 productive to try to see more effective recycling of
8 copper and reuse of copper.

9 So you know, that's all I have to offer.

10 MR. TRAVIS RECTOR: So I am asking the
11 Army Corps of Engineers to assess the impact that Pebble
12 Mine would have on brown bears, the brown bear population
13 in the region. I'm especially concerned about the fact
14 that the road out of Pebble Mine will go within one mile
15 of the McNeil River State Game Sanctuary.

16 I'll leave it at that.

17 MS. LUCY TERRY: Yes. About the Pebble
18 Mine, I think it is not a good gamble because we have
19 world class fish, trout, salmon, all the bears and birds
20 that rely on them. And in this uncertain acidic earth, we
21 should protect nonGMO as much as we can.

22 We are blessed with natural resources to feed our
23 bodies. Please accept the gift of life and don't take it
24 away from us.

25 Alaskan tourism from all over the world come to

1 Alaska for wild game. It's a multi-billion dollar
2 industry.

3 MR. PETER ALWARD: I'm here to speak in
4 support of the Pebble Mine being built, but being built in
5 Toronto where the Canadian company can deal with its mess.
6 In Alaska it's a very bad idea on the simplest levels --
7 on many levels. This makes poor economic sense. It
8 causes a great deal of issues, both legal, cultural,
9 political. They are all adverse, first and foremost.

10 Even if the mine is built and, let's say in its
11 wildly optimistic state 5- to \$6 billion of revenue of
12 operable income, that represents less than three years of
13 the production of Bristol Bay fisheries. The if, for
14 instance, which is highly likely that even a 10 percent
15 decrease in the perception of the public of the pristine
16 value of the fisheries of Bristol Bay were to occur, then
17 the loss to the Alaska and the U.S. economy would be far
18 exceeded within five years of the value of the mine. So
19 at any level, it makes no sense to make this mine.

20 One is left to wonder, why would such a mine be made
21 despite the opposition of all the local people. For many
22 years it's been said no, no, no, no, and no.

23 Well, we know for a fact that this group of people,
24 this mining company is world renowned for ignoring local
25 groups, of using whatever techniques are necessary,

1 including short of bribery and coercion to get what they
2 want. Recently what just happened in Panama with their
3 latest mine shows you what will likely happen with us.
4 When the mine is done, who is going to clean up the mess?
5 We have seen this before. Alaskans have seen this over
6 and over again. Our local politicians are easily bought
7 and sold out very often. We have gotten very little money
8 for oil. And the one area that we have actually had an
9 income that's been fair and generative has been fishing.
10 Fishing is going to sustain us in the far future long
11 after oil and mining is done.

12 So for this to even occur against the will of the
13 people would say that there is something very wrong with
14 the way things are being done. And in our government
15 currently, there is a lot of concern with the current
16 regime and its propensity towards cutting corners,
17 becoming an oligarchic plutocracy benefitting just the
18 few. And so this certainly smacks of that.

19 This renewed interest despite many years of being
20 told no is probably the result of the regime change and
21 just sensing an opportunity. But it's very badly planned.
22 And for any true American and any military person who is
23 supposed to uphold the Constitution, they would naturally
24 not want -- I can't imagine anybody supporting this in any
25 way, shape or form.

1 Politically it's going to cause a great deal of
2 poison between the few haves and the rest of us. It's
3 going to undermine our faith in our democracy and our
4 democratic process. It's going to cause a great deal of
5 contention and problems, which the stockholders could care
6 less about, but nevertheless will have to deal with.

7 Culturally it will cause dislocations of many people
8 who have already been dislocated repeatedly. Perfect
9 example -- and I'm sure we are going to see the same thing
10 that happened in South Dakota with the oil pipelines.
11 We're going to see something very similar happening here
12 with the people when they try to resist the power of the
13 corporate groups that are going to come in. I'm sure
14 they'll do the same things they did there, and that will
15 cause, again, cultural and political damage.

16 I work in mental health. I have to deal with all
17 these people already that have already been dislocated,
18 damaged by the dominant cultures and have felt the effects
19 of our genocidal policies for generations. These people
20 are devastated as it is. This is one of the last few
21 things that's theirs. It's one of the last few things
22 that's Alaskans'.

23 It makes no sense for anyone to build this mine for
24 any reason except for a small group of people, to benefit
25 a small group of people at the expense of all other

1 Americans and it should be roundly and totally opposed.

2 Ecologically it makes no sense whatsoever. The
3 Arctic is fragile. It takes many, many, many times longer
4 for anything to heal. There are still signs of damage to
5 the tundra and the land masses that are -- 100 years ago
6 that still haven't healed. This is not equatorial Africa.
7 This is not the midwest of the United States where the
8 energy matrix is so much higher that the land can heal so
9 much quicker. Here in the cold it takes much longer. And
10 of course, the lower energy gradient makes it very easy
11 for biotoxins to accumulate. So this will cause many
12 generations of health issues for many people for a long
13 period of time, long after this company has come and gone.

14 So again, on an ecological level and biological level
15 it makes no makes. So it makes no sense. It's a bad plan
16 politically, economically. It's a bad plan culturally.
17 It's a bad plan biologically. It's a bad plan
18 environmentally. It only benefits a small group of
19 people. And they are not even mostly American. So this
20 is a sellout. It's unAmerican to do this. So on every
21 level it should be opposed. Every level it should not
22 allowed for. On every level it should simply be told no.

23 And to waste our government money to begin to do this
24 process just shows you how corrupted our system has become
25 where a small group of people can ignore the processes

1 that have been put in place by the rest of us. But rest
2 assured -- and this is just a warning -- people won't put
3 up with it. There will be political backlash.
4 Governments will fall saying we will build the mine, and
5 then we will close it.

6 Thank you for your time.

7 MR. BRANDON WELSH: I am a
8 fifth-generation commercial fisherman in Egegik, Alaska,
9 which is in Bristol Bay. We have been fighting against
10 the Pebble Mine for quite a few years now. And I just
11 wanted to say that it will ruin the fisheries there. The
12 gold mine will ruin the fisheries. And without the
13 fisheries there -- it's the number one fisheries -- red
14 salmon run in the world. Without the fisheries there,
15 then we cannot supply fish to the entire world.
16 Subsequently, we would have to have Atlantic salmon,
17 et cetera, which is extremely awful. We are a wild run
18 fishery, and I'm just standing here to say no, we will not
19 accept the Pebble Mine.

20 That's all I had to say.

21 MR. JEREMY TOMPKINS: I've fished Bristol
22 Bay for five seasons, and fishing is a renewable resource
23 and mining is also a very viable resource, but not when it
24 destroys the fishery. So I am pro fishery and pro mining,
25 but not in the case that destroys a fishery. So I'm for

1 Bristol Bay and against Pebble Mine.

2 That's what I've got.

3 MS. ELIZABETH WELSH: I am the wife of a
4 commercial fisherman, and my father-in-law is a commercial
5 fisherman in Bristol Bay, so my family depends on the
6 salmon for not just our income, but our livelihood year
7 after year. Salmon is a renewable resource, and I think
8 it's dangerous and risky to potentially sacrifice that
9 fishery for the sake of some unrenewable resource. So I
10 would just ask that the research is done thoroughly into
11 how this mine could affect the salmon. I'm not against
12 all mining, but I don't think it's wise to put a mine and
13 a fishery in the same place.

14 So that's all.

15 MS. LISA ALEXIA: I'm here because this
16 is -- I can't imagine a more important place to come and
17 say I want the fish and the land to be there for my
18 grandchildren. I want it to be there for my children.
19 Living in Alaska the last 18 years and being aware of the
20 risks of Pebble Mine and mines like it to my children's
21 ability to continue to live off the land, it weighs on me
22 every day, every night. I do not understand how this mine
23 can be compatible with the future of salmon.

24 The history of salmon throughout the Pacific
25 Northwest has been one of loss of habitat and loss of

1 ability to survive. If we can't get it right in Alaska,
2 where will we get it right? This is our last opportunity
3 to have a healthy place to live from the land.

4 I was there in Nondalton last summer. I was at a
5 fish camp. I heard the helicopters flying over. I was
6 there with people who are from the land, and I felt with
7 them that concern and fear that there is no way that this
8 mine is compatible because all it takes is one failure to
9 put at risk the future of salmon and all of the life that
10 sustains the region and the culture.

11 There needs to be in place some kind of permanent
12 bond, permanent funding for the eventual failure of
13 tailings, which will occur. There needs to be some
14 permanent structures in place in terms of financial
15 accountability for what will eventually occur. And I
16 don't know that money is ever going be to the solution,
17 but the assumption has to be made going in, not if the
18 mine tailings dams fail, but when.

19 Go ahead.

20 MR. MISKA ALEXIA: I went to fish camp
21 last summer in Nondalton, and I got to see the Pebble
22 survey helicopters flying over on a regular basis. And I
23 personally do not support Pebble Mine. I believe that it
24 is too -- there is too many things that could go wrong for
25 it to logically exist.

1 I don't have very much to say. That's it.

2 MR. MICHAEL ALEXIA: My ancestors lived
3 off the land there and brought me up. Now I'm 50, and I
4 hope my kids can live as old as I am off that land without
5 the mine ruining it. Money isn't everything, you know.
6 Living off the land is -- it's a lot of fun living on the
7 land. If it's ruined, we wouldn't be able to have fun on
8 it. I guess that's all I have to say.

9 MR. RICHARD LYTTLE: Okay. I used to
10 practice law in this town a long time ago, and I dealt
11 with the mining community. And basically I did a lot of
12 bankruptcy. I did bankruptcies. But the normal thing is,
13 after a certain length of time, they run out of money.
14 They go broke. Before they go broke, in Nome and stuff
15 they would bring bundles of money down to these people,
16 and eventually they would go broke. And if they think
17 that there is going to be any clean up or restoration,
18 forget it. There is none. I mean, once you run out, no
19 matter how bad you want to clean up, if you do, first
20 there is no money in it and, second, there is no money to
21 do it. So Alaskans are going to have to clean up whatever
22 dirt they make, mess.

23 And that's it.

24 One other comment I'd like to make is that if you
25 think you can sell salmon that comes from a polluted

1 stream or polluted sources above it, nobody is going to
2 buy it. So I think it would -- just the idea of putting
3 it in is going to ruin our salmon industry.

4 It is pretty devastating. When we first came here,
5 for three dollars you got a whole carton of crab on the
6 airplane with you. And they had warehouses full. They
7 overfished it or they ruined it, and the crab now is \$20 a
8 pound, and it's now just come back. So if they do destroy
9 the salmon, they would probably run into a like situation.

10 That's it.

11 MR. THOMAS TILDEN: For the record, my
12 name is Thomas Tilden, and I'm a fisherman. I fish
13 commercially. I fish for subsistence. And I grew up
14 along the Nushagak River in the village called Portage
15 Creek which is south of Ekwok and the first village on the
16 Nushagak River.

17 There is a number of things that I'd like to cover.
18 First, as a subsistence fisherman, I'm very concerned
19 about the process that has taken place, the scoping
20 process of the Army Corps of Engineers in Dillingham.
21 Despite the requests -- numerous requests both by the
22 Bristol Bay Native Association, the local Curyung Tribe to
23 have an open mic, they came in with a closed mic. And I
24 believe that there is advantages and disadvantages to
25 that.

1 Where it disadvantages us, where it worked against us
2 was that we were not able to fully cover -- or be assured
3 that all aspects of the mine was covered in people's
4 testimony. For instance, I noticed that the pro mines --
5 the pro mines villages had open mics, so they had an
6 advantage. They could -- those folks that were pro mine,
7 they could make sure that everything was covered. And
8 that's just the way how the ballgame works. So -- so in
9 Dillingham, they took advantage of us, and they ignored
10 our request to have an open mic.

11 The second -- there is basically one thing that I'm
12 really concerned about the mine is the -- what I call the
13 inadequate studies that were done to permit this mine to
14 get it where it is today.

15 First off is that when you look at the seismic maps
16 of the earth, they -- the Pebble Mine shows that the
17 seismic activity quits 20 miles north of the proposed
18 mine. But at the same time, they also brag about the
19 Pebble East, which is a high density, very good quality of
20 copper, molybdenum and gold at the Pebble East versus the
21 Pebble West. And in -- when you talk to a geologist
22 about -- why is the east more richer than the west, and
23 basically they will tell you that at one time there was a
24 collapse of some of the subterranean there and molten came
25 in and covered that empty space, and that's where the gold

1 and molybdenum and copper came in.

2 So that tells me that the -- that the fault, the
3 earthquake fault, they said it ended north -- it actually
4 didn't end there. There is cracks all along that whole
5 area since it's all part of the Ring of Fire. And of
6 course, the Ring of Fire, there is earthquakes in the Ring
7 of Fire. There is volcanic action in the Ring of Fire.
8 So that's basically what happened to their -- to their
9 Pebble East is that the earthquake fault did not stop
10 where they say it stopped. How convenient for them to
11 have it end 20 miles north of the mine.

12 So I really think that you really need to be able to
13 look at all of the reports that were done in that area to
14 find out exactly where all the fault lines are. And so I
15 think that they need to do more studies on that.

16 The other thing I wanted to talk about was the water
17 supply or the water hydrology in the area. The hydrology
18 in the area is -- the whole area is basically a high land
19 wetland. There is a tremendous amount of water coming
20 in -- into that area. And when you look at their reports
21 and you take a look at the North Koktuli and the South
22 Koktuli -- in the South Koktuli River, just southwest of
23 the Frying Pan Lake -- the Frying Pan Lake is kind of a
24 marker for everybody. Everybody, when you fly over the
25 area, there is a lake that's shaped like a frying pan.

1 And so -- but southwest of that Frying Pan Lake there
2 is a mountain, and the South Kuktuli comes up. And there
3 is water pouring out of this mountain. And they measured
4 it into the hundreds of thousands or even millions of
5 gallons per minute coming out of this mountain. And it
6 basically comes and saturates the ground and flows into
7 the South Kuktuli and brings it down. But that water
8 source is coming from somewhere.

9 When they first met with us, they -- Pebble used to
10 meet with all of the villages and share their information.
11 They shared that information with us. And there was two
12 things that we firmly requested at every meeting the first
13 few meetings was that we wanted the hydrology report and
14 we wanted the geology report. We thought those two
15 reports would tell us the story of the area.

16 And so finally -- I believe it was after a year and a
17 half of requesting them to give us hydrology reports, they
18 finally had a hydrologist come and talk with us that did
19 the study. And he basically said that -- at that time I
20 believe there was only 1,000 holes drilled. There wasn't
21 1,200. I think there was only 1,000 holes drilled. And
22 they had dropped dye into the hot areas where they thought
23 that the mining pit would be. And in that process, the
24 dye showed up in the Talarik, it showed up in the North
25 Kuktuli, and it showed up in the South Kuktuli, as well.

1 So basically that dye went everywhere.

2 So the underground water that is going to be affected
3 is just a huge amount. It's like that spring that comes
4 out of that mountain. That water is coming from
5 somewhere. That's a spring. And we know that it's huge
6 and it generates heavily to the ecosystem farther on down
7 into the Mulchatna River, as well as the Nushagak, and
8 Nushagak Bay and Bristol Bay. So that needs further
9 study. We really need the hydrology report.

10 And when you read the studies that Pebble had done,
11 their first proposed dam that they proposed was over in
12 the Talarik Creek area. They were going to dam the hill
13 there off of the Talarik Creek, and that's where they were
14 going to put their proposed dam. And in a public meeting
15 they told us that, heaven forbid, if anything happens we
16 didn't want the Talarik Creek to be poisoned. Well, for
17 crying out loud, if you just move it over to the North
18 Kuktuli, that means that you are willing to sacrifice the
19 North Kuktuli. And that doesn't make any sense to me that
20 they are admitting that there is a possibility of a -- of
21 a failure.

22 And then the final thing I want to talk about was
23 that the -- about the local Native culture. The local
24 Native culture, there has been a lot of studies done on
25 salmon, but in those river systems, there are other fish.

1 There is the whitefish. There is the pike. There is the
2 grayling. There is the suckers that are in the river
3 system that the local natives depend on and catch through
4 the ice in the winter time, as well as in the -- in the --
5 when there is open water, they use nets.

6 But in the wintertime we go up there and we catch
7 these fish through -- with hook and line to sustain us
8 through the winter because eventually our salmon does run
9 out, the salmon that we put away. And so that -- that
10 needs to -- there needs to be an accurate count and impact
11 to the freshwater fish.

12 The other thing that really concerns me is the wind.
13 The wind in that area, their studies show that they had
14 clocked winds 120-miles-an-hour-plus in the area. And I
15 used to teach in the village of Newhalen, and in the
16 village of Newhalen I could remember sitting in a home one
17 time and all of a sudden out of nowhere these high winds
18 would come and it would just howl. And it wouldn't last
19 very long, and then the wind would move on.

20 And I talked to some of the locals up there about
21 that, and they said, oh, yeah, that happens quite
22 frequently. In fact, they even had a windmill up above
23 the -- up on the hill above the village, and during the
24 night one evening, the wind -- that wind came through and
25 broke the blades off of that windmill. And fortunately

1 the blades flew over the village and landed on the lake
2 and in the river and away from the village and didn't harm
3 anyone. But that -- that -- that illustrates the power of
4 the winds in that area.

5 So there is going to be dust in the -- in the pit.
6 There is going to be dust in the waste pile rock. There
7 is going to be dust along the roads. And some of that
8 dust is going to be toxic. And when you -- when you blow
9 that toxic dust around, it's going to affect the berries
10 that the local Native people depend on. It's going to
11 affect the greens local Native people depend on.

12 It's going to affect all the lichen. And the lichen
13 is basically the food for the caribou. And the caribou
14 need that lichen and, of course, the Native people eat
15 that caribou, and so the -- there is going to be a chain
16 reaction of just that dust and how it affects -- because
17 the humans are going to be the last one to eat the berries
18 and the caribou and other things that are in that area.
19 So the -- so taking a look at the wind and water, geology
20 is really important that we have a very clear and assuring
21 picture that nothing will be harmed.

22 And I think that they have pointed out that -- that
23 they were talking about using a liner. And we -- when you
24 look at the proposed liner that they have and what they
25 are illustrating, it's not too much thicker than a grocery

1 bag. And if you ever carried a grocery bag home with
2 goodies, if you use one bag, nine out of ten something is
3 going to penetrate and break it and it's going to leak out
4 all your goodies.

5 And basically, that's what's going to happen with
6 that liner because they are going to be putting tons and
7 tons of rock on that and very sharp rock because it has
8 gone through the breaker system. And so that liner, nine
9 out of ten is probably going to be penetrated just like
10 the grocery shopping bags, and it will not do anything.
11 And then gravity will take hold of the rest of it and take
12 all the toxic material down into the water system, and it
13 will slowly spread out just like in other places where
14 they have contaminated water. And it's going to
15 contaminate not just a year, not just a couple years, but
16 thousands of years because you are not going to be able to
17 stop the spread of that water once it gets into the
18 underground water system. And when you look at the
19 geology studies, you see that there is a very -- very deep
20 and heavy water system under that whole area.

21 So basically you don't -- I want them to consider the
22 Native culture, consider the Native way of life. All of
23 our freezers are filled with birds from the sky and
24 berries from the ground and moose and caribou and the fish
25 from the rivers. And 100 percent -- 100 percent of the

1 proposed mines all say that they will not pollute. And
2 ten years later in studies, they have found out that 70
3 percent of them polluted. So there is a 70 percent chance
4 that they are going to pollute. And I as an Eskimo and I
5 as a person that have lived off the land don't want to see
6 that risk, that we need to make sure that water, land, air
7 is protected.

8 Basically that's all I have to say. Thank you.

9 MS. KAREN GONNE-HARRELL: Well, okay.
10 First and foremost, I oppose any development in the
11 headwaters of Bristol Bay, period, of any kind, whether
12 it's mining or other development. But I just wanted to
13 pose a question basically to those that are pushing for
14 it, particularly the ones that will earn a lot of money
15 off of it. I suspect they don't live in the region, don't
16 have Alaskan roots. And would challenge them to consider
17 living there, a subsistence lifestyle with no access to
18 other resources should there be a mine disaster. Would
19 they put their families there downstream and guarantee the
20 safety of the area for themselves, their parents, their
21 grandparents, their children, great, great grandchildren?
22 Would they live there relying solely on that area and
23 still put in that mine?

24 And do they live next to something like that where
25 they do live? Is their -- is their entire livelihood,

1 food and water source, have the least amount of -- have
2 any threat that they are posing to people living in that
3 region and to all of Alaska? As a lifelong Alaskan who
4 lives on salmon, and particularly salmon out of that area,
5 I can't oppose it enough.

6 And they can call me if they like. 301-4566.

7 MR. GEOFFREY PARKER: Thank you. My name
8 is Geoff Parker. These are my oral comments for -- I'm an
9 attorney for Bristol Bay Fishermen's Association, which is
10 the largest association of commercial fishers in Bristol
11 Bay, or membership-based organization of commercial
12 fishers in Bristol Bay and Ekwok Village Council, which is
13 the federally recognized tribal entity for Ekwok Village.

14 First of all, I'll focus on legal issues related to
15 scoping. One is that I've seen no effort yet to identify
16 cooperating agencies, and the Corps needs to identify
17 cooperating agencies no later than the scoping process.
18 That includes tribes, potential cooperating agencies.

19 In 2010, six tribes, including Ekwok Village Council,
20 sent a letter to the Corps and EPA to initiate discussions
21 about the tribes being cooperating agencies. You should
22 pursue such relationships with Ekwok Village Council and
23 other tribes in the area.

24 Second, you need to integrate State and local land
25 use plans under the NEPA regulations. That is, the

1 regulations require the Corps to integrate State and local
2 land use plans. In this case that includes the Bristol
3 Bay Area Plan and the Nushagak/Mulchatna Rivers Recreation
4 Management Plan. To do so, the Corps -- the NEPA process
5 has to be consistent with the area plan land use
6 classifications and guidelines in the Bristol Bay area
7 plan. The NEPA process also needs to integrate and be
8 consistent with Mineral Closing Order 393 adopted in 1984
9 and made part of the 1984, 2005 and current 2013 Bristol
10 Bay Area Plans.

11 Also, the NEPA process needs to integrate State
12 planning regulations, including particularly at 11 AAC
13 55.040(c). It states that a classification of State land
14 identifies the primary use or uses for which the land will
15 be managed subject to valid existing rights and multiple
16 use.

17 Based on that regulation, the 2013 Bristol Bay Area
18 Plan states that if a use conflict exists and the proposed
19 land use is incompatible with the primary use, the
20 proposed use shall not be authorized or shall be modified
21 so that the incompatibility no longer exists. In other
22 words, a primary use for which land is classified trumps a
23 nonprimary use because primary use cannot -- but a primary
24 use cannot trump a co-primary use.

25 In this instance, you need to look at the land use

1 classifications in the Pebble area that will be affected
2 by development of the proposed mine.

3 Third, you need to integrate the State law
4 requirement at Alaska State statute 38.05.142. It states
5 that no State permits shall be issued unless the
6 legislature finds no danger to the fisheries from metallic
7 sulfide mines in the Bristol Bay drainages or the Bristol
8 Bay fisheries reserve -- the drainage of the Bristol Bay
9 fisheries reserve. That includes Pebble Mine. That
10 statute establishes the standard that the EIS must meet in
11 order to integrate State law into the NEPA process. In
12 other words, the no dangers to the fisheries requirement
13 should be reflected in the NEPA process.

14 My second group of comments concerns making more
15 information available to the public for scoping. I'll
16 make four points.

17 First, the Corps should post EPA's Watershed
18 Assessment on its website so that the public and agencies
19 can use it during the scoping process. Second, it should
20 post the EPA's proposed 404(c) determination for exactly
21 the same reason. Third, it should post the Bristol Bay
22 Area Plan, the Nushagak/Mulchatna Recreation Management
23 Plan, the Nushagak Watershed Plan on its web pages also so
24 that the public can use them in interacting with the Corps
25 and other agencies. Fourth, the Corps should post NEPA

1 regulations on the website for this project.

2 My third group of comments goes to identifying
3 factual issues for scoping.

4 First, the Corps should use the EPA Watershed
5 Assessment to identify factual issues for scoping and
6 address them in the EIS. It should use the proposed
7 404(c) determination similarly. But it was narrower than
8 the assessment and focused only on 404(c).

9 Second, the Corps should integrate EPA's Watershed
10 Assessment. It addresses many and innumerable factual
11 issues. It examined impacts at five levels of geographic
12 scale: One, the Bristol Bay watershed. Two, the Nushagak
13 and Kvichak River watersheds. Three, the mine scenario
14 watersheds, including cumulative drainages of the North
15 and South Fork of Kuktuli Rivers and their conjunction
16 with Upper Talarik Creek to its junction with Iliamna
17 Lake. Fourth, the mine scenario footprints, including the
18 footprints of the major mine components. That is, the
19 mine pit, the waste rock piles, tailings storage
20 facilities, et cetera, the groundwater draw-down zone, and
21 plant and ancillary facilities. And fifth, the
22 transportation corridor. The EIS needs to do likewise
23 using similar geographic scales for examining impacts.

24 For example, cumulative impacts of multiple mines
25 should be addressed in at least two levels or scales of

1 geographic effect. First -- the first is the scale of the
2 disposal area defined by EPA in its proposed 404(c)
3 determination. That was basically the upper portions of
4 the Koktuli and Upper Talarik Creek drainages. The second
5 area is the scale of the Nushagak/Kvichak drainages.

6 Regarding the first level of scale, the EIS needs to
7 address the impacts of multiple mines using the disposal
8 site identified by EPA's proposed determination. The EPA
9 assessment in Chapter 13 found that it is reasonably
10 foreseeable the permits for Pebble would lead to
11 development of mines and other porphyry copper deposits
12 and that mines at five deposits -- Pebble, Pebble
13 South/PEB, Big Chunk North, Big Chunk South and
14 Groundhog -- could use the same tailings storage facility
15 sites, TSF1, TSF2 and TSF3 that are within the disposal
16 site identified by EPA's proposed 404(c) determination.

17 That is very important because two of those sites,
18 TSF1 and TSF2, would each account for a loss of 3.8 miles
19 of anadromous water, or 76 percent of the maximum allowed
20 under EPA's proposed determination. And that is not yet
21 counting the loss of anadromous waters due to the mine pit
22 or dewatering or waste rock piles.

23 Moreover, any mine or group of mines that use TSF1
24 and TSF2 would surpass EPA's proposed standards, for the
25 amount of anadromous water that would be lost; that is,

1 the mileage of anadromous water that would be lost.

2 Moreover, because five potential mines could use the
3 same tailings storage facility sites, the standards should
4 be no more than one-fifth of what EPA proposed for one
5 mine, Pebble Mine. In other words, they should be
6 one-fifth of what EPA proposed, five times as strict.

7 Regarding the second level of scale, which is the
8 Nushagak and Kvichak drainages, the EIS needs to address
9 impacts of Pebble, multiple mines and other reasonably
10 foreseeable development on the scale of those drainages
11 and in the Bristol Bay drainages in general.

12 Third -- this is third in the factual issues. All
13 issues identified in the tribes' 404(c) request sent to
14 the Corps in May of 2010, as well as to the EPA at that
15 time, should be addressed in the EIS.

16 Fourth, Amakdedori Creek, which is at the site of the
17 port site, is one of two undocumented -- probably the last
18 of two undocumented steelhead streams in North America.
19 There has long been rumors of west side Cook Inlet
20 steeled, but they have never been documented. I have
21 caught steelhead in Amakdedori Creek. I believe they also
22 exist in Bruin Creek. And I have had guide clients for
23 Rainbow River Lodge that have caught steelhead in
24 Amakdedori Creek. And Chad Hewitt, the owner of Rainbow
25 River Lodge, I think will corroborate that the lodge

1 catches steelhead in Amakdedori Creek.

2 As I said, that's one of two undocumented steelhead
3 streams, the last two probably in North America. I
4 recommend that the National Marine Fisheries Service needs
5 to assess whether or not those fish are genetically
6 distinct, including for purposes of an Endangered Species
7 Act determination. It's a very small population, but we
8 would catch steelhead routinely in Amakdedori Creek when I
9 was guiding for Rainbow River Lodge in the 1980s and the
10 1990s. The fish would probably have to be captured in the
11 fall, or perhaps on a spring outmigration. It's a fall
12 run.

13 Fifth, the EIS needs to quantify the cones of
14 depression around the pit and the tailings storage sites.
15 The permit application does say that the pit will be
16 ringed with water extraction wells to pull out and extract
17 contaminated groundwater. That will mean that there will
18 be dewatering of the surface water of Upper Talarik Creek
19 and the -- and portion -- and the Upper Kuktuli River
20 drainage.

21 The permit application, however, does not calculate
22 or even acknowledge that these cones of depression would
23 exist and the dewatering of the surface water would occur;
24 that would occur including in Upper Talarik Creek, which
25 is in the upper portion of Upper Talarik Creek drainage

1 which is classified by the Bristol Bay Area Plan as
2 habitat, and the drainage and the corridor of Upper
3 Talarik Creek is also classified as habitat.

4 Sixth, the EIS needs to examine the effects of the
5 Pebble Mine project on Cook Inlet gas supply.

6 Seventh, the permit application acknowledges that it
7 has not yet submitted an ultimate -- an "ultimate design,"
8 and that creates a problem, a legal and factual problem.
9 In the permit application, attachment D is the project
10 description. It states at page 58 that "the ultimate
11 project design will incorporate a detailed analysis of
12 water collection and management, including quantity and
13 quality estimates, water treatment options, water
14 management facility design and strategic discharge of
15 water."

16 Absent a detailed analysis of water collection and
17 management, including water quantity and quality
18 estimates, water treatment options, water management
19 facility design and strategic discharge of treated water,
20 it is impossible for the Corps or other agencies or the
21 public to assess impacts. That is a serious legal
22 problem.

23 (Proceedings adjourned at 9:00 p.m.)
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REPORTER'S CERTIFICATE

I, MARY A. VAVRIK, RMR, Notary Public in and for the State of Alaska do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that the proceedings were reported stenographically by me and later transcribed under my direction by computer transcription; that the foregoing is a true record of the proceedings taken at that time; and that I am not a party to nor have I any interest in the outcome of the action herein contained.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal this _____ day of April 2018.

MARY A. VAVRIK,
Registered Merit Reporter
Notary Public for Alaska

My Commission Expires: November 5, 2020

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