

USACE Media Teleconference 9-17-19

John Budnik – USACE

Shane McCoy – USACE

David Owen – Owen Investments

Nicholas Harvey – Seeking Alpha

Ashley Braun – Hakai Magazine

Ariel Wittenberg – E&E News

Margie Bauman – Fisherman's News

Tim Sohn – Outside Magazine

Mariah Oxford – Pebble Watch

Jenny Weis – Salmon State

John Budnik: Welcome and thanks to everyone for joining us today for our discussion about the Pebble Project Environmental Impact Statement, the purpose for today's teleconference is to give a general status update on where the Corps is in the EIS process. I know on the media advisory we had advised that it would be Dave Hobbie, our Chief of Regulatory Division, he had a last minute engagement that came up, so speaking with you today is Shane McCoy, Program Manager for the EIS. In the room as well for technical expertise is Katie McCafferty and Shannon Johnson. We've allotted one hour for this session, we'll have you guys for questions. As a courtesy, please place your phone on mute unless you're asking a question, and please be sure to state your name and affiliation, so we know who's speaking. Full disclosure, we are recording this call. Before we get started, let's go through the list. This is just in order of the RSVPs that I received. Is Tim Bradner on? [silence] No Tim. David Owen, Owen Investments?

David Owen: I'm here.

John Budnik: Good morning, David. Is Alex DeMarban, Anchorage Daily News? [silence] Hannah Wineberger, Crosscut? [silence] No Hannah. Howell Burton, Seattle Times? [silence] No Howell. Is Drew Griffin with CNN on the line? [silence] No Drew. Ann Thompson, NBC Nightly News? [silence] No Ann. Nicholas Harvey, Seeking Alpha?

Nicholas Harvey: Hey John, I'm here.

John Budnik: Good morning, Nicholas. Jill Burg, Bloomberg Environment? [silence] No Jill. Ashley Braun, Hakai Magazine?

Ashley Braun: Good morning.

John Budnik: Good morning, Ashley. Ariel Wittenberg, E&E News?

Ariel Wittenberg: Yes hi.

John Budnik: Good morning, Ariel. Margie Bauman, Fisherman's News?

Margie Bauman: Just got on, hi.

John Budnik: Hey, good morning Margie. Karen Ducey, freelance? [silence] OK, Tim Sohn, Outside Magazine?

Tim Sohn: Yes, I'm here John. Thanks.

John Budnik: Good morning, Tim. Mariah Oxford, Pebble Watch?

Mariah Oxford: I'm here, thanks.

John Budnik: Good morning, Mariah. Jenny Weis with Salmon State?

Jenny Weis: Yes.

John Budnik: Good morning, Jenny. Is there anybody on the line that I did not call? Or you did not hear your name? [silence] Alright, with that, Shane did you have any opening remarks?

Shane McCoy: No, I'll just say good morning everybody, thanks for allowing us an opportunity to speak with everybody in a consolidated form. I appreciate everybody taking the time out today to join us. I hope everybody's OK after that little shaker yesterday. For those of you who aren't in Alaska, we had a nice little earthquake last night, keeps us on our toes. With that being said, I'll turn it over to questions.

John Budnik: Alright, just working down the list, first up is David Owen.

David Owen: Hi Shane. Last month, David Hobbie said that he thought by this month they would make a final decision whether or not alternatives 2 and 3 were off the table, do you have any comment on that?

Shane McCoy: Yes, I'll comment on that. As many of you are aware, we have received letters from landowners or those that have the ability to control surface lands. With regards to alternatives 1, 2, and 3, there are components of each one of those alternatives that are no longer available to the applicant. That being said, the intent of the alternatives was to provide variants or components of alternatives that can be considered. So, although portions of Alternative 2 and 3 are no longer available, and a portion of Alternative 1, the spur road, is no longer available, there is still the ability to mix-and-match to determine the LEDPA at this point.

John Budnik: And LEDPA?

Shane McCoy: Oh, I'm sorry. So, under the EPA's 404(b)(1) guidelines, the Corps must determine what the Least Environmentally Damaging and Practicable Alternative that would

satisfy the overall project purpose. So, I apologize if I use an acronym, and you guys would like to call me out on it, please do. I'd like to provide as much clarity as I can.

David Owen: Another question. The BBNC says that they own the subsurface rights to some of the land where the natural gas pipeline would lie. Have you looked into that? What's happening there?

Shane McCoy: You're correct. The BBNC has substantial control over much of the subsurface areas. However, that doesn't preclude the subsurface owner corporations from allowing development on the surface.

David Owen: Well what about the subsurface where the natural gas pipeline is going to be laid?

Shane McCoy: That's still—my understanding, I'm not a lawyer—but the legal advice that we've received is that that is still a permissible activity.

David Owen: Good, OK. Thank you.

John Budnik: Thank you, David. Next is Nicholas.

Nicholas Harvey: Good morning everyone, thanks. Just after the Draft EIS was released, the Corps got a letter from the EPA and I guess in more detail, the Department of the Interior talking about a lot of concerns they've had. What's been sort of the conversation between the Corps and the Department of the Interior since then and just about some of the concerns they have.

Shane McCoy: Well, honestly, we're still working through the voluminous amounts of comments. And EPA and the Department of the Interior aren't the only agencies that have commented, but as you guys are aware, there are many, many substantive comments that we're getting through. That being said, we are engaging to try to provide clarity to try to see if we can address some of the concerns raised in those letters.

Nicholas Harvey: Anything you can provide as to what's their reaction? What's been their response to some of the answers you've given them, if that makes sense.

Shane McCoy: Well, we're still working through it. We are intending—EPA, in particular has requested that we have some additional meetings to try to work through these issues. We intend to do so in the future, but right now we're still trying to address the comments and figure out the substantive ones that will influence the revision to the draft.

Nicholas Harvey: OK. Thank you.

John Budnik: Thank you, Nicholas. Next is Ashley.

Ashley Braun : Thank you. My question is following up from a question on last month's press call about the status of NOAA's comments on the DEIS, which apparently were filed to the Corps after the comment deadline. Last time, the Corps said that they'd be making those comments available some time in the month that followed and would be posting them on the website and I've not seen them on the Pebble Project EIS website yet. I just wanted an update

on the status of those comments, their availability, and if the Corps plans to consider those comments given that they arrived after the deadline?

John Budnik: I'm sorry, I just want to interject—we're getting a lot of feedback on our end. If you're not speaking, not asking a question, kindly ask that you please place your phone on mute. Thank you, Shane?

Shane McCoy: With regards to the National Marine Fisheries' comments, I have directed the third party contractor to put them on the website, so they should have showed up by yesterday or in the next day or two. So, they will be made available to the public and everybody who wants to see them. With regards to the issues that were raised, if there are issues that need to be considered for the revision to the draft or Essential Fish habitat Assessments, we will consider those, of course.

Ashley Braun : OK. Would the comments be filed under the public comments portion of the website, or?

Shane McCoy: Yes. Although they were received after the July 1st deadline, they will be posted with the rest of the comments as well.

Ashley Braun : With the rest of the comments, OK. Great, thank you so much.

Shane McCoy: You're welcome.

John Budnik: Thank you Ashley, Ariel?

Ariel Wittenberg: Yes, hi. I was just wondering, given that the Department of the Interior decided to use the elevation process, and EPA, I guess you could say, hasn't yet completed that decision. I'm wondering what are the differences in how you're engaging with Interior versus EPA, given kind of the differences in those processes?

Shane McCoy: With regards to the EPA and the Department of the Interior, I hate to punt this, but we're still working through all the comments. You are correct that EPA chose to submit what they call the 3(b) letter, which is the letter in the memorandum of agreement's elevation process. That being said, we're still taking all of their comments seriously, regardless of the status of the elevation procedures. But we will be working with all of the agencies to help resolve and potential identify avoidance and mitigation measures together with those comments. But, the memorandum at the field level, since the Fish and Wildlife Service has submitted the 3(b) letter, if the determination is to issue a permit, there are processes and timelines that are very descriptive and prescriptive in that memorandum that we will have to coordinate at the Record of Decision point.

Ariel Wittenberg: So, just a follow-up. During this current consultation time, are there differences in how you're handling comments from EPA or requests from the EPA for additional information, as opposed to Fish and Wildlife?

Shane McCoy: The truth is, no we're not. We're going through their comments and trying to find the meat, and working accordingly. At the end of the day there is a very prescribed process and

we did receive that second letter from Fish and Wildlife Service. It's uncertain whether EPA will send the second letter or not. However, we're going to work with all of the agencies to get to the substance of their comments.

Ariel Wittenberg: OK.

John Budnik: Alright, thank you Ariel. Next is Margie.

Margie Bauman: This is kind of a general question, but since the last conversation we had online, there are increasing reports coming out on everything from dead fish to dead birds because of changes on the climate. I wonder if any of this huge amount of information is being taken into consideration as you look through whether you're going to issue the permit? Or do these particular huge amounts of information have to be pointed out to you by various agencies and say, "this is going on, this is going on, this is going on..." How will the potential mine activity make this worse?

Shane McCoy: Thank you Margie, good morning. So, with regards to climate, climate is different than weather, climate is weather over time, a trend, so to speak. So, we are considering, I believe they have 75 years' worth of weather data. You're right that this year, there were a lot of die-offs associated with the heat, the very anomalistic year. However, we do consider the direction emissions and activities associated with our authorities in the analysis.

Margie Bauman: Yeah, well the increasing ocean temperatures and the weather is not an anomaly, some of these things have been happening for several years now and the indications are that they're going to continue. The question is whether the potential mine activity plus these changes in water and air temperature are going to be aggravating the situation for wildlife and people or with the mine activity. Thank you.

John Budnik: Was there are question in there, Margie?

Margie Bauman: Well, I want to know whether that's being considered or whether the individual agencies have to point this out in their questions to the Corps? Thank you.

Shane McCoy: Well, agencies haven't pointed it out, but they don't need to, we take all available data. But right now, the analysis doesn't indicate that the impacts from the mine would substantially affect fish populations.

Margie Bauman: Interesting. Thank you.

John Budnik: Thank you, Margie. Next up is Tim, Tim Sohn.

Tim Sohn: Thanks John. Hi Shane. I want to ask, I was curious if you had seen, or hadn't seen, Northern Dynasty's September 2019 investor deck?

Shane McCoy: I have not.

Tim Sohn: Because there were a number of claims regarding the EIS that I would love to run by you quickly and get your thoughts on? Very quick. These are all direct quotes from that deck.

Highly favorable Draft EIS, federal permits appear imminent, Pebble will not harm the Bristol Bay fishery, Pebble will not affect water resources in Bristol Bay, it refers to the Draft EIS as the first independent, science-based, transparent, and expert review of the Pebble Project in terms of feasibility, and it says that the Draft EIS has found, quote: no substantive data gaps, no new environmental issues or impacts identified, and no significant impacts that can't be mitigated. Does that sound like an accurate summary of your work?

Shane McCoy: That's a pretty high level. That's what they're—they can say what they want. However, the draft analysis indicates that most of that would be accurate, other than the federal permits being imminent. Those decisions are made after we go through the comments and revise the analysis. The decision—there has not been a decision made on this project yet. Let's be absolutely clear on that. That does not come until after we revise the analysis with the assistance of all the comments that we've received, and additional data. We're still requesting data from the applicant to help inform the revision.

Tim Sohn: OK, so high level, broadly accurate, aside from the idea that permits are imminent.

Shane McCoy: Yeah, for the most part.

Tim Sohn: So, you would agree that there are—whatever data gaps you guys have found are not substantive and no new environmental issues or impacts were identified over the course of the comment period?

Shane McCoy: Well, there were data gaps that had been identified. If they weren't substantive then we wouldn't continue to ask for that data. And again, that information will all feed into the revision of the analysis. So again, I wouldn't say that there were no substantive data gaps identified, but I will say that again, we went out for review and comment because we need input from the agencies and the public, to be honest.

Tim Sohn: OK, and this is, I know the answer to it but I'm going to ask it anyway. They're making false or exaggerated claims in investigative documents has no bearing on your process and is not something you consider. But I guess, the other way to phrase that is, would a document like that be something that goes into the documents library for the Draft EIS that you would consider as part of that or no?

Shane McCoy: Absolutely not. We use independent analysis. Absolutely not.

Tim Sohn: OK, that's all I have on that one. Thanks Shane.

Shane McCoy: You're welcome. Thank you.

John Budnik: Thank you Tim, next up is Mariah.

Mariah Oxford: Good morning, guys. As you both know, Alaska was plagued with wildfires this year, roads were shut down on the Kenai an up toward Denali. There were wildfires in Bristol Bay as well, so I was curious, I know that the EIS addresses earthquake potentials and [inaudible]. Is there anything about wildfires or would that be something you'd be concerned

about addressing the potential impacts say, of closure on the road corridor, shutdown of the facility due to wildfire or potential impacts on that?

Shane McCoy: No, there's nothing in the draft analysis with regards to that. That'd be an operational concern for Pebble, but no, we didn't address it in the draft.

Mariah Oxford: So, you can't anticipate that there might be something that would affect the environmental based on wildfire affecting operations? You wouldn't have to try to anticipate that then?

Shane McCoy: No.

Mariah Oxford: OK, thanks.

John Budnik: Thank you Mariah. Next up is Jenny.

Jenny Weis: Hi. Earlier this month there were a number of project updates made, I believe about 10 or so. Do the changes mean there will be a supplemental or revised EIS to look at the altered project details? And would the public have an opportunity to comment on that?

Shane McCoy: No, you're talking about the, I think it was August 12th that they submitted some additional winds and minimization measures. All of those identified measures that they submitted would result in a reduction of impacts to aquatic resources, so no we wouldn't be publishing a supplemental and there wouldn't be an opportunity for the public to comment.

Jenny Weis: I'm not sure of the one you referenced, I was looking at the group that included the altered transportation route?

Shane McCoy: OK, yeah.

Jenny Weis: Would the public be able to comment on that?

Shane McCoy: All of those—like I mentioned earlier, I can't remember the first gentleman's name who asked a question with regards to alternatives. All of those alternatives that they evaluated and what they submitted were parts of alternatives that have been evaluated and the public has an opportunity to comment on the impacts associated with those alternatives. The Eagle Bay was part of Alternative 3, and so, no, the public's—right now there's no intent to have the public comment on any of that.

Jenny Weis: OK, if those types of changes don't trigger a supplemental EIS, what is the threshold for triggering something like that?

Shane McCoy: Well, it's case-by-case, but if there was truly a brand new alternative identified, that might trigger it, but it really just depends on the scope and magnitude of the changes that would result from something like that.

Jenny Weis: OK, thanks.

John Budnik: Thank you, Jenny. That completes our first round of questions. Is there anybody on the line who has not had an opportunity to ask a question yet. [silence] Alright, with that we'll go into round two. Beginning with David Owen again.

David Owen: Hi Shane. Getting back to the EPA and the DOI comments that you've addressed. Have you had any feedback from the EPA or the DOI as to whether they're satisfied with the responses?

Shane McCoy: Well we haven't responded to them yet, so we haven't received any feedback, we have had dialogues with the agencies though and we will continue. And there's a lot of comments to get through. So, like I said, here in the next couple months we're intending to get the cooperating agencies back together and talk about their comments and make sure we're fully apprised of what the intent of their comments were.

David Owen: Is your timeline still on schedule?

Shane McCoy: Currently it's the same schedule as posted on the public website.

David Owen: OK. Are you able to say when we can expect the FEIS in early or late 2020?

Shane McCoy: Like I said, currently, it's still scheduled for early 2020.

David Owen: Early 2020. OK, one other question. Geoffrey Parker, he's a lawyer for the Bristol Bay fishery group, says that Pebble has not been designated for mineral development in the state of Alaska. Could you comment on that?

Shane McCoy: I'm not going to comment on somebody else's comment. But I will say this, we've asked the State to weigh in and I think what you're referring to is the Bristol Bay Management Plan?

David Owen: Yes.

Shane McCoy: There are specific reaches of waters that have not been designated dual-purpose. But the majority of the area is, I believe all of the areas that the alternatives would impact, would not affect any of those reaches of stream.

David Owen: OK, thank you.

Shane McCoy: Yep.

John Budnik: Thank you David, next is Nicholas.

Nicholas Harvey: I'm OK at this time, thanks.

John Budnik: Thank you, Nicholas. Back to you, Ashley.

Ashley Braun : Yes, thanks. So, this is a little more of a higher level procedural question, but have you confirmed that under the Clean Water Act, is it right that Pebble would be responsible

for mitigating damage to wetlands in the direct area of the footprint of the mine and could you just give me a little bit of an overview of how that would work in terms of mitigation?

Shane McCoy: Sure. As I'm sure you're aware, mitigation is actually a three-step approach. They have to avoid impacts to aquatic resources if impacts to aquatic resources cannot be avoided, they must minimize. After we've gone through the stages of determining whether they have avoided or minimized to the greatest extent practicable, compensatory mitigation may be required. That being said, we'd be taking a look at watersheds, and watershed needs. And again, the applicant has to propose the compensatory mitigation, the Corps wouldn't be out there looking for them.

Ashley Braun : OK, and in this particular part of Alaska, is it accurate to describe the area as fairly pristine in terms of—if you're looking at the potential for compensatory mitigation—theoretically, where would one mitigate wetlands that are already intact? Do you know what I'm saying?

Shane McCoy: Oh yeah. I would absolutely agree that the watersheds out there are in very low-impact areas. But it's up to the applicant to determine if compensatory mitigation is required, for the applicant to demonstrate how their proposed compensatory—or compensation would benefit the watershed.

Ashley Braun : Got it, thanks so much.

John Budnik: Thank you, Ashley. Ariel?

Ariel Wittenberg: Yeah, hi. Just wanted to go over the alternatives and the LEPDA again to make sure I understand what you're saying. Is what you're saying basically that even though parts of those alternatives may not be able to occur, they could combine other parts of the alternatives that have already been reviewed so you don't need to nix an alternative or do a supplemental for a new alternative essentially?

Shane McCoy: That's correct, yes.

Ariel Wittenberg: OK. Then on the mitigation front, I'm a little confused because I thought the memorandum that EPA and the Army Corps headquarters signed last year relating to compensatory mitigation in Alaska seemed to me, made it pretty clear that for large projects, which Pebble would be large, that mitigation should occur rather than may occur?

Shane McCoy: It doesn't say that in the memo—the intent of the memo is recognition that compensatory in Alaska—there's limited opportunities. It gives us a little bit more flexibility with considerations of compensatory mitigation, does that make sense?

Ariel Wittenberg: I saw where it allowed for flexibility for smaller projects, I did not really read it as saying that when it comes to multiple thousands of acres of impacts.

Shane McCoy: There's no bright lines in that memo—there's no bright lines in any of our compensatory mitigation guidance or regulation.

John Budnik: Alright, thank you Ariel.

Shane McCoy: -Did that answer your question, Ariel?

Ariel Wittenberg: I mean, it answered my question in terms of how you guys are interpreting the memo.

John Budnik: Alright, thank you. Next is Margie.

Margie Bauman: No further questions at this time, thank you.

John Budnik: Thank you, Margie. Tim, Tim Sohn.

Tim Sohn: Yeah, hi. I feel like we might be beating this one to death a little bit but I want to circle back one more time on the alternatives thing, just because it seems interesting. So, essentially, from the Corps' side at the Final EIS you could end up with—a Final EIS that says something like, none of the proposed alternatives 1, 2, or 3 work, here is our proposal for the Least Environmentally Damaging Practicable Alternative, is that right? That's what could happen?

Shane McCoy: Well, no. There's always a No Action Alternative, which is permit denial. But there are constituent components, so to speak, of the alternatives still available. Right now, you're looking at these as packages, whereas the Corps is looking at them as components. So, there are alternatives to all of the components that are still reasonable and practicable.

Tim Sohn: Right, OK, so it would be on a component level, not on a more sort of micro level—the mixing and matching would be on a higher level, you wouldn't—

Shane McCoy: Well, more on a specific level, there's alternatives port designs, there's alternatives for the transportation corridor, other designs, those are—that's what we're talking about. As opposed to the macro, which is the bundle, so we'd be looking at individually analyzing the components.

Tim Sohn: OK, is there any example you can think of where all alternatives were deemed not practicable and the final was a kind of Frankenstein option?

Shane McCoy: I'm not saying all alternatives are not available, I'm saying there's alternatives to every component that are still available and practicable.

Tim Sohn: Right, no I understand that. There are components that are available but the full package, as you said in each instance, is no longer available. Can you think an analogous project in which that has also happened?

Shane McCoy: I'm not familiar with every project, I can't answer yes or no to that, I'm sorry.

Tim Sohn: OK—I'm just trying to figure out how this works from Pebble's side, going out to investors with a plan for a project that may no longer be viable, but that's obviously not your concern, and you guys I'm sure are in touch with them about which alternative are having problems, correct?

Shane McCoy: Oh, absolutely. It was on the applicant to provide us with information in regard to land status, but yes, again, I want to be clear that there are alternatives available for all components on the project.

Tim Sohn: OK, thank you Shane.

Shane McCoy: Yes.

John Budnik: Thank you, Tim. Mariah?

Mariah Oxford: I was reading RFI 71b, which outlines some of the improvements that Pebble is proposing and they said that would quote, minimize impacts associated with the proposed project including impacts to WOTUS. I wondered how the recent suspension of that WOTUS rule might affect the EIS or the project or are there project improvements that they wouldn't have to put into place now based on that? Could you speak to that a little bit, Shane?

Shane McCoy: Sure. So, what you're talking about is jurisdiction, and in fact, it doesn't affect the Alaska District at all. The regulatory—the WOTUS rule that we operate under for jurisdiction. So, it really has no effect on this project or to the District.

Mariah Oxford: OK, so that's your easiest answer today.

Shane McCoy: Yes, it is!

Mariah Oxford: You're welcome!

Shane McCoy: Thank you!

Mariah Oxford: Well let me slide another question in there. How close are you guys to developing that LEDPA? David Hobbie last time said that he thought it might be October or November.

Shane McCoy: We just got additional wetland data from the applicant, so obviously the LEDPA takes into account impacts to aquatic resources, so we're still working on it. I would say Mr. Hobbie's projected timeline is pretty accurate.

Mariah Oxford: OK. Thank you.

John Budnik: Thank you, Mariah. Jenny?

Jenny Weis: Have the Corps and the EPA been in touch on 404(q)?

Shane McCoy: What do you mean by "in touch"?

Jenny Weis: What's the status of those conversations?

Shane McCoy: I know leadership is talking at that level. But there haven't been any commitments one way or another with the (q) process. But, that's an internal discussion that EPA is having I'm sure.

Jenny Weis: OK, and would it be similar with the Fish and Wildlife Service or is that a different status than with EPA?

Shane McCoy: So, are you talking about the veto versus the elevation process?

Jenny Weis: Yes.

Shane McCoy: Only EPA can veto, but EPA, NMFS, and Fish and Wildlife Service, they all have memorandums of agreement that they can elevate that so the decision would be made above the district commander.

Jenny Weis: OK, thank you.

John Budnik: Thank you, Jenny. That concludes our second round of questions, going to go back down through the list here. Back to you, David.

David Owen: Yeah, back to mitigation. If the Corps decides that mitigation is necessary, I presume that that will include off-site mitigation, it won't be restricted to on-site mitigation, is that correct?

Shane McCoy: It's whatever they propose is what we would evaluate. I'm sure you're aware that at the release of the draft, there was a draft conceptual mitigation plan that included the off-site opportunities. But again, the applicant would have to demonstrate how whatever they're proposing would offset impacts—especially associated with whatever watershed, however you define that—would be accomplished.

David Owen: OK, and regarding the possibility that the EPA may decide to veto the project, if the Corps decides to issue the permit, when would you expect the EPA to make this decision whether or not to veto? Soon after the permit is issued? 4 years later? 10 years later? Or when?

Shane McCoy: I can't speak to that. I do know that the head of EPA came out and said they weren't going to preemptive veto any longer, so I can't speak to when or if they would, that's really speculative on my part.

David Owen: They're talking about doing away with the retroactive veto, too. So, if the Corps decides to issue the permit and the EPA doesn't decide to veto [inaudible] they won't in the future.

Shane McCoy: OK.

John Budnik: Thank you David, next is Nicholas.

Nicholas Harvey: No questions here. Thank you.

John Budnik: Thank you, Nicholas. Back to you, Ashley.

Ashley Braun : No further questions, thanks so much.

John Budnik: Ariel? [silence] She may have disengaged. Margie?

Shane McCoy: --or may be on mute. Ariel, are you—

Margie Bauman: No further questions at this time, thank you.

John Budnik: Tim?

Tim Sohn: I think I'm good. Just one: the project website is current in terms of all outstanding RFIs and everything else have all been uploaded, is that correct?

Shane McCoy: You know, there's usually a day or two lag. We've had additional requests for information as late as today. That being said, Pebble did respond—almost immediately—to one of them. We don't really post those until after we get the response, so there's still a handful out there that we don't have responses yet, and so they wouldn't be posted to the website.

Tim Sohn: OK, and so you said previously that you are working through comments and such, so presumably we could, throughout the fall, be seeing more RFIs and more activity on that front?

Shane McCoy: Sure, absolutely.

Tim Sohn: OK, great. Thanks so much, Shane.

Shane McCoy: Yeah, thank you.

Tim Sohn: Thanks, John.

John Budnik: Yeah, thank you Tim. Mariah?

Mariah Oxford: I just have one more question. I know you guys had these technical meetings in July, and Mr. Hobbie had said that notes from those would be posted to the site. Are those still being reviewed? Are they ready?

Shane McCoy: I've reviewed them. I wasn't tracking that they weren't up on the site, I'll follow up with that.

Mariah Oxford: I couldn't figure out what section they might be in even. So, I didn't see them, but—

Shane McCoy: That's a good question, I'll have an answer for you next time.

John Budnik: I'll follow up with you, Mariah, on that. I'll work with Shane on tracking those down.

Mariah Oxford: Great, thank you. That's all I had.

John Budnik: Thank you, Mariah. Next is Jenny.

Jenny Weis: Can you speak to the budget matter and the outstanding RFIs?

Shane McCoy: What's the question?

Jenny Weis: Which ones have they not responded to and what components of the plan are they regarding?

Shane McCoy: They're still working through, they did revise their groundwater model, which had a trickle down effect, unintentional, on some of the analyses. So, I can't off the top of my head tell you exactly which ones they haven't responded to. I know that we're still getting information from a lot of their field work associated with wetlands data, associated with cultural resources, and again some of the revisions to—I guess validations to the analysis associated with changing the groundwater model. I can't tell you exactly what is still outstanding off the top of my head.

Jenny Weis: OK, will the details of this summer's work be published on the website somewhere?

Shane McCoy: Yes. That's absolutely the intent. Our intent is to keep this as transparent and as much information to everybody so that they can consume and digest it as much as possible.

Jenny Weis: OK, thanks.

John Budnik: OK, thanks Jenny. I think we've exhausted all the questions, but I'll just give everybody one last opportunity in case there are any additional questions in the pool there. [silence] Alright, if not, thanks again for joining us—

David Owen: I've got a question. This is David Owen. Getting back to when we can expect the FEIS, I believe Shane said early 2020, but I want to see if I can nail it down a little more. Is it going to be early 2020 or late 2020? Can you be more specific?

Shane McCoy: I can't be more specific, like I said, we're still working through comments and as we get through those the schedule is a target, but I can't put a pin on the calendar to tell you the day we're proposing to release it. Again, I just don't want to deceive anybody and say I know, because again, we're still working through the data gaps.

David Owen: One other quick question. David Hobbie said it would be the Colonel Borders' sole decision on whether or not to issue a permit, but I presume he will be receiving recommendations from David Hobbie, will he not?

Shane McCoy: He will be receiving recommendations from the team, correct.

David Owen: Would that be David Hobbie?

Shane McCoy: Well ultimately, David Hobbie is the Chief, so yes.

David Owen: OK, thank you very much.

John Budnik: OK, thank you David.

Margie Bauman: Yeah, I have one more question regarding the release of the final decision. How much notice are you going to give us and are we going to have an opportunity for briefing when it's released?

Shane McCoy: So, understand two things. I want to be clear. The release of the Final EIS is not the decision, that's the disclosure and analysis document. The Record of Decision is where we would be making a decision. Right now, as the schedule sits, we're looking at a release for a decision to be made 60 days after the final.

Margie Bauman: OK.

Unknown: Shane I thought that was 90 days, is it 90 or 60?

Shane McCoy: Right now, it's on the board for 60 days. Originally it was 90, but we did shorten it by 30 days, but that being said it is 60 right now.

Margie Bauman: How much notice are we going to get in advance of that final decision being released then?

Shane McCoy: When the Final EIS comes out, you can anticipate that the Record of Decision will be done in 60 days.

Margie Bauman: How much notice are we going to get on the Final EIS coming out?

Shane McCoy: Well, we'll have monthly media teleconferences, we'll try to keep everybody as up-to-date as possible.

Margie Bauman: OK, I just want to be sure they're not releasing it at 5 o'clock on a Friday night and then turning their phones off, but thank you.

Shane McCoy: That is not our intent Margie, but thank you.

Margie Bauman: We've had a lot of that happen, where intentionally or unintentionally when some really interesting news releases get posted at 4:59 PM on Fridays.

Shane McCoy: Is that your recommendation, Margie?

Margie Bauman: No! I still remember those Saturday nights [inaudible] and a few other fun things, thank you.

Shane McCoy: OK, thanks Margie, just having a little fun.

John Budnik: OK folks, one last opportunity if there are any outstanding questions?

Unknown: Just a quick follow-up on that, why was it shortened from 90 to 60 days?

Shane McCoy: Because we think we can get it done. To give everybody, including the applicant and the public, a timely answer.

John Budnik: Alright, well folks, with that, thanks again for joining us on this September addition of the media teleconference with you folks, appreciate everyone's interest and continued interest and being flexible and getting in on the same call to answer questions, that

does help us out tremendously on this end, so we thank you for that. With that, have a great week, and we'll talk to you next month.

Multiple: Thank you.

[END OF CALL]