

USACE Media Teleconference 11-26-19

Attendees:

John Budnik—USACE

Sheila Newman—USACE

Becky Bohrer – Associated Press

Elwood Brehmer – Alaska Journal of Commerce

Dylan Brown – E&E News

Ashley Braun – Hakai Magazine

David Owen – Owen Investments

Tim Bradner – Alaska Legislative Digest

Mariah Oxford – Pebble Watch

Jenny Weis – Salmon State

Grant Robinson – KTUU

Margie Bauman – Fisherman's News

Tim Sohn – Outside Magazine

John Budnik: I'll give Sheila Newman an opportunity to say good morning, and if she has any opening remarks, then we'll turn it over to you guys for questions. As a courtesy, kindly please place your phones on mute unless you're asking a question of course, and please hold your questions until it is your turn. Be sure to state your name and affiliation when asking a question. Full disclosure, this call is being recorded in order to provide a transcript at a later time. Before we get started I'd like to do a quick roll call. I'm going to go through the list here in order of the RSVPs that I received. First is Becky Bohrer with the Associated Press, is she on the line?

Becky Bohrer: Yes.

John Budnik: Good morning, Becky. Elwood Brehmer, Alaska Journal of Commerce?

Elwood Brehmer: Good morning John.

John Budnik: Good morning Elwood. Margie Bauman with Fishermen's News? [silence] No Margie yet. Dylan Brown, E&E News?

Dylan Brown: Here.

John Budnik: Good morning, Dylan. Tim Sohn, Outside Magazine? [silence] No Tim yet. Ashley Braun, Hakai Magazine?

Ashley Braun: Good morning, right here.

John: Good morning, Ashley. David Owen, with Owen Investments?

David Owen: Hi John, I'm here.

John Budnik: Good morning, David. Tim Bradner?

Tim Bradner: Tim is here.

John Budnik: Good morning, Tim. Richard Read, LA Times? [silence] No Richard. Izzy Ross with KDLG? [silence] Tyler Thompson with KDLG? [silence] Mariah Oxford?

Mariah Oxford: Good morning, I'm here.

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

Jenny Weis: Present.

John Budnik: Good morning, Jenny. Grant Robinson, KTUU?

Grant Robinson: I'm here, good morning, John.

John Budnik: Good morning, Grant. Yereth Rosen, with Reuters? [silence] Nick Harvey, Seeking Alpha? [silence] No Nick. Is there anybody on the line that I did not call?

Margie Bauman: Yeah, Margie Bauman. I just popped in while you were reading the names, thank you.

John Budnik: Roger that. Good morning, Margie.

Margie Bauman: Good morning.

John Budnik: Alright, with that, Sheila would you like to say good morning?

Sheila Newman: Certainly. Good morning everyone, it has been a while since I talked with you all and I'm looking forward to your questions.

John Budnik: Alright, well, without further ado we will jump right into it. Starting with Becky.

Becky Bohrer: Hi everyone and thank you for your time. Sheila, as you know there have been concerns raised about the adequacy of the draft, the scientific rigor behind it. Recently there was a letter from the chair of the House Committee [inaudible] structure calling for a revised draft EIS. Can you talk about any plans to revise the draft or do a supplemental? Can you update us on what you're doing to address [inaudible] scientific deficiencies?

Sheila Newman: Sure, I'm sure that that's a question that is on everybody's mind, Becky. There has been a lot of information out there about folks' interpretation of what is in the draft and what work needs to be done. The first point I would make is that, it is always the process when developing an EIS to produce a draft, which is then revised through an iterative process with the cooperators, once we receive cooperator and public comment. To that end, we've been working since the close of the public comment period, to take the 116,000 comments that we received and turn them into grouped questions—I'm sorry John could you ask—

John Budnik: Yes, apologies we're getting some beeping on our line, not sure if anyone out there is hitting the phone pad. Again, kindly ask that we please place our phones on mute so we can hear the questions and the response.

Sheila Newman: I'll back track a little bit. Since July, the close of the public comment period, we've been working with our project delivery team to resolve comments and to address comments that we've received and we've received about 116,000 of them. We group those comments into what we call statements of concern and there are about 750 of those. Last week we had technical sessions all week long with all of the cooperating agencies and technical experts to address specific concerns—specific statements of concern. That is all part of the normal EIS process. We're still in the middle of that. We have not made any decisions about doing a supplemental draft. We need to make sure that we are diligently reviewing the information that we have.

John Budnik: Becky did you have a follow up?

Becky Bohrer: Not at this time, thank you.

John Budnik: Thank you. Next is Elwood.

Elwood Brehmer: Hi, thanks John. Hi Sheila, following up on Becky's question. If the EIS process is certainly—obviously you call it a draft for a reason, there can be changes made, obviously. The Pebble EIS process is quicker, or in an overall shorter timeframe than a lot of previous EISs of this size. Is any additional work being done—field work—being done in this short timeframe to address some of the concerns or will it all be done with existing information?

Sheila Newman: That's a great question, Elwood. I'd just like to say hello and I hope you're doing well. I haven't seen you in a while.

Elwood Brehmer: Thank you, you too.

Sheila Newman: We have—obviously in response to the public and agency comment that we received through that March to July period, developed what we call requests for additional information and that has triggered a lot of additional field work, cultural surveys, wetlands surveys, and review of existing data and requests for additional data. That's all ongoing and part of the normal process as well. What happens is, once we receive the responses to that, the technical experts review that information and incorporate that new information into the analysis. So that is ongoing and that is something that goes into the revisions for the final EIS.

Elwood Brehmer: To follow up on that, briefly. Do you feel you've been able to get enough of the work done? We all understand how short work seasons are up here. Have you been able to get all of that work done in the past couple months, or will the EIS schedule be pushed back, or will some of it just not be done?

Sheila Newman: We've managed to get a tremendous amount of information back that we've asked for and a lot of field work has been done. We haven't identified additional field requirements at this time, now that's the first part of your question. The second part is that, the process dictates revisions in the schedule, and we always want to leave room that the schedule may be revised. We've gotten a lot of information back that the technical experts are including in the analysis now. We still have some information that we're waiting on and we anticipate a wrap up of the information that we've requested by the end of December. That will make the

difference of if anything else is requested. In other words, once the technical experts get that information back, they might look at it and say, to answer this subset of questions we may or may not need additional data. I never say we're finished until we're actually finished; we're definitely not finished at this point.

Elwood Brehmer: Understood, thank you.

John Budnik: Thank you, Elwood. To you, Margie.

Margie Bauman: Yeah, I wonder if you specifically address the question of why this seems to be going at a much faster pace than normal? People outside the agency have the impression, a lot of them have said that you are getting a mandate from higher up in the federal government to get this done and get that clean water permit issued. Could you respond to that please?

Sheila Newman: Yeah, I'd be happy to, Margie. It's also good to talk with you again. First I'll start by saying we are not under any pressure from anyone to drive a specific schedule. The original schedule was developed based on the level of effort we believed was required given the amount of information that we had coming into the process. We have revised—and continue to revise—the schedule as we go through the key areas of the EIS process, which is the initial scoping, the draft EIS, the revisions to the draft—which is what we're in right now—working all the way up until the final. We're not under any pressure to deliver the original schedule and we continue to not be under any pressure to deliver a decision by a specific date.

Margie Bauman: OK, thank you.

John Budnik: Thank you, Margie. To Dylan Brown.

Dylan Brown: Hi Sheila. Following up on Margie's question really quick. When you say there's no pressure, has guidance from the federal level influenced at all? I'm thinking of the one federal decision order from President Trump to speed up permitting, has that had any influence?

Sheila Newman: Well, this is not a one federal decision project, but if we talk about the intent of the Executive Order, it has influenced us to the extent that we do have to be responsible, we do have to understand that an applicant has proposed something and ultimately we are required to deliver a decision. Outside of that, there has been no one trying to influence us in any direction—to speed up, to slow down—to give any specific direction based on Executive Orders or anything else.

Dylan Brown: OK. On the timeline, Dave Hobbie said in the past that you were still responding to other federal agencies criticism of the draft. Have those meetings still been ongoing and have their questions been answered yet?

Sheila Newman: We spent all of last week specifically doing that and we're going to continue doing that the third week of December. So what those meetings look like, were the technical experts by resource explaining to all of the cooperators what we analyzed, how we analyzed it, why we stopped at the point that we did, and then those agency experts from Fish and Wildlife, from BSEE, from the EPA, from the National Park Service, the State of Alaska, all of those folks

and more, asking their questions directly to the technical experts that have written the analysis. So, that is ongoing, we certainly learned a lot from one another last week, I think a lot of questions were answered directly between those agency technical experts and the technical experts writing the analysis and we plan to continue those type of meetings the third week of December.

Dylan Brown: Perfect, thank you.

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

Ashley Braun: Yes hello. Forgive me, I wasn't on this press call last month, but I believe in September I was still looking for NOAA's public comments that were apparently submitted after the July deadline and was told they were supposed to be posted on the Pebble EIS website in September. I'm not seeing those anywhere on the website and I'm curious about the location of their comments as a first question there.

John Budnik: Ashley I apologize if I owed you a follow up from that teleconference and did not follow through, I can assure you I will follow through when we conclude on being able to get you those comments.

Ashley Braun: Great. Thank you.

Sheila Newman: I believe they are up on the website, John can also pull them off and send them to you directly.

Ashley Braun: OK, great. I just checked right before this call on the public comments portion of the website and did not find anything there and was looking some of the other—sorting through many of the other documents that are posted on the website. Anyway, that would be great to get. Then piggybacking off of some of the other questions that people had here and your own comments about how you have several months to review some of the substantial comments that have been submitted since the July comment period closed, particularly by cooperating federal and state agencies, I'm curious about whether there is any statement of concern, as you phrased it, that has come out of that process that is particularly surprising or unexpected either in the scope or the severity?

Sheila Newman: I don't think we were surprised by the comments—given the magnitude of the public comments and the interest, we actually had originally anticipated that we would receive quite a bit more public comment, the issues were pretty well defined going into scoping because this has been in the Alaska conversation for 15 years so the concerns were pretty well known and helped us know scoping. What we got through the comment period was more specificity of concern that we were then able to take a look at critically and determine whether we could address that with analysis in the scope of the EIS. I would say what we really got were a lot of very in-depth resources and thoughtful comments from the public and agencies to help us refine the analysis.

Ashley Braun: OK, thank you.

John Braun: Thank you, Ashley. Next is David, David Owen.

David Owen: Yes, hello Sheila. I want to clarify whether Colonel Borders has heard from the Lieutenant General Semonite, I'm not sure of the pronunciation, but representative Peter DeFazio of the House Transportation and Infrastructure Committee evidently had a meeting with Lieutenant General Semonite on November 15, 2019 and in that meeting he asked the general whether he was going to put a stop on the Pebble permitting and he called for a supplemental DEIS. Has Colonel Borders heard from Lieutenant General Semonite about that and what's happening in regard to whether a supplemental DEIS is required?

Sheila Newman: Well, I can't speak to whether the colonel and the general have spoken, but I certainly am aware of Congressman DeFazio's comments in the hearings and I will say that many of the things that he commented on reminded me that we need to communicate better about the efforts that we are going through with the cooperators and this is a great opportunity for us to do that, because many of the things that were brought up were exactly what these experts from many different agencies as well as the folks writing the analysis were doing last week. So we will be addressing everyone's concerns and continue that effort, we have not made any decisions on whether or not a supplemental draft is required, but we definitely are diligently working through the issues that were raised.

David Owen: That seems to be counter to what we learned earlier with David Hobbie who said that the Corps did not intend to do a supplemental.

Sheila Newman: Well, I don't know. I was not part of that conversation, but I will say at this point in time going through our meetings last week we have not made any decisions on schedule changes or anything else. We're still trying to work our way through resolving the issues.

David Owen: OK. After all these technical meetings that you had last week are there any sticking points or can you tell me how those meetings went?

Sheila Newman: I definitely can and I would encourage you all to speak directly with the cooperators that were present. I would not say there were sticking points, but we have a list of items that the technical experts, both from the agencies and those writing the analysis, identified as either areas that we want to revisit or clarify or anything in that realm about many different issues that we covered. We talked about everything from bear behavior, to fisheries, to cultural issues, water modeling for groundwater, and surface water, and air quality. So those really smart folks were putting their heads together to take a look at how we can revise the analysis to make sure that what we put in the final is thorough and is disclosing proposed impacts to the public in a way that they can be easily understood. That's what we spent the week doing; the cooperators that were present could give you their own views on the level of effort and things that we're doing. I won't speak for any of them.

Dave Owen: OK, thanks for that. Maybe I can squeeze in a short question, another one here. Regarding the analysis in compliance with the CWA Section 404(b)(1)(a) guidelines when do you intend to have a meeting with the EPA regarding that analysis?

Sheila Newman: Well the EPA was with us all week long, so we're already meeting with the EPA and we discussed Clean Water Act compliance issues last week as one of our agenda items.

Dave Owen: Oh, OK. Good. Thank you very much.

John Budnik: Sure, thank you, David. Tim, Tim Bradner.

Tim Bradner: No questions at this time.

John Budnik: Thank you, Tim. Next is Mariah Oxford.

Mariah Oxford: Good morning, Sheila.

Sheila Newman: Good morning.

Mariah Oxford: Thanks for the description of the technical meetings last week because I think we were all interested about those. Last month in the media advisory Chief Hobbie suggested that based on the outcome of those November meetings the timeline may or may not be adjusted. I'm wondering, since you didn't mention anything about December meetings, is that something that came up as you saw the amount of work that you had left to be done after the November meetings last week?

Sheila Newman: I would say that it is a direct result of the amount of discussion that needs to be had to continue the conversations that we were having last week.

Mariah Oxford: OK, and it makes everyone's December pretty busy, but do you anticipate that the timeline might shift since you have to add on those meetings as well?

Sheila Newman: Yes—again, the process drives the schedule, not the other way around. We had a pretty aggressive agenda. We did not get through all of our agenda, so the cooperators agreed that they were available the third week in December to continue specific discussions. We've also identified some specific discussions that have to occur in January with the EPA in particular. So that definitely is, again, part of the process and we are flexible—again we're not being driven by a specific schedule. We have said from the beginning that the process is iterative and that the schedule would be adjusted if we have needs, and that's where we're at right now.

Mariah Oxford: OK, so just for public information to give everyone a little bit more about how that timeline might be affected, how do you anticipate communicating that to the public? Would this be something you just adjust on the website? When might that happen?

Sheila Newman: We are really trying to target having all of the information we need to produce a revised schedule by about the second week of December. Now, it might occur later than that, but because of the interest—obviously we'll communicate directly with all of the cooperators and any schedule adjustments will be discussed with them, as well as the applicant—we would put it on our public website, and we would certainly address it in both our tribal teleconference that we have monthly and in these media roundtables. I'd be open to other suggestions if you had any.

Mariah Oxford: OK, thank you for that. I have one more question about the technical meetings and that is, the last technical meetings you had over the summer, you did end up putting some notes from those on the website. I wondered if you would have a record of these most recent technical meetings and if you would be sharing that as well?

Sheila Newman: What we have is draft working notes from the technical meetings. I have no issue with sharing those notes.

Mariah Oxford: OK, so we might be about to see those online?

Sheila Newman: The notes were meant to maintain context for the people in the room so I don't know how much sense they would make to other folks who weren't part of the conversations. Again, they're draft working group notes as opposed to any type of transcript or anything like that.

Mariah Oxford: Right. I think it is valuable seeing those topics of conversation that you were starting to list earlier. At least for that, I think that'd be helpful. Thanks!

Sheila Newman: Again, it's all part of the ongoing conversation. I don't think there is issue with that.

Mariah Oxford: Alright, thanks Sheila.

Sheila Newman: Sure.

John Budnik: Alright, thank you Mariah. Next is Jenny.

Sheila Newman: Where is Jenny from?

John Budnik: Salmon State.

Jenny Weis: Hi, I'm a freelance. I have a more broad question. I have heard concerns about the EIS that addresses impacts of mining only a small percent of the ore body as the company is telling investors it intends to mine the ore body in full. Similarly, I've heard estimates that the project as currently proposed would lose 3 billion dollars. I'm wondering why the Corps does not require the applicant to address the impacts of the full deposit that it pitches to potential investors?

Sheila Newman: There are a couple of reasons. The first thing is that we've got at least two scenarios in there representing different percentages of the ore body being mined but primarily the reason the Corps does not pursue that kind of SEC and economic analysis is that our regulations specifically state that when a private entity submits an application for a permit, that they are—we basically operate under the assumption that it is an economically viable project. Now, in this case, we have the discretion to require more information from an applicant, and we did. That information can be found in RFI 59b. If you are on the website and you're interested in the additional information we required specifically to address that concern, it is in RFI 59b. Under most circumstances—just to give you the big picture—the Corps does not ask that question of an applicant.

John Budnik: Jenny did you—

Jenny Weis: OK thank you.

John Budnik: Next is Grant Robinson.

Grant Robinson: Hey Sheila, this is Grant with KTUU. You've touched on most of the areas that I wanted to ask about already, but I wanted to circle back to your first response and with the statements or areas of concern. Just to make sure I heard you right, can you tell me how many there were and how has the Corps prioritized those on levels of importance and what are some examples of those?

Sheila Newman: I definitely can. I'll start at the beginning, and this is for any EIS—it's also commonly used for rule making and other types of things. We received 116,000 comments during the public comment period. Those comments came from private citizens and industry groups and the cooperating agencies. What we do then is we take all of those comments and we sort them, looking for unique comments—in other words, if a form letter is submitted and 1,000 people submit the same form letter, that is one comment. In this case, after that sorting we came up with 16,000 unique comments. We then take those unique comments and we group them in buckets of similar concern, such as, these unique comments are related to fish, these are related to bears, these are related to water quality. Then we turn those bucketed groups of comments into what we call statements of concern so we can specifically address them in the final EIS. We ended up with 750 statements of concern, and those statements of concern were related to the basic—all of the resources that we laid out in Chapter 3 and 4 of the EIS, aesthetics, air quality, wildlife, wetlands, fisheries, lots of different subcategories under each of those. For fisheries we have I think 55 statements of concern, 19 of those are related to commercial fisheries and a subset of those is related to subsistence. Basically that is how we develop these statements of concern. I know I answered the first part of your question, what was the second part?

Grant Robinson: So how does the Corps prioritize, or how are these issues resolved?

Sheila Newman: OK. We answer all statements of concern. That is a requirement of NEPA. You have to have a system, a process in place to address all of the substantive comments that are received. We don't really prioritize them as much as we identify and group them and then, once we've developed those statements of concern—in this case 750 of them—our technical experts that are writing the analysis go through and they draft a proposed response. We then bring in our cooperators and we say, "here are our draft responses to the 750 statements of concern," we did this last week. Now, each of those cooperators has been invited for a specific reason. If I'm Fish and Wildlife Service, I'm going to be looking at the statements of concern related to fish and wildlife. Then we're asking those technical experts that are our cooperators to review our draft responses to those statements of concern and identify any issues that they have, or any questions that they want answered. In that way we finalize those responses to those statements of concern and then the analysis accordingly. Does that help?

Grant Robinson: Yeah, it does. On a different note, I'm referring to Secretary James's response to Matt Leopold with the EPA on the request for extension. Some things came out of that with the Corps completing a preliminary final EIS and also a 30-45 day cooperating agency review period to conclude mid-February of next year. Those were just some things that I hadn't seen previously laid out or on the Pebble Project EIS website, EIS schedule. Are those new additions or is that a standard part of completing the EIS leading to the record of decision?

Sheila Newman: Yes, it is a standard part of the process. Each lead agency handles those things a little bit differently. We don't have a finalized schedule including those things yet because as I said previously, we are still deciding what level of efforts have to be placed where before we get to that next step. Preliminary finals are not a requirement in NEPA, but it is something agencies often choose to do with the cooperators in order to make sure that we have fully addressed all of the things that the cooperators brought forward. The other side of that is the cooperators also have a role and a responsibility to make sure that the information that is in that EIS that is going out to the public is clear and represents the concerns to the best of their ability as well.

Grant Robinson: Awesome, thank you. I think that's it for right now.

John Budnik: OK, thank you, Grant. That concludes our first round. I think I heard some folks join in late so I'm going to do a very quick roll call on the folks that have not chimed in yet. Is Tim Sohn, Richard Reed, Izzy Ross, Tyler Thompson, Yereth, or Nick Harvey on the line?

Tim Sohn: Hey John, this is Tim Sohn, I'm here. Nothing for right now.

John Budnik: OK, thank you, Tim.

Tim Sohn: Sorry I'm late.

John Budnik: No worries. Anyone else? Richard Reed, Izzy, Tyler? [silence] OK, well if not, we're coming on down to the home stretch, got about another 20 minutes or so, back to you, Becky.

Becky Bohrer: Thank you. Sheila I have a clarification question first and then another question. On the schedule, the Corps initially had estimated release for a final in early 2020, am I hearing you correct that you're saying that might slip and we might know that will slip sometime mid-December?

Sheila Newman: Yes. I apologize if I wasn't clear about that. We are looking right now to determine whether or not we need to revise the schedule, we hope to have made up our minds about that by the second week of December. There are a lot of moving pieces to this—to this EIS and any EIS—we're looking to review some very specific inputs to that and some requests for information that we put out to the applicant that we haven't received back yet in order to determine whether or not that timeline is going to shift.

Becky Bohrer: My other question: can you further characterize the talks that you said still need to occur with EPA in January, what needs to be hashed out or addressed in those talks?

Sheila Newman: Absolutely. As part of this iterative process there are additional requests for additional information, this specifically was a request for additional information that had however many numbers are between a and o of subparts. There is still some information that is coming to us related to this RFI, the number is 109. What we want to do is get that information back from the applicant and give the EPA as well as any of the other cooperators that want time to review that, a chance to review, and then have a discussion about it because there are a lot of questions associated with it. It is specifically related to water modeling.

Becky Bohrer: RFI 109 is a question to the applicant seeking more information about water modeling?

Sheila Newman: Yes, and that question had many, many subparts—all the way from subpart a to subpart q. There are some pieces of that that are still coming back to us, and obviously the cooperators need time to review and digest that information before we can have a conversation about it. We are anticipating getting responses to that mid-December. We'd like to give the EPA because they specifically asked for that—as well as any other cooperator interested—an opportunity to review that before we have a discussion about it. That discussion will likely be the people who actually are the type of experts that do water quality modeling or surface modeling or groundwater modeling to be able to talk with the EPA folks who are also engaged in that type of occupation so they can ask each other questions directly.

John Budnik: Alright, thank you Becky. We'll kick it to you, Elwood.

David Owen: I beg your pardon, David Owen?

John Budnik: No, Elwood Brehmer? [silence] He may have disengaged. Is Margie Bauman still on the line?

Margie Bauman: Yes. I'm really interested to know, again, when you're going to make a decision on the request from Mr. DeFazio to take no further action on the Clean Water Act application and provide a revised EIS. Could you give me an approximate deadline on that? Thank you.

Sheila Newman: Yes, Margie I don't speak for the lieutenant general and that request I believe went directly to the general. So, that's Lieutenant General Semonite so that's not my question to answer.

John Budnik: Thank you, Margie. Dylan Brown?

Dylan Brown: I'm good, thanks John and Sheila.

John Budnik: Thank you, Dylan. Ashley Braun?

Ashley Braun: [poor connection, inaudible]

John Budnik: Ashley, I apologize for interrupting but we're getting some feedback, some choppy feedback. We cannot hear your question.

Ashley Braun: [inaudible]

John Budnik: Unfortunately, might be bad cell reception, not exactly sure what's going on, but it kind of sounds like you're underwater. I apologize for the technical difficulties, I don't want to skip your question, I definitely want to give you a good opportunity.

Sheila Newman: Maybe she can call back in?

John Budnik: Yeah, maybe if you want to try calling back in or if maybe it's cleared up now I'm not sure.

Ashley Braun: [inaudible]

John Budnik: Yeah, again I'm sorry Ashley we just can't hear your question on our end. I apologize. We will circle back with you after this round to see if the reception has cleared up. Or if you want to try calling back in, that might help. I apologize for those technical difficulties. With that, we'll move to David Owen.

David Owen: Yes, thank you. As you probably know, Sheila, several NGOs and Bristol Bay groups have launched lawsuits against the EPA, [inaudible], it turns out that the NRDC filed a Freedom of Information Act request for information in particular they were concerned about nailing down a date for the final ROD to be issued and get that litigation over with before the [inaudible] issue. It turns out that Bill Craig asked Shane McCoy whether he might get an extension of two weeks into June of 2020 for the ROD signing that was supposed to be signed on May 29, 2020 according to those memos that they attached to the [inaudible]. That apparently is the date of the final signing of the ROD, May 29, 2020. Which, I would imagine would mean that the FEIS should be published around March 31, 2020. Is that correct?

Sheila Newman: I would say that is reflect of what the schedule that we have says. But again, we're still in the midst of an iterative process and those dates could change.

David Owen: Yes, thank you.

John Budnik: Alright, thank you David. Tim Bradner?

Tim Bradner: Sheila, could you explain a bit more about—I didn't quite understand the Section 59b that was filed on the website, it has to do with two different reserve scenarios and possible economic analysis. What is that?

Sheila Newman: Oh, OK. Let me back up because I might had conflated two issues. I was trying to answer a two part question, that we did do more than one scenario, based on mineral reserves. What 59b specifically is, is it's what called a throughput scenario to talk about the economics associated with the project. I'm certainly not an economist, but we had—in response to public concern about whether or not the mine scenario that the applicant put forward was economically viable—we did ask for additional information from the applicant and the answer to that is in that RFI 59b for anybody who wants to read their in-depth response. There's a couple hundred pages and an economic model in there, I think. It's publicly available though, for anybody who wants to take a look at it.

Tim Bradner: OK. Follow up, Sheila, was this the scenario—the additional scenario that they proposed in their application?

Sheila Newman: Yes. In their permit application, yes.

Tim Bradner: So it's economic analysis of that. OK, thank you.

John Budnik: Thank you, Tim. Mariah?

Mariah Oxford: Hi there, Sheila I have a question about who produced the draft EIS?

Sheila Newman: OK, so we did. We the Corps—

Mariah Oxford: The Corps of Engineers?

Sheila Newman: Yes, so the way that the Corps of Engineers and the district proceeded with this is, we hired a contractor that works for us, they're led by us. Under our direction, AECOM—who is our third-party contractor—produced the analysis for us. We're responsible for it, they work directly for us.

Mariah Oxford: I'm asking because, I'm not sure if you've seen the recent full-page ad by the Pebble Partnership or the mailing that was sent to households, but they included 16 different logos in response to that question, "who produced the draft EIS?" including all the cooperating agencies, the Office of the President of the United States, they don't include AECOM there. So I'm just wondering what response the Corps might have to the accuracy of that information that they put out?

Sheila Newman: Any person interested in the folks that are writing this analysis can look on our website. We identify ourselves along with our cooperating agencies. As far as specific comment on a private company, I don't have one. I'm not tracking their actions.

Mariah Oxford: Great, well I'd like to clarify just one more thing relating to the cooperating agencies and their role. You had mentioned in response to another question that cooperators have a role and responsibility to make sure that the EIS is clear and represents their concerns to the best of their ability. Is that right?

Sheila Newman: [agreeable]

Mariah Oxford: OK, last month I was asking Mr. Hobbie about the process of getting to consensus on any sticky point and he gave an analogy, it's all the kids going to dinner, they all want to go somewhere else, and someone has to make the final call and that would be the Corps. So, could you speak a little bit to that and how that coincides with what you said about how the cooperating agencies have a responsibility to make sure the content in the EIS is clear and represents their views, and yet, the Corps has to make the final decision. What if there are things that you can't come to agreement on?

Sheila Newman: That's a great question. Definitely the cooperating agencies' roles are well-defined in NEPA, but ultimately it is the lead agency's responsibility to make sure that the things

that are occurring within the document are within scope and related to the underlying authorities of the agencies that have to make the decision. In this case, the Corps is the lead, we have two cooperators that are also going to use this analysis to inform their federal decisions. Those two cooperators are the Bureau of Safety and Environmental Enforcement and the United States Coast Guard. But all of the cooperators—if you look in the NEPA regulations and the definitions of what a cooperator basically signs up to do as a cooperator, there is a responsibility. We do discuss these issues broadly. Ultimately, we have to defend the document, so the lead agency bears that responsibility and I'm sure that is what Mr. Hobbie was referring to.

Mariah Oxford: OK, thank you for that clarification. I want to slip one more in here, it's another statement from the Pebble Partnership mailing. From your point of view, does the DEIS confirm that the Pebble deposit can be developed responsibly?

Sheila Newman: Say it again, I haven't seen the mailing.

Mariah Oxford: The mailing, the statement is: "Science tells us that the Pebble deposit can be developed responsibly and the DEIS confirms it."

Sheila Newman: Huh.

Mariah Oxford: So my question to you, as a representative of the Corps, do you believe, the EIS as it is right now, whether it confirms that statement?

Sheila Newman: Well, I think "responsibly" is a subjective term and I have no idea what the company is referring to, so I won't comment on that. What I will talk about is that the draft EIS disclosed what we found based on the analysis we conducted up until that point in time and that the revisions that the document is undergoing is a product of the iterative process that the cooperating agencies and the Corps are going through to make sure that whatever we produce in the final analysis is representative of the impacts that we believe will occur and is supported by scientific evidence.

Mariah Oxford: Phew! OK, thank you for your side on that, Sheila.

John Budnik: OK, next is Jenny.

Jenny Weis: I think I heard you talk about this earlier, but I just want to make sure I'm clear. I know some of the agency comments that were submitted called for additional field work, which would have to happen in the summer months. With the current schedule, I was wondering if you would require that field work to be done or if you are finding ways that it is addressed differently, or how you are responding to those comments?

Sheila Newman: We had really robust discussions the past week on what the limits of our requirements are for the EIS versus what—that has been requested falls directly within the State of Alaska's authority for their subsequent permitting processes. Not all, but many of the requests fall into the category of, there is a direct authority for this specific request and we—the federal government—are not it. What we decided—collaboratively with the cooperating agencies—is that we do need to include for the public in the EIS the regulatory framework so

people who are concerned about those issues clearly understand where the federal process stops and where the state process begins. That is something that we are continuing to look at issue by issue and have asked the cooperators to produce for us their specific regulatory framework. Specifically from the State of Alaska where there is overlap with the DEC, and Fish and Game, and DNR, where, if this project goes forward, those three divisions of the State will have very comprehensive permitting processes that have to occur. I feel that we need to do a better job of making sure that we're providing that information to the public so they really can understand if we haven't done analysis that's been asked for there is a specific reason why we have not done it.

Jenny Weis: Thanks.

John Budnik: Alright, thank you Jenny. Grant?

Grant Robinson: We've been going at this for quite a while now, and I'm interested Sheila from where you sit, if you were to boil it all down from where we stand right now, what would you want to be sure that the folks at home understand about where we are in the process?

Sheila Newman: From my perspective, I would say in the process we are exactly where we need to be and we are making sure that we are diligently reviewing issues of public and agency concern associated with the proposal. I've done several of these large mining EISs and there are many issues that people are concerned about. It is always something that we need to go back and make sure that we're doing consistently and precisely to make sure the public understands the difference between the federal role and local authorities, whether that be state or other entities so people can understand that their issues are important. We may not be able to address all of them, but when we don't address all of them there is a reason why and we need to explain ourselves. So, from my perspective having done Appalachian coal mining for years and dealing with Chuitna, and Red Dog, and Donlin, and Pogo, and Fort Knox, and a bunch of different mines here in the state as well, I think we're exactly where we should be.

Grant Robinson: Great, thank you.

John Budnik: Alright, thank you Grant. Tim Sohn?

Tim Sohn: Thanks John and thanks Sheila. Forgive me—I got on a little late—if this was asked earlier and I missed it. I'm curious if you could comment on whether in the draft of the final version of the EIS any of the alternatives have been altered or dropped out or whether the final EIS will have the same alternatives as the draft EIS did?

Sheila Newman: I would say that there are some modifications to alternatives, we're not dropping anything out. But there is definitely—originally there was the analysis of the ferry terminals, north shore Iliamna to south shore Iliamna, now there is a potential variant from Eagle Bay over to Kokhanok area of south Iliamna. That is one variant. Also, a pipeline realignment from the north shore of Iliamna going up to the mine site. So, some more possibilities. We haven't taken anything away, but those two things stick out in my mind as additional things that came up as a result of public comment that may be less impactful alternative portions of the project.

Tim Sohn: In terms of practicability of that north side sector where there has been a lot of talk about Pedro Bay especially, that hasn't had any impact on the set of alternatives going into the final?

Sheila Newman: No, we have not removed anything.

Tim Sohn: OK. Then, completely different question—in terms of, you referenced a couple different RFIs, 109 and 59b, I'm curious if there are any other RFIs you would draw our attention to in terms of either something on the more complicated end or something that might cause delay or be a bit of a head scratcher, if there were any other ones that you would highlight?

Sheila Newman: There is a list we have of RFIs—there might be six of them—that are still pending. None of them that I would say really cause me great consternation, I think most of it is clarifying information, there are a couple that we discussed specifically in the meeting and I can't remember the numbers off the top of my head. I will tell you that there are a few more being developed and we will do our best to keep that website up to date as we not only put out the requests for RFIs but also when we receive the response. We are trying to make sure we are on top of making that available when we receive it.

Tim Sohn: OK, that was going to be my follow up, whether it was a possibility for there to be more RFIs generated through to the publication of the final and it sounds like the answer is yes.

Sheila Newman: Yes. I don't know about all the way up to the publication of the final, but certainly right now.

Tim Sohn: OK, great. Thank you.

John Budnik: Thank you, Tim. I want to circle back with Ashley, hopefully—

Sheila Newman: I think she called back in.

John Budnik: Ashley are you there?

Ashley Braun: I did.

John Budnik: Oh yes.

Ashley Braun: Can you hear me?

John Budnik: Yes, we can hear you.

Ashley Braun: Great. My question was actually just answered about whether proposed alternatives had been significantly amended or eliminated, particularly around the land use issues in terms of access, like at Diamond Point, which the owners have indicated they would not make available for the project. It sounds like you're still not pulling any of those alternatives off the table at this point, is that correct?

Sheila Newman: That is correct, not for the EIS. That would be a different conversation later in the process, but as far as analyzing, we continue with including them in the analysis.

Ashley Braun: OK, great. And then, just a clarification to a comment that you made about cooperating agencies. You specifically called out two cooperating agencies, BSEE and the Coast Guard, but if I'm not mistaken the EPA and Fish and Wildlife Service are also considered cooperating agencies or is there a technical difference here that I'm missing?

Sheila Newman: Yes, so there are 11 cooperating agencies. I called out BSEE and the Coast Guard because they have specific authorizations that they have to make decisions on regarding the applicant's proposal. They are committed to doing that utilizing this EIS. For BSEE, they have to make a decision on a right-of-way application for the pipeline that is going through the outer continental shelf, basically through Cook Inlet. For the Coast Guard, they have to make decisions on two bridge permits. One over the Newhalen River and one over the Gibraltar River. So, when we talk about cooperators, we identify the cooperators that have an actual decision and authorization to make because they actually will have that subsequent process in the Record of Decision. The other cooperators will not.

Ashley Braun: OK, so for example any endangered species permits that other agencies that are cooperating agencies have to make would not be considered in this?

Sheila Newman: No, so the ESA kind of thing is a consultation to the federal action. In other words, the ESA consultation is only related to the authorizations of those other agencies.

Ashley Braun: OK, got it. Thank you so much.

John Budnik: Alright, thank you folks. We have exhausted our hour. Certainly appreciate everybody's interest in joining us today for our media teleconference. I know I communicated to some of you that this is our last one for the year, might be worth an internal discussion whether we want to do one for December. I think with the holidays is what makes it challenging, everyone wants to spend time away from work and with the families. Anyway, bottom line is, we'll probably talk about that internally whether we want to do another one for December. Obviously no shortage of interest, a lot of great discussion today and certainly some follow on I'm sure. Nonetheless, rest assured we will pick them back up in January. Sheila, any closing remarks?

Sheila Newman: No, I always enjoy talking with you all. I hope you have a beautiful Thanksgiving with your families.

John Budnik: Alright, with that, please be safe out there guys. It is winter in Alaska and the roads are slick, so be safe and have a great day and enjoy your Thanksgiving.

Multiple: Thanks, thank you, thanks John.

Tim Sohn: John can I ask you a question real quick?

John Budnik: Sure, is that Tim?

Tim Sohn: Tim, Tim Sohn. Sorry, if we don't have one in December, can you release if any decision is made on any definitive timeline?

John Budnik: Yeah, I can—

Sheila Newman: I think we definitely plan on doing that.

John Budnik: That is definitely something that we will do our due diligence in communicating.

Tim Sohn: Alright, thank you so much. Have a good Thanksgiving.

John Budnik: You as well, thanks.

Tim Sohn: Bye.

[END OF CALL]