

USACE Media Teleconference 6-12-19

John Budnik – USACE

David Hobbie – USACE

Dylan Brown – E&E News

Tim Sohn – Outside Magazine

Jenny Weis – Salmon State

Grant Robinson – KTUU/Channel 2

Richard Read – Los Angeles Times

Yereth Rosen – Reuters

Izzy Ross – KDLG

Karen Ducey – freelance

Nicholas Harvey – Seeking Alpha

Ashley Braun – Hakai Magazine,

Suzanne Downing – Must Read Alaska

John Budnik: --Questions? As a courtesy kindly ask that you please place your phone on mute unless you're asking a question. Please hold your questions until after this initial statement, and then be sure to state your name and affiliation when asking a question so we know who's talking. 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 conduct a quick roll call to see who's on the line, in order of receipt of your RSVPs. Without further ado, is Grant Robinson with KTUU on the line?

Grant Robinson: I am here.

John Budnik: Good morning, Grant. Margie Bauman Fisherman's News? [silence] No Margie. Jenny Weis, Salmon State?

Jenny Weis: Present.

John Budnik: Hey Jennie, good morning. Yereth Rosen, Reuters?

Yereth Rosen: Yes.

John Budnik: Good morning Yereth. Tim Sohn, Outside Magazine?

Tim Sohn : Yeah, I'm here John, thanks.

John Budnik: Good morning Tim , thank you for calling back in, by the way. Richard Read Los Angeles Times?

Richard Read: Right here, thank you.

John Budnik Good morning, Richard. Nicholas Harvey, Seeking Alpha?

Nicholas Harvey: I'm here. Good morning everyone.

John Budnik: Good morning, Nick. Ashley Braun, Hakai Magazine, not sure if I'm saying that correctly?

Ashley Braun: Yep, that's fine, I'm right here.

John Budnik: Good morning Ashley. Becky Bohrer, Associated Press? I know she said that she may not be able to join us, but just checking. [silence] She's not with us. Suzanne Downing, Must Read Alaska?

Suzanne Downing: Good morning.

John Budnik: Good morning, Suzanne. Dylan Brown, E&E News?

Dylan Brown: Here.

John Budnik: Good morning, Dylan. Liz Ruskins, Alaska Public Media.

Izzy Ross: This is actually Izzy Ross from KDLG, I'm calling in for Liz.

John Budnik: OK, good morning, Izzy. And Karen Ducey, hopefully I'm saying your last name correctly, Karen Ducey, freelance?

Karen Ducey: Yep, that's exactly right. Morning.

John Budnik: And then is Michael Chee on the line? [silence] No Michael Chee. So, as you can tell we do have a pretty full media pool today, I just want to take a quick second to remind everybody that we do hold these calls on a monthly basis, and the reason for that is obviously due to the amount of interest in this one. It's our best way of engaging the media. We want to talk to you folks, but due to the limited time and resources we can't always grant the one-off interviews. We certainly do our best to get your questions answered in between our teleconferences, but these are held monthly. Not to name names or anything like that, but I do know that it was reported that this particular teleconference was in response to some proposed legislation out there. I want to iterate that that is not the case, this is our monthly routine. Without further ado I want to get to the questions, I'll just be working down the list here. First up is Mr. Grant Robinson, with KTUU.

Grant Robinson: Yes, this is Grant Robinson with Channel 2. A question for David Hobbie, in response to some of the recent proposed legislation, what would the potential impacts specifically be in terms of what the Army Corps is able to do moving forward with the Final EIS?

David Hobbie: I'll repeat what I've read, that the house has taken up a vote to look at an appropriations bill with language that basically says with the passing of this bill, the Army Corps of Engineers would not be allowed to extend any funds to continue the processing of the Pebble Mine permit. If that was passed in legislation and signed off into law, we would abide by that, which means the Corps of Engineers would not extend any funds to work on that. Which essentially would mean that the Corps would stop any work. We would have no authority to, as a matter of fact it would be illegal, if we spent any funding doing that.

John Budnik: Grant did you have a follow-up?

Grant Robinson: It's kind of a researcher question – can you restate where we are at in the process and how much is left in the Final EIS process?

David Hobbie: Sure. We are not in the Final EIS process, we are currently in the Draft EIS process and we are still open for public comments until July 1. We are about half way in the process if I wanted to give a percentage. So that's about where we're at in the process.

John Budnik: Thank you, Grant. Jenny? [silence] Jenny Weis do you have a question?

Jenny Weis: I do not, just listening.

John Budnik: OK, thank you. Yereth?

Yereth Rosen: Yes, hi. I understand that you are not looking at the climate change impacts that are already happening in the Bristol Bay region, that's not something that you're considering, is that correct? And if so, why not?

David Hobbie: We are evaluating climate change, I don't know what you mean about in the specific area, if there's something more specific you have. But we do evaluate the impacts of climate change in the draft.

Yereth Rosen: Climate change that's happening? How the proposed mine would affect, would add on to, the climate change that's already happening? I think you said in the previous session that you were not considering that.

David Hobbie: Ma'am, the EIS does reference some of that, maybe not to as much detail as people would like. It's kind of hard for me say where it is referenced in the EIS. But when you talk about a specific area, there are things that we've been asked to look at. For example, what effects climate change may have on salmon populations in the area. If it would cause a decrease in the salmon population. I'm not sure about any other specifics with regards to climate change we've been asked about in a specific area though.

John Budnik: Thank you, Yereth. Tim Sohn ?

Tim Sohn: Thanks John. Thank you guys again for doing this. So, I have one basic question at this point. Any further changes coming down at the end of this comment period? I know you guys have left open the possibility of further extension to a certain degree. But it seems like July

1 is the day and that's going to be it? So that's part one of question. Are we set on that, no further extension?

David Hobbie: To be honest with you I don't think there have been any requests for any further extensions, and to date nothing has come out that would lead me to believe that we should go that way. So right now, I would say no, July 1 is still the date.

Tim Sohn: OK, so a couple data gaps have come out that would be reason to argue some extension recently. One had to do, and this is an RFI that was just recently published on the website having to do with cultural resources surveys that had not been completed for basically the entire transportation corridor in their proposal. The second having to do with fish surveys that had also not been done for a lot of the transportation corridor sites. And those are things that they anticipate doing in the 2019 field season, so I guess I'm curious if you're putting out a draft for comment that seems relatively incomplete on those fundamental questions, whether that might argue for further extension?

David Hobbie: No, it wouldn't. Part of the reason for the draft is to get comments so we know what we need to look more in-depth at. There is a separate process called the Section 106 process for cultural resources specifically where those issues are identified in the cultural resources, or possible impacts on those resources are identified. Of course, we would never release the locations of those resources. With regards to the public wanting to know where those resources are, we would never disclose that because of the cultural sensitivities. So that's what we try to generically address in the EIS, yes there would be cultural resources impacts, we might not identify exactly what extent, one site or 10 sites, we do generically address it, and again, because understanding there is a separate process and because we never disclose those locations. So, it's not like people would know, "oh well this cultural resource is right next door to me, so this is a problem for me." I don't know if that answers your questions.

Tim Sohn: The issue has more to do with the large plots of this proposal's land would be affected underneath their proposed route that has zero cultural resources studies attached to this application.

David Hobbie: That's not 100 percent true.

Tim Sohn: It's more about protecting—Sorry, go ahead.

David Hobbie: That's not 100 percent accurate.

Tim Sohn: Could you elaborate on that, what I'm looking at is this RFI that seems to suggest that there are—

David Hobbie: What I would tell you is, on the ground surveys have not been done, but yes there has been research done, literature research and benthic surveys to determine what sort of resources might be there. But you're correct, the actual field work to verify that has not been done.

Tim Sohn: OK, so then what's the mechanism for people to comment on that once it's finally incorporated into?

David Hobbie: Comment on what? What are they going to comment on? We've identified those resources there, so I'm just curious what you want them to comment on. We've identified there would be impacts.

Tim Sohn: I think it would be the same reason why people comment on a Draft EIS at all, which is to draw your attention to potential shortcomings on blind spots.

David Hobbie: Again, we've identified that there are resources there, I don't think that's a blind spot for us. We've identified that they are there, we've not identified locations though. And I do apologize to everybody, I'm sorry, I'm David Hobbie the Chief of the Regulatory Division here in Alaska, and I'm sorry, good morning. Sorry I didn't start out that way.

John Budnik Thank you Tim , we'll circle back. Certainly good discussion here. Richard Read, LA Times?

Richard Read: Hi there. I understand that Matt Leopold from the EPA is up there right now, are you coordinating, meeting with him at all, and if so, what sort of discussions might be going on?

David Hobbie: I actually met with him yesterday. You're correct, Matt is from the EPA, I did meet with him yesterday, it was basically a general discussion about how things were going. It was about a half hour meeting with him and a general discussion about how the process is going, any concerns that we the Corps might have with these interactions and vice-versa. Nothing specific or of consequence, it was more for him—from what I understand, I'm not on the trip with him, I just had about a half-hour meeting with him. It was more about for him getting an understanding of Alaska and the issues in Alaska. So, you'd probably have to ask him what the overall value of the trip was for him. But our meeting was pretty general in nature, no real specifics were discussed.

Richard Read: OK. Can you describe how the Army Corps is coordinating with the EPA on this?

David Hobbie: Well, we're coordinating in a variety of ways, they are a cooperating agency, so they are in every cooperating agency meeting. Plus, they can comment outside of the cooperating agency status. As a matter of fact, we had a cooperating agency meeting with them yesterday.

Richard Read: Oh, OK. So, what happened in that meeting?

David Hobbie: Well, it's a typical cooperating agency meeting, there's not just EPA there, issues are discussed, whether there are comments, concerns. I can't give you a blow-by-blow, I wasn't in the meeting. But we have these meetings frequently, it wasn't just yesterday.

Richard Read: OK. I'm just getting up to speed on this, sorry. After the comment period closes, what happens when?

David Hobbie: After the public comment period closes, we will spend a lot of time going through all of the comments that we have received. I think we have about 60,000 comments currently, I'm sure we'll see a lot of comments from the agencies, which is what we encourage. Hopefully they're specific so we can try to identify, get to the heart of what the issue is. We'll start reviewing those comments, go through that process of sifting out, as I'm sure there'll be a lot of comments that are very simple "I don't like" or "I'm against" or "I'm for." Those will go in some general categories, then we'll look hard at the substantive comments, especially the ones that are very specific, the ones that help us really try to address the issues. Then we'll start the process of addressing those comments.

John Budnik For the pool there, I want to chime in. I know we've got a lot of new reporters on this teleconference for the first time. The project website, Pebbleprojecteis.com is going to be a great resource for you. Just want to throw that out for some of the newcomers out there, if you're not aware already of that website. Thank you, Richard, we're going to go ahead and move on. We'll go through the list again, we'll come around again. Nicholas Harvey with Seeking Alpha?

Nicholas Harvey: Thanks everyone. You just talked about reviewing comments. Are you guys reviewing comments in real time to say, "This is something that we might want to look at more." Or are you only going to review comments once the period closes?

David Hobbie: No, we're looking at them in real time.

Nicholas Harvey: OK. Has anything come to your attention where you said maybe this is something that we should look at in a little bit more detail or no?

David Hobbie: Oh yeah, there's things that have come up. I hope you don't ask for specifics, but there have been comments that have come up that we wanted to make sure we covered. Because a lot of the comments that are brought up are already addressed in the EIS, where we try to provide the commenter that we know it's in Section 1.3.4. It's not that it's lacking, it's just that maybe the reader missed it, or something like that.

Nicholas Harvey: OK. You guys read at the very beginning of the call, just for clarification, to what extent does work continue on the Final EIS? Whether it's through you guys and the Pebble Limited Partnership, or AECOM, during the draft comment period?

David Hobbie: AECOM, the contractor, is working very diligently every day.

Nicholas Harvey: Got it. OK, thank you.

John Budnik OK, Ashley Braun?

Ashley Braun: I have a couple questions. The first is that there was a recent University of Washington study that was published in *Science*, showing that there's no one key part of the Nushagak watershed that can be isolated and protected as salmon habitat without potentially compromising overall salmon numbers. Concluding that the whole system is important to the fish, if not all at the same time. There's a great deal of variability and importance of habitat in

terms of where that habitat is available and when it's important, and that can really vary. It suggests that the Draft EIS uses this approach to value certain habitats based on a couple years of evaluation and that might potentially underestimate the future importance of that habitat in such a dynamic environment. I'm curious if the Army Corps has any comments on that.

David Hobbie: We do have the research. We will review it. I won't comment on whether we think it's valuable or accurate. We, like you, we just received it about two weeks ago. It will be one of the documents we review out of the many thousands we will review looking into this. So, I can't say whether we think it's good, bad, indifferent at this point.

Ashley Braun: OK. But you are acknowledging that you are aware of it and you will be taking that research into account in the future.

David Hobbie: Yes ma'am.

Ashley Braun: OK. So, my next question is: how does the Draft EIS take into account potential impacts and restoration options of worst case scenarios, such as the type of catastrophic tailings pond failure that occurred in 2014 at British Columbia's Mount Polley Mine.

David Hobbie: A couple things there: one, when we look at our overall authorities of Section 404 to the Clean Water Act. We look at the impact of the initial construction of the project, and if it's determined that additional mitigation is required, the applicant would have to fulfill those requirements. With regards to what sort of mitigation has to happen if the dam fails, that is outside of our purview at that point, that will become a State issue. As a reminder, this is all on State land, so at that point the State would be responsible for determining what sort of mitigation or mitigation steps may be required from the applicant.

Ashley Braun: OK. So then under the Section 404 authorities, the downstream potential impact of that type of a worst case scenario are not built into the regulatory authority?

David Hobbie: Let's be clear here. Everybody keeps talking about worst case scenario. We look at probabilities of events happening. There's a lot of worst case scenarios you can look across the country, you can look at this dam failing; but where I'm going with that is, we do look at probabilities and risk factors to those probabilities and then try to identify in the NEPA document what the results of that would be. But we are not required under any regulation to look at any worst case scenario. Much like, for example, a pipeline project: we're not required to look at the worst case if someone blew up the pipeline, we don't have to evaluate the 10 million gallon oil spill as a result of that. So, I get that this is a dam, but kind of a similar situation.

Ashley Braun: Sure, thank you.

John Budnik: Thank you Ashley, Suzanne?

Suzanne Downing: Good morning everybody. Thanks for taking our questions. Circling back to the very top, when we were talking about the Huffman Amendment number 63 I think it is. What it says is, no funds from this act can be used by the Army Corps of Engineers to finalize the environmental impact statement. But there seems to be another Huffman amendment that I

wasn't aware of until recently and it's slightly different. Can you address that one as well, it has to do with, I'll have to find it here. Maybe you're aware of it.

David Hobbie: Well let me answer it more pragmatically for you. So, I am not an attorney, I am a biologist by trade. What would happen if any legislation made it through and was signed into law, we have a fleet of lawyers at our headquarters who would tell us what that law meant to us, with regards to moving forward. But at least the one I'm aware of says we couldn't extend any funds, if that passed, from my generic reading of the articles about it, I have not read the amendment, my generic reading of it would be that we could not extend any funds, at which point we would have to stop working on the project. Any of that would be vetted through our attorneys so I knew exactly what the law meant to us.

Suzanne Downing: My error, the other amendment has to do with the EPA, and has nothing to do with you. But, am I correct in thinking the applicants themselves are paying for the EIS so—

David Hobbie: Ma'am, that is incorrect. They are not paying for the EIS, they pay for the third party contractor who is assisting us with the preparation of the EIS, but there's a one hundred dollar fee at the end. If the project was authorized, there's a one hundred dollar fee they pay.

Suzanne Downing: OK, thank you.

John Budnik Thank you Suzanne, Dylan Brown?

Dylan Brown: Thanks. Going to follow up on an earlier question about the meeting with Mr. Leopold. Was the 2014 EPA proposed termination discussed?

David Hobbie: Not at all.

Dylan Brown: OK. Separately, I've had numerous reports of fake comments or comments impersonating folks within the environmental and conservation communities. Is that something the Army Corps is aware of, concerned about?

David Hobbie: We have been made aware, people have notified us that there were comments placed under their name that they did not make. As soon as we're notified about that we take it down. We don't like it and we're aware of it, but there's not really a practicable way to stop that from happening. For us, it's not so much about who made the comment per se, it's more about the content of the comment. Right now, we don't have a mechanism to prevent that from happening, it's not something we're real concerned about, we are aware it has happened in some situations though.

Dylan Brown: Right. Obviously, you've done more than a few of these, is this something you've ever seen before?

David Hobbie: It's not something that's ever been brought to my attention so I can't say it's never happened before, just not anything that I'm aware of.

Dylan Brown: Thank you.

John Budnik Thank you, Dylan. Izzy Ross?

Izzy Ross: I don't have any questions right now.

John Budnik OK, thank you Izzy. Karen Ducey?

Karen Ducey: Hi, good morning. I just have one quick question. As far as the timeline is concerned, it looks like this whole process is a year and I just want to confirm that that's it. The public will comment, and then you guys are going to review it, and then you're going to make some decision on whether or not to give out the permits about a year from now. If that's the case is anything else going on regarding with that company, if they're actually doing anything out there?

David Hobbie: You're right, it's approximately about a year from now for the State, we're hoping, to finalize a decision. When I say "hoping," there are a lot of balls in the air, a lot of moving parts here. So, that is our goal, is to get there within about a year. With regards to what work Pebble is going to do, I believe they're doing some other survey work. But as far as I know that's about it. They're going some geotechnical work that I'm aware of, they could be doing other work that I'm not aware of because that doesn't require authorization from us, but that's about all I'm tracking, ma'am.

Karen Ducey: OK, thank you.

John Budnik Thank you, Karen. So far that concludes the first round of questions, I just want to see if there's anybody that has joined late that has not had a chance to ask a question yet. [silence] If not, then we will go to round two here, and back to you, Grant.

Grant: Thank you. Just a minute ago you mentioned that it's not about who makes the comment but the quality of the content of what they are stating. Does that same perspective apply to the other governmental agencies? Because earlier you said that the EPA could make a comment outside of the partnering agency—

David Hobbie: Let me be clear, I probably misstated a bit there. The agencies that are cooperators, they're very integral to this. When I talked about that it's not so much about who comments, whether David Hobbie or John or Bob comments, it is, what is the question that Bob or David Hobbie or John have. When the agencies comment, we're very concerned about their comment, if they have expertise, for example EPA or Fish and Wildlife Service, potential expertise where they bring a lot of per se, literature, research, expertise to the table, of course that's going to be a lot more useful to us than a novice would, if it's just David Hobbie doing it. Again, it's more about, we're not concerned about whether it's David Hobbie or Bob or John, we're more concerned about the substantive part of the comment.

Grant: OK, thank you. Another question on a different note. Say the Huffman amendment does go through and that is made law so you all are required to stop work on this project. What would it take in two years or so down the line, should the funding becoming available again, what would it take to restart the process at that point?

David Hobbie: First of all, there's a lot of speculation there. What I would say is, if a law was passed and we had to stop work and then another law was passed where we could start work, we would try to pick up at the point we left off, if possible. A lot of variables are: how much time passed, did the project change, lots of moving parts that could change the overall, what we would do next. But, for the sake of the argument, if nothing changed, if everything stayed status quo, we just couldn't spend any money for a year or two years, we would try to pick up where we left off.

Grant: OK, thank you, that's all I have. David Hobbie, could you spell your last name for me?

David Hobbie: It's H-O-B-B-I-E.

Grant: Awesome, thank you.

John Budnik Thank you, Grant. Jenny? I know you said you were a listening participant but I want to give the opportunity to you if you have any questions.

Jenny: Thanks, yeah. Could you talk about what went into the creation of the timeline? All of us in Alaska just watched the Donlin NEPA process play out, which had a lot longer timeline from the get go. Just wondering how and why this one was created on the timeline it was.

David Hobbie: I appreciate the question, it always gives me a chance to explain how good we are. No, there's a few factors, probably about three or four key factors that make a big difference. One, for example, in particular with Donlin and the Draft EIS, they requested a six month extension to the Draft EIS in and of itself. In large part they were affecting data, so the three big differences between Donlin and the Pebble Project is that the applicant has vast amount of data, so when we do additional requests for information the response is very quick. Versus, the majority of the time there are delays because applicants have to gather data or go out and do studies, that can often take months, if not years, to occur. Thus far, not the case with Pebble. They've been very responsive to our requests for additional information, they have a lot of data available. Number two, we've learned from our mistakes, there are things we could do more efficiently that we've learned from and try to put those into practice. Technology has helped us a bit. Number three, we have a pretty seasoned staff working on this, so, maybe fewer mistakes to be made going forward. When you add those three together, that's probably the biggest reasons the timeline is going to be shorter than for Donlin. But let me be clear on this one, we're not done. Everybody keeps talking about the timeline. We're not done with this. When we finish, then we'll show, here's the timeline we actually took. We're only about halfway through this process, still a lot of moving parts. Our goal is to be there within about a year, but a lot of variables.

Jenny: A follow up: I haven't checked this week, but I know there were still a few outstanding RFIs, would those prevent things from moving forward or how do you handle questions you've asked Pebble that haven't been responded to?

David Hobbie: Unless it takes an extraordinary amount of time to respond, even if it takes them a month or two to respond to the question, that is still, and I'm using this phrase a bit lightly,

lightyears faster than most applicants are able to respond. Again, if it's starting to draw out to be three, four, five months, that could possibly impact the schedule.

Jenny: OK thanks.

John Budnik Thank you, Jenny. Yereth?

Yereth Rosen: A really general question: I keep hearing or seeing from the opponents that the Corps has made a big mistake by concluding that the project would cause no long-term harm to Bristol Bay or Cook Inlet salmon. Could you address that? Is that what the Corps has said?

David Hobbie: Ma'am, from what I'm tracking, our statement was, right now based on the information that we have, we believe there would be no species-level impacts to salmon, to the populations. That doesn't mean that cannot change with new information, but right now with the information that we have, that is what we've stated.

Yereth Rosen: OK, thanks.

John Budnik Thank you, Yereth. Back to you, Tim .

Tim Sohn: Great, thanks. There have been a lot of questions around the Huffman amendment, so I wanted to dig in a tiny bit on the funding. Is there now, or will there be at some point a number you guys release as far as what this EIS process is costing or is that not information that you generally release?

David Hobbie: It's not something that we generally do. We track that cost. I get a program budget for the entire program within the State of Alaska and Hawaii that I cover. But it's not something that we typically say, "this project cost me 10 dollars." We don't typically publish that.

Tim Sohn: OK, so there's no way, I'm just curious seeing it's becoming an issue now, with this funding, rather, if there's any way to ballpark that.

David Hobbie: I couldn't off the top of my head, to be honest with you. I know it cost more than 10 dollars, but I couldn't give you an accurate estimate at all of what it's cost to date.

Tim Sohn : OK. As a taxpayer it's nice to know that the cost is tracked. So, thank you for that.

David Hobbie: So, the way it works, and I know everybody is focused on Pebble right now, but between the program I cover, I have probably about 500 penny projects, Pebble just one of them. Again, something we track, but it's not my only focus.

Tim Sohn: OK. On the funding and everything else. You covered a little bit in a previous answer where Pebble's funding responsibilities lie with paying the contractor and everything else, there are a substantial number, it seems to me, of outstanding requests for information pending on field work this summer. Pebble is perpetually in a somewhat cash-strapped situation at this point. I'm curious whether, obviously it's not your responsibility to look at their budget, but then this goes to the point of, what happens if they can't respond to those RFIs or can't get that done

during this field season, does that just extend the timetable or does it put the entire process in jeopardy.

David Hobbie: Well, it could. It depends on what the request for additional information is about. If we need a significant piece of information and they were not able to provide it, it could delay the project. Could delay it indefinitely. If it happened it wouldn't be the first time. The Corps of Engineers has had many projects over the years where applicants were unable to respond to RFIs and ultimately withdrew the project.

Tim Sohn: OK thanks. That's all on that topic. Thank you.

John Budnik Thank you, Tim. Back to you, Richard Read.

Richard Read: Again, sorry I'm new on this David Hobbie. But it sounds like you've put a lot of work into this, how do you feel about this effort to try to block the funding?

David Hobbie: I work for the American taxpayer and I abide by the laws that are signed by the President. That's how I feel. I have no personal tie to this project good, bad, or indifferent. If the laws are passed, we'll follow them as instructed.

Richard Read: OK, thanks.

John Budnik Thank you, Richard. Back to you, Nicholas Harvey.

Nicholas Harvey: Thanks. So, there are three alternatives in addition to the No Action Alternative, and one of the things they had to look at with each of those is the transportation corridor and building over Native lands and things like that. I think Northern Dynasty had announced maybe a month or two ago, signing an agreement with one of the tribes. But you have another one, Pedro Bay Corporation which keeps coming out saying that they're not ever going to sign an agreement with Northern Dynasty for them to make use of Pedro Bay lands, for the transportation corridor. Now, is that something you would consider if you're looking at Alternative 2 or 3 as the least environmentally damaging option, but then you say, "well, you might have a hard time securing the right of way." Is that something that you consider?

David Hobbie: Well, there's a couple things here. I've heard a lot of the same reports you have, but have yet to see anything in writing from the appropriate responsible party saying that they couldn't use their lands. So, everything is still a viable alternative. Our permits do not authorize or grant real estate rights or accesses. With that said, if we were to receive the appropriate documentation from appropriate party saying that we could not use their land, then it might limit the alternatives that were available. The one word you missed when you talked about the LEDPA was practicable, the least environmentally damaging practicable alternative, if they cannot acquire real estate access, of course, it is not practicable. But until we're given such a document, it's still on the table.

Nicholas Harvey: OK, thank you.

John Budnik Thank you Nicholas, back to you, Ashley Braun.

Ashley Braun: No other question right now.

John Budnik OK, thank you Ashley. Suzanne Downing? [silence] Is Suzanne Downing still on the line? She may have left. Back to you, Dylan Brown.

Dylan Brown: All good here.

John Budnik Thank you, Dylan. Izzy Ross?

Izzy Ross: No questions at this time.

John Budnik OK, Karen Ducey?

Karen Ducey: I'm good, thanks.

John Budnik Alright. Is there anybody on the line that I have not called on that may have joined late? [silence] We might be coming down to the home stretch, I'm going to go through the list one more time to see if there's any outstanding questions out there. Back to you, Grant.

Grant: I have no further questions, thanks.

John Budnik Thank you, Grant. Jenny?

Jenny: You mentioned outstanding RFIs a couple times. Would you be able to review the subject matter of what the outstanding RFIs are?

David Hobbie: I can't ma'am, I'm sorry.

John Budnik We can follow up on that.

David Hobbie: We can get it off the website, but I'm sorry, I can't tell you what those are off the top of my head, ma'am, I'm sorry.

Jenny: Alright, thanks.

John Budnik Thank you Jenny, Yereth?

Yereth Rosen: No nothing, thanks.

John Budnik Thank you. Tim Sohn?

Tim Sohn: Yeah, following up on that transportation corridor and land ownership or permissions issue, which I've asked about in the past with regard to the Pedro Bay. I was curious, I believe you guys have received this letter from the Bristol Bay Native Corporation: June 6 letter outlining—two questions, first have you seen the letter?

David Hobbie: Yes.

Tim Sohn: OK, so this is what you're talking about in terms of something that would qualify from the responsible party that you would have to take into account, correct?

David Hobbie: Yes.

Tim Sohn : OK, is there, because I'm trying to parse out the split estate subsurface rights issues that they reference and I'm curious whether they seem to view the exercising of their subsurface rights as a potential way to block usage of those lands. I'm curious what the Corps' response is to this letter and their position is on that and the split estate as pertains to these corridors?

David Hobbie: Our permit instruments do not allow us to grant or deny real estate access. If it was determined that they could not use those corridors because they were restricted due to real estate, they would no longer be practicable alternatives, so then it would narrow our focus of what the alternatives really are. There are some conversations with regard to subsurface rights, that would probably have to be a legal answer, in all honesty, and I don't know that one. But at the end of the day, if it's determined that they can't take a certain route because of real estate rights, that alternative no longer is practicable so then we look at other alternatives.

Tim Sohn: OK, so functionally then, is it something that is referred to Corps' attorneys and then comes back to you with an answer of whether it's practicable?

David Hobbie: Very much so.

Tim Sohn: OK, thank you. That answers my question. Thanks.

John Budnik Thank you, Tim . Richard Read?

Richard Read: All set, thanks.

John Budnik Thank you, Richard. Nicholas Harvey?

Nicholas Harvey: I'm OK here.

John Budnik Thank you Nicholas, Ashley Braun?

Ashley Braun: I'm all set, thank you.

John Budnik I think Suzanne Downing may have left, Dylan Brown?

Dylan Brown: All good, thanks.

John Budnik Thank you, Izzy Ross?

Izzy Ross: All good, thank you.

John Budnik Thank you, and Karen Ducey?

Karen Ducey: All set, thanks.

John Budnik Thank you.

David Hobbie: It looks like we went through the list, this is David Hobbie, you all are very gracious and always say thanks to us for having these calls. I'd like to say thanks to you all for participating. Our goal here is to really be as transparent as possible with this process and this project in particular. Also, it's an education piece. There are a lot of things that people think we have the rights or responsibilities, that we don't have, or have authorities that we don't have. So, your participation is crucial to us to try and help keep the public informed as much as possible. So, I appreciate you all doing this too because I know it takes your time and effort, so thanks.

John Budnik: I think we've exhausted all of the questions for today. Again, we hold these monthly and I have everybody on the distribution list so you should all be receiving the invitation for the next one. So, with that, enjoy the rest of your day and week, and hopefully everyone's summer is going excellent. Have a great day. Bye.