

USACE Media Teleconference 3-20-19

John Budnik – USACE

Shane McCoy – USACE

Jill Burg – Bloomberg Environment

Becky Bohrer – Associated Press

Steven Lee – Bloomberg Environment

Tim Sohn – Outside Magazine

Mariah Oxford – Pebble Watch

Scott Bronstein – CNN

Isabelle Ross – KDLG

Michael Chee – AECOM

Jennifer Summers – KTVA

John Budnik: We are recording this call to provide a transcript at a later time, which will be posted on the Pebble Project EIS website, that's Pebble Project EIS dot com. And before we get started with Shane's opening remarks, just want to do a quick roll call so we know who all is on the line joining us. I'm just going through the list, in order of RSVP and my desk phone is ringing so that might be one of you out there, but we'll go ahead and start, Ariel Wittenberg? [silence] No Ariel yet. Jill, you're on the line?

Jill Burg: Yes, I'm here. Thank you.

John Budnik: Is Becky Bohrer? Associated Press?

Becky Bohrer: I am, thank you.

John Budnik: Thank you, Becky. Steven Lee with Bloomberg Environment.

Steven Lee: Hello, I'm here, thanks.

John Budnik: Hello, good afternoon Steven. Dylan Brown, E&E news? [silence] No Dylan. Tim Bradner? [silence] No Tim. Is Margie Bauman, Cordova Fishermen? [silence] No Margie. Tim Sohn, Outside Magazine?

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

John Budnik: Hey, good afternoon. Alex DeMarban, Anchorage Daily News? [silence] No Alex. Is Mariah Oxford, Pebble Watch?

Mariah Oxford: I'm here thanks.

John Budnik: Hey, good afternoon, Mariah. Scott Bronstein, with CNN?

Scott Bronstein: Hey John, I'm here, thanks.

John Budnik: Hey, good afternoon, Scott. Suzanne Downing, Must Read Alaska? [silence] No Suzanne. Jennifer Summers, KTVA? [silence] No Jennifer. And, is Isabelle Ross, KDLG?

Isabelle Ross: Yes, I'm here.

John Budnik: Hi Isabelle. Also, is Michael Chee on the line?

Michael Chee: Present John.

John Budnik: Hey, good afternoon Michael Chee. Michael is with AECOM, he is here as a listening participant. Alright, without further ado, we'll go ahead and turn it over to Shane to deliver some opening remarks.

Shane McCoy: Thanks John. Thanks everybody for joining us. Good afternoon, as John pointed out, my name is Shane McCoy and I am the Program Manager leading the development of the Environmental Impact Statement for the review of the Pebble Limited Partnership's permit application. As I'm sure you are aware, the Corps received an application late 2017 for the discharge of fill materials into waters of the US and work in navigable waters associated with the proposal. For context, I would like to remind everyone that there are three federal agencies that intend to use the EIS to inform their respective decisions: the Army Corps of Engineers, for the proposed discharge of fill materials into waters of the US and activities within navigable waters; the US Coast Guard, for a bridge crossing over the Newhalen River; and the Bureau of Safety and Environmental Enforcement, for a right-of-way for the proposed natural gas pipeline on the Outer Continental Shelf in Cook Inlet. As you're aware, the United States Army Corps of Engineers, made the Environmental Impact Statement available for review on February 20th of this year and began the public comment period on March 1st. The public comment period is 90 days in length, and closes on May 30th, 2019. The draft EIS can be downloaded and comments can be submitted on the project website: Pebble Project EIS, all one word, dot com (PebbleProjectEIS.com). USACE is committed to a transparent process, using the project website as a repository for the public to see all of the resources analyzed for the draft EIS, tips for commenting on the document, the scoping report, specific information for each of the public hearings that are coming up, including the addresses of the hearings, and much, much more on that site. Please note that all public comments and the associated commenters' information will be made available, in as real time as possible, on the project site as well. We will be holding nine public hearings to receive input on both the permit application and the draft Environmental Impact Statement. The hearings will be held in the same communities scoping meetings were held. At all of the hearings and as time allows, interested parties will have an opportunity to speak to the larger audience via a microphone, or conversely, may provide comments at a public hearing to a court reporter in a more private setting or submit written comments at the hearings. At any time of the public comment period, comments can be submitted online, or mailed to the appropriate address, which can be found on the project site as well. With that, I'll turn it over to John and we can start fielding questions.

John Budnik: Thanks Shane, I did hear a beep, who just joined us?

Jennifer Summers: Jennifer from KTVA.

John Budnik: Hi Jennifer, thanks for joining us.

Jennifer Summers: Thank you.

John Budnik: We'll go ahead and go through the first round of questions here, and that will start with Jill Burg, Bloomberg Environment. [silence] Jill?

Shane McCoy: Might be on--

Jill Burg: Hi, I'm here. I'm sorry, I'm ok right now.

John Budnik: Ok, thank you. To you, Becky Bohrer?

Becky Bohrer: Hi, thank you. Shane, there's some groups that have asked for longer than 90 days, they feel that that is inadequate for the scope of this project. Is the Corps firm that 90 days is it? Is it entertaining at this point a longer comment period? And if it is, how long a period?

Shane McCoy: There's a few questions in there. I'm sure as you're aware, the regulations for the development in the National Environmental Policy Act require that we go out for 45 days at the release of the draft EIS. Given the nature of the project and the interest by the public, it was determined that 90 days would be appropriate. You are correct that there have been some requests to extend the comment period. At this time, we are considering those. But at this time it is at 90 days. Unless there's a compelling reason presented to the district engineer otherwise.

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

Becky Bohrer: At what point do you anticipate making a decision, on longer.

[inaudible]

Shane McCoy: Well--

Becky Bohrer: --and I--

Shane McCoy: Go ahead.

Becky Bohrer: And I guess what factors to whether you believe 90 days is sufficient or insufficient. What factors do you consider in weighing whether an extension is warranted?

Shane McCoy: Well, right now, there hasn't been anything presented that would be compelling for us to extend it. Often times, and I think this is fairly well iterated in the request, is the reference to the Donlin public scoping, or public comment period, was the longest comment period that the Corps has ever been a lead on. Now that period was that length was because it was requested by the applicant. In comparison to many other EISs, not only led by the Corps but other federal agencies, this is the longest public comment period at the release of the draft.

Becky Bohrer: Thank you.

John Budnik: Alright, thank you Becky. We'll go to Steven Lee, Bloomberg Environment.

Steven Lee: Hey, thanks. This is quickly following up on the previous question. Shane, I think you said there has not been a compelling reason that has been presented to extend the comment period. Can you give us an example of what might be a compelling reason?

Shane McCoy: Well, I can't really give you an example of what would be a compelling reason, but I can give you some of the reasoning why we chose 90 days. It was released on March 1st, and when we take into consideration the communities in which we're going to visit, it's been readily vocalized that many of the communities are very heavy in subsistence, which begins about the time the comment period would end. That being said, there's also other cultural and religious considerations, that if we were to continue and extend it down, if we would have originally have opened it up for a longer comment period, would conflict with some of those other community interests.

Steven Lee: Ok, that's great, thank you.

Shane McCoy: Sure.

John Budnik: Thank you Steven. We'll go to Tim Sohn. Tim?

Tim Sohn: Thanks John, I guess I'm going to have to keep piling on that one because I still don't fully understand the justification. So, 90 days was determined simply because of when you released it and when you believe subsistence activity to begin without any sort of consideration for [inaudible – phone cuts out] for people to read through this and get their comments in, is that right?

Shane McCoy: Well, we considered 45 days because that's what's required under regulation. That being said, as we did extend it to 90 days, with full understanding that most of the information has been readily available on the project website. All of the requests for information and resources available have been there and have been made available for many people to review. So, we have received both requests from various individuals for an extension, but we've also received requests from various individuals to not extend it, simply because of the upcoming fishing season and/or subsistence activities.

Tim Sohn: Who have you received requests from to not extend it further?

Shane McCoy: We spoke with one of the native corporations, they asked us not to. We've received various requests from individuals, I can't name them all, but if you go to the project website, there's a search feature on the comments where you can see some of the other individuals that have requested it. In addition, some of the—

Tim Sohn: Can you—

Shane McCoy: --some of the state legislature has sent a letter requesting it.

Tim Sohn: Can you name the native corporation who requested it?

Shane McCoy: Yeah, absolutely, it's the Iliamna Native Corporation.

Tim Sohn: Ok, and just because of the timeline that some people obviously view as somewhat truncated for the complexity of the project in question have you considered, or will there be further attempts at outreach in some sort of dissemination or explanation. In addition to, or in advance of, the public hearings beyond just throwing stuff up on the website?

Shane McCoy: Oh, yeah, absolutely. Thank you for bringing that up. On February 20th, we had thumb drives mailed out to all 38 tribes that could have potential impacts to either their lifestyles, their lands, or otherwise. In addition to that, we sent out an information packet. Generally, high level information with regards to what the intent of this period is, how to make good comments, general formats, for lack of a better term, a good way to start looking at it would be to start looking at the Executive Summary and then dive into the subsequent chapters. And again, opportunities like this are invaluable for the Corps to try to help inform folks of where they can find information, in addition to providing education on the process.

Tim Sohn: Ok, and sorry to keep piling it on, but last question on this time table thing, is there a hard cut-off at which you say considering the idea of extending still? Is there a hard cut-off at which you would stop considering? Is there a deadline for that decision being made final?

Shane McCoy: May 30th would be the last opportunity.

Tim Sohn: Ok, so until then you may still consider it then.

Shane McCoy: We always consider all comments that are received, yes.

Tim Sohn: Ok, thanks Shane.

Shane McCoy: Yep.

John Budnik: Thank you Tim. We'll go to Mariah.

Mariah Oxford: Hi there, my question is about the public hearings coming up and apologies if this is a repetition because I got cut off for a while there. Could you talk about this process a little so that the public knows what to expect regarding time limits?

Shane McCoy: You bet.

Mariah Oxford: Whether you'll have translators at any of these hearings? Did you already go over that?

Shane McCoy: No, I didn't. I was anticipating there being questions so I wanted to leave as much time for questions as possible. So, the hearings are a different format than the public scoping meetings. Public scoping meetings did not have any time limits and not all of the venues had a live mic. In all of the nine venues there will be a live mic and there will be a discernible time limit. Now, we haven't determined what that is until we know how many people are actually interested in speaking publicly. We will not put a hard fast number but it's likely

going to be 2 to 3 minutes. That being said, it will be first come, first served, so those who sign up first will be the first to speak. Is that what you're asking? And then, in addition, like I mentioned in the opening remarks, there will be a court reporter there. We have brought a translator with us to all of the public scoping meetings, and there will be a translator at the hearing as well. Actually, there will be two translators in Dillingham. And of course, in the larger venues there will be two court reporters, one that will be singularly involved with taking testimony aside from the large group. And of course, like the scoping meetings, there will be computers available, especially where the connectivity is really good, so that folks can directly input their comments into the project website, or hand us written comments as well.

Mariah Oxford: Ok, great. Thanks.

Shane McCoy: Yep.

John Budnik: Thank you, Mariah. To Scott.

Scott Bronstein: Good, thanks so much. Can you hear me ok?

John Budnik: Yes sir.

Scott Bronstein: Good thanks. Shane, one question comes up about the question of the conclusion or, sort of the main finding, in the EIS thus far. Am I reading it right that the Corps essentially concludes that the mine would have no long-term impact on the, quote, health of the commercial fisheries in Bristol Bay or Cook Inlet? Is that a correct reading?

Shane McCoy: That is the analysis, yes.

Scott Bronstein: So, I guess the main question I would pose would be, that juxtaposed with the USEPA report that they worked on and released in 2014, that's kind of the benchmark famous report that's cited over and over regarding Pebble. I think they worked on it for about 4 to 5 years and had over 100 scientists. And they concluded that Pebble could pose a catastrophic risk to the environment, potentially destroying some 94 miles of stream, I think 5,000 acres of wetland, and 450 acres of ponds and lakes. It's been very widely covered and very widely cited. And then that report was twice peer-reviewed and backed up by scientists. And that also found there would be some 10 billion tons of mining waste that would forever be stored out there. Just wondering how the Army Corps comes to this conclusion, which, a lot of critics will deem laughable given the previous EPA finding.

Shane McCoy: Well, when EPA did their study, they were basing it on a theoretical model. So, obviously there's various assumptions that have to be built into that including different design features including the, we'll call them the pyritic or potentially acid generating being comingled with the more inert bulk tailings. Some of the assumptions that were different from what was proposed by the applicant were the location of those tailings facilities with regards to if there was a breach, which watershed it would actually affect, the Mulchatna or the North Fork Koktuli versus the South Fork Koktuli. But the independent analysis did result in the conclusion then in the document.

Scott Bronstein: So I'll just ask you this a bit more directly: did the Army Corps stand confidently on its findings given the very different findings found by many dozens of scientists who worked on this for many years?

Shane McCoy: We do, at the draft stage, but this is also why we're soliciting comments. If there is evidence, or modeling, or other information that wasn't used in the evaluation that would change the analysis, that is the information we need folks to provide to us that will ultimately inform the EIS and ultimately a permit decision, whether to issue a permit or to issue a permit with conditions, or denial.

Scott Bronstein: Ok, thanks.

John Budnik: Thank you Scott. Next is Jennifer. [silence] Jennifer Summers?

Jennifer Summers: I'm good.

John Budnik: Ok. Thank you, Jen. Isabelle Ross with KDLG.

Isabelle Ross: Yeah, thank you. I have a question about the end date of the public comment period. In a few places when the draft was initially released, the public comment period end date was May 31st and I've been made aware that it's actually May 30th as you stated earlier. Was that just an oversight or a typo and did the Army Corps issue a press release or anything regarding that end date?

Shane McCoy: It was a typo in the original submittal to the eNEPA, which is where the draft goes up. I erroneously typed in the 31st, the following week there was a correction in the Federal Register stating that the 90 days was actually May 30th.

Jennifer Summers: Got it.

John Budnik: Ok, thank you Isabelle. That concludes our first round of questions. Do we have any latecomers that have not had a chance to ask a question yet? [silence] Alright, then without further ado we'll go ahead and start our second round of questions, starting with Jill Burg with Bloomberg Environment.

Jill Burg: Hi, just quickly, I know that you have mentioned that some commenters had requested to maintain the 90-day comment period. Is all of that correspondence going through those normal comment channels, meaning it will end up on the website? Or are you receiving those types of remarks in other correspondence that may not be considered a typical public comment, but is some type of communication to you?

Shane McCoy: Well we've received them written and those will absolutely be posted on to the website in as real time as we can. Some of the communication, in particular with the Iliamna Native Corporation, we didn't receive it in writing, it was, a verbal comment, and we do take notes and then we provide the notes to the individuals or agencies or corporations in which we are sitting down so that they can have a moment to review it, once they've had a moment to review they will submit that back to us and we will either or accept or otherwise. But it will be made available on the project website, yes, all of those will.

Jill Burg: Ok, thank you.

Shane McCoy: Yep.

John Budnik: Thank you, Jill. Back to you, Becky.

Becky Bohrer: Hi thanks. Shane, in the analysis of the draft, did the Corps use any outside scientists, other resources, in evaluating the application or did it rely solely on Pebble's plan, and Pebble's science, and Pebble's data?

Shane McCoy: The way EISs or National Environmental Policy Act, documents are created when a federal application is received by a federal agency, we have to comply with NEPA. In the case of an EIS, the cost of development is born by the applicant, now that being said, the applicant's also responsible for providing us data, but we enter into an agreement with a third party contractor, who is independent of the applicant, has independent scientists doing evaluations and doing the critical analysis with what's associated in the actual document, and then the Corps reviews accordingly.

Becky Bohrer: And did the Corps use anything from the Bristol Bay Watershed Assessment? Was that factored in in any way or because you said it was viewed as based on a theoretical project, did the Corps just, not discard, but not use—

Shane McCoy: No--

Becky Bohrer: --that--

Shane McCoy: --Sorry, no, we absolutely did use Bristol Bay Watershed Assessment, the parts that were germane, there's a lot of good science in there. Of course there were parts that we would be remiss to not use, those that would inform our analysis. So yes, we did use that.

Becky Bohrer: thank you.

John Budnik: Alright, thank you, Becky. Steven Lee, Bloomberg Environment?

Steven Lee: Thanks, just wondering if you could give an update on how the work has been going on your end since the comment period began. Do you assess the comments as they come in, in real time, and how many have you guys gotten so far?

Shane McCoy: You know, I'm not exactly certain how many we have, I know at least four or five hundred comments have been received. We take a look at them with regards to themes, but really, until the comment period is over, we don't really analyze them, it would be premature to do so. But, if you're asking if I personally watch the comments as they come in, I do. I'm always curious to see what the public has to say.

Steven Lee: Did you just say four hundred comments?

Shane McCoy: No, it's more than four hundred already.

Steven Lee: Oh, ok. What was the number that you gave?

Shane McCoy: I said—

Steven Lee: [inaudible]

Shane McCoy: I said four or five hundred, I can't tell you exactly right off the top of my head. Plus—

Steven Lee: --Ok.

John Budnik: Is that something we can provide?

Shane McCoy: One of the differences right now on the project website from public scoping is the public scoping had kind of a real-time ticker, with regards to the number of comments. I asked the third party contractor to build that in yesterday. So, we should be seeing kind of a real time ticker on the project site shortly.

Steven Lee: Ok. Ok, thank you.

Shane McCoy: Yep.

John Budnik: Thank you, Steven. To Tim Sohn.

Tim Sohn: Thanks John. I had a question about, the alternatives development and the reasonable practicable standards for alternatives. It was released from the Pedro Bay Native Corp in the wake of the draft EIS release, reiterating their long-standing opposition, for allowing Pebble to cross their land. And I'm wondering how you arrive at a reasonable, practicable north road option given that road block.

Shane McCoy: There will still continue to be evaluated in the final EIS as well. We haven't received anything in writing and what I saw on the website itself says that the corporation themselves are opposed to the project and that they do not have permission nor an agreement to impact their lands, or use their lands. That, in the Corps view is not the same as a prohibitive letter stating that they will not give access or reach an agreement.

Tim Sohn: Can you elaborate on what you see is the difference there?

Shane McCoy: The actual statement by the CEO said that Pebble currently does not have permission, nor have an agreement to access their land. That's a nuanced difference between saying that they could not get permission or could not, or will not get permission and until we receive it in writing, it's just an article that's in the media.

Tim Sohn: Well, I respectfully disagree. It's a longstanding position and it's actually one of the major reasons why Pebble had to retool and go for the ferry plans they submitted. So—

Shane McCoy: Sure.

Tim Sohn: I'm curious how research into that possible option did not turn over the facts if Pebble had to expand that plan several times.

Shane McCoy: Well, let's get past the immediate steps, and what I mean by that is, again, that those will be considered, because they came out after the draft. So they will continue to be in the NEPA document. If at the end of the Environmental Impact Statement, if those alternatives are not available, then they would not be practicable and it'll be much easier to determine what the least environmentally damaging and practicable alternative that could become considered for the applicant. That being said, that's one of the alternatives that's one of the substantive criteria for determining whether or not something is permissible. The other has to do with public interest factors. So there are two, substantive decision-making processes, prior to making the decision.

Tim Sohn: Ok just so I understand it, in general, for something to be determined to be reasonable and practicable, forget the Pebble Project, any project going through the NEPA process, if the project proposes to cross private property, and does not have permission nor really any hope of permission to cross the property, you can still deem it reasonable and practicable as an alternative?

Shane McCoy: No if it's prior to release of the draft, understand this is the draft document, and you can't substantially change the draft document for the final document, it was not known to be unavailable at the development of alternatives--

Tim Sohn: It's widely documented on public record that it is one of the most known facts about the north haul road for the Pebble project.

Shane McCoy: Ok.

Tim Sohn: Let me ask a different question. What happens if you receive a letter from Pedro Bay that speaks to your standards for prohibitive?

Shane McCoy: Again, at the end of the NEPA process, -- NEPA's a disclosure document, and then when it comes to actually making a determination on what's permissible, if those alternatives are no longer available, they would not be considered available to the applicant. It is a step-wise process.

Tim Sohn: Right. So, to close the loop on this, in your researching of alternatives you came across no information that would've led you to believe that this was not a feasible possibility?

Shane McCoy: We would've had to receive it in writing from either the applicant, signed by the corporation, or the corporation themselves. My understanding is there's no [inaudible]--

Tim Sohn: [inaudible]

Shane McCoy: They're known to be opposed, however, there's no legally binding document that would prohibit future changes to that position.

Tim Sohn: Ok. So you require a legally binding document that prohibits it in perpetuity.

Shane McCoy: We need official corporate decision, yes. Or a legally binding document, they're slightly different, but they're both part of the official position of a corporation.

Tim Sohn: Ok, thank you.

John Budnik: Alright, thank you Tim. Mariah?

Mariah Oxford: Hi there. Following up with, I think it was Becky's question about the Bristol Bay Watershed Assessment, and Shane you said that you think there's a lot of good science in that. We looked at the reference documents between the draft EIS and the Bristol Bay Watershed Assessment, there was very little overlap between the citations and, I know the documents are different in scope and in goal, but they're basically about the same, the same region and the same topic. So, could you address the process of looking at those references and deciding what you wanted to use and what you didn't?

Shane McCoy: That's an interesting question. Well, anything germane to our analysis was looked at and evaluated, including some of the text of the Bristol Bay Watershed Assessment, I don't know specifically what you consider "very little," so that's kind of a nebulous question for me, I'm sorry.

Mariah Oxford: Ok, thanks. I submitted this question to John a couple weeks back, so, I'm sorry that you didn't get a chance to see that. We found in a comparison that there was less than 6 percent of the documents that were cited in the Bristol Bay Watershed Assessment that were also used in the draft EIS. So that's what I mean by "very little," 42 documents.

Shane McCoy: Ok, well, those were the ones that were determined to be useful and germane.

Mariah Oxford: Ok, so that's what you mean by, that you found a lot of good science and there would be just those documents that would overlap.

Shane McCoy: Currently that's what was used in the analysis, yes.

Mariah Oxford: Ok, thanks for that.

John Budnik: Thank you Mariah. Back to you, Scott.

Scott Bronstein: Ok, thanks so much. Did the Corps consider the potential environmental impacts of a tailings dam failure when it was, when it came to its conclusion of, there would be no long-term impact on the health of the commercial fisheries of Bristol Bay or Cook Inlet?

Shane McCoy: I need to reiterate our authorities on this, because there is some confusion with regards to what the NEPA document's supposed to inform. We're a construction permit and historically we did not do a failure modes analysis on dams as it's outside of our jurisdiction. However, this was the second one that we did perform at a NEPA-level. Now that being said, if and when Pebble goes in to apply for an actual dam permit, the level of analysis will be much greater associated with the state permitting requirements.

Scott Bronstein: So did the Corps consider the environmental impacts of a tailings dam failure or no?

Shane McCoy: Not a catastrophic failure, no.

Scott Bronstein: And, why not?

Shane McCoy: Because, one it's not required under NEPA, and two, the NEPA document is not really a document with regards to operational constraints. Now, to do a failure mode effect analysis, there has to be some assumption that the applicant permitted would be in compliance and maintaining those features as per, you know, the requirements of the state. And we didn't believe it was appropriate with this one to go to the catastrophic failure with those assumptions.

Scott Bronstein: Ok. Thanks.

John Budnik: Alright, thank you Scott. Jennifer?

Jennifer Summers: I'm good, thanks.

John Budnik: Thank you, Jennifer. Isabelle?

Isabelle Ross: I'm good for now, thanks.

John Budnik: Alright, thank you Isabelle. That concludes our second round of questions. Any latecomers that have not had an opportunity to ask questions? [silence] Ok, so we'll go on to round three. Back to you, Jill.

Jill Burg: Hi, thank you, I'm fine right now.

John Budnik: Ok, thank you Jill. Becky?

Becky Bohrer: I don't have any extra right now.

John Budnik: Thank you Becky. Steven?

Steven Lee: Yeah, Shane we saw last week that Northern Dynasty sold 16 million shares, they raised I think 11 and a half million dollars, and one of the things that they had said was that money's going to continue to be used to fund an ongoing environmental impact study. I'm a little bit confused, what's the overlap between what they're doing and they're funding and paying for, I'm not sure if that's AECOM, or what's the overlap in that work and the work that you're doing?

Shane McCoy: I don't know exactly what Northern Dynasty was referring to. I could assume but I'm not going to do that.

Steven Lee: Ok, so you don't. You're not in communication with them on anything? [inaudible]

Shane McCoy: Northern Dynasty? Northern Dynasty? No. And the truth of it is, we don't get into their financial matters like that either.

Steven Lee: Ok, thanks.

John Budnik: Alright, thanks Steven. Back to you, Tim.

Tim Sohn: Thanks, following up on, I guess it was Scott's question about, whether you're considering the impacts of a catastrophic failure or not. I had other questions about the sort of

extended parameters of analysis and I forget the exact numbers off the top of my head, forgive me but the sort of radius around the mine pit of the tailings pond or wherever else, of which you assessed effects and loss of anadromous stream mileage and everything else. Those numbers are standard across all EISs and standardized NEPA process, is that right?

Shane McCoy: No, they're not standard. They're based on the resource and they're based on potential impacts and they're determined on a case-by-case, actually.

Tim Sohn: Ok, and so in this particular scenario, the decision not to, say, evaluate further downstream effects stems from I assume the decision not to evaluate a catastrophic tailings dam failure, correct?

Shane McCoy: The effects analysis did go all the way downstream, as far as what would be measurable under those scenarios.

Tim Sohn: Ok, sorry I must've missed that part of it. Ok, that's all on that topic, thanks.

John Budnik: Alright, thanks Tim. Back to you Mariah.

Mariah Oxford: Thanks. Kind of a follow-up to that, I saw a recent presentation by Dr. Cameron Wobus, who was funded to do some additional tailings modeling work. He noted that the Corps' spill risk scenario was limited to the 20-year mine life. Is that accurate?

Shane McCoy: That is correct, yes. That is what the applicant has applied for.

Mariah Oxford: But if you have a tailings dam, basically, it lasts beyond that 20-year mine life, correct?

Shane McCoy: Yes. It can. As planned right now the bulk tailings facility would remain until post-closure, and then the pyritic tailings would be replaced into the pit mine.

Mariah Oxford: Thanks. So, I'm just curious about why you wouldn't have a spill risk assessment scenario for beyond that 20 years if there's still going to be a tailings dam there, because the potential risk goes up over time. So if you're limiting it to that 20 years, it is a pretty low risk, but what about after the closure? Are you planning on doing a scenario that would include a longer timeframe?

Shane McCoy: No, actually, we're not. Again, this is very uncommon for the Corps-led EIS to even do a spill risk scenario. Again, we're a construction permit and our authorities really do revolve around the impacts to aquatic resources around the displacement of fill, but there was such a level of concern by the public that it was determined that it would be prudent to do what was proposed by the applicant. Now that being said, various experts in the room doing the scenario, and in the design considerations, they do consider that the bulk tailings would eventually dry up, and the low probability of an event after all the reclamation and post-closure activities have been successfully done, it was determined that it was such a low probability, and for our analysis, it wouldn't be practicable.

Mariah Oxford: Ok, and if someone wanted to read up on that discussion or how that determination was made, how could we do due diligence on looking into that rather than just making an assumption that operators and engineers are going to do the right thing or, as you said, making assumptions that it would be done properly?

Shane McCoy: How can someone read up on that? I don't understand—

Mariah Oxford: Yeah.

Shane McCoy: --I don't understand the question.

Mariah Oxford: So, you said that there were some people in the room—

Shane McCoy: --correct.

Mariah Oxford: --that were making a decision based on the scenario and they determined that it was a low risk. So, if someone wants to look at that, is there a record of that meeting?

Shane McCoy: Yeah, there's a multi-day workshop with various agencies, the applicant, and third party contractor, yes. I will have to find out exactly where those notes are, I don't know where they are exactly, but I will have them put up on the website for sure.

Mariah Oxford: Ok. And I do know that there are other independent assessments going on, FMEA assessments--

Shane McCoy: Sure.

Mariah Oxford: --would that be something that the Corps would be interested in looking at as they look over public comments and finalize the Environmental Impact Statement?

Shane McCoy: All comments will be considered, and yes we encourage everyone to provide any information that would help assist in the revision of the draft, to the final, and then ultimately the decisions.

Mariah Oxford: Great, thanks. I really appreciate your clarification on the Corps' role here and understand that, when it comes time for state permitting this is a question that people will still have to be answering.

Shane McCoy: Yes, the state does have the authority over operations and post-operation, yes.

Mariah Oxford: Thank you.

John Budnik: Thank you, Mariah. Back to you, Scott.

Scott Bronstein: Ok, thanks so much. Appreciate you guys doing this, thank you for all the time coming back on several rounds of questions. I want to come back quickly to the basic conclusion by the Corps that the mine would have no long-term impact on the health of commercial fisheries of Bristol Bay or Cook Inlet, especially juxtaposed with the EPA's 2014 finding of the catastrophic risk to the environment and the potential destruction of all of that stuff.

I'd just like to ask what the Corps says to the critics who say this is potentially a rubber stamp kind of report and essentially parroted what the CEO of Pebble would say.

Shane McCoy: Well what I would absolutely say is it's not a rubber stamp in any way, shape, or form. And that being said, if there's evidence contrary to what our independent analysis says, absolutely provide it to us and, and allow us to use that to inform a revision if necessary. But the information that was provided to us and the subsequent analysis, that is our conclusion.

Scott Bronstein: As you said, you looked at the EPA's report and their findings, if you were considering their report and their findings, you would have to be considering the finding at the highest level that the EPA said that it would be potentially catastrophic.

Shane McCoy: Well again there were very different assumptions built into theirs compared to the application and the information available to us for our analysis. So, I think that might be the disparity.

Scott Bronstein: One more follow-up, I realize I'm overextending my welcome here. Did your team talk to any of the EPA scientists about their conclusions? About their concerns? I speak confidently on behalf of all of the other reporters who have been covering this story, any of the dozens and dozens of EPA scientists you talk to, express their concern and alarm of what they were looking at for years and years, and if it's just an absolute fly in the face contradiction to what you guys found. Did you talk to the EPA scientists?

Shane McCoy: EPA is a cooperating agency and we are soliciting comments, again, from them on the draft as well, so we will wait to see what they provide to us.

Scott Bronstein: Of course it's no secret that the EPA today is a very different EPA than it was when it did that report, more than [inaudible] EPA scientists who worked on that report, as opposed to that administration's EPA.

Shane McCoy: Could you clarify that question for me just a little bit, I'm sorry. Did we reach out to the individuals in that organization that were writing the original? No. We were working strictly with the point of contacts from the EPA, who then coordinate internally.

Scott Bronstein: Ok, thanks.

John Budnik: Thank you Scott. Jennifer?

Jennifer Summers: I'm good, thanks.

John Budnik: Thank you Jennifer. Isabelle?

Isabelle Ross: I'm still good, thanks.

John Budnik: Ok, thank you Isabelle. Coming down the home stretch here folks, I think we'll go through the list one more time here, then we'll call it an afternoon here with any further questions. So Jill Burke, with Bloomberg?

Jill Burg: Hi, I'm good.

John Budnik: Thank you Jill. Becky?

Becky Bohrer: Nothing further, thank you.

John Budnik: Thank you Becky. Steven?

Steven Lee: No further questions, thanks for doing this.

John Budnik: Thank you Steven. Tim?

Tim Sohn: Thanks John. One more, and maybe a tough question at this point. Are there any RFIs still outstanding that have not been filled to your satisfaction, or responded to, to your satisfaction?

Shane McCoy: There are no RFIs that are not fulfilled to our satisfaction, that being said, there are a few data gaps that we knew of going in to the draft, including some wetland and cultural resource data, and things like that. Now that being said, the RFIs and the subsequent data needs may change drastically depending on the comments we've received during this period.

Tim Sohn: Ok, so after you've collected and gone through all the comments that may generate another round of RFIs to the applicant, is that correct?

Shane McCoy: Most certainly.

Tim Sohn: Ok, can you comment specifically about any of the data gaps that are still outstanding or would you rather not?

Shane McCoy: Well, I'd rather not, I don't know exactly what they all are, and again like I mentioned, there needs to be some ground truthing with regards to some of the wetland data and other waters data, as well as additional cultural resource and historic property information that we'll need to inform our decisions.

Tim Sohn: Ok, but nothing you would see as fundamentally changing the analysis in the draft as it currently stands.

Shane McCoy: No.

Tim Sohn: Ok, alright, thank you.

John Budnik: Thank you Tim. Back to you, Mariah.

Mariah Oxford: Hi, I just have one more and it's about water management. I recently saw it cited that the Pebble Project would require 6.8 billion gallons per year of waste water treated during operations and 11 point billion during closure, does that sound accurate to you?

Shane McCoy: I don't have that number in front of me, I'm sorry Mariah. I do know it's a very large water management pond as planned. I believe it's somewhere around 1,000 acres.

Mariah Oxford: Do you know of any other projects that are similar to that amount of water?

Shane McCoy: I can't specifically state which ones they are; however, I did have some folks do some research and there's at least a couple of other water management ponds and treatment facilities or whatever of that size globally, yes.

Mariah Oxford: Oh great, well that would be good to know, how could we find out what those are?

Shane McCoy: Let me do some checking, I can get back to you.

Mariah Oxford: Ok, great. Thank you.

John Budnik: Thank you Mariah. Scott?

Scott Bronstein: Thank you, I'm all good, thanks.

John Budnik: Thank you Scott. Jennifer?

Jennifer Summers: I'm good thanks.

John Budnik: Isabelle?

Isabelle Ross: Still good.

John Budnik: Thank you Isabelle. Just going to open it up to the floor, any outstanding questions out there today?

Tim Sohn: John I have one, this is Tim, again. Sorry for giving up so much air time today. I just wanted to circle back to that very first question we were talking about, to Shane, about timeline and extending the comment period end and such. Donlin is an easy one for us to grasp at when we're looking and this timeline and trying to find something to compare it to. Is there a better analog for to look at in terms of evaluating this timeline for the Pebble EIS versus another project [inaudible] mine with similar complexity and scope?

Shane McCoy: I can, actually. I'm trying to think of all the other Alaskan EISs. Let's see, I can't come up with them off the top of my head, my apologies, but there are at least a handful, six, seven, other EISs similar in magnitude, including the Alaska Standalone Pipeline comment period, which was initially 45 and extended for 15 days. I'm trying to think of the other ones. I guess the Arctic Coastal Plain that the BLM is, addressing through an EIS right now. That was, I believe, a 45-day comment period as well. The Waters of the United States rule was a 60-day comment period, and that's a national policy initiative. But I don't have them all in my back pocket, my apologies.

Tim Sohn: Ok, and outside of the comment period though, just a general timeline that, you look at the amount of time it took something like Donlin to get to draft EIS release process versus some more quicker processes indicate. Is Donlin an okay comp to look at in terms of looking at the overall process and saying, or was Donlin exceptionally slow? I'm just trying to get a handle on how to place it, because that's one of the criticisms, the faster or fast-track. So I'm trying to figure out how to place it or contextualize it.

Shane McCoy: One of the challenges that Donlin had with regards to timeline is they didn't have the volume of data that was previously collected for the Pebble Project. Much of that time was spent collecting data and doing modeling and analysis. Where, with this project, they've been collecting data for well over a decade. So, really the analog wouldn't be a comparison to Donlin because of the fundamental difference of the initiation of the process.

Tim Sohn: Ok. Thanks.

John Budnik: Alright, thank you Tim. I think we've exhausted all of our questions for this month's teleconference. Again, appreciate everyone joining us today and your interest in this ongoing project. Hopefully you gained a greater understanding of the Corps, the EIS process, and the path forward. Certainly between now and the next teleconference, if you have any follow-up questions, I'm your point of contact for that. Understand that deadlines are something that I always try to meet, but our resources are limited-- what I'm trying to say is we'll do our best to meet those. Nonetheless folks, thanks again, have a great afternoon and evening.

Multiple participants: Thanks, thank you, thanks so much.