

USACE Media Teleconference 1-8-19

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Jill Burke (JB) **Bloomberg Environment**

Margie Bauman (MB) **Fisherman News**

Tim Sohn (TS) **Outside Magazine**

Elwood Brehmer (EB) **Alaska Journal of Commerce**

Mariah Oxford (MO) **Pebble Watch**

Tim Bradner (TB) **Alaska Legislative Digest**

Drew Griffin (DG) **CNN**

John Budnik (JB): That's live! Hi good morning everybody. Welcome and thanks for joining us again for January's media teleconference to discuss the Pebble Project Environmental Impact Statement again. As usual the purpose of today's teleconference is to give the general status update on where the Corps is in the EIS process. My name is John Budnik, I am a public affairs specialist in the public affairs office for the Alaska district Corps of Engineers. Seated next to me is the Chief of Public Affairs, Tom Findter and Shane McCoy, the program manager for the Pebble EIS. We have allotted one hour for the session and we will be turning shortly to you for questions, but as just a courtesy please place your phone on mute and be sure to state your name in affiliation when asking a question. Full disclosure this call is being recorded in order to provide the transcript at a later time. I know we've been kind of lagging on that, but we are working on a solution to get those complete for you folks. Before we get started just a quick roll call in the order which the RSVP was received. I am going through the list here. Is Becky Bohrer, Associated Press on the line? No Becky. Is Jill Burke, Bloomberg Environment?

Jill Burke (JB): Hi yes, I am here. Thanks everyone.

John Budnik (JB): Hi, good morning Jill. Is Avery Little, KDLG Radio? No Avery. Is Margie Bauman, Fisherman News? No Margie. Tim Sohn, Outside Magazine?

Tim Sohn (TS): Yeah, I am here John. Thanks and Happy New Year.

John Budnik (JB): Hi, Happy New Year. Good morning, Tim. Drew Griffin, CNN? No Drew. Elwood Brehmer, Alaska Journal of Commerce?

Elwood Brehmer (EB): Morning, John.

John Budnik (JB): Hi, good morning. Happy New Year.

Elwood Brehmer (EB): You too.

John Budnik (JB): Is Mariah Oxford, Pebble Watch?

Mariah Oxford (MO): Good morning, I am here.

John Budnik (JB): Good morning, Mariah. Happy New Year.

Mariah Oxford (MO): Thank you.

John Budnik (JB): Is Tim Bradner? No Tim. Anyone that I did not call that is on the line? Hello (somebody is on the line). Who is this?

Margie Bauman (MB): This is Margie Bauman from Fisherman News, Cordova Times.

John Budnik (JB): Good morning, Margie. Alright, thank you for joining us. With that, we will go ahead and get in with the questions here. Starting with you Jill.

Jill Burke (JB): I am ok at the moment, thanks.

John Budnik (JB): Moving along with the list. Margie, do you have any question?

Margie Bauman (MB): None so far.

John Budnik (JB): Alright. Tim.

Tim Sohn (TS): Is there anyway, we could get a quick snapshot or just a progress report on draft of the EIS? Whether the time table you told us before still stands and any update or any possible effects of the shutdown on your work or anything else?

Shane McCoy (SM): Thank you. This is Shane. I didn't prepare an opening statement because I assumed that this would be the topic of interest by the folks on the line.

Tim Sohn (TS): We are very predictable.

Shane McCoy (SM): Sometimes. The Corps originally targeted mid to late January for the notice of availability of the draft EIS in the federal register. We have been working with cooperating agencies and we have received all the comments from the cooperating agencies by the 21st of December except some from the State of Alaska, which we have extended the deadline until the 28th of December due to the earthquake. They had some issues with regard to where they were able to sit [due to their building being damaged]. We are currently going through all the comments from the cooperating agencies and anticipate the draft to be complete in mid-February. We will be publishing the draft on the public website at that time; however we will not be soliciting comments until we publish the notice availability in the federal register which likely be the 22nd of February or the 1st of March depending on the publishing status at that time.

Tim Sohn (TS): Ok, thanks Shane.

Margie Bauman (MB): How much time will be given for comments? Is that going to be 60 days or...?

Shane McCoy (SM): Was that Margie?

Margie Bauman (MB): Yeah, I am sorry Margie Bauman. Once they publish on the federal register when will the deadline be to comment on the draft EIS?

Shane McCoy (SM): Sure. Like I said, we put the draft up on the public project website prior to publishing so people can get, for the lack of a better term, a head start on reading the analysis. The public comment period will be 90 days and there will be public hearings during that time.

Margie Bauman (MB): Where would they be held?

Shane McCoy (SM): They will be in the nine communities in which we conducted public scoping meetings.

Margie Bauman (MB): Oh ok.

Shane McCoy (SM): All of that information will be part of the federal register notice.

Margie Bauman (MB): Ok, thank you.

John Budnik (JB): Tim, did you have any follow-up questions?

Tim Sohn (TS): I did. So two questions on the timeline, is there any specific reason for the push-back to mid-February as opposed to late January and is it possible that given shutdown complications that might be pushed-off even further? Are you guys all affected by that?

Shane McCoy (SM): No. We won't be affected by the government shutdown. As I think you are aware, the Department of Defense and the United States Army Corps of Engineers is funded through the fiscal year. So we will continue working with the third party contractor and develop the draft EIS for release in February.

Tim Sohn (TS): I guess I was asking more about the cooperating agencies, but I guess you answered that earlier. Everything from the cooperating agencies is in already except at the state level, is that correct?

Shane McCoy (SM): Actually, they all have been submitted. I just want to point out the fact that the lion's share of the comments were received on the 21st of December, but because of the earthquake and associated damage on one of their buildings we extended Alaska Department of Fish and Game's deadline for an additional seven days. But we have received all the comments.

Tim Sohn (TS): Ok, thanks Shane.

Shane McCoy (SM): Sure.

John Budnik (JB): Thank you Tim. Moving right along, Elwood.

Elwood Brehmer (EB): Nothing right now. Thanks.

John Budnik (JB): Ok, Thank you. Mariah.

Mariah Oxford (MO): Thanks. You said you are not planning any meetings in the Pacific Northwest. There has been some interest indicated for a meeting down there.

Shane McCoy (SM): We are not going to hold a hearing there.

Mariah Oxford (MO): Ok. Are you planning for the public to be able to provide live comments at any other meeting?

Shane McCoy (SM): Yes. Public hearings are very prescriptive and they will have regimented timeframes. Again, yes there will be a public microphone for all of the comments as well as a court stenographer to record what is being said.

Mariah Oxford (MO): Ok, thank you.

Shane McCoy (SM): Yup.

John Budnik (JB): Thank you Mariah. Before we go through the second round, is there anyone on the line that may have missed roll call?

Tim Bradner (TB): John, this is Tim Bradner with Alaska Legislative Digest. I called in late.

John Budnik (JB): No worry, Tim. Do you have any questions at this time?

Tim Bradner (TB): Shane has mentioned this before, but just refresh me on how much time after the end of the public comment period until the final EIS and then is there a period for the ROD after that?

Shane McCoy (SM): Sure. Currently, we are scheduled to publish the final EIS in early 2020 with a record of decision coming within 90 days after that.

Tim Bradner (TB): Ok, thank you. That's all for now!

John Budnik (JB): Thank you, Tim! Moving along, back to you Jill.

Jill Burke (JB): Again, I just wanted to get an update for the start of the year on anything new beyond the schedule for publishing; in terms of cooperating agency input that may have recently been received, or anything changing in terms of moving forward that hasn't previously been discussed that would be of interest.

Shane McCoy (SM): I am not certain what you are asking, but I can tell you right now, the agencies that are still working; I guess the non-federal cooperating agencies [not affected by the federal government shutdown], the third party contractor, and the Corps are actively engaging to make sure that we clearly understand the comments that we have received. Is that the question that you are asking?

Jill Burke (JB): Yeah. I mean we don't know what we don't know, right?

Shane McCoy (SM): Truth.

Jill Burke (JB): It sounds like you are on track for the initial publication in mid-February and then the public meetings.

Shane McCoy (SM): Yes, there will be hearings. That's the term we used and that has to do with the format in which we will engage the public at that time. Again, we will not go immediately out to public hearing, we will give some time for people to review the document, digest and then we haven't nail down the venue or the dates yet. But it will be no less than 30 days after the document is available.

Jill Burke (JB): Ok, thanks.

Shane McCoy (SM): Certainly.

John Budnik (JB): Thank you, Jill. Margie.

Margie Bauman (MB): No further questions.

John Budnik (JB): Ok, thank you Margie and back to you Tim. Tim Sohn that is.

Tim Sohn (TS): Sorry Shane. I feel like I am repeating myself, but I lost my train of thought earlier and forgot to follow up.

Shane McCoy (SM): Sure.

Tim Sohn (TS): Is there any specific reason for the variance from the initial January timeline to this February publication timeline?

Shane McCoy (SM): Nothing specific. I mean the original January was a target. Again, the intent is to prepare a quality document. With the comments we received from the cooperating agencies we want to make sure to fully understand, vet them, and incorporate as appropriate.

Tim Sohn (TS): Ok. Was there anything particularly surprising in that feedback? Maybe caused difficulties and prolonged the process?

Shane McCoy (SM): No. I mean this project has been around for quite a while and most of the known concerns are fairly well understood both by the agencies and the public. I haven't gone through every single comment yet myself, but I am working on it. But as I interact with my third party contractor, really the questions that we asked are just questions of clarity, for specificity. Again, the cooperating agencies were invited to help us get this analysis to the place where we want it based on their specific expertise. We want to make sure we are utilizing that to the best of our ability.

Tim Sohn (TS): Ok, thank you.

Shane McCoy (SM): Sure.

John Budnik (JB): Thank you Tim. Back to you Elwood.

Elwood Brehmer (EB): Yeah. I had time to think of something. Shane, you mentioned that the Corps would like to have some sort of economic analysis of the project from

Pebble for drafting the final EIS. How important is that to your work?

Shane McCoy (SM): It's not required. Again, we don't take in the specific economics of the development plan. It is assumed that an applicant that coming into the process would consider their project feasible. So no it's not important to us. Again, our jurisdiction lies with the discharge of dredge and fill material into aquatic resources that are jurisdictional and anything that may affect the nation's navigable waters. Anything that may affect the Corps condition, capacity, and location, that's really the focus of our authorities.

Elwood Brehmer (EB): Yeah, certainly. I guess then how do you go about determining which alternatives are viable and that sort of thing?

Shane McCoy (SM): Well, under NEPA it is reasonable and under the 404(b)(1) guideline of practicable which has to do with cost, logistics, and technology. Cost is an industry standard and not the applicants preference.

Elwood Brehmer (EB): Ok. That's all to say.

Shane McCoy (SM): Sure.

John Budnik (JB): Thank you Elwood. Mariah.

Mariah Oxford (MO): Thanks. I have a follow-up about the cooperating agencies role. Shane last time you talked about the specific expertise that they provide and that cooperating agencies would still be part of the process after the draft EIS leading up to the final.

Shane McCoy (SM): Absolutely.

Mariah Oxford (MO): Are there cooperating agencies whose participation might be affected by a continued shutdown?

Shane McCoy (SM): Well...I could speculate and say, yes.

Mariah Oxford (MO): Oh, which would those be?

Shane McCoy (SM): All of them. Currently, I believe EPA is not at work; I believe the National Park Services is not at work; Advisory Council on Historic Preservation is not at work. Who else do we have that's federal? BLM is not a cooperating agency (Shane answered somebody from the background said BLM)...let's see...I am sorry you are catching me flat right now. I am not exactly certain which ones, but again if this furlough continues it will absolutely affect their ability to engage.

Mariah Oxford (MO): And at what point do you need them to kind of loop back in? Because you had comments from all of them, so it would be after the comment period or...?

Shane McCoy (SM): Yeah, it is an iterative process, so yes we're absolutely going to need them to assist us in the review, incorporation, and consideration of the public's

comments after the public comment period for the draft, yes.

Mariah Oxford (MO): Ok, thank you.

Shane McCoy (SM): Certainly.

John Budnik (JB): Thank you Mariah. Tim Bradner.

Tim Bradner (TB): Nothing at this time.

John Budnik (JB): Thank you Tim. Has Becky Avery or Drew join us on the line?

Drew Griffin (DG): Yeah, Drew is here. I am just listening.

John Budnik (JB): Oh, Hi Drew. You don't have any questions?

Drew Griffin (DG): No, they are pretty much being answered or being asked by everybody else here. So I am good right now.

John Budnik (JB): Alright, thanks Drew. Back to you Jill.

Jill Burke (JB): I am just fine, thanks.

John Budnik (JB): Thank you. Margie?

Margie Bauman (MB): No, I am good. I just wonder when our next briefing will be.

John Budnik (JB): Well we will hammer that down and will be sure give you heads-up prior, we try to do this monthly.

Margie Bauman (MB): Ok, sounds good.

Shane McCoy (SM): It will be in February.

John Budnik (JB): Yeah.

Margie Bauman (MB): Ok.

John Budnik (JB): Tim Sohn?

Tim Sohn (TS): Yeah, Shane, maybe a bit hypothetical and you probably can't answer...but humor me for sec. You are talking about in response to Elwood's question... not viability, but reasonable being one standard and practicable being the other. I am curious on if there is perhaps no precedent and no easy comparable instance to draw from. For example, the proposed ice breaking ferry. Whether that changes the way you assess practicability or reasonability?

Shane McCoy (SM): Let me make sure I understand the question. There is always the consideration of the applicant's purpose and need, and of course the Corps defines the overall project purpose and need with the understanding that NEPA is a disclosure document and the analysis of potential alternatives that can result in satisfaction of the purpose and need. The other substantive discussion that the Corps gets to do, at the

end of the analysis, not only 404(b) 1 guideline which are very substantive and we can only entertain the least environmentally damaging and practicable alternative. But there is also the public interest factor that will have to be considered at that time too. So with regards to the ferry there are alternatives that will be disclosed that have various ferry alternatives as well as a no ferry alternative.

Tim Sohn (TS): Ok. I guess in terms of something like that, where for most the components there is probably a use case in existence that you can compare it too, in the ferry it seems there is not. So I am curious whether or not that is a different sort of study or the same, you know, gather as much you can and then make an adjustment on it?

Shane McCoy (SM): The second absolutely correct.

Tim Sohn (TS): Ok.

Shane McCoy (SM): There are precedents with ice breaking ferries, but not in United States. So we'd look at them as a comparable "demonstrated use" (better term). Is that making sense? But yes, we will be analyzing this with our experts as well as the cooperating agencies experts.

Tim Sohn (TS): Ok, thank you.

John Budnik (JB): Thank you Tim. Back to you Elwood.

Elwood Brehmer (EB): All good here, thank you.

John Budnik (JB): Thank you Elwood. Mariah?

Mariah Oxford (MO): Hi, I just have couple more questions about the draft EIS and the release. Are you going to post this to the website? How are you going to inform people that it is out?

Shane McCoy (SM): There will be press releases and it will also be posted on the website... I am sure you are familiar with it, but there is opportunity to sign up and get notification when there is new stuff put on the website.

Mariah Oxford (MO): Ok. Could you give us a little overview of how long you think it approximately is and what the chapter topics are? Would you be able to do that?

Shane McCoy (SM): We are currently still revising the document so I can't say exactly. Do understand that the intent of the NEPA analysis ... we are trying to keep it as readable for the lay person as possible with appendices at the end that contain technical discussions, where a deeper dives would be. So I can't tell you exactly how long it is right at this minute so I apologize, but it is a work in progress right now.

Mariah Oxford (MO): Ok, yeah I understand that. So thanks. Thousands of pages?

Shane McCoy (SM): Oh, no. No, I am trying to keep it under a thousand.

Mariah Oxford (MO): Ok and then isn't there kind of a structure that is typical for an EIS

in term of the chapter topics.

Shane McCoy (SM): Yes, absolutely. We will be following the CEQ regulations so Chapter 1 is Purpose and Need, Chapter 2 is Alternatives, Chapter 3 is Affected Environment, Chapter 4 is The Actual Potential Impacts, Chapter 5 is Mitigation, Chapter 6 is Participating Agencies, but yes, it's very typical. Chapter 3 and Chapter 4 will have the same subsections as well. So Chapter 3 is base line and Chapter 4 is potential consequences if the project is permitted.

Somebody asked, what is CEQ regulation?

Shane McCoy (SM): Oh, the Council for Environmental Quality (CEQ). They are the ones who wrote the National Environmental Policy Act and the associated guidance and regulation.

Mariah Oxford (MO): Ok, great! That's helpful.

Shane McCoy (SM): And if you are curious there is a link on the public website to A citizen's guide to NEPA, which breaks it down in lay terms and is a very user friendly document. We tried to put it up there so people can be informed about this process as possible.

Mariah Oxford (MO): Thank you.

Shane McCoy (SM): Certainly.

John Budnik (JB): Thank you Mariah. Back to you Tim Bradner.

Tim Bradner (TB): Nothing more at this time on, John.

John Budnik (JB): Alright, thank you. I think we are getting down to the last questions here, but we will go through the list again here. Back to you Jill.

Jill Burke (JB): I am doing fine, thanks.

John Budnik (JB): Thank you. Margie.

Margie Bauman (MB): No I am good, thank you.

John Budnik (JB): Ok. Mr. Tim Sohn?

Tim Sohn (TS): I am good, John. Thank you very much. Thanks Shane.

Shane McCoy (SM): Thank you.

John Budnik (JB): Drew Griffin?

Drew Griffin (DG): Let me just ask one government shutdown forward looking question. Is the Army Corps under any obligation to come to its record of decision by an X-date in 2020, given the fact the applicant is bleeding money on this project? Do you have a hard date to come across, with this record of this decision?

Shane McCoy (SM): Well, I think I understand the question. So understand that we are part of the Department of Army, so we are really not political in nature. This is also not part of the infrastructure executive order where there is a very prescriptive timeline. However we do believe it is both in the applicants and in the public best interest to make timely decision after the analysis is done.

Drew Griffin (DG): But there is no due by date this estimate of early 2020 could move up or back.

Shane McCoy (SM): We are not anticipating, but yes.

Drew Griffin (DG): Ok.

John Budnik (JB): Thank you, Drew. Elwood?

Drew Griffin (DG): Thanks.

Elwood Brehmer (EB): Nothing now. I will be sure come up with more next time.

John Budnik (JB): Mariah.

Mariah Oxford (MO): Yeah, I'd like to follow up what Drew Elwood was asking. Isn't there a CEQ guideline about a 24 month timeline that you would try to reach?

Shane McCoy (SM): If you dive deep in CEQ regulation it talks about 150 pages for a document. Obviously when the regulations were written it was very different environment so they have got longer, but those 24 months from initiation to the record of decision is for very prescribed projects on a list and this is not one of those.

Mariah Oxford (MO): Ok. Thank you

Shane McCoy (SM): Sure.

John Budnik (JB): Thank you Mariah. Tim Bradner?

Tim Bradner (TB): Oh...I am good, John.

John Budnik (JB): Ok. Well, I think we exhausted our questions. I will just leave it open to the floor for one last time for any question out there that may not have been asked so far.

Mariah Oxford (MO): This is Mariah. I just have one more.

John Budnik (JB): Sure.

Mariah Oxford (MO): Since we last met, before the earthquake, I just wondered if the Anchorage area earthquake has informed your analysis in any additional way regarding the earthquake risk to either the Bristol Bay area or the Cook Inlet?

Shane McCoy (SM): No. Geo-hazards have always been one of the topics that we have been analyzing.

Mariah Oxford (MO): So nothing new?

Shane McCoy (SM): No.

Mariah Oxford (MO): Ok. Thanks. That's all I have.

John Budnik (JB): Alright, thank you Mariah. Alright, folks I think that just about to wraps up our teleconference here. Again we appreciate you guys joining us today. We will keep you informed for the next one. Hopefully you guys find value in these and we look to continue to engage you folks in this format. If you need any further assistant, please don't hesitate to let me know. I am a good point of contact for the Corps of Engineers and if you have any follow up questions. None the less this concludes today's conference call and thanks again for joining us and Happy New Year!

****End of Call****