

Chuitna Coal Project Status Update for September 2008

Status of the Chuitna Coal Project

At this time a complete permit application package for the Chuitna Coal Project has not been submitted to the Division and no formal review under AS 27.21 and 11 AAC 90 has been initiated. Once the entire permit application package has been submitted an evaluation of the completeness of the application and of the cumulative impacts of the project can be undertaken.

During the month of September, no additional project components were received from PacRim.

Upcoming events

Chuitna Project Informational Meeting

Tuesday, December 9, 2007
6:30 PM to 8:30 PM
Atwood Building
550 West 7th Ave., Suite 240
Anchorage AK 99501

Tentative Agenda

- Chuitna Coal Project update
 - Status of Applications
 - Summer Fish Studies
- Ground water Overview
- Health Impact Assesments
- Questions and Comments

Visitor parking is available in the Linny Pacillo Parking Garage or JC Penny Parking Garage (see attached map).

This informal meeting is an information exchange between the agencies and the affected communities regarding the status of the Chuitna Coal Project. Please keep in mind that we are not in a formal comment period, and while we will do our best to address concerns raised at the meeting, attendees are encouraged to also submit their concerns and comments during formal comment periods. Only issues that are raised during the agencies' formal public comment periods are eligible to be used in an appeal.

DNR Website for the Chuitna Coal Project:

<http://www.dnr.state.ak.us/mlw/mining/largemine/chuitna/index.htm>

Currently on the website there is a brief introduction to the project and copies of previous month's newsletters. In the future, we will be making available all the presentation presented at the informational meetings and a list of all the agencies involved in permitting and reviewing this project and making portions of the permit applications available on this website.

Other State and Federal Permits

In addition to ASCMCRA permitting requirements, the Chuitna Coal Project must address the concerns of other state and federal agencies. As part of the Department of Natural Resources statutory role as lead agency in matters relating to exploration, development and management of mining activities, the DNR Office of Project Management and Permitting has developed a document describing some of the permits and approvals to help the public understand the permitting of mines in Alaska. This document and other useful information are available on the web at:

<http://www.dnr.state.ak.us/mlw/mining/largemine/index.htm>

Chuitna Project SEIS

As part of the federal NEPA process the U. S. Environmental Protection Agency (EPA) determined that a Supplemental Environmental Impact Statement (SEIS) would be prepared for the Chuitna Coal Project. Scoping for the SEIS was completed in August of 2006. Currently agencies are reviewing the available baseline data in preparation to write the Draft SEIS. During March, EPA, the U.S. Army Corp of Engineers, and AK Dept of Natural Resources met with the company to discuss the status and timeline for the SEIS. Included in these discussions were updates to the companies proposed action and alternatives to be considered in the SEIS.

Information concerning the SEIS process can be found at:

<http://www.chuitnaseis.com/>

Petition to Designate the Chuitna River Watershed Unsuitable for Surface Coal Mining Operations

On February 14, 2008 the Commissioner for the Department of Natural Resources issued a decision in response to the request from Trustees for Alaska on behalf of the Petitioners to reconsider his prior decision. In his letter, the commissioner decided to affirm his July 16 2007 decision. In the original decision the commissioner found that, 1. LMU-1 lands are ineligible from the petition process, on the grounds that they had previously been reviewed, underwent a comment period, and a decision to issue the permit was made, 2. the petition regarding the remainder of the "Chuitna River watershed" is incomplete, because the

petitioners do not adequately describe how their interests are adversely impacted within the Chuitna Watershed, 3. the petition is frivolous because it covers too sweeping and arbitrary an area unsupported by evidence that reclamation of wetlands cannot be accomplished, and 4. assumes that applicable standards and regulations for surface coal mining operations cannot prevent the harms claimed in the allegations.

On March 17, 2008, Trustees for Alaska appealed the final decision of the Commissioner for the Department of Natural Resources to the Superior Court of the State of Alaska.

