

**Technical Working Group Steering Committee**  
**Pebble Project**  
**June 10, 2008**  
**Room 1860 Atwood Building**

Draft Minutes Recorded by Charlotte MacCay/Pebble Partnership (PLP)

**I. PRESENT:**

Tom Crafford (ADNR)  
Andrea Meyer (ADNR),  
Bud Rice, (NPS)  
Dianne Soderlund (EPA),  
John Pavitt (EPA),  
Leroy Phillips (USACE),  
Scott Maclean (ADF&G),  
Mike Smith/PLP  
Charlotte MacCay/PLP

**II. ADMINISTRATIVE ISSUES**

- John Pavitt will replace Dianne Soderlund as the EPA representative.

**III. PLP PROJECT UPDATE**

- (PLP) PLP is bringing more of the project functions into the Anchorage office from the Vancouver, Canada office. Several new staff members have been hired.
- (PLP) The 2008 exploratory drilling program is up and running. There was some delay due to the late winter in the region.
- (PLP) Engineering prefeasibility is well underway. The design engineers are interacting with the environmental team to incorporate environmental protections into the design.
- (PLP) PLP hopes to have a tentative proposal for the project, with options, to discuss with stakeholders sometime in the winter of 2009.
- (PLP) The earliest permitting could begin would be near the end of 2009.
- (PLP) Prior to permitting, there will be discussions with the agencies regarding the NEPA process, including which agency will be the NEPA lead for the project.
- (Agency) EPA's involvement is dependent on its NPDES primacy. If ADEC has assumed NPDES primacy for mining projects at the time permit applications are submitted, then EPA will not have the authority to be the NEPA lead. If that transition were to occur after the permit applications had been submitted to EPA, EPA anticipates it would finish any significant permit process it had begun, and EPA would probably be in the position to be a NEPA lead. ADEC has a schedule that proposes it will assume NPDES primacy for mining by 2011, but the schedule is based on estimates and should be considered accordingly.
- (Agency) USACE is another potential NEPA lead for the project, particularly if EPA no longer has the NPDES authority when the Pebble application is filed. USACE does also have authority to transfer administration of

the Section 404 permitting process to qualified states. The State of Alaska has never applied for Section 404 (wetlands) primacy.

- (Agency) One change that accompanies the transfer of NPDES primacy to the state is that there is no required tribal consultation. Tribal consultation occurs under a federal executive order and does not apply to state delegated programs. Former Alaska Governor Tony Knowles issued an executive order regarding tribal relations for the state, but it was mostly an issue of intent to communicate with tribal organizations and does not contain specific tribal consultation requirements. There was a commitment to enter into consultation about how to work together in the future, but this commitment has not been acted upon.

#### IV. PUBLIC DATA RELEASE SCHEDULE

- (PLP) Pebble's Data Release Schedule, distributed to the public on May 28, was passed out.
- (Agency) The data release schedule states that, "Although Pebble Partnership has commissioned subsistence/traditional knowledge and cultural resource studies in and around the project site, state regulation prohibits the public release of this information". It was questioned whether or not this statement was true and cited some concern regarding the need to review that data for sufficient study design.
- (PLP) By law, cultural resources site information from state lands is confidential. Steve R. Braund & Associates (SRB&A) has confidentiality agreements with the community members it interviews that prohibit it from sharing the subsistence and traditional knowledge study data with PLP or the public until after the interviewed participants have had the opportunity to review and approve his reports. SRB&A takes these confidentiality agreements very seriously.
- (Agency) Outside parties have stated concern that the subsistence/traditional knowledge and cultural resource studies need to go back further in time than the current study which incorporates subsistence and cultural use over the past 10 years in order to capture "lifetime uses" and to capture cycles in caribou migration. Caribou migration cycles may require 30- 40 years of study. If PLP is considering looking forward 50 years than PLP should look back 50 years.
- (PLP) The Department of Fish and Game (ADF&G) subsistence data taken under contract to PLP focuses on what was used, how it was used, amounts, and consumption rates. SRBA's data collection focuses on when, where, and the mapping of use areas.
- (PLP in response to Agency Query) There has been no feedback received since the beginning of PLP's public data release.

#### V. INFORMATION REVIEW

- (PLP) 2008 Field Sampling Plans (FSP) have been provided for surface water hydrology and water quality, groundwater hydrology and water quality, and mammal tissue. Remaining Field Sampling Plans and Study Plans will be distributed as soon as they are finalized.
- (Agency) These FSPs were distributed to the TWG members. Agency leads need to determine how they want to comment.
- (Agency) Concern was raised that the Field Sampling Plans and Study Plans are still not being distributed early enough for meaningful review. There had been particular interest in receiving these documents for the fish studies.
- (PLP) The distribution of Field Sampling Plans and Study Plans is not the same as distributing information packets for the various TWG groups. Earlier, PLP had stated that as packets of information that responded to the individual TWG group information requests were prepared, they would be distributed with a proposed

meeting date. This has only been done for the Fish TWG group to date. Other groups will follow as the information is prepared.

- (Agency) The Steering Committee should be cc'd on the distribution of all information packets.
- (Agency) The Study Plans are being distributed, but a longer review period is needed to facilitate their distribution, review, and evaluation. The agencies also need time to coordinate comments from the various staff members. Staff resources are already committed for several months in advance, especially between May and September. It can't be assumed that everyone will have ample time within a 2 – 3 week period to evaluate the Study Plans and respond in a timely manner to affect change for the coming field season.
- (Agency) Agencies need to get information at least 2 months before summer so comments can get back to contractors.
- (Agency) It would also be better to set meeting dates several months in advance.
- (Agency) It was suggested that discussions of upcoming Study Plans be held in February regarding the subsequent season's Study Plans.
- (PLP) It is not feasible to process the previous season's data for review and determine necessary changes for the upcoming season by February. There are sample turn-around times (e.g., water sample lab analyses), budgets and contracts that all need to fall in place prior to writing the study plans.
- (Agency) There is no reason PLP can't give its contracted consultants a deadline and require the consultants to meet that deadline. All the Consultants have to do is hire more staff as needed.
- (PLP) It is not always feasible for consultants to staff-up at will. There is a current shortage of environmental professionals. It is difficult for consulting firms to find additional qualified personnel to hire.
- (Agency) Can PLP pull together a timeframe when the TWGs could meet to review Study Plans and a time frame for when PLP needs to receive feedback?
- (Agency) If it is not possible for PLP to prepare Study Plans early enough to accommodate agency review with as much time as the agencies require, maybe we should use the November Agency Meetings as a means for the TWG members to learn what occurred in the field as the basis for pro-active suggestion and comment on what protocols should go into the Study Plans for the upcoming season. TWGs could have breakout sessions at the November meetings or shortly thereafter to discuss these suggestions. Then the TWGs could meet again in the spring to discuss what was and was not incorporated into the final draft Study Plans.
- (Agency) TWG breakout sessions would take advantage of many of the TWG members already being in Anchorage.
- (PLP) Could November Agency Meeting sessions be organized in such a manner that TWG breakout sessions would not likely occur during main schedule presentations of interest to the TWG group?
- (Agency) For these break-out sessions to be meaningful they need to be premised with the request for information to review prior to the November Meeting Presentations.
- (Agency) Thirty days could be a sufficient review time period.

## VI. MEETING PROTOCOL AND LOGISTICS

- (PLP) The TWGs are evolving and working. Notes are being turned around faster. Information requests are being filled and posted on the ftp site for review; in some cases this is still not as far ahead of the meeting as desired, but it is improving. TWG/agency members have gone on field trips to help determine sampling sites. Some TWG/agency members have made plans to accompany PLP consultants in the field this season to observe the sampling programs first hand.
- (Agency) If the note-taking for all TWG meetings is too much for Charlotte to handle alone, we may want to consider adding a second note-taker.

- (PLP) Presently it is working for Charlotte to take the notes at all meetings. It also provides for one PLP representative to be present at all meetings to provide consistency and to watch for areas of overlap between groups as well as areas that are falling through gaps between the groups.
- (Agency) If a second note-taker were necessary – they could run all notes past Charlotte to help retain that consistency.
- Minutes:
  - (PLP) When TWG members review the draft meeting minutes they sometimes send additional new comments and ideas that may be related and important, but do not reflect what was discussed during the meeting. The Steering Committee needs to address how to handle these comments so it is done consistently and appropriately throughout the TWG groups.
  - (Agency) The present process for the minutes is that:
    - Charlotte generates the minutes and sends the draft minutes to the TWG lead to distribute to the TWG group (preferably with a deadline for comments).
    - The TWG members review the minutes and send in their comments as track changes.
    - The lead, or Charlotte, consolidates the track changes into a final draft and it is recirculated by the lead to the TWG group for a final review (preferably with a deadline)
    - The lead has final discretion on the content of the final minutes. They are sent to Andrea who distributes them to the TWG group and posts them on the DNR website.
    - To allow for members who may have trouble meeting the comment deadlines, the lead should add a sentence to the email that accompanies the distribution of the draft or final draft minutes that says, “If you have trouble meeting this deadline, please give me a call.”
  - (Agency) New comments could be moved to the bottom of the minutes and noted as “post-meeting comments provided by TWG members”.
  - (Agency) The minute review process should be routinely attached as a memorandum to the minutes each time the minutes are sent out for review.
  - (Agency) In the memorandum it should clarify that if an agency wishes a comment to be documented in the minutes as attributed to their specific agency, they should make that request in the comments on the draft minutes.
- (Agency) There are leads for most of the TWG groups with the exception of the Marine TWG. Fish does not have an official lead either, although it is likely to be ADF&G.
- (Agency) USGS has been talking with ADNR about becoming involved in the TWG groups. They are particularly interested in geochemistry (Bob Seal) , hydrology and water quality. USGS is working on a MOU to accept funding for their participation. The MOU should be drafted soon.
- (Agency) The idea of hiring a facilitator to help keep meetings on track was raised at the last meeting and has been discussed within DNR, particularly for some TWGs that are particularly vocal. This would not only keep the meeting on track, but relieve some of the workload on the lead, and free up the lead to more actively participate in the TWG discussion. The facilitator would not be imposed on the leads, but would be available if requested by the lead. The University has some resources, such as Meg King. DNR will check to see if there is a state list of facilitators. EPA has a list of facilitators. Mary Siroky is another potential facilitator; she used to work in this role for ADEC and is now working as a private consultant. The use of a facilitator could be tried on a meeting-by-meeting basis, with a report back to the Steering Committee. It is not necessary to implement a full scale facilitator plan at this time.
- (Agency) It was noted that the TWG protocols do not list running the meeting as part of the lead’s role, although it was probably an assumed role all along.

## VII. ACTION ITEMS

- PLP to develop a plan for scheduling and sequencing delivery of TWG information packets, getting comments, and setting subsequent TWG meetings.
- Respond to DNR's letter regarding the distribution of Study Plans and Field Sampling Plans.
- PLP to send out the latest Contact List for all TWG groups to John Pavitt so he can familiarize himself, in his new role as the EPA Pebble contact, with the other EPA TWG members. John will also help to flesh out EPA phone numbers where they are missing on the list.
- DNR to compile a list of potential facilitators