

# POA-2017-271

## PROJECT BRIEF

David Hobbie  
Chief, Regional Regulatory Division  
Date: 5 Apr 2019



US Army Corps  
of Engineers®



# SCOPE OF PRESENTATION



## PROCESS

- Permit Review Process
- USACE Authorities
- Decisions
- Interdisciplinary Team
- Public Engagement
- Media Engagement
- Tribal Engagement

## PROJECT

- Overview
- Scoping
- Development of DEIS
- Next Steps



# USACE AUTHORITIES AND COMPLIANCE WITH FEDERAL LAW

3



## Section 10 Rivers and Harbors Act

Any work affecting the course,  
condition, location or capacity of a  
navigable waterbody

## Section 404 Clean Water Act

Authorized to issue permits for the  
discharge/placement of dredged  
or fill material into waters of the  
United States



## Compliance with other Federal Law

Endangered Species Act

Fish and Wildlife Coordination Act

National Environmental Policy Act

National Historic Preservation Act

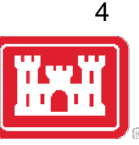
Magnuson Stevens Fishery Conservation and  
Management Act

Marine Mammals Protection Act





# OTHER FEDERAL DECISION MAKERS USING EIS



## U.S. Coast Guard (USCG)

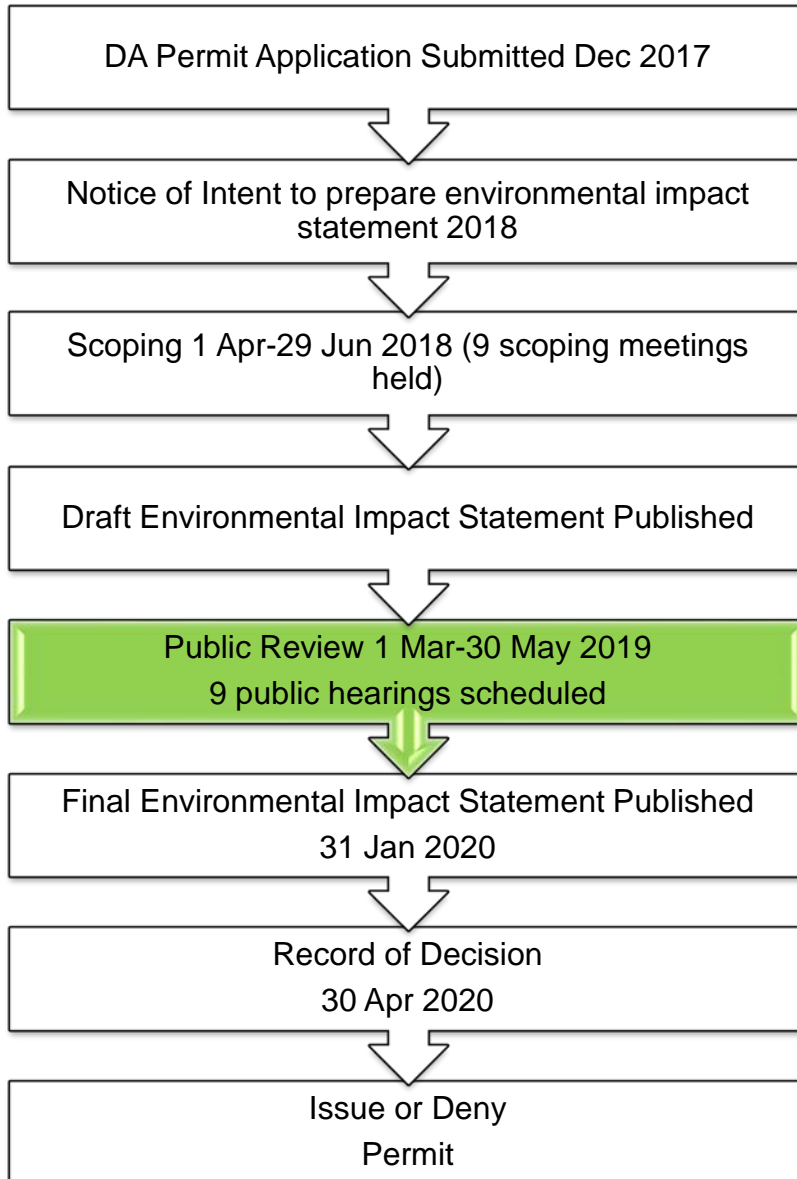
- Authority: over locations and clearances of bridges and causeways in or over navigable waters of the U.S. under the Bridge Act.
  - Proposed activity requiring permit: Bridge over Newhalen River

## Department of the Interior's Bureau of Safety and Environmental Enforcement (BSEE)

- Authority: oversees safety, environmental protection, and conservation of resources related to the exploration for and development of offshore resources on the Outer Continental Shelf (OCS) under the Outer Continental Shelf Lands Act.
  - Proposed activity requiring permit: right-of-way encompassing the natural gas pipeline that would lie on the OCS of Cook Inlet.



# USACE DECISION MAKING PROCESS



## USACE DETERMINATIONS in RECORD OF DECISION

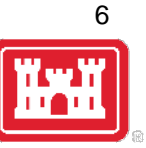
### Least Environmentally Damaging Practicable Alternative Determination (LEDPA)

- Whether the proposed project or a practicable alternative is the LEDPA
- Whether the LEDPA is contrary to the public's interest
- Whether the LEDPA will cause or contribute to the violation of applicable state or federal laws
  - Ex: State Water Quality Standards
  - Ex: Endangered Species Act
- Whether the LEDPA will result in significant degradation of waters of the United States.
- Whether the LEDPA includes appropriate and practicable steps to minimize the adverse impacts of the project on wetlands and other waters.
- Consideration of the relative extent of the public and private need for the proposal and the public interest.





# STATE OF ALASKA APPROVALS AND PERMITS



## State of Alaska Approvals Required

- Tailings Dam Construction
- Dams for impoundments
- Plan of Operations
- Reclamation and Closure Plan
- Waste Management Plan.
- Right of Way Leases
  - Proposed Road
  - Natural Gas Pipeline
- Solid Waste Management

## State of Alaska Permits Required:

- Clean Air Act
- Alaska Air Quality Control
- Clean Water Act certifications under Sections 401 and 402
- Wastewater Disposal
- Drinking Water
- Water Use
- Oil and Hazardous Substances Pollution Control
- Anadromous Fish Act
- Fishway Act
- Special Area Use
- Material Sites
- Oversize vehicle
- Transport of Hazardous Materials
- Utility



# PROCESS REQUIREMENTS

## Process Requirements

**Standard Permit < 120 days**

**EIS required time 105 days (scoping 30, DEIS 45, FEIS 30)**

Public Notice Permit Application for 15 days & mail to adjacent property owners

Provide the public a 30 day opportunity to provide input into scope of DEIS

Publish the Draft EIS in Federal Register with required 45 day public comment period

Publish Final EIS in Federal Register for 30 day period

## USACE Efforts

**Estimated time to completion 850 days**

**EIS actual time 210 days**

**Scoping 90 days, DEIS, 90 days, FEIS 30 days**

Permit Application mailed to 31 Federally Recognized Tribes

Permit Application made available on District Website (Jan18) and pebbleprojecteis.com (Mar 18)

Permit Application Public notice 30 days January 2018.

Permit Application Public notice 90 days concurrent with DEIS review

Baseline data made available on pebbleprojecteis.com

Scoping package developed to explain process

Public meetings held in nine communities

Video by applicant explaining proposed project developed at USACE request and made publically available and played on loop during meetings

30 day public comment period extended to 90 days

Scoping webinar

Scoping Newsletter to residents and published on website

Draft EIS mailed to 38 Federally Recognized Tribes on thumb drive

Made available at nine public libraries

Published in federal register with 90 day comment period

DEIS Newsletter to residents and website

DEIS How to Comment Package

Nine Public Hearings Scheduled

Additional:

Monthly Media Roundtables Transcripts Available via website

Media Availability during scoping

Key Note panel at Alaska Forum on the Environment

Real Time Data upload of all project information on website

Pre DEIS comments from cooperating agencies available on website





# PUBLIC ENGAGEMENT



- Pre-application and pre-scoping efforts
- Scoping
- DEIS Availability
- Media Roundtables and other press engagements
- Newsletters
- Multiple avenues for submitting scoping comments and comments on the DEIS:
  - Project website ([www.PebbleProjectEIS.com](http://www.PebbleProjectEIS.com));
  - Email
  - U.S. Mail
  - Computers at hearing locations
  - Court reporter at hearings





# PUBLIC ENGAGEMENT - WEBSITE

9



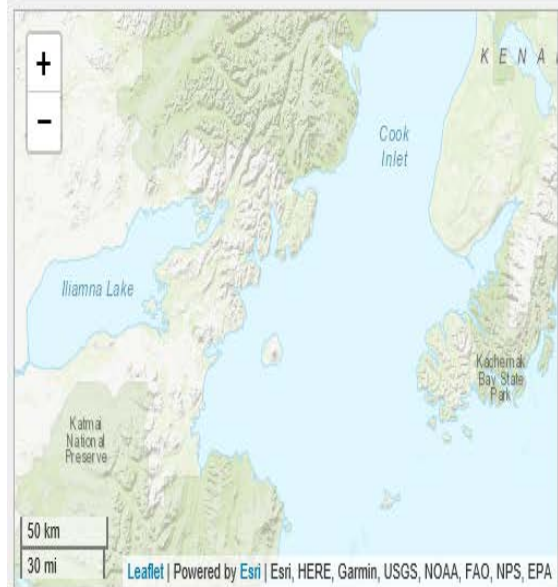
Project website ([www.PebbleProjectEIS.com](http://www.PebbleProjectEIS.com)) went live on March 19, 2018


You can input location information for your comment.

Include a map location about your comment

You can use the map below to include a location about your comment. For example, show us where in the project area you feel is important for wildlife habitat reference. Click on the map and a marker will be placed at that location. Click again to move the maker to a new location.

No Action Alternative





## Pebble Project EIS

US Army Corps of Engineers

- Home
- Project Overview
- Documents
- EIS Schedule
- Public Hearings
- Public Comments**
- Contact Us
- External Resources

[View Submitted Draft EIS Comments](#) [Submit Draft EIS Comment](#) [Tips for Commenting](#)

After the end of the Draft EIS comment period a package with all comments will be made available either on this site or by other arrangements (depending on size).

USACE is providing access to comments and files as submitted. Viewing and downloading is at your risk. These are provided on the basis that upon downloading you will conduct any liability to you for any loss or damage including consequential loss or damage however caused, whether by negligence or otherwise, that arises in any way from the use of the

Page  of 6 [First](#) [Previous](#) [Next](#) [Last](#)

**Mar 12, 2019 6:24:30 AM AK Britta Bronsell , Website**

**Wildlife Habitat, Alternative 3:** PEBBLE PROJECT BROTHERS! SAVE THE BRISTOL BAY SALMON YOU INSENSITIVE JERKS. DONT TRADE THIS EXCEEDINGLY FINE S.

[View Full Comment](#)

**Mar 12, 2019 5:58:20 AM AK Jillian Bush , Website**

**Other, No Action Alternative:** Hello,

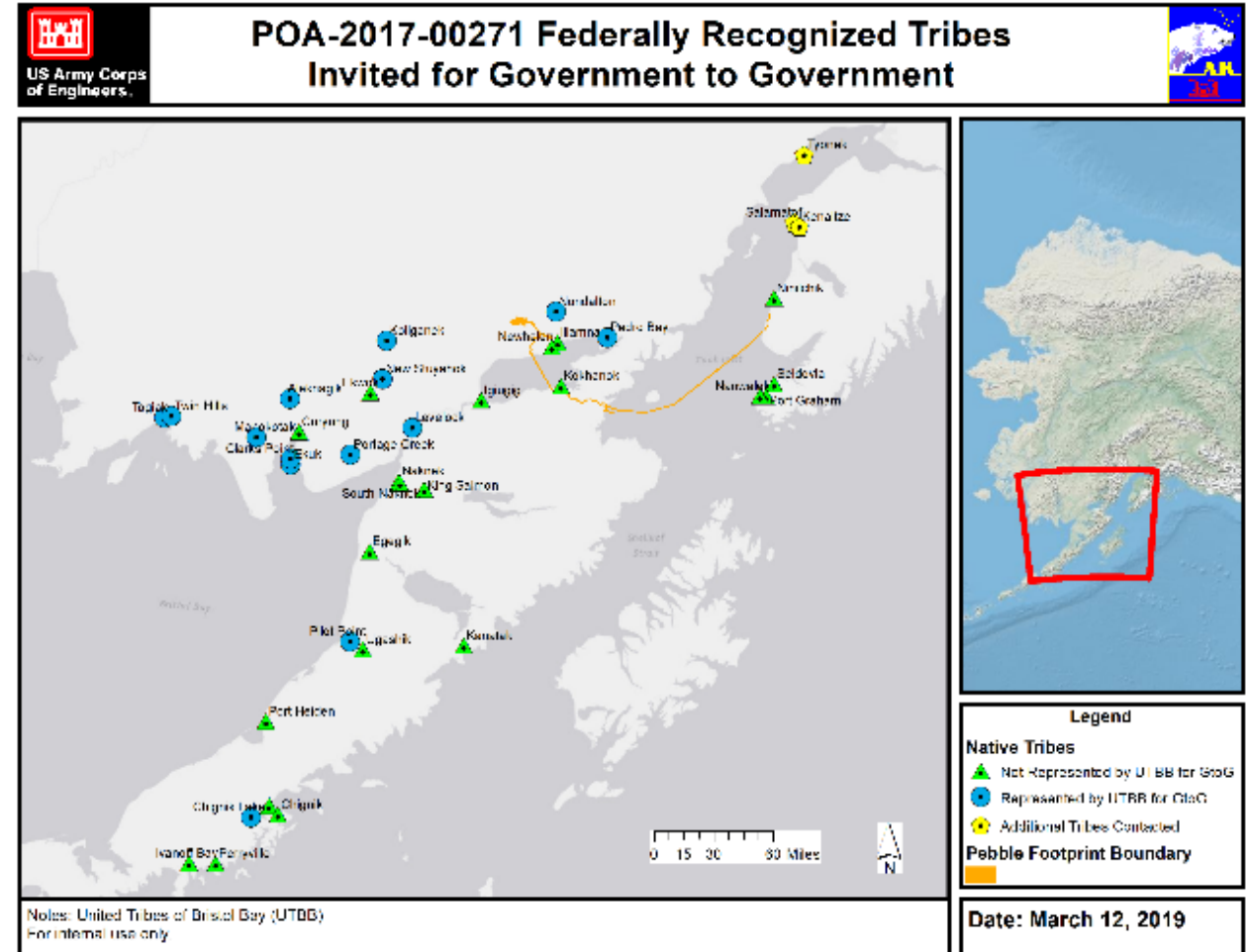
[View Full Comment](#)

Submitted comments go directly to the “View Submitted Draft EIS Comments” tab and can be searched by key words.



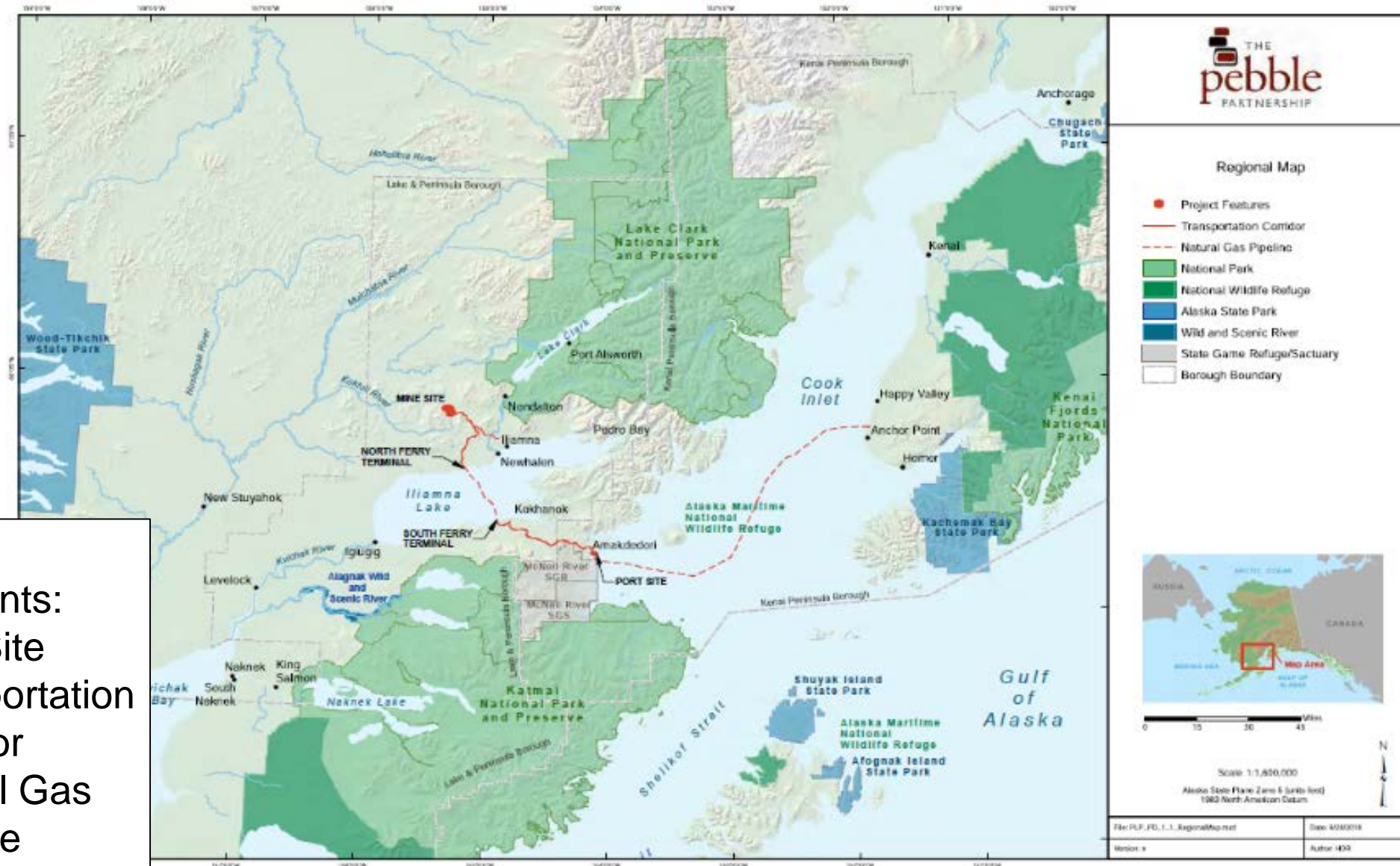
# ALASKA NATIVE TRIBES

- Pre-application outreach/questionnaire to accommodate rural preferences
- Pre-application inquiries regarding government to government consultation
- Post-application delivery of materials
- Travel to multiple communities/groups to discuss process
- 17 staff level government to government meetings
- 8 leader to leader government to government consultations (2 with UTBB representing 14 Tribes)
- Delivery of DEIS via Thumb Drive



- Inquiry for meetings while traveling for Public Hearings
- Conducting milestone webinars (2 thus far) and teleconferences (4 to date) to answer questions

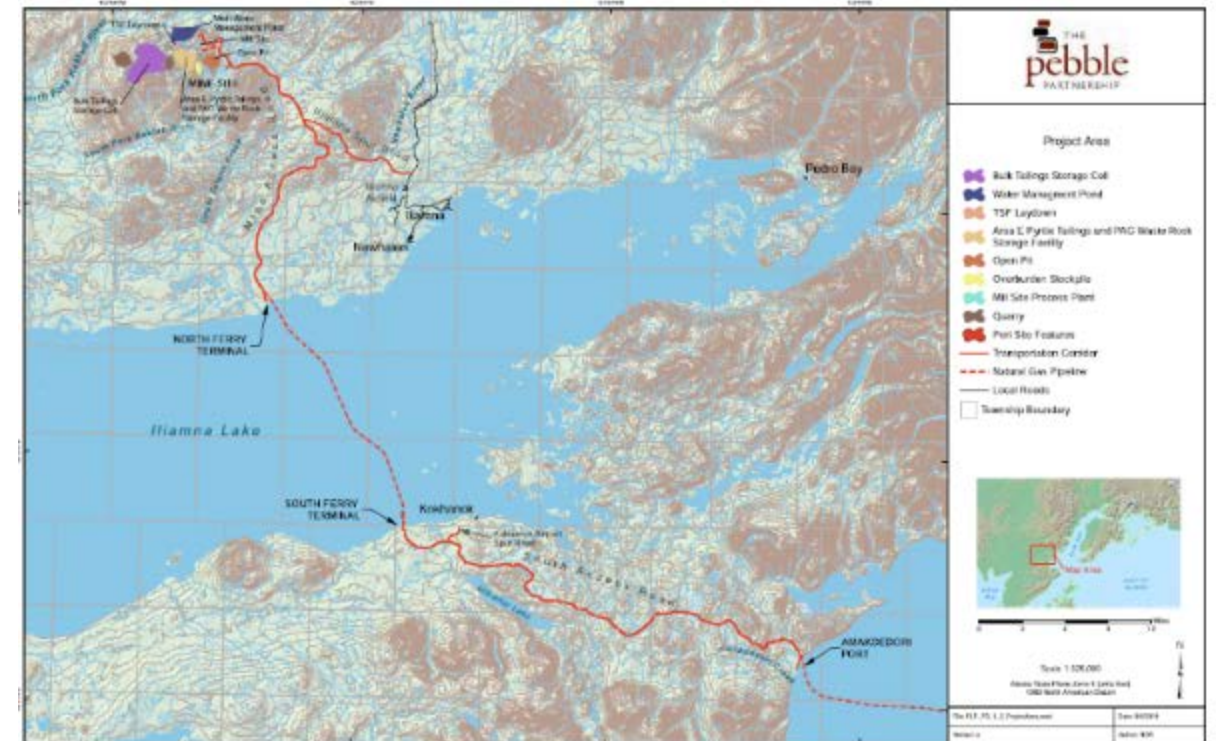
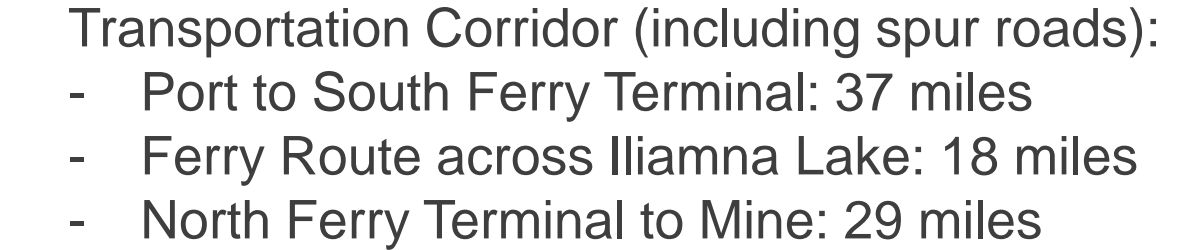
# PROPOSED PROJECT - OVERVIEW



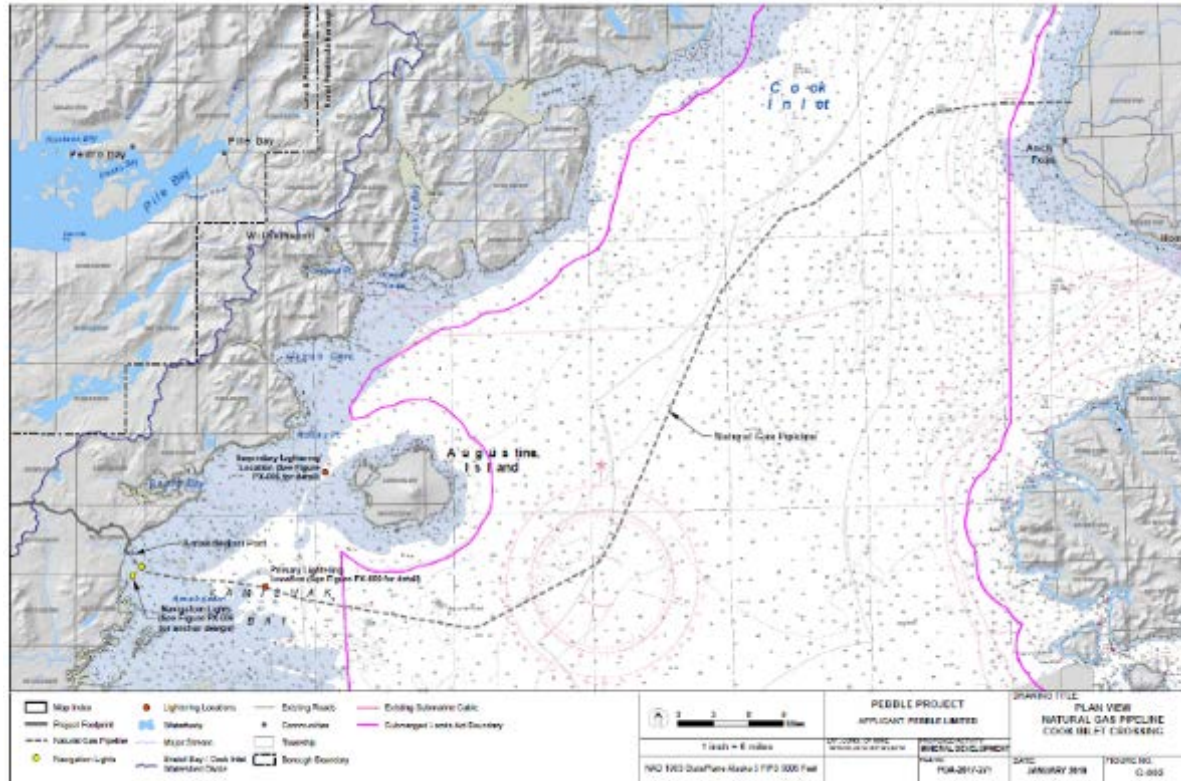


## Mine Site Area:

- 8 miles long x 4.8 miles wide
- 8,086 acres



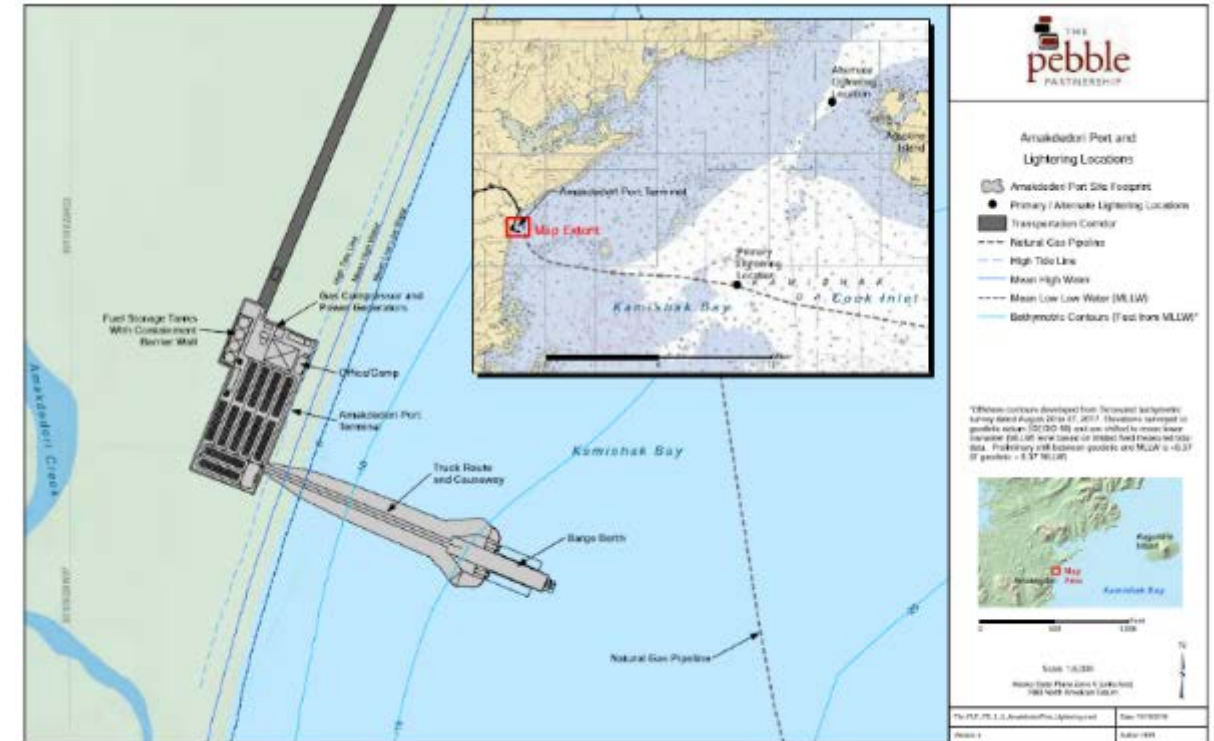
## NATURAL GAS PIPELINE



Natural Gas Pipeline in Navigable Waters:

- Cook Inlet: 104 miles
- Iliamna Lake: 18 miles

## AMAKDEDORI PORT SITE



Amakdedori Port (40 acre facility):

- 1,900 feet long causeway/wharf
- Sheetpile and granular fill



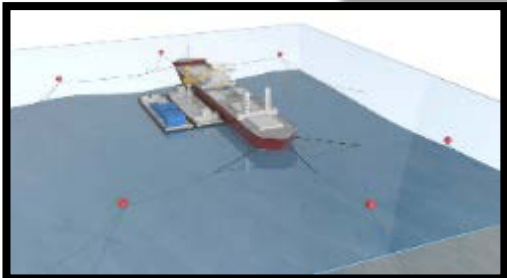


# USACE JURISDICTION



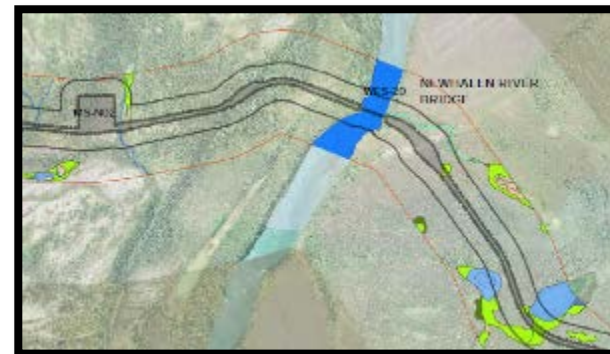
## IMPACTS/ACTIVITIES PROPOSED UNDER SECTION 10 RIVERS AND HARBORS ACT

- 1,900 foot long causeway/wharf;
- six mooring buoys at two separate locations for lightering;
- 122-miles of natural gas pipeline;
- two ferry terminals; and
- four mooring/navigation buoys; and two lighted navigation buoys.



## IMPACTS PROPOSED UNDER SECTION 404 OF CWA

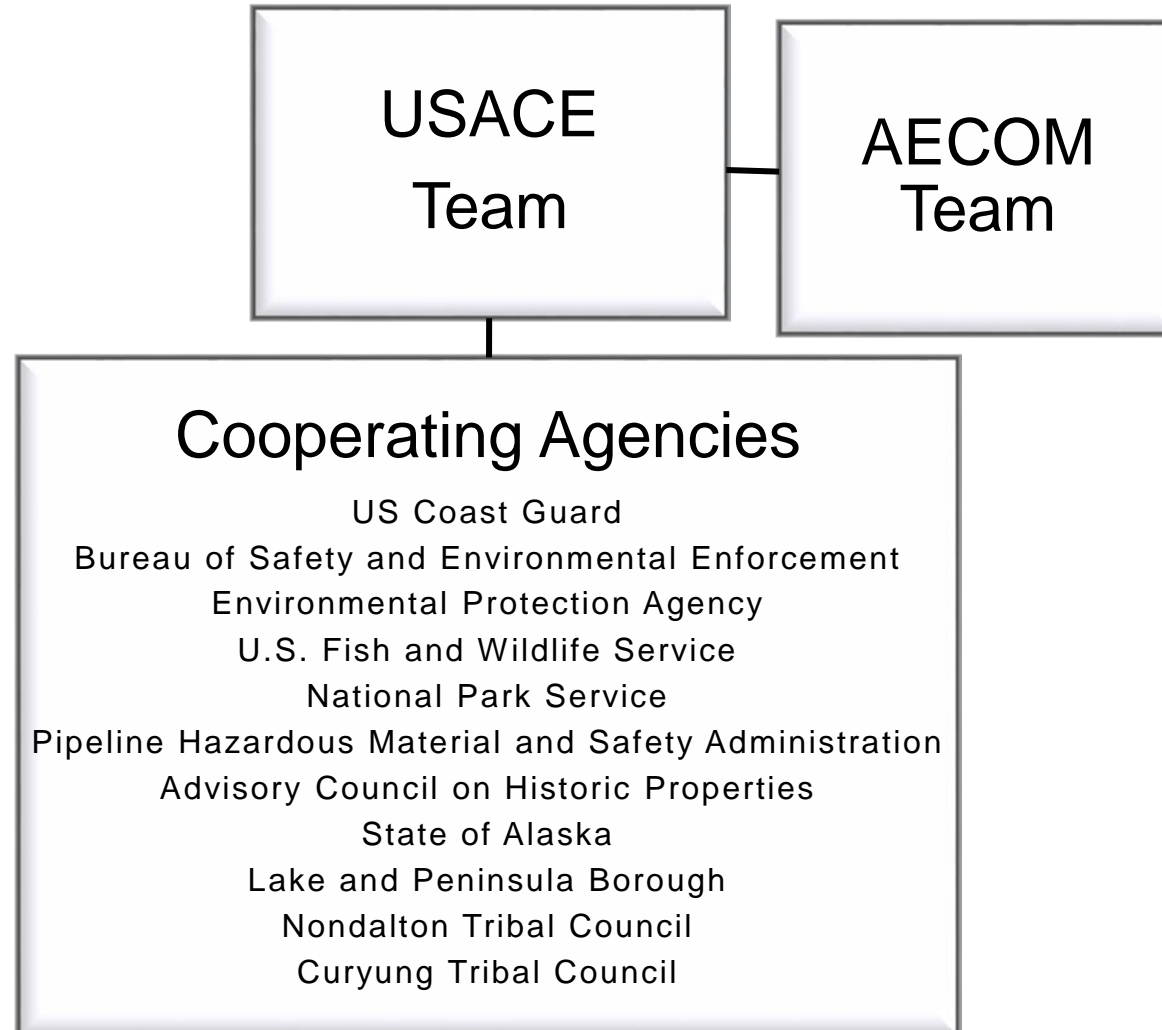
- Permanent placement of dredged or fill material into 3,555.4 acres of waters of the U.S., including wetlands, and,
- Temporary placement of dredged or fill material in to 518.3 acres of waters of the U.S., including wetlands,
- as part of the construction of an open pit mine, tailings and water storage impoundments, power plants, rock source sites, mineral processing facilities, a port facility, roads, ferry terminals, and a natural gas pipeline.







# INTERDISCIPLINARY TEAM





# SUMMARY



USACE has taken unprecedented steps to engage the public and federally recognized Alaska Native Tribes

USACE has developed a DEIS appropriately constrained by regulatory authorities

USACE's analysis will be refined based on input from the public during the 90 day comment period for the DEIS and permit application

USACE – Regulatory is not a proponent or opponent of ANY project

No decision regarding the permit application will be made until a minimum of 30 days after the FEIS is released to the public