

## Technical Working Group – Steering Committee

### Pebble Project

May 19, 2009 – 9:00 AM to 2:00 PM

Atwood Building Room 602

*Draft Minutes compiled by Dave Casey (USACE), Andrea Meyer (ADNR) and Tom Crafford (ADNR)*

## I. Present:

Charlotte MacCay (PLP)  
Phil Brna (USFWS)  
Bud Rice (NPS)  
Tom Crafford (ADNR)  
Doug Limpinsel (NOAA-NMFS)  
Scott Maclean (ADF&G)  
Andrea Meyer (ADNR)  
Mike Daigneault (ADF&G)  
John Pavitt (EPA)  
Dave Casey (USACE)  
Katie McCafferty (USACE)  
Ken Taylor (PLP)

Public:

Tim Troll (TNC)  
Doug Wachob (TNC)

## II. Proposed Agenda:

*Per agreement at the last Steering Committee meeting on March 26, 2009 this meeting is to focus on a review and discussion of the TWG Protocols and Guidelines (Protocols). A computer and projector will be available to display and capture edits & comments on the Protocols. Agenda items preceding the TWG Protocols Discussion are intended to primarily be brief informational items.*

- Call to Order
- 20090326 Minutes (?)
- PLP – Project Update/Developments
  - Summer 2009 Activities
  - 2009 Study Plans – status?
- March 19, 2009 “Über” TWG Agency Mtg. was postponed

- PLP response to 3/16/09 Fish TWG's DRAFT Study Objectives/Recommendations Doc (emailed to SC members)
- W. Dist. Am. Fisheries Soc. Resolution re: Pebble
- Additional Items?
- TWG Protocols Review & Discussion
- New Action Items
- Next Steering Committee Meeting – when?
- Public Comment

## Project Update:

### Project Update on PLP's Work:

(PLP)

- Ken Taylor is out right now.
- Reached agreement with F&G on some research sites that couldn't get hammered out with APC (Native Corp.) on fish towers so towers will get put in. F&G roll could have been advisory in nature but it seems like they'll still be engaged.
- TNC doing some fish studies in August 2009 outside of mine site.
- Information collected on Beluga whales has been provided to NMFS.
- Trace Metal in Aquatic invertebrates has been released.

(Agency)

- There will be some exploration drilling for summer much reduced over last couple of years.
- Condemnation drilling also slated for 2009. Drilling to 11 bore holes to ~7,000 ft. near Frying Pan Lake and to the southwest, too.
- Understanding is PLP's budget process should produce in late-July, a decision regarding the go/no-go for geotech drilling slated for Aug-Sep 2009.

### Project Update on Agency Work & General Inquiries:

(Agency) Should a new TWG for subsistence be set up?

(PLP) - Good idea, we could.

(Agency) ADF&G conducting brown bear surveys now. Planned completion in June 2009. Next year (2010) radio collaring will occur.

## March 19, 2009 Agency Meeting:

(Agency) Due to unforeseen events, there is not really any action occurring. Next task would be to reschedule the next meeting.

(Agency) Doesn't like the term "Uber" would like another name.

(Agency) Can do; did not intend cause offense. (suggested -- senior level management or senior managerial staff)

## Fish TWG's Draft Study Recommendations Document:

(Agency) PLP provided a response on 3/16/09 Fish TWG's draft document.

(Agency) FWS/NPS wrote joint letter to DNR supporting Fish TWG's draft document.

(Agency) Saw in PLP's response a themes about:

1. Obtaining a level of certainty in high confidence intervals is difficult and would like to have a discussion about this  
(Agency) – Feels the confidence intervals can be obtained at a reasonable expense.
2. Finding comparable projects

(Agency) DNR received a resolution from the Western District of the American Fisheries Society that was distributed to a mix of agencies.

(Agency) ADF&G has a new employee, Ron Benkert who will likely lead several TWGs for the agency. He's Jeff Estensen's replacement.

(Agency) DEC has a new employee for the steering committee, Allan Nakanishi who is replacing David Johnson. He'll be invited to next meeting.

## PLP Update continued:

(PLP) Ken Taylor arrived and spoke about the release of the engineered mine plan. PLP is refining 10-11 alternatives into 2 or 3. They planned for a July 2009 release but the schedule slipped to September 2009. After the mine plan is released PLP has promised to take the mine plan to the public for 6 months to explain it and gather feed back before any applications are filed. So with this schedule, application could be filed in spring 2010 (March-April).

## Upcoming Steering Committee Meeting

Next meeting – August 19<sup>th</sup> Cancelled – Tentatively October 27, Tuesday.

## TWG Guidelines Review & Discussion

PEBBLE PROJECT

DRAFT REVISED TWG ~~PROTOCOL~~GUIDELINES

### 1. TWG Purpose

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To facilitate open, non-binding discussion ~~amongst~~between state and federal agencies and the PLP regarding ~~the~~ scientific and technical aspects of environmental and project design studies in preparation for NEPA and subsequent project permitting. TWGs ~~will not function as~~ are not consensus or decision-making ~~authority~~authorities nor do they establish policy; TWG members will provide comments and ideas for PLP ~~and the other agency members~~ to consider regarding the scope of studies, geographical extent, and methods. Participation by an Agency in the TWGs is voluntary and ~~process~~ does not constitute approval by that Agency of PLP plans or studies and in no way TWG participation does not limit future Agency roles, authorities or participation in the NEPA or permitting process.

### 2. Objectives

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- 2.1 ~~Identify additional information of interest~~
- 2.2 Review and comment on ongoing and proposed activities for applicability, technical merit, and adequacy
- 2.3 Suggest additional studies and/or modifications to ongoing studies for consideration
- 2.4 Identify and address specific issues
- 2.5 Seek issue clarification
- 2.6 Summarize discussions
- 2.7 ~~Coordinate study efforts~~

### 3. TWG Operating Protocols

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#### 3.1 Member Selection

- 3.1.1 Federal and state agencies ~~with jurisdiction and regulatory responsibilities will~~ assign members with expertise on the associated discipline; PLP ~~to identify~~ identifies staff and/or consultants with appropriate expertise.
- 3.1.2 There is to be one member representing each agency. ~~If approved by the Steering Committee, a~~ Agencies with more than one major division relevant to the TWG discipline may assign one TWG member for each division.
- 3.1.3 TWG group size to remain relatively small to function effectively. Preferably less than 10 members; however specific topics may require larger groups.
- 3.1.4 Members will endeavor to devote adequate time to the TWG.

#### 3.2 Meeting Attendance and Participation

- 3.2.1 Additional agency or PLP technical personnel may attend meetings.

- 3.2.2 Non-member agency or PLP representation may be asked, at the discretion of the lead, to refrain from active participation ~~during the meeting~~ to help keep discussion on track ~~particularly if the group size is getting unwieldy or if the individuals lack expertise.~~
- 3.2.3 Teleconferencing and videoconferencing are tools that may be utilized to better accommodate members who are not located in Anchorage.
- 3.2.4 TWGs are not a public forum. ~~Public presence will be accommodated with opportunity to speak at the end of each meeting. The lead will designate a specific time for public comment at each meeting.~~
- 3.2.5 The lead may ~~choose to~~ allow limited public participation during the meeting, for the purpose of issue clarification; ~~in this event,~~ all interaction with the public should take place through the lead.
- 3.2.6 The TWG lead and PLP may mutually agree to invite guest participants.

### 3.3 Meeting Frequency

- 3.3.1 Meetings will be scheduled on an as needed basis, as determined at a previous TWG meeting or as set by the TWG lead.
- 3.3.2 PLP or Agency members may contact the TWG lead to request a meeting.
- ~~3.3.3 TWGs will consider a minimum of quarterly meetings when appropriate~~

### 3.4 Roles and Responsibilities

- 3.4.1 Each TWG will identify a lead from its agency members:
  - 3.4.1.1 The lead ~~should be chosen on ability to will~~ manage the ~~team~~ TWG meeting and keep discussion on track.
  - 3.4.1.2 A TWG may ~~choose request to have~~ a third party facilitator ~~to keep the discussion on track, if funding is available and it is the will of the group,~~ subject to approval by the Steering Committee and the availability of funding.
  - ~~3.4.1.3 The lead will notify TWG members of upcoming meetings~~
  - 3.4.1.63 The lead will solicit and distribute topics for discussion topics for each meeting/agenda
  - 3.4.1.4 The lead will set the meeting time and location, ensure meeting room availability, ~~and~~ ensure teleconferencing or videoconferencing accommodations are in place if needed, ~~and notify TWG members.~~
  - 3.4.1.5 Information needed for a TWG meeting should be provided a minimum of 2 weeks in advance. The TWG lead may reschedule the meeting if information is not received in time.
  - ~~3.4.1.56~~ The lead will ensure copies of previous meetings minutes are available for all members
  - ~~3.4.1.6 The lead will solicit and distribute topics for discussion for each meeting/agenda~~
  - 3.4.1.7 The TWG lead will be the contact person for public input and will distribute public input to the group

- 3.4.2 TWGs will ~~be requested to initially~~ determine ~~and document~~ the objectives and scope of their group. These will be included in their minutes for posting on the web and may also be posted on the web page with the TWG title.

Look at moving this section above previous one.

3.4.3 ~~TWG~~The Steering Committee

3.4.3.1 ~~A TWG~~The Steering Committee, composed of ~~primary leads~~representatives from participating state and federal agencies, and PLP, will ~~convene generally meet on at least~~ a quarterly basis, ~~initially, and then as frequently as appropriate.~~

3.4.3.2 The Steering Committee establishes the individual TWGs and coordinates their agency representation. ~~will guide the scope of the TWGs and coordinate TWG assignments to prevent overlap and/or study review gaps that could occur between TWGs.~~

3.4.3.3 The Steering Committee will oversee and coordinate the TWGs. The Steering Committee will address issues or concerns raised by TWG leads or groups, and/or PLP regarding TWG ~~activities, operation and protocols.~~

3.4.3.4 The Steering Committee will review, evaluate and revise these guidelines as needed.

#### 4. Documentation

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##### 4.1 Minutes

4.1.1 The minutes are not intended to serve as an administrative record, but to meet the TWG objective of summarizing discussions, and as a record to facilitate the flow of thought from one meeting to the next.

4.1.2 PLP will ~~draft take~~ the meeting minutes. Disagreements and differences of opinion ~~disagreement during TWG discussion on an issue, this should be indicated in the minutes, by noting that there were several members who concurred or disagreed.~~

~~4.1.4 Draft minutes will be marked "Draft"~~

4.1.5 ~~The minutes do not record who said what;~~ As a means to encourage free thought, minutes will only identify comments as "agency", PLP' or "name of consulting firm"

4.1.6 All TWG minutes will contain the following disclaimer: *As with all Technical Working Group (TWG) Meetings, the minutes reflect discussion of suggestions and concerns raised by individuals. Discussion does not reflect any decision making ~~or consensus~~ from the group TWG (with the exception of choosing leads and the Steering Committee setting administrative TWG procedures for how meetings will be run.)*

4.1.7 PLP will provide the draft minutes labeled "Draft" to the TWG lead within two weeks of the meeting date.

4.1.8 To ensure that the minutes are objective, accurate, and thorough, ~~t~~The TWG lead will distribute the draft minutes to all members for review edits with ~~in~~ a two week s ~~deadline.~~ ~~The transmittal cover will include a summary of the minutes review process.~~ If necessary, minutes may go out for second review.

4.1.9 ~~Members will submit comments and edits to the TWG lead to ensure that the minutes are objective, accurate, and thorough. Comments should be submitted within two weeks of receipt of the draft minutes.~~

4.1.10 The TWG lead will prepare the final copy based on ~~comments~~ edits received.

If comments received include new ideas not discussed at the meeting, those comments ~~will~~ may be inserted at the end of the minutes in a separate section titled *Post Meeting Comments Provided by TWG Members* or included as an agenda item for a future meeting.

4.1.11 The TWG lead distributes the final minutes ~~will be distributed~~ to the TWG members and other agency and or PLP staff as requested. The goal is to have minutes finalized within one month of the meeting.

#### 4.2 DNR Large Mine Permitting Pebble Project website

4.2.1 DNR will maintain a website at

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

4.2.2 DNR will post the following information on their web site: TWG descriptions, the lead names and e-mail addresses, a list of the agencies involved, and approved minutes from the TWG meetings.

4.2.3 TWG leader's names and e-mail addresses will be posted on the DNR Pebble Project website with the list of agencies that have representation on each TWG. The public may e-mail comments to the leader. The leader will distribute e-mailed public comments to the TWG members for discussion at the next TWG meeting. The public will be able to review the final meeting minutes when they are posted on the DNR Pebble Project website

4.3 ~~TWGs are not consensus or decision making groups and have no authority. Members are assigned to TWGs to provide scientific and technical ideas and perspectives. TWGs\members do not represent their agency in setting requirements, policy or procedure for the Pebble Project. Therefore, TWG members will not produce documentation of recommendations, policy, or procedures as such documentation could be perceived as usurping agency authority, full agency review, and/or agency protocol.~~

#### ~~5. Issue Clarification.~~

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~~During TWG discussion it may facilitate discussion to clarify issues by considering the following points:~~

~~Test of reasonableness~~

~~Is it logical, does it make sense?~~

~~Are there precedents that are relevant to this project?~~

~~What does the scientific information say on this topic?~~

~~Are there relevant agency policies or guidelines?~~

~~Minutes will summarize the various viewpoints presented~~

#### ~~6. TWG Coordination and Progress Monitoring~~

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~~Agency and PLP management leads will review meeting notes and monitoring progress.~~

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