

Final Meeting Summary

Pebble Mine Project

August 25, 2020

Attendees: (via teleconference): James Fueg (PLP), Eric Fjelstad (Perkins Coie) Marty Parsons (DNR-DMLW), Kris Hess (DNR-DMLW), Colleen Moore (Law), Kyle Moselle (DNR-OPMP).

Meeting purpose:

Discuss Pebble Limited Partnership's (PLP) preliminary mitigation plan for their proposed Pebble Mine Project.

Agenda with notes:

- Introductions
- Status and overview:
 - PLP is actively investigating and surveying lands within the Kuktuli watershed to inform their mitigation plan.
 - PLP's objective is to submit a revised compensatory mitigation plan, as required by Section 404 of the federal Clean Water Act, to the U.S. Army Corps of Engineers (USACE) by September 30th.
 - PLP is meeting with the USACE in two weeks to preview their mitigation concepts and get further guidance from the USACE on acceptable approaches to mitigation.
 - PLP's understanding at this point is that the USACE is not looking for any information or determinations from the State of Alaska related to PLP's compensatory mitigation plan. PLP is required to submit a revised compensatory mitigation plan in the next 90 days for review by the USACE.
- PLP is interested in working with DNR to answer the following questions to inform PLP's compensatory mitigation plan:
 - What path(s) exists under state laws that could allow state lands to be used as part of PLP's mitigation plan?
 - What is the durability of each identified path?
 - What uses could be allowed and/or prohibited on lands associated with each path?
- The group identified the following paths:
 - Conservation easements
 - AS 34.17.010
 - Long-term lease of state lands
 - AS 38.05.070
 - ❖ Limited to 55-year term, but there is an ability to renew the lease
 - Mineral Order
 - AS 38.05.300
 - ❖ Designations over 640 acres requires Legislative review
 - Interagency Land Management Assignment (ILMA)
 - AS 38.05.020(b)(2)
 - AS 38.05.027
 - Deed restriction/covenants
 - AS 38.05.035(a)(6)
 - ❖ Any executed deed restriction or covenant would be recorded with the Records Office

- Key discussion points:
 - Eric: PLP believes that the USACE is not expecting/requiring any burden on the mineral estate (subsurface estate), nor is the USACE requiring a third-party entity “hold” the conservation instrument. However, it is PLP’s understanding that the USACE is expecting “no development” on the surface estate resulting from the protective status.
 - There was good discussion about an In-Lieu Fee (ILF) program, but no consensus on whether it was a viable path for PLP to consider for their mitigation plan at this time.
- Next Meeting (Kyle will schedule after follow-up with James and other attendees)
 - Attendees will evaluate the four identified paths above and bring their perspectives on strengths, weaknesses, and procedural complexities to the next meeting.