

RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

## **BREAKFAST MEETING**

### **Thursday, January 3, 2008**

- 1) Call to order – John Shively, President
- 2) Self Introductions
- 3) Headtable Introductions
- 4) Staff Report – Jason Brune, Executive Director
- 5) Program and Keynote Speaker:

**Alaska's Future Workforce Demand:  
Haven't We Been Here Before?**

Bill Popp, President and CEO, Anchorage  
Economic Development Corporation

Next Meeting: January 17: Speaker To Be Announced Soon

Please add my name to RDC's mailing list

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## Feds OK oil, gas development in Chukchi Sea

By DAN JOLING  
The Associated Press  
(01/02/08 16:07:24)

The federal Mineral Management Service gave final approval Wednesday to oil and natural gas development off Alaska's northwest shore, drawing condemnation from environmental groups concerned with the effects on marine mammals. The MMS said it would hold a lease sale Feb. 6 in Anchorage for bidding on nearly 46,000 square miles of outer continental shelf lands in the Chukchi Sea, the part of the Arctic Ocean that begins north of the Bering Strait and stretches between northwest Alaska and the northern coast of the Russian Far East.

It would be the first federal OCS oil and gas lease sale in the Chukchi Sea since 1991. MMS Alaska spokeswoman Robin Cacy said the area contains an estimated 15 billion barrels of conventionally recoverable oil and 77 trillion cubic feet of conventionally recoverable natural gas.

The Chukchi Sea is home to one of two U.S. polar bear populations. The U.S. Fish and Wildlife Service is days away from deciding whether polar bears should be declared threatened because of global warming and its effect on the animal's primary habitat, sea ice.

"The polar bear's existence is increasingly threatened by the impact of climate change-induced loss of sea ice," said Margaret Williams, managing director of World Wildlife Fund's Kamchatka and Bering Sea Program. "The chances for the continued survival of this icon of the Arctic will be greatly diminished if its last remaining critical habitat is turned into a vast oil and gas field."

Polar bears spend most of their lives on sea ice. They use sea ice to hunt their primary prey, ringed seals. In Alaska, females use sea ice to den or to reach denning areas on land.

Arctic sea ice this summer plummeted to the lowest levels since satellite measurements began in 1979, according to the National Snow and Ice Data Center at the University of Colorado.

Brendan Cummings of the Center for Biological Diversity, one of the organizations that filed the petition seeking polar bear protections, said protections for marine mammals are insufficient.

"The polar bear is in need of intensive care, but with this lease sale the Bush administration is proposing to burn down the hospital," Cummings said.

Drilling could take place no closer than 50 miles off shore and MMS director Randall Luthi said the lease sale was supported by Alaska Gov. Sarah Palin, North Slope Borough Mayor Edward Itta and other community and tribal leaders.

"We believe our decision is a good balance, and will allow companies to explore this intriguing frontier area while still protecting the resources important to the coastal residents," Luthi said.

The sale area will not include nearshore waters ranging from about 25 to 50 miles from the coast, Luthi said. That buffer includes a nearshore "polynya" through which bowhead and beluga whales, other marine mammals, and marine birds migrate north in the spring, and in which local communities subsistence hunt.

Two sales have been held in the Chukchi Sea Planning Area previously in 1988 and 1991. All of those leases have expired.

A lack of sea ice last summer forced much of the Chukchi Sea's walrus population to haul out on shore. The U.S. Fish and Wildlife Service has not analyzed aerial photographs to do an official count but estimates that as many as 6,000 walrus hauled out on the coast that parallels the lease area because they did not have the sea ice to use as a platform for foraging on clams, snails, crabs, shrimps and worms on the ocean bottom.

On the Russian side of the Chukchi Sea, biologists recorded huge herds gathering on shore instead of on the pack ice, including one group of up to 40,000 animals at Point Shmidt, a spot that had not been used by walrus as a haulout for a century. Russian biologists estimate that 3,000 to 4,000 animals were crushed in stampedes when polar bear hunters in low-flying aircraft startled the walrus and sent them rushing to the safety of the sea.

## Alaska takes seriously its job of protecting polar bears

**COMPASS: *Points of view from the community***

By GOV. SARAH PALIN

(12/18/07 00:57:33)

It's that time of year when the entire world will see animated holiday images of cute, cuddly polar bears smiling and dancing -- and pitching cold soft drinks on TV and movie screens.

That's the closest most Americans will ever get to a polar bear.

To steal a line from one of the commercials, it's not "the real thing."

It's unfortunate, because polar bears are magnificent animals, not cartoon characters. They are worthy of our utmost efforts to conserve them and their Arctic habitat.

For Alaska, that means recognizing that while climate change is a serious concern for everyone on the planet, it is not the only issue surrounding polar bears.

To help ensure that polar bears are around for centuries to come, Alaska has engaged in research and worked closely with the federal government to protect them. This includes enacting a ban on most hunting -- only Alaska Native subsistence families can hunt polar bears -- and taking habitat protection measures such as set-asides around known denning areas to prevent bear harassment.

We are also participating in international efforts aimed at conserving polar bears worldwide.

The state takes very seriously its job of protecting polar bears and their habitat and is well aware of the problems caused by climate change.

But we know it will take more than protecting what we have -- it means learning what we don't know. Which is why state biologists are studying the health of polar bear populations and their habitat.

As a result of these efforts, polar bears are more numerous now than they were 40 years ago. Despite what some may wish you to believe, the polar bear population in the southern Beaufort Sea off Alaska's North Slope has been stable for 20 years.

I strongly believe that listing the bears under the Endangered Species Act is the wrong move at this time. My decision is based on a comprehensive review by state wildlife officials of scientific information from a broad range of climate, ice and polar bear experts.

Despite emotional arguments to the contrary, there is insufficient evidence that polar bears are in danger of becoming extinct within the foreseeable future -- the trigger for protection under the Endangered Species Act. And there is no evidence that polar bears are being mismanaged through existing international agreements and the federal Marine Mammal Protection Act.

We're not against protecting species under the Endangered Species Act. Alaska has supported listings of other species, such as the Aleutian Canada goose. The law worked as it should -- the species was near extinction, and a recovery plan resulted in goose recovery and delisting under the act.

Listing the goose -- then taking the bird off the list -- was based on science. However, the possible listing of a currently healthy species such as the polar bear is based on uncertain modeling of possible effects. The listing is simply not justified.

What is justified is worldwide concern over the proven impacts of climate change.

The group asking for the polar bear listing recently disclosed that its goal is to force the government to either stop or severely limit any public or private action that produces, or even allows, the production of greenhouse gases. Such limits should be adopted through an open process where environmental issues are weighed against economic and social needs, and where scientists debate and present information that policymakers need to make the best decisions. But the Endangered Species Act is not the correct tool to address climate change -- the act actually prohibits any consideration of broader issues.

There is little doubt that the world's climate is warming. I established a Cabinet-level task force to address the effects of climate change in Alaska, charging the task force with developing recommendations to deal with the effects of climate change.

Climate change is a serious issue. I urge all Alaskans to become involved by offering comments and suggestions to the task force for constructive action by the state. Listing the polar bear as threatened is the wrong way to get to the right answer.

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Sarah Palin is governor of Alaska.

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**January 2, 2008**

**Governor to Make Announcement Regarding Cook Inlet Natural Gas**

Anchorage, Alaska - Governor Sarah Palin will make an announcement regarding Cook Inlet natural gas on Thursday, January 3, 2008. For reporters who are unable to attend in person, a teleconference has been arranged.

**Who:** Governor Sarah Palin, DNR Commissioner Tom Irwin and Deputy DNR Commissioner Marty Rutherford

**What:** Cook Inlet natural gas

**When:** Thursday, January 3, 2008, 12 p.m.

**Where:** Governor's Conference Room  
Atwood Building, Suite 1700  
550 W. Seventh Ave.  
Anchorage

**Teleconference:** 1-800-315-6338, access code 0303#  
For Q&A, push \*1 to enter the question queue. Operator will open lines in turn for one question. For follow-ups, push \*1 to re-enter the queue.

**Contact:** Sharon Leighow (907) 240-7943

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## IMPORTANT INFORMATION FOR ALL ALASKANS

# The Anti-Mining Initiative Could Shut Down All Major Metal Mines in Alaska

Opponents of mining projects are now gathering voter signatures on petitions to try to place an anti-mining initiative on the 2008 Alaska state ballot. Promoters of this initiative want you to think it would only apply to the potential Pebble Project. In fact, it's a deceptive and drastic proposal that could shut down all existing major metal mines in Alaska and prohibit any new ones.

**The anti-mining initiative is so broad and badly written that it would affect all major metal mines – both existing and future – on all State, Federal, University, Borough, and Native land.** Its provisions would effectively prohibit the operation of any major mineral mines even if they comply with all existing State and Federal environmental regulations. For example, the fine print in the initiative would prohibit the operation of any major metal mine over 640 acres if it creates any waste rock or tailings. Obviously, it is impossible for any mine to operate without creating waste rock or tailings.

**The anti-mining initiative is not required to ensure clean water and its effects are not limited just to future mines.** The provisions of the initiative would prohibit any water discharge from a major metal mine – even if it meets all existing water quality standards. Promoters of the initiative claim it exempts mines that have “all their permits.” But as those of us in the industry know, working mines need to get new permits and permit renewals on a regular basis. Working mines never have “all” the permits they will ever need.

Lt. Governor Sean Parnell and Richard Mylius, Director of the Alaska Division of Mining, Land and Water, have formally reviewed the anti-mining initiative. They both concluded that the initiative would prohibit the potential Donlin Creek and Pebble projects and all other future major metal mines – and **could force the shutdown of existing mines, including Red Dog, Fort Knox, Pogo, and Greens Creek.**

**The anti-mining initiative threatens thousands of existing and future jobs – and up to \$10 billion in state revenues.** It would be devastating to mining employees and their families, to local businesses that provide goods and services to Alaska mines, and to many communities near mining projects – especially in rural areas of Alaska where there are few job opportunities. A fiscal impact assessment issued by the Department of Natural Resources estimates the State of Alaska would lose up to \$10 billion or more in revenues if the anti-mining initiative passes.

**The anti-mining initiative undermines a fair and open environmental review and permitting process.** Alaska's metal mines already have to meet strict State and Federal environmental laws and regulations. There is already a rigorous State and Federal permitting process. Most of us would agree that a decision on whether to prohibit or allow a mining project should not be made until all necessary environmental studies have been completed. Each project should be judged on its own merits. But the anti-mining initiative would arbitrarily prohibit mining projects statewide and shut down mines without any environmental review process – and without any scientific evaluation of whether a mine project actually would harm the environment.

**You can help stop the drastic anti-mining initiative by not signing it and by talking with your family and friends.** Explain that the initiative is really a deceptive proposal that should not be signed or supported by Alaskans who care about fairness, jobs and the future of our state.

**For more information,** contact Council of Alaska Producers, Karl Hanneman President, 907-586-2425

[Water petition 1/2/08](#)[PRINT](#)

## Clean water activists would block mining

**THOSE SINCERE PEOPLE** sticking a clipboard in your face and asking you to sign your name if you're in favor of clean water aren't playing square with you.

The petition they're asking you to sign has two principal goals. The first is to get the Legislature to pass a law that would block development of the proposed Pebble minerals mine in the Bristol Bay area. The second is — and make no mistake about it — is to stop all mineral extraction mining in Alaska. All. Not just Pebble. Every mining prospect, period.

The question you need to ask yourself: Who isn't for clean water?

The answer is obvious. Everybody is for clean water. Everybody is for clean air. Everybody is for clean streets. Everybody is for trees and flowers and fresh vegetables. Everybody is for wild salmon, caught from clean rivers and streams and oceans.

Would you sign a petition for any of these other things? Why not? After all, it sounds like you're simply endorsing what is good and proper. Feeling good about feel-good ideas is easy.

What isn't easy, apparently, is being honest with people who innocently, and maybe with some gullibility, put their names on a petition that purports to be one thing but really is something much more sinister.

Hundreds of thousands of dollars — maybe the expenditure runs into and beyond the million-dollar mark — are being thrown into this fight to put a stop to Pebble and to all mining in Alaska. The radio and television spots alone are endless — every hour on the hour, seemingly, on every broadcast outlet in Anchorage. The print ad budget is huge.

And those people standing outside Barnes & Noble and other stores around town, soliciting signatures from voters, aren't simply environmental volunteers. In campaigns like this, many solicitors get paid for every signature they collect.

And if they told you they wanted your support to stop all mining in Alaska you may not want to sign.

Greens Creek near Juneau, Red Dog near Kotzebue, Usibelli near Nenana and Fort Knox near Fairbanks are among the big mining operations that provide hundreds of jobs for Alaskans and pump millions of dollars into the state's economy.

Alaska was built on mining. Prospectors were the pioneers that opened the territory.

Don't be duped.

The issue now is not clean water.

It's a million-dollar campaign to prevent extraction of Alaska's mineral resources — now and forever.

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## AN OPEN LETTER TO ALL RESIDENTS OF THE YUKON KUSKOKWKIM REGION from DONLIN CREEK EMPLOYEES

about the proposed  
ANTI-MINING BALLOT INITIATIVE

First, we would like to highlight the significant protections that are currently in place in Alaska laws that have protected Alaska waters from any destructive pollutants from mining.

- Alaska already has some of the highest water quality standards in the world.
- The mining industry already has to comply with these laws that protect public health and the subsistence resources that are so important to the way of life in the YK region.

We believe this initiative does not do anything to improve existing water quality standards; rather, it simply proposes a blanket prohibition on any new mining activity in Alaska, including mining on any Native corporation lands that could result in profit sharing under ANCSA.

Our feeling is that the people of the YK region should be the people who decide what happens, or does not happen, in the YK region – not people outside of the region.

Therefore, we respectfully ask that you consider the impact that this broadly-worded initiative could have on one of the most promising economic development prospects that could provide for a sustainable future for the people and the cultures of the YK region. Specifically, we ask that you consider not signing the Anti-Mining ballot initiative. Rather, please consider participating in the rigorous permitting process that will determine whether or not the proposed Donlin Creek mine project does, or does not, meet the strict Alaska state laws that already provide Alaskans with some of the highest water quality standards in the world.

Thank you very much for allowing us your valuable time on this important issue. If you have any questions, please feel free to call any of the signatories to this letter directly at camp (907) 375-6100 or at our Anchorage office (907) 273-0200.

Sincerely,

Leonard Morgan  
Logistics Coordinator

Wasillie Kameroff  
Local Hire Coordinator

Bill Bieber  
Operations Manager

Stan Foo, Donlin Creek Project Mgr  
Project Manager Alaska for Barrick



## Don't throw your signature – and rights – away.

Special interest groups are circulating a petition under the guise of trying to stop the Pebble project. But, this initiative would affect far more than one project and could shut down all large-scale mining in Alaska.

IF YOU WANT a sustainable economy for rural Alaska, DO NOT SIGN THIS PETITION. We have limited opportunities and this initiative would destroy all hope of developing an economy that provides jobs for our youth in the villages.

### **This initiative could:**

- Prohibit development of prospects like Donlin Creek, which brings jobs, hope and revenue to the Calista region.
- Shut down existing mines, including Red Dog, Fort Knox, Pogo, Kensington, Greens Creek, Rock Creek and Big Hurrah.
- Unfairly TAKE JOBS AND REVENUE AWAY FROM RURAL ALASKA.
- End large-scale mining in Alaska and the many benefits it provides to all Alaskans.
- Direct benefits like the \$10.9 million Red Dog expects to pay this year to the Northwest Arctic Borough as their payment in lieu of taxes.
- Jeopardize thousands of jobs that keep village economies healthy. Red Dog alone paid more than \$20 million in wages to the Native people working at the mine.
- Threaten tens of thousands of dollars in contributions to local non-profits and scholarship programs to train Alaska Natives for Alaska mining jobs.

The Red Dog Mine provides the economic engine for the Northwest Arctic Borough, its residents and all Alaska Natives through resource sharing.

## **WE CANNOT AFFORD TO ENDANGER THIS RELATIONSHIP.**

Learn as much as you can and say "no thanks" when the petition gatherers ask you to sign the anti-mining initiative. The initiative is not about one project. It's about an effort to shut down Alaska's future.

**THE ALASKA CLEAN WATER INITIATIVE**  
**FOR AN ACT ENTITLED**

**“An Act to protect Alaska’s clean water.”**

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:**

**Section 1. Purpose.** The purpose of this Act is to protect the statewide public interest in water quality by ensuring that Alaska’s waterways, streams, rivers and lakes are not adversely impacted by new large scale metallic mineral mining operations and to ensure that prospective large scale metallic mineral mining operations are compatible with the state’s interest in having clean waters.

**Section 2. Protections and prohibitions affecting streams and waters.** Notwithstanding any other provision of law, a person or entity may not, for large scale metallic mineral mining purposes, engage in any activity that directly or indirectly:

(a) releases any toxic pollutant into, or causes or contributes to any toxic pollution of, any surface or subsurface water, or tributary thereto that is utilized by humans for drinking water or by salmon in the spawning, rearing, migration, or propagation of the species; or that

(b) uses, releases or otherwise generates, within any watershed utilized by humans for drinking water or by salmon in the spawning, rearing, migration, or propagation of the species:

(1) cyanide, or  
(2) sulfuric acid, or  
(3) compounds of cyanide or sulfuric acid, or  
(4) other toxic agents that may be harmful directly, indirectly or cumulatively to human health or to the spawning, rearing, migration, or propagation of salmon;

(c) stores or disposes of metallic mineral mining wastes, including overburden, waste rock, and tailings that may generate sulfuric acid, dissolved metals, chemicals or compounds thereof.

(d) stores or disposes of metallic mineral mining wastes, including overburden, waste rock, or tailings in, or within 1000 feet of any river, stream, lake, or tributary thereto, that is utilized by humans for drinking water or by salmon in the spawning, rearing, migration, or propagation of the species.

(e) causes acid mine drainage, heavy metals or dissolved metals to enter directly into, or indirectly by subsurface water into, any river, stream, lake, or tributary thereto, that is utilized by humans for drinking water or by salmon in the spawning, rearing, migration, or propagation of the species.

**Section 3. Scope.** Section 2 of this Act does not apply to existing large scale metallic mineral mining operations that have received all required federal, state, and local permits, authorizations, licenses, and approvals on or before the effective date of this Act.

**Section 4. Savings Clause.** It is the intention of the people of Alaska that each of the provisions of this Act or any portion thereof shall be independent of

each of the others, so that the invalidity of any provision or portion thereof shall not affect the validity of the remaining provisions or portions thereof, and that all valid provisions and portions thereof shall be effective irrespective of the invalidity of any other provision or portion thereof. Upon enactment, the state shall take all actions necessary to ensure the maximum enforceability of this act.

#### **Section 5 Definitions.**

a) "large scale metallic mineral mining operation" means a mining operation that extracts metallic minerals or deposits and utilizes or disturbs in excess of 640 acres of lands or waters, either alone or in combination with adjoining, related or concurrent mining activities or operations. This term includes all components of a mining project, including but not limited to:

(i) mining, processing, the treatment of ore in preparation for extraction of minerals, and waste or overburden storage or disposal;

(ii) any construction or operation of facilities, roads, transmission lines, pipelines, separation facilities, and other support and ancillary facilities;

(iii) any mining or treatment plant or equipment connected with the project, underground or on the surface, that contributes or may contribute to the extraction or treatment of metallic minerals or other mineral product; and

(iv) any site of tunneling, shaft-sinking, quarrying, or excavation of rock for other purposes, including the construction of water or

roadway tunnels, drains or underground sites for the housing of industrial plants or other facilities.

(b) "toxic pollutants" means those substances or substance combinations, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into a human, fish or wildlife organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, malignancy, behavioral abnormalities, abnormalities, or malfunctions in growth, development, behavior, or reproduction, cancer, genetic mutations, physiological malfunctions or physical or physiological abnormalities or deformations in such organisms or their offspring; "toxic pollutants" includes the following substances, and any other substance identified as a toxic pollutant under 33 U.S.C. 1317(a):

2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; acenaphthene; acrolein; acrylonitrile; Aldrin/Dieldrin; ammonia; antimony; arsenic; asbestos; benzene; benzidine; beryllium; cadmium; carbon tetrachloride; Chlordane; chlorinated benzenes; chlorinated naphthalene; chlorinated ethanes; chlorine; chloroalkyl ethers; chloroform; chlorophenols; chlorophenoxy herbicides; chromium; copper; cyanide; DDT; Demeton; dichlorobenzenes; dichlorobenzidine; dichloroethylenes; dichloropropane; dichloropropene; dinitrotoluene; diphenylhydrazine; Endosulfan; Endrin; ethylbenzene; fluoranthene; Guthion; haloethers; halomethanes; Heptachlor; hexachlorobutadiene; hexachlorocyclohexane; hexachlorocyclopentadiene; isophorone; lead; Lindane; Malathion; mercury; methoxychlor; Mirex; naphthalene; nickel; nitrobenzene; nitrophenols; nitrosamines; p-dioxin; Parathion; PCBs; pentachlorophenol; phenol; phthalate esters; polynuclear aromatic hydrocarbons; selenium; silver; sulfuric acid, tetrachloroethylene; thallium; toluene; Toxaphene; trichloroethylene; vinyl chloride; and zinc; "

**Section 6. Effective Date.** This Act takes effect 90 days after enactment.

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OW-2007-0282; FRL-8499-8]

**EPA and Army Corps of Engineers Guidance Regarding Clean Water Act Jurisdiction After Rapanos****AGENCIES:** U.S. Army Corps of Engineers, DoD; and U.S. Environmental Protection Agency (EPA).**ACTION:** Notice; extension of comment period.

**SUMMARY:** On June 5, 2007, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers announced agency guidance regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court's decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* ("Rapanos"). The agencies issued this guidance to ensure that jurisdictional determinations, administrative enforcement actions, and other relevant agency actions being conducted under CWA section 404 are consistent with the *Rapanos* decision and provide effective protection for public health and the environment. A six-month public comment period to solicit input on early experience with implementing the guidance began on June 8, 2007. The agencies are extending the public comment period by 45 days.

**DATES:** Public comments are now due by January 21, 2008.**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2007-0282, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov).

Include the docket number, EPA-HQ-OW-2007-0282 in the subject line of the message.

- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* 1301 Constitution Ave., NW., Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operations, and special arrangements should be made for deliveries of boxed information.

- *Instructions:* Instructions for submitting comments are provided in the notice published on June 8, 2007 (72 FR 31824). Consideration will be given to all comments received by January 21, 2008.

**FOR FURTHER INFORMATION CONTACT:** Russell Kaiser, Regulatory Community

of Practice (CECW-CO), U.S. Army Corps of Engineers, Headquarters, 441 G Street, NW., Washington, DC 20314; telephone number: (202) 761-7763; fax number: (202) 761-5096; e-mail address: [Rapanos.Comments@usace.army.mil](mailto:Rapanos.Comments@usace.army.mil). Donna M. Downing, Office of Water (4502T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566-1783; e-mail address: [CWAwaters@epa.gov](mailto:CWAwaters@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the June 8, 2007, issue of the **Federal Register** (72 FR 31824), the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers announced the issuance of agency guidance, which took effect on that date, regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court's decision in the consolidated cases *Rapanos v. Carabell v. United States* (126 S. Ct. 2208 (2006)) ("*Rapanos*").

The agencies invited public comment and case studies during the first six months implementing the guidance, only early experience with implementing the guidance. Several entities have requested an extension of the comment period for the guidance. The EPA and the Corps find that a 45-day extension of the comment period is warranted. Therefore, the comment period is extended until January 21, 2008.

The agencies, within nine months after the *Rapanos* guidance was issued, intend to either reissue, revise, or suspend the guidance after carefully considering the public comments received and field experience with implementing the guidance. A copy of the guidance can be found on EPA's Web site at <http://www.epa.gov/owow/wetlands/guidance/CWAwaters.html> and on the Corps' Web site at <http://www.usace.army.mil/cw/cecwo/reg/>.

Dated: November 21, 2007.

**Benjamin H. Grumbles,**

*Assistant Administrator for Water, U.S. Environmental Protection Agency.*

[FR Doc. 07-5867 Filed 11-27-07; 8:45 am]

**BILLING CODE 6560-50-M****EXPORT-IMPORT BANK OF THE UNITED STATES****Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Ex-IM Bank): Correction****AGENCY:** Export-Import Bank of the United States.**ACTION:** Notice; correction.

**SUMMARY:** The Advisory committee was established by Public Law 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

**FOR FURTHER INFORMATION CONTACT:** Susan Houser, 202-565-3232.**Correction**

In the **Federal Register** of November 19, 2007, in FR Doc. 07-5717, on page 65021, in the middle column, in line 21, correct the "Time and Place" caption to read:

*Time and Place:* Thursday, December 6, 2007, from 9:30 a.m. to 12 p.m. The meeting will be held at Ex-Im Bank in the Main Conference Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Dated: November 21, 2007.

**Kamil P. Cook,***Deputy General Counsel.*

[FR Doc. 07-5854 Filed 11-27-07; 8:45 am]

**BILLING CODE 6690-01-M****DEPARTMENT OF HEALTH AND HUMAN SERVICES****Office of the Secretary****Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Medicaid, the State Children's Health Insurance Program, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 2008 Through September 30, 2009****AGENCY:** Office the Secretary, DHHS.**ACTION:** Notice.

**SUMMARY:** The Federal Medical Assistance Percentages and Enhanced Federal Medical Assistance Percentages for Fiscal Year 2009 have been calculated pursuant to the Social Security Act (the Act). These percentages will be effective from October 1, 2008 through September 30, 2009. This notice announces the calculated "Federal Medical Assistance Percentages" and "Enhanced Federal Medical Assistance Percentages" that The U.S. Department of Health and Human Services (HHS) will use in determining the amount of Federal matching for State medical assistance (Medicaid) and State Children's Health Insurance Program (CHIP) expenditures, and Temporary Assistance for needy Families (TANF) Contingency Funds, the federal share of Child Support Enforcement collections, Child Care Mandatory and Matching Funds of the Child Care and

(optional), and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

**Accessibility:** For information on access or services for individuals with disabilities, please contact Mr. Butterfield at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: June 1, 2007.

**Anthony F. Maciorowski,**

*Deputy Director, EPA Science Advisory Board Staff Office.*

[FR Doc. E7-11118 Filed 6-7-07; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2007-0282; FRL-8324-4]

### EPA and Army Corps of Engineers Guidance Regarding Clean Water Act Jurisdiction after *Rapanos*

**AGENCY:** U.S. Army Corps of Engineers, DoD; Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers are today issuing agency guidance, effective immediately, regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court's decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* ("Rapanos"). The agencies are issuing this guidance to ensure that jurisdictional determinations, administrative enforcement actions, and other relevant agency actions being conducted under the CWA are consistent with the *Rapanos* decision and provide effective protection for public health and the environment. The agencies are concurrently providing a six-month public comment period to solicit input on early experience with implementing the guidance. The agencies, within nine months from the date of issuance, will either reissue, revise, or suspend the guidance after carefully considering the public comments received and field experience with implementing the guidance.

**EXTENDED TO:** DATES: Comments must be received on or before ~~December 5, 2007~~ *04/21/08*.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2007-0282, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.

- *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov). Include the docket number, EPA-HQ-OW-2007-0282 in the subject line of the message.

- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* 1301 Constitution Ave., NW., Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OW-2007-0282. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in

[www.regulations.gov](http://www.regulations.gov) or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:** Russell L. Kaiser, Regulatory Community of Practice (CECW-CO), U.S. Army Corps of Engineers, Headquarters, 441 G Street, NW., Washington, DC 20314; telephone number: (202) 761-7763; fax number: (202) 761-5096; e-mail address: [Rapanos.Comments@usace.army.mil](mailto:Rapanos.Comments@usace.army.mil). Donna M. Downing, Office of Water (4502T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566-1783; e-mail address: [CWAwaters@epa.gov](mailto:CWAwaters@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers are issuing agency guidance, effective immediately, regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court's decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* (126 S. Ct. 2208 (2006)) ("*Rapanos*"). Congress enacted the Clean Water Act ("CWA") (33 U.S.C. 1251(a)) "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." One of the mechanisms adopted by Congress to achieve that purpose is a prohibition on the discharge of any pollutants, including dredged or fill material, into "navigable waters" except in compliance with other specified sections of the CWA (33 U.S.C. 1311(a) and 1362(12)(A)). In most cases, this means compliance with a permit issued pursuant to CWA section 402 or section 404. The CWA defines the term "discharge of a pollutant" as "any addition of any pollutant to navigable waters from any point source[.]" (33 U.S.C. 1362(12)(A)) and provides that "[t]he term 'navigable waters' means the waters of the United States, including the territorial seas[.]" (33 U.S.C. 1362(7); 33 CFR 328.3(a) and 40 C.F.R. 230.3(s)). In *Rapanos*, the Court addressed where the Federal government can apply the CWA, specifically by determining whether a wetland or tributary is a "water of the United States." The justices issued five separate opinions in *Rapanos* (one

plurality opinion, two concurring opinions, and two dissenting opinions), with no single opinion commanding a majority of the Court.

During the first six months implementing the guidance, the agencies invite public comment and case studies on early experience with implementing the guidance. The agencies, within nine months from the date of issuance, will either reissue, revise, or suspend the guidance after carefully considering the public comments received and field experience with implementing the guidance. A copy of the guidance can be found on EPA's Web site at <http://www.epa.gov/owow/wetlands/guidance/CWAwaters.html> and on the Corps' Web site at <http://www.usace.army.mil/cw/cecwo/reg/>.

The Court's split decision is causing uncertainty among agency field personnel and the general public regarding the scope of Federal jurisdiction under the CWA's section 404 program. As a result, many jurisdictional determinations and their associated permitting actions have been delayed. For this reason, the agencies believe it is imperative that the guidance be issued immediately, so that agency field personnel can address the backlog of pending jurisdictional determinations.

At the same time, the agencies appreciate that the public has considerable interest in the issues addressed in this guidance. The agencies are particularly interested in hearing from the public regarding their actual experience with implementing the guidance. For this reason, we are providing a six month public comment period, which will allow us to address the backlog of pending jurisdictional determinations, while encouraging the public to provide comments, case studies, and experiences with the use of this guidance. To assure the public of our commitment to carefully consider their comments, and to address issues that may unexpectedly arise during implementation of the guidance, the agencies will within nine months from the date of issuance either reissue, revise, or suspend the guidance.

Dated: June 5, 2007.

**Benjamin H. Grumbles,**

*Assistant Administrator, Office of Water.*

[FR Doc. E7-11123 Filed 6-7-07; 8:45 am]

BILLING CODE 6560-50-P



**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**RIN 0648-XE57**  
**Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries in the Bering Sea, Aleutian Islands and Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; intent to prepare an environmental impact statement; request for written comments.

**SUMMARY:** NMFS, in consultation with the North Pacific Fishery Management Council (Council), announces its intent to prepare a Supplemental Environmental Impact Statement (SEIS) on revisions to Steller sea lion protection measures, in accordance with the National Environmental Policy Act of 1969 (NEPA). The proposed action is to revise the Steller sea lion protection measures for the Bering Sea and Aleutian Islands (BSAI) and the Gulf of Alaska (GOA) groundfish fisheries. The scope of the SEIS will be to determine the impacts to the human environment resulting from modifications to the existing protection measures. NMFS will accept written comments from the public to determine the issues of concern and the appropriate range of management alternatives to be addressed in the SEIS.

**DATES:** Written comments must be received by April 21, 2008.

**ADDRESSES:** Written comments on issues and alternatives for the SEIS should be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by

• E-mail: [SSL-SEISM@noaa.gov](mailto:SSL-SEISM@noaa.gov).

Include in the subject line the following document identifier: SSL SEIS. E-mail comments, with or without attachments, are limited to 5 megabytes;

• Mail: P.O. Box 21668, Juneau, AK 99802;

• Hand Delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK; or

• Fax: 907-586-7557.

**FOR FURTHER INFORMATION**

**CONTACT:**

Gretchen Harrington, (907) 586-7228 or [gretchen.harrington@noaa.gov](mailto:gretchen.harrington@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

Under the Magnuson-Stevens Fishery

Conservation and Management Act (Magnuson-Stevens Act), the United States has exclusive fishery management authority over all living marine resources found within the exclusive economic zone (EEZ). The management of these marine resources, with the exception of certain marine mammals and birds, is vested in the Secretary of Commerce (Secretary). The Council has the responsibility to prepare fishery management plans for those marine resources off Alaska requiring conservation and management. Management of the Federal groundfish fishery located off Alaska in the EEZ is carried out under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). These FMPs, their amendments, and implementing regulations (found at 50 CFR part 679) are developed in accordance with the requirements of the Magnuson-Stevens Act and other applicable Federal laws and executive orders, notably NEPA and the Endangered Species Act (ESA). The Council is considering revising the Steller sea lion protection measures for the groundfish fisheries based on new information available regarding the potential interactions between Steller sea lions and groundfish fisheries. NMFS and the Council have determined that the preparation of an SEIS may be required for this action because revisions to the groundfish fishery regulations to protect Steller sea lions may result in significant impacts on the human environment not previously analyzed in the Final SEIS for Steller Sea Lion Protection Measures (November 2001). Thus, NMFS, in consultation with the Council, is initiating scoping for an SEIS in the event that an SEIS is needed. NMFS is seeking information from the public through the SEIS scoping process on the range of alternatives to be analyzed; and on the environmental, social, and economic issues to be considered in the analysis. Written comments generated during this scoping process will be shared with the Council and incorporated into the SEIS. The SEIS would be integrated with the related ESA documents that have been or are being prepared to address Steller sea lion issues to avoid redundancy, while providing a decision-making document that analyzes the potential impacts of the

proposed action and its alternatives on the human environment. Related ESA documents (biological assessments, biological opinions, and a draft recovery plan) and background information are available on the NMFS Alaska Region website at <http://stellersealions.noaa.gov/>.

The SEIS on revisions to Steller sea lion protection measures will supplement the Steller Sea Lion Protection Measures Final SEIS (November 2001), which is available on the NMFS Alaska Region website at <http://www.fakr.noaa.gov/sustainablefisheries/seis/sslpm/default.htm>.

The preferred alternative for Steller sea lions protection measures in the 2001 SEIS was the area and fishery specific approach, which allowed for different protection measures specific to the type of fishery in the Aleutian Islands, Bering Sea, and Gulf of Alaska. NMFS implemented the current protection measures in 2003 (68 FR 204, January 2, 2003). This approach was a precautionary response to concerns about Steller sea lions and was intended to reduce the economic impact of the protection measures on participants in the groundfish fisheries. The protection measures in the preferred alternative were determined to neither jeopardize the continued existence of Steller sea lions nor adversely modify their designated critical habitat. Further, this approach met the Magnuson-Stevens Act mandates, especially with regards to safety at sea, minimizing bycatch, minimizing impacts to fishing communities, and attaining optimum yield. Steller sea lion protection measures for the groundfish fishery currently include (1) global harvest controls for Steller sea lion prey species (pollock, Pacific cod, and Atka mackerel); (2) spatial harvest controls specific to prey species, gear type, and proximity to rookery, haulout, or forage areas to limit prey species removal in an area; (3) temporal harvest controls for pollock, Pacific cod, and Atka mackerel, including seasonal apportionments to limit prey species removal during certain times of the year; and (4) a vessel monitoring system requirement for all vessels (except vessels using jig gear) fishing for pollock, Pacific cod, or Atka mackerel.

**Proposed Action**

The proposed action is to revise the Steller sea lion protection measures for the Bering Sea and Aleutian Islands and Gulf of Alaska groundfish fisheries

based on new information available regarding the potential interactions between Steller sea lions and groundfish fisheries. The purpose of the proposed action is to maintain adequate protection for Steller sea lions to avoid jeopardy of extinction and destruction or adverse modification of designated critical habitat under the ESA, while minimizing to the extent practicable the impacts to the fishing industry and coastal communities that result from complying with the protection measures. The revisions are necessary to ensure the best scientific information available is used to: (1) ensure the fisheries are not likely to result in jeopardy of extinction and destruction or adverse modification of designated critical habitat; (2) alleviate any unnecessary restrictions for the fleet to improve efficiency and ensure economic viability for the industry; and (3) minimize potential adverse economic impacts on coastal communities.

#### **Alternatives**

The SEIS will evaluate a range of alternative management measures for the Bering Sea and Aleutian Islands and Gulf of Alaska groundfish fisheries. The Council's Steller Sea Lion Mitigation Committee (SSLMC) is reviewing the latest scientific information regarding Steller sea lions and potential groundfish fisheries interactions and developing alternative Steller sea lion protection measures. The SSLMC has collected proposals from the public for changes to the Steller sea lion protection measures and is scheduled to evaluate and prioritize these proposals for Council consideration in June 2008.

After Council consideration, the Council may recommend management measures to the Secretary for evaluation and implementation. Information regarding the SSLMC and the proposal evaluation process is available from the Alaska Region website at <http://www.fakr.noaa.gov/sustainablefisheries/sslmc/default.htm>.

Alternatives may include those identified here, and those developed through public scoping, Council, and SSLMC processes. Possible alternatives could include one, or a combination of, the following:

1. No action – retain the current suite of Steller sea lion protection measures as are currently in place for fishing year 2008.
2. Change the current spatial management of the Atka mackerel, pollock, or Pacific cod fisheries in the GOA and/or BSAI by opening or closing areas near Steller sea lion rookeries, haulouts, and/or foraging areas.
3. Change the current temporal management of harvests in the GOA and/or BSAI Atka mackerel, pollock, and/or Pacific cod fisheries.
4. Change other management measures that currently apply to the GOA and/or BSAI Atka mackerel, pollock, and/or

Pacific cod fisheries, such as changes to gear restrictions or the Aleutian Islands platoon management system for Atka mackerel.

#### **Preliminary Identification of Issues**

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment that should be analyzed in the SEIS. The analysis will evaluate the effects of the alternatives for all resources, species, and issues that may directly or indirectly interact with Steller sea lions and the groundfish fisheries within the action area.

The primary issues to be analyzed are the effects of the proposed action and its alternatives on Steller sea lions and their designated critical habitat.

Additional impacts to the following components of the biological and physical environment may be evaluated: (1) other species listed under the ESA and their critical habitat, and other species protected under the Marine Mammal Protection Act; (2) target and non-target fish stocks, including forage fish and prohibited species; (3) seabirds; and (4) the ecosystem.

Social and economic impacts also would be considered in terms of the effects that changes in the Steller sea lion protection measures would have on the following groups of individuals: (1) those who participate in harvesting the groundfish resources; (2) those who process and market groundfish and groundfish products; (3) those who consume groundfish products; (4) those who rely on living marine resources in the management area, particularly Steller sea lions, for subsistence needs; (5) those who benefit from nonconsumptive uses of Steller sea lions and other living marine resources; and (6) fishing communities.

#### **Public Involvement**

Scoping is an early and open process for determining the scope of issues to be addressed in an Environmental Impact Statement and for identifying the significant issues related to the proposed action. A principal objective of the scoping and public involvement process is to identify a reasonable range of management alternatives that, with adequate analysis, will delineate critical issues and provide a clear basis for distinguishing between those alternatives and for selecting a preferred alternative. Through this notice, NMFS is notifying the public that an SEIS and decision-making process for this proposed action has been initiated so that interested or affected people may participate and contribute to the final decision.

NMFS is seeking written public comments on the scope of issues, including potential impacts, and alternatives that should be considered in revising the Steller sea lion protection measures. Written comments will be accepted at the address above (see ADDRESSES). Written comments should be as specific as possible to be the most helpful. Written comments received during the scoping process, including the names and addresses of

those submitting them, will be considered part of the public record on this proposal and will be available for public inspection.

The public is invited to participate in the SSLMC meetings and Council meetings where the latest scientific information regarding Steller sea lions and fisheries interactions are being reviewed and alternative protection measures are being developed and evaluated. Future Council and SSLMC meetings will be noticed in the **Federal Register** and on the website at <http://www.fakr.noaa.gov/>. Additional information regarding regulatory, ESA, and NEPA activities for Steller sea lions is available at the website at <http://stellersealions.noaa.gov>. Please visit this website for more information on this SEIS and for guidance on submitting effective public comments.

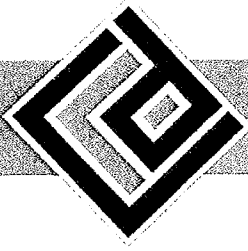
**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 18, 2007.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E7-24951 Filed 12-21-07; 8:45 am]  
BILLING CODE 3510-22-S



# RESOURCE DEVELOPMENT COUNCIL

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December 10, 2007

Ms. Kaja Brix

Assistant Regional Administrator

Protected Resources Division, Alaska Region, NMFS

PO Box 21668

Juneau, AK 99802

Attn: Ellen Sebastian

Re: Initiation of Status Review for the Lynn Canal Stock of Pacific Herring

Dear Ms. Brix:

Thank you for the opportunity to submit comments on the Status Review of the Lynn Canal Pacific herring under the Endangered Species Act (ESA).

The Resource Development Council (RDC) is a statewide private economic development organization with the mission to grow Alaska's economy through responsible resource development. RDC's membership encompasses all of Alaska's basic industries — oil and gas, tourism, fisheries, mining and timber. Our membership also includes construction companies, labor organizations, Native corporations, local communities and a wide variety of industry support firms.

Upon conclusion of the Status Review, NMFS will determine whether to list the Lynn Canal stock of Pacific herring on the ESA. RDC opposes that listing, and strongly questions the notion of the Lynn Canal stock being a Distinct Population Segment (DPS) separate from herring in the Gulf of Alaska and the northern Pacific Ocean. As indicated in the Federal Register notice, Pacific herring stocks in Southeast Alaska have not been examined in detail for population discreteness. However, studies conducted on herring stocks in the north Pacific, e.g. Puget Sound, have concluded the stocks do not constitute a DPS as defined under the ESA. Similar studies must be conducted in Lynn Canal prior to a listing decision.

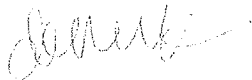
When making DPS determinations, the discreteness of the population in question and the significance of the population to the remainder of the species should be considered. The petitioner has acknowledged that few data are available for the Lynn Canal stock and that it may not be genetically distinct from herring throughout the Gulf of Alaska. As was proven with the Cherry Point stock, the Lynn Canal stock must be analyzed in relation to several other stocks in Southeast Alaska and cannot be deemed 'significant' until then. Before a decision can be made to list the Lynn Canal stock under the ESA, the relationship between it and other herring stocks in Southeast Alaska must be fully understood.

RDC is concerned about the impact an ESA listing and subsequent critical habitat designation could have on development projects in and around Lynn Canal. The Kensington Mine, poised to provide millions of tax dollars to the City and Borough of Juneau, as well as the State of Alaska, would be directly impacted. Given its location in Berner's Bay, shipping and transportation to and from the mine would be hampered, and even the most basic mining operations would prove to be incredibly difficult. Also affected in the area would be the Kensington Mine dock facility owned by Goldbelt Inc., and the existing Greens Creek Mine on Admiralty Island. All of these projects have been planned and permitted while working with local, state, and federal government agencies to ensure the region is protected and preserved for the future. RDC surmises the Petitioners may be attempting to list the Lynn Canal stock under the ESA to control land use decisions, rather than because the stock is threatened. The ESA is not meant to control development activities, but rather to preserve species that are truly threatened or endangered.

Anytime a species is listed under the ESA, that decision must be based on sound science and recognize existing conservation efforts. An ESA listing should be a last resort, and not a foregone conclusion. Given the lack of information on distinct populations of herring in Southeast Alaska, a listing under the ESA is not warranted at this time.

Thank you for the opportunity to comment on this important issue.

Sincerely,



Deantha Crockett  
Resource Development Council for Alaska, Inc.

**ANILCA Seminar**  
**March 4 & 5, 2008**  
**Hotel Captain Cook**



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*Anyone who wants to understand Alaska and its future  
must understand ANILCA...*  
*the Alaska National Interest Lands Conservation Act of 1980*

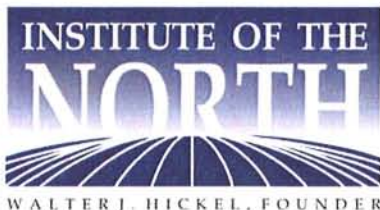
\$500 cost includes discussion, guest speakers, light breakfast, lunches,  
comprehensive ANILCA Study Guide and CD

Daily sessions from 8:00 am – 4:00 pm  
35 participants minimum

Contact: (907) 771-2443 or [nhemsath@institutenorth.org](mailto:nhemsath@institutenorth.org)  
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- Exceptions written by Congress in ANILCA to guarantee the continuation of the Alaska lifestyle
- Access to inholdings and across Wilderness Preserves in National Forests, Parks, Refuges and other Conservation System Units and the definition of "compatible with the purposes of a CSU"
- Wilderness Act exceptions in ANILCA and Wilderness reviews
- Subsistence – ANILCA provisions and how it is managed today
- General hunting, fishing and trapping on federal lands
- Mineral assessments, ANWR, and ANILCA
- Management planning and ANILCA
- Navigable waters, submerged lands and RS2477s



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# Key Votes on Oil Tax Increase

	Lease Deductions	Maintenance Costs	Standard Deduction	Statute of Limitations	Retro-activity	In-State Requirement	Final Bill
<b>Senate</b>							
Bunde	YES	NO	NO	YES	YES	YES	NO
Cowdery							
Davis	YES	NO	NO	YES	NO	YES	YES
Dyson	YES	YES	YES	YES	YES	YES	YES
Ellis	YES	YES	YES	YES	NO	YES	YES
Elton	YES	YES	YES	YES	NO	YES	YES
French	YES	YES	YES	YES	NO	YES	YES
Green	NO	NO	NO	NO	NO	YES	NO
Hoffman	NO	NO	NO	NO	NO	YES	NO
Huggins	NO	NO	NO	NO	NO	YES	NO
Kookesh	NO	NO	YES	NO	NO	YES	YES
McGuire	YES	YES	NO	YES	YES	YES	YES
Olson	YES	NO	YES	NO	NO	YES	YES
Stedman	NO	NO	NO	NO	NO	YES	NO
Stevens	NO	NO	NO	NO	NO	YES	YES
Therriault	YES	YES	YES	YES	YES	YES	YES
Thomas	YES	YES	YES	YES	NO	YES	YES
Wagoner	YES	YES	YES	YES	YES	YES	YES
Wielechowski	YES	YES	YES	YES	NO	YES	YES
Wilken	YES	YES	YES	YES	NO	YES	YES

**Compromises Future Investment**

Lease Deductions - Allows DOR, through regulation, to determine deductible lease costs  
 Maintenance Costs - Disallows deductions for unscheduled maintenance with lost production  
 Standard Deduction - Caps PBU, Kuparuk opex ded. at 2006 level + 3% annual increase  
 Statute of Limitations - Increases statute of limitations for audits from 4 to 6 years  
 Retroactivity - Removes retroactive application to July 1, 2007  
 In-State Requirement - Removes provision limiting deductions to facilities built in-state

	25% Rate	Transportation Costs	Standard Deduction	Statute of Limitations	TIE Credits	In-State Requirement	Final Bill
<b>House</b>							
Buch	YES	YES	YES	YES	YES	YES	YES
Chenault	NO	YES	NO	NO	NO	NO	NO
Cissna	YES	YES	YES	YES	YES	YES	YES
Coghill	NO	YES	NO	NO	YES	NO	YES
Crawford	YES	YES	YES	YES	YES	YES	YES
Dahlstrom	YES	YES	NO	YES	YES	NO	YES
Doll	YES	YES	YES	YES	YES	YES	YES
Doogan	YES	YES	YES	YES	YES	YES	YES
Edgmon	YES	YES	YES	YES	YES	YES	YES
Fairclough	YES	YES	NO	NO	NO	NO	NO
Foster	NO	YES	NO	NO	NO	NO	NO
Gara	YES	YES	YES	YES	YES	YES	YES
Gardner	YES	YES	YES	YES	YES	YES	YES
Gatto	YES	YES	YES	YES	YES	YES	YES
Gruenberg	YES	YES	YES	YES	YES	YES	YES
Guttenberg	YES	YES	YES	YES	YES	YES	YES
Harris	YES	YES	NO	YES	YES	YES	YES
Hawker	NO	YES	NO	YES	NO	NO	NO
Holmes	YES	YES	YES	YES	YES	NO	YES
Johansen	NO	YES	NO	YES	NO	NO	NO
Johnson	NO	YES	NO	NO	NO	NO	NO
Joule	NO	YES	YES	YES	YES	NO	YES
Kawasaki	YES	YES	YES	YES	YES	YES	YES
Keller	YES	YES	YES	YES	YES	NO	YES
Kelly	YES	YES	NO	YES	YES	NO	YES
Kerttula	YES	YES	YES	YES	YES	YES	YES
LeDoux	YES	YES	YES	YES	YES	YES	YES
Lynn	YES	YES	YES	YES	YES	YES	YES
Meyer	NO	YES	NO	NO	NO	NO	NO
Nelson	YES	YES	YES	YES	YES	YES	YES
Neuman	NO	YES	NO	YES	NO	NO	NO
Olson	NO	YES	NO	YES	NO	NO	NO
Ramras	NO	YES	NO	NO	NO	NO	NO
Roses	YES	YES	NO	NO	NO	NO	NO
Salmon	YES	YES	YES	YES	YES	YES	YES
Samuels	NO	YES	NO	NO	NO	NO	NO
Seaton	YES	YES	NO	YES	YES	YES	YES
Stoltze	YES	YES	NO	YES	YES	NO	YES
Thomas	NO	YES	YES	NO	YES	NO	NO
Wilson	NO	YES	NO	NO	NO	YES	NO

**Compromises Future Investment**

25% Rate - Increases base tax rate from 22.5% to 25%  
 Transportation Costs - DOR sets "just and reasonable" TAPS costs, w/o FERC or RCA  
 Standard Deduction - Caps PBU, Kup. opex ded. at 2006 level + 3% annual increase  
 Statute of Limitations - Increases statute of limitations from 4 to 6 years  
 TIE Credits - Denies deductions for prior investments in fields currently producing  
 In-State Requirement - Limits deductions to facilities built in-state

Compiled by the Alaska Support Industry Alliance