

RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

BREAKFAST MEETING

Thursday, December 3, 2009

- Founded 1975
- Executive Director**
- Jason W. Brune
- 2009-2010 Executive Committee**
- Wendy Lindskoog, President
- Phil Cochrane, Sr. Vice President
- Stephanie Madsen, Vice President
- Tom Maloney, Treasurer
- Len Horst, Secretary
- Bob Berto
- Patty Bielawski
- Marilyn Crockett
- Steve Denton
- Eric Fjelstad
- Jeff Foley
- Stan Foo
- Paul Glavinovich
- Len Horst
- Erec Isaacson
- Tom Lovas
- Dale Pittman
- Ralph Samuels
- Ethan Schutt
- Lorna Shaw
- John Shively
- Tiel Smith
- Scott Thorson
- Cam Toohey
- Directors**
- Greg Baker
- Dave Benton
- Jason Bergerson
- Allen Bingham
- Dan Britton
- Dave Carey
- Patrick Carter
- Dave Chaput
- Steve Connelly
- Bob Cox
- Allan Dolynny
- Paula Easley
- Ella Ede
- Mark Eliason
- Joe Everhart
- Carol Fraser
- Dan Graham
- Chuck Greene
- Scott Habberstad
- Mark Hanley
- Karl Hanneman
- Rick Harris
- Tom Henderson
- Paul Henry
- Becky Hultberg
- Teresa Imm
- Bill Jeffress
- Mike Jungreis
- Frank Kelty
- Kip Knudson
- Thomas Krzewinski
- Linda Leary
- Carri Lockhart
- John MacKinnon
- Mary McDowell
- Ron McPheters
- James Mery
- Denise Michels
- Lance Miller
- Mary Nelson
- Lisa Parker
- Judy Patrick
- Charlie Powers
- Keith Sanders
- Kenneth Sheffield
- Keith Silver
- Jeanine St. John
- John Sturgeon
- Dan Sullivan
- John Zager

1. Call to order – Wendy Lindskoog, President
2. Self Introductions
3. Headtable Introductions
4. Staff Report: Jason Brune, Executive Director
5. Program and Keynote Speaker:

**The Future of Fish and Finances
in Bristol Bay**
Mayor Glen Alsworth, Sr.
Lake & Peninsula Borough

Next Meeting: Special Luncheon, Tuesday, December 9th at Dena'ina Convention Center: Politics of the Economy, featuring Marc Langland, Chairman and CEO, Northrim Bank; Scott Goldsmith, Economist, ISER, and Ralph Samuels, Vice President, Government and Community Relations, Holland America Line. Doors open at 11:15 a.m. and cost is \$35 per person.

Please add my name to RDC's mailing list

NAME/TITLE: _____

COMPANY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE/FAX/EMAIL: _____

- Ex-Officio Members**
- Senator Mark Begich
- Senator Lisa Murkowski
- Congressman Don Young
- Governor Sean Parnell

RDC Action Alert
***Oppose Board of Fish Proposal 13 to establish
a fish refuge in Southwest Alaska***

Overview:

The Alaska Board of Fisheries is considering Proposal 13, which would establish a fish refuge in Southwest Alaska. The proposal would affect land management decisions throughout the Bristol Bay region and significantly impact potential mining activity on state land specifically designated for resource development. The proposal would also jeopardize other economic development projects in the region. In short, Proposal 13 is yet another effort to prevent responsible resource and economic development opportunities from navigating the permitting process, denying local residents potential jobs. It will strike a blow at efforts to diversify the region's economy and deny local government the potential revenues needed for funding public services. Local governments that would be directly impacted by this action, the Lake & Peninsula Borough and the Bristol Bay Borough, are on record opposing Proposal 13.

Requested Action:

Please attend a public hearing this Saturday, December 5th at the Anchorage Hilton Hotel. Doors open at 8 a.m. Public testimony begins at 10 a.m. You must sign up before 10 a.m. in order to testify. Testimony is limited to three minutes.

Please take a few minutes to testify against Proposal 13

General points:

- Alaskans vigorously support adequate protection for salmon and water resources in Bristol Bay, and throughout Alaska, which is reinforced by our extensive and effective regulatory framework. Therefore, Proposal 13 is not necessary.
- Proposal 13 seeks to add additional, undefined regulatory protections with no defined outcome, adding uncertainty to well established, existing permitting and regulatory structures.
- Nearly 70 percent of the land base in Southwest Alaska is in a protected classification – approximately 53 million acres of a total 76

million acres. This includes the largest state park in the nation, Wood-Tikchik State Park and several federal parks and refuges.

- The Bristol Bay Borough and the Lake and Peninsula Borough are opposed to Proposal 13. These represent the local governments that a proposed refuge would encompass. A change in land classification could impair their ability to diversify the economy and to enhance the public infrastructure.
- Other private land owners and village corporations in the region are also opposed to Proposal 13 as land designation changes could foreclose future responsible use and economic opportunity from their land.
- Proposal 13 may present a takings issue, which could require the State of Alaska to compensate the affected land and/or mining claim owners.
- This is not the appropriate venue for debating the merits of the Pebble Project or any other responsible resource development opportunity in the region. There is a well established and understood permitting process that provides multiple opportunities for discussing these potential projects.

RECEIVED

NOV 17 2009

BOARDS

Lake and Peninsula Borough

PO Box 495 King Salmon, Alaska 99613 907-246-3421

November 14, 2009

Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-6094 FAX

Subject: Proposal 13 calling for a State Fish Refuge

Dear Sir or Madame:

The Borough will never trade our critical fish resources for any development, nonetheless we strongly oppose proposal 13, just as we opposed proposal 121 in our letter dated November 17, 2006 and submitted as comment 120 for the Board of Fisheries meeting in December 2006. Proposal 13 is much too vague and will confuse rather than strengthen the permitting process for any economic development in our region.

It is the residents and communities of the Lake and Peninsula Borough that stand to be affected the most by the fish refuge and/or any development that may occur in our region and we respectfully ask you to carefully consider our concerns. The two Fish and Game advisory committees that most completely represent the communities of the Borough are the Lake Iliamna Advisory Committee and the Lower Bristol Bay Advisory Committee. Of the committee members on both of these advisory committees it is fair to say that they are split on the issue of mining development itself but they are strongly and unanimously opposed to a fish refuge as a very misguided and inappropriate tool for managing the decision process. One Borough resident questioned the wisdom of a fish refuge by asking if their grandchildren would thank them for instituting a refuge for them to live in - would future management of the refuge, despite assurances that it would never happen under State management, restrict their way of life for future generations in unacceptable and unreasonable ways? Given the vagueness of proposal 13 and the potential downside of living within a fish refuge the members of these two local AC's unanimously adopted a strong position of opposition to the proposed fish refuge and chose instead to rely on the permit system as the best way to address the mine decision process.

Background: In regards to mining specifically, will not trade our fish resources for a mine.

- ☑ the Lake and Peninsula Borough Assembly feels strongly it has an obligation to the region to work with its citizens to objectively and thoroughly review the proposed Pebble Project once detailed site-specific, accurate project and environmental information is provided.

- the Lake and Peninsula Borough Assembly believes the acceptance or rejection of this project is a decision that should be carefully examined and principally decided upon locally, and, only after a detailed and thorough review.
- the Lake and Peninsula Borough believes environmental protection and economic development can co-exist. They are not mutually exclusive, however the Lake and Peninsula Borough will not trade its pristine environment for a mine. If the project is not shown to adequately protect Borough fisheries, water quality, natural resources, and social and cultural values, we will oppose it.

The Proposal Confuses rather than Strengthens the Permit Process. The critical fishery resource that any permitting process must protect from adverse impact is water quality and quantity. Yet, we cannot see how the "Refuge" would increase protection for the water resources. Three examples illustrate the problem.

- **No additional protection for Water Quality.** Any water quality discharge to the rivers within this proposed "Refuge" already requires an authorization from the Alaska Department of Environmental Conservation. If after a rigorous risk analysis, a discharge can be proven to meet Alaska water quality standards, then the DEC must authorize the discharge. If it does not, the agency cannot authorize it. This "Refuge" proposal does not change this fact.

Water quality permitting is delegated by Alaska law to the Alaska Department of Environmental Conservation - This refuge proposal neither alters nor enhances these state laws. Water quality permitting remains solely under the jurisdiction of DEC. Anyone can give comments to DEC or can appeal a decision of the agency, but creating a new fish refuge bureaucracy without authority of water quality does not add additional protection for our water. It only serves to confuse the issue.

- **No additional protection for Water Quantity (Water Right).** Decisions on water rights are delegated by Alaska statute to the Department of Natural Resources. In the approximately two dozen State Refuges and Critical Habitats that already exist, the Department of Fish and Game does not take over this function. It remains with DNR. This "Refuge" would be no different. Any decision about whether to allow a mine (or anyone else) to withdraw waters from the creeks would be made by the Department of Natural Resources. Proposal 13 changes neither the statutory criteria nor procedures under which DNR makes the decision. Again, any person or group can comment or appeal DNR's decision, but this "Refuge" proposal does not change the framework nor procedures for DNR's waters rights decision. It adds no protection, only confusion .

- **It is unclear how this "Refuge" (Proposal 13) reflects Valid Existing Rights.** All federal and state special areas - State Parks, State Game Refuges, State Critical Habit Areas, etc, exempt valid, existing rights from their jurisdiction. Even the federal conservation units do so. This "Refuge" proposal will be required to do so as well.

The mining claims of the Pebble Project are valid existing property rights. Any mining claim owner has the right to develop a mine, so long as they can

adequately protect the environment. Given the size and configuration of the design outlined in Northern Dynasty's water right applications, it is possible a full analysis will show that the proposal provides undue risk to public resources. If so, the state and federal agencies have a legal responsibility to not allow it. However, if the mine does show that it adequately will protect public resources, the mining claims give the company a legal right to mine.

- ☛ If DEC determines a discharge will meet water quality standards and if DNR determines that a water right is appropriate, how can ADF&G use this Refuge to deny a permit? It is extremely unclear how Proposal 13 interacts with existing authorities and protects valid existing rights.
- ☛ Summary: This "Refuge" Proposal does not add additional protection to our resources, it just adds confusion.

There is a Right Way to Strengthen Protection for Our Resources. The permit process that will best protect our resources is one that is simple, clear and plain enough for our citizens to understand and participate in. It is one where good analysis is done with good data. This "Refuge" proposal does nothing to advance those goals. It creates no additional data requires no additional analysis, nor does it bring any real additional expertise to the question.

The "Refuge" would only add confusion to the process. It confuses the public as to where the real authority lies, plus it does nothing to ensure the agencies with the actual authority will do a better job. There is a better way.

The Lake and Peninsula Borough has and will continue to review the process to ensure that it occurs with adequate data, analysis, expertise, and public participation. Where additional data, analysis, and expertise can strengthen the process and strengthen, protection of our resources, the Borough will continue to demand it.

If any large scale development applications are ever actually submitted, and a permit process begins, the Borough will work hard to ensure the agencies involved engage our citizens with expertise and analysis to ensure the resources of our Borough are protected. This is the way to protect fish.

Adding confusion to the process, which is the effect of this "Refuge" proposal will not protect us. It actually will distract the agencies and the public from the real job at hand. It adds no additional data, analysis, or expertise to the process. We urge the Board of Fisheries not to support Proposal 13.

In short this appears to be another surreptitious effort to evade existing rules and regulations to prevent economic development in our borough and in the long term deny our children and grandchildren a viable future.



November 17, 2009

Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5529

RE: Comments for Proposal 13

To the members of the Alaska Board of Fisheries:

I write today to convey the Pebble Partnership's opposition to Proposal 13 as it would potentially have significant impacts on our project and would affect land management decisions throughout the Bristol Bay region. Our opposition is based upon the lack of clarity or specificity within the proposal, the uncertainty it would introduce into Alaska's well established regulatory framework, the potential takings issue this could present, and that this adverse action could preclude the region or the State of Alaska from knowing the full economic opportunity the Pebble project could represent.

The Pebble Partnership understands and recognizes the importance of salmon fishery to the user groups in Bristol Bay. It is why our leaders have stated, unequivocally, that if we cannot design a mine development plan that protects the fishery, then we should not advance our project. It is why we engrained this as one of our core principles: to co-exist with the fishery. It is also why we have invested over \$100 million in environmental studies including extensive research regarding surface water, groundwater and fish. The information from these studies is vital to how we will manage environmental impacts from the mine. The data is also critical for our mine planners when making decisions about where to site facilities and how to manage water at the mine. There has been a concerted effort to present the Pebble proposal as a fishing versus mining issue and this is simply not the case. This is about the potential for a positive and significant economic project for an economically depressed region of our state. We are seeking to develop an environmentally responsible project that will co-exist with the fishery and meet Alaska's high regulatory standards.

We appreciate the opportunity to continue to share information about our project. A few facts about the project's status are important in setting context about the proposal before the Board of Fish (BOF). The Pebble Partnership was established in 2007 as a 50:50 partnership between Northern Dynasty and Anglo American to explore the potential to develop a globally significant copper deposit in the Bristol Bay region of Southwest Alaska. The Partnership is guided by the following core principles:



- Pebble will benefit Alaskans.
- Pebble will co-exist with healthy fish, wildlife and other natural resources.
- Pebble will apply the world's best, most advanced science.
- Pebble will help build sustainable communities.
- At Pebble, we will listen before we act.

We have yet to submit a mine development plan to the regulatory agencies or to commence permitting for the project. We are working to determine the style of mining to pursue, the duration of the mine, the daily rate of production, the number of jobs that will be generated, the potential local and state taxation, the source of power for mine operations, the supply chain opportunity that exists for Alaska businesses, and much more. When this is available, the residents of Southwest Alaska will be able engage in a factual discussion about the full opportunity presented at Pebble balanced with potential environmental impacts and how these issues will be addressed. Any entity stating with certainty what will or will not happen at Pebble is engaging in a speculative discussion. We are aware that there are many concerns and issues that have been generated by the public about Pebble. We welcome these comments and have shared them with our planning team. It is unfortunate, however, that some of this conversation uses emotional scare tactics to advance a particular point of view.

The Pebble deposit is located on State of Alaska land open to mineral exploration and development. The deposit is primarily a copper deposit with commercial quantities of gold, molybdenum and other trace minerals. We have distributed information packets providing more detail about Pebble to the members of the Board of Fish and additional information is available on line at www.pebblepartnership.com .

As stated above, we share many of the underlying concerns raised by Proposal 13 about the importance of salmon to the region and to Alaskans. We are, however, opposed to Proposal 13 for a variety of reasons.

In our many conversations with project stakeholders and evident in the sponsor statement for the proposal, we believe that many do not fully understand or are not fully aware of the current habitat protections that already exist for fish, wildlife, and water resources within Southwest Alaska and throughout the State of Alaska. All anadromous fish habitat in the state is protected by statute, policy and a suite of regulations. Likewise, conservation of salmon and other fish is provided for by statute, policy, and regulation. Alaska arguably has one of the most comprehensive regulatory frameworks for managing and conserving fish resources in the United States.

We would strongly urge the BOF to invite a full briefing from the relevant state and federal agencies responsible for managing Alaska's fish and water resources regarding the protections that already exist and the regulatory framework presented by these protections. This is important context to consider before adding more regulations and changing land use classification in order to preclude mineral development at Pebble. We strongly believe that it is in the best interest of all parties for the BOF to spend a day, or



more, reviewing existing regulation in order to enhance and better understand Alaska's existing requirements.

Some are trying to create a perception that Alaska's laws, statutes, regulations and permitting structure are not adequate for stewardship of our resources and overseeing the development of a project such as Pebble. We believe this is erroneous and is caused by entities seeking to stop the Pebble project by distorting the process that any mine must go through before construction and operation could begin. If this were indeed the case, then all resource development activities in the State of Alaska would have to be stopped. Further, many other industries point to the strength of Alaska's permitting system as proof of our collective value for responsible stewardship of our resources. We have attached a document prepared by the State of Alaska Department of Natural Resources to help explain the many rules, statutes, regulations and permits that a development must consider in planning for hard rock mining in Alaska.

We have determined that our development plan will require 67 major Federal, State and local permits. These include major permits from the United States Army Corps of Engineers, Alaska Department of Environmental Conservation, the Environmental Protection Agency, Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Alaska Department of Natural Resources, the Lake and Peninsula Borough and many others. A range of major environmental laws such as the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Coastal Zone Management Act, the Marine Mammal Protection Act, and the Endangered Species Act provide strict environmental standards that the agencies listed above ensure are met in project construction and operations. Filing for permits will begin the Environmental Impact Statement (EIS) process under the National Environmental Policy Act (NEPA). This process could take up to three years to complete.

Like Proposal 121 that was introduced to the Board of Fish three years ago, Proposal 13 this year seeks to provide special or extraordinary protections beyond the conservation strategies already provided for in statute, policy and regulation. A more robust discussion and analysis is needed regarding what specifically is being pursued, why it is being sought, and why existing protections and conservation measures are inadequate. This proposal is vague and does not accomplish this. Further, belief that Alaska's fish protection statutes are inadequate is vastly different than proof or facts as to why something should be changed. There is also a lack of specificity in the proposal as to what changes the Alaska Legislature should consider as part of a fish refuge.

An additional issue requiring more discussion and analysis is around the potential a major land use change could have from the perspective of a government taking. The takings issue was included as part of the deliberations about Proposal 121 three years ago and is still relevant as you discuss Proposal 13.

It is worth noting that the land use designations and classifications in Southwest Alaska already prohibit or restrict resource development on about 70 percent of the land base – approximately 53 million acres of a total 76 million acres. Depending upon how the



boundaries of the proposed fish refuge are drawn, it could encompass an additional seven million acres of land and push land restrictions in the region to nearly 80 percent of the land mass. We have stated in many public forums that the Pebble Deposit is located on State of Alaska land. This land was specifically selected for its resource potential and helps fulfill the promises of Statehood to establish an economy in Alaska through responsible resource development. It is also worth noting that Bristol Bay Area Land Use Plan was updated in 2005 after an extensive public process. It reinforced the position that the mineral potential within the region should be included in this plan.

Prior to the passage of the Alaska National Interest Lands Act in 1980, the Department of the Interior, the Cook Inlet Regional Corporation (CIRI) and the State of Alaska engaged in very intense negotiations to accomplish several objectives. CIRI had selection rights throughout what was to become Lake Clark National Park. In order to remove the checkerboard ownership in the Lake Clark Area and the area to the west, the State agreed to allow CIRI to select valuable State lands in the Susitna Valley, and the Department of the Interior allowed the State to select lands in the Mulchatna/Iliamna area. This resulted in far less inholdings in Lake Clark National Park and a more consolidated block of State land to the west of the park selected for its mineral potential.

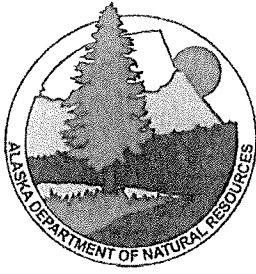
Proposal 13 represents a major change to the existing land use classifications for the region and to the regulatory environment under which land in the region is managed. As such, we strongly urge you to reject this proposal.

Pebble is a world class mineral discovery and deposit. From the copper required for green-power technologies, such as wind turbines and solar panels, to the pipelines and aircraft that benefit from the steel strengthening properties of molybdenum, the mineral resource at Pebble could play a vital role in our current lives. The demand for the minerals at Pebble continues to grow throughout the world and deposits like Pebble are not discovered every day. We believe that the public should know the full opportunity presented by potential development of the Pebble Project before closing the door on this and other future developments that could have great importance to future generations of Bristol Bay residents and their communities.

Sincerely,



John Shively, CEO



ALASKA DEPARTMENT OF NATURAL RESOURCES

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

PERMITTING LARGE MINE PROJECTS IN ALASKA

Numerous state, federal, and local government permits and approvals are required before construction and operation of a large hardrock mine in Alaska can begin. Each project presents unique challenges, therefore the specific permits and approvals required can vary from project to project. The State of Alaska has developed a process to coordinate all State agency permitting for such projects. This process, which also integrates with federal and local government permitting, has significantly streamlined mine permitting for the benefit of both the industry and the public.

The Department of Natural Resources (DNR), Office of Project Management and Permitting (OPMP) coordinates the permitting of large mine projects in the state. OPMP assigns a project manager to serve as the primary contact for a large mine project. The project manager coordinates the permitting activities of the state team assigned to work on the project. The large mine project team (LMPT) is an interagency group, coordinated by DNR, that works cooperatively with large mine applicants and operators, federal resource agencies, and the Alaskan public to ensure that projects are designed, operated and reclaimed in a manner consistent with the public interest. The project manager's primary responsibility is to ensure a coordinated process with minimum duplication. This often involves tailoring the process to fit specific project needs.

For coal mine projects in Alaska, the coordinating role is held by the Coal Regulatory Program, within DNR's Division of Mining, Land and Water/Mining Section.

Some of the permits/approvals that may be required include, but are not limited to, the following:

DEPARTMENT OF NATURAL RESOURCES (DNR)

Plans of Operation Approval. This approval authorizes the plan of operations for non-coal mines, and is required for all mining projects on state land. DNR's Division of Mining, Land and Water/Mining Section issues this approval.

Reclamation Plan and Bond Approval. This approval authorizes the reclamation plan and bond cost estimate for non-coal mines on all lands in Alaska. DNR's Division of Mining, Land and Water/Mining Section issues this approval.

Surface Coal Mine Permit. For coal mines, Alaska's Coal Regulatory Program issues surface coal mining permits in accordance with the Alaska Surface Coal Mining and Reclamation Act. This permit approves the mine's plan of operations, reclamation plan, and financial assurance. DNR's Division of Mining, Land and Water/Mining Section issues this permit.

Right-of-Way for Access and Utilities. For projects on state land, a right-of-way is required for infrastructure such as roads, pipelines, and powerlines. Other access authorizations may be

required for non-State lands as well. DNR's Division of Mining, Land and Water/Lands Section issues this approval.

Millsite Lease. A Millsite Lease is required for mine project facilities on State land. This lease gives the proponent a surface property right for the facilities. DNR's Division of Mining, Land and Water/Mining Section issues this lease.

Permit to Appropriate Water. Appropriation of a significant amount of water on other than a temporary basis requires authorization by a Water Rights Permit. A Water Right is a property right for the use of public surface and subsurface waters. Temporary uses of a significant volume of water, for up to 5 years, require a Temporary Water Use Permit. DNR's Division of Mining, Land and Water issues this permit.

Dam Safety Certification. A Certificate of Approval to Construct and a Certificate of Approval to Operate must be obtained for any significant dam in the State. These certificates involve a detailed engineering review of the dam's design and operation. The certificates are issued by DNR's Division of Mining, Land and Water/Dam Safety Unit.

Upland or Tideland Leases. A project may require a property interest in lands not adjacent to the minesite itself. For use of state-owned tidelands, a tideland lease is issued for marine facilities such as docks. Likewise, for use of state-owned uplands, a lease is required for facilities such as transportation and staging facilities. DNR's Division of Mining, Land and Water/Lands Section issues these leases.

Material Sale. If materials such as sand, gravel, or rock, are needed from state lands off the millsite lease, then a separate material sale must be issued. DNR's Division of Mining, Land and Water/Lands Section issues this sale.

Winter Travel Permits. Cross-country travel on snow or ice roads is commonly used to stage equipment and supplies for a project. A permit from Division of Mining, Land and Water/Lands Section must be obtained before constructing such roads on state land, or conducting overland travel. Crossings of fish-bearing water bodies by snow or ice roads will require authorization by ADF&G Habitat prior to construction.

Cultural Resource Protection. Clearance must be obtained from the State to ensure that a project will not significantly impact cultural and archaeological resources. If significant disturbance cannot be avoided, then a compensation strategy is developed. Cultural resource clearances are obtained from DNR's State Historic Preservation Office.

ACMP Consistency Review. If a project is within Alaska's Coastal Zone, it is reviewed for consistency with the Alaska Coastal Management Program's enforceable policies, including coastal district policies. The review is a coordinated review of federal and state authorizations, all of which require a positive consistency determination before issuance. Coastal Consistency Review's are conducted by DNR's Division of Coastal and Ocean Management (DCOM).

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)

Waste Management Permit. If tailings or waste rock from a mine project has the potential for impacting state waters, then a Waste Management Permit must be obtained. This permit usually requires pre-operational, operational and post closure monitoring. The permit also requires financial assurance both during and after operations, and to cover short and long-term treatment if necessary, closure costs, monitoring, and maintenance needs.

Domestic and Non-Domestic Wastewater Disposal Permits. DEC must authorize the discharge of wastewater into or upon all waters and land surfaces of the state. A separate state

permit is not required if the department certifies an NPDES permit. If injection wells are part of the wastewater disposal plan, then the requirements for EPA's Underground Injection Control (UIC) Class V wells must be met in addition to any requirements in a state wastewater permit.

Certificate of Reasonable Assurance for 402 and 404 Permits. Activities involving discharge of wastewater or fill material into waters of the United States are governed by the terms and conditions of a Clean Water Act (CWA) Section 402 NPDES Permit from the Environmental Protection Agency (EPA) and a CWA Section 404 Permit from the COE. CWA Section 401 also requires the applicant to obtain state certification that any discharge under CWA Sections 402 or 404 will comply with applicable state water quality standards.

Storm Water Discharge Pollution Prevention Plan. DEC certifies the NPDES Storm Water General Permits for both construction activities and during operational phases of the facilities. DEC approves Storm Water Pollution Prevention Plans under its CWA Section 401 certification authority. The facility may have separate NPDES permits to cover waste water and storm water discharges, or the requirements may be combined into one permit.

Air Quality Permits. The construction, modification, and operation of mining facilities that produce air contaminant emissions require a state Air Quality Control Permit to Construct, and a separate Air Quality Control Permit to Operate. The determination to require a permit is based on the source location, total emissions, and changes in emissions for sources specified in 18 AAC 50.300(a). Generally, air quality must be maintained at the lowest practical concentrations of contaminants specified in the Ambient Air Quality Standards of 18 AAC 50.020(a).

Approval to Construct and Operate a Public Water Supply System. Prior to start of construction, DEC must approve, in writing, detailed engineering reports, plans, and specifications for the construction, alteration, or modification of a public water system. Once construction has been completed, DEC must approve operation of a public water system.

Plan Review for Non-Domestic Wastewater Treatment System. Plans for disposal of wastewater from milling operations and other non-domestic wastewater sources are to be submitted to the state for approval for either a state Wastewater Disposal Permit or an NPDES Permit. DEC reviews plans for the NPDES application under CWA Section 401.

Plan Review and Construction Approval for Domestic Sewage System. The construction and operation of facilities that collect, treat, and dispose of wastewater is governed by a plan review to ensure that minimum standards are applied. Detailed engineering reports, plans, and specifications must be certified by a registered Professional Engineer.

Oil Discharge Prevention and Contingency Plan. Approval of an oil discharge contingency plan is required prior to commencement of operation of vessels and oil barges on state waters, or for oil terminal facilities capable of storing more than 1,320 gallons above ground or more than 42,000 gallons underground. These contingency plans are reviewed every 3 years.

ALASKA DEPARTMENT OF FISH AND GAME (ADF&G)

Title 16 Permits. Regardless of land ownership, a Fish Habitat Permit is required for any activity conducted within fish-bearing waters, such as bridges, culverts, fords (winter or summer), material sites, tailings facilities, and water-withdrawal structures. Fishway Permits are required for activities that affect fish passage. ADF&G's Division of Habitat issues these permits.

If a project is within a state refuge, sanctuary, or critical habitat, any activity within the special area will require a Special Areas Permit from ADF&G's Division of Habitat.

A Scientific Collection Permit from ADF&G's Division of Sport Fish is required for any capture, collection or holding of freshwater fish and aquatic plants. In saltwater, a Fish Resource Permit from ADF&G's Division of Commercial Fisheries is required for any capture, collection or holding of fish, shellfish, and aquatic plants.

FEDERAL AGENCIES

The involvement of federal agencies may vary for each project, but most projects at least require authorizations from the US Environmental Protection Agency and the US Army Corps of Engineers. DNR's Office of Project Management and Permitting also coordinates with the pertinent federal agencies, as required:

U.S. Environmental Protection Agency Section 402 NPDES Permit. Sections 301 and 306 of the CWA require that EPA develop wastewater effluent standards for specific industries, including mines. These standards are established both for existing sources and new sources. For new mines with new waste discharges, New Source Performance Standards (NSPS) are applicable (40 CFR 440.104). Section 402 of the CWA requires the mine to obtain an NPDES permit for its proposed discharge. The NPDES permit would be required to meet the NSPS or the water quality standards, whichever provides the more stringent limitation.

In accordance with Section 511(c)(1) of the CWA, NPDES permit actions for new sources are subject to NEPA (40 CFR Part 6, Subpart F). Therefore, EPA would issue a Record of Decision in conjunction with the final permit action.

EPA is the NPDES permitting authority in Alaska. DEC, pursuant to Section 401 of the CWA, must provide certification to EPA that the discharge would comply with any applicable state water quality standards. Mixing zones for the dilution of effluent pollutants may be allowed under DEC certification, and the mixing zone requirements would be incorporated into the EPA NPDES permit.

EPA could use its CWA authority to review the Spill Prevention, Control, and Countermeasure Plan required for storage of large quantities of oil.

Other EPA permits include:

- Review of COE CWA Section 404 Permit
- Stormwater Construction and Operation Permit
- Class V Underground Injection Control (UIC) Permit

U.S. Army Corps Of Engineers Section 404 and Section 10 permits. A discharge of dredged or fill material, including mine tailings, into waters or wetlands of the United States is prohibited unless authorized by the Corps of Engineers (COE) under Section 404 of the CWA. To the degree that activities have an effect on "waters of the United States," these activities undertaken in connection with mining operations might require a Section 404 Permit (including road or bridge construction, construction of dams for tailings storage, water storage dams, and stream diversion structures).

The COE is responsible for determining consistency of the proposed action with the Section 404 (b)(1) guidelines. Under Section 404 (c), EPA has review authority over the COE 404 Permit decisions.

Under Section 10 of the Rivers and Harbors Act of 1899, the COE also must issue a permit for any structure or work that could obstruct traditionally navigable waters.

Appropriate Federal “Landowner.” “ If a project is on Federal lands, then authorizations must be obtained from the appropriate managing agency, such as the U.S. Forest Service or Bureau of Land Management.

US Fish and Wildlife Service. Federal agencies must conduct a Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) regarding any threatened or endangered species that may be affected by the proposed project. The level of required informal or formal consultation depends on whether listed species occur in the project area, and, if so, whether they are likely to be affected by the proposed project. If listed species occur in the area and they may be affected, then agencies and the USFWS would undergo the formal consultation process. This is typically an involved process that results in measures designed to minimize the impact of the project on listed species.

The USFWS implements provisions of the Bald Eagle Protection Act and the Migratory Bird Act. The USFWS also provides technical expertise and provides comments and recommendations to federal agencies via the Fish and Wildlife Coordination Act (16 USC 661 et. Seq.).

National Marine Fisheries Service. Federal agencies must conduct a Section 7 consultation with the National Marine Fisheries Service (NMFS) in accordance with the Endangered Species Act (ESA). If any impacts are predicted for any threatened or endangered marine species, specific design measures to protect the affected species must be developed.

In a similar manner, Federal agencies must consult with NMFS concerning any action that might adversely affect essential fish habitat (EFH). EFH includes habitats necessary to a species for spawning, breeding, feeding, or growth to maturity. EPA will provide NMFS with an EFH assessment.

THE PROCESS

The goal of the state's Large Mine Project Team is to coordinate the timing and completion of the numerous permits. The team reviews all the complex technical documents generated during the process and provides coordinated comments. The team also coordinates stakeholder involvement and provides a single point of contact for the public. The team provides the public, agencies and the applicant the opportunity to view the project as a whole.

The requirement for the federal authorizations usually triggers the requirement for an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The State usually participates as a cooperating agency in the EIS process, and the team endeavors to dovetail the state's permitting process with the EIS process. For example, during the Pogo Mine process, the public Draft EIS included drafts of all the major state permits. This gave the public the opportunity to see how the state's management decisions could be implemented on the ground, and enabled them to comment on the project as a whole.

The Large Mine Project Team also coordinates, to the extent possible, with local governments. For example, the team has been working closely with the City and Borough of Juneau throughout the permitting and EIS process for the Kensington Mine. The City's Conditional Use Permits are critical authorizations for the mine, and may place additional stipulations on the project.

The following is a summary of the general process used by the team:

Pre-Scoping/Schedule. The first task for the Large Mine Project Team is to work with the potential applicant to ensure that they understand the process and regulatory requirements and sideboards, that they are collecting the appropriate baseline data, that they understand what information the State needs in an application, and that a realistic schedule is developed.

Permit Application. The applicant submits an application package, and the team reviews this to make sure all the necessary information is included.

Scoping/Issues Identification. The team works with the applicant, public, agencies, and other stakeholders to identify the issues that will need to be addressed during the process.

Review and Analysis. The team reviews the baseline data and the application package, and identifies the potential impacts from the project.

Issues Resolution. The team works with the applicant to resolve the issues, usually resulting in modifications to the permit application package.

Project Authorization. The team drafts the authorizations, gathers public input, and finalizes the authorizations.

Post Permit issuance. Once the permits are issued and construction and operation begins, the team is active in permit maintenance, inspection, and compliance monitoring.

Reclamation and Final Closure. The team is responsible for ensuring that reclamation and closure objectives are met, and that financial assurances are released.

A Memorandum of Understanding (MOU) is typically required by the state to reimburse the cost of permitting for large mine projects. An MOU provides the means for the state to dedicate experienced staff to the permitting efforts. This assures that key personnel from the various agencies are devoted to specific projects. These agreements are renewed annually. "Not-to-exceed" limitations can be applied to help control costs. In its coordinating role, DNR acts as the centralized accounting function for the MOU. The issuance of permits is not guaranteed by an MOU.

STAFF

Tom Crafford, Mining Coordinator

Alaska Department of Natural Resources
Office of Project Management and Permitting
550 West Seventh Ave., Ste. 900D
Anchorage, AK 99501
Tel. 907 269 8629
Fax. 907-269-8930
E-mail: tom.crafford@alaska.gov

Rick Fredericksen, Mining Section Chief

Alaska Department of Natural Resources
Division of Mining, Land and Water
550 West Seventh Ave., Ste. 900D
Anchorage, AK 99501
Tel. 907 269 8621
Fax. 907-269-8930
E-mail: rick.fredericksen@alaska.gov

Jack DiMarchi, Large Mine Project Manager

Alaska Department of Natural Resources
Office of Project Management and Permitting
3700 Airport Way
Fairbanks, AK 99709
Tel. 907 374-3708
Fax. 907-451-2703
E-mail: jack.dimarchi@alaska.gov

<http://www.dnr.state.ak.us/opmp/>
<http://www.dnr.state.ak.us/mlw/mining/largemine/>

National Oceanic and Atmospheric Administration

National Marine Fisheries Service, Alaska Regional Office

NOAA Fisheries News Releases

NEWS RELEASE

December 1, 2009

Connie Barclay, Public Affairs

301-713-2370

NOAA PROPOSES CRITICAL HABITAT FOR COOK INLET BELUGA WHALES. AGENCY TO HOLD PUBLIC MEETING/ACCEPTING COMMENTS

NOAA's Fisheries Service is seeking public comment on a proposal that identifies more than a third of Cook Inlet in Alaska as critical habitat for the remaining approximately 300 endangered Cook Inlet beluga whales.

In October 2008, NOAA's Fisheries Service listed Cook Inlet beluga whales as endangered. Under the Endangered Species Act (ESA), NOAA's Fisheries Service must designate critical habitat for all listed species.

"We have used the best available science and the traditional knowledge of Alaska natives to identify areas essential to helping Cook Inlet beluga whales survive," said Doug Mecum, acting administrator of NOAA's Fisheries Service Alaska region. "Protecting these endangered whales is one of our top priorities."

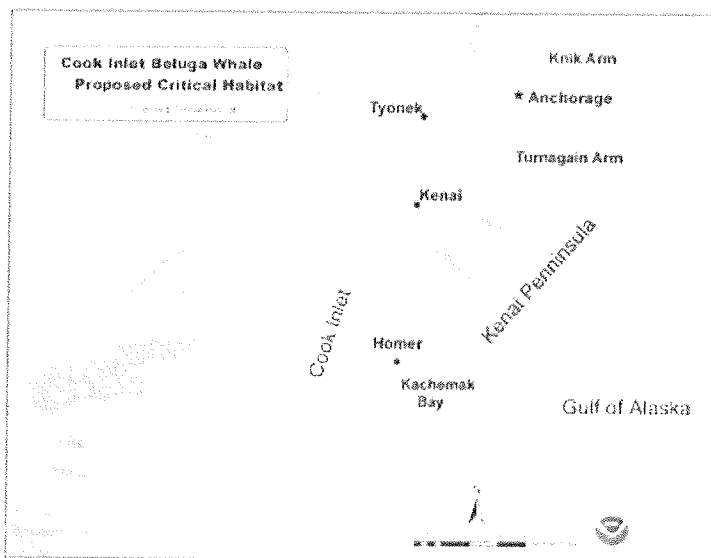
The ESA requires designation of critical habitat whenever a species is listed for protection. Federal agencies must consult with NOAA's Fisheries Service to ensure that they do not fund, authorize, or carry out a project that will destroy or adversely modify the critical habitat. This requirement does not apply to activities on private land that do not involve a federal agency, permit or funding.

Managers expect to have a final designation of critical habitat for the Cook Inlet beluga whales in the spring of 2010.

The NOAA's Fisheries Service proposal designates a total of 3,016 square miles, including the upper portions of Cook Inlet, where whales concentrate in summer months, mid-Cook Inlet, the western shore of lower Cook Inlet and Kachemak Bay on the eastern side of the lower inlet.

NOAA's Fisheries Service experts believe Cook Inlet beluga whales once numbered more than 1,300, but only around 300 remain, according to the latest population estimates completed in June. NOAA's Fisheries Service biologists and scientists have surveyed the Cook Inlet beluga whale, estimated the species' abundance and reviewed the population's status. They have also collected tissue samples, carried out necropsies on whales found dead and responded to beluga whale strandings.

In their formal status review of Cook Inlet beluga whales, NOAA's Fisheries Service scientists estimated a 26 percent chance that these whales will become extinct in the next 100 years.



Proposed critical habitat for Cook Inlet beluga whales. [Click map](#) to view a larger version.

Cook Inlet belugas are one of five populations of belugas recognized within U.S. waters. The other beluga populations, which are not listed as threatened or endangered, summer in Bristol Bay, the eastern Bering Sea, the eastern Chukchi Sea and the Beaufort Sea. Of the five populations of beluga whales in Alaska, the Cook Inlet population is considered to be the most isolated based on the degree of genetic differentiation and geographic distance between the Cook Inlet population and the four other beluga populations.

The recovery of Cook Inlet whales is potentially hindered by severe stranding events; continued development within and along upper Cook Inlet; industrial and municipal activities that discharge or accidentally spill pollutants; disease; predation by killer whales and losses of available prey to fishing or loss of prey habitat. Protecting habitat is essential to the beluga whales' recovery.

The comment period on the [proposed critical habitat area](#) opens December 2, 2009 and comments must be received by January 31, 2010. Send comments to: Assistant Regional Administrator, Protected Resources, Alaska Region, NOAA Fisheries, ATTN: Ellen Sebastian. Comments must be identified by "RIN 0648-AX50" and sent by any one of the following methods:

Electronic submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>

Mail: P.O. Box 21668, Juneau, AK, 99802-1668.

Fax: 907-586-7557

Hand deliver to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK

NOAA understands and predicts changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and conserves and manages our coastal and marine resources. Visit <http://www.noaa.gov>.

On the Web:

NOAA Fisheries Service in Alaska: <http://alaskafisheries.noaa.gov> and <http://www.afsc.noaa.gov>.

[← News Releases](#) | [Fisheries Information Bulletins](#)

NOAA Fisheries Service | Alaska Region | Juneau, Alaska | 907-586-7557

NOAA Fisheries Service | Alaska Region | Juneau, Alaska | 907-586-7557
NOAA Fisheries Service | Alaska Region | Juneau, Alaska | 907-586-7557
NOAA Fisheries Service | Alaska Region | Juneau, Alaska | 907-586-7557

adn.com

Anchorage Daily News

Print Page

Close Window

NOAA proposes critical habitat for Inlet belugas

By ELIZABETH BLUEMINK
ebluemink@adn.com

(12/02/09 13:32:20)

Federal regulators on Tuesday proposed designating more than 3,000 square miles of Cook Inlet as critical habitat for the Inlet's beluga whales.

The proposed rule would provide an additional layer of protection for the roughly 300 remaining Cook Inlet belugas that were listed as endangered in October 2008, according to the National Oceanic and Atmospheric Administration.

"It means that we are looking more broadly than the species. We're also looking at its habitat," said Kaja Brix, director of protected resources for the Alaska office of NOAA's National Marine Fisheries Service.

The proposed rule generated accolades from Alaska and Lower 48 environmental groups but was criticized by Gov. Sean Parnell, the state's congressional delegation, Anchorage Mayor Dan Sullivan and pro-business groups in Alaska.

The proposed critical habitat areas will comprise all of upper Cook Inlet, the coastal areas of western Cook Inlet and most of Kachemak Bay.

Environmentalists called it a positive step for the belugas' recovery. According to federal estimates, the Inlet's beluga population has declined from 1,300 animals in 1979 to 321 this year.

But business boosters said Tuesday they are worried about the proposed rule's potential to impede the region's resource development projects and commerce at the Anchorage port, which is the entry point for 90 percent of the goods sent to Alaska and a distribution point for much of its fuel.

MINOR IMPACT?

NOAA officials said the proposed rule would require other federal agencies to consult with the federal fisheries service before approving projects in the proposed critical habitat areas.

The proposed rule and the prior listing of belugas could trigger some changes to major development projects over the next decade -- seismic drilling for offshore oil and gas, and a dock for the Chuitna coal strip-mine proposed on the west side of Cook Inlet, for example, the agency said.

But NOAA said it doesn't anticipate the stepped-up scrutiny will result in rejection of energy projects in the Inlet.

Also, NOAA estimated that the costs of the additional scrutiny will be relatively minor -- less than \$600,000 over a 10-year period for all of the potentially affected projects in Cook Inlet. The agency didn't speculate about the cost of changes that might be needed to comply with the beluga protections.

CRITICS

State officials and business leaders fear far-reaching impacts.

For example, even though NOAA said it doesn't plan to scrutinize Cook Inlet's state-managed salmon fisheries, the Alaska Department of Fish and Game said it is worried about activists suing for federal involvement, since NOAA has identified the Inlet's salmon as key to the beluga's survival.

Port of Anchorage officials said they are not sure yet but they are worried about what the proposed rule could mean for routine shipment of goods and fuel to Anchorage, as well as the military deployments that happen at the port.

U.S. Sen. Mark Begich, D-Alaska, said he is troubled about the proposal's potential impact on military deployments through the port. He and Sen. Lisa Murkowski, R-Alaska, said NOAA should exempt the port from the proposed rule.

The port already has 25 requirements to protect belugas in the permits for its ongoing port expansion, and port officials wonder what additional requirements they might face under the proposed rule, said spokeswoman Suzanne Armstrong.

Brix, of the federal fisheries service, said her agency hasn't received the required paperwork to exempt the Anchorage port.

The likelihood that routine shipping in the Inlet would be affected is "remote," she said. The main activities that would require additional scrutiny from her agency are dredging, the placement of fill and the building of new structures -- such as dock pilings and bridges -- in the Inlet, she said.

PRAISE

Environmental groups praised the federal proposal on Tuesday, saying it gives the belugas a real chance at recovery.

"Critical habitat works," said Brendan Cummings, a senior attorney for the Arizona-based Center for Biological Diversity, which was among several groups that petitioned NOAA to list the belugas as endangered.

He said responsible projects can be designed in ways that don't harm the whales.

"We need to focus on the habitat that they use now, and this rule does a good job of that," Cummings said.

Bob Shavelson, executive director for Cook Inletkeeper in Homer, called the proposed rule "an important step toward embracing science and not politics to protect the Cook Inlet beluga."

DISPUTED SCIENCE

NOAA listed the upper portion of Cook Inlet as critical habitat because that's where the belugas spend their time from spring to fall. The lower parts of Cook Inlet, including Kachemak Bay, are where the belugas feed in the fall and the winter, the agency said.

"Protecting these endangered whales is one of our top priorities," said Doug Mecum, acting administrator of the Alaska office of the National Marine Fisheries Service.

But state officials and an Anchorage-based trade group question the agency's science.

The only known cause of the beluga decline was the Inlet's subsistence whale hunts in the 1990s, and those hunts have ended, said Jason Brune, executive director of the Resource Development Council, a trade group based in Anchorage.

Putting new restrictions on activities that aren't responsible for the decline gives "no added benefit for the belugas," Brune said.

The Parnell administration disagreed with NOAA's decision to list the beluga as endangered and believes the species will recover naturally, if given more time, said Doug Vincent-Lang, a biologist with the Alaska Department of Fish and Game.

U.S. Rep. Don Young, R-Alaska, decried the proposed rule as "yet another attempt to halt resource production and development in Alaska, and a step towards making the whole state a national park for the enjoyment of Outsiders."

The agency will collect public comment on the proposal and requests for exemptions through Feb. 1, 2010. The critical habitat designation could become final in the spring.

Find Elizabeth Bluemink online at adn.com/contact/ebluemink or call 257-4317.

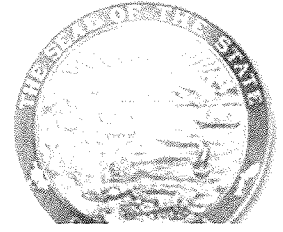
Print Page

Close Window

Copyright © Wed Dec 02 2009 13:47:20 GMT-0900 (AKST)1900 The Anchorage Daily News (www.adn.com)

OFFICE OF ALASKA GOVERNOR

SEAN PARNELL

[Governor's Office](#)[Press Room](#)[Multimedia](#)[Priorities](#)[Services](#)[Contact](#)

News & Announcements

[State of Alaska](#) > [Governor](#) > [News](#) > [News Details](#)**Governor Opposes Critical Habitat Designation** [» Prof's. Parnell](#)

FOR IMMEDIATE RELEASE

No. 09-087

December 1, 2009, Ketchikan, Alaska – Governor Sean Parnell strongly objects to the National Oceanic and Atmospheric Administration's proposal to designate more than one-third of Cook Inlet as critical habitat for beluga whales.

"Listing more than 3,000 square miles of Cook Inlet as critical habitat would do little to help grow the beluga population, but it would devastate economic opportunities in the region," Governor Parnell said. "The beluga whale population has been coexisting with industry for years. The main threat facing belugas was over-harvest, which is now regulated under a cooperative harvest management plan. Belugas are also protected under the Marine Mammal Act."

The proposal designates a total of 3,016 square miles, including all upper portions of Cook Inlet, where whales concentrate in summer months; mid-Cook Inlet; the entire western shore of lower Cook Inlet; and Kachemak Bay on the eastern side of the lower inlet.

In addition, four species of Pacific salmon (Chinook, sockeye, coho and chum) are listed as essential elements of the proposed critical habitat. This could lead to federal involvement in salmon fisheries in Cook Inlet.

"We are concerned about the effect this could have on commercial, recreational, and personal use fishing opportunities throughout the Cook Inlet fisheries," said Doug Vincent-Lang of the Alaska Department of Fish and Game.

The state will review and submit comments on the proposal and will closely examine the extent of the proposed critical habitat. NOAA has the discretion to exclude areas of military or economic importance, as long as doing so does not jeopardize the continued existence of the species. The state is also reviewing all legal options regarding the listing and the proposed critical habitat designation.

###

News Archive >



FOR IMMEDIATE RELEASE
December 1, 2009
2009-260

Contact: Max Croes, Deputy Press Secretary
(202) 224-9578 office

Begich Statement on NOAA's Beluga Whale Critical Habitat Proposal

U.S. Senator Mark Begich issued a statement today in response to the National Oceanic and Atmospheric Administration's proposal to establish a critical habitat for Cook Inlet's beluga whale population. Following this announcement, NOAA will hold a public meeting and accept comments on the proposed habitat for a period of 45 days. The proposed habitat consists of approximately a third of Cook Inlet.

"Alaska is an ocean state so the fish and wildlife which thrive in our waters are not an abstract scientific notion. Every Alaskan who has enjoyed watching beluga whales from the shoreline along Turnagain Arm knows these animals are important to us. That's why Alaskans are committed to protecting the beluga whales in Cook Inlet.

"At the same time, development in Cook Inlet is necessary for Alaska's economy and we've taken numerous steps to ensure that it can coexist with the fish and wildlife of the region. This includes careful monitoring at Anchorage's wastewater treatment plant, habitat protection for streams that flow into the inlet, and environmentally responsible expansion of the Port of Anchorage.

"The Bush administration in October 2008 listed the Cook Inlet beluga as endangered so we've long known this next shoe would drop – this proposed designation of critical habitat. This could potentially cost Southcentral residents hundreds of millions of dollars to upgrade facilities without a clear benefit for the environment.

"In this proposed designation, NOAA chose not to address the Port of Anchorage's request for an exemption due to the port's strategic and economic importance. I strongly urge NOAA to reevaluate the Port's request in the final designation. Also troubling is the potential impact this action could have on military deployments through the Port of Anchorage, which are vital for our nation's defense.

"Alaskans now have 45 days to let federal fisheries managers know of their concerns and how this proposed designation could affect them. I urge Alaskans to weigh in."

###

From: Jason Brune <jbrune@akrdc.org>
Subject: **Fwd: Murkowski Statement on NOAA Beluga Whale Proposal**
Date: December 1, 2009 5:01:57 PM AKST
1 Attachment, 17.5 KB



NEWS RELEASE
LISA MURKOWSKI
UNITED STATES SENATOR | ALASKA

FOR IMMEDIATE RELEASE
December 1, 2009

Contact: Michael Brumas 202.224.9301
or Robert Sumner 202.224.8069

Murkowski Statement on NOAA Beluga Whale Proposal

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, issued the following statement in response to a proposal by the National Oceanic and Atmospheric Administration (NOAA) to designate at least one-third of Cook Inlet as critical habitat for beluga whales:

"I appreciate that the National Marine Fisheries Service has tried to identify the most important areas for the beluga whale in Cook Inlet, using the limited but available science. I have not had an opportunity to read the economic analysis that estimates the low economic impact of the proposed rule, but I sincerely hope they are correct that it will not cause economic harm to the region. I remain concerned, however, since our experience with critical habitat in other areas of the state is that a designation can sometimes lead to costly delays in permitting, construction and protracted litigation.

"While NOAA has recognized that they can exclude areas under section 4(b)(2) of the Endangered Species Act (ESA), they chose not to. I would encourage the agency to strongly consider some of the requests, including the Port of Anchorage and our two military bases, to be excluded from designation.

"I am also concerned with potential action on activities that the agency has identified, that may restrict the beluga's use of the habitat and ability to secure prey, including salmon and hooligan. I encourage Alaskans to read the proposed rule and provide comments on the economic impacts that this proposed designation might have on them."

###

Note: Please do not reply to this email. This mailbox is unattended. For further information, please contact Senator Murkowski's press office at 202-224-9301 or 202-224-8069. Visit our website at <http://murkowski.senate.gov>

Robert J. Sumner
Deputy Press Secretary
United States Senator Lisa Murkowski for Alaska
709 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-8069 - Direct
(202) 821-3966 - Mobile
robert_sumner@murkowski.senate.gov

RDC Action Alert

Support Permit For Healy Clean Coal Plant

Comment Deadline is Friday, December 4, 2009

Overview:

The Healy Clean Coal Project is a 50-mega-watt coal-fired power plant in Healy that has been mothballed in a commercial dispute since 1999. The plant features new technology and emission controls, which were tested during the one year the plant operated. Golden Valley Electric Association (GVEA) has agreed to pay the Alaska Industrial Development and Export Authority (AIDEA) \$50 million for the plant and buy the power that would be generated. GVEA currently operates a 25-megawatt coal plant adjacent to the clean coal plant.

The State of Alaska Department of Environmental Conservation (ADEC) is currently completing the renewal of an air quality permit for both plants. ADEC is taking public comments on the renewed permits until Friday, December 4, after which the agency will summarize any comments made and recommend to the U.S. Environmental Protection Agency that the permit be reissued. The permit for the two plants has been renewed once already since it was first issued.

Requested action:

Support the Draft Renewal Title V Operating Permit AQ0173TVPO2 for Golden Valley Electric Association.

How to comment:

Send, email or fax written comments to:

Ms. Debra Dalcher
ADEC Air Quality
619 E. Ship Creek Avenue, Suite 249
Anchorage, AK 99501

Fax: 907-269-7508

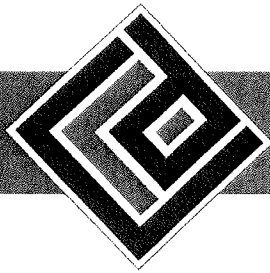
Email: debra.dalcher@alaska.gov

Comments accepted until 5 pm Friday, December 4, 2009

Points to consider in for your comments:

- Support renewal of the Title V air quality operating permit for the Healy Clean Coal Plant (HCCP). The permit for this plant as well as a smaller adjacent coal plant has been renewed once already since it was first issued.
- Support ADEC's determination that a Prevention of Significant Deterioration (PSD) review does not apply to the restart of the HCCP. Specifically support the ADEC conclusion that the long-delayed commencement of the normal operation of the PSD-permitted HCCP does not constitute a major modification triggering another PSD review.
- The plant has extremely low emissions and the permit includes terms that allows even lower permit limits based on actual operations.
- GVEA has a long history of complying with air quality permit terms.
- The infrastructure is already in place to generate and transport electricity from this plant.
- Getting access to more power generation is important to GVEA because of the increasing shortages of natural gas in Southcentral Alaska, which has caused Chugach Electric to reduce much of the surplus gas-fired power that it previously sold to Golden Valley at attractive rates.
- Likewise, energy from the HCCP would benefit Southcentral Alaska utilities in possible power shortages or emergencies as energy from Healy could be sent to the southern railbelt communities.

Comments due Friday, December 4, 2009



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

December 2, 2009

Ms. Debra Dalcher
ADEC Air Quality
619 E. Ship Creek Avenue, Suite 249
Anchorage, AK 99501

Dear Ms. Dalcher:

The Resource Development Council (RDC) would like to express its strong support for the Draft Renewal Title V Operating Permit AQ0173TVPO2 for Golden Valley Electric Association's Healy Clean Coal Plant (HCCP).

RDC is a statewide membership-funded organization founded in 1975. Our membership is comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fisheries industries, as well as Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to link these diverse interests together to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

RDC supports the Alaska Department of Environmental Conservation's determination that a Prevention of Significant Deterioration (PSD) review does not apply to the restart of the HCCP. RDC agrees that the long-delayed commencement of the normal operation of the PSD-permitted plant does not require a major modification triggering another PSD review.

The permit for this plant as well as a smaller adjacent coal plant has been renewed once already since it was first issued. The plant has extremely low emissions and permit terms allow for even lower permit limits based on actual operations. Moreover, Golden Valley itself has a strong compliance history with permit terms.

Timely renewal of the permit is in the public's interest as access to more power generation is important to Alaskans because of the increasing shortages of natural gas in Southcentral Alaska, which has caused Chugach Electric Association to reduce much of the surplus gas-fired power that it previously sold to Golden Valley at attractive rates. Energy from the HCCP

Founded 1975
Executive Director
Jason W. Brune
2009-2010 Executive Committee
Wendy Lindskoog, President
Phil Cochrane, Sr. Vice President
Stephanie Madsen, Vice President
Tom Maloney, Secretary
Len Horst, Treasurer
Bob Berto
Patty Bielawski
Marilyn Crockett
Steve Denton
Eric Fjelstad
Jeff Foley
Stan Foo
Paul Glavinovich
Len Horst
Erec Isaacson
Tom Lovas
Dale Pittman
Ralph Samuels
Ethan Schutt
Lorna Shaw
John Shively
Tiel Smith
Scott Thorson
Cam Toohey
Directors
Greg Baker
Dave Benton
Jason Bergerson
Allen Bingham
Dan Britton
Dave Carey
Patrick Carter
Dave Chaput
Steve Connelly
Bob Cox
Allan Dolynny
Paula Easley
Ella Ede
Mark Eliason
Joe Everhart
Carol Fraser
Dan Graham
Chuck Greene
Scott Habberstad
Mark Hanley
Karl Hanneman
Rick Harris
Tom Henderson
Paul Henry
Becky Hultberg
Teresa Imm
Bill Jeffress
Mike Jungreis
Frank Kelty
Kip Knudson
Thomas Krzewinski
Linda Leary
Carri Lockhart
John MacKinnon
Mary McDowell
Ron McPheters
James Mery
Denise Michels
Lance Miller
Mary Nelson
Lisa Parker
Judy Patrick
Charlie Powers
Keith Sanders
Kenneth Sheffield
Keith Silver
Jeanine St. John
John Sturgeon
Dan Sullivan
John Zager
Ex-Officio Members
Senator Mark Begich
Senator Lisa Murkowski
Congressman Don Young
Governor Sean Parnell

would benefit Golden Valley ratepayers and Southcentral Alaska utilities as power from Healy could be sent south in power shortages or emergencies. In addition, the infrastructure is already in place to generate and transport electricity from this plant.

In conclusion, RDC strongly supports the Draft Renewal Title V Operating Permit for Golden Valley's clean coal power plant at Healy. RDC appreciates the opportunity to comment on this important permit and looks forward to its timely renewal and the subsequent full operation of the Healy facility.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
For Alaska, Inc.

A handwritten signature in black ink, appearing to read "Carl Portman". The signature is fluid and cursive, with the first name "Carl" and last name "Portman" clearly distinguishable.

Carl Portman
Deputy Director

Alaska Resources 2010

Corporate Sponsors

Platinum Sponsors

AadlandFlint
BP Exploration (Alaska) Inc.
ConocoPhillips Alaska, Inc.
ExxonMobil
Northrim Bank
Teck Alaska/NANA Development Corporation

VIP Reception Host

Government of Canada

Centerpiece Sponsor

Peak Oilfield Service Company

Gourmet Break Sponsors

ExxonMobil
Petrotechnical Resources of Alaska
Stoel Rives, LLP

Breakfast Sponsors

ConocoPhillips Alaska, Inc.
Solstice Advertising

Espresso Stand Sponsors

Carlisle Transportation Systems
LRS Corporation

Portfolio Sponsor

ExxonMobil

Cosponsors

AFC, Inc: Alaska Frontier Constructors
AIC LLC
Alyeska Pipeline Service Company
Arctic Slope Regional Corporation
CH2M HILL
Cook Inlet Region, Inc.
Denali: The Alaska Gas Pipeline
Eni Petroleum
LRS Corporation
Pebble Limited Partnership
Pioneer Natural Resources
Shell Exploration Alaska
The Alaska Pipeline Project, A Joint
Project of TransCanada & ExxonMobil
Wells Fargo
Westward Seafoods, Inc.
XTO Energy

General Sponsors

ACS
Alaska Airlines
Alaska Business Monthly
Alaska Cruise Association
Alaska Laborers
Alaska National Insurance Co.

AT&T

Barrick Gold Corporation
Chevron
Cruz Construction
Dowland Bach
Fluor
Harbor Enterprises, Inc.
Kinross - Fort Knox
Koniag Incorporated
Lynden
Morris Communications
MWH
North Slope Borough
Perkins Coie LLP
Petroleum News
Salt + Light Creative
SRK Consulting
Statoil
Temsco Helicopters
Tesoro Alaska Company
Udelhoven Oilfield System Services
Usibelli Coal Mine, Inc.

Underwriters

AECOM Environment
AIDEA
Alaska Department of Labor
& Workforce Development
Alaska Housing Finance Corporation
Alaska Partnership for Economic
Development
Alaska Railroad Corporation
Alaska USA Federal Credit Union
Aleut Corporation
American Marine Corporation
Anadarko Petroleum
Anchorage Sand and Gravel
Anglo American US LLC
ARCADIS-US
Beacon OHSS
Bering Straits Native Corporation
BHP Billiton
Brenntag Pacific Inc.
Brice Companies
Bristol Bay Native Corporation
Brooks Range Petroleum Corporation
Calista Corporation
Chugach Alaska Corporation
Chugach Electric Association
Chumley's Inc.
City of Unalaska
Coeur Alaska - Kensington Mine
Conam Construction Company
Crowley
Donlin Creek LLC

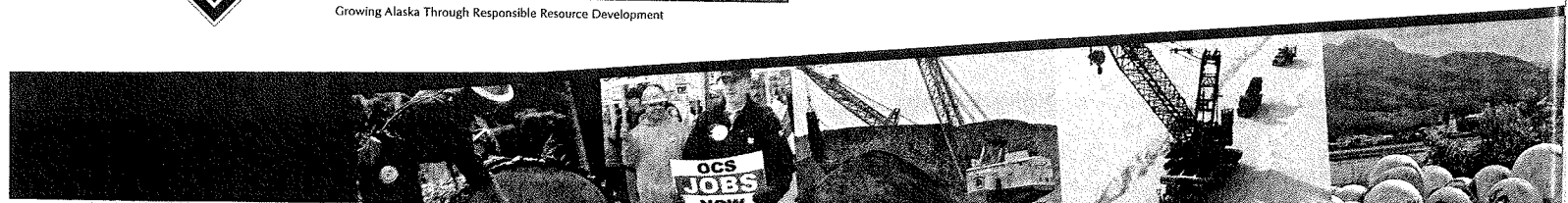
Doyon Family of Companies

Edison Chouest Offshore
ENSTAR Natural Gas Company
Era Helicopters
ERM
FEX
First National Bank Alaska
Flint Hills Resources
Flowline Alaska
GCI
Global Land Services
Golder Associates, Inc.
Granite Construction Inc.
Halliburton Energy Services
Hartig Rhodes Hoge & Lekisch
Hawk Consultants LLC
HDR Alaska, Inc.
Hecla Greens Creek Mine
Holland America Line
Hotel Captain Cook
IBEW Local 1547
Key Bank
Koncor Forest Products
Marathon Alaska Production LLC
Michael Baker Jr., Inc.
Mikunda Cottrell & Company
Municipal Light & Power
Nabors Alaska Drilling, Inc.
NC Machinery
Northern Air Cargo
NovaGold Resources
Pacific Seafood Processors Association
PacRim Coal, LP
PENCO: Pacific Environmental Corporation
Petro Star Inc.
Port of Anchorage
Port of Tacoma
Price Gregory International
Providence Health Services Alaska
Renaissance Alaska LLC
Resource Data, Inc.
Samson Tug & Barge
Savant Alaska LLC
Sealaska Corporation
Security Aviation
Sourdough Express Inc.
STEELEFAB
Three Parameters Plus
Totem Ocean Trailer Express
UMIAQ
Univar USA Inc.
URS Corporation
Weaver Brothers Inc.
Weston Solutions
WorleyParsons



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development





RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

RDC's 30th Annual Conference Raffle Prize Items

Drawing was November 19, 2009

Seven-Day Cruise for Two

Donated by Holland America Line

Won by Deryl Rice

Two Round Trip Tickets

Donated by Alaska Airlines

Won by Denis LeBlanc

Case of Frozen Alaskan Red King Crab

Donated by Westward Seafoods

Won by Johnny Campbell

Two Round Trip Train Tickets between Anchorage – Denali

Donated by the Alaska Railroad Corporation

Won by Andy Garrigus

Chainsaw

Donated by Koncor Forest Products

Won by Susan Childs

Gail Niebrugge Print "Juneau's Glacier"

Donated by Marathon Alaska Production LLC

Won by Marilou Bautista

Alaska Sausage & Smoked Salmon Gift Basket

Donated by URS Corporation

Won by Glenn Reed

Maps of Alaska Oil & Gas Activities

Donated by Mapmakers Alaska

Won by Brian Busey, Keith Lindsey, Bob Poe

One Night Stay in Junior Suite and \$50 Crow's Nest Gift Certificate

Donated by Hotel Captain Cook

Won by Kathleen Westlake

TOTE dry/wet bag

Donated by TOTE

Won by Susan Childs

Two Logo Jackets

Donated by Mikunda Cottrell CPAs

Won by Doug Smith and Tryna Blumer

Logo Hats

Donated by Brooks Range Petroleum Corporation

Won by Tom Ulrich

Logo Briefcase

Donated by Alaska Business Monthly

Won by Darren Hubbard

Assortment of Wine and Juice

Donated by Evergreen Helicopters
Won by Ken Yockey and Jeanine St. John

Three Jacket, Hat and Tie Sets

Donated by Usibelli Coal Mine, Inc.
Won by Alexandra Shively, Bean Lacey, Gail Phillips

Two boxes of Noodle Golf Balls

Donated by Perkins Coie LLP
Won by John Sturgeon and David DeVilbiss

Dogsled Trip for Two by Helicopter on Mendenhall Glacier

Donated by Temsco Helicopters
Won by Ken Taylor

Logo Set including Travel Mug,

Donated by Petro Marine Services
Won by Roxanne Sinz

Two-Night Stay for Two with Meals

Donated by Alpine Creek Lodge
Won by Mary O

Logo Jackets

Donated by The Pebble Partnership
Won by Steve Robinson, Tom Ulrich

iPod Touch

Donated by MSI Communications
Won by Ken Walsh

Logo Gear

Donated by Kinross – Fort Knox
Won by Chick Underwood and DG Wanblad

Prince William Sound Wilderness Explorer Glacier Cruise for Two

Donated by Alaska Heritage Tours
Won by Barb Smith

Logo Vest

Donated by Judy Patrick Photography
Won by Paula Pawlowski

Gift Basket Including an Overnight Stay at Anchorage-area Hotel

Donated NANA Management Services
Won by Stephen Hodgson

Two One-Night Stays for Two

Donated by Millennium Alaskan Hotel
Won by Greg Charlie and Wendy Lindskoog

Bag of Logo and Holiday Goodies

Donated by SRK Consulting
Won by Lauren Roberts

Animal Encounter or Behind the Scenes Tour for Two

Donated by the Alaska Sealife Center
Won by Sonia Christensen



121 West Fireweed Lane, Suite 250
Anchorage, Alaska 99503
(907) 276-0700

www.akrdc.org

Membership Application

Resource Development Council for Alaska, Inc.

121 W. Fireweed Lane, Suite 250

Anchorage, AK 99503-2035

(907) 276-0700 resources@akrdc.org www.akrdc.org

Name: _____

Title: _____

Company: _____

Mailing Address: _____

City/State/Zip: _____

Phone Numbers Work: _____ Mobile: _____

Email Address: _____

Website Address: _____

Referred by: _____ Date: _____

| Annual Membership Categories | | |
|------------------------------|------------------|-------------------|
| | <u>Corporate</u> | <u>Individual</u> |
| PLATINUM | \$3000 or more | \$500 or more |
| GOLD | \$1500 | \$300 |
| SILVER | \$750 | \$150 |
| BASIC | \$500 | \$75 |

Please circle the category in which your organization should be classified:

- Communications • Construction • Engineering/Environmental • Finance
- Fishing • Government • Legal/Consulting • Media • Mining • Native Corporations
- Oil and Gas • Retail/Wholesale • Support Services • Timber • Tourism
- Trade/Business Organizations • Transportation • Utilities/Energy

Method of payment: Enclosed is a check for: \$ _____ or

MC/VISA/AMEX# _____ Exp. Date: _____

The Resource Development Council for Alaska, Inc. is classified a non-profit trade association under IRS Code 501(c)(6). Membership dues and other financial support may be tax deductible as an ordinary and necessary business expense, however, 15.9% of the dues are non-deductible. Dues are not deductible as charitable contributions for federal income tax purposes.