

DRAFT Meeting Summary

Pebble Mine Project

August 31, 2020

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

Meeting purpose:

This is a continuation of our discussion from last week (Aug. 25th). We will discuss the four identified “paths” in more detail, with the goal of PLP identifying a preferred path for their consideration in their compensatory mitigation plan.

Agenda with notes:

- Any corrections to the draft meeting summary from Aug. 25th (attached)?
 - None.
 - Edits from DMWL were incorporated.
- Discussion of four “paths”
 - Conservation easements
 - PLP is not finding much in the way of precedent for this example on state lands, but PLP doesn’t see anything that seems to prohibit this item.
 - Lease of state lands
 - PLP questions whether DNR could lease lands to another state agency.
 - Would require a Best Interest Finding
 - Limited to 55-year term, but there is an ability to renew the lease for a period of time equal to the initial lease period (i.e. 110 years)
 - Mineral Order
 - PLP does not see a lot of value in this item as a standalone item, but it could be used in connection with one of the other items. PLP also notes that the USACE is not requiring prohibition of mineral entry in the mineral estate.
 - Designations over 640 acres requires Legislative review
 - Interagency Land Management Assignment (ILMA)
 - PLP is leaning towards this item
 - Lots of examples
 - Best Interest Finding required
 - Held by another state agency, such as ADF&G.
 - Terms have extended out to “perpetuity” in at least one example.
 - Deed restriction/covenants
 - PLP doesn’t see this item as viable to satisfy requirements of the USACE.
- PLP’s Questions regarding ILMAs:
 - Is there any “show stopper” issues with PLP proposing an ILMA to meet their mitigation requirements?
 - There are uncertainties related to the use of ILMAs for a third party (i.e. an applicant) to meet a permitting requirement.
 - An ILMA is negotiated between two state agencies.
 - How would PLP trigger an ILMA?
 - A request is made to DNR from another state agency
- Next meeting
 - Thursday (9/3)