

State allows industrial scale exploration without hearings

POINT COUNTERPOINT: 2 views of Pebble project, EPA study and state's role

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Last month the Environmental Protection Agency released its Draft Assessment of Potential Mining Impacts on Salmon Ecosystems in Bristol Bay. It scheduled eight public hearings and a 60-day comment period so that the public could participate in the preparation of the document. State Attorney General Michael Geraghty complained that 60 days was "inadequate," asking for an additional four months "for the public, including the state" to "address the technical and legal merits of the assessment." Industry representatives expressed their alarm that the public wasn't being given sufficient time to respond.

How ironic. And hypocritical.

For the last 24 years, mining companies have been exploring for copper and gold on state lands in the headwaters of Bristol Bay, hoping to develop the largest mine of its type in North America. They have drilled 1,200 bore holes (some more than a mile deep), used fragile tundra as their waste dump, crisscrossed subsistence areas with tens of thousands of helicopter flights and removed millions of gallons of water from ponds and streams.

And they've done all that -- with the state's permission -- without public notice, without inviting public comment, and without public hearings. While Alaskan regulators have permitted industrial-scale exploration, they have never asked the public to comment on whether the state should permit, in the headwaters of the world's premier sockeye salmon fishery, a mine that would produce billions of tons of toxic waste that would have to be stored forever, held back by an earthen dam.

Represented by Trustees for Alaska, we went to court seeking (and here I'll just use some of the attorney general's own words) an "adequate" opportunity "to address the technical and legal merits" of the state exploration permits.

The issue is on appeal to the Alaska Supreme Court as the state adamantly insists that the public has no right to even know about such permits in advance, let alone comment on them.

The state systematically avoids any public notice and any hearing before it grants mining exploration and water permits. Sixty days? Never. Even when the state does allow public comment -- as it did for the development of the Rock Creek gold mine near Nome -- the

comment period is half as long and the state is downright stingy in granting more time. It allowed the public just three extra days to comment on Rock Creek, approved the project -- and then was forced to shut it down when the warnings of the critics proved accurate.

Had the state been doing its job over the last two decades, it would have by now its own full record of public participation involving the very issues raised by the EPA's draft assessment.

And it would have undertaken its own analysis of whether exploration and development are in the best interest of the state. The state would not then need even 60 days to comment on the EPA draft. It would already know that mining at this scale near Bristol Bay would cause, as the EPA has concluded, the loss of spawning and rearing habitat for multiple species of fish.