

ALABAMA RIVERS ALLIANCE * ALAMOSA RIVERKEEPER * ALASKA COMMUNITY ACTION ON TOXICS * ALASKA ENVIRONMENT * ALASKA WILDERNESS LEAGUE * ALASKA WILDLIFE ALLIANCE * ALASKANS TAKE A STAND * AMERICAN BIRD CONSERVANCY * AMIGOS DE BOLSA CHICA * ANTHROPOCENE ALLIANCE * AQUASHICOLA/POHOPOCO WATERSHED CONSERVANCY * ASSOCIATION OF NORTHWEST STEELHEADERS * ATCHAFALAYA BASINKEEPER * BACKCOUNTRY HUNTERS AND ANGLERS * BAYOU CITY WATERKEEPER * BLACK HILLS CLEAN WATER ALLIANCE * BLACK WARRIOR RIVERKEEPER * BOZEMAN BIRDERS * BRISTOL BAY HERITAGE LAND TRUST * BROOKS RANGE COUNCIL * CENTER FOR BIOLOGICAL DIVERSITY * CENTER FOR ENVIRONMENTAL LAW & POLICY * CITIZENS AGAINST WIDENING THE INDUSTRIAL CANAL * CITIZENS COMMITTEE TO COMPLETE THE REFUGE * COLLIER COUNTY WATERKEEPER * COLUMBIA RIVER CRAB FISHERMAN'S ASSOCIATION * COMMERCIAL FISHERMEN FOR BRISTOL BAY * COMMITTEE ON THE MIDDLE FORK VERMILION RIVER * COOK INLETKEEPER * CREATION JUSTICE MINISTRIES * DEFENDERS OF WILDLIFE * DESCHUTES ESTUARY RESTORATION TEAM * DON'T GAS THE MEADOWLANDS COALITION * EARTH ETHICS, INC. * EARTHJUSTICE * EARTHWORKS * ENDANGERED HABITATS LEAGUE * ENVIRONMENT AMERICA * ENVIRONMENTAL INVESTIGATION AGENCY (US) * ENVIRONMENTAL PROTECTION INFORMATION CENTER * FAIRBANKS CLIMATE ACTION COALITION * FLORIDA WILDLIFE FEDERATION * FLY FISHERS INTERNATIONAL * FRIENDS OF BLACKWATER, INC. * FRIENDS OF MCNEIL RIVER * FRIENDS OF THE EARTH * FRIENDS OF THE RIVERS OF VIRGINIA * GLEN ELLYN SUSTAINABILITY * GREAT EGG HARBOR WATERSHED ASSOCIATION * GREENPEACE USA * HEALTHY OCEAN COALITION * HOWLING FOR WOLVES * HUDSON RIVERKEEPER * IDAHO RIVERS UNITED * ILLINOIS COUNCIL OF TROUT UNLIMITED * INLAND OCEAN COALITION * KANSAS CITY ZOO * KENTUCKY WATERWAYS ALLIANCE * KLAMATH FOREST ALLIANCE * LEVEES.ORG * LAKE ERIE WATERKEEPER * LEAD AGENCY, INC. * LEAGUE OF CONSERVATION VOTERS * MALACH CONSULTING * MARINE CONSERVATION INSTITUTE * MILL CREEK ALLIANCE * MISSION BLUE * MISSOURI CONFLUENCE WATERKEEPER * MN DIVISION – IZAAK WALTON LEAGUE OF AMERICA * MONTEREY BAY AQUARIUM * MULTICULTURAL ALLIANCE FOR A SAFE ENVIRONMENT * MYSTIC AQUARIUM * NATIONAL AQUARIUM * NATIONAL MISSISSIPPI RIVER MUSEUM & AQUARIUM * NATIONAL OCEAN PROTECTION COALITION * NATIONAL PARKS CONSERVATION ASSOCIATION * NATIONAL WILDLIFE FEDERATION * NATIVE AMERICAN RIGHTS FUND * NATURAL HERITAGE INSTITUTE * NATURAL RESOURCES DEFENSE COUNCIL * NEBRASKA WILDLIFE FEDERATION * NORTHEASTERN MINNESOTANS FOR WILDERNESS * NYC H2O * OCEANA * OKANOGAN HIGHLANDS ALLIANCE * PATAGONIA * PENNSYLVANIA COUNCIL OF CHURCHES * POTOMAC RIVERKEEPER NETWORK * PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA * RESTORE AMERICA'S ESTUARIES * RIVERKEEPER * ROUGE RIVERKEEPER * SACRAMENTO RIVER COUNCIL * SALMONSTATE * SATILLA RIVERKEEPER * SAVE OUR WILD SALMON COALITION * SAVE THE SCENIC SANTA RITAS * SAVE THE SOUND * SEATTLE AQUARIUM * SENECA LAKE GUARDIAN * SEVERN RIVERKEEPER PROGRAM * SIERRA CLUB * SILVER VALLEY COMMUNITY RESOURCE CENTER * SOUTH YUBA RIVER CITIZENS LEAGUE * STAND UP ALASKA * SUWANNEE RIVERKEEPER * TENNESSEE RIVERKEEPER * THE ALASKA CENTER * THE CONSERVATION FUND * THE NATURE CONSERVANCY * THE OCEAN PROJECT * THE WILDERNESS SOCIETY * WATAUGA RIVERKEEPER * WATER-CULTURE INSTITUTE * WATERKEEPER ALLIANCE * WATERKEEPERS CHESAPEAKE * WATERWAY ADVOCATES * WILD SALMON CENTER * WILL DILG CHAPTER, IZAAK WALTON LEAGUE OF AMERICA * WINYAH RIVERS ALLIANCE * WORLD WILDLIFE FUND * YELLOW DOG WATERSHED PRESERVE

August 30, 2022

[Via Regulations.gov](http://ViaRegulations.gov)

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
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Casey Sixkiller, Regional Administrator, Region 10
U.S. Environmental Protection Agency
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Re: Comments in Support of Finalizing the Proposed Determination for the Pebble Deposit Area, Docket ID No. EPA-R10-OW-2022-0418

Dear Administrator Regan and Regional Administrator Sixkiller:

On behalf of the 122 undersigned organizations, representing tens of millions of members and supporters from across the country, we write to commend the U.S. Environmental Protection Agency (EPA) for issuing the Proposed Determination for the Pebble Deposit Area under Section 404(c) of the Clean Water

Act¹ that, if finalized, would prohibit the Pebble Mine and restrict future mining of the Pebble deposit.² We urge EPA to promptly issue a Final Determination that not only prohibits or restricts past, current, and future plans for the Pebble deposit but also protects Bristol Bay's headwaters from large-scale porphyry ore mining like that proposed for the Pebble deposit. We support EPA in completing the 404(c) process as swiftly as possible and call on the agency to finalize comprehensive protections by the end of 2022.

Our comments support and amplify requests from United Tribes of Bristol Bay (UTBB), Bristol Bay Native Association (BBNA), Bristol Bay Native Corporation (BBNC), Bristol Bay Economic Development Corporation (BBEDC), and Commercial Fishermen for Bristol Bay (CFBB) urging EPA to finalize strong and durable protections for Bristol Bay this year.³ We join the economic, cultural, and social leaders of Bristol Bay calling on EPA to issue a Final Determination that provides comprehensive protections for Bristol Bay and the people who depend on it:

[O]ur region couldn't be more united in our call on the EPA that the 404c protections must provide true protections to the headwaters, not just limitations based on past mine plans. ... The Tribes have asked for prohibitions of this type of development in the headwaters since they petitioned the EPA back in 2010. And we have not changed that ask over the last 12 years... [W]e encourage the EPA to think more holistically about the headwaters area.⁴

The people of Bristol Bay have been seeking these protections for more than two decades and while this is an important step we need comprehensive protections so that future generations are not left with this threat.⁵

More than 78 million salmon returned to Bristol Bay this summer,⁶ shattering last year's record of 67 million. Integral to this extraordinary run is the environmental sustainability of the region, something the science unequivocally confirms that the proposed Pebble Mine—and indeed all large-scale porphyry ore mining in Bristol Bay—would jeopardize.

Bristol Bay is home to the world's largest wild sockeye salmon fishery, generating \$2.2 billion annually, supporting 15,000 American jobs, supplying 57 percent of the world's wild sockeye salmon, and sustaining Indigenous communities since time immemorial.⁷ As they have for millennia, the wild salmon returning each year to Bristol Bay ensure a way of life for Alaska Native communities, providing subsistence food, subsistence-based livelihoods, and the lifeblood of culture.

¹ 33 U.S.C. § 1344(c),

² *Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act Pebble Deposit Area, Southwest Alaska* (May 2022), <https://www.epa.gov/system/files/documents/2022-05/Pebble-Deposit-Area-404c-Proposed-Determination-May2022.pdf>.

³ BBEDC, BBNA, BBNC, CFBB, and UTBB Press Release, *Bristol Bay Leaders call on EPA to finalize comprehensive protections this year* (June 1, 2022), <https://www.utbb.org/press-releases>.

⁴ Statement by Alannah Hurley, UTBB Executive Director, *Bristol Bay Leaders call on EPA to finalize comprehensive protections this year* (June 1, 2022), <https://www.utbb.org/press-releases>.

⁵ Statement by Gayla Hoseth, BBNA Natural Resources Director, *Bristol Bay Leaders call on EPA to finalize comprehensive protections this year* (June 1, 2022), <https://www.utbb.org/press-releases>.

⁶ Alaska Dep't of Fish & Game, *Bristol Bay Daily Run Summary* (2022), https://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareabristolbay_harvestsummary.

⁷ McKinley Research Group, *The Economic Benefits of Bristol Bay Salmon* (Feb. 2021), https://stoppebbleminenow.org/wp-content/uploads/2021/03/Final-Economic-Benefit-of-Bristol-Bay-Salmon-3_17_21.pdf

Yet the Pebble Mine would risk it all. If fully developed, the Pebble Mine would generate up to 10 billion tons of toxic mining waste. As proposed in the Pebble Limited Partnership's (PLP) 2020 mine plan, the 20-year mine would destroy approximately 100 miles of streams and 2,100 acres of wetlands, completely decimating areas critical to Bristol Bay's salmon fishery.⁸ There is no question that the Pebble Mine would result in "unacceptable adverse effects" to fishery areas, recreational areas, and wildlife, satisfying the statutory trigger to invoke Section 404(c) of the Clean Water Act.

But the 20-year mine plan proposed in 2020 does not represent PLP's true intentions. Undercover videotapes of PLP and parent company Northern Dynasty Minerals top executives confirmed Pebble's real plan: to exponentially expand mining operations for the next 180 to 200 years.⁹

The indisputable facts, clear science, and extensive administrative record overwhelmingly support a final 404(c) determination that protects Bristol Bay's headwaters from not only the mine plan proposed by PLP in 2020, but any future large-scale porphyry ore mining proposed for the Pebble deposit.

Our groups stand by to support final agency action that ensures the people of Bristol Bay can end the year with strong, durable, and comprehensive 404(c) Clean Water Act protections in place.

Sincerely,

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Alamosa Riverkeeper

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⁸ U.S. Army Corps of Engineers, *POA-2017-271, Final Environmental Impact Statement for Pebble Mine* (July 2020), Executive Summary at 93 and 98.

⁹ Environmental Investigation Agency, *Pebble Tapes 1 - Scale of Mine* (2020), <https://vimeo.com/459804434>.

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