

ADVOCATES FOR CLEAN & CLEAR WATERWAYS * ALASKA COMMUNITY ACTION ON TOXICS * ALASKA WILDERNESS LEAGUE * ALASKA WILDLIFE ALLIANCE * AUDUBON ALASKA * BRISTOL BAY ECONOMIC DEVELOPMENT CORPORATION * BRISTOL BAY REGIONAL SEAFOOD DEVELOPMENT ASSOCIATION * CENTER FOR BIOLOGICAL DIVERSITY * COOK INLETKEEPER * COMMERCIAL FISHERMEN FOR BRISTOL BAY * EARTHJUSTICE * EARTHWORKS * ENVIRONMENT AMERICA * ENVIRONMENTAL INVESTIGATION AGENCY * EYAK PRESERVATION COUNCIL * FRIENDS OF THE ALASKA NATIONAL WILDLIFE REFUGES * FRIENDS OF THE EARTH * FRIENDS OF THE MCNEIL RIVER * GREENLATINIOS * ILLINOIS COUNCIL OF TROUT UNLIMITED * LEAGUE OF CONSERVATION VOTERS * NATIONAL PARK CONSERVATION ASSOCIATION * NATIONAL LATINO FARMERS & RANCHERS TRADE ASSOCIATION * NATIONAL WILDLIFE FEDERATION * NATIVE AMERICAN RIGHTS FUND * NATURAL HERITAGE INSTITUTE * NATURAL RESOURCES DEFENSE COUNCIL * OCEANA * PENNSYLVANIA COUNCIL OF CHURCHES * SALMON STATE * SIERRA CLUB * THE ALASKA CENTER * THE WILDERNESS SOCIETY * TRUSTEES FOR ALASKA * WATERKEEPER ALLIANCE * WILD SALMON CENTER * WORLD WILDLIFE FUND

April 15, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

Dear Administrator Regan:

Congratulations on your confirmation as Administrator of the U.S. Environmental Protection Agency (EPA). On behalf of our tens of millions of members and activists across Alaska and the United States, we, the undersigned organizations, encourage you to use your authority under the Clean Water Act to protect the indigenous communities and world-class fishery of Bristol Bay, Alaska from the threat of the Pebble Mine — a proposed gold and copper mine that would have disastrous social, environmental, and economic impacts. While the U.S. Army Corps of Engineers (Corps) denied the Clean Water Act permit for the Pebble Mine in November 2020, it is critical for EPA to act now to ensure long-term protection of Bristol Bay.

Bristol Bay is an American treasure and economic engine. President Biden described Bristol Bay as “foundational to the way of life of Alaska Natives for countless generations...and an economic powerhouse that supplies half of the world’s wild sockeye salmon.”¹ It is home to the world’s greatest wild salmon fishery, which generates \$2.2 billion annually, supports 15,000 jobs, provides 57 percent of the world’s sockeye salmon, and sustains indigenous communities.²

¹ <https://medium.com/@JoeBiden/statement-by-vice-president-joe-biden-on-bristol-bay-1a83d60a2986>.

² https://stoppebbleminenow.org/wp-content/uploads/2021/03/Final-Economic-Benefit-of-Bristol-Bay-Salmon-3_17_21.pdf

Salmon are the backbone of the Yup'ik, Dena'ina, and Alutiiq peoples, providing subsistence food, subsistence-based livelihoods, and the lifeblood of culture.

The Pebble Mine—a massive, open-pit gold and copper mine proposed at the headwaters of the Bristol Bay watershed—would threaten it all. At a minimum, the Pebble Mine would destroy thousands of acres of wetlands and hundreds of miles of streams. If fully developed, the mine would produce more than 10 billion tons of mining waste that would need to be stored—in perpetuity—in the highly porous, seismically active headwaters of Bristol Bay. Because of its size, geochemistry, and location, Pebble Mine would risk the entire Bristol Bay region—its people, its salmon, and the multibillion-dollar economy it supports.

President Biden recognized the threat of the Pebble Mine, noting Bristol Bay “is no place for a mine.” “The Obama-Biden Administration reached that conclusion when we ran a rigorous, science-based process in 2014, and it is still true today.”³

Yet despite overwhelming opposition from Bristol Bay Tribes, indigenous communities, commercial, subsistence, and recreational fishermen, sportsmen and women, lodge owners, businesses, conservationists, and environmental groups, the proposed Pebble Mine remains a threat. Although the Corps denied the Pebble Limited Partnership’s Clean Water Act permit application last November, the Bristol Bay region remains vulnerable to large-scale mining and the door remains open for the Pebble Mine to be developed. The Pebble Limited Partnership is currently appealing the Corps’ denial.⁴ If all legal appeals fail, Pebble could still submit a new permit application at any time. There is also a virtual certainty that other companies may seek at some future point to develop large-scale mines in the region.

Though our groups welcomed the Corps’ permit denial, we recognize it is only a temporary reprieve and not a permanent solution.

Therefore, we urge EPA to use its authority under Section 404(c) of the Clean Water act to put common sense, science-based protections in place.⁵

Using its 404(c) authority, the Obama-Biden EPA proposed science-based restrictions in 2014 to protect Bristol Bay, based on a three-year, twice-peer reviewed public process.⁶ Unfortunately, before those protections could be finalized, the entire process and the long-term protections it would have provided was reversed by the Trump Administration in 2019.⁷

We urge you now to take decisive action to protect Bristol Bay. Reinstating Clean Water Act 404(c) protections would answer the call for justice from Bristol Bay Tribes, indigenous communities, commercial and recreational fishermen, business owners, and conservationists. It

³ <https://medium.com/@JoeBiden/statement-by-vice-president-joe-biden-on-bristol-bay-1a83d60a2986>.

⁴ https://www.northerndynastyminerals.com/site/assets/files/4895/february_25-2021_rfa_final_2.pdf

⁵ 33 U.S.C. § 1344.

⁶ <https://www.epa.gov/bristolbay/2014-proposed-determination-pursuant-section-404c-clean-water-act-pebble-deposit-area>.

⁷ <https://www.federalregister.gov/documents/2019/08/30/2019-18596/notification-of-decision-to-withdraw-proposed-determination-to-restrict-the-use-of-an-area-as-a>

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would deliver a win-win-win for environmental justice, the economy, and the environment. It would bring certainty to those whose lives and livelihoods depend on Bristol Bay's clean water and salmon.

Please act swiftly to protect the people, economy, and environment of Bristol Bay from the ongoing threat of the Pebble Mine.

Sincerely,

Caleb Merendino, Executive Director
Advocates for Clean & Clear Waterways

Pamela K. Miller, Executive Director
Alaska Community Action on Toxics

Andy Moderow, State Director
Alaska Wilderness League

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Kristen Monsell, Oceans Legal Director
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Bob Shavelson, Inletkeeper
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Katherine Carscallen, Executive Director
Commercial Fishermen for Bristol Bay

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National Parks Conservation Association

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Susan Murray, Deputy Vice President, US Pacific
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