

Congress of the United States
Washington, DC 20515

March 11, 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 Environmental Protection Agency. We write to urge you to use your authority under Section 404(c) of the Clean Water Act to protect Bristol Bay, Alaska from the proposed Pebble Mine project. Bristol Bay is home to Alaska indigenous communities that have lived and depended on the Bristol Bay watershed for thousands of years. It is a globally significant ecosystem, with the world's largest wild sockeye salmon fishery and a multimillion-dollar economy. While the necessary permit for the Pebble Mine was denied by the United States Army Corps of Engineers (USACE) in November 2020, it is critical to act now to put permanent protections in place for this culturally and ecologically irreplaceable natural treasure.

The Bristol Bay Watershed is vital to the culture and traditional subsistence livelihoods of Alaska Native people and Bristol Bay communities. A lack of certainty for the future of Bristol Bay is a constant, looming threat to its people and the salmon that the entire region depends on. These waters are home to 35 species of fish including all five species of salmon. On average, 40 million sockeye salmon return to the Bristol Bay Watershed every year, supplying more than 40 percent of the world's wild caught sockeye salmon. Commercial fishing in Bristol Bay generates \$1.5 billion in economic output a year and supports 14,000 fishing jobs. This globally recognized sporting destination also supports a multi-million dollar outdoor recreation industry. Sport angling generates 37,000 fishing trips to the region a year, providing a \$60 million economic boost to the United States economy.

If constructed, the Pebble Mine would be the largest open pit gold and copper mine in North America. The proposed location for the mine, the headwaters of the Bristol Bay Watershed, unmatched in its biological diversity and economic productivity, is no place for such a project.

In 2014, the U.S. Environmental Protection Agency (EPA), after years of study and public outreach, released its Bristol Bay Watershed Assessment, developed in accordance with section 404(c) of the Clean Water Act. In this assessment, EPA provided a detailed assessment

of the biological and mineral resources of the Bristol Bay watershed,¹ and the potential adverse impacts to these ecological resources under the mining scenarios proposed by Northern Dynasty Minerals and the Pebble Limited Partnership – the business shell-company created to mine the Pebble Mine deposits.

Not surprisingly, in 2019, this detailed scientific assessment and the associated Clean Water Act protections for Bristol Bay, were eliminated without procedural or scientific justification. In the absence of the protections that a final 404(c) determination would have provided, the Pebble Limited Partnership pushed to finalize a Clean Water permit through a politically-charged process that was significant for its lack of transparency, as well as its rapid pace for a project of such massive scale and impact. Despite the last Administration’s best efforts, the USACE could not find a way to legally permit the mine and ultimately denied the application. Unfortunately, this permit denial is not a permanent solution, and the company could easily reapply for permits at any time.

Therefore we urge you to focus the EPA’s resources on Bristol Bay and reinstate science-based protections for this globally significant watershed and the thousands of people who depend on it. Any Pebble Mine mining operations– regardless of size – open the door to decimation of the livelihoods, cultures, and economy of Native Tribes and Bristol Bay communities – a risk that is far too great to jeopardize one of the last pristine habitats in the United States. The EPA should exercise its authority under the Clean Water Act to put common sense protections in place immediately.

Thank you for your prompt attention to this important matter.

Sincerely,



Jared Huffman
Chair
Subcommittee on Water, Oceans,
and Wildlife



Peter A. DeFazio
Chair
Committee on Transportation and Infrastructure

¹ <https://www.epa.gov/bristolbay/bristol-bay-assessment-final-report-2014>.

cc: Radhika Fox, Acting Assistant Administrator, Office of Water, EPA