

Congress of the United States
Washington, DC 20515

March 7, 2022

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

Dear Administrator Regan,

We write today to express our disappointment in the Environmental Protection Agency's (EPA) January 27th, 2022 announcement to restart the Clean Water Act review process for protecting Bristol Bay, Alaska, which was first initiated in 2014 and then halted under the Trump administration. The decision to restart this process, rather than resume the previously initiated process, will cause needless delays in protecting this special area, against the express wishes of Tribes and fishing groups in the region to complete the process by the start of the fishing season in June. We are disappointed in the delay that restarting this process will cause, and now encourage EPA to complete its efforts under section 404(c) of the Clean Water Act as expeditiously as possible and finalize permanent measures to protect Bristol Bay for current and future generations.

Salmon are the lifeblood of Bristol Bay's Native people, serving not just deeply held religious and cultural significance, but also as the primary economic resource for many Native communities. Any disruption to the fisheries, such as Pebble Mine's projected destruction of more than 80 miles of streams and 3,500 acres of wetlands, would devastate local Alaska Native communities. Similarly, the construction of mining infrastructure – a 230-megawatt power plant and installation of a 188-mile-long natural gas pipeline – would directly affect the Tribes' ability to access and protect sacred sites that support their way of life.

Following years of study and public outreach, in 2014, the EPA released both its Bristol Bay Watershed Assessment and its Proposed Determination for the Pebble Deposit Area under section 404(c). These documents reported an exhaustive account of the watershed's biological and mineral resources and the potential negative impacts under proposed mining. But these scientific findings were tossed aside in 2019, when the EPA withdrew its 404(c) proposed determination without scientific reason or procedural justification. The Biden administration had the opportunity to expeditiously complete this process by resuming the process, building on the 2014 Watershed Assessment and finalizing its 404(c) determination; however, the EPA's January 27th announcement that they would instead restart this process indicates a longer timeline than we had hoped to see. Tribes, fishing groups, and local advocates have expressed their dissatisfaction with this decision, and we echo their frustration.

While the necessary permit for the Pebble Mine was denied by the United States Army Corps of Engineers (USACE) in 2020, this permit denial is not a permanent solution. Permanent protections are urgently needed for this irreplaceable and significant ecosystem. As long as the mineral

deposits remain recoverable, this land will always remain at risk. Mining in this area, whether it is the Pebble Mine or another mining operation, will devastate thousands of lives, forever harm Native culture, and decimate the economy of Bristol Bay communities. Salmon habitat across the nation is already being damaged by climate change and development, and we urge you to act swiftly to protect one of our last remaining pristine salmon habitats. A 404(c) withdrawal is the best way to provide durable protections for salmon and for the people who call Bristol Bay home. Tribal communities, commercial and recreational fishermen, and businesses across the country that rely on Bristol Bay salmon are united in their desire to see the region protected.

We ask that the EPA move swiftly and thoroughly with this restarted 404(c) process and reinstate science-based protections for this irreplaceable ecosystem as soon as possible. Protection of this special place for the future use and enjoyment of tribal communities and others aligns with the Administration's environmental justice and America the Beautiful goals and would fulfill President Biden's promise to protect this watershed for all time.

Sincerely,



Jared Huffman
Member of Congress



Raúl M. Grijalva
Member of Congress



Ted Lieu
Member of Congress



Adam Smith
Member of Congress



Jerry McNerney
Member of Congress



Alan Lowenthal
Member of Congress



Doris Matsui
Member of Congress




Kurt Schrader
Member of Congress



Mike Levin
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Suzan DelBene
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Derek Kilmer
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Marilyn Strickland
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