

Region 10 EPA Tribal Consortium (RTOC)
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June 29, 2018

U.S. Army Corps of Engineers, Alaska District
Program Manager, Regulatory Division
ATTN: DA Permit Application 2017-271, Pebble Limited Partnership
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

Comments Submitted Via Web (<https://pebbleprojecteis.com/publiccomments/new>)

RE: Public Scoping Comments on Permit Application 2017-271 Pebble Limited Partnership, Environmental Impact Statement

Dear Madam or Sir;

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC. These comments are submitted in response to the request for public scoping comments for Department of Army ("Army Corps") permit application 2017-271 Pebble Limited Partnership ("Pebble"), Environmental Impact Statement.

The Region 10 RTOC includes Tribes across Alaska, Washington, Idaho, and Oregon. Many of these Tribes have called for changes to state water quality standards to adequately address subsistence use of resources by tribal communities, including fish, aquatic plants, and aquatic birds and mammals.

Clean water is essential to many Tribes, not just as a source of sustenance, but also for cultural, medicinal, and spiritual reasons, as well as a treaty-reserved right for many Tribes in the Northwest. The ability of Tribes to control pollution and protect water quality is vital to the survival of Tribes. Almost no activity has more potential for significantly affecting the economic and political integrity and the health and welfare of all reservation citizens than water use, quality, and regulation.

The Tribal Caucus has consistently supported the Environmental Protection Agency's ("EPA") determination pursuant to Section 404(c) for the Pebble Deposit Area. The Tribal Caucus previously requested that EPA exercise its authority under §404(c) of the Clean Water Act to take necessary action to limit or restrict the implementation of the project if it proves harmful to fish, wildlife, water supply, or other resources.

The Bristol Bay region supports one of the most productive and ecologically important wild salmon ecosystems on earth. On average 37 million sockeye salmon return each year. Nearly half of those returning fish are headed back to the Nushagak and Kvichak watersheds. Even without a catastrophic breach of the massive earthen dams that would be required to store up to 10 billion tons of toxic mine waste, a large mine the size of the proposed Pebble project will destroy miles of salmon streams and up to 4,300 acres of salmon wetland habitat.

The millions of fish caught in the watershed each year generate 14,000 jobs and add \$1.5 billion into the economy. They support not only the commercial and sport fishing industries, but a traditional way of life that has endured for millennia and thrives today. The Army Corps has a trust responsibility to ensure that these communities are protected.

The Tribal Caucus strongly supports EPA's conclusion in the determination that mining at the Pebble Mine would have "unacceptable adverse effects" on "an area of unparalleled ecological value, boasting salmon diversity and productivity unrivaled anywhere in North America." History supports this conclusion – there is no mine of this size that has not had significant impacts on water quality and habitat in the area. Nothing has been presented by Pebble to reverse this conclusion.

The Tribal Caucus recommends that the Army Corps consider the following in its evaluation process:

1. Please reject Pebble's current permit application as outdated, incomplete, and unrealistic. The Pebble Partnership must provide current and complete information in its permit application. The baseline data included in Pebble's application is over 10 years old and thus obsolete. Pebble should also conduct an independent economic feasibility analysis and include it in its application.
2. The Army Corps should compare Pebble's plans to the EPA's previous analysis. EPA found that even a smaller mine would result in a "complete loss of fish habitat" in Bristol Bay; Pebble's current plans are even more harmful and will destroy 4,000 acres of wetlands and over 5 miles of anadromous streams. The Army Corps should also examine alternative locations to mine copper and gold other than Pebble's proposed site in Bristol Bay's headwaters.
3. The Army Corps should examine the full extent of Pebble's planned operations and the resulting impacts. Pebble has unreasonably asked the Army Corps to limit its review to a small 20-year mine, even though it plans to operate its mine for up to 200 years, extracting up to 11 billion tons of ore.
4. The Army Corps must analyze impacts to tribal communities, health, economies, culture, and subsistence. The Bristol Bay watershed is home to 25 federally recognized tribal governments who have maintained a salmon-based culture and subsistence-based way of life for at least 4,000 years that would be placed in jeopardy if development of the Pebble proposal proceeds, including the streams and rivers used by tribal members – impacts to these resources and the resulting impacts to tribal communities must be considered in the NEPA process. Tribes in Bristol Bay also utilize many culturally significant plants and animals that need to be taken into account in the NEPA process. Tribal people have

subsisted on these plants and animals for millennia, and we continue to do so today. We cannot lose protections for our streams and wetlands, particularly when that loss will impact tribal resources. All these impacts must be considered. It is the responsibility of the Army Corps to provide protections to these important resources, to uphold its trust responsibilities and work with us to protect our people and our way of life.

5. The Bristol Bay watershed has incalculable numbers of cultural resource and archaeological sites that must be protected. The NEPA process must analyze and consider impacts to these sites, including impacts of enlargement of the site in the future.

Lastly, the Tribal Caucus encourages the Army Corps to engage with Tribes in Region 10 in government-to-government consultation to further understand the significance of this proposal.

We appreciate your consideration of these comments.

Sincerely,

/s/

Elizabeth Sanchey
Region 10 RTOC, Tribal Caucus Vice Co-chair