



**EPA Region 10 Tribal Operations Committee (RTOC)
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September 6, 2022

Water Docket
Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460
Attention: Docket ID No. EPA-R10-OW-2022-0418

Submitted via email (ow-docket@epa.gov)

RE: Docket ID No. EPA-R10-OW-2022-0418

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 on EPA's Section 404(c) Proposed Determination to prohibit and restrict the use of certain waters in the Bristol Bay watershed as disposal sites for the discharge of dredged or fill material associated with mining the Pebble Deposit ("Determination").

The Tribal Caucus has consistently supported EPA's 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 15,000 jobs and add \$2.2 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. EPA has a trust responsibility to ensure that these communities are protected.

The Tribal Caucus strongly support's 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.

EPA's Determination has broad support. More than 65 percent of Alaskans, 80 percent of Bristol Bay residents and Native communities, and 85 percent of commercial fishermen oppose the Pebble Mine. Because of its great, ecological, economic, and cultural value, we continue to support the 404(c) Determination.

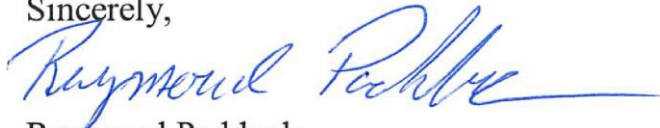
The Bristol Bay watershed is home to 25 federally recognized tribal governments who have maintained a salmon-based culture and subsistence-based way of life for at least 4,000 years that would be placed in jeopardy if the determination is withdrawn. Tribes in Bristol Bay utilize many culturally significant plants, fish, and animals that need to be taken into account when addressing EPA's trust responsibilities and protection of our water. Tribal people have subsisted on these plants and animals for millennia, and we continue to do so today.

It is the responsibility of EPA to provide protections to these important resources, to uphold its trust responsibilities and work to protect Tribal people and Tribal lifeways. Large-scale open-pit mining in Alaska's Bristol Bay would permanently damage this unique and irreplaceable landscape. Years of robust scientific study show that this is the wrong mine in the wrong place.

Given the serious impacts of the project on tribal communities that depend upon the watershed's salmon, the Tribal Caucus reiterates its previous recommendation that EPA continue to move forward in exercising its authority under CWA §404(c). The Tribal Caucus believes that the discharge of any dredged material should be prohibited absent conclusive, peer-reviewed findings that the discharge of materials will not adversely impact the health of the watershed and the salmon upon which many communities depend.

The RTOC appreciates your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Raymond Paddock". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Raymond Paddock

Region 10 RTOC, Tribal Caucus Co-chair