To: adm15.arwheeler.email[adm15.arwheeler.email@epa.gov]
From: Molina, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D19C1D68DA1A4587866E1850F22A6AE5-MOLINA, MIC]
Sent: Thur 9/13/2018 11:36:10 AM (UTC)
Subject: FW: updated recusal statement
Wheeler updated recusal statement.docx

I assume Matt already sent this to you...MM

From: Fugh, Justina
Sent: Wednesday, September 12, 2018 5:11 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: Molina, Michael <molina.michael@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: updated recusal statement

Hi there,
I'm sorry, I didn't realize that we had some unfinished business. I apologize for the oversight. Attached is an updated recusal statement for you to consider and sign. I will bring hard copy to your office too. Again, I'm sorry for the oversight.
Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Darwin, Henry[darwin.henry@epa.gov]
From: Peter Robertson[peterrobertson@pebblepartnership.com]
Sent: Wed 10/10/2018 4:01:01 PM (UTC)
Subject: recusal question

Henry,

Just circling back with you to see if you have any update on the recusal question we discussed in our last call?

Thanks.

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

To: Darwin, Henry[darwin.henry@epa.gov]
From: Peter Robertson[peterrobertson@pebblepartnership.com]
Sent: Thur 10/4/2018 6:16:12 PM (UTC)
Subject: Re: Circling back

absolutely!! You know, when I had your job, I never minded having a meeting taken OFF my calendar!!

Do you want to call me or want me to call your office?

My office is 202-629-3392; cell is Ex. 6 Personal Privacy (PP)

Thanks!

Peter

From: Darwin, Henry <darwin.henry@epa.gov>
Sent: Thursday, October 4, 2018 2:09:25 PM
To: Peter Robertson
Subject: RE: Circling back

Can you do a call at 2:30? I had a meeting canceled and now have time then.

Henry

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Thursday, October 4, 2018 1:46 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Subject: Circling back

Henry,

Circling back with you to see whether we can catch up this afternoon or tomorrow to discuss our issues briefly. Is there a time that will work for you? Thanks so much, Henry.

Peter

Peter D. Robertson
202-629-3392
Sent from my iPhone

To: Darwin, Henry[darwin.henry@epa.gov]
From: Peter Robertson[peterrobertson@pebblepartnership.com]
Sent: Sat 8/18/2018 4:07:58 AM (UTC)
Subject: Thanks

Henry,

I wanted to thank you again for your time in meeting with us when Tom Collier was in town. I also wanted to let you know that we met today with the Agency's General Counsel to further discuss some of the legal issues associated with the Proposed Determination.

We look forward to speaking with you again about this issue at an appropriate time, once you have had a chance to further consider our discussions and talk with EPA staff.

Best wishes and thanks again.

Peter Robertson

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

To: Peter Robertson[peterrobertson@pebblepartnership.com]
From: Darwin, Henry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7AE8E9D24EEB4132B25982E358EFBD9D-DARWIN, HEN]
Sent: Tue 9/18/2018 4:25:18 PM (UTC)
Subject: RE: follow up

Thanks Peter. I will be in touch soon. We are in the midst of trying to figure a few things out before I get back to you.

Henry

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Tuesday, September 18, 2018 12:06 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Subject: Re: follow up

Henry,

I just left a voice mail message for you. I thought I should also follow up with another email as well.

My telephone numbers are: office -- 202-629-3392; cell Ex. 6 Personal Privacy (PP) I'm happy to do a call almost any time that suits you, including well after regular business hours.

Thanks.

Peter Robertson

From: Peter Robertson
Sent: Wednesday, September 12, 2018 3:14:57 PM
To: darwin.henry@epa.gov
Subject: follow up

Henry,

I wanted to thank you again for meeting with my CEO Tom Collier and me last month.

I've also just spoken with Steve Owens about your conversation, and am wondering whether you and I can follow up with a short phone call.

I'm happy to do it at nearly any time, including well after regular work hours if that best accommodates your busy daytime

schedule. Let me know what might work best for you.

Thanks so much.

Sincerely,

Peter Robertson

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 7/25/2018 6:40:29 PM
To: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: Hearing Qs & As
Attachments: Hearing Q&A.docx

Sven, please find attached the Hearing Qs &As for OW's topics. Lee has approved. As mentioned earlier we are working on a paper and QA&A for Conduit now and I'll have that too you as soon as possible.

Ann Campbell
Chief of Staff (acting)
Office of Water

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]
Sent: Thur 6/27/2019 1:52:06 PM (UTC)
Subject: RE: Might be late to Pebble VTC

Thanks; Matt and I are discussing whether to move forward with the VTC. Steve Neugeboren is now recommending against having it.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee
Sent: Thursday, June 27, 2019 9:13 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Might be late to Pebble VTC

Matt and David,

I might be a few minutes late to the Pebble VTC today at 1:30. I have to attend Ryan Jackson's Weekly Planning meeting for OW at 1:00. Those meetings are scheduled for 45 minutes but frequently end sooner than that. I will come as soon as possible.

Respectfully,
Lee

Message

From: Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Sent: 9/12/2018 2:47:04 PM
To: Schwab, Justin [Schwab.Justin@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: USACE pebble scoping released last week
Attachments: Scoping-Report_20180831-1.pdf

Hi Justin -

The report is attached. Let us know if you need anything else.

Best,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

-----Original Message-----
From: Schwab, Justin
Sent: Tuesday, September 11, 2018 8:43 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: USACE pebble scoping released last week

OK, thanks. Please send me the report if you have it handy.

-----Original Message-----
From: Nalven, Heidi
Sent: Tuesday, September 11, 2018 2:01 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: USACE pebble scoping released last week

Hi Justin,

Sorry for the delayed response. I don't think there's much to discuss at this point. The Corps' scoping report summarizes the comments it received during the public comment period. I checked in the Region and I don't think there's an immediate to do at this point but we will let you know if anything changes.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

-----Original Message-----
From: Schwab, Justin
Sent: Tuesday, September 04, 2018 6:01 PM
To: Hoppe, Allison <hoppe.allison@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: USACE pebble scoping released last week

Anything we should discuss at this stage?

Sent from my iPhone

To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Schwab, Justin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: Fri 9/14/2018 2:04:08 AM (UTC)
Subject: Re: Draft straw-man timeline for withdrawal of Proposed Determination

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 13, 2018, at 8:31 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

DELIBERATIVE—DO NOT RELEASE

Matt:

I've drafted the attached straw-man timeline **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Please let me know if you have any feedback before I share a copy with Ryan. Copying Justin for his thoughts and suggestions.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

<Draft straw timeline to propose withdrawal of EPA.docx>

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 9/14/2018 1:12:42 PM
To: Ryan Jackson (jackson.ryan@epa.gov) [jackson.ryan@epa.gov]
Subject: Draft withdrawal timeline
Attachments: Draft straw timeline to propose withdrawal of EPA.docx

DELIBERATIVE—DO NOT RELEASE

Ryan: Per our discussion, please see the attached straw-man timeline for proposing to withdraw the proposed determination.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Stern, Allyn[Stern.Allyn@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 7/11/2019 3:36:14 PM (UTC)
Subject: Re: For your review: Draft withdrawal notice for 3pm meeting

Got it

Sent from my iPhone

On Jul 10, 2019, at 5:40 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:

Hi Chris - definitely go ahead and take a look at the current draft but Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) f you have concerns or see anything in the draft that you have questions about, let us know and we can get them addressed.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 10, 2019, at 4:50 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Chris –

I added you to the meeting with David Fotouhi tomorrow, which is at noon our time. I'll ensure that a call in number gets added. If anyone else wants to join Allyn and I let me know.

Attached is the draft notice withdrawing the Proposed Determination that was sent to David Fotouhi. Let me know if you have comments or questions.

The goal is to have a version ready for Matt by tomorrow evening.

Thanks,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Wednesday, July 10, 2019 4:44 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: For your review: Draft withdrawal notice for 3pm meeting

David – Attached is a draft withdrawal notice based on your outline below. As you will see, there are a few areas there require additional work. I have included comment bubbles to explain some of our thinking and highlight the parts we are still working through. We look forward to your feedback at our

3:00 discussion tomorrow.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

<Draft - Withdrawal of 2014 Proposed Determination_10July2019.docx>

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 7/11/2019 12:29:33 AM (UTC)
Subject: Re: For your review: Draft withdrawal notice for 3pm meeting

Thanks Ashley have a good evening

Sent from my iPhone

On Jul 10, 2019, at 4:50 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Chris –

I added you to the meeting with David Fotouhi tomorrow, which is at noon our time. I'll ensure that a call in number gets added. If anyone else wants to join Allyn and I let me know.

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Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Wednesday, July 10, 2019 4:44 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
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Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

<Draft - Withdrawal of 2014 Proposed Determination_10July2019.docx>

To: Stern, Allyn[Stern.Allyn@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 7/11/2019 6:21:26 PM (UTC)
Subject: Re: For your review: Draft withdrawal notice for 3pm meeting

No

Sent from my iPhone

On Jul 11, 2019, at 11:18 AM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 11, 2019, at 8:57 AM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Jul 10, 2019, at 5:40 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:

Hi Chris - definitely go ahead and take a look at the current draft but Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) If you have concerns or see anything in the draft that you have questions about, let us know and we can get them addressed.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 10, 2019, at 4:50 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Chris –

I added you to the meeting with David Fotouhi tomorrow, which is at noon our time. I'll ensure that a call in number gets added. If anyone else wants to join Allyn and I let me know.

Attached is the draft notice withdrawing the Proposed Determination that was sent to David Fotouhi. Let me know if you have comments or questions.

The goal is to have a version ready for Matt by tomorrow evening.

Thanks,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Wednesday, July 10, 2019 4:44 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: For your review: Draft withdrawal notice for 3pm meeting

David – Attached is a draft withdrawal notice based on your outline below. As you will see, there are a few areas there require additional work. I have included comment bubbles to explain some of our thinking and highlight the parts we are still working through. We look forward to your feedback at our 3:00 discussion tomorrow.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

<Draft - Withdrawal of 2014 Proposed Determination_10July2019.docx>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Resuming consideration of the withdrawal of the July 2014 Proposed Determination to restrict use of the Pebble Deposit Area as a disposal site

FROM: Matthew Z. Leopold, General Counsel

TO: Chris Hladick, Regional Administrator, Region 10

As you know, in July 2014, Region 10 issued a Proposed Determination under section 404(c) of the Clean Water Act (CWA) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. Five years later, the 2014 Proposed Determination is still pending, but there have been several other significant developments over that time including: a lawsuit challenging EPA's process for developing the 2014 Proposed Determination and a related settlement, a permit application to the U.S. Army Corps of Engineers (Corps), additional direction from the former EPA Administrator in January 2018, and a lengthy Draft Environmental Impact Statement (DEIS) which is currently subject to public comment. EPA must at all times be committed to advancing a fair and predictable process on matters it is considering for both the project proponents and the public in a manner that allows views to be presented and adequately considered. We must also maintain fidelity to our core mission of protecting human health and the environment while working within the statutory authority provided to the Agency by Congress. We should also attempt to discharge our obligations in a manner that reduces confusion and uncertainty surrounding arcane regulatory processes.

In keeping with these principles and for the reasons that follow, I am directing Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination to restrict the use of the Pebble Deposit Area as a disposal site under CWA section 404(c). The Region should also reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the current public comment opportunity on the more than 1,400-page DEIS. In addition, as the Region works to finalize EPA's Clean Water Act section 404 comment letter to the Corps on the proposed mining project, which is due on July 1, 2019, Region 10 should invoke the elevation procedures established between EPA and the Army if the factual analysis leads to a conclusion that the requisite standard is satisfied. The elevation procedure is the

ED_002890_00052044-00001 Bristol Bay/Pebble Mine 2019 FOIAs_Production014

longstanding, well-understood, and agreed-upon process that the agencies have utilized for more than two decades if a project as proposed may result in substantial and unacceptable impacts to aquatic resources of national importance. As you know, the elevation procedure is exercised in conjunction with a pending permit application, not preemptively, and when circumstances justify, it allows EPA to continue to work with the Corps as it considers public comments and develops the Record of Decision on the permit.

By making an up-or-down decision on the 2014 Proposed Determination and by invoking these well-understood elevation procedures, Region 10 can discharge its obligations under the law and take two significant steps toward restoring normal order to this protracted and uncertain process.

I. Background

EPA agreed to initiate a process to propose to withdraw the 2014 Proposed Determination as part of a May 2017 settlement agreement with the Pebble Limited Partnership (PLP), whose subsidiaries own the mineral claims to the Pebble deposit. The settlement agreement resolved PLP's outstanding legal claims against EPA. In July 2017, Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed.

In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including EPA, to cooperate on the development of the DEIS under the National Environmental Policy Act ("NEPA"). The Corps released a DEIS for public comment in February 2019; this public comment period is scheduled to close on July 1, 2019.

On January 26, 2018, EPA announced that it was "suspending th[e] withdrawal proceeding and leaving the [2014] Proposed Determination in place" at that time. EPA's decision neither terminated the withdrawal proceeding nor advanced to the next stage of the regulatory process. Rather, the action "suspend[ed] the proceeding to withdraw the 2014 Proposed Determination and le[ft] that Determination in place" subject to future action by the Agency. At that time, Region 10 indicated an intent "at a future time to solicit public comment on what further steps, if any, the Agency should take in the section 404(c) process."

On March 22, 2019, the EPA Administrator signed a one-time delegation of authority to the General Counsel to "perform all functions and responsibilities retained by the Administrator or previously delegated to the Assistant Administrator for Water related to the Pebble Deposit Area, Southwest Alaska," which includes the pending 404(c) action and withdrawal proceeding.

II. Resumption of withdrawal proceeding

By this memorandum, I am directing Region 10 to continue its deliberations regarding whether to withdraw the 2014 Proposed Determination or, alternatively, decide to leave the 2014 Proposed Determination in place. This step is appropriate for several reasons.

ED_002890_00052044-00002 Bristol Bay/Pebble Mine 2019 FOIAs_Production014

As part of EPA's settlement agreement with PLP, EPA committed to "initiate *a process* to propose to withdraw the 2014 Proposed Determination." Although EPA has discharged this obligation by Region 10 issuing the July 2017 notice, the subsequent "suspension" calls this "process" into question, particularly given that EPA's regulations governing the exercise of section 404(c) neither use the phrase nor contemplate a "suspension." To resolve any ambiguity about EPA's full compliance with the regulations and settlement agreement, lifting the suspension is appropriate.

Furthermore, the continued "suspension" causes confusion about the status of the 2014 Proposed Determination, PLP's permit application, and the withdrawal proceeding itself. EPA's regulations provide a specific time period for the Regional Administrator to decide whether to withdraw the 2014 Proposed Determination or prepare a Recommended Determination. In consultation with the former Administrator, Region 10 extended those time frames and allowed for an additional public comment period. Some members of the public appear to have interpreted EPA's "suspension" as a final decision on the withdrawal proceeding, which it was not. Other members of the public misunderstood EPA's "suspension" as a final decision on PLP's permit application to the Corps, which it was not. Thus, to remove any confusion and uncertainty, Region 10 should lift the "suspension" and withdraw the 2014 Proposed Determination or decide to leave it in place. By making a decision one way or the other, the Region will provide much-needed clarity and transparency to the public on this issue.

Additionally, the Agency has significant new information to inform its decision-making. At the time Region 10 suspended the withdrawal proceeding—just one month after PLP's permit application was submitted to the Corps—the Agency had yet to review the application and associated supporting documents in detail. It is now undertaking this review as a part of its work under NEPA and the CWA. The Agency's review, in conjunction with its analysis of the Corps' DEIS, gives me confidence that the permit review process can inform the Region's consideration of whether to withdraw the 2014 Proposed Determination.

III. Reevaluation of additional comment period

At the time the Region suspended the withdrawal proceeding, it indicated that it would seek additional public comment voluntarily "at a future time . . . on what further steps, if any, the Agency should take in the section 404(c) process." The Region, however, did not specify when it would seek additional public comment, what would be the scope of the public comments sought, and what would be the purpose of seeking additional comment. The Region should reevaluate the need for additional comment in light of the multiple rounds of public comment periods that the Agency has undertaken since 2011 regarding potential mining of the Pebble deposit. Indeed, the Region solicited public comments on the draft Bristol Bay Watershed Assessment in 2012 and 2013 and received approximately 1.1 million comments. The Agency solicited public comments on the Proposed Determination in 2014 and received approximately 670,000 comments. And the July 2017 notice proposing to withdraw the 2014 Proposed Determination elicited another 1 million public comments. Most recently, the public now has had an opportunity to provide the Corps with comments on its DEIS as part of the Corps' compliance with the NEPA process in consideration of PLP's permit application. The Region

should consider whether these public comment opportunities, when considered in conjunction with the millions of public comments previously submitted to the Agency, eliminate the need for yet another public comment period on the decision either to withdraw the 2014 Proposed Determination or to leave it in place.

IV. Invocation of EPA-Army procedures

As described above, EPA Headquarters and Region 10 are undertaking a thorough review of PLP's permit application, the Corps' DEIS, and supporting documentation. As you and your staff work to finalize the comment letter to the Corps regarding its public notice on the proposed mining project in the Pebble Deposit Area, Region 10 should invoke the elevation procedures under the 1992 Memorandum of Agreement ("MOA") between EPA and the Army implementing section 404(q) of the CWA if EPA's factual analysis leads it to conclude that the standard in section IV(3)(a) of the MOA is satisfied. Under the MOA, the first step in the elevation process involves EPA sending the Corps a letter within the public comment period if it determines at that time that the project "may result in substantial and unacceptable impacts to aquatic resources of national importance." As you finalize your review and analysis at this stage of the process, I encourage you to invoke this well-understood procedure in the MOA, as appropriate, to enable EPA's continuing role in the Corps' section 404 permit review process.

Sincerely,

Matthew Z. Leopold
General Counsel

ED_002890_00052044-00004 Bristol Bay/Pebble Mine 2019 FOIAs_Production014

To: Hough, Palmer[Hough.Palmer@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 5/21/2018 8:16:51 PM (UTC)
Subject: FW: QFRs Calvert 28-32
CAL - 028-032_WLO.docx

FYI

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Palomaki, Ashley
Sent: Monday, May 21, 2018 10:58 AM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: FW: QFRs Calvert 28-32

Hi –

Just flagging that the QFRs made it back to OGC and **Ex. 5 Deliberative Process (DP)** OGC's edited version is attached.

The language is:

Ex. 5 AC/DP

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Monday, May 21, 2018 10:09 AM
To: Logan, Shanita <logan.shanita@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Lindo, Talitha <lindo.talitha@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: QFRs Calvert 28-32

Hi Shanita,

I have attached edits and comments from me and Carrie per your direction. Please let me know if you need anything further.

Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Logan, Shanita
Sent: Friday, May 18, 2018 6:05 PM
To: Green, Noelle <Green.Noelle@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Lindo, Talitha <lindo.talitha@epa.gov>
Subject: QFRs Calvert 28-32

All,
The attached QFR(s) has been forwarded for your review, feedback and/or concurrence. Please use one of the following reply options:

1. No comments/feedback (single or multiple QFR's) – Select the **Comment icon** and simply type **concur;**
2. Comment(s) to a single question– Use **Track Changes** and/or **Comment icon** to insert all comments and feedback into the Word document.
3. Combined set of questions - Within the same document, please select the **Comment icon** to **concur**; and use **Track Changes** and/or **Comment icon** to insert all comments and feedback – see example below

Responses are due by **cob, May 22, 2018**. Please forward all Word documents to RMO's Budget team: Shanita Logan (logan.shanita@epa.gov) and Talitha Lindo (lindo.talitha@epa.gov) .
Thanks.
Shanita Logan
202-564-0227

Ex. 5 Deliberative Process (DP)

Pebble Project EIS

DRAFT Spill Risk Technical Meeting Agenda
Wednesday July 31, 2019, 8am-5pm
Hotel Captain Cook, Endeavor Room
939 W 5th Ave, Anchorage, AK 99501
Teleconference Dial In: **Ex. 6 Personal Privacy (PP)**

Draft Agenda[1]

8-8:30am: Room open, coffee and tea provided

8:30-8:45am: Welcome, Safety, Introductions, Meeting Format

8:45-9:15am: Tailings Storage and Releases: Process/Analysis

- AK Dam Permitting Process
- FMEA Process/Scenario Selection
- Physical Impacts: Sedimentation/Acid Generation/Metals Leaching

9:15-10:30am: Tailings Release Comments: Risk

- No analysis of complete dam failure
- Risk of TSF Failure in perpetuity/ expanded mine development
- Seismic risk
- Downstream vs Centerline dam construction

10:30-10:45am: Break, coffee and tea provided

10:45-12:00pm: Tailings Release Comments: Impacts

- Downstream impacts, particularly fish
- Bioavailability of metals
- Mt. Polley example
- Potential discussion of Main Water Management Pond/Untreated Contact Water Release

12-12:30pm: Lunch served to participants on site[2]

12:30-1:30pm: Concentrate Spills/Transport/Fugitive Dust

1:30PM-2:30pm: Spills from Ferry/Level of Analysis

2:30-2:45pm: Break, coffee, tea, and snacks provided

---

[1] This agenda is draft. A final agenda will be prepared and distributed with additional detail on subtopics after the close of the comment period.
[2] Gluten free and vegetarian selections available. Agency participants may contribute if required by policies.

2:45-3:45pm: Diesel spills/Marine and Lake

3:45-4:15pm: Natural Gas releases/Pipeline Hazards

4:15-4:45pm: Reagent spills and transport; Sodium Ethyl Xanthate (scoping comment)

4:45-5pm: Wrap and close

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 9/20/2018 6:42:27 PM
To: Resper, Wanda [Resper.Wanda@epa.gov]
Subject: FW: Draft response to 8/22 control from Lamar Smith (House Science)
Attachments: Lamar Smith_8Aug2018_18-001-0481.pdf; Lamar Smith - House Science_draft reponse.docx

Wanda – FYI - I've got a draft response to the Smith control under review by Russ and Brian

---

From: Hough, Palmer
Sent: Thursday, September 20, 2018 12:06 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: Draft response to 8/22 control from Lamar Smith (House Science)

Russ/Brian

Attached for your review is the draft response the 8/22 control from Lamar Smith that I received yesterday. Smith reiterates his request that EPA withdraw the 2014 BB Proposed Determination. The requests/questions in the Smith letter are a nice fit for the language from the final Western Caucus response edited by OW so this draft borrows very heavily from that OW-approved language.

Let me know if you have any edits.

Thanks, Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 7/19/2018 4:14:56 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Valente, Betsy [Valente.Betsy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]; Redford, David [Redford.David@epa.gov]
Subject: RE: ACTION: Update OW Fact Sheets for Administrator hearing by 7/23
Attachments: Bristol Bay-Pebble Mine 404c_7-19-18 redline.docx

Mindy

The BB factsheet you sent was from April, I decided to start with the BB factsheet that was finalized for Congressional hearings in May (Dated May 11).

Let me know if you have comments/edits.

Thanks, Palmer

Bristol Bay-Pebble Mine 404c_7-19-...

From: Eisenberg, Mindy
Sent: Thursday, July 19, 2018 11:43 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Valente, Betsy <Valente.Betsy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Miller, Clay <Miller.Clay@epa.gov>; Redford, David <Redford.David@epa.gov>
Subject: ACTION: Update OW Fact Sheets for Administrator hearing by 7/23
Importance: High

Hi folks,
We've been asked to update some fact sheets for an upcoming hearing – Bristol, LIS disposal site, and permitting. Please send me your edits by noon Monday.

Thanks!

<< File: OW-5.docx >> << File: OW-19.docx >> << File: OW-39.docx >>

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 9/14/2018 1:12:42 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Draft withdrawal timeline
Attachments: Draft straw timeline to propose withdrawal of EPA.docx

DELIBERATIVE—DO NOT RELEASE

Ryan: Per our discussion, please see the attached straw-man timeline for proposing to withdraw the proposed determination.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Marshall, Tom[marshall.tom@epa.gov]
From: Simons, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=652DA36FEB75460DA864EF6504AE0F42-ASIMONS]
Sent: Mon 7/1/2019 10:07:10 PM (UTC)
Subject: Re: Minor Pebble endgame, but means you can delete my voicemail. nm FW: Pebble draft 404 and DEIS letters

K. Let me know if things change and you want to chat. Should be able to pick up now.

Andrew Simons
202-564-3649

Sent from my iPhone

On Jul 1, 2019, at 5:42 PM, Marshall, Tom <marshall.tom@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David
Sent: Monday, July 01, 2019 5:36 PM
To: Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

I have nothing further on the NEPA cover letter. In the 404 cover letter, the end of the first paragraph should read

Ex. 5 Deliberative Process (DP)

I am reviewing the revised draft enclosures now and send any comments in a separate email shortly.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David

Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

David and Matt – per your request, I'm transmitting the attached versions of the NEPA and 404 letters (and enclosures) that identify where the letters diverge from the edits we received from you (per the email transmittal below) last Friday.

We have attempted to include in comment bubbles the rationale for diverging from the last versions and your latest edits to those versions. (Where we have accepted your latest edits, we have simply accepted the change in Word, so these accepted edits do not appear as redlined text).

Please let me know if any of the modifications described in these documents present concerns for you.

<image001.png>

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know.

Ex. 5 Deliberative Process (DP)

I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

To: Simons, Andrew[Simons.Andrew@epa.gov]
From: Marshall, Tom[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D29134E5E32489B9AB0AEB262F55075-TMARSHAL]
Sent: Mon 7/1/2019 10:33:03 PM (UTC)
Subject: FW: Pebble draft 404 and DEIS letters

See below, in case you see me leaving (running?) tonight and notice the color of my shirt has changed to dark blue from being soaked in sweat. . .

From: Marshall, Tom
Sent: Monday, July 01, 2019 6:30 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Sorry for the un-synched timing here, but on the NEPA enclosure, we'd flagged for David F. the following sentence Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thanks.

Tom Marshall
Assistant General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
US EPA, Room 7340C WJCN
202.564.5549

From: Fotouhi, David
Sent: Monday, July 01, 2019 5:58 PM
To: Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Only one comment from me to the 404 enclosure: Ex. 5 Deliberative Process (DP) The other changes look okay. No further comments from me to the NEPA enclosure. Thanks to all of you for turning these documents over the weekend and today.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
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R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
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To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

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The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

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Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

To: Allison Hoppe (hoppe.allison@epa.gov)[hoppe.allison@epa.gov]; Ashley Palomaki (Palomaki.Ashley@epa.gov)[Palomaki.Ashley@epa.gov]
Cc: David Allnutt (Allnutt.David@epa.gov)[Allnutt.David@epa.gov]; Molly Vaughan (Vaughan.Molly@epa.gov)[Vaughan.Molly@epa.gov]
Sent: Tue 8/13/2019 5:59:14 PM (UTC)
Subject: FW: Pebble draft 404 and DEIS letters
EDIT PLP DEIS Enclosure_21June2019 draft.docx

Hi Allison –
Molly and I have a question regarding some of Justin's comments on the DEIS enclosure. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

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Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi i Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

To: Szerlog, Michael[Szerlog.Michael@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]
Cc: Allnutt, David[Allnutt.David@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
Sent: Mon 6/24/2019 8:22:13 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

Ex. 5 Deliberative Process (DP)

From: Szerlog, Michael
Sent: Monday, June 24, 2019 1:13 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

All,

Ex. 5 Deliberative Process (DP)

Thanks

Michael J. Szerlog, Manager
Wetlands & Oceans Section
Standards, Assessment & Watershed Management Branch, Water Division
Environmental Protection Agency
1200 Sixth Avenue, Suite 155, Mailstop 14-D12
Seattle, Washington 98101
(206) 553-0279, szerlog.michael@epa.gov

Region 10 strives to be a fragrance-free workplace. In an effort to improve indoor air quality for our colleagues, please refrain from using perfume, cologne, essential oils, scented after-shave, lotion and other fragrant personal care products. Thank you.

From: Allnutt, David
Sent: Monday, June 24, 2019 12:58 PM
To: Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10

1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Stern, Allyn
Sent: Monday, June 24, 2019 11:06 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: Re: Pebble draft 404 and DEIS letters

Can you email or do you want to have a call?

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov
On Jun 24, 2019, at 10:19 AM, Allnutt, David <Allnutt.David@epa.gov> wrote:

> Have some thoughts on the new language in the cover letter. How best to convey?
>
> Sent from my iPhone
> On Jun 21, 2019, at 9:47 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:
>
>> Ashley - thank you for this very helpful summary of where things stand.
>>
>> Ashley, Patty, and Matt - this is excellent work and I really appreciate your ability to write and re-write and re-write and write again to develop a work product that will satisfy Matt and maintain the integrity of the analysis you have all put so much effort into. I plan to review in more depth this weekend.
>>
>> Allyn Stern
>> Regional Counsel
>> US EPA Region 10
>> 206-553-1223
>> stern.allyn@epa.gov
>> On Jun 21, 2019, at 5:04 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:
>>
>>> Hi –
>>>
>>> It sounds likely that we are going to be going through one more round of edits with David Fotouhi next week. Given that staff worked on these letters right up until they were sent, I wanted to highlight where we are.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Happy weekend.

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: McGrath, Patricia
Sent: Friday, June 21, 2019 3:31 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters

All - FYI

From: McGrath, Patricia
Sent: Friday, June 21, 2019 3:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; David Allnutt (Allnutt.David@epa.gov) <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

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Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

To: McGrath, Patricia[mcgrath.patricia@epa.gov]
Cc: POA Special Projects[poaspecialprojects@usace.army.mil]; Vaughan, Molly[Vaughan.Molly@epa.gov]
From: Bella, Elizabeth[elizabeth.bella@aecom.com]
Sent: Mon 6/10/2019 5:45:54 PM (UTC)
Subject: RE: Pebble Project EIS Spill Risk Technical Meeting

Thanks Patty. We are close to making this change. I will send out a confirmation email to all the agencies soon.

Elizabeth Bella, PhD
Planning Group Leader
office (907) 261-9737 cel Ex. 6 Personal Privacy (PP)
elizabeth.bella@aecom.com

AECOM
700 G Street, Suite 500, Anchorage, AK 99501
office (907) 562-3366
www.aecom.com

From: McGrath, Patricia [mailto:mcgrath.patricia@epa.gov]
Sent: Monday, June 10, 2019 8:49 AM
To: Bella, Elizabeth
Cc: POA Special Projects; Vaughan, Molly
Subject: RE: Pebble Project EIS Spill Risk Technical Meeting

Hi Elizabeth-

EPA can participate in a spill risk meeting on July 31. As summer is getting busy for folks, please let us know if this change is confirmed.

Thanks-

Patty

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

From: Bella, Elizabeth <elizabeth.bella@aecom.com>
Sent: Friday, June 7, 2019 3:26 PM
To: Bella, Elizabeth <elizabeth.bella@aecom.com>; Craig, Bill <bill.m.craig@aecom.com>; Payne, Allison <allison.payne@aecom.com>; Darigo, Nancy <nancy.darigo@aecom.com>; Cornelison, Wes <wes.cornelison@aecom.com>; Delaney, Daniel <daniel.delaney@aecom.com>; Wright, Cara <cara.wright@aecom.com>; USACE Pebble Project EIS (poaspecialprojects@usace.army.mil) <poaspecialprojects@usace.army.mil>; jeddins@achp.gov; kyle.monkelien@bsee.gov; McCall, John <john.mccall@bsee.gov>; Curyung Tribal <courtenay@curyungtribe.com>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; bobl@jadenorth.com; Wesley Furlong <wfurlong@narf.org>; Joan Kluwe (joan_kluwe@nps.gov) <joan_kluwe@nps.gov>; Daugherty, Linda (PHMSA) <linda.daugherty@dot.gov>; Hassell, David (PHMSA) <david.hassell@dot.gov>; Moselle, Kyle W (DNR) <kyle.moselle@alaska.gov>; David Seris (David.M.Seris@uscg.mil) <David.M.Seris@uscg.mil>; catherine_yeargan@fws.gov; manager@lakeandpen.com; Douglass Cooper <douglass_cooper@fws.gov>; nondaltontribe@yahoo.com; susanne_green@nps.gov; Brooke Merrell <brooke_merrell@nps.gov>; sharon_kim@nps.gov; Tim Havey <timhavey@pebblepartnership.com>; James Fueg <jamesfueg@pebblepartnership.com>
Subject: Pebble Project EIS Spill Risk Technical Meeting

Hi all,

We have a proposal due to a scheduling issue to move the date of the Pebble Project EIS Spill Risk technical meeting from Tuesday August 6 to Wednesday July 31.

Note that the full schedule would then be: Monday July 29-Social; Tuesday July 30-NEPA Mitigation; Wednesday July 31-Spill Risk; Friday August 2-Physical; and Tuesday August 13-Biological.

Please reply back to me to indicate if Wednesday July 31st is possible for your agency's participation.

Thank you,

Elizabeth

Elizabeth Bella, PhD
Planning Group Leader
office (907) 261-9737 cel Ex. 6 Personal Privacy (PP)
elizabeth.bella@aecom.com

AECOM
700 G Street, Suite 500, Anchorage, AK 99501
office (907) 562-3366
www.aecom.com

Pebble Project EIS

Physical Resources Technical Meeting Agenda
Friday August 2, 2019, 8am-5pm
Hotel Captain Cook, Endeavor Room
939 W 5th Ave, Anchorage, AK 99501
Teleconference via Microsoft Teams Ex. 6 Personal Privacy (PP) Conference ID Ex. 6 Personal Privacy (PP)

Agenda

8:00-8:30am: Room open, coffee and tea provided

8:30-8:45am: Welcome, Safety, Introductions, Meeting Format

8:45-10:30am: Topic 1: Groundwater Concerns

- SOC 1. Groundwater model uncertainties – Effects of uncertainties on EIS predictions.
- SOC 2. Bulk TSF groundwater conditions – Water table changes, leakage, and flow system containment.
- SOC 3. TSF and WMP dam foundation – During construction, dewatering, treatment, storage, discharge, and impacts.

10:30-10:45am: Break, coffee and tea provided

10:45am-11:15am **Topic 1: Groundwater Concerns (continued)**

- SOC 4. TSF and WMP Groundwater – Leakage, monitoring, and capture of groundwater from beneath TSFs and WMPs.

11:15-12:00pm: **Topic 2: Pit Lake at Closure and Post-Closure**

- SOC 5. Pit Lake Management – Proposed managed lake level and sustaining the groundwater sink long-term

12-12:30pm: Lunch served to participants on site[1]

12:30-1:30pm: **Topic 3: Copper in Dust**

- SPC 6. Copper in Dust Dispersion Modeling
- SOC 7. Fugitive Dust
- SOC 8. Impacts Of Copper in Dust On Water Quality

1:30-2:30: **Topic 4: Water Quality Modeling**

- SOC 9. Sample Representativeness – Representativeness of samples used to characterize acid rock drainage (ARD) and neutral mine drainage (NMD), and the effect on anticipated ARD, NMD and metal/metalloid leaching potential and associated impacts.

2:30-2:45pm: Break, coffee, tea, and snacks provided

2:30-3:30pm: **Topic 4: Water Quality Modeling (continued)**

- SOC 10. Geochemical characterization process details:
  - Assumptions on PAG vs. NPAG ratios are not conservative enough and may underestimate ARD potential
  - Use of dissolved (filtered) vs. total (unfiltered) sample data may underestimate metal/metalloid leaching potential
  - pH inputs may not represent a wide enough range, based on expected mine site pH

[1] Gluten-free and vegetarian selections available. Agency participants may contribute if required by policies.

ED_002890_00099004-00001 Bristol Bay/Pebble Mine 2019 FOIAs_Production014

    - Temperature corrections applied to humidity cell test (HCT) may be lower than actual temperatures in rock piles, resulting in underestimation of leaching rates.
- SOC 11. Uncertainty of the water quality model due to sample representativeness; non-source term inputs and model assumptions (Sensitivity Analysis).

3:30-4:45pm: **Topic 4: Water Treatment Process and Plant Operations**

- SOC 12. Water Treatment Plant Design – Specific design elements of water treatment plants, particularly during closure, are inadequate to assess treatment capacity, effectiveness and discharge effects.
- SOC 13. Potential for Salt Buildup – Buildup in residual brine may impact water treatment effectiveness over time.

4:45-5:00pm: Wrap and Close

To: Craig, Bill[bill.m.craig@aecom.com]; Forland, Sasha[sasha.forland@aecom.com]; Evans, Jessica[jessica.evans@aecom.com]; Isaacs, Jon[jon.isaacs@aecom.com]; Darigo, Nancy[nancy.darigo@aecom.com]; Wright, Cara[cara.wright@aecom.com]; Volper, Kaley[kaley.volper@aecom.com]; USACE Pebble Project EIS (poaspecialprojects@usace.army.mil)[poaspecialprojects@usace.army.mil]; jeddins@achp.gov[jeddins@achp.gov]; kyle.monkelien@bsee.gov[kyle.monkelien@bsee.gov]; McCall, John[john.mccall@bsee.gov]; Curyung Tribal[courtenay@curyungtribe.com]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; bobl@jadenorth.com[bobl@jadenorth.com]; Wesley Furlong[wfurlong@narf.org]; Joan Kluwe (joan_kluwe@nps.gov)[joan_kluwe@nps.gov]; Daugherty, Linda (PHMSA)[linda.daugherty@dot.gov]; Hassell, David (PHMSA)[david.hassell@dot.gov]; Moselle, Kyle W (DNR)[kyle.moselle@alaska.gov]; David Seris (David.M.Seris@uscg.mil)[David.M.Seris@uscg.mil]; catherine_yeargan@fws.gov[catherine_yeargan@fws.gov]; manager@lakeandpen.com[manager@lakeandpen.com]; Douglass Cooper[douglass_cooper@fws.gov]; **Ex. 6 Personal Privacy (PP)** susanne_green@nps.gov[susanne_green@nps.gov]; Brooke Merrell[brooke_merrell@nps.gov]; sharon_kim@nps.gov[sharon_kim@nps.gov]; Tim Havey[timhavey@pebblepartnership.com]; James Fueg[jamesfueg@pebblepartnership.com]; Fisher, Andrew[Andrew.Fisher@aecom.com]; Markway, Heather N CIV USARMY CEPOA (US)[Heather.N.Markway@usace.army.mil]; 'Judy Mcclendon (Judy.L.Mcclendon@usace.army.mil)'[Judy.L.Mcclendon@usace.army.mil]
Cc: Butler, Barbara[Butler.Barbara@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; jennifer_j_spegon@fws.gov[jennifer_j_spegon@fws.gov]; Harper, Kate J (DFG)[kate.harper@alaska.gov]; Ketchum, Brandee CIV USARMY CEPOA (USA)[Brandee.Ketchum@usace.army.mil]; 'kaley.volper@contractor.conocophillips.com'[Kaley.Volper@contractor.conocophillips.com]; peter_neitlich@nps.gov[peter_neitlich@nps.gov]; buck_mangipane@nps.gov[buck_mangipane@nps.gov]; jim_lawler@nps.gov[jim_lawler@nps.gov]
From: Bella, Elizabeth[elizabeth.bella@aecom.com]
Sent: Fri 7/26/2019 6:49:45 PM (UTC)
Subject: RE: Pebble Project EIS NEPA Mitigation Technical Meeting - Tuesday July 30

My mistake – meeting is on Tuesday. Apologies. See below.

Hi all,
A reminder of the Pebble Project EIS NEPA mitigation technical meeting to be held on ~~Monday~~. Tuesday.
Attached is the final agenda and the preliminary SOCs and Responses document.
Please forward to any colleagues who are attending that are not in the To or CC list above.
I am also attaching these two documents to the Outlook calendar invite, which will be visible if you use this program and click on the meeting invite.
Please let me know if you have any additional questions – elizabeth.bella@aecom.com.
Thank you,
Elizabeth
<< File: 07_30_2019_Technical_Meeting_Agenda_NEPA_Mitigation.docx >> << File: Technical_Meeting_SOCs_Responses_NEPA_Mitigation_Final.docx >>

Elizabeth Bella, PhD
Planning Group Leader
office (907) 261-9737 cell **Ex. 6 Personal Privacy (PP)**
elizabeth.bella@aecom.com

AECOM
700 G Street, Suite 500, Anchorage, AK 99501
office (907) 562-3366
www.aecom.com

-----Original Appointment-----
From: Bella, Elizabeth
Sent: Tuesday, June 4, 2019 9:30 AM
To: Bella, Elizabeth; Elizabeth Bella - AECOM (elizabeth.bella@aecom.com); Bill Craig - AECOM (bill.m.craig@aecom.com); Forland, Sasha; Jessica Evans (jessica.evans@aecom.com); Isaacs, Jon (jon.isaacs@aecom.com); Nancy Darigo (nancy.darigo@aecom.com); Wright, Cara; Volper, Kaley (kaley.volper@aecom.com); USACE Pebble Project EIS (poaspecialprojects@usace.army.mil); jeddins@achp.gov; kyle.monkelien@bsee.gov; McCall, John; Curyung Tribal; 'Mcgrath.patricia@epa.gov'; Molly Vaughan; Bob Loeffler; Wesley Furlong; Joan Kluwe (joan_kluwe@nps.gov); Daugherty, Linda (PHMSA); Hassell, David (PHMSA); Moselle, Kyle W (DNR); David Seris (David.M.Seris@uscg.mil); catherine_yeargan@fws.gov; Nathan Hill; Douglass Cooper; Pres William Evanoff; susanne_green@nps.gov; Brooke Merrell; sharon_kim@nps.gov; Tim Havey; James Fueg; Fisher, Andrew; Markway, Heather N CIV USARMY CEPOA (US); Judy Mcclendon (Judy.L.Mcclendon@usace.army.mil)
Cc: Butler, Barbara; LaCroix, Matthew; jennifer_j_spegon@fws.gov; Harper, Kate J (DFG); Ketchum, Brandee CIV USARMY CEPOA (USA); 'kaley.volper@contractor.conocophillips.com'; peter_neitlich@nps.gov; buck_mangipane@nps.gov; jim_lawler@nps.gov

Subject: NEPA Mitigation Technical Meeting
When: Tuesday, July 30, 2019 8:00 AM-5:00 PM (UTC-09:00) Alaska.
Where: Endeavor Room, Captain Cook Hotel

There are two documents attached – the final agenda and the preliminary SOCs and Responses.
Please note that due to the number of anticipated attendees, we will now be in **the Endeavor Room at the Captain Cook Hotel**, 939 W 5th Ave, Anchorage, AK 99501.

<< File: 07_30_2019_Technical_Meeting_Agenda_NEPA_Mitigation.docx >> << File: Technical_Meeting_SOCs_Responses_NEPA_Mitigation_Final.docx >>

Join Microsoft Teams Meeting
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Join with a video conferencing device
Ex. 6 Personal Privacy (PP) VTC Conference ID: Ex. 6 Personal Privacy (PP)
Alternate VTC dialing instructions

To: Bella, Elizabeth[elizabeth.bella@aecom.com]; Craig, Bill[bill.m.craig@aecom.com]; Forland, Sasha[sasha.forland@aecom.com]; Evans, Jessica[jessica.evans@aecom.com]; Isaacs, Jon[jon.isaacs@aecom.com]; Darigo, Nancy[nancy.darigo@aecom.com]; Wright, Cara[cara.wright@aecom.com]; Volper, Kaley[kaley.volper@aecom.com]; USACE Pebble Project EIS (poaspecialprojects@usace.army.mil)[poaspecialprojects@usace.army.mil]; jeddins@achp.gov[jeddins@achp.gov]; kyle.monkelien@bsee.gov[kyle.monkelien@bsee.gov]; McCall, John[john.mccall@bsee.gov]; Curyung Tribal[courtenay@curyungtribe.com]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; bobl@jadenorth.com[bobl@jadenorth.com]; Wesley Furlong[wfurlong@narf.org]; Joan Kluwe (joan_kluwe@nps.gov)[joan_kluwe@nps.gov]; Daugherty, Linda (PHMSA)[linda.daugherty@dot.gov]; Hassell, David (PHMSA)[david.hassell@dot.gov]; Moselle, Kyle W (DNR)[kyle.moselle@alaska.gov]; David Seris (David.M.Seris@uscg.mil)[David.M.Seris@uscg.mil]; catherine_yeargan@fws.gov[catherine_yeargan@fws.gov]; manager@lakeandpen.com[manager@lakeandpen.com]; Douglass Cooper[douglass_cooper@fws.gov]; Ex. 6 Personal Privacy (PP) susanne_green@nps.gov[susanne_green@nps.gov]; Brooke Merrell[brooke_merrell@nps.gov]; sharon_kim@nps.gov[sharon_kim@nps.gov]; Tim Havey[timhavey@pebblepartnership.com]; James Fueg[jamesfueg@pebblepartnership.com]; Fisher, Andrew[Andrew.Fisher@aecom.com]; Markway, Heather N CIV USARMY CEPOA (US)[Heather.N.Markway@usace.army.mil]; 'Judy Mcclendon (Judy.L.Mcclendon@usace.army.mil)'[Judy.L.Mcclendon@usace.army.mil]
Cc: Butler, Barbara[Butler.Barbara@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; jennifer_j_spegon@fws.gov[jennifer_j_spegon@fws.gov]; Harper, Kate J (DFG)[kate.harper@alaska.gov]; Ketchum, Brandee CIV USARMY CEPOA (USA)[Brandee.Ketchum@usace.army.mil]; 'kaley.volper@contractor.conocophillips.com'[Kaley.Volper@contractor.conocophillips.com]; peter_neitlich@nps.gov[peter_neitlich@nps.gov]; buck_mangipane@nps.gov[buck_mangipane@nps.gov]; jim_lawler@nps.gov[jim_lawler@nps.gov]
From: Bella, Elizabeth[elizabeth.bella@aecom.com]
Sent: Fri 7/26/2019 6:46:27 PM (UTC)
Subject: Pebble Project EIS NEPA Mitigation Technical Meeting - Tuesday July 30
07_30_2019_Technical_Meeting_Agenda_NEPA_Mitigation.docx
Technical_Meeting_SOCs_Responses_NEPA_Mitigation_Final.docx

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I am also attaching these two documents to the Outlook calendar invite, which will be visible if you use this program and click on the meeting invite.
Please let me know if you have any additional questions – elizabeth.bella@aecom.com.
Thank you,
Elizabeth

Elizabeth Bella, PhD
Planning Group Leader
office (907) 261-9737 cell Ex. 6 Personal Privacy (PP)
elizabeth.bella@aecom.com

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700 G Street, Suite 500, Anchorage, AK 99501
office (907) 562-3366
www.aecom.com

-----Original Appointment-----
From: Bella, Elizabeth
Sent: Tuesday, June 4, 2019 9:30 AM
To: Bella, Elizabeth; Elizabeth Bella - AECOM (elizabeth.bella@aecom.com); Bill Craig - AECOM (bill.m.craig@aecom.com); Forland, Sasha; Jessica Evans (jessica.evans@aecom.com); Isaacs, Jon (jon.isaacs@aecom.com); Nancy Darigo (nancy.darigo@aecom.com); Wright, Cara; Volper, Kaley (kaley.volper@aecom.com); USACE Pebble Project EIS (poaspecialprojects@usace.army.mil); jeddins@achp.gov; kyle.monkelien@bsee.gov; McCall, John; Curyung Tribal; 'Mcgrath.patricia@epa.gov'; Molly Vaughan; Bob Loeffler; Wesley Furlong; Joan Kluwe (joan_kluwe@nps.gov); Daugherty, Linda (PHMSA); Hassell, David (PHMSA); Moselle, Kyle W (DNR); David Seris (David.M.Seris@uscg.mil); catherine_yeargan@fws.gov; Nathan Hill; Douglass Cooper; Pres William Evanoff; susanne_green@nps.gov; Brooke Merrell; sharon_kim@nps.gov; Tim Havey; James Fueg; Fisher, Andrew; Markway, Heather N CIV USARMY CEPOA (US); Judy Mcclendon (Judy.L.Mcclendon@usace.army.mil)
Cc: Butler, Barbara; LaCroix, Matthew; jennifer_j_spegon@fws.gov; Harper, Kate J (DFG); Ketchum, Brandee CIV USARMY CEPOA (USA); 'kaley.volper@contractor.conocophillips.com'; peter_neitlich@nps.gov; buck_mangipane@nps.gov; jim_lawler@nps.gov
Subject: NEPA Mitigation Technical Meeting

When: Tuesday, July 30, 2019 8:00 AM-5:00 PM (UTC-09:00) Alaska.
Where: Endeavor Room, Captain Cook Hotel

There are two documents attached – the final agenda and the preliminary SOCs and Responses.
Please note that due to the number of anticipated attendees, we will now be in **the Endeavor Room at the Captain Cook Hotel**, 939 W 5th Ave, Anchorage, AK 99501.

<< File: 07_30_2019_Technical_Meeting_Agenda_NEPA_Mitigation.docx >> << File: Technical_Meeting_SOCs_Responses_NEPA_Mitigation_Final.docx >>

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Ex. 6 Personal Privacy (PP) VTC Conference ID: Ex. 6 Personal Privacy (PP)

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Pebble Project EIS

NEPA Mitigation Technical Meeting Agenda
Tuesday July 30, 2019, 8am-5pm
Hotel Captain Cook, Endeavor Room
939 W 5th Ave, Anchorage, AK 99501
Teleconference via Microsoft Teams Ex. 6 Personal Privacy (PP) Conference ID: Ex. 6 Personal Privacy (PP)

Agenda

8-8:30am: Room open, coffee and tea provided

8:30-8:45am: Welcome, Safety, Introductions, Meeting Format

8:45-9:15am: USACE Opening Message and Purpose of Mitigation Workshop

a. Topic of workshop is NEPA mitigation; a status of the CWA compensatory mitigation plan will be presented but is not a topic of this meeting.
b. Primary goal is to develop a complete listing of avoidance and minimization measures for inclusion in the Preliminary FEIS

9:15-9:45am: Review Statements of Concern and Draft Responses

9:45-10:00: Summary of NEPA guidance on mitigation

10:00-10:30am: BMPs, industry standards, and standard permit requirements (EIS Section 5.2.1)

10:30-10:45am: Break, coffee and tea provided

10:45-11:30pm: Applicant's proposed mitigation incorporated into the Project (EIS Section 5.2.2)

11:30-12pm: Additional mitigation identified for agency consideration (EIS Section 5.2.3 and Appendix M)

12-12:30pm: Lunch served to participants on site[1]

12:30-2:30pm: Additional mitigation identified for agency consideration, continued

2:30-2:45pm: Break, coffee, tea, and snacks provided

2:45-4:30pm: Monitoring and adaptive management (EIS Section 5.3.3)

4:30-4:45: Discussion of next steps and review opportunities

[1] Gluten free and vegetarian selections available. Agency participants may contribute if required by policies.

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4:45-5pm: Wrap and close

Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures - **Additional Mitigation**	Additional mitigation, monitoring, and adaptive management measures were suggested to avoid and/or minimize project impacts.	Specific recommendations for additional mitigation, monitoring, and adaptive management measures (that are not already covered by existing design features or measures in Chapter 5) have been added to Appendix M for a comprehensive list of all measures identified during the NEPA process. All suggested measures have been assessed based on three factors described in Chapter 5 (Effective, Jurisdiction/Enforcement, Reasonable), with the goal of disclosing the likelihood that the measures would be adopted by the applicant or implemented as a condition in a state, federal, or local permit by the responsible agencies as part of their permit decisions following completion of the NEPA process.
Mitigation or Monitoring Measures – **BMPs Industry Standards and Permit Requirements**	Comments were received regarding Best Management Practices (BMPs), industry standards, and standard permit requirements that may be required for the Pebble Project.	Chapter 5, Section 5.2.1.2, provides a list of standard BMPs, permit requirements, and/or industry standards that would likely be required for the Pebble Project. This is not intended to be a complete list; rather, it reflects the most predictable actions for this type of project that would be necessary to comply with regulations, and standard permit requirements designed to reduce impacts to the environment. An exhaustive list would provide excessive detail not likely to be informative to the public or useful to the decision maker. However, the list was updated in the FEIS to include a few additional examples.
Mitigation or Monitoring Measures - **Compensatory Mitigation**	Concern was expressed about the lack of detail for compensatory mitigation to offset environmental losses resulting from unavoidable impacts to aquatic resources.	A compensatory mitigation plan is not required for a complete application; however, a mitigation statement is required. Appendix M of the DEIS (M2.0 Applicant's Draft Conceptual Mitigation Plan) provided sufficient information for the public to comment on whether the avoidance and minimization and compensatory mitigation, as proposed, is sufficient to offset the proposed negative impacts to waters of the U.S., and to comment on opportunities for creation, restoration, and enhancement to offset unavoidable impacts to WOUS. An updated Compensatory Mitigation Plan (CMP) outlining the proposed approach for compensatory mitigation is included in Appendix M of the FEIS.

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Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures -**Cultural Resource Management Plan**	Concerns were expressed that the Cultural Resources Management Plan (CRMP) being developing as part of the Section 106 consultation process is not available for alternatives analyses in the EIS. Commenters further stated that the USACE needs to consult with tribes about appropriate ways to avoid, minimize, and mitigate impacts to the tribes' cultural heritage prior to permitting decisions, not afterwards. Comments were also received expressing concern that the mitigation measures in Chapter 5 (Table 5-2) for cultural resources are inadequate because they lack details on measures to address: potential interruption to traditional travel routes, ways to mitigate potential impacts to cultural landscapes and districts that reflect the interconnectedness of cultural resources in region, measures which avoid and minimize disruption of cultural practices in traditional use areas and sacred places, and the role that tribes have in developing mitigation.	The Cultural Resources Mitigation Plan would be prepared after the NEPA process, as part of execution of the National Historic Preservation Act Section 106 Programmatic Agreement. USACE's position is that CRMPs are a form of impact avoidance and minimization and thus it is appropriate to document in Chapter 5 of the EIS that a CRMP will be developed.
Mitigation or Monitoring Measures -**Design Features**	Mitigation measures described in the EIS are not fully included in Chapter 5, Table 5-2 (Applicants Proposed Mitigation Incorporated into the Project). Commenters recommended that Table 5-2 be revised for completeness, so that a complete listing of all mitigation measures considered is available. Specific edits were also suggested on Table 5-2 measures.	Table 5-2 is intended to provide PLP's most substantive design features that would avoid and minimize impacts to resources of primary concern. An exhaustive list would provide excessive detail not likely to be informative to the public or useful to the decision maker. Suggested edits to PLP's proposed mitigation measures in Table 5-2 were forwarded to PLP for consideration and PLP provided updated measures for inclusion in the FEIS.

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Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures -**Fugitive Dust Plan is Needed**	Commenters inquired about how PLP would contain dust and what measures would be used to minimize offsite accumulation of fugitive dust that could impact vegetation and water bodies. Commenters suggested a fugitive dust plan be prepared and some specific measures were suggested for consideration.	PLP has committed to develop a Fugitive Dust Control Plan (FDCP) for the project and implementation of BMPs for fugitive dust management. As specified in Chapter 5, Table 5-2, the FDCP would describe the equipment, methodology, training, and performance assessment techniques that would be used for controlling fugitive dust from site activities and wind erosion. The FDCP would be developed during feasibility design work to support state permitting, and would be in place prior to construction commencement. Also see SOC Mitigation and Monitoring - Request for Proposed Management Plans. The objective of the plan would be to address fugitive dust emissions created by construction, operations, and closure activities. Methods would be established to control dust from vehicle travel on unpaved roads, material handling, and wind erosion from disturbed areas. Control measures could include truck wash stations at the mine site and port, speed limits, use of approved chemical dust suppressants, and application of water. Specific measures suggested by the public for controlling fugitive dust (that are not already covered by existing design features or measures in Chapter 5) have been added to Appendix M for a comprehensive list of all measures identified during the NEPA process. All suggested measures have been assessed based on three factors described in Chapter 5 (Effective, Jurisdiction/Enforcement, Reasonable), with the goal of disclosing the likelihood that the measures would be adopted by the applicant or implemented as a condition in a state, federal, or local permit by the responsible agencies as part of their permit decisions following completion of the NEPA process.

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Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures - **Inadequate Mitigation**	Concerns were expressed that mitigation measures in the DEIS are inadequate because they are conceptual in nature and not the result of detailed engineering/planning.	Detailed engineering is beyond the scope of NEPA. CEQ regulations direct federal agencies to "use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions" 40 CFR 1500.2(e). In addition, all relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead or cooperating agencies. 40 CFR 1500.16(h), 40 CFR 1500.2(c). The NEPA document was based on engineering information submitted by the applicant in support the Department of the Army permit application, and fully addresses the range of potential effects for all reasonable alternatives, design features proposed by the applicant, best management practices and standard operating procedures required to comply with applicable laws and regulations, and suggested mitigation measures from agencies and the general public to further minimize project impacts. Final design of project components would take place following completion of the NEPA process. For the Pebble Project, the State has the primary permitting authority that addresses detailed design and engineering features associated with the mine, which are often refined between the permit application and issuance of State permits. Mitigation will be considered throughout the NEPA process and may be further refined and adopted after NEPA is complete. Issuing the DEIS for public and agency review was a key step in the NEPA process to identify mitigation measures to further reduce project impacts, and mitigation measures presented for discussion in the DEIS were refined as part of the normal NEPA process involving review of public comments on the DEIS, agency review of the Preliminary FEIS and additional mitigation proposed by the applicant in response to their review of the DEIS.

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Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures - **Oversight of Mitigation**	Concerns were expressed regarding oversight and enforcement of proposed design features and mitigation measures to ensure that these measures are implemented. Commenters suggested that the agency responsible for compliance and enforcement of these mitigation measures in Chapter 5, Table 5-2, be specified so the reader can determine the probability of the mitigation measures being implemented.	Mitigation measures proposed by the applicant and included in the project design (see Chapter 5, Table 5-2) are integral components of the proposed project and would be required to be implemented with the proposed action if permits are issued for the project. Appendix M includes a list of additional mitigation measures suggested by the USACE and cooperating agencies, and those identified by the public during the NEPA scoping process. These measures were assessed based on three factors (effective, jurisdiction/enforcement, and reasonable), with the goal of disclosing the likelihood that the measures would be adopted by the applicant or implemented as a condition in a state, federal, or local permit by the responsible agencies as part of their permit decisions following completion of the NEPA process. Design criteria and mitigation measures necessary to comply with Section 10 Rivers and Harbors Act and Section 404 Clean Water Act (CWA) regulations, including those necessary to address 404(b)(1) guidelines and to ensure that the project is not contrary to the public's interest, would be evaluated as part of the ROD and incorporated in the Department of the Army permit, if issued. Compliance with the permit would be required and measures to ensure compliance would include monitoring, reporting, and compliance inspections.

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Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures - **Request for proposed management plans**	Comments were received requesting reasonably detailed drafts of the various proposed management plans referred to in the DEIS be prepared and included in the FEIS. It was suggested that absent details on the proposed management plans, the public, the USACE, and resource agencies cannot adequately analyze the ability of these plans to avoid, minimize, or mitigate the effects of the proposed action, and that the analysis included in the EIS cannot assume successful avoidance, minimization, or mitigation. Impacts should be analyzed and disclosed in accordance within this context. Some commenters recommended that the USACE prepare a revised or supplemental DEIS to resolve the gaps in the current document. • Monitoring Plan • Adaptive Management Plan • Aquatic Resources Monitoring Plan (ARMP) • Emergency Action Plan • Blasting Plan • Compensatory Mitigation Plan (CMP) • Cultural Resources Management Plan (CRMP) • Emergency Action Plan • Erosion and Sediment Control Plan (ECSCP) • Facility Response Plans (FRPs) • Fugitive Dust Control Plan (FDCP) • Horizontal Directional Drilling Plan (HDDP)	The USACE understands that the lack of detailed management plan(s) are a public concern; however, detailed permitting-level plans are not always available at the time of the NEPA analysis and are not required in order to analyze impacts. Detailed plans, including those proposed by the applicant or required by state regulations, would be developed in consultation with the various state agencies when the project advances through the permitting phases. PLP would be required to operate the proposed project in compliance with federal, state, and local requirements, including mitigation and monitoring requirements identified through the NEPA and permitting processes. The management plans listed in this SOC are included as part of the proposed action to comply with state or federal regulations or are proposed by the applicant as part of their project design (see Chapter 5). Many Federal agencies rely on mitigation incorporated into an applicant's project design to reduce adverse environmental impacts as part of the NEPA planning process. An example of mitigation measures that are typically included as part of the proposed action are agency standardized best management practices such as those developed to prevent storm water runoff or fugitive dust emissions at a construction site (CEQ 2011). Detailed plans describing the specific BMPs may not be available at the time of the NEPA analysis, but the analysis can factor in minimization associated with use of common BMPs and industry standards that are designed to reduce impacts to the environment.

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Topic - Subtopic	Statement of Concern	Preliminary Response
Mitigation or Monitoring Measures - **Request for proposed management plans** (con't)	• Integrated Waste Management Plan (IWMP) • Lighting Plan • Long Term Management Plan • Maintenance Plan • Noise Monitoring and Mitigation Plan • Marine Mammal Monitoring and Mitigation Plan • Mitigation Work Plan • Oil Discharge Prevention and Contingency Plans (ODPCPs) • Project Communications Plan (PCP) • Reclamation and Closure Plan (RCP) • Restoration Plan • Sediment Control Plan • Sewage Treatment Plan • Spill Prevention, Control and Countermeasure (SPCC) Plans • Storm-Water Pollution Prevention Plan (SWPPP) • Tailings Storage Management Plan • Wildlife Management Plan	Additional details associated with some of the plans listed in this SOC have been provided through RFIs and have been addressed in the appropriate sections of the EIS. These include: RFI 056a - Updated Compensatory Mitigation Plan RFI 115 - Reclamation and Closure Plan RFI 122 - Wildlife Management RFI 126 - Operational Measures for Spill Prevention USACE is not intending on publishing a supplemental draft EIS.

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To: Hough, Palmer[Hough.Palmer@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
Cc: McGrath, Patricia[mcgrath.patricia@epa.gov]; Resper, Wanda[Resper.Wanda@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Herbst, John[herbst.john@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Wed 3/28/2018 6:17:19 PM (UTC)
Subject: RE: Draft response to 3-7-18 CMS from House Science/Natural Resources committees for your review
Smith_House Science Comm_Template Response DRAFT_v3-rda redline.docx

Palmer – I'm currently unable to open SharePoint files for some reason (working on that), so have redlined the Word document. My suggestions are stylistic rather than substantive and are attached. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Hough, Palmer
Sent: Sunday, March 25, 2018 12:33 PM
To: Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Resper, Wanda <Resper.Wanda@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>
Subject: Draft response to 3-7-18 CMS from House Science/Natural Resources committees for your review

Folks

Attached for your review is a draft response to the 3-7-18 CMS from House Science/Natural Resources committees regarding Pebble/BB. The draft response was put together by the BB 404(c) team which includes staff from R10, OW and OGC. We would appreciate your comments by COB Wednesday 3/28/18. Edits can be made to the attached word doc or sharepoint file.

Ex. 5 Deliberative Process (DP)

Thanks, Palmer

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

Ex. 5 Deliberative Process (DP)

To: McGrath, Patricia[mcgrath.patricia@epa.gov]
From: Vaughan, Molly[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89EEE45FCEA246B78BBBB46014FE7B12-VAUGHAN, MOLLY]
Sent: Mon 4/9/2018 10:19:23 PM (UTC)
Subject: FW: Pebble scoping meeting talking points

Hi Patty – I meant to cc you on this email, so that you too would have the clean version ready for next week's meetings.

From: Vaughan, Molly
Sent: Monday, April 09, 2018 2:18 PM
To: Wake, Neverley <wake.neverley@epa.gov>
Subject: Pebble scoping meeting talking points

Hi Neverley,
Here are the talking points I received from Patty, with input from Ashley Palomaki.

Introductory Talking Points:

Ex. 5 Deliberative Process (DP)

I'll be teleworking tomorrow, but will give you a call sometime before the meeting to share anything relevant that I learn in participating in the meeting tonight.

Thanks,
Molly

~~~~~~

Molly Vaughan
U.S. Environmental Protection Agency Region 10
Alaska Operations Office
222 W. 7th Avenue #19
Anchorage, AK 99513-7588

907-271-1215
vaughan.molly@epa.gov
~~~~~~

To: McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Fri 4/6/2018 10:57:14 PM (UTC)
Subject: RE: talking points for Pebble scoping meetings

Hi Patty –

In general, this looks consistent with what we've said previously (in response to the settlement agreement, we got reporter questions on how the BBWA would be used going forward). Just a couple suggestions. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: McGrath, Patricia
Sent: Friday, April 06, 2018 8:14 AM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: talking points for Pebble scoping meetings

Hi Ashley-
Assuming that the Corps establishes a conference line, Molly, Neverly, and I will be calling into the Pebble EIS scoping meetings. It is not clear if we will be introduced or be asked to speak and I don't expect that there will be Q&A.

However, in preparation we are preparing talking points. I would appreciate your review of these, particularly what we say (only if asked) about the BBWA.
Feel free to give me a call if you want to discuss.
Thanks –
Patty

Introductory Talking Points

Ex. 5 Deliberative Process (DP)

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: RAD-202
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

Thu Oct 18 12:07:11 EDT 2018
CMS.OEX@epamail.epa.gov
FW: Tom Allen - Pebble Mine
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Thursday, October 18, 2018 4:07:11 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Subject: FW: Tom Allen - Pebble Mine

From: Thomas Allen [mailto:thomas@markeallenlaw.com]
Sent: Thursday, October 18, 2018 9:04 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Tom Allen - Pebble Mine

Erik and Andrew,

The only response I ever get refers back to Pruitt's January 2018 decision. I find this odd considering there have been numerous Bloomberg reports that the EPA is sharing more information with the opposition. I hope this is not true for the EPA's sake because that would be extremely illegal. I stand by the NEPA process and believe that it is sufficient enough to determine whether or not permits should be issued. The veto is based on a study that the EPA spent rough $600,000 on. NDM has spent millions on their studies. How can the EPA use a veto based on the Bristol Bay Watershed Assessment? That Assessment is based on a mine plan that isn't even being used and outdated mining techniques.

I understand the EPA continues to work closely with the NEPA process, so is a lift possible at the Draft EIS? I know in the letter Chris commented the EPA could decide by the final EIS, but what about by the draft EIS? I strongly believe the veto should be lifted, not just for clarity for investors, but to eliminate EPA overreach. This fits with Trump's agenda and is the right thing to do. Why not let the NEPA process decide if we can get permits? Why use a veto when the EPA has already proposed to change their veto authority? Why start the lift process to only suspend it? The veto is killing NDM's chances of a partner to just get through the permitting process which still may not even be favorable. This all seems very unjust and I would appreciate a better answer than "the January 2018 decision by Pruitt." He is not the head of the EPA anymore and I'd politely ask for a more straight forward response from Mr. Wheeler himself.

Thomas D. Allen

Holdsworth and Allen, P.C.

Westowne 2, Suite 106

P.O. Box 126

Liberty, Missouri 64069

Phone: (816) 781-5905

Fax: (816) 781-3054

Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

Thu Oct 18 12:06:47 EDT 2018
CMS.OEX@epamail.epa.gov
FW: Pebble Project
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Thursday, October 18, 2018 4:06:44 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Cc: Molina, Michael
Subject: FW: Pebble Project

From: Tim Stephens [mailto: Ex. 6 Personal Privacy (PP)
Sent: Thursday, October 18, 2018 9:42 AM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: feedback@ios.doi.gov
Subject: Fwd: Pebble Project

Mr. Wheeler,

I'm sorry that I have to reach out to you regarding this issue. Unfortunately, I can't seem to get an acceptable response out of the regional office. Please see my reply to Mr. Hladick below, I believe this properly communicates my concerns. I have also sent this to staff at the Western Caucus, Americans for Tax Reform, and Competitive Enterprise Institute.

I cannot fathom how this is acceptable. If the EPA doesn't remove this before midterms and the agency decides to wait for an EIS, you will be sending the wrong message. The message will be preemptive veto's are OK and we will contemplate removing them based on the EIS process. The issue is Pebble might not be able to finish the EIS process with this overreach, which is discouraging investment. This is a Donald Trump Presidency, the American people expect better. We demand better. As far as I'm concerned, along with many others, this is a major failure.

I would like some sort of guidance on what we can expect, and it should be made public vs only sharing information with opposition groups.

Thank you.

---------- Forwarded message ---------
From: **Tim Stephens** < Ex. 6 Personal Privacy (PP)
Date: Wed, Oct 17, 2018 at 7:15 PM
Subject: Re: Pebble Project
To: <hladick.christopher@epa.gov>
Cc: <Peterson.Erik@epa.gov>, <Allnutt.David@epa.gov>

Mr. Hladick,

Thank you, I appreciate the response.

I understand there was a press release by former Administrator Pruitt in January. The issue however, according to a Bloomberg article, opposition groups are continuously being updated on the status on the agency's intentions. This is a heavily shorted stock as the market sees too much risk due to this particular policy. If the EPA is in fact providing material updates about a policy without making it publicly available, that is illegal. I won't assume this since the reports could potentially be false, but I hope that isn't the case.

There have also been multiple letters from many different organizations asking for this overreach to be rescinded. Can I also ask, since the Pebble Project is in the NEPA review process, and the EPA is part of that process, what exactly is the purpose of the Preemptive Veto? Is the project not being properly vetted by NEPA?

It would appear, the only purpose is to discourage investment and the ability for the company to raise funds needed to pay for the rest of permitting. If those are not the intentions, it is certainly the consequence. The January press release resulted in a 40+% market cap drop followed by a potential partner pulling out and a further 50% market cap drop. Pebble has been handed an uphill battle that no other project has the pleasure of enduring. Due to this, I will add I do not believe the statement in your response is accurate, that the EPA is committed to fundamental fairness. That simply is not true in this particular case.

I hope you do not take this email personally, it is strictly business. I don't like watching my money evaporate and continue to evaporate to please political opposition groups. It is evident this preemptive veto needs to be lifted, and if Pebble poses an unacceptable risk, they will not be granted permits. I expect, along with many others, that the EPA will rescind this overreach prior to midterm elections and let the fair process play out.

Thank you for your time, I really do appreciate it.

On Wed, Oct 17, 2018 at 5:48 PM Hladick, Christopher <hladick.christopher@epa.gov> wrote:

Dear Mr. Stephens:

Thank you for your email to the EPA. Attached to this email is our reply.

Should you have any additional questions, please contact Erik Peterson at (206) 553-6382 or peterson.erik@epa.gov

Sincerely,

Chris Hladick

Regional Administrator

--

-Tim S

--

-Tim S

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF THE REGIONAL ADMINISTRATOR

OCT 17 2018

Dear Mr. Stephens:

Thank you for your email dated September 27, 2018 regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your message references the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit.

Your email asks whether the EPA plans to withdraw the Proposed Determination, and, if there are no plans to withdraw the Proposed Determination, why the EPA has not publicly announced that there are no plans to withdraw the Proposed Determination.

On January 26, 2018, the EPA issued a public notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a CWA Section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has begun development of an Environmental Impact Statement for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

The EPA is aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. The January 2018 decision does not guarantee or prejudge an outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of a 2017 settlement agreement with Pebble Limited Partnership, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the CWA Section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to the rule of law, fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Again, thank you for contacting the EPA. If you have any questions, please feel free to contact Erik Peterson, who is one of our Bristol Bay project managers. You can reach Erik at (206) 553-6382 or peterson.erik@epa.gov. To receive future updates on the EPA's Bristol Bay-related decisions and activities, I encourage you to join our Bristol Bay mailing list by visiting www.epa.gov/bristolbay.

Sincerely,

Chris Hladick
Regional Administrator

Wed Sep 05 14:51:17 EDT 2018
CMS.OEX@epamail.epa.gov
FW: Lift the Pebble Mine Veto!
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Wednesday, September 5, 2018 6:51:17 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Subject: FW: Lift the Pebble Mine Veto!

From: John Clarke [mailto: **Ex. 6 Personal Privacy (PP)**
Sent: Wednesday, September 05, 2018 11:25 AM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Lift the Pebble Mine Veto!

Administrator Wheeler,

I'm writing to you this morning in regards to the proposed Pebble Mine in Alaska and the Proposed Determination (PD) left in place by former Administrator Pruitt. The mine plan submitted by Pebble Limited Partnership in no way resembles that as imagined in the Bristol Bay Watershed Assessment (BBWA) and incorporates state of the art safety features. With that in mind the PD should be lifted and the NEPA process should be allowed to run its course. What is the point of NEPA otherwise?

Left in place, the PD is a threat to future project development at large and US mineral independence specifically. I understand EPA is taking steps to curtail its authority to preemptively and retroactively veto projects under WOTUS Section 404, but the Pebble veto is its own issue. In an effort to promote regulatory certainty you should recognize the PD as the egregious overreach that it is and immediately initiate the process of rescinding it.

We already know the proposed mine has nothing to do with that as imagined in the BBWA. When do you expect EPA to take action on lifting this preemptive veto?

I look forward to you reply.

John P Clarke

Fri Sep 07 12:59:08 EDT 2018
CMS.OEX@epamail.epa.gov
FW: Pebble Mine Veto
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Friday, September 7, 2018 4:59:07 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Subject: FW: Pebble Mine Veto

From: Tim Stephens [mailto: Ex. 6 Personal Privacy (PP)
Sent: Friday, September 07, 2018 12:05 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Pebble Mine Veto

Administrator Wheeler,

I'm reaching out with interest in the removing the proposed determination against the Pebble Project in Alaska. I was disappointed in former administrator Pruitt's action to suspend the process. I am even more disappointed that after the Western Caucus and Mr. Myron Ebell detailed why this needs to be removed ASAP, it still hasn't happened. To put this in perspective, the process to remove this was initiated in May of 2017. We are nearing the end of 2018.

I understand Pruitt's argument, stating the company is still able to exercise their due process and enter permitting. The issue is, the proposed determination acts as an additional layer of risk. This hinders the ability for the company to raise funds ($150M) for the entire permit application process. The end result could very well be the same as not having due process. The company struggles to find investors willing to invest in a project that has been victim of EPA abuse and continues to suffer from overreach.

I'm sure you are aware of the letters sent to the agency. The letter from the Western Caucus, the letter from Myron Ebell, the letter from American Tax Reform. I can't make sense of why this hasn't been lifted yet. Investors are down ~50%. The company is on pace to burn through it's cash within 2 quarters. This needs to be lifted yesterday.

I made an investment in this company because I believed in President Trump's agenda, his promise to boost the economy by reducing overreaching regulation. Great strides have been made, but for some reason Pebble still lives in an EPA culture reflective of the Obama era. This Proposed Determination is not following President Trump's agenda. I trust what you said from day one, that you will follow the president's agenda. Please follow through on this one.

The preliminary data and science shows this poses no unacceptable risk. 0.08% of the fisheries are at a potential risk, if all safeguards were to fail. Only 0.05% of the water supply Pebble is near feeds into Bristol Bay.

I look forward to soon hearing news of this overreach being lifted, resulting in standard treatment for Pebble.

Thank you for your service in your role.

--

-Tim S

To: Tallent, Robert[Tallent.Robert@epa.gov]; Brown, DonaldM[Brown.DonaldM@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Elleman, Robert[Elleman.Robert@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; WigginsLewis, Miriam[WigginsLewis.Miriam@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Frithsen, Jeff[Frithsen.Jeff@epa.gov]; VanDrunick, Suzanne[vanDrunick.Suzanne@epa.gov]; Schofield, Kate[Schofield.Kate@epa.gov]; Bahadori, Tina[Bahadori.Tina@epa.gov]; Sheppard, Tracy[Sheppard.Tracy@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kirby, Kevin[KIRBY.KEVIN@EPA.GOV]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 6/20/2019 4:55:14 PM (UTC)
Subject: Follow-up re: interim response RFC 19001
Draft interim response BBWA RFC.docx

We talked to Matt. **Ex. 5 Deliberative Process (DP)** I made one small change to this version per Matt's request.
Kevin/Bob – Matt asked that OEI respond ASAP (today if possible) on his behalf to a few inquiries about the RFC. I will forward them to you. Can you provide me with OEI's standard response so I can take a look?
Thanks all,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

-----Original Appointment-----
From: Tallent, Robert
Sent: Thursday, June 06, 2019 3:33 PM
To: Tallent, Robert; Brown, DonaldM; Palomaki, Ashley; Peterson, Erik; Elleman, Robert; Allnutt, David; WigginsLewis, Miriam; Goodin, John; Hough, Palmer; Frazer, Brian; Kaiser, Russell; Frithsen, Jeff; VanDrunick, Suzanne; Schofield, Kate; Bahadori, Tina; Sheppard, Tracy; Nalven, Heidi; Wehling, Carrie; Kirby, Kevin
Subject: RFC 19001 Scoping Team
When: Wednesday, June 19, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC West 6303
Hello Everyone,
In light of the current turn of events for the RFC response that was so carefully crafted, we need to meet and be sure we are all clear on the way forward.
For those who cannot be here in person the call in number is
Call in number: **Ex. 6 Personal Privacy (PP)**
Conference ID:
Thank for all you do!
Bob Tallent

Mon Oct 01 13:54:27 EDT 2018
CMS.OEX@epamail.epa.gov
FW: Tom Allen - Pebble Mine Veto
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Monday, October 1, 2018 5:54:27 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Subject: FW: Tom Allen - Pebble Mine Veto

From: Thomas Allen [mailto:thomas@markeallenlaw.com]
Sent: Monday, October 01, 2018 11:46 AM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Tom Allen - Pebble Mine Veto

Mr. Wheeler,

I do not expect you to reply, but if one of your assistants could that would be great. Do you intend on at least commenting on the veto still in place over the Pebble Mine soon? At lot of groups on both sides have been saying different things. I would like some clarity on the EPA's end if at all possible.

Thank you for your time,

Tom Allen

Thomas D. Allen

Holdsworth and Allen, P.C.

Westowne 2, Suite 106

P.O. Box 126

Liberty, Missouri 64069

Phone: (816) 781-5905

Fax: (816) 781-3054

Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Thur 6/20/2019 5:13:14 PM (UTC)
Subject: FW: Follow-up re: interim response RFC 19001
Draft interim response BBWA RFC.docx

FYI

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

From: Nalven, Heidi
Sent: Thursday, June 20, 2019 9:55 AM
To: Tallent, Robert <Tallent.Robert@epa.gov>; Brown, DonaldM <Brown.DonaldM@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; VanDrunick, Suzanne <vanDrunick.Suzanne@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bahadori, Tina <Bahadori.Tina@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Subject: Follow-up re: interim response RFC 19001

We talked to Matt. **Ex. 5 Deliberative Process (DP)** I made one small change to this version per Matt's request.

Kevin/Bob – Matt asked that OEI respond ASAP (today if possible) on his behalf to a few inquiries about the RFC. I will forward them to you. Can you provide me with OEI's standard response so I can take a look?

Thanks all,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

-----Original Appointment-----
From: Tallent, Robert
Sent: Thursday, June 06, 2019 3:33 PM
To: Tallent, Robert; Brown, DonaldM; Palomaki, Ashley; Peterson, Erik; Elleman, Robert; Allnutt, David; WigginsLewis, Miriam; Goodin, John; Hough, Palmer; Frazer, Brian; Kaiser, Russell; Frithsen, Jeff; VanDrunick, Suzanne; Schofield, Kate; Bahadori, Tina; Sheppard, Tracy; Nalven, Heidi; Wehling, Carrie; Kirby, Kevin
Subject: RFC 19001 Scoping Team
When: Wednesday, June 19, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC West 6303

Hello Everyone,

In light of the current turn of events for the RFC response that was so carefully crafted, we need to meet and be sure we are all clear on the way forward.

For those who cannot be here in person the call in number is

Call in number Ex. 6 Personal Privacy (PP)
Conference ID

Thank for all you do!

Bob Tallent

To: Wehling, Carrie[Wehling.Carrie@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Stern.Allyn@epa.gov[Stern.Allyn@epa.gov]
Sent: Fri 7/26/2019 3:07:34 PM (UTC)
Subject: Re: Draft PD withdrawal notice review - thank you

Thanks. That makes sense.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

> On Jul 26, 2019, at 5:10 AM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:
>
> Will ask David when I see him today. Unless I hear differently, I would plan to send it to Matt, David, you and Chris, as well as OW (I don't think Lee is back, so likely John G).
>
> Caroline (Carrie) Wehling
> Assistant General Counsel
> Water Law Office
> U.S. Environmental Protection Agency
> Washington DC 20004
> 202-564-5492
> wehling.carrie@epa.gov
>
> -----Original Message-----
> From: Stern, Allyn
> Sent: Thursday, July 25, 2019 11:17 PM
> To: Nalven, Heidi <Nalven.Heidi@epa.gov>
> Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
> Subject: Re: Draft PD withdrawal notice review - thank you
>
> Or if you would rather don't send it to Chris - I can do that.
>
> Allyn Stern
> Regional Counsel
> US EPA Region 10
> 206-553-1223
> stern.allyn@epa.gov
>
>> On Jul 25, 2019, at 5:21 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:
>>
>> Matt said he was going to send it to him so I don't know if I am supposed to send it directly. I assume not but adding Carrie for her take.
>>
>> I wasn't sure if you were able to connect with Ashley. I will assume she isn't planning to review unless I hear from you otherwise.
>>
>> Sent from my iPhone
>>
>>> On Jul 25, 2019, at 8:04 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:
>>>
>>> You are probably already including Chris in the Senior Leadership but just wanted to make sure he would also get a copy tomorrow. Thanks Heidi.

>>>
>>> Allyn Stern
>>> Regional Counsel
>>> US EPA Region 10
>>> 206-553-1223
>>> stern.allyn@epa.gov
>>>
>>>> On Jul 25, 2019, at 4:37 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:
>>>>
>>>> Heidi

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Stern.Allyn@epa.gov[Stern.Allyn@epa.gov]
Sent: Fri 7/26/2019 3:13:20 AM (UTC)
Subject: Re: Draft PD withdrawal notice review - thank you

I called and left her a message but didn't hear anything. That's good - she should enjoy her vacation.

I really think you should send to Chris when you send it to Matt and David. I'll take responsibility for that direction if Matt is upset by it.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

> On Jul 25, 2019, at 5:21 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:
>
> Matt said he was going to send it to him so I don't know if I am supposed to send it directly. I assume not but adding Carrie for her take.
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>
> Sent from my iPhone
>
>> On Jul 25, 2019, at 8:04 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:
>>
>> You are probably already including Chris in the Senior Leadership but just wanted to make sure he would also get a copy tomorrow. Thanks Heidi.
>>
>> Allyn Stern
>> Regional Counsel
>> US EPA Region 10
>> 206-553-1223
>> stern.allyn@epa.gov
>>
>>> On Jul 25, 2019, at 4:37 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:
>>>
>>> Heidi

To: Grandinetti, Cami[Grandinetti.Cami@epa.gov]
Cc: McGrath, Patricia[mcgrath.patricia@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]
From: Stern.Allyn@epa.gov[Stern.Allyn@epa.gov]
Sent: Thur 7/25/2019 2:48:48 PM (UTC)
Subject: Re: PD withdrawal comments--I'll consolidate and transmit regional comments.

I gave mine to Heidi already. When you send to John, can you copy Heidi Nalven?

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 25, 2019, at 7:46 AM, Grandinetti, Cami <Grandinetti.Cami@epa.gov> wrote:

> Good morning everyone—Dan has asked that I consolidate any regional comments on the PD that was distributed yesterday and get them to John Goodin by our deadline of noon today. To help me with that, please get me your comments by 11:40 so that I can consolidate and transmit. If you don't have comments, please let me know that too. Michael—I know you're out so I'm assuming I won't be hearing from you. Thanks everyone.
>
> Cami Grandinetti
> Branch Manager
> Standards, Assessment, and Watershed Management Branch
> US EPA
> 1200 6th Avenue, Suite 155
> Seattle, Wa. 98101
> (206) 553-8696 (desk)
> Ex. 6 Personal Privacy (PP) (cell)

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Stern.Allyn@epa.gov[Stern.Allyn@epa.gov]
Sent: Tue 7/30/2019 5:49:17 PM (UTC)
Subject: Fwd: Update on Pebble 404 Compensatory Mitigation Plan

See Palmer's message below about the Corps plan not to share the compensatory mitigation plan. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

Begin forwarded message:

From: "Hough, Palmer" <Hough.Palmer@epa.gov>
Date: July 30, 2019 at 10:11:40 AM PDT
To: "Peterson, Erik" <Peterson.Erik@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "Vaughan, Molly" <Vaughan.Molly@epa.gov>, "Anderson-Carnahan, Linda" <Anderson-Carnahan.Linda@epa.gov>, "Steiner-Riley, Cara" <Steiner-Riley.Cara@epa.gov>, "Lindsay, Andrea" <Lindsay.Andrea@epa.gov>, "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>, "Nogi, Jill" <nogi.jill@epa.gov>, "Fordham, Tami" <Fordham.Tami@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Detwiler, Susan K." <detwiler.susan@epa.gov>, "Barnhart, Megan" <barnhart.megan@epa.gov>, "Kaiser, Russell" <Kaiser.Russell@epa.gov>, "LaCroix, Matthew" <LaCroix.Matthew@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>, "Hoppe, Allison" <hoppe.allison@epa.gov>, "Schaedle, Candi" <Schaedle.Candi@epa.gov>, "Marshall, Tom" <marshall.tom@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Chung, Angela" <Chung.Angela@epa.gov>, "Grandinetti, Cami" <Grandinetti.Cami@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>
Cc: "Castanon, Lisa" <Castanon.Lisa@epa.gov>, "Baca, Andrew" <Baca.Andrew@epa.gov>, "Brown, Leah" <Brown.Leah@epa.gov>
Subject: Update on Pebble 404 Compensatory Mitigation Plan

Folks

I wanted to pass along that at today's meeting on the Pebble EIS hosted by the Corps in Anchorage, Shane McCoy, the Corps' lead on the EIS, announced that the Corps has received a draft 404 compensatory mitigation plan developed by Pebble but the Corps has not yet reviewed it.

Shane also indicated that the Corps will NOT be providing cooperating agencies or the public an opportunity to review the draft compensation plan.

-Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

www.epa.gov/wetlands

Message

From: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Sent: 6/6/2019 3:54:54 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]
Subject: RE: Did you send Matt's remarks
Attachments: Opening Remarks v.3.docx

This is what went forward last night, which were based on the Region 10 public affairs statement/Q&A document. I'll try to catch him in the 12pm hour to get a sense of what else he's looking for, so we can talk about this at our meeting this afternoon. Does that work for you?

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

-----Original Message-----
From: Stern, Allyn
Sent: Thursday, June 06, 2019 11:48 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: Did you send Matt's remarks

Or are those talking points that our regional staff are working on?

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Stern, Allyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Sent: Tue 7/23/2019 10:08:48 PM (UTC)
Subject: RE: comments on draft withdrawal notice
als comments Withdrawal of 2014 Proposed Determination_18July2019.docx

Between Steve's comments and our conversation today, I think we've discussed my concerns. I just have three suggestions highlighted in this draft – you may now be beyond this draft, but thought I would send anyways. They start on page 10.

Allyn L. Stern
Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Seattle, WA 98101
206-553-1223

From: Neugeboren, Steven
Sent: Tuesday, July 23, 2019 6:28 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>
Subject: comments on draft withdrawal notice

Here are my comments. Thanks for the fabulous and hard work. Talk to you at 1.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

To: Levine, MaryEllen[levine.maryellen@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
Cc: Witt, Richard[Witt.Richard@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Mon 7/1/2019 2:02:52 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters - Heidi's recommended edits

I think if we can phrase this comment Ex. 5 AC/DP

Ex. 5 AC/DP

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Levine, MaryEllen
Sent: Monday, July 1, 2019 9:38 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Witt, Richard <Witt.Richard@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters - Heidi's recommended edits

Re-phrasing to say Ex. 5 AC/DP

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Nalven, Heidi
Sent: Monday, July 01, 2019 9:23 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; Witt, Richard <Witt.Richard@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters - Heidi's recommended edits

Steve/Carrie – Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Here's the reg:

40 cfr 230.10(c) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States. Findings of significant degradation related to the proposed discharge shall be based upon appropriate factual determinations, evaluations, and tests required by subparts B and G, after consideration of subparts C through F, with special emphasis on the persistence and permanence of the effects outlined in those subparts. Under these Guidelines, effects contributing to significant degradation considered individually or collectively, include: **(c)** Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States. Findings of significant degradation related to the proposed discharge shall be based upon appropriate factual determinations, evaluations, and tests required by subparts B and G, after consideration of subparts C through F, with special emphasis on the persistence and permanence of the effects outlined in those subparts. Under these Guidelines, effects contributing to significant degradation considered individually or collectively, include:

Ex. 5 AC/DP

Here's the reg:

33 C.F.R. § 325.1(d)(7). For activities involving discharges of dredged or fill material into waters of the United States, the application must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts. (See § 332.4(b)(1) of this chapter.)

Ex. 5 AC/DP

Here's what the regs (33 C.F.R. § 332.4(b)(1)/ 40 C.F.R. § 230.94(b)(1)) says:

b)*Public review and comment.*

(1) For an activity that requires a standard DA permit pursuant to section 404 of the Clean Water Act, the public notice for the proposed activity must contain a statement explaining how impacts associated with the proposed activity are to be avoided, minimized, and compensated for. This explanation shall address, to the extent that such information is provided in the mitigation statement required by § 325.1(d)(7) of this chapter, the proposed avoidance and minimization and the amount, type, and location of any proposed compensatory mitigation, including any out-of-kind compensation, or indicate an intention to use an approved mitigation bank or in-lieu fee program. The level of detail provided in the public notice must be commensurate with the scope and scale of the impacts. The notice shall not include information that the district engineer and the permittee believe should be kept confidential for business purposes, such as the exact location of a proposed mitigation site that has not yet been secured. The permittee must clearly identify any information being claimed as confidential in the mitigation statement when submitted. In such cases, the notice must still provide enough information to enable the public to provide meaningful comment on the proposed mitigation.

(2) For individual permits, district engineers must consider any timely comments and recommendations from other federal agencies; tribal, state, or local governments; and the public.

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Fotouhi, David
Sent: Friday, June 28, 2019 5:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) m out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the

RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

Ex. 5 Deliberative Process (DP)

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Goodin, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: Mon 7/1/2019 2:10:17 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

Yes—I am available

From: Neugeboren, Steven
Sent: Monday, July 01, 2019 10:09 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters

I can participate in this as well so can you please forward me the invite. John – are you going to be on the 1:00 call as well? I think we will want the principles in order to make final recommendations for any revisions.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Allnutt, David
Sent: Sunday, June 30, 2019 11:58 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Re: Pebble draft 404 and DEIS letters

I'm meeting with folks at 1pm eastern on Monday to figure out final edits and where they make sense

Sent from my iPhone
On Jun 30, 2019, at 3:32 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

> Adding CCILO and Justin from OGC.
>
> Sent from my iPhone
>
> Steven Neugeboren
> Associate General Counsel for Water
> U.S. EPA
> 202-564-5488
> On Jun 28, 2019, at 8:04 PM, McGrath, Patricia <mcgrath.patricia@epa.gov> wrote:
>
>> Hello David –
>>
>> We received one comment from OFA requesting clarification of our recommendations related to certain aspects of the groundwater model. Below is the revised language in track changes.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We plan to include this revised language in our comment (found on page 13 of the DEIS enclosure). Please let us know if you have feedback.

Thanks-
Patty

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Fri 7/26/2019 3:04:42 AM (UTC)
Subject: Re: Link to latest draft of withdrawal notice

Thanks Heidi. Yes I would be interested in the meeting to resolve any last issues. My calendar is pretty open. I'd be interested in doing a last read through in advance of that meeting. Let me know when I should do that. Thanks for the continued excellent work. Almost done. My morning is pretty wide open.

Sent from my iPhone
Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Jul 25, 2019, at 7:44 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Nalven, Heidi has shared a OneDrive for Business file with you. To view it, click the link below.

<image00001.png> 072519_ Withdrawal of 2014 Proposed Determination.docx

---

Attached is the latest link for the withdrawal notice. I have only shared this link with both of you. I am going to work to clean this up starting tomorrow morning but wanted to make sure you have the link I am working from just in case you want to track progress/weigh in on anything in real time. Carrie, I am going to set up a close out meeting to discuss a few issues folks raised once I have a good grasp on all of the issues to resolve (Steve, just let me know if you are interested in joining. I wasn't sure you would want to because it will be very in the weeds.) Thanks for your continued support!

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Fri 7/26/2019 1:53:10 PM (UTC)
Subject: RE: Link to latest draft of withdrawal notice

Sounds good

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Nalven, Heidi
Sent: Friday, July 26, 2019 9:07 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Link to latest draft of withdrawal notice

Okay will do. My plan is to work through the entire document and clean it up, except for the issues that I think need to be resolved by this group. I will have a better sense of timing a little later this morning.

From: Neugeboren, Steven
Sent: Thursday, July 25, 2019 11:05 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: Link to latest draft of withdrawal notice

Thanks Heidi. Yes I would be interested in the meeting to resolve any last issues. My calendar is pretty open. I'd be interested in doing a last read through in advance of that meeting. Let me know when I should do that. Thanks for the continued excellent work. Almost done. My morning is pretty wide open.

Sent from my iPhone

Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488
On Jul 25, 2019, at 7:44 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

> Nalven, Heidi has shared a OneDrive for Business file with you. To view it, click the link below.
>
> <image00001.png> 072519_ Withdrawal of 2014 Proposed Determination.docx
>
> Attached is the latest link for the withdrawal notice. I have only shared this link with both of you. I am going to work to clean this up starting tomorrow morning but wanted to make sure you have the link I am working from just in case you want to track progress/weigh in on anything in real time. Carrie, I am going to set up a close out meeting to discuss a few issues folks raised once I have a good grasp on all of the issues to resolve (Steve, just let me know if you are interested in joining. I wasn't sure you would want to because it will be very in the weeds.) Thanks for your continued support!

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Ruggs, Tasheka[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DBE9211D2E1A46F7972679F3419B7EAC-RUGGS, TASH]
Sent: Fri 7/26/2019 10:02:34 PM (UTC)
Subject: 072519_ Withdrawal of 2014 Proposed Determination_T.R._7.26.19.docx
072519_ Withdrawal of 2014 Proposed Determination_T.R._7.26.19.docx

Heidi – This probably needs another look.

-Tasheka

To: Wehling, Carrie[Wehling.Carrie@epa.gov]; Ruggs, Tasheka[ruggs.tasheka@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 7/26/2019 8:13:30 PM (UTC)
Subject: Document to proof by COB today
072519_Withdrawal of 2014 Proposed Determination.docx

Thanks Carrie and Tasheka for agreeing to proofread the draft notice. Attached is the document as it stands now. It's gone through a lot of editing in a short amount of time so I really appreciate your help identifying any typos. I'm also looking for anything you think might be an issue with the FR (?).

Feel free to call, email or come by with any nits you find.

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Fri 7/26/2019 6:43:13 PM (UTC)
Subject: sn comments 072519_ Withdrawal of 2014 Proposed Determination.docx

sn comments 072519_ Withdrawal of 2014 Proposed Determination.docx

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Shaw, Carla[Shaw.Carla@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Wed 7/10/2019 12:52:41 PM (UTC)
Subject: RE: For your review by noon on Wed: Draft withdrawal notice
Withdrawal of 2014 Proposed Determination_5July2019.docx

Attached is the version as it exists in sharepoint as of now. I see Region 10 program staff folks put in a number of comments last night after I left the office that I have not had a chance to consider.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Neugeboren, Steven
Sent: Tuesday, July 09, 2019 9:10 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Shaw, Carla <Shaw.Carla@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: For your review by noon on Wed: Draft withdrawal notice

Heidi. The hard drive on my computer has crashed and I can't access the document from my phone. Can you please send Carla the document as a word attachment to Carla first thing in the morning and Carla can you please print it out for me when you received it.

Thanks.

Sent from my iPhone

Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488
On Jul 9, 2019, at 1:23 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Nalven, Heidi has shared a OneDrive for Business file with you. To view it, click the link below.

<image00001.png> Withdrawal of 2014 Proposed Determination_5July2019.docx

All – Attached is draft FR notice withdrawing the PD. **Please provide any edits/comments you have by noon tomorrow.** We will be providing a draft to David Fotouhi by COB tomorrow for his input. It's due to Matt Leopold by COB on Thursday. **Please keep this close hold.**

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

Template for Meeting Record

TITLE
Topic: Pebble Mine
Meeting date: Trout Unlimited
Who requested the meeting?: Trout Unlimited
Location: EPA HQ
List of outside individuals or organizations that attended (including affiliation): • Chris Wood, Trout Unlimited • Steve Moyer, Trout Unlimited • Austin Williams, Trout Unlimited
Did EPA decide which Individuals or organizations would attend?: No
List of EPA attendees: • Matthew Leopold • David Fotouhi • Carrie Wehling • Heidi Nalven
Was there an agenda: No
Did EPA/outside individuals or organizations set the agenda? N/A
Did EPA/outside individuals or organizations run the meeting? Outside groups led the discussion.
Summary of topics discussed (including individual advice/feedback provided to Agency): **Please include one or two sentences for each topic. This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.* Chris Wood • Asked EPA to fully engage in the process. • Stated that there should be a high bar for permitting and raised concern about DEIS. Austin Williams • Stated that DEIS lacks construction and management plans. • Stated concerns about seismic testing, effect of discharge on aquatic species, and mine expansion. Steve Moyer • Stated that EPA should compare Pebble to Donlin.
Were next steps/follow-up discussed? No.
Were materials provided? Yes. **If yes, please indicate who provided the materials and attach materials with this form.*

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 7/26/2019 3:58:09 PM (UTC)
Subject: FW: Link to latest draft of withdrawal notice

Nalven, Heidi has shared a OneDrive for Business file with you. To view it, click the link below.

072519_ Withdrawal of 2014 Proposed Determination.docx

I have a few more pages to go but if you want to start looking at it now that's fine. Steve is going to move his 2:30 so we can meet from 2:00-3:00. If you need more time to read between now and then, another option would be 2:30-3:30. Either is fine by me.

From: Nalven, Heidi
Sent: Thursday, July 25, 2019 7:45 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Link to latest draft of withdrawal notice

Attached is the latest link for the withdrawal notice. I have only shared this link with both of you. I am going to work to clean this up starting tomorrow morning but wanted to make sure you have the link I am working from just in case you want to track progress/weigh in on anything in real time. Carrie, I am going to set up a close out meeting to discuss a few issues folks raised once I have a good grasp on all of the issues to resolve (Steve, just let me know if you are interested in joining. I wasn't sure you would want to because it will be very in the weeds.) Thanks for your continued support!

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 7/25/2019 11:44:32 PM (UTC)
Subject: Link to latest draft of withdrawal notice

Nalven, Heidi has shared a OneDrive for Business file with you. To view it, click the link below.

072519_ Withdrawal of 2014 Proposed Determination.docx

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To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Fri 7/26/2019 1:32:27 PM (UTC)
Subject: RE: Link to latest draft of withdrawal notice

Heidi – I'm here if you need anything....

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven
Sent: Friday, July 26, 2019 9:25 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: Link to latest draft of withdrawal notice

Sounds good.

Sent from my iPhone

Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488
On Jul 26, 2019, at 9:06 AM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

> Okay will do. My plan is to work through the entire document and clean it up, except for the issues that I think need to be resolved by this group. I will have a better sense of timing a little later this morning.
>
> ---
>
> **From:** Neugeboren, Steven
> **Sent:** Thursday, July 25, 2019 11:05 PM
> **To:** Nalven, Heidi <Nalven.Heidi@epa.gov>
> **Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>
> **Subject:** Re: Link to latest draft of withdrawal notice
>
> Thanks Heidi. Yes I would be interested in the meeting to resolve any last issues. My calendar is pretty open. I'd be interested in doing a last read through in advance of that meeting. Let me know when I should do that. Thanks for the continued excellent work. Almost done. My morning is pretty wide open.
>
> Sent from my iPhone
>
> Steven Neugeboren
> Associate General Counsel for Water
> U.S. EPA
> 202-564-5488
> On Jul 25, 2019, at 7:44 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:
>
> > Nalven, Heidi has shared a OneDrive for Business file with you. To view it, click the link below.
> >
> > <image00001.png> 072519_ Withdrawal of 2014 Proposed Determination.docx

Attached is the latest link for the withdrawal notice. I have only shared this link with both of you. I am going to work to clean this up starting tomorrow morning but wanted to make sure you have the link I am working from just in case you want to track progress/weigh in on anything in real time. Carrie, I am going to set up a close out meeting to discuss a few issues folks raised once I have a good grasp on all of the issues to resolve (Steve, just let me know if you are interested in joining. I wasn't sure you would want to because it will be very in the weeds.) Thanks for your continued support!

Message

From: Willey, Katharine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: 7/30/2019 2:06:48 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: FRN
Attachments: Withdrawal of 2014 Proposed Determination_072919.pdf

To: Campbell, Ann[Campbell.Ann@epa.gov]; Lousberg, Macara[Lousberg.Macara@epa.gov]
Cc: Goodin, John[Goodin.John@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]
From: Huber, Patrick[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9123282B85554BC897256204954D1A2B-HUBER, PATRICK]
Sent: Mon 7/23/2018 10:52:46 PM (UTC)
Subject: OW Fact Sheets
7-23-18 CWA Section 404c Revisions.docx
7-23-18 (OW 5) 7A1 - Bristol Bay-Pebble Mine 404c.docx
7-23-18 (OW 35) 7C2- Waters of the US Rulemaking Applicability Date.docx
7-23-18 (OW 36) 7C1 - WOTUS Sureme Court Ruling.docx

Ann,
Please find attached the first batch of fact sheets from OWOW, including:

1. CWA Section 404c
2. Bristol Bay-Pebble Mine 404c
3. WOTUS Rulemaking
4. WOTUS Supreme Court Ruling

We are reworking and will submit tomorrow, in addition to the Q&As:

1. Long Island Sound Designation
2. Illinois River Watershed
3. 401 Certification

Best,
Patrick

Patrick Huber
U.S. Environmental Protection Agency
Office of Wetlands, Oceans, and Watersheds
Special Assistant (Detail)
+1-(202)-566-1935 (Desk)
+ Ex. 6 Personal Privacy (PP) (Mobile)
huber.patrick@epa.gov

To: Goodin, John[Goodin.John@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Mon 3/19/2018 2:50:43 PM (UTC)
Subject: RE: as discussed-- thanks!
DRAFT Summary Options for Additional Public Comment on Pebble_v2.docx

Thanks John. You did a good job boiling this down to one page. I added a few points for you to consider. As you will see, most of my suggested edits were intended to make room for new language and keep it to one page. I am around the rest of today if you need anything else.

Ccing Carrie as FYI and so she has tracking. I gave her a quick heads up.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Goodin, John
Sent: Monday, March 19, 2018 9:58 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: as discussed-- thanks!

If you can take a look and loop back to me before 1100a, that would be best.
John
202-566-1373

To: Shaw, Carla[Shaw.Carla@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 7/25/2019 4:15:18 PM (UTC)
Subject: Can you make three color copies of both of these documents and give to us in Steve's office? Thanks!
Withdrawal of 2014 Proposed Determination_18July2019.docx
Withdrawal of 2014 Proposed Determination_18July2019.docx

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Sat 7/20/2019 8:13:51 PM (UTC)
Withdrawal of 2014 Proposed Determination_18July2019.docx

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 6/20/2019 8:20:12 PM (UTC)
Subject: FW: Follow-up re: interim response RFC 19001
Draft interim response BBWA RFC.docx

FYI.

From: Nalven, Heidi
Sent: Thursday, June 20, 2019 12:55 PM
To: Tallent, Robert <Tallent.Robert@epa.gov>; Brown, DonaldM <Brown.DonaldM@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; VanDrunick, Suzanne <vanDrunick.Suzanne@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bahadori, Tina <Bahadori.Tina@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Subject: Follow-up re: interim response RFC 19001

We talked to Matt. **Ex. 5 Deliberative Process (DP)** I made one small change to this version per Matt's request.

Kevin/Bob – Matt asked that OEI respond ASAP (today if possible) on his behalf to a few inquiries about the RFC. I will forward them to you. Can you provide me with OEI's standard response so I can take a look?

Thanks all,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

-----Original Appointment-----
From: Tallent, Robert
Sent: Thursday, June 06, 2019 3:33 PM
To: Tallent, Robert; Brown, DonaldM; Palomaki, Ashley; Peterson, Erik; Elleman, Robert; Allnutt, David; WigginsLewis, Miriam; Goodin, John; Hough, Palmer; Frazer, Brian; Kaiser, Russell; Frithsen, Jeff; VanDrunick, Suzanne; Schofield, Kate; Bahadori, Tina; Sheppard, Tracy; Nalven, Heidi; Wehling, Carrie; Kirby, Kevin
Subject: RFC 19001 Scoping Team
When: Wednesday, June 19, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC West 6303

Hello Everyone,

In light of the current turn of events for the RFC response that was so carefully crafted, we need to meet and be sure we are all clear on the way forward.

For those who cannot be here in person the call in number is

Call in number: **Ex. 6 Personal Privacy (PP)**
Conference ID:

Thank for all you do!

Bob Tallent

To: Risley, David[Risley.David@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]
From: Holsman, Marianne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=332EE5ED102F4F65841285A4C06EA8B2-HOLSMAN, MARIANNE]
Sent: Thur 8/20/2020 8:31:47 PM (UTC)
Subject: RE: Pebble

Good. Thx.

Marianne

Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Risley, David <Risley.David@epa.gov>
Sent: Thursday, August 20, 2020 1:08 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: Re: Pebble

+ Ariadne

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cel Ex. 6 Personal Privacy (PP)
On Aug 20, 2020, at 2:02 PM, Risley, David <Risley.David@epa.gov> wrote:

I'm hearing that we'll need some talking points on Pebble. Will start drafting this evening/tomorrow morning.

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cell Ex. 6 Personal Privacy (PP)

To: Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Risley, David[Risley.David@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Fuld, John[Fuld.John@epa.gov]
Cc: Klein, Melissa[Klein.Melissa@epa.gov]; Labbe, Ken[Labbe.Ken@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Wed 4/15/2020 2:23:13 PM (UTC)
Subject: RE: For OGC: Pebble mine technical meeting questions

Hello,

I just heard from OPA management that the response cleared. They will be sending it back to the reporter.

Thanks,

Angela

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, April 15, 2020 8:48 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Klein, Melissa <Klein.Melissa@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>
Subject: RE: For OGC: Pebble mine technical meeting questions

Thanks Angela, I will confirm with Matt the statement is ok.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, April 15, 2020 8:39 AM
To: Risley, David <Risley.David@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Klein, Melissa <Klein.Melissa@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>
Subject: For OGC: Pebble mine technical meeting questions
Importance: High

Hi Ariadne,

My management in OPA is asking if Matt Leopold has reviewed the response. If not, I believe there is preference that he reviews before it is sent.

Can you please let this group know? I will be offline from 11-12, and Ken Labbe will be helping get this out (if it is needed during this time). I will handle before or after (although hopefully before).

Thanks,

Angela

From: Hackel, Angela
Sent: Tuesday, April 14, 2020 5:26 PM
To: Risley, David <Risley.David@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Okay, moving this forward

Attributable to an EPA Spokesperson

"EPA does not have any comment about the ongoing process."

Thanks,

Angela

From: Risley, David <Risley.David@epa.gov>
Sent: Tuesday, April 14, 2020 5:25 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

That would work. Two of the three questions are really for USACE anyway, and presumably the reporter reached out to them too.

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cel Ex. 6 Personal Privacy (PP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, April 14, 2020 5:24 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Ex. 5 Deliberative Process (DP)

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Holsman, Marianne <Holsman.Marianne@epa.gov>
Sent: Tuesday, April 14, 2020 5:22 PM
To: Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Ex. 5 Deliberative Process (DP)

Marianne

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From: Risley, David <Risley.David@epa.gov>
Sent: Tuesday, April 14, 2020 2:18 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Ex. 5 Deliberative Process (DP)

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cell Ex. 6 Personal Privacy (PP)

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 5:15 PM
To: Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Hi David,

Just to clarify, what does OW recommend sharing with the reporter?
Thanks,
Angela

From: Risley, David <Risley.David@epa.gov>
Sent: Tuesday, April 14, 2020 5:13 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Angela, I am available to talk. But, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cell Ex. 6 Personal Privacy (PP)

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 3:16 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

I am free at 3:30, is any one else free or I could do later?

Thanks,

Angela

From: Holsman, Marianne <Holsman.Marianne@epa.gov>
Sent: Tuesday, April 14, 2020 3:06 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Might be good to have a quick call.

Marianne

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Like us on Facebook! @eparegion10

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 11:02 AM
To: Fuld, John <Fuld.John@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Marianne,

Does R10 have a statement? If so, can you please send it to this group so that OW and OGC can review.

Ideally we could start the review shortly, as I know that it takes time to get things through Senior Management review.

Thanks,

Angela

From: Fuld, John <Fuld.John@epa.gov>
Sent: Tuesday, April 14, 2020 1:58 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

OW will still want to se it and Sr. Mgt to review

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 1:56 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: Re: Pebble mine technical meeting questions

Okay, do we have a high level summery statement that we could provide?

Thanks,

Angela

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

On Apr 14, 2020, at 1:50 PM, Holsman, Marianne <Holsman.Marianne@epa.gov> wrote:

We recently sent in comments on the draft EIS, so perhaps that could inform our response?

Marianne

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Like us on Facebook! @eparegion10

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 9:59 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Thanks. Just so folks know that OPA management has asked me to keep them updated on the progress of the response. If we could try to get them something today or first thing tomorrow, I think that would be great.

Thanks,

Angela

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, April 14, 2020 12:56 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble mine technical meeting questions

OGC can review any response generated by the program or Region. Thanks.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 12:54 PM
To: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: FW: Pebble mine technical meeting questions

Hello,
We have received the below inquiry, with a deadline of 11:30 est tomorrow.

Please let me know how you all would like to respond.

Thanks,

Angela

From: James Marshall <jmarshall@eenews.net>
Sent: Tuesday, April 14, 2020 11:53 AM
To: Press <Press@epa.gov>
Subject: Pebble mine technical meeting questions

Good morning,

E&E News has received notes from a technical meeting that took place over three days in March between EPA, USACE, AECOM and other cooperating agencies with the Pebble mine project. According to the notes, the groups met to discuss the Pebble Preliminary Final Environmental Impact Statement to prepare to advance the FEIS.

EPA, and other agencies, brought up many concerns with the PFEIS. Some of them have to do with water treatment viability, uncertain data from streams sampled for fish and wetland analysis, and compensatory mitigation. I'm writing a story (my deadline is Wednesday at 11:30am eastern/7:30am AK) about some of those concerns but wanted to see if anything has changed since those meetings. Would you mind answering these questions?:

1. According to the notes, EPA said the **water treatment** plan isn't proven to be viable at the proposed Pebble scale. Asked if USACE was comfortable with moving forward with FEIS with this technical uncertainty, USACE said yes.

    a. Has this been addressed and is EPA satisfied with it? Will FEIS evaluate whether changes to water treatment are possible within three years (the length of time water pond allows for storage)?

2. NPS and EPA had concerns about **which streams were sampled** or not sampled to do analysis for fish and wetlands. AECOM then said it hadn't yet determined if some streams were not sampled.

    a. Has this question been addressed? Will FEIS include data showing exactly which streams were surveyed and an explanation of why others weren't, as EPA recommended?

3. Regarding compensatory **mitigation**, USACE said the plan in EIS would remain high level and more mitigation information would be in the record of decision. EPA expressed concern that the plan was too high level, a more detailed plan should be in the EIS, and EPA asked USACE why it wasn't getting public input on the mitigation plan.

    a. Have these items been addressed and how? Is EPA satisfied with it?

Thank you for your help,
James Marshall
Reporter, E&E News
727-481-5437 (cell)

To: Hackel, Angela[Hackel.Angela@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Risley, David[Risley.David@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Fuld, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EA505C8DD1DB43D1BCDDB800B2D0E300-FULD, JOHN]
Sent: Tue 4/14/2020 4:59:53 PM (UTC)
Subject: RE: Pebble mine technical meeting questions

Will do our best

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 12:59 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Thanks. Just so folks know that OPA management has asked me to keep them updated on the progress of the response. If we could try to get them something today or first thing tomorrow, I think that would be great.

Thanks,

Angela

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, April 14, 2020 12:56 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble mine technical meeting questions

OGC can review any response generated by the program or Region. Thanks.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 12:54 PM
To: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: FW: Pebble mine technical meeting questions

Hello,
We have received the below inquiry, with a deadline of 11:30 est tomorrow.

Please let me know how you all would like to respond.

Thanks,

Angela

From: James Marshall <jmarshall@eenews.net>
Sent: Tuesday, April 14, 2020 11:53 AM
To: Press <Press@epa.gov>
Subject: Pebble mine technical meeting questions

Good morning,

E&E News has received notes from a technical meeting that took place over three days in March between EPA, USACE, AECOM and other cooperating agencies with the Pebble mine project. According to the notes, the groups met to discuss the Pebble Preliminary Final Environmental Impact Statement to prepare to advance the FEIS.

EPA, and other agencies, brought up many concerns with the PFEIS. Some of them have to do with water treatment viability, uncertain data from streams sampled for fish and wetland analysis, and compensatory mitigation. I'm writing a story (my deadline is Wednesday at 11:30am eastern/7:30am AK) about some of those concerns but wanted to see if anything has changed since those meetings. Would you mind answering these questions?:

1. According to the notes, EPA said the **water treatment** plan isn't proven to be viable at the proposed Pebble scale. Asked if USACE was comfortable with moving forward with FEIS with this technical uncertainty, USACE said yes.
    a. Has this been addressed and is EPA satisfied with it? Will FEIS evaluate whether changes to water treatment are possible within three years (the length of time water pond allows for storage)?
2. NPS and EPA had concerns about **which streams were sampled** or not sampled to do analysis for fish and wetlands. AECOM then said it hadn't yet determined if some streams were not sampled.
    a. Has this question been addressed? Will FEIS include data showing exactly which streams were surveyed and an explanation of why others weren't, as EPA recommended?
3. Regarding compensatory **mitigation**, USACE said the plan in EIS would remain high level and more mitigation information would be in the record of decision. EPA expressed concern that the plan was too high level, a more detailed plan should be in the EIS, and EPA asked USACE why it wasn't getting public input on the mitigation plan.
    a. Have these items been addressed and how? Is EPA satisfied with it?

Thank you for your help,
James Marshall
Reporter, E&E News
727-481-5437 (cell)

To: Risley, David[Risley.David@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Fuld, John[Fuld.John@epa.gov]; Gordon, Brittney[Gordon.Brittney@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; MacIntyre, Mark[Macintyre.Mark@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Thur 4/9/2020 6:43:20 PM (UTC)
Subject: RE: Press Inquires: Due today

Thanks everyone. Not hearing any objections, I will move these responses forward.

Thanks everyone!
Angela

From: Risley, David <Risley.David@epa.gov>
Sent: Thursday, April 9, 2020 2:41 PM
To: Nitsch, Chad <Nitsch.Chad@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: RE: Press Inquires: Due today

Good here. Thank you!

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cel Ex. 6 Personal Privacy (PP)

From: Nitsch, Chad <Nitsch.Chad@epa.gov>
Sent: Thursday, April 09, 2020 1:50 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: RE: Press Inquires: Due today

R3 concurs.

Chad Nitsch
Director, Office of Public Affairs
US Environmental Protection Agency – Region 3 (Mid-Atlantic: WV, VA, PA, MD, DE, DC, and 7 federally recognized tribes)
Ex. 6 Personal Privacy (PP)

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, April 9, 2020 1:47 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Subject: RE: Press Inquires: Due today

OW/R10/R3 do you all concur? Would like to get these back shortly.
Thanks!
Angela

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To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Subject: RE: Press Inquires: Due today

No objection to your suggested responses. Thanks Angela.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, April 9, 2020 1:28 PM
To: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Subject: Press Inquires: Due today
Importance: High

Hi Everyone,

We have the below responses. Below are my suggested responses (based on recent discussions).

Please let me know how you all would like to proceed. These are due by 5 today.

Thanks,

Angela

For Joyce:

Attributable to an EPA Spokesperson

EPA does not have a comment at this time.

For Juan Carlos

Attributable to an EPA Spokesperson

EPA does not comment on pending litigation.

From: Joyce Hanson <joyce.hanson@law360.com>
Sent: Thursday, April 9, 2020 12:55 PM
To: Press <Press@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Law360 reporter on deadline re: COVID-19 stay in Bristol Bay EDC et al. v. Hladick et al.

Hello EPA Press Office and Mr. MacIntyre,

I'm reporting today for Law360, writing on deadline for 3:30 p.m. ET, about Alaska's opposition to Native American and environmental groups' attempt to quickly lift a coronavirus-related stay in Bristol Bay Economic Development Corp. et al. v. Chris Hladick et al., case number 3:19-cv-00265, in the U.S. District Court for the District of Alaska.

Here's the opposition (April 8, Doc 70):
https://assets.law360news.com/1261000/1261800/alaska%204%208%20oppo.pdf

Would you like to comment on the state's position that it "respects and appreciates the decision of the U.S. District Court for Alaska to give priority to criminal and emergency matters over non-emergent civil matters like this one," or any other aspect of the opposition or case as a whole?

Note: The EPA is represented by Mark A. Nitczynski and Brian Uholik of the U.S. Department of Justice's Environment and Natural Resources Division and Bryan Schroder of the U.S. Attorney's Office for the District of Alaska.

I'm available for a phone interview at 646-509-1091, or please email me a comment if you prefer.

Thank you, Joyce Hanson

Hi, I'm doing a story today on the attached Fourth Circuit decision regarding attorneys fees that may be awarded under the Clean Water Act in relation to the EPA's action on a W.V. sanitary board's discharge plan. Does the agency have any comment in response? I can add a comment until 5 p.m. EDT today.

Thanks.

--
Juan Carlos Rodriguez
Senior Environment Reporter

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: 505-353-2277

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell Ex. 6 Personal Privacy (PP)

To: Nitsch, Chad[Nitsch.Chad@epa.gov]; Hackel, Angela[Hackel.Angela@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Fuld, John[Fuld.John@epa.gov]; Gordon, Brittney[Gordon.Brittney@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; MacIntyre, Mark[Macintyre.Mark@epa.gov]
From: Risley, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=87A934537A26490DA444A899065E3E2A-DRISLEY]
Sent: Thur 4/9/2020 6:41:21 PM (UTC)
Subject: RE: Press Inquires: Due today

Good here. Thank you!

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cel Ex. 6 Personal Privacy (PP)

From: Nitsch, Chad <Nitsch.Chad@epa.gov>
Sent: Thursday, April 09, 2020 1:50 PM
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Subject: RE: Press Inquires: Due today

R3 concurs.

Chad Nitsch
Director, Office of Public Affairs
US Environmental Protection Agency – Region 3 (Mid-Atlantic: WV, VA, PA, MD, DE, DC, and 7 federally recognized tribes)
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No objection to your suggested responses. Thanks Angela.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency

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Subject: Press Inquires: Due today
Importance: High

Hi Everyone,

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Thanks,

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For Joyce:

Attributable to an EPA Spokesperson

EPA does not have a comment at this time.

For Juan Carlos

Attributable to an EPA Spokesperson

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I'm available for a phone interview at 646-509-1091, or please email me a comment if you prefer.

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Thanks.

--
Juan Carlos Rodriguez
Senior Environment Reporter

Legal News & Data
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Office: 646-783-7197
Cell: 505-353-2277

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell Ex. 5 Deliberative Process (DP)

To: Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Risley, David[Risley.David@epa.gov]; Fuld, John[Fuld.John@epa.gov]; Gordon, Brittney[Gordon.Brittney@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; MacIntyre, Mark[Macintyre.Mark@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]
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Sent: Thur 4/9/2020 5:46:44 PM (UTC)
Subject: RE: Press Inquires: Due today

OW/R10/R3 do you all concur? Would like to get these back shortly.
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Angela

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Subject: RE: Press Inquires: Due today

No objection to your suggested responses. Thanks Angela.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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Subject: Press Inquires: Due today
Importance: High

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Angela

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Attributable to an EPA Spokesperson

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For Juan Carlos

Attributable to an EPA Spokesperson

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Sent: Thursday, April 9, 2020 12:55 PM
To: Press <Press@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
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Note: The EPA is represented by Mark A. Nitczynski and Brian Uholik of the U.S. Department of Justice's Environment and Natural Resources Division and Bryan Schroder of the U.S. Attorney's Office for the District of Alaska.

I'm available for a phone interview at 646-509-1091, or please email me a comment if you prefer.

Thank you, Joyce Hanson

Hi, I'm doing a story today on the attached Fourth Circuit decision regarding attorneys fees that may be awarded under the Clean Water Act in relation to the EPA's action on a W.V. sanitary board's discharge plan. Does the agency have any comment in response? I can add a comment until 5 p.m. EDT today.

Thanks.

--
Juan Carlos Rodriguez
Senior Environment Reporter

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: 505-353-2277

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cel Ex. 6 Personal Privacy (PP)

To: Hackel, Angela[Hackel.Angela@epa.gov]; Gordon, Brittney[Gordon.Brittney@epa.gov]; Risley, David[Risley.David@epa.gov]; Fuld, John[Fuld.John@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Wed 4/15/2020 8:24:42 PM (UTC)
Subject: RE: Hi from Law360: comment on Alaska's motion for summary judgement in mining case

OGC concurs with **EPA does not comment on pending litigation** to this inquiry. Thanks Angela!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, April 15, 2020 4:07 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: Fwd: Hi from Law360: comment on Alaska's motion for summary judgement in mining case

We have an end of the day deadline on this one. Did we want to go with:

Attributable to an EPA Spokesperson

EPA does not comment on pending litigation.

We used this recently for this type of inquiry.

Please let me know.

Angela

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

Begin forwarded message:

> **From:** Emma Whitford <emma.whitford@law360.com>
> **Date:** April 15, 2020 at 4:02:23 PM EDT
> **To:** "Hackel, Angela" <Hackel.Angela@epa.gov>
> **Subject: Re: Hi from Law360: comment on Alaska's motion for summary judgement in mining case**
>
> Thanks, Angela! End of day, unfortunately.
>
> On Wed, Apr 15, 2020 at 4:01 PM Hackel, Angela <Hackel.Angela@epa.gov> wrote:
> Hi Emma,
>
> I am looking into this for you. Can you please let me know your deadline?
>
> Thanks,

Angela

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell Ex. 6 Personal Privacy (PP)

> On Apr 15, 2020, at 3:23 PM, Emma Whitford <emma.whitford@law360.com> wrote:
>
>
> Hi Angela,
>
> I hope all is well. Attached is Alaska's motion for summary judgement in the case regarding the Pebble Mine project in Alaska. The State supports your agency's move to repeal 2014 restrictions on mining in the area. Would the EPA like to comment?
>
> Best,
> Emma
>
> --
> Emma Whitford
> General Assignment Reporter
> <https-ecf-akd-uscourts-gov-doc1-02312248068.pdf>

--
Emma Whitford
General Assignment Reporter

To: Hackel, Angela[Hackel.Angela@epa.gov]; Risley, David[Risley.David@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Fuld, John[Fuld.John@epa.gov]
Cc: Klein, Melissa[Klein.Melissa@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Tue 4/14/2020 9:20:13 PM (UTC)
Subject: RE: Pebble mine technical meeting questions

OGC has no objections to this response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 5:19 PM
To: Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Does R10 and OGC concur with this, response?

From: Risley, David <Risley.David@epa.gov>
Sent: Tuesday, April 14, 2020 5:18 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Ex. 5 Deliberative Process (DP)

David Risley
EPA Office of Water Communications
Office 202-343-9177
Ce[redacted] Ex. 6 Personal Privacy (PP)

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 5:15 PM
To: Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Hi David,

Just to clarify, what does OW recommend sharing with the reporter?
Thanks,
Angela

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To: Hackel, Angela <Hackel.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Angela, I am available to talk. But, **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cel Ex. 6 Personal Privacy (PP)

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 3:16 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

I am free at 3:30, is any one else free or I could do later?

Thanks,

Angela

From: Holsman, Marianne <Holsman.Marianne@epa.gov>
Sent: Tuesday, April 14, 2020 3:06 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Might be good to have a quick call.

Marianne

Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 11:02 AM
To: Fuld, John <Fuld.John@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Marianne,

Does R10 have a statement? If so, can you please send it to this group so that OW and OGC can review.

Ideally we could start the review shortly, as I know that it takes time to get things through Senior Management review.

Thanks,

Angela

From: Fuld, John <Fuld.John@epa.gov>
Sent: Tuesday, April 14, 2020 1:58 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>

Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: RE: Pebble mine technical meeting questions

OW will still want to se it and Sr. Mgt to review

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 1:56 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: Re: Pebble mine technical meeting questions

Okay, do we have a high level summery statement that we could provide?

Thanks,

Angela

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell Ex. 6 Personal Privacy (PP)

On Apr 14, 2020, at 1:50 PM, Holsman, Marianne <Holsman.Marianne@epa.gov> wrote:

We recently sent in comments on the draft EIS, so perhaps that could inform our response?

Marianne

Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 9:59 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble mine technical meeting questions

Thanks. Just so folks know that OPA management has asked me to keep them updated on the progress of the response. If we could try to get them something today or first thing tomorrow, I think that would be great.

Thanks,

Angela

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, April 14, 2020 12:56 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble mine technical meeting questions

OGC can review any response generated by the program or Region. Thanks.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, April 14, 2020 12:54 PM
To: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: FW: Pebble mine technical meeting questions

Hello,
We have received the below inquiry, with a deadline of 11:30 est tomorrow.

Please let me know how you all would like to respond.

Thanks,

Angela

From: James Marshall <jmarshall@eenews.net>
Sent: Tuesday, April 14, 2020 11:53 AM
To: Press <Press@epa.gov>
Subject: Pebble mine technical meeting questions

Good morning,

E&E News has received notes from a technical meeting that took place over three days in March between EPA, USACE, AECOM and other cooperating agencies with the Pebble mine project. According to the notes, the groups met to discuss the Pebble Preliminary Final Environmental Impact Statement to prepare to advance the FEIS.

EPA, and other agencies, brought up many concerns with the PFEIS. Some of them have to do with water treatment viability, uncertain data from streams sampled for fish and wetland analysis, and compensatory mitigation. I'm writing a story (my deadline is Wednesday at 11:30am eastern/7:30am AK) about some of those concerns but wanted to see if anything has changed since those meetings. Would you mind answering these questions?:

1. According to the notes, EPA said the **water treatment** plan isn't proven to be viable at the proposed Pebble scale. Asked if USACE was comfortable with moving forward with FEIS with this technical uncertainty, USACE said yes.

    a. Has this been addressed and is EPA satisfied with it? Will FEIS evaluate whether changes to water treatment are possible within three years (the length of time water pond allows for storage)?

2. NPS and EPA had concerns about **which streams were sampled** or not sampled to do analysis for fish and wetlands. AECOM then said it hadn't yet determined if some streams were not sampled.

    a. Has this question been addressed? Will FEIS include data showing exactly which streams were surveyed and an explanation of why others weren't, as EPA recommended?

3. Regarding compensatory **mitigation**, USACE said the plan in EIS would remain high level and more mitigation information would be in the record of decision. EPA expressed concern that the plan was too high level, a more detailed plan should be in the EIS, and EPA asked USACE why it wasn't getting public input on the mitigation plan.

a. Have these items been addressed and how? Is EPA satisfied with it?

Thank you for your help,

James Marshall
Reporter, E&E News
727-481-5437 (cell)

To: Hackel, Angela[Hackel.Angela@epa.gov]; Risley, David[Risley.David@epa.gov]; Fuld, John[Fuld.John@epa.gov]; Gordon, Brittney[Gordon.Brittney@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; MacIntyre, Mark[Macintyre.Mark@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Thur 4/9/2020 5:43:58 PM (UTC)
Subject: RE: Press Inquires: Due today

No objection to your suggested responses. Thanks Angela.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, April 9, 2020 1:28 PM
To: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Subject: Press Inquires: Due today
Importance: High

Hi Everyone,

We have the below responses. Below are my suggested responses (based on recent discussions).

Please let me know how you all would like to proceed. These are due by 5 today.

Thanks,

Angela

For Joyce:

Attributable to an EPA Spokesperson

EPA does not have a comment at this time.

For Juan Carlos

Attributable to an EPA Spokesperson

EPA does not comment on pending litigation.

From: Joyce Hanson <joyce.hanson@law360.com>
Sent: Thursday, April 9, 2020 12:55 PM
To: Press <Press@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Law360 reporter on deadline re: COVID-19 stay in Bristol Bay EDC et al. v. Hladick et al.

Hello EPA Press Office and Mr. MacIntyre,

I'm reporting today for Law360, writing on deadline for 3:30 p.m. ET, about Alaska's opposition to Native American and environmental groups' attempt to quickly lift a coronavirus-related stay in Bristol Bay Economic Development Corp. et al. v. Chris Hladick et al., case number 3:19-cv-00265, in the U.S. District Court for the District of Alaska.

Here's the opposition (April 8, Doc 70):
https://assets.law360news.com/1261000/1261800/alaska%204%208%20oppo.pdf

Would you like to comment on the state's position that it "respects and appreciates the decision of the U.S. District Court for Alaska to give priority to criminal and emergency matters over non-emergent civil matters like this one," or any other aspect of the opposition or case as a whole?

Note: The EPA is represented by Mark A. Nitczynski and Brian Uholik of the U.S. Department of Justice's Environment and Natural Resources Division and Bryan Schroder of the U.S. Attorney's Office for the District of Alaska.

I'm available for a phone interview at 646-509-1091, or please email me a comment if you prefer.

Thank you, Joyce Hanson

Hi, I'm doing a story today on the attached Fourth Circuit decision regarding attorneys fees that may be awarded under the Clean Water Act in relation to the EPA's action on a W.V. sanitary board's discharge plan. Does the agency have any comment in response? I can add a comment until 5 p.m. EDT today.

Thanks.

--
Juan Carlos Rodriguez
Senior Environment Reporter

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Cell: 505-353-2277

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

To: Hackel, Angela[Hackel.Angela@epa.gov]
Cc: Risley, David[Risley.David@epa.gov]; Fuld, John[Fuld.John@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Fri 7/24/2020 9:02:56 PM (UTC)
Subject: RE: Pebble Mine, Army Corps of Engineers report

I would just go with the original.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Friday, July 24, 2020 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble Mine, Army Corps of Engineers report

Okay. I would like to get back to the reporter soon, as we are past their deadline. Do you know when you may hear back from the final person?
Thanks,

Angela

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, July 24, 2020 4:26 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Pebble Mine, Army Corps of Engineers report

I am still checking, but thus far have no additional comments.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Friday, July 24, 2020 3:14 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: FW: Pebble Mine, Army Corps of Engineers report

Hello,

Ariadne my management wanted me to see if there is anything in addition to the below desk statement that we can use. Checking on the deadline.

Ex. 5 Deliberative Process (DP)

Thanks,
Angela

From: CNS Nathan Solis <nsolis@Courthousenews.com>
Sent: Friday, July 24, 2020 2:47 PM
To: Press <Press@epa.gov>
Subject: Pebble Mine, Army Corps of Engineers report

Hello,
I'm a reporter with Courthouse News Service.

I'm following up on the Army Corps of Engineers release of their Final Environmental Impact State on the Pebble Mine in Alaska.

What is the next step in the permit process for that project? Does EPA have a timeline when a final answer will be issued?

Thank you for your time.
Regards,

Nathan Solis
Los Angeles Reporter
Courthouse News Service
www.courthousenews.com
C: (323) 240-5995

To: Willey, Katharine[willey.katharine@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Thur 12/26/2019 3:49:17 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials

FYI

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cel Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
> **Subject: EPA logo in Pebble Mine publicity materials**
>
> Good Morning.
>
> Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?
>
> It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.
>
> Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.
>
> Thanks –
>
> Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Schwarz, Matthew[Schwarz.Matthew@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Thur 12/26/2019 3:37:03 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Goerke, Ariadne
Sent: Thursday, December 26, 2019 10:36 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Rob,
It was not clear from your message if the draft email/letter below is currently being reviewed by Katharine. I am trying to find out if OPA and the Region are working on a draft response to the press inquiry, but in the meantime **Ex. 5 Deliberative Process (DP)** **Ex. 5 Deliberative Process (DP)** Thanks.
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

s.

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

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-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

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Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cel Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

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> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>

Subject: EPA logo in Pebble Mine publicity materials

Good Morning.

Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?

It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.

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Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

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I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

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If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Willey, Katharine[willey.katharine@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Fri 12/27/2019 5:32:42 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials
ClearPathForward-Logos.jpg

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

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Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

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To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
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Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
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Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

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To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
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Can ogc and op weigh in on this? Thx ng

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> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
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Mariah Oxford
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Sent: Mon 12/23/2019 9:57:07 PM (UTC)
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Rob,

I believe Nancy was planning to check in with her staff to see if there were any recommendations on how to respond to the questions.

Nancy, if I am incorrect, please let us know.

Thanks!

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

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Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cel Ex. 6 Personal Privacy (PP)

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Public Affairs | Social Media
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O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
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From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
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Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

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Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
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Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Fri 12/27/2019 5:24:10 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Goerke, Ariadne
Sent: Friday, December 27, 2019 9:46 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Hi Nancy,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I will notify you as soon as the letter is sent so this statement can be issued (unless it is just a desk statement, in that case we just have it ready). I am figuring out how the press materials operate so I appreciate your guidance and patience with me. Thank you!!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

Begin forwarded message:

> **From:** "Willey, Katharine" <willey.katharine@epa.gov>
> **Date:** December 26, 2019 at 10:34:36 PM EST
> **To:** "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>
> **Cc:** "Schwarz, Matthew" <Schwarz.Matthew@epa.gov>, "Albright, Scott" <Albright.Scott@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Blake, Wendy" <Blake.Wendy@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>
> **Subject: RE: EPA logo in Pebble Mine publicity materials**

Ex. 5 Deliberative Process (DP)

> **From:** Goerke, Ariadne <Goerke.Ariadne@epa.gov>
> **Sent:** Thursday, December 26, 2019 4:19 PM
> **To:** Willey, Katharine <willey.katharine@epa.gov>
> **Cc:** Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

On Dec 26, 2019, at 4:13 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Both the letter and the draft response to the press inquiry (which I drafted this morning).

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 3:56 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Thanks for the update, but I wasn't clear on if you are waiting FO signoff on the letter Scott drafted or something else. Thanks!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Thursday, December 26, 2019 3:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

All—I have reached out to OPA and they can send a press statement when necessary. Trying to get FO signoff on something I drafted this morning. Will let you know when I have any updates on my end.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 10:55 AM
To: Willey, Katharine <willey.katharine@epa.gov>

Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
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Hi Katharine,
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Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Thank you!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
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Ex. 5 AC/DP

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> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
> **Subject: EPA logo in Pebble Mine publicity materials**
>
> Good Morning.

Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?

It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.

Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.

Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) > C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Fri 12/27/2019 2:45:32 PM (UTC)
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Hi Nancy,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I will notify you as soon as the letter is sent so this statement can be issued (unless it is just a desk statement, in that case we just have it ready). I am figuring out how the press materials operate so I appreciate your guidance and patience with me. Thank you!!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

Begin forwarded message:

From: "Willey, Katharine" <willey.katharine@epa.gov>
Date: December 26, 2019 at 10:34:36 PM EST
To: "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>
Cc: "Schwarz, Matthew" <Schwarz.Matthew@epa.gov>, "Albright, Scott" <Albright.Scott@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Blake, Wendy" <Blake.Wendy@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>
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Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel

U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

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Both the letter and the draft response to the press inquiry (which I drafted this morning).

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Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
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Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
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Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

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To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
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-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

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Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
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Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cel Ex. 6 Personal Privacy (PP)

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>
> Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160< Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
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Mariah Oxford
Editorial and Design Consultant

(907) 782-6600

To: Blake, Wendy[Blake.Wendy@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Fri 12/27/2019 2:37:10 PM (UTC)
Subject: Re: EPA logo in Pebble Mine publicity materials

Thanks Wendy.
If it doesn't work out today that is alright, just trying to make it work if it was possible.
Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) cell)

On Dec 27, 2019, at 8:45 AM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Ariadne –

We should be able to get it out today, but I need to circle with Charlotte on one item. I anticipate issuing the email this afternoon. I will email you and Katharine when it is sent.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, December 27, 2019 8:28 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Thank you Katharine, this is great.

GLO, when is the earliest this can be sent? I realize Scott is out but is would be ideal to get it out as soon as possible.

Ex. 6 Personal Privacy (PP) so would ideally like this wrapped up today.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) cell)

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Office of General Counsel
U.S. Environmental Protection Agency
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Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
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(202) 564-0580

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Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

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From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant

(907) 782-6600

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Goerke, Ariadne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8B70BCD421E464BB63A31F451970F7E-AGOERKE]
Sent: Wed 12/18/2019 9:16:45 PM (UTC)
Subject: Re: EPA logo in Pebble Mine publicity materials

Let's call Nancy together so I fully understand the process and know what needs to happen and by whom. I will stop by your office at 5 if that works.
Sent from my iPhone

On Dec 18, 2019, at 3:27 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

I'm also in meetings until 5pm but can call her then -

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, December 18, 2019 3:16 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

I would be thrilled if you could engage with Nancy since I am at the business meeting till 5. Thank you!

Sent from my iPhone

On Dec 18, 2019, at 3:07 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Ariadne –

Thanks for letting me know.

Ex. 5 Deliberative Process (DP)

I am happy to call Nancy back, or you can do it as Comms Director, just let me know.

-R

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, December 18, 2019 2:19 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Nancy asked about the status at the weekly, will we know something more by the end of the day? You of all people know how this works!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:36 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Thanks!

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
> **Subject: EPA logo in Pebble Mine publicity materials**
>
> Good Morning.
>
> Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?
>
> It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.
>
> Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.
>
> Thanks –
>
> Suzanne
>
> Suzanne Skadowski
> Public Affairs | Social Media
> U.S. Environmental Protection Agency
> Region 10 Pacific Northwest - Seattle
> O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
> Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
> Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>
>
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> To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

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Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
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Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

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Sent: 7/9/2020 10:10:53 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Johnson, Patrick [johnson.patrick@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Fidis, Alexander [Fidis.Alexander@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Chu, Rebecca [Chu.Rebecca@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Jensen, Amy A. [jensen.amy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Urban, Amanda [urban.amanda@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Li, Beverly [Li.Beverly@epa.gov]

Subject: R10 Pebble Project Senior Leader NEPA FEIS Briefing
Attachments: R10 ORA Request_Pebble Project Senior Leadership NEPA FEIS Comment Letter.docx
Location: Microsoft Teams Meeting

Start: 8/13/2020 6:00:00 PM
End: 8/13/2020 7:00:00 PM
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Meeting/Event Request for Region 10 - Office of the Regional Administrator

Please submit this form for any official briefings/updates for the RA/DRA or event attendance requests.

Today's Date:

7/8/20

Requesting Office:

Regional Administrator's Divison and Water Division

Title/Topic of the Meeting/Event (please define any acronyms):

Pebble Project: Senior Leadership NEPA FEIS Comment Letter Briefing

Administrator or Deputy Administrator or Both?

Regional Administrator

Purpose (informational, decisional, other):

Informational and decisional

Role of RA/DRA:

Participant

Last possible date for the meeting (if urgent, explain why) or date of event:

Please schedule for August 13 or August 14 (we are on a tight timeframe for reviewing the FEIS – see corresponding request for R10 meeting earlier this same week). We have coordinated with John Mutz in the past to help schedule for key HQ senior leadership.

Requested Time Length:

1 hour

EPA Staff (Required):

Matt Leopold, David Fotouhi, Lee Forsgren, Brittany Bolen, Chris Hladick, Steve Neugeboren, Dan Opalski, John Goodin, Rob Tomiak, Andrew Baca, Tami Fordham, Cami Grandinetti, Patty McGrath, Matt LaCroix, Molly Vaughan, Palmer Hough, Patrick Johnson, Ed Kowalski, Alex Fidis, Cara Steiner-Riley, Heidi Nalven, Carrie Wehling, Marthea Rountree, Cindy Barger, Rebecca Chu, Matt Szelag, Allison Hoppe, Tom Marshall, Amy Jensen, Russ Kaiser, Brian Fraser, Leah Brown, Amanda Urban, Megan Barnhart

EPA Staff (Optional):

External Participants (please provide email address and/or point of contact):

None

NOTE: Please submit Meeting Requests to [redacted] and copy your OD/Associate. All briefing materials must be provided by 3:00 pm three business days before your meeting or the meeting may be rescheduled.

Audio Line or Video Conference or other technology needs required (provide details)?

Teams or Skype

Point of Contact for the Meeting:

Matt Szelag, 1-1208

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Appointment

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Sent: 7/9/2020 10:10:53 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Johnson, Patrick [johnson.patrick@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Fidis, Alexander [Fidis.Alexander@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Chu, Rebecca [Chu.Rebecca@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Jensen, Amy A. [jensen.amy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Urban, Amanda [urban.amanda@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Li, Beverly [Li.Beverly@epa.gov]

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CC: Li, Beverly [Li.Beverly@epa.gov]; Abrams, Nancy [Abrams.Nancy@epa.gov]; Axelrod, Julie [Axelrod.Julie@epa.gov]; Wheeler, Kevin [Wheeler.Kevin@epa.gov]; Croxton, David [Croxton.David@epa.gov]; Sheppard, Tracy [Sheppard.Tracy@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]

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To: Hladick, Christopher [hladick.christopher@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Johnson, Patrick [johnson.patrick@epa.gov]; Fidis, Alexander [Fidis.Alexander@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Chu, Rebecca [Chu.Rebecca@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Jensen, Amy A. [jensen.amy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Urban, Amanda [urban.amanda@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Li, Beverly [Li.Beverly@epa.gov]; Abrams, Nancy [Abrams.Nancy@epa.gov]; Axelrod, Julie [Axelrod.Julie@epa.gov]; Wheeler, Kevin [Wheeler.Kevin@epa.gov]; Croxton, David [Croxton.David@epa.gov]; Sheppard, Tracy [Sheppard.Tracy@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]

Subject: R10 Pebble Project Senior Leader NEPA FEIS Briefing
Attachments: R10 ORA Request_Pebble Project Senior Leadership NEPA FEIS Comment Letter.docx
Location: Microsoft Teams Meeting

Start: 8/13/2020 6:00:00 PM
End: 8/13/2020 7:00:00 PM
Show Time As: Busy

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Conference ID: Ex. 6 Personal Privacy (PP)

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Appointment

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Subject: R10 Pebble Project Senior Leader NEPA FEIS Briefing
Attachments: R10 ORA Request_Pebble Project Senior Leadership NEPA FEIS Comment Letter.docx; Pebble FEIS briefing Aug 2020_final.docx
Location: Microsoft Teams Meeting

Start: 8/13/2020 6:00:00 PM
End: 8/13/2020 7:00:00 PM
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Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 8/13/2020 6:56:44 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]

Subject: Pebble Project NEPA FEIS Briefing
Attachments: Pebble FEIS Comments Draft for Review 081320.docx; Pebble FEIS briefing Aug 2020_finalv2.docx
Location: Microsoft Teams Meeting

Start: 8/18/2020 7:30:00 PM
End: 8/18/2020 8:30:00 PM
Show Time As: Busy

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Subject: Pebble Project NEPA FEIS Briefing
Location: Microsoft Teams Meeting

Start: 8/18/2020 7:30:00 PM
End: 8/18/2020 8:30:00 PM
Show Time As: Tentative

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Conference ID: Ex. 6 Personal Privacy (PP)

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CC: Wheeler, Kevin [Wheeler.Kevin@epa.gov]

Subject: Pebble Project NEPA FEIS Briefing
Attachments: Pebble FEIS Comments Draft for Review 081320.docx; Pebble FEIS briefing Aug 2020_finalv2.docx
Location: Microsoft Teams Meeting

Start: 8/18/2020 7:30:00 PM
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To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Fri 8/14/2020 7:08:57 PM (UTC)
Subject: FW: Revised Draft EPA FEIS letter to tfohe U.S. Army Corps of Engineers on the Pebble Project
Pebble FEIS Comments Draft for Review 081320.docx
Pebble FEIS briefing Aug 2020_finalv2.docx

Folks:

Here is the team's letter to the Corps regarding Pebble final comments on the EIS. Included is a briefing document prepared by staff. The staff did an excellent job of encompassing the significant issues with the FEIS given the size of the project.

If you have any questions please don't hesitate to call.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

To: tbridgeford@nma.org[tbridgeford@nma.org]; Molina, Michael[molina.michael@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Mark Compton[mcompton@miningamerica.org]
Sent: Fri 5/1/2020 3:52:34 PM (UTC)
Subject: Re: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Michael,

I have one more name for the call: Kris McCaig with Teck American.

Thanks,

Mark

From: "Bridgeford, Tawny" <TBridgeford@nma.org>
Date: Friday, May 1, 2020 at 7:49 AM
To: Mark Compton <mcompton@miningamerica.org>, "Molina, Michael" <molina.michael@epa.gov>
Cc: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Michael, we rounded up the following additional companies. Looking forward to joining the call this afternoon. I sent my folks the conference call information shared earlier this week. If that changes just let me know.

Coeur – Sara Thorne
Rio Tinto – Ryan Modlin
Freeport McMoRan – Bill Cobb & Richard Bark
Usibelli Coal – Lorali Simon
Peabody – Michael Flannigan & Ruth Demeter
Alliance Resources Partners – Dan Baron & Heath Lovell
Arch Coal – Rachel Rogier
Consol Energy – Zach Smith

Tawny

From: Mark Compton <mcompton@miningamerica.org>
Sent: Thursday, April 30, 2020 7:42 PM
To: Molina, Michael <molina.michael@epa.gov>; Bridgeford, Tawny <TBridgeford@nma.org>
Subject: Re: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Michael,

Thank you for the opportunity to invite member companies to tomorrow's call. Here is a list of names that I have received so far. I may have a couple more in the morning.

Novagold – Ron Rimelman
Newmont – Mary Beth Donnelly
Barrick – Patrick Malone
Hecla – Luke Russell and Mike Satre
Coeur – Jay Gear
Pebble Partnership – Mike Heatwole
WyoBen – Joe Sylvester
Midas Gold – Laurel Sayer
Capstone Mining – Mike Wickersham
Polymet – Brad Moore
Teck – Dave Enos
LithiumAmericas – Ted Grandy
Holland & Hart – Nils Johnson

SWCA – David Steed

Mark

From: "Molina, Michael" <molina.michael@epa.gov>
Date: Thursday, April 30, 2020 at 11:49 AM
To: Mark Compton <mcompton@miningamerica.org>, "tbridgeford@nma.org" <tbridgeford@nma.org>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

thank you Mark,

Regards,

Michael

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
Ex. 6 Personal Privacy (PP) (c)

From: Mark Compton <mcompton@miningamerica.org>
Sent: Thursday, April 30, 2020 2:48 PM
To: Molina, Michael <molina.michael@epa.gov>; tbridgeford@nma.org
Subject: Re: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Hi Michael,

I'm sure we can get some companies to participate. I will do some outreach and let you know as soon as possible.

Best,

Mark

Mark Compton
Executive Director
American Exploration & Mining Association
16201 E. Indiana Ave., Suite 3280
Spokane Valley, WA 99216
Office: 509-624-1158 ext. 116
Mobile: 509-867-6003
www.miningamerica.org

From: "Molina, Michael" <molina.michael@epa.gov>
Date: Thursday, April 30, 2020 at 11:43 AM
To: "tbridgeford@nma.org" <tbridgeford@nma.org>, Mark Compton <mcompton@miningamerica.org>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Good afternoon Tawny and Mark,

The administrator has asked that we expand the call beyond the trade associations and have as many member companies on the call as possible. I know this is short notice, but would you be able to pull some company/names together?

much appreciated,

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
Ex. 6 Personal Privacy (PP) (c)

From: Bridgeford, Tawny <TBridgeford@nma.org>
Sent: Monday, April 27, 2020 1:58 PM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>; Nolan, Rich <RNolan@nma.org>; mcompton@miningamerica.org
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Aaron:

Rich and I are available on behalf of the National Mining Association any time after 11:30 a.m. (Eastern).

Regards,

Tawny

Tawny Bridgeford

Deputy General Counsel & Vice President, Regulatory Affairs

National Mining Association

101 Constitution Ave. NW, Suite 500 East

Washington, D.C. 20001

Phone: (202) 463-2600

Direct: (202) 463-2629

tbridgeford@nma.org

From: Dickerson, Aaron <dickerson.aaron@epa.gov>
Sent: Monday, April 27, 2020 12:41 PM
To: Nolan, Rich <RNolan@nma.org>; Bridgeford, Tawny <TBridgeford@nma.org>; mcompton@miningamerica.org
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Hello,

I hope this email finds you well. On April 16th EPA released 8 new sector snapshots, including one for your sector. As a follow-up to publication of the snapshots, we would like to invite you, as well as any representatives from your member companies, to a call with Administrator Wheeler. This call would serve as an opportunity to discuss the snapshots, your participation in the Smart Sectors Program, and other issues pertinent to your sector.
Please respond with any times on Friday, May 1, 2020 that would not work for your organization. Once the call is scheduled, the Smart Sectors Program staff will be in touch with you to confirm attendees and learn of any topics you intend to raise on the call.
Thank you.

Aaron Dickerson
Senior Advisor
Office of the Administrator
U.S. EPA

To: Molina, Michael[molina.michael@epa.gov]; Mark Compton[mcompton@miningamerica.org]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Bridgeford, Tawny[TBridgeford@nma.org]
Sent: Fri 5/1/2020 12:01:07 AM (UTC)
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

I am rounding up additional companies and will send an amended list tomorrow late morning. Many of the folks Mark rounded up below are shared members.

From: Molina, Michael <molina.michael@epa.gov>
Sent: Thursday, April 30, 2020 7:53 PM
To: Mark Compton <mcompton@miningamerica.org>
Cc: Bridgeford, Tawny <TBridgeford@nma.org>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Fantastic, thank you Mark

MM

Sent from my iPhone

On Apr 30, 2020, at 7:42 PM, Mark Compton <mcompton@miningamerica.org> wrote:

Michael,

Thank you for the opportunity to invite member companies to tomorrow's call. Here is a list of names that I have received so far. I may have a couple more in the morning.

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Newmont – Mary Beth Donnelly
Barrick – Patrick Malone
Hecla – Luke Russell and Mike Satre
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Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Molina, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D19C1D68DA1A4587866E1850F22A6AE5-MOLINA, MIC]
Sent: Fri 5/1/2020 3:06:07 PM (UTC)
Subject: Re: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Thank you so much Tawny. This is going to be a good call.
Michael

Sent from my iPad

On May 1, 2020, at 10:49 AM, Bridgeford, Tawny <TBridgeford@nma.org> wrote:

Michael, we rounded up the following additional companies. Looking forward to joining the call this afternoon. I sent my folks the conference call information shared earlier this week. If that changes just let me know.

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Rio Tinto – Ryan Modlin
Freeport McMoRan – Bill Cobb & Richard Bark
Usibelli Coal – Lorali Simon
Peabody – Michael Flannigan & Ruth Demeter
Alliance Resources Partners – Dan Baron & Heath Lovell
Arch Coal – Rachel Rogier
Consol Energy – Zach Smith

Tawny

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Subject: Re: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

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Date: Thursday, April 30, 2020 at 11:49 AM
To: Mark Compton <mcompton@miningamerica.org>, "tbridgeford@nma.org" <tbridgeford@nma.org>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

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Regards,

Michael

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Best,

Mark

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Executive Director
American Exploration & Mining Association
16201 E. Indiana Ave., Suite 3280
Spokane Valley, WA 99216
Office: 509-624-1158 ext. 116
Mobile: 509-867-6003
www.miningamerica.org

From: "Molina, Michael" <molina.michael@epa.gov>
Date: Thursday, April 30, 2020 at 11:43 AM
To: "tbridgeford@nma.org" <tbridgeford@nma.org>, Mark Compton <mcompton@miningamerica.org>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Good afternoon Tawny and Mark,

The administrator has asked that we expand the call beyond the trade associations and have as many member companies on the call as possible. I know this is short notice, but would you be able to pull some company/names together?

much appreciated,

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
Ex. 6 Personal Privacy (PP) (c)

From: Bridgeford, Tawny <TBridgeford@nma.org>
Sent: Monday, April 27, 2020 1:58 PM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>; Nolan, Rich <RNolan@nma.org>; mcompton@miningamerica.org
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: RE: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Aaron:

Rich and I are available on behalf of the National Mining Association any time after 11:30 a.m. (Eastern).

Regards,

Tawny

<image001.png>

Tawny Bridgeford

Deputy General Counsel & Vice President, Regulatory Affairs

National Mining Association

101 Constitution Ave. NW, Suite 500 East

Washington, D.C. 20001

Phone: (202) 463-2600

Direct: (202) 463-2629

tbridgeford@nma.org

From: Dickerson, Aaron <dickerson.aaron@epa.gov>
Sent: Monday, April 27, 2020 12:41 PM
To: Nolan, Rich <RNolan@nma.org>; Bridgeford, Tawny <TBridgeford@nma.org>; mcompton@miningamerica.org
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: Smart Sector Partner Calls with EPA Administrator Andrew Wheeler

Hello,

I hope this email finds you well. On April 16th EPA released 8 new sector snapshots, including one for your sector. As a follow-up to publication of the snapshots, we would like to invite you, as well as any representatives from your member companies, to a call with Administrator Wheeler. This call would serve as an opportunity to discuss the snapshots, your participation in the Smart Sectors Program, and other issues pertinent to your sector.
Please respond with any times on Friday, May 1, 2020 that would not work for your organization. Once the call is scheduled, the Smart Sectors Program staff will be in touch with you to confirm attendees and learn of any topics you intend to raise on the call.
Thank you.

Aaron Dickerson
Senior Advisor
Office of the Administrator
U.S. EPA

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 8/13/2020 3:49:26 PM (UTC)
Subject: Re: Pebble meeting tomorrow

We will make sure documents get out today.

Sent from my iPhone

> On Aug 13, 2020, at 6:56 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:
>
> Thanks, Chris.
>
> -----Original Message-----
> From: Hladick, Christopher <hladick.christopher@epa.gov>
> Sent: Thursday, August 13, 2020 9:53 AM
> To: Fotouhi, David <Fotouhi.David@epa.gov>
> Cc: Bolen, Brittany <bolen.brittany@epa.gov>
> Subject: Re: Pebble meeting tomorrow
>
> Ok will cancel and reschedule.
>
> Sent from my iPhone
>
>> On Aug 13, 2020, at 6:40 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:
>>
>> It would be nice to review the briefing paper before the meeting. I'm hearing from my staff that the draft comments are "extensive." Early next week makes sense to me to allow for this time to review.
>>
>> David Fotouhi
>>
>> Principal Deputy General Counsel
>> Office of General Counsel
>> U.S. Environmental Protection Agency
>> Tel: +1 202.564.1976
>> fotouhi.david@epa.gov
>>
>> -----Original Message-----
>> From: Bolen, Brittany <bolen.brittany@epa.gov>
>> Sent: Wednesday, August 12, 2020 9:04 PM
>> To: Hladick, Christopher <hladick.christopher@epa.gov>
>> Cc: Fotouhi, David <Fotouhi.David@epa.gov>
>> Subject: Re: Pebble meeting tomorrow
>>
>> Chris, I would support postponing the meeting to early next week.
>> Brittany
>>
>>
>>>> On Aug 12, 2020, at 4:27 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:
>>>
>>> David/Brittany:
>>>
>>> I see Lee and Matt are out. Just checking if we need all the people on invite list for tomorrow's meeting.

>>>
>>> Chris
>>>
>>> Sent from my iPhone

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 7/13/2020 4:58:42 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Johnson, Patrick [johnson.patrick@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Fidis, Alexander [Fidis.Alexander@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Chu, Rebecca [Chu.Rebecca@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Jensen, Amy A. [jensen.amy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Urban, Amanda [urban.amanda@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]

Subject: R10 Pebble Project Senior Leader NEPA FEIS Briefing
Attachments: R10 ORA Request_Pebble Project Senior Leadership NEPA FEIS Comment Letter.docx
Location: Microsoft Teams Meeting

Start: 8/13/2020 5:00:00 PM
End: 8/13/2020 6:00:00 PM
Show Time As: Tentative

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)

Conference ID: Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Appointment

From: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Sent: 5/27/2020 7:19:30 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Conference Call on Pebble with Chris Ex. 6 Personal Privacy (PP)
Location: 3402 WJC-N

Start: 5/27/2020 10:00:00 PM
End: 5/27/2020 10:30:00 PM
Show Time As: Busy

Appointment

From: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Sent: 5/26/2020 3:48:55 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Conference call on Pebble with Chris Ex. 6 Personal Privacy (PP)
Location: 3402 WJC-N

Start: 5/27/2020 6:30:00 PM
End: 5/27/2020 7:00:00 PM
Show Time As: Busy

To: Gunasekara, Mandy[gunasekara.Mandy@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Schiermeyer, Corry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: Thur 5/28/2020 7:17:16 PM (UTC)
Subject: RE: Pebble Desk Statement

I will hold! Thank you...

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 3:16 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Pebble Desk Statement

This letter Is not yet final. Please do not share.

Lee/Chris, can you send us a final draft version for review per our agreement last night? I've touched base with Matt and have a few additional edits that are necessary before we can sign off.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 3:15 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Pebble Desk Statement

I am fine wit the statement and am attaching the final letter to you so you can package it with the desk statement. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, May 28, 2020 3:05 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Keep me updated on when we have a final letter and please share.
Is everyone fine with the below statement:

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Sent: Thursday, May 28, 2020 1:54 PM
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Subject: Re: Pebble Desk Statement

Not a clean letter.

Sent from my iPhone

On May 28, 2020, at 1:49 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Thank you Matt.
Do we have the final letter from Chris? And do we know what time that would go?
I know the Washington Post is writing on this...so want to make sure our message is included.

Thank you!

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Sent: Thursday, May 28, 2020 12:49 PM
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Cc: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Here as some suggested tweaks.

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Office: (202) 564-8040
Cell: Ex. 6 Personal Privacy (PP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, May 28, 2020 10:31 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Please see below for your consideration.

PRIVILEGED—DELIBERATIVE—DRAFT

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 10:02 AM
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Subject: RE: Pebble Desk Statement

Have David Risley and Andrea ready to put something together as soon as we get David Fotohui's draft.

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Subject: Pebble Desk Statement

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Mandy M. Gunasekara
Chief of Staff, US EPA
O: (202) 564-6999 C: Ex. 6 Personal Privacy (PP)

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Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Gunasekara, Mandy[gunasekara.Mandy@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
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Sent: Thur 5/28/2020 7:13:15 PM (UTC)
Subject: RE: Pebble Desk Statement

The statement is good by me.

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David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
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Subject: Pebble Desk Statement

I just spoke with Matt. I want to ensure the press team is ready with a desk statement re: the forthcoming letter. Corry, do you have anything prepared on Pebble? If not, Chris or Lee, can you make sure she has what she needs for the team to be ready?

Mandy M. Gunasekara
Chief of Staff, US EPA
O: (202) 564-6999 C Ex. 6 Personal Privacy (PP)

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Gunasekara, Mandy[gunasekara.Mandy@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 5/28/2020 6:56:23 PM (UTC)
Subject: Pebble_404_Supplemental Comments_05282020 EPA R10.pdf
Pebble_404_Supplemental Comments_05282020 EPA R10.pdf

Here is final.

To: Gunasekara, Mandy[gunasekara.Mandy@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
Cc: Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 5/28/2020 3:10:49 PM (UTC)
Subject: RE: Pebble Desk Statement

Just let me know when desk statement, have seen David Fotouhi's draft, is approved.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 6:58 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

Great – thanks Matt/David.

From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Thursday, May 28, 2020 9:57 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

Hi Mandy,

David will be providing a draft in the next 15 minutes or so for this group to review.

Matt

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 9:56 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
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O: (202) 564-6999 C: Ex. 6 Personal Privacy (PP)

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Gunasekara, Mandy[gunasekara.Mandy@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]
From: Schiermeyer, Corry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: Thur 5/28/2020 2:51:10 PM (UTC)
Subject: RE: Pebble Desk Statement

Thank you.
Matt/David…do you an idea on timing?

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 10:44 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

I am fine with the desk statement.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, May 28, 2020 10:31 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Please see below for your consideration.

PRIVILEGED—DELIBERATIVE—DRAFT

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel

U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 10:02 AM
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Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

Have David Risley and Andrea ready to put something together as soon as we get David Fotohui's draft.

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Sent: Thursday, May 28, 2020 9:56 AM
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Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Pebble Desk Statement

I just spoke with Matt. I want to ensure the press team is ready with a desk statement re: the forthcoming letter. Corry, do you have anything prepared on Pebble? If not, Chris or Lee, can you make sure she has what she needs for the team to be ready?

Mandy M. Gunasekara
Chief of Staff, US EPA
O: (202) 564-6999 C: Ex. 6 Personal Privacy (PP)

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 2/13/2020 5:47:48 PM (UTC)
Subject: Pebble sees signs in new federal report that mine will secure key approval - Anchorage Daily News

Hmmmm!

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.adn.com%2Fbusiness-economy%2F2020%2F02%2F13%2Fpebble-sees-signs-in-new-federal-report-that-mine-will-secure-key-approval%2F&data=02%7C01%7CForsgren.Lee%40epa.gov%7C70adb6094a89488a257a08d7b0acd742%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637172128767584931&sdata=I39WsM1rUHOcD8oc9akhtuWdtIFgXXqDF0tsIO6%2BreM%3D&reserved=0

Sent from my iPhone

Message

From: Jay Sterne [js@windstrat.com]
Sent: 3/5/2020 2:22:07 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Request for meeting - Pebble Limited Partnership

Hi Crystal – I wanted to follow up and see if a meeting may be possible next week? If not, does Mr. Forsgren have any availability during the week of March 16? Thank you again for your assistance with this request. Best regards, Jay

From: Jay Sterne <js@windstrat.com>
Sent: Friday, February 28, 2020 7:35 AM
To: 'Penman.Crystal@epa.gov' <Penman.Crystal@epa.gov>
Cc: 'Forsgren, Lee' <Forsgren.Lee@epa.gov>
Subject: Request for meeting - Pebble Limited Partnership

Good morning Crystal –

I am writing on behalf of the Pebble Limited partnership to request a meeting with Mr. Forsgren during the week of March 9. The purpose of the meeting will be to provide an update on the company's project in Alaska. Participants will include Peter Robertson and myself.

I appreciate your assistance with this request.

Best regards,

Jay

Jay Sterne
President
Windward Strategies LLC
js@windstrat.com
c 202.841.5097

To: Hladick, Christopher[hladick.christopher@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Thur 5/28/2020 8:57:45 PM (UTC)
Subject: FW: Pebble Desk Statement

Chris, send me the letter when you have signed it. Then we will get it to the Press here and to the delegation.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 4:56 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

Great – please proceed.

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Sent: Thursday, May 28, 2020 4:56 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

Great! Then we can have Chris sign and send, cc us, then we can get the letter and the desk statement to Cory and OCIR for action.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 4:54 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

This final version looks good to me – thank you.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 4:39 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

Mandy,

Here is the draft that incorporates Matt's last changes as well as David's and mine from this morning.

Lee

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 4:33 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

I'd like to do a once over before we send out and call it final. Can you send the final final version?

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, May 28, 2020 4:31 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

Nothing further from Matt or me.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 4:03 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

So if Chris and I have implemented Matt's direction (as explained by David Fotouhi) we are should be ready for Chris to send and Cory to distribute?

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 4:01 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble Desk Statement

Matt does – thanks for checking Lee.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 3:27 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: Pebble Desk Statement

Mandy,

Who has the pen on the changes to the letter? You, Matt, David Fotouhi? Just making sure I am not supposed to be making the changes?

Lee

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 3:16 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Pebble Desk Statement

This letter Is not yet final. Please do not share.

Lee/Chris, can you send us a final draft version for review per our agreement last night? I've touched base with Matt and have a few additional edits that are necessary before we can sign off.

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Sent: Thursday, May 28, 2020 3:15 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Subject: RE: Pebble Desk Statement

I am fine wit the statement and am attaching the final letter to you so you can package it with the desk statement. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, May 28, 2020 3:05 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Keep me updated on when we have a final letter and please share.
Is everyone fine with the below statement:

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 1:54 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Re: Pebble Desk Statement

Not a clean letter.

Sent from my iPhone

> On May 28, 2020, at 1:49 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:
>
> Thank you Matt.
> Do we have the final letter from Chris? And do we know what time that would go?
> I know the Washington Post is writing on this...so want to make sure our message is included.
>
> Thank you!

From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Thursday, May 28, 2020 12:49 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Here as some suggested tweaks.

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Office: (202) 564-8040
Cell: Ex. 6 Personal Privacy (PP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, May 28, 2020 10:31 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Please see below for your consideration.

PRIVILEGED—DELIBERATIVE—DRAFT

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976

fotouhi.david@epa.gov

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To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
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Mandy M. Gunasekara
Chief of Staff, US EPA
O: (202) 564-6999 C: Ex. 6 Personal Privacy (PP)

To: Gunasekara, Mandy[gunasekara.Mandy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
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Sent: Thur 5/28/2020 8:57:00 PM (UTC)
Subject: RE: Pebble Desk Statement

Will do!

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
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Subject: RE: Pebble Desk Statement

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Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

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To: Forsgren, Lee <Forsgren.Lee@epa.gov>
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To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>;

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Subject: RE: Pebble Desk Statement

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DESK STATEMENT:

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Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Office: (202) 564-8040
Cell Ex. 6 Personal Privacy (PP)

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To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
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PRIVILEGED—DELIBERATIVE—DRAFT

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
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Tel: +1 202.564.1976
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Chief of Staff, US EPA
O: (202) 564-6999 C Ex. 6 Personal Privacy (PP)

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From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Thur 5/28/2020 8:38:34 PM (UTC)
Subject: RE: Pebble Desk Statement
un signed pebble doc.docx

Mandy,

Here is the draft that incorporates Matt's last changes as well as David's and mine from this morning.

Lee

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 4:33 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

I'd like to do a once over before we send out and call it final. Can you send the final final version?

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, May 28, 2020 4:31 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Pebble Desk Statement

Nothing further from Matt or me.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 4:03 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

So if Chris and I have implemented Matt's direction (as explained by David Fotouhi) we are should be ready for Chris to send and Cory to distribute?

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 4:01 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble Desk Statement

Matt does – thanks for checking Lee.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 3:27 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: Pebble Desk Statement

Mandy,

Who has the pen on the changes to the letter? You, Matt, David Fotouhi? Just making sure I am not supposed to be making the changes?

Lee

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Sent: Thur 5/28/2020 7:55:44 PM (UTC)
Subject: FW: Pebble Desk Statement
Pebble_404_Supplemental Comments_05282020 EPA R10.pdf

Per our call.

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O: (202) 564-6999 C Ex. 6 Personal Privacy (PP)

To: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Risley, David[Risley.David@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Thur 5/28/2020 2:40:31 PM (UTC)
Subject: FW: Pebble Desk Statement

Here is the draft desk statement.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, May 28, 2020 10:31 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Please see below for your consideration.

PRIVILEGED—DELIBERATIVE—DRAFT

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 10:02 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

Have David Risley and Andrea ready to put something together as soon as we get David Fotohui's draft.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 9:56 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Pebble Desk Statement

I just spoke with Matt. I want to ensure the press team is ready with a desk statement re: the forthcoming letter. Corry, do you have anything prepared on Pebble? If not, Chris or Lee, can you make sure she has what she needs for the team to be ready?

Mandy M. Gunasekara
Chief of Staff, US EPA
O: (202) 564-6999 C: Ex. 6 Personal Privacy (PP)

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 2/13/2020 11:50:39 PM (UTC)
Subject: Re: Pebble PFEIS

That's 7:30 or 8 Alaska time, can do either.

Sent from my iPhone

On Feb 13, 2020, at 2:47 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Would you all be available for a small group meeting/call with Matt and me tomorrow regarding Pebble PFEIS comment development? Matt and I could meet at 11:30am or noon eastern time. Please let me know.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 8/13/2020 6:56:58 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Pebble Project NEPA FEIS Briefing
Location: Microsoft Teams Meeting

Start: 8/18/2020 7:30:00 PM
End: 8/18/2020 8:30:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 8/3/2020 4:12:41 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: R10 Pebble Project Senior Leader NEPA FEIS Briefing
Location: Microsoft Teams Meeting

Start: 8/13/2020 6:00:00 PM
End: 8/13/2020 7:00:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 7/9/2020 10:15:31 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: R10 Pebble Project Senior Leader NEPA FEIS Briefing
Location: Microsoft Teams Meeting

Start: 8/13/2020 5:00:00 PM
End: 8/13/2020 6:00:00 PM
Show Time As: Busy

To: Goodin, John[Goodin.John@epa.gov]
From: Kaiser, Sven-Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: Fri 3/20/2020 11:48:42 PM (UTC)
Subject: Fwd: Final comments on the Pebble Project Preliminary Final EIS
CA_PFEIS_Comment_Form_EPA 031920.xlsx
ATT00001.htm

John - I don't think this was meant for me- maybe Russ Kaiser? Thanks,
Sven

Begin forwarded message:

From: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Date: March 19, 2020 at 11:27:09 PM EDT
To: "Frazer, Brian" <Frazer.Brian@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Subject: Fwd: Final comments on the Pebble Project Preliminary Final EIS

We need to review these first thing tomorrow. Then we need to talk.

Sent from my iPhone

Begin forwarded message:

From: "Baca, Andrew" <Baca.Andrew@epa.gov>
Date: March 19, 2020 at 7:29:27 PM EDT
To: "Opalski, Dan" <Opalski.Dan@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Barger, Cindy" <Barger.Cindy@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Marshall, Tom" <marshall.tom@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Nogi, Jill" <nogi.jill@epa.gov>, "Baca, Andrew" <Baca.Andrew@epa.gov>, "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>
Subject: Final comments on the Pebble Project Preliminary Final EIS

(Sending on behalf of Chris Hladick)

All,

Region 10 has finalized our comments and recommendations for the Pebble Project Preliminary Final EIS. Our NEPA team incorporated and addressed all the feedback from Regional and HQ reviewers, and also made changes based on the technical meetings in Anchorage last week. Per my Tuesday message we have clearly identified those comments (highlighted in the table) which rise to the level of significance to merit a remedy in the Final EIS. I appreciate the coordination and communication on this important project. As was discussed on this Wednesday's career call, we incorporated all the HQ feedback and suggested revisions and do not have any outstanding issues or questions on our end.

The deadline for transmitting the comment table to the Corps is March 23, 2020. My recommendation is to transmit to the Corps through our lead NEPA staff reviewer as is typically done with PFEIS comments.

Please feel free to reach out to me if you have any questions. Should additional discussion be of interest, please let me know and we will reach out to the Corps Project Manager tomorrow (Friday March 20) with a request for a short extension before sending our comments. Because we're not aware of any other cooperating agency requesting extension, ideally we would send this by the deadline.

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 2:21 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I would like to propose the following. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

To: Russell Kaiser[Kaiser.Russell@epa.gov]; Palmer Hough[Hough.Palmer@epa.gov]
Cc: Frazer, Brian[Frazer.Brian@epa.gov]
From: Goodin, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: Tue 3/17/2020 9:22:56 PM (UTC)
Subject: FW: Draft comments on the Pebble Project Preliminary Final EIS

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 5:21 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I would like to propose the following Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Tomiak, Robert <tomiak.robert@epa.gov>
Sent: Friday, March 13, 2020 2:20 PM
To: Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

Andrew/Jill,
We sincerely appreciate the dedication and hard work that went into the team's review of the admin draft and the identification of residual issues at this stage. In follow-up to our series of conversations on this project, I would like to reiterate some of the guidance and expectations from our level to help streamline the review and clearance process. While we can appreciate that the

USACE District Engineer's staff may have invited any and all comments, please be advised that by our NEPA/309 Policy and Procedures Manual, our focus at the final EIS stage should normally be limited to impacts, not adequacy of the statement.

Ex. 5 Deliberative Process (DP)

We note that due to the short review time, leadership here at HQ has not fully reviewed your comments. In the interest of time, and to facilitate leadership review here such that you are able to meet the transmit deadline of March 23rd, we request that no later than 3 pm (est) next Wednesday, 21 March, you provide us with the final version of the comments you intend to submit. We specifically ask that you Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We've coordinated our review and process with OW and OGC. Please let us know if you have any questions or would benefit from another coordination call between all of us.

Thanks, Rob

From: Nogi, Jill <nogi.jill@epa.gov>
Sent: Friday, March 06, 2020 5:10 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Baca, Andrew <Baca.Andrew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Draft comments on the Pebble Project Preliminary Final EIS

All,
As we've been discussing, Region 10 is providing an update regarding the ongoing review of the Pebble Project Preliminary Final EIS, as well as an opportunity for input on the compilation of draft technical comments to be provided to the Corps as part of our role as a cooperating agency for EIS development.

Attached please find an overview briefing regarding current project status, including a summary table that provides a high level look at the major issue areas. As described in the table Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Also attached is the first draft of technical comments on the PFEIS. The comments have been compiled in the Excel spreadsheet format requested by the Corps. Please note that this draft may change as a result of the meetings scheduled in Anchorage between the Corps and cooperating agencies for the week of March 9th. Staff will continue their review of the PFEIS and related materials and will be refining the technical comments.

We welcome your input on the draft comments by COB Friday 3/13. Please note that because of the draft nature of the spreadsheet, it may not be the best use of your time to provide detailed line edits. The Region anticipates that the originally planned two-day "awareness level" review for career leadership, proposed to take place closer to the end of the review period, is now superseded by this current opportunity for review and input between 3/6 and 3/13. The Region will be finalizing the comments the week of 3/16, incorporating HQ and Regional management input as well as making any adjustments pursuant to the outcomes of the technical meetings in Anchorage.

PFEIS Comments from the EPA and the other cooperating agencies are due to the Corps on 3/23.

Thank you for coordinating with the Region on this important project. If you have any questions, please feel free to contact Andrew Baca, Director of the Regional Administrator's Division, at 206-553-6387.

Jill A. Nogi, MPH | Branch Chief
Policy and Environmental Review Branch
U.S. EPA Region 10 | Regional Administrator's Division MS: 14-D12
1200 6th Avenue | Suite 155 | Seattle, WA 98101
(206) 553-1841

Cc: Fotouhi, David[Fotouhi.David@epa.gov]
To: Bolen, Brittany[bolen.brittany@epa.gov]
From: hladick.christopher@epa.gov[hladick.christopher@epa.gov]
Sent: Thur 8/13/2020 3:49:26 PM (UTC)
Subject: Re: Pebble meeting tomorrow

We will make sure documents get out today.

Sent from my iPhone

> On Aug 13, 2020, at 6:56 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:
>
> Thanks, Chris.
>
> -----Original Message-----
> From: Hladick, Christopher <hladick.christopher@epa.gov>
> Sent: Thursday, August 13, 2020 9:53 AM
> To: Fotouhi, David <Fotouhi.David@epa.gov>
> Cc: Bolen, Brittany <bolen.brittany@epa.gov>
> Subject: Re: Pebble meeting tomorrow
>
> Ok will cancel and reschedule.
>
> Sent from my iPhone
>
>> On Aug 13, 2020, at 6:40 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:
>>
>> It would be nice to review the briefing paper before the meeting. I'm hearing from my staff that the draft comments are "extensive." Early next week makes sense to me to allow for this time to review.
>>
>> David Fotouhi
>>
>> Principal Deputy General Counsel
>> Office of General Counsel
>> U.S. Environmental Protection Agency
>> Tel: +1 202.564.1976
>> fotouhi.david@epa.gov
>>
>> -----Original Message-----
>> From: Bolen, Brittany <bolen.brittany@epa.gov>
>> Sent: Wednesday, August 12, 2020 9:04 PM
>> To: Hladick, Christopher <hladick.christopher@epa.gov>
>> Cc: Fotouhi, David <Fotouhi.David@epa.gov>
>> Subject: Re: Pebble meeting tomorrow
>>
>> Chris, I would support postponing the meeting to early next week.
>> Brittany
>>
>>
>>>> On Aug 12, 2020, at 4:27 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:
>>>
>>> David/Brittany:
>>>
>>> I see Lee and Matt are out. Just checking if we need all the people on invite list for tomorrow's meeting.
>>>

>>> Chris
>>>
>>> Sent from my iPhone

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: hladick.christopher@epa.gov[hladick.christopher@epa.gov]
Sent: Wed 8/19/2020 4:56:49 PM (UTC)
Subject: Re: Pebble Project NEPA FEIS Briefing

Nope we need to have a high level meeting to discuss. Lee spoke to the Corps yesterday which will inform our next steps.

Sent from my iPhone

On Aug 18, 2020, at 5:45 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

David,

My staff believes that it is a leadership meeting. If others have a different view let me know.

Lee

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, August 18, 2020 8:43 AM
To: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble Project NEPA FEIS Briefing

Is our meeting this afternoon the rescheduled staff briefing or a leadership meeting? The invitee list looks limited to leadership. If it's the staff briefing, I'll need to forward this to my team. Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Appointment-----
From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Thursday, August 13, 2020 2:57 PM
To: Hladick, Christopher; Baca, Andrew; Leopold, Matt (OGC); Fotouhi, David; Bolen, Brittany; Forsgren, Lee
Subject: Pebble Project NEPA FEIS Briefing
When: Tuesday, August 18, 2020 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)
Local numbers | Reset PIN | Learn more about Teams | Meeting options

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
To: Forsgren, Lee[Forsgren.Lee@epa.gov]
From: hladick.christopher@epa.gov[hladick.christopher@epa.gov]
Sent: Tue 8/18/2020 2:14:57 PM (UTC)
Subject: Re: Pebble Project NEPA FEIS Briefing

Nope we need to have a high level meeting to discuss. Lee spoke to the Corps yesterday which will inform our next steps.

Sent from my iPhone

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Lee

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, August 18, 2020 8:43 AM
To: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble Project NEPA FEIS Briefing

Is our meeting this afternoon the rescheduled staff briefing or a leadership meeting? The invitee list looks limited to leadership. If it's the staff briefing, I'll need to forward this to my team. Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Appointment-----
From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Thursday, August 13, 2020 2:57 PM
To: Hladick, Christopher; Baca, Andrew; Leopold, Matt (OGC); Fotouhi, David; Bolen, Brittany; Forsgren, Lee
Subject: Pebble Project NEPA FEIS Briefing
When: Tuesday, August 18, 2020 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Join Microsoft Teams Meeting
Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)
Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

To: Hladick, Christopher[hladick.christopher@epa.gov]
From: Baca, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F4BB31FB6E94C0AA9756706CC1C888C-BACA, ANDREW]
Sent: Tue 3/17/2020 9:12:00 PM (UTC)
Subject: RE: DRAFT RESPONSE: Draft comments on the Pebble Project Preliminary Final EIS

I would suggest just replying to the original message from Friday March 13th. The list of names from that list includes the political and career senior leaders from each interested office. (Add Michelle as well)

Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 2:08 PM
To: Baca, Andrew <Baca.Andrew@epa.gov>
Subject: RE: DRAFT RESPONSE: Draft comments on the Pebble Project Preliminary Final EIS

Looks good who should it go to besides Robert and Lee

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Baca, Andrew <Baca.Andrew@epa.gov>
Sent: Tuesday, March 17, 2020 1:36 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: FW: DRAFT RESPONSE: Draft comments on the Pebble Project Preliminary Final EIS

Chris – just wanted to check in to see if you'd had moment to look over this email and then send to HQ.

From: Baca, Andrew
Sent: Tuesday, March 17, 2020 7:31 AM
To: Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Nogi, Jill <nogi.jill@epa.gov>; Grandinetti, Cami <Grandinetti.Cami@epa.gov>
Subject: DRAFT RESPONSE: Draft comments on the Pebble Project Preliminary Final EIS

[DRAFT RESPONSE TO HQ COMMENTS – DELETE THIS BRACKETED MESSAGE AND THE "DRAFT RESPONSE" IN THE SUBJECT LINE]

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I would like to propose the following. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

From: Tomiak, Robert <tomiak.robert@epa.gov>
Sent: Friday, March 13, 2020 2:20 PM
To: Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

Andrew/Jill,
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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

We've coordinated our review and process with OW and OGC. Please let us know if you have any questions or would benefit from another coordination call between all of us.

Thanks, Rob

From: Nogi, Jill <nogi.jill@epa.gov>
Sent: Friday, March 06, 2020 5:10 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Baca, Andrew <Baca.Andrew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Draft comments on the Pebble Project Preliminary Final EIS

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first draft of technical comments on the PFEIS. The comments have been compiled in the Excel spreadsheet format requested by the Corps. Please note that this draft may change as a result of the meetings scheduled in Anchorage between the Corps and cooperating agencies for the week of March 9th. Staff will continue their review of the PFEIS and related materials and will be refining the technical comments.

We welcome your input on the draft comments by COB Friday 3/13. Please note that because of the draft nature of the spreadsheet, it may not be the best use of your time to provide detailed line edits. The Region anticipates that the originally planned two-day "awareness level" review for career leadership, proposed to take place closer to the end of the review period, is now superseded by this current opportunity for review and input between 3/6 and 3/13. The Region will be finalizing the comments the week of 3/16, incorporating HQ and Regional management input as well as making any adjustments pursuant to the outcomes of the technical meetings in Anchorage.

PFEIS Comments from the EPA and the other cooperating agencies are due to the Corps on 3/23.

Thank you for coordinating with the Region on this important project. If you have any questions, please feel free to contact Andrew Baca, Director of the Regional Administrator's Division, at 206-553-6387.

Jill A. Nogi, MPH | Branch Chief
Policy and Environmental Review Branch
U.S. EPA Region 10 | Regional Administrator's Division MS: 14-D12
1200 6th Avenue | Suite 155 | Seattle, WA 98101
(206) 553-1841

To: ryan.a.fisher12.civ@mail.mil[ryan.a.fisher12.civ@mail.mil]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Fri 5/29/2020 3:59:55 PM (UTC)
Subject: FW: Change of course for proposed Pebble mine transportation corridor reignites access issues - Anchorage Daily News

FYSA

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Friday, May 29, 2020 11:58 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Fwd: Change of course for proposed Pebble mine transportation corridor reignites access issues - Anchorage Daily News

In today's Anchorage News.

Sent from my iPhone
Begin forwarded message:

> **From:** chris hladick **Ex. 6 Personal Privacy (PP)**
> **Date:** May 29, 2020 at 8:56:18 AM PDT
> **To:** "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Subject: Change of course for proposed Pebble mine transportation corridor reignites access issues - Anchorage Daily News**
>
> https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.adn.com%2Fbusiness-economy%2Fenergy%2F2020%2F05%2F29%2Fchange-of-course-for-proposed-pebble-mine-transportation-corridor-reignites-access-issues%2F&data=02%7C01%7Chladick.christopher%40epa.gov%7Cee067728f9424b698b5108d803e8d2d2%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637263645786118528&sdata=6Y6FfTW2zRwj7QvSNGlrcry4QRgiVK6lJmatqqTMSF0%3D&reserved=0
>
> Sent from my iPhone

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Bcc: Baca, Andrew[Baca.Andrew@epa.gov]; Chu, Rebecca[Chu.Rebecca@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Fri 8/14/2020 7:08:58 PM (UTC)
Subject: FW: Revised Draft EPA FEIS letter to tfohe U.S. Army Corps of Engineers on the Pebble Project
Pebble FEIS Comments Draft for Review 081320.docx
Pebble FEIS briefing Aug 2020_finalv2.docx

Folks:

Here is the team's letter to the Corps regarding Pebble final comments on the EIS. Included is a briefing document prepared by staff. The staff did an excellent job of encompassing the significant issues with the FEIS given the size of the project.

If you have any questions please don't hesitate to call.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

To: Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 5/28/2020 4:13:17 PM (UTC)
Subject: Fwd: Pebble Desk Statement

This is the draft. Have not heard if approved

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: May 28, 2020 at 7:30:56 AM PDT
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Gunasekara, Mandy" <gunasekara.Mandy@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Cc: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>
Subject: RE: Pebble Desk Statement

Please see below for your consideration.

PRIVILEGED—DELIBERATIVE—DRAFT

DESK STATEMENT:

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, May 28, 2020 10:02 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Pebble Desk Statement

Have David Risley and Andrea ready to put something together as soon as we get David Fotohui's draft.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, May 28, 2020 9:56 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Pebble Desk Statement

I just spoke with Matt. I want to ensure the press team is ready with a desk statement re: the forthcoming letter. Corry, do you have anything prepared on Pebble? If not, Chris or Lee, can you make sure she has what she needs for the team to be ready?

Mandy M. Gunasekara
Chief of Staff, US EPA
O: (202) 564-6999 C: Ex. 6 Personal Privacy (PP)

To: Holsman, Marianne[Holsman.Marianne@epa.gov]; Lindsay, Nancy[Lindsay.Nancy@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Fri 5/29/2020 3:58:21 PM (UTC)
Subject: Fwd: Change of course for proposed Pebble mine transportation corridor reignites access issues - Anchorage Daily News

Sent from my iPhone

Begin forwarded message:

> **From:** "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Date:** May 29, 2020 at 8:57:57 AM PDT
> **To:** "Gunasekara, Mandy" <gunasekara.Mandy@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Cc:** "Fotouhi, David" <Fotouhi.David@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
> **Subject: Fwd: Change of course for proposed Pebble mine transportation corridor reignites access issues - Anchorage Daily News**
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> In today's Anchorage News.
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> Begin forwarded message:
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> > **From:** chris hladick Ex. 6 Personal Privacy (PP)
> > **Date:** May 29, 2020 at 8:56:18 AM PDT
> > **To:** "Hladick, Christopher" <hladick.christopher@epa.gov>
> > **Subject: Change of course for proposed Pebble mine transportation corridor reignites access issues - Anchorage Daily News**
> >
> > https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.adn.com%2Fbusiness-economy%2Fenergy%2F2020%2F05%2F29%2Fchange-of-course-for-proposed-pebble-mine-transportation-corridor-reignites-access-issues%2F&data=02%7C01%7Chladick.christopher%40epa.gov%7Cee067728f9424b698b5108d803e8d2d2%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637263645786118528&sdata=6Y6FfTW2zRwj7QvSNGlrcry4QRgiVK6lJmatqqTMSF0%3D&reserved=0
> >
> > Sent from my iPhone

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 2/13/2020 5:47:49 PM (UTC)
Subject: Pebble sees signs in new federal report that mine will secure key approval - Anchorage Daily News

Hmmmm!

https://www.adn.com/business-economy/2020/02/13/pebble-sees-signs-in-new-federal-report-that-mine-will-secure-key-approval/

Sent from my iPhone

To: Kaiser, Russell[Kaiser.Russell@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Frazer, Brian[Frazer.Brian@epa.gov]
From: Goodin, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: Tue 3/17/2020 9:22:55 PM (UTC)
Subject: FW: Draft comments on the Pebble Project Preliminary Final EIS

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 5:21 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

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Ex. 5 Deliberative Process (DP)

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Chris Hladick

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U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

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Sent: Friday, March 13, 2020 2:20 PM
To: Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
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Cc: Baca, Andrew <Baca.Andrew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Draft comments on the Pebble Project Preliminary Final EIS

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Jill A. Nogi, MPH | Branch Chief
Policy and Environmental Review Branch
U.S. EPA Region 10 | Regional Administrator's Division MS: 14-D12
1200 6th Avenue | Suite 155 | Seattle, WA 98101
(206) 553-1841

To: Hough, Palmer[Hough.Palmer@epa.gov]
From: Frazer, Brian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=572986D047624669891DA90708433DA1-BRIAN FRAZER]
Sent: Fri 3/20/2020 2:01:04 PM (UTC)
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

LOL, sure. I will join the call a little late. Russ will also call in.

bf

From: Hough, Palmer <Hough.Palmer@epa.gov>
Sent: Friday, March 20, 2020 9:59 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

Do I get to speak for you? Just kidding, sort of.

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, March 20, 2020 9:31 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: FW: Discussion this AM re: Pebble Project Preliminary Final EIS comments

FYI - I have a 401 call to attend.

From: Barger, Cindy <Barger.Cindy@epa.gov>
Sent: Friday, March 20, 2020 9:29 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

Ex. 5 Deliberative Process (DP)

Cindy S. Barger
Director, NEPA Compliance Division
Office of Federal Activities
U.S. Environmental Protection Agency
Washington, DC
Tel: 202-564-3169
Cell: Ex. 6 Personal Privacy (PP)

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, March 20, 2020 9:25 AM
To: Barger, Cindy <Barger.Cindy@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

404 or NEPA?

From: Barger, Cindy <Barger.Cindy@epa.gov>

Sent: Friday, March 20, 2020 9:24 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

I set up a call w/ OGC at 10am. Want me to add you? In short – Ex. 5 Deliberative Process (DP)

Cindy S. Barger
Director, NEPA Compliance Division
Office of Federal Activities
U.S. Environmental Protection Agency
Washington, DC
Tel: 202-564-3169
Cell: Ex. 6 Personal Privacy (PP)

From: Frazer, Brian <Frazer.Brian@epa.gov>
Sent: Friday, March 20, 2020 9:21 AM
To: Barger, Cindy <Barger.Cindy@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

Hi Cindy,

Ex. 6 Personal Privacy (PP) but we've talked this morning as well as exchanged emails. He is checking email but don't expect an immediate response. What are your issues? I just got off the phone with Lee on this issue.

bf

From: Barger, Cindy <Barger.Cindy@epa.gov>
Sent: Friday, March 20, 2020 8:56 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: FW: Discussion this AM re: Pebble Project Preliminary Final EIS comments
Importance: High

Hi Brian – Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP) – is there someone backing him up on this that I can talk through. We have concerns.

Thanks!
Cindy

Cindy S. Barger
Director, NEPA Compliance Division
Office of Federal Activities
U.S. Environmental Protection Agency
Washington, DC
Tel: 202-564-3169
Cell: Ex. 6 Personal Privacy (PP)

From: Barger, Cindy
Sent: Friday, March 20, 2020 8:13 AM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Tom Marshall (marshall.tom@epa.gov) <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Discussion this AM re: Pebble Project Preliminary Final EIS comments
Importance: High

Hi Folks

We are meeting w/ Brittany at 11:30am. Are you all free this am to skype and discuss these comments (Especially those that are highlighted as critical)? Let me know and I'll pull together a skype call.

Thanks!!
Cindy

Cindy S. Barger
Director, NEPA Compliance Division
Office of Federal Activities
U.S. Environmental Protection Agency
Washington, DC
Tel: 202-564-3169
Cell Ex. 6 Personal Privacy (PP)

From: Tomiak, Robert <tomiak.robert@epa.gov>
Sent: Friday, March 20, 2020 5:54 AM
To: Abrams, Nancy <Abrams.Nancy@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>
Subject: Fwd: Final comments on the Pebble Project Preliminary Final EIS

Cindy,

Please try to set up a time soonest this morning for us to confer. Include OW and OCG if they are available as well.

Thanks, Rob
Begin forwarded message:

> **From:** "Baca, Andrew" <Baca.Andrew@epa.gov>
> **Date:** March 19, 2020 at 7:29:27 PM EDT
> **To:** "Opalski, Dan" <Opalski.Dan@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Barger, Cindy" <Barger.Cindy@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Marshall, Tom" <marshall.tom@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Nogi, Jill" <nogi.jill@epa.gov>, "Baca, Andrew" <Baca.Andrew@epa.gov>, "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>
> **Subject: Final comments on the Pebble Project Preliminary Final EIS**
>
> *(Sending on behalf of Chris Hladick)*
>
> All,
>
> Region 10 has finalized our comments and recommendations for the Pebble Project Preliminary Final EIS. Our NEPA team incorporated and addressed all the feedback from Regional and HQ reviewers, and also made changes based on the technical meetings in Anchorage last week. Per my Tuesday message we have clearly identified those comments (highlighted in the table) which rise to the level of significance to merit a remedy in the Final EIS. I appreciate the coordination and communication on this important project. As was discussed on this Wednesday's career call, we incorporated all the HQ feedback and suggested revisions and do not have any outstanding issues or questions on our end.
>
> The deadline for transmitting the comment table to the Corps is March 23, 2020. My recommendation is to transmit to the Corps through our lead NEPA staff reviewer as is typically done with PFEIS comments.
>
> Please feel free to reach out to me if you have any questions. Should additional discussion be of interest, please let me know and we will reach out to the Corps Project Manager tomorrow (Friday March 20) with a request for a short

extension before sending our comments. Because we're not aware of any other cooperating agency requesting extension, ideally we would send this by the deadline.

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 2:21 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I would like to propose the following. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 8/12/2020 8:59:20 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]

Subject: Meeting request for Leopold, Matt (OGC): R10 Pebble Project Senior Leader NEPA FEIS Briefing
Location: Microsoft Teams Meeting

Start: 8/13/2020 6:00:00 PM
End: 8/13/2020 7:00:00 PM
Show Time As: Tentative

Matt,

I saw this invite come on the calendar earlier and wondered if you wanted to join. I pinged David on it but haven't heard back. On the off chance you check your email again tonight, I thought I might as well ask you.

Fletcher

Sent from my iPhone

Begin forwarded message:

> **From:** "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Date:** August 12, 2020 at 4:59:22 PM EDT
> **To:** "Mutz, John (Fletcher)" <mutz.john@epa.gov>
> **Subject: Meeting request for Leopold, Matt (OGC): R10 Pebble Project Senior Leader NEPA FEIS Briefing**
>
> When: Thursday, August 13, 2020 11:00 AM-12:00 PM. (UTC-08:00) Pacific Time (US & Canada)
> Where: Microsoft Teams Meeting
>
> *~*~*~*~*~*~*~*~*~*~*

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 2/13/2020 5:47:48 PM (UTC)
Subject: Pebble sees signs in new federal report that mine will secure key approval - Anchorage Daily News

Hmmmm!

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.adn.com%2Fbusiness-economy%2F2020%2F02%2F13%2Fpebble-sees-signs-in-new-federal-report-that-mine-will-secure-key-approval%2F&data=02%7C01%7CLeopold.Matt%40epa.gov%7C70adb6094a89488a257a08d7b0acd742%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637172128767104018&sdata=liNKS5wlyPucWEJP9DJp2%2Bx4OaP1b5MutiiY4xTrBiU%3D&reserved=0

Sent from my iPhone

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Fri 3/20/2020 12:55:33 PM (UTC)
Subject: RE: Discussion this AM re: Pebble Project Preliminary Final EIS comments

Great, thanks.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Friday, March 20, 2020 8:53 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Discussion this AM re: Pebble Project Preliminary Final EIS comments
Importance: High

Will let you know if anything gets scheduled.

From: Barger, Cindy <Barger.Cindy@epa.gov>
Sent: Friday, March 20, 2020 8:13 AM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Discussion this AM re: Pebble Project Preliminary Final EIS comments
Importance: High

Hi Folks

We are meeting w/ Brittany at 11:30am. Are you all free this am to skype and discuss these comments (Especially those that are highlighted as critical)? Let me know and I'll pull together a skype call.

Thanks!!
Cindy

Cindy S. Barger
Director, NEPA Compliance Division
Office of Federal Activities
U.S. Environmental Protection Agency
Washington, DC
Tel: 202-564-3169
Cell: Ex. 6 Personal Privacy (PP)

From: Tomiak, Robert <tomiak.robert@epa.gov>
Sent: Friday, March 20, 2020 5:54 AM
To: Abrams, Nancy <Abrams.Nancy@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>
Subject: Fwd: Final comments on the Pebble Project Preliminary Final EIS

Cindy,

Please try to set up a time soonest this morning for us to confer. Include OW and OCG if they are available as well.

Thanks, Rob
Begin forwarded message:

From: "Baca, Andrew" <Baca.Andrew@epa.gov>
Date: March 19, 2020 at 7:29:27 PM EDT
To: "Opalski, Dan" <Opalski.Dan@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Barger, Cindy" <Barger.Cindy@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Marshall, Tom" <marshall.tom@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Nogi, Jill" <nogi.jill@epa.gov>, "Baca, Andrew" <Baca.Andrew@epa.gov>, "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>
Subject: Final comments on the Pebble Project Preliminary Final EIS

(Sending on behalf of Chris Hladick)

All,

Region 10 has finalized our comments and recommendations for the Pebble Project Preliminary Final EIS. Our NEPA team incorporated and addressed all the feedback from Regional and HQ reviewers, and also made changes based on the technical meetings in Anchorage last week. Per my Tuesday message we have clearly identified those comments (highlighted in the table) which rise to the level of significance to merit a remedy in the Final EIS. I appreciate the coordination and communication on this important project. As was discussed on this Wednesday's career call, we incorporated all the HQ feedback and suggested revisions and do not have any outstanding issues or questions on our end.

The deadline for transmitting the comment table to the Corps is March 23, 2020. My recommendation is to transmit to the Corps through our lead NEPA staff reviewer as is typically done with PFEIS comments.

Please feel free to reach out to me if you have any questions. Should additional discussion be of interest, please let me know and we will reach out to the Corps Project Manager tomorrow (Friday March 20) with a request for a short extension before sending our comments. Because we're not aware of any other cooperating agency requesting extension, ideally we would send this by the deadline.

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 2:21 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I

would like to propose the following. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Blake, Wendy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=902120F35D04482E86206D296AD452FC-BLAKE, WENDY]
Sent: Fri 12/27/2019 7:11:30 PM (UTC)
Subject: RE: EPA logo in Pebble Mine publicity materials

I think we are good. Thanks

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Friday, December 27, 2019 1:55 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

We have contact info for another PLP executive that has contacted EPA officials about Pebble in the past but sounds like you have a path forward on this.

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Friday, December 27, 2019 1:46 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

That sounds good. Thanks for running this down.

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Friday, December 27, 2019 1:46 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Kathryn – I found the number for the DOI attorney who sent the letter to pebble and spoke to her. She said that she addressed the letter to Mr. Collier and sent the letter via email to the general PLP email address on Pebble's website, info@pebblepartnership.com. She also sent the letter certified mail to Mr. Collier.

I would advise we follow the same path here. DOI actually had Collier's email from other agency business, but DOI OGC chose to send it per the process noted above.

Unless I hear otherwise, I will pursue that course.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel

U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Blake, Wendy
Sent: Friday, December 27, 2019 1:26 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Kathryn – I wanted to follow-up on a few items:

1. See my proposed edits to the draft statement below. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

2. Do you have a name/email address of any senior official at Pebble? Per the article, DOI sent its letter to "Tom Collier, chief executive officer of the PLP." I am trying to reach someone at DOI to see if they have an email for Mr. Collier. However, if I don't get a response, do you have Collier's email. If no, we will have to send the email to the generic email listed on the Pebble website – info@pebblepartnership.com. There is a general phone number I could call, but I am not sure if they will give me Collier's email.

See edits to press release below:

3. I have also appended below the draft email and attachment to send to Pebble.

Proposed edits to press statement:

Ex. 5 Deliberative Process (DP)

REVISED email:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Friday, December 27, 2019 12:59 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Updated language below for press statement-- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Willey, Katharine
Sent: Thursday, December 26, 2019 10:35 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 4:19 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) cell)

On Dec 26, 2019, at 4:13 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Both the letter and the draft response to the press inquiry (which I drafted this morning).

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 3:56 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Thanks for the update, but I wasn't clear on if you are waiting FO signoff on the letter Scott drafted or something else.
Thanks!

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Thursday, December 26, 2019 3:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

All—I have reached out to OPA and they can send a press statement when necessary. Trying to get FO signoff on something I drafted this morning. Will let you know when I have any updates on my end.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 10:55 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Please see the draft email below. In light of the press story Heidi shared earlier today, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Thank you!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

From: "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
Date: December 17, 2019 at 10:15:50 AM EST
To: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
Subject: EPA logo in Pebble Mine publicity materials

Good Morning.

Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?

It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.

Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.

Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Urban, Amanda[urban.amanda@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 3/17/2020 9:36:25 PM (UTC)
Subject: FW: Draft comments on the Pebble Project Preliminary Final EIS

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Tuesday, March 17, 2020 5:21 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I would like to propose the following **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Tomiak, Robert <tomiak.robert@epa.gov>
Sent: Friday, March 13, 2020 2:20 PM
To: Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

Andrew/Jill,
We sincerely appreciate the dedication and hard work that went into the team's review of the admin draft and the identification of residual issues at this stage. In follow-up to our series of conversations on this project, I would like to reiterate some of the guidance and expectations from our level to help streamline the review and clearance process. While we can appreciate that the

USACE District Engineer's staff may have invited any and all comments, please be advised that by our NEPA/309 Policy and Procedures Manual, our focus at the final EIS stage should normally be limited to impacts, not adequacy of the statement.

Ex. 5 Deliberative Process (DP)

We note that due to the short review time, leadership here at HQ has not fully reviewed your comments. In the interest of time, and to facilitate leadership review here such that you are able to meet the transmit deadline of March 23rd, we request that no later than 3 pm (est) next Wednesday, 21 March, you provide us with the final version of the comments you intend to submit. We specifically ask that you Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We've coordinated our review and process with OW and OGC. Please let us know if you have any questions or would benefit from another coordination call between all of us.

Thanks, Rob

From: Nogi, Jill <nogi.jill@epa.gov>
Sent: Friday, March 06, 2020 5:10 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Baca, Andrew <Baca.Andrew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Draft comments on the Pebble Project Preliminary Final EIS

All,
As we've been discussing, Region 10 is providing an update regarding the ongoing review of the Pebble Project Preliminary Final EIS, as well as an opportunity for input on the compilation of draft technical comments to be provided to the Corps as part of our role as a cooperating agency for EIS development.

Attached please find an overview briefing regarding current project status, including a summary table that provides a high level look at the major issue areas. As described in the table, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Also attached is the first draft of technical comments on the PFEIS. The comments have been compiled in the Excel spreadsheet format requested by the Corps. Please note that this draft may change as a result of the meetings scheduled in Anchorage between the Corps and cooperating agencies for the week of March 9th. Staff will continue their review of the PFEIS and related materials and will be refining the technical comments.

We welcome your input on the draft comments by COB Friday 3/13. Please note that because of the draft nature of the spreadsheet, it may not be the best use of your time to provide detailed line edits. The Region anticipates that the originally planned two-day "awareness level" review for career leadership, proposed to take place closer to the end of the review period, is now superseded by this current opportunity for review and input between 3/6 and 3/13. The Region will be finalizing the comments the week of 3/16, incorporating HQ and Regional management input as well as making any adjustments pursuant to the outcomes of the technical meetings in Anchorage.

PFEIS Comments from the EPA and the other cooperating agencies are due to the Corps on 3/23.

Thank you for coordinating with the Region on this important project. If you have any questions, please feel free to contact Andrew Baca, Director of the Regional Administrator's Division, at 206-553-6387.

Jill A. Nogi, MPH | Branch Chief
Policy and Environmental Review Branch
U.S. EPA Region 10 | Regional Administrator's Division MS: 14-D12
1200 6th Avenue | Suite 155 | Seattle, WA 98101
(206) 553-1841

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 12/27/2019 5:15:33 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials

Just wanted to make sure you were aware of all of as a general matter.

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Friday, December 27, 2019 12:13 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Email looks good. I just had a chance to talk to Ml Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) I will work on that now.

From: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Sent: Friday, December 27, 2019 12:04 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ariadne,

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I tried calling, but missed you. Please just give me a call when you get a chance. Ex. 6 Personal Privacy (PP) if you happen to have a chance to talk between now and 1? If not, I can sign back in again later.

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Friday, December 27, 2019 8:46 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ariadne –

We should be able to get it out today, but I need to circle with Charlotte on one item. I anticipate issuing the email this afternoon. I will email you and Katharine when it is sent.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, December 27, 2019 8:28 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Thank you Katharine, this is great.

GLO, when is the earliest this can be sent? I realize Scott is out but is would be ideal to get it out as soon as possible.

Ex. 6 Personal Privacy (PP) so would ideally like this wrapped up today.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

On Dec 26, 2019, at 10:34 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 4:19 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel

Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

On Dec 26, 2019, at 4:13 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Both the letter and the draft response to the press inquiry (which I drafted this morning).

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 3:56 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Thanks for the update, but I wasn't clear on if you are waiting FO signoff on the letter Scott drafted or something else. Thanks!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Thursday, December 26, 2019 3:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

All—I have reached out to OPA and they can send a press statement when necessary. Trying to get FO signoff on something I drafted this morning. Will let you know when I have any updates on my end.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 10:55 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Please see the draft email below. In light of the press story Heidi shared earlier today, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Thank you!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM

To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
> **Subject: EPA logo in Pebble Mine publicity materials**
>
> Good Morning.
>
> Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?
>
> It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.
>
> Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.

Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford

Editorial and Design Consultant
(907) 782-6600

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
Cc: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 12/27/2019 1:48:01 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Friday, December 27, 2019 8:46 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ariadne –

We should be able to get it out today, but I need to circle with Charlotte on one item. I anticipate issuing the email this afternoon. I will email you and Katharine when it is sent.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, December 27, 2019 8:28 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Thank you Katharine, this is great.

GLO, when is the earliest this can be sent? I realize Scott is out but is would be ideal to get it out as soon as possible.

Ex. 6 Personal Privacy (PP) so would ideally like this wrapped up today.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

On Dec 26, 2019, at 10:34 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 4:19 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

On Dec 26, 2019, at 4:13 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Both the letter and the draft response to the press inquiry (which I drafted this morning).

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 3:56 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Thanks for the update, but I wasn't clear on if you are waiting FO signoff on the letter Scott drafted or something else. Thanks!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Thursday, December 26, 2019 3:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

All—I have reached out to OPA and they can send a press statement when necessary. Trying to get FO signoff on something I drafted this morning. Will let you know when I have any updates on my end.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 10:55 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Please see the draft email below. In light of the press story Heidi shared earlier today, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Thank you!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

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Subject: RE: EPA logo in Pebble Mine publicity materials

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Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

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Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

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Can ogc and op weigh in on this? Thx ng

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To: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
Subject: EPA logo in Pebble Mine publicity materials

Good Morning.

Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?

It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.

Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.

Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published

agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Tomiak, Robert[tomiak.robert@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; Baca, Andrew[Baca.Andrew@epa.gov]
Cc: Opalski, Dan[Opalski.Dan@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Simons, Andrew[Simons.Andrew@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Barger, Cindy[Barger.Cindy@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Marshall, Tom[marshall.tom@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Tue 3/17/2020 9:20:50 PM (UTC)
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

All,

Thank you for the combined suggestions and revisions. I met with the team yesterday and based on our discussion I would like to propose the following. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Chris Hladick

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Tomiak, Robert <tomiak.robert@epa.gov>
Sent: Friday, March 13, 2020 2:20 PM
To: Nogi, Jill <nogi.jill@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Barger, Cindy <Barger.Cindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft comments on the Pebble Project Preliminary Final EIS

Andrew/Jill,
We sincerely appreciate the dedication and hard work that went into the team's review of the admin draft and the identification of residual issues at this stage. In follow-up to our series of conversations on this project, I would like to reiterate some of the guidance and expectations from our level to help streamline the review and clearance process. While we can appreciate that the USACE District Engineer's staff may have invited any and all comments, please be advised that by our NEPA/309 Policy and Procedures Manual, our focus at the final EIS stage should normally be limited to impacts, not adequacy of the statement.

Ex. 5 Deliberative Process (DP)

We note that due to the short review time, leadership here at HQ has not fully reviewed your comments. In the interest of time, and to facilitate leadership review here such that you are able to meet the transmit deadline of March 23rd, we request that no later

than 3 pm (est) next Wednesday, 21 March, you provide us with the final version of the comments you intend to submit. We specifically ask that you Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We've coordinated our review and process with OW and OGC. Please let us know if you have any questions or would benefit from another coordination call between all of us.

Thanks, Rob

From: Nogi, Jill <nogi.jill@epa.gov>
Sent: Friday, March 06, 2020 5:10 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Baca, Andrew <Baca.Andrew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Draft comments on the Pebble Project Preliminary Final EIS

All,
As we've been discussing, Region 10 is providing an update regarding the ongoing review of the Pebble Project Preliminary Final EIS, as well as an opportunity for input on the compilation of draft technical comments to be provided to the Corps as part of our role as a cooperating agency for EIS development.

Attached please find an overview briefing regarding current project status, including a summary table that provides a high level look at the major issue areas. As described in the table Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Also attached is the first draft of technical comments on the PFEIS. The comments have been compiled in the Excel spreadsheet format requested by the Corps. Please note that this draft may change as a result of the meetings scheduled in Anchorage between the Corps and cooperating agencies for the week of March 9th. Staff will continue their review of the PFEIS and related materials and will be refining the technical comments.

We welcome your input on the draft comments by COB Friday 3/13. Please note that because of the draft nature of the spreadsheet, it may not be the best use of your time to provide detailed line edits. The Region anticipates that the originally planned two-day "awareness level" review for career leadership, proposed to take place closer to the end of the review period, is now superseded by this current opportunity for review and input between 3/6 and 3/13. The Region will be finalizing the comments the week of 3/16, incorporating HQ and Regional management input as well as making any adjustments pursuant to the outcomes of the technical meetings in Anchorage.

PFEIS Comments from the EPA and the other cooperating agencies are due to the Corps on 3/23.

Thank you for coordinating with the Region on this important project. If you have any questions, please feel free to contact Andrew Baca, Director of the Regional Administrator's Division, at 206-553-6387.

Jill A. Nogi, MPH | Branch Chief
Policy and Environmental Review Branch
U.S. EPA Region 10 | Regional Administrator's Division MS: 14-D12
1200 6th Avenue | Suite 155 | Seattle, WA 98101
(206) 553-1841

To: Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 12/23/2019 6:49:34 PM (UTC)
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Sent from my iPhone

Begin forwarded message:

From: "Nalven, Heidi" <Nalven.Heidi@epa.gov>
Date: December 23, 2019 at 8:07:23 AM MST
To: "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "Steiner-Riley, Cara" <Steiner-Riley.Cara@epa.gov>
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Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 AC/DP

Thanks!

-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

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Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

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Subject: RE: EPA logo in Pebble Mine publicity materials

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Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

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Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

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> Good Morning.
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Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160< Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

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Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

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Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

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Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

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-Rob S.

Ex. 5 AC/DP

Ex. 5 AC/DP

Sincerely,

Scott Albright
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Intellectual Property Law &
Information Law practice groups
(202) 564-2884

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From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
> **Subject: EPA logo in Pebble Mine publicity materials**
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> Good Morning.
>
> Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?
>
> It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.

Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.

Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 12/18/2019 7:18:01 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials

Ashley Palomaki
Acting Deputy Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Wednesday, December 18, 2019 8:56 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Thanks for following up on this, Ashley....
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Sent: Wednesday, December 18, 2019 11:24 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

We are going in circles! But it seems like the right people are looped in.

Ashley Palomaki
Acting Deputy Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Blackman, Belinda <Blackman.Belinda@epa.gov>
Sent: Wednesday, December 18, 2019 8:01 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Yes, I'm required to report to EPA's Office of General Counsel for further actions. However, following the email chain below, it looks like OGC has already been notified. I'll send this to Scott Albright again to remind him that this needs action. Thank you.

From: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Sent: Wednesday, December 18, 2019 10:58 AM

To: Blackman, Belinda <Blackman.Belinda@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Belinda –

Have you been made aware of this issue? My understanding is that you are the contact for logo use. Do you have advice on how we should respond to the unauthorized use of EPA's logo?

Thanks,

Ashley

Ashley Palomaki
Acting Deputy Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Wednesday, December 18, 2019 5:27 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Thanks, Rob. We were alerted to this by R10 as well. Copying Ashley, Heidi and Steve to close that loop. I think Ashley has been working on this issue as well....
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:40 PM
To: Albright, Scott <Albright.Scott@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Scott –Do you know if we've already addressed the use of our logo by Pebble as the reporter suggests?

Ex. 5 Deliberative Process (DP)

+ Carrie for WLO awareness too

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
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> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
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> Suzanne
>
> Suzanne Skadowski

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Region 10 Pacific Northwest - Seattle
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Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

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Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 6:00:21 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during

which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 4:06:49 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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"Today's action restores the well-understood permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014. By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process. "Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold.** EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

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Washington, D.C. 20004

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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 4:06:18 PM
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This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 4:05:36 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"Today's action restores the well-understood permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014. By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process. "Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold.** EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a

mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

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From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 4:03:54 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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Additional information: https://www.epa.gov/bristolbay.

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Message

From: EPA Press Office [press@epa.gov]
Sent: 6/26/2019 5:57:12 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to

resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Abboud, Michael[abboud.michael@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Wed 7/31/2019 7:32:37 PM (UTC)
Subject: RE: MEDIA INQUIRY: EPA withdraws 2014 Pebble Mine Proposed Determination -- Crosscut, deadline COB

Hi Michael,

Just checking to see if you are working with OGC on the responses below? Please let me know if you wanted me to respond to this one as well.

I am sending out the other emails out now.

Thanks,

Angela

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Wednesday, July 31, 2019 2:38 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Press <Press@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: MEDIA INQUIRY: EPA withdraws 2014 Pebble Mine Proposed Determination -- Crosscut, deadline COB

Will handle. Is the press release posted in R10's press room?

From: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Sent: Wednesday, July 31, 2019 2:36 PM
To: Press <Press@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: MEDIA INQUIRY: EPA withdraws 2014 Pebble Mine Proposed Determination -- Crosscut, deadline COB

HQ – You're handling all inquiries, yes? Thanks.

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Weinberger, Hannah <hannah.weinberger@crosscut.com>
Sent: Wednesday, July 31, 2019 11:23 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Hi, Suzanne and colleagues,

Thanks so much for sending this along. **I'm writing an article for which I have an End of Day deadline.** I'm wondering if:

1. Administrator Hladick would be willing to share what prompted him to retract his region's proposed determination, when that retraction wasn't mandated?

2. Would exercising 404(c) despite having another option (to have USACE and EPA headquarters take the reins of the

situation, instead of leaving the issue to regional offices), leave the 404(c) powers vulnerable?

3. Is this accurate: In the memo from Leopold regarding the 404(q), it looks like there was a feeling that Region 10 didn't need to exercise its use of 404(c) when there may be other ways to align the interests of USACE and EPA, especially in a way that expedited the process (404(q))? Referencing:

"EPA has carefully considered the positions articulated in 2014 Proposed Determination and the 2017 and 2018 notices in light of the developments since they were published. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in EPA's 2014 Proposed Determination. Second, there are other processes available now, including the 404(q) MOA process, for EPA to resolve any issues with the Corps as the record develops. EPA believes these processes should be exhausted prior to EPA deciding, based upon all information that has and will be further developed, to use its Section 404(c) authority. The issues relating to the development of the record align with EPA's original, July 2017 rationale for withdrawing the 2014 Proposed Determination. For these reasons, Region 10 has now concluded that it is more appropriate to use well-established mechanisms to raise project-specific issues as the record develops during the permitting process and consider the full record before potential future This document is a prepublication version, signed by EPA Region 10 Regional Administrator Chris Hladick on July 30, 2019. We have taken steps to ensure the accuracy of this version, but it is not the official version. 15 decision-making on this matter, instead of maintaining a Section 404(c) process that is now five years old and does not account for the voluminous information provided in the permitting process."

4. What role would Region 10 play in the Pebble Mine permit process regulation if the 404(q) process DOES elevate the matter to HQ? (I.e., who would end up exercising 404(c) authority if matters came to that: Region 10, or HQ?) Referencing:

"By initiating the 404(q) MOA process, EPA Region 10 is following an avenue to work with the Corps Alaska District throughout the permitting process to resolve concerns. If unresolved, EPA Region 10 can elevate to EPA Headquarters, which can decide whether to engage with the Department of the Army. If EPA proceeds through this process and its concerns remain outstanding when the Corps is ready to issue the permit, the MOA specifically contemplates that EPA will have an opportunity to consider exercising its Section 404(c) authority at that time. If EPA believes that these processes are not addressing its concerns, EPA retains the discretion and the authority to decide to use its Section 404(c) authority "whenever" it determines, in its discretion, that the statutory standard for exercising this authority has been met, including at the end of 404(q) MOA process, by This document is a prepublication version, signed by EPA Region 10 Regional Administrator Chris Hladick on July 30, 2019. We have taken steps to ensure the accuracy of this version, but it is not the official version. 24 initiating a new Section 404(c) process that is informed by the entirety of the facts and the Corps' decision-making known to the Agency at that time."

Hannah Weinberger | **Science & Environment Staff Writer, Crosscut.com**
Phone: (206) 443-6698 | Signal: Upon request | Twitter: @weinbergrrrrr

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401 Mercer Street
Seattle, WA 98109

From: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Sent: Tuesday, July 30, 2019 11:20 AM
To: Skadowski, Suzanne
Cc: Skadowski, Suzanne

Subject: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Good Morning:

Sharing today's news release from EPA's Headquarters office in Wash. DC. If you have any questions or need any more information about this announcement, please email press@epa.gov.

Link to a pre-publication notice of the withdrawal of the 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination:
https://www.epa.gov/bristolbay/notification-decision-withdraw-proposed-determination-restrict-use-area-disposal-site

Link to EPA and Corps of Engineers letters regarding the Pebble Mine Clean Water Act 404(q) permit review process:
https://www.epa.gov/bristolbay/epas-comments-us-army-corps-engineers-draft-section-404-permit

Thank you,

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Like us on Facebook! @eparegion10

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 1:53 PM
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

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"After today's action EPA will focus on the permit review process for the Pebble Mine project," **said Region 10 Administrator Chris Hladick**. "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

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Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

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<image001.png>

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To: Abboud, Michael[abboud.michael@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Wed 7/31/2019 6:50:46 PM (UTC)
Subject: RE: Pebble Mine- Press Inquires

Okay I will do that.

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Wednesday, July 31, 2019 2:49 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Yes. **Ex. 5 Deliberative Process (DP)**

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, July 31, 2019 2:49 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Sure. For 1 and 2 do you want me to send the below language and the paragraph. This is all on background correct?

Thanks!

Angela

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Wednesday, July 31, 2019 2:46 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: FW: Pebble Mine- Press Inquires

Do you mind sending these back?

From: Abboud, Michael
Sent: Tuesday, July 30, 2019 5:10 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David
Sent: Tuesday, July 30, 2019 5:09 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel

Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Tuesday, July 30, 2019 5:05 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Has David seen them yet?

From: Forsgren, Lee
Sent: Tuesday, July 30, 2019 5:01 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

My Thoughts are in yellow below.

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Tuesday, July 30, 2019 4:51 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Re: Pebble Mine- Press Inquires

Why don't you add your thoughts. David hasn't had eyes on this yet.
On Jul 30, 2019, at 4:48 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

> Completely agree that they need to go through David. I have a couple of ideas but will reach out to him so that we are not duplicating work.
>
> ---
>
> **From:** Willey, Katharine <willey.katharine@epa.gov>
> **Sent:** Tuesday, July 30, 2019 4:14 PM
> **To:** Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
> **Cc:** Fotouhi, David <Fotouhi.David@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** RE: Pebble Mine- Press Inquires
>
> I'd like to have Abboud edit these responses and then they need to go through David. I think we should answers specifically the first two questions and then use a more general response for the remaining questions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Holsman, Marianne
Sent: Tuesday, July 30, 2019 3:57 PM
To: Risley, David <Risley.David@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Assume OGC "has the pen" as they say. We aren't working on responses.

Marianne

Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Risley, David <Risley.David@epa.gov>
Sent: Tuesday, July 30, 2019 12:52 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble Mine- Press Inquires

Hi all,
Unfortunately, I have to step away from my desk. Please copy Lee Forsgren (CC'ed here) for OW review on any draft responses to 2 and 3, today.

Best,
David

David Risley
EPA Office of Water
Acting Deputy Communications Director
202-343-9177

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Sent: Tuesday, July 30, 2019 3:49 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
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Subject: RE: Pebble Mine- Press Inquires

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Can you further describe this process, "the well-understood elevation process under CWA section 404(q) and the NEPA process" and how that may be exhausted?

How does this impact the Environmental Impact statement for the proposed mine?
What change does this have on the future of the mine?
Does this change have anything to do with the meeting between the Governor of Alaska and the President of the United States in June?

Deadlines 1 (noon July 31), but (2) and (3) today.

Thanks,

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Abboud, Michael
Sent: Tuesday, July 30, 2019 3:29 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
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Subject: RE: Pebble Mine- Press Inquires

OPA is aware. I need the factual answers to these questions 1 and 2 to pass along. We won't do a phone interview with this outlet.

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Subject: RE: Pebble Mine- Press Inquires

Thanks Rob—all press inquiries on this matter need to go through OPA Michael Abboud (cc'd here) and the front office of OGC (David &I). Michael will let us know how to proceed.

From: Stachowiak, Robert
Sent: Tuesday, July 30, 2019 3:22 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
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Subject: RE: Pebble Mine- Press Inquires

Adding in relevant OGC folks for consideration.

To summarize for their benefit, there are three distinct inquiries:

> (1) Does today's withdrawal of the prior 404c proposed determination prohibit the EPA from reinvoking/restarting the 404c process after the Army Corps would issue a 404 wetlands fill permit to Pebble Partnership?
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Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

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Sent: Tuesday, July 30, 2019 3:11 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Pebble Mine- Press Inquires

Hello,

We have received the below inquires. I am circling back with folks on deadlines, although I know one of them is today.

Please advise as to how you would like to respond to the below.

Thanks!

Angela

From: bbohrer@ap.org <bbohrer@ap.org>

Sent: Tuesday, July 30, 2019 2:38 PM
To: Press <Press@epa.gov>
Subject: Media question-Pebble project-Tuesday

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If so, may I get a copy of that letter?
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Thank you.
I am writing today.
Becky Bohrer

Hello,

Is anyone available to do a phone interview with an Anchorage reporter today regarding this decision?

Please reply all,

Melinda Bolton

Assignment Manager | Content Supervisor

KTUU Channel 2 | ktuu.com

Newsroom (907)762-9260

Direct (330)787-4234

From: elwood.brehmer@alaskajournal.com <elwood.brehmer@alaskajournal.com>
Sent: Tuesday, July 30, 2019 2:54 PM
To: Press <Press@epa.gov>
Subject: Bristol Bay 404c clarification

Hello,
One clarification: Does today's withdrawal of the prior 404c proposed determination prohibit the EPA from reinvoking/restarting the 404c process after the Army Corps would issue a 404 wetlands fill permit to Pebble Partnership?
Thank you,
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Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

To: Abboud, Michael[abboud.michael@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]
From: Grantham, Nancy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: Tue 7/30/2019 8:09:19 PM (UTC)
Subject: RE: Pebble Mine- Press Inquires

Oh my

From: Abboud, Michael
Sent: Tuesday, July 30, 2019 4:06 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: FW: Pebble Mine- Press Inquires

lol

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Sent: Tuesday, July 30, 2019 3:57 PM
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Angela Hackel
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Office of the Administrator
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Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

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Melinda Bolton

Assignment Manager | Content Supervisor

KTUU Channel 2 | ktuu.com

Newsroom (907)762-9260

Direct (330)787-4234

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Sent: Tuesday, July 30, 2019 2:54 PM
To: Press <Press@epa.gov>
Subject: Bristol Bay 404c clarification

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Angela Hackel
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Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Atkinson, Grace Lamb [AtkinsonG@cbsnews.com]
Sent: 7/30/2019 7:58:41 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: Re: CBS News Question

Wonderful! Thanks so much for getting back to me so quickly.

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Tuesday, July 30, 2019 7:56 AM
To: Atkinson, Grace Lamb <AtkinsonG@cbsnews.com>
Subject: RE: CBS News Question

External Email

That sounds great and yes would love to get together soon for coffee. I'll add you to our press list as well.

Here is the release: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

---

From: Atkinson, Grace Lamb <AtkinsonG@cbsnews.com>
Sent: Tuesday, July 30, 2019 3:53 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: CBS News Question

Hi Michael! This is Grace from CBS News - we worked together on Major Garrett's interview with Administrator Wheeler a few months back.
Anyway I'm now covering EPA as part of the WH beat and I would love to chat whenever you have a free moment for coffee or a phone call, I'd like to get more EPA-related stories out there.
Separately, wonder if you or someone in your office might be able to confirm the story below and provide us with the statement?
Thanks so much!

Grace Lamb-Atkinson
White House Producer
CBS This Morning
O: (202) 457 4371
C: (202) 415 7090
@GraceLambA

https://thehill.com/policy/energy-environment/455368-epa-kills-proposed-obama-era-pebble-mine-veto

EPA kills proposed Obama-era Pebble mine 'veto'

The Environmental Protection Agency announced Tuesday it will reverse an Obama-era decision to block a controversial Alaska mine project.

“After today’s action EPA will focus on the permit review process for the Pebble Mine project” Region 10 Administrator Chris Hladick said in a statement.

“The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014,” Hladick added.

While the EPA is withdrawing the 2014 determination, which it wrote “was issued preemptively and is now outdated,” the withdrawal does not constitute an approval of the permit application or a determination in the permitting process.

“Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process,” the statement reads.

The EPA announced in June it would resume consideration of the mining project, which former EPA head Scott Pruitt had also promised.

“Today’s step is a move toward good government decision making, which we owe under the law to both the public and project proponents,” EPA General Counsel Matthew Leopold said in a June statement.

The Obama EPA said the proposed mine would have a harmful effect on streams that feed Bristol Bay, which includes the world’s largest salmon fishery, and in 2018 Pruitt announced the EPA would not seek to do away with the Obama-era decision.

“Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection,” Pruitt said at the time.

To: Abboud, Michael[abboud.michael@epa.gov]
From: MacIntyre, Mark[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1EF0971B52B14F6A9DF509C4800A10E3-MACINTYRE, MARK]
Sent: Tue 7/30/2019 11:27:27 PM (UTC)
Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Thanks! **Ex. 6 Personal Privacy (PP)** ...Suzanne is gone as well!

Thanks for the help!

MM

From: Abboud, Michael
Sent: Tuesday, July 30, 2019 4:20 PM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>
Cc: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Hey Mark thanks for including the press box. Katharine Willey sent over all relevant talkers and FAQs at 12:24 eastern to Marianne and a Suzanne. I'll forward along to you as well.

Sent from my iPhone
On Jul 30, 2019, at 6:59 PM, MacIntyre, Mark <Macintyre.Mark@epa.gov> wrote:

> Here's my challenge Angela: we will have Chris on site at this event tomorrow....and if any reporter who turns up see this as an unparalleled opportunity to drill into Chris about today's actions, I'm not sure handing them a desk statement is going to "do the trick."
>
> Thanks!
>
> MM
>
> ---
>
> **From:** Hackel, Angela
> **Sent:** Tuesday, July 30, 2019 3:44 PM
> **To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>; Press <Press@epa.gov>
> **Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> **Subject:** RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site
>
> Hi Mark,
>
> I am not aware of any vetted talking points. Nancy/Andrea are you aware of any? (The response statement to press inquiries is being worked on now by OGC/OW/OPA).
>
> Thanks,
> Angela
>
> ---
>
> **From:** MacIntyre, Mark
> **Sent:** Tuesday, July 30, 2019 6:25 PM
> **To:** Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
> **Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> **Subject:** RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Angela: Do you know if there are vetted talking points for this in case my RA, Chris Hladick, gets bushwhacked at my SRI celebration event tomorrow morning based on today's coverage?

Thanks!

MM

From: Hackel, Angela
Sent: Tuesday, July 30, 2019 11:48 AM
To: Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>; Press <Press@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>; AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>; AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
Subject: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

---

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

---

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on

an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold.**
EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.
Additional information: https://www.epa.gov/bristolbay.

Background

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<image001.png>

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 7/30/2019 10:48:43 PM
To: Abboud, Michael [abboud.michael@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: Re: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Agree

Sent from my iPhone

On Jul 30, 2019, at 6:29 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

> This is getting ridiculous
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **Resent-From:** <Press@epa.gov>
> > **From:** "MacIntyre, Mark" <Macintyre.Mark@epa.gov>
> > **Date:** July 30, 2019 at 6:25:25 PM EDT
> > **To:** "Hackel, Angela" <Hackel.Angela@epa.gov>, Press <Press@epa.gov>
> > **Cc:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> > **Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site**
> >
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> > **To:** Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>; Press <Press@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>; AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>; AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
> > **Subject:** Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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Additional information: https://www.epa.gov/bristolbay.

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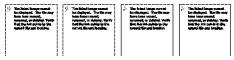
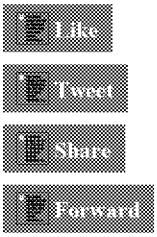
<!--[if !vml]--><image001.png><!--[endif]-->





U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Mike Palicz [mpalicz@atr.org]
Sent: 7/30/2019 6:12:47 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: Fw: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Absolutely huge win here. I'll send along a Grover statement soon.

Mike Palicz
Federal Affairs Manager
Americans for Tax Reform

722 12th Street NW | Washington, DC 20005
203-417-9970 | www.atr.org | mpalicz@atr.org

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Mike Palicz <mpalicz@atr.org>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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Message

From: Holsman, Marianne [Holsman.Marianne@epa.gov]
Sent: 7/30/2019 6:02:58 PM
To: Abboud, Michael [abboud.michael@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: RE: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

This is final?

Marianne

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From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Tuesday, July 30, 2019 10:54 AM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

Updated.

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 1:53 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

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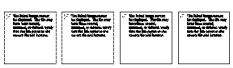

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Washington, D.C. 20004

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Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Drinkard, Andrea[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=808A6B7B65BF447F93DAD2F510FEAF61-ADRINKAR]
Sent: Tue 7/30/2019 5:55:42 PM (UTC)
Subject: Re: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

Marianne,

We just noticed there's an extra quote at the end of permit. Please remove in your version.

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Updated.

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Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

---

https://usenvironmentalprotectionagency.cmail19.com/t/d-i-pudtra-l-y/

<image001.png>

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 5:52:48 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under

section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act

Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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1200 Pennsylvania Avenue Northwest
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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 1:50:59 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under

section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"Today's action restores the well-understood permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014. By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process. "Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold.** EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

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In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

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Message

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 7/29/2019 6:44:20 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Tentative Draft of Tomorrow's Roll-out
Attachments: Pebble Mine Withdrawal_v1.docx

Here's a draft you can work with.

From: Abboud, Michael
Sent: Monday, July 29, 2019 12:25 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: Re: Tentative Draft of Tomorrow's Roll-out

I pinged them last week. Let me relay it again.

Sent from my iPhone

On Jul 29, 2019, at 12:23 PM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

> Is Britt looped on this? And/or Christian/Troy?
>
> On Jul 29, 2019, at 12:12 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:
>
>> Sent from my iPhone
>>
>> Begin forwarded message:
>>
>> **From:** "Willey, Katharine" <willey.katharine@epa.gov>
>> **Date:** July 29, 2019 at 11:56:27 AM EDT
>> **To:** "Abboud, Michael" <abboud.michael@epa.gov>
>> **Subject: Tentative Draft of Tomorrow's Roll-out**
>>
>> <Preliminary Congressional-Intergovernmental Notification_DRAFT.docx>

Message

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 6/26/2019 6:08:32 PM
To: Konkus, John [konkus.john@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Sorry about that, guys...

From: Konkus, John
Sent: Wednesday, June 26, 2019 2:06 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Can we fix this online please?

From: Fotouhi, David
Sent: Wednesday, June 26, 2019 2:04 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: Re: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Subject line of email isn't accurate. Should say "consideration of the withdrawal of the 2014 proposed determination.."

Sent from my iPhone

On Jun 26, 2019, at 1:57 PM, EPA Press Office <press@epa.gov> wrote:

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean

Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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Washington, D.C. 20004

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To: Schiermeyer, Corry[schiermeyer.corry@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: Wed 7/24/2019 2:26:14 PM (UTC)
Subject: pebble mine info
Bristol Bay PD withdraw DRAFT Talking Points 7-18-ver2.docx
ATT00001.htm
Bristol Bay PD Withdraw DRAFT Comms Plan 7-18_ver2.docx
ATT00002.htm

This is with ogc now ..

Have asked whether timing is stlll Friday thanks ng

From: Holsman, Marianne
Sent: Wednesday, July 24, 2019 10:20 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: Fwd: PD Withdrawal Notice -- draft talking points -- please review!

Here's what Suzanne circulated last week.

Thank you.

Marianne Holsman
Mobile: Ex. 6 Personal Privacy (PP)

Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** July 18, 2019 at 2:17:10 PM PDT
> **To:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>
> **Subject: FW: PD Withdrawal Notice -- draft talking points -- please review!**
>
> Per instructions from Allyn and David, here is what I sent to OGC folks. I only sent OGC the talking pts, not the comms plan.
>
> Feel free to share with OW, OPA, whoever.
>
> ---
>
> **From:** Skadowski, Suzanne
> **Sent:** Thursday, July 18, 2019 12:02 PM
> **To:** Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
> **Cc:** Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
> **Subject:** PD Withdrawal Notice -- draft talking points -- please review!
> **Importance:** High
>
> Good Afternoon –
>
> Our draft talking points for Matt are attached.
>
> Please let me know if you have any changes before you/we send along to Matt.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Risley, David[Risley.David@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Drinkard, Andrea[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=808A6B7B65BF447F93DAD2F510FEAF61-ADRINKAR]
Sent: Tue 7/2/2019 1:12:32 PM (UTC)
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Just talked to Michael Abboud and were good with that timing. Please share the link as soon as it's up. Thanks.

> On Jul 2, 2019, at 9:04 AM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:
>
> The letters (attached) will be posted to the Bristol Bay website this morning, around 8:00am PT/11 am ET. If you need this up sooner, we'll need someone at HQ to post (Jennifer Dibble?).
>
>
>
>
> Suzanne Skadowski
> Public Affairs Specialist | Media Relations
> U.S. Environmental Protection Agency
> Region 10 Pacific Northwest - Seattle
> O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
> Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
> Like us on Facebook! @eparegion10<https://www.facebook.com/eparegion10/>
>
> From: Grantham, Nancy
> Sent: Tuesday, July 2, 2019 4:03 AM
> To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
> Subject: FW: EPA comments on Pebble Mine DEIS
>
> Hi –
>
> Can you provide an update on the posting? Thanks ng
>
>
> Begin forwarded message:
> Resent-From: <Press@epa.gov<mailto:Press@epa.gov>>
> From: "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)" <jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>
> Date: July 2, 2019 at 5:25:52 AM EDT
> To: Press <Press@epa.gov<mailto:Press@epa.gov>>
> Subject: EPA comments on Pebble Mine DEIS
> Reply-To: "Jennifer A. Dlouhy" <jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>
> Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.
>
> However, those comments have not yet shown up on epa.gov/bristolbay<http://epa.gov/bristolbay> nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?

>
> Thanks,
> Jen.
>
> ---
> Jennifer A. Dlouhy
> jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net> /
jendlouhyenergy@gmail.com<mailto:jendlouhyenergy@gmail.com>
> reporterjen@protonmail.com<mailto:reporterjen@protonmail.com>
> Desk: 202.807.2159
> Cell/Text/Signal: 202.905.3257
> Twitter: @jendlouhyhc
> Stories: http://bloom.bg/23Crpvk
>
> <07012019 EPA Comments Pebble Project DEIS.pdf>
> <07012019 EPA Comments Public Notice POA-2017-00271.pdf>

To: Abboud, Michael[abboud.michael@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Drinkard, Andrea[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=808A6B7B65BF447F93DAD2F510FEAF61-ADRINKAR]
Sent: Wed 6/26/2019 5:27:27 PM (UTC)
Subject: Re: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Web language...

Ex. 5 Deliberative Process (DP)

On Jun 26, 2019, at 1:21 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 7/2/2019 11:02:12 AM
To: Abboud, Michael [abboud.michael@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: EPA comments on Pebble Mine DEIS

Yes .. have a note into them

From: Abboud, Michael
Sent: Tuesday, July 2, 2019 7:01 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Fwd: EPA comments on Pebble Mine DEIS

Nancy can we check what the hold up is for Region 10?

Sent from my iPhone

Begin forwarded message:

> **Resent-From:** <Press@epa.gov>
> **From:** "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)" <jdlouhy1@bloomberg.net>
> **Date:** July 2, 2019 at 5:25:52 AM EDT
> **To:** Press <Press@epa.gov>
> **Subject: EPA comments on Pebble Mine DEIS**
> **Reply-To:** "Jennifer A. Dlouhy" <jdlouhy1@bloomberg.net>
>
> Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.
>
> However, those comments have not yet shown up on epa.gov/bristolbay nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?
>
> Thanks,
> Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

To: Abboud, Michael[abboud.michael@epa.gov]; Morin, Jeff[Morin.Jeff@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; OWC[OWC@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Tue 7/2/2019 5:46:12 PM (UTC)
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Bloomberg | Alaskan Gold Mine Gets Boost as Trump's EPA Intervenes on Permit

Ex. 4 Copyright

Ex. 4 Copyright

From: Skadowski, Suzanne
Sent: Tuesday, July 2, 2019 10:22 AM
To: Abboud, Michael <abboud.michael@epa.gov>; Morin, Jeff <Morin.Jeff@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; OWC <OWC@epa.gov>
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Thanks,
Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257

Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

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> **From:** "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)" <jdlouhy1@bloomberg.net>
> **Date:** July 2, 2019 at 5:25:52 AM EDT
> **To:** Press <Press@epa.gov>
> **Subject: EPA comments on Pebble Mine DEIS**
> **Reply-To:** "Jennifer A. Dlouhy" <jdlouhy1@bloomberg.net>
>
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Jen.

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reporterjen@protonmail.com
Desk: 202.807.2159
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Sent: Tue 7/2/2019 5:11:18 PM (UTC)
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Thanks

From: Holsman, Marianne
Sent: Tuesday, July 2, 2019 1:02 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Morin, Jeff <Morin.Jeff@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; OWC <OWC@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

They are posted now. Under announcements.

Marianne

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From: Skadowski, Suzanne
Sent: Tuesday, July 02, 2019 9:34 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Morin, Jeff <Morin.Jeff@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; OWC <OWC@epa.gov>
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It's imminent at: https://www.epa.gov/bristolbay

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> ---
> ---
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To: Schiermeyer, Corry[schiermeyer.corry@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]
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Sent: Fri 7/26/2019 4:19:24 PM (UTC)
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

---

From: Grantham, Nancy
Sent: Friday, July 26, 2019 11:17 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Bristol Bay / Pebble Mine -- draft communications plan

All – see below re: Pebble Mine. **Ex. 5 Deliberative Process (DP)** so I asked OGC comms about it and got the below. **Ex. 5 Deliberative Process (DP)**

So I think we stand by for now.

Thanks ng

From: Fotouhi, David
Sent: Friday, July 26, 2019 9:51 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Neugeboren, Steven
Sent: Friday, July 26, 2019 9:46 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

I'm adding Katherine as she is the lead on comms for OGC as I understand it, as well as David F.

Ex. 5 Deliberative Process (DP)

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW

Washington, DC 20460
202 (564-5488)

From: Stachowiak, Robert
Sent: Friday, July 26, 2019 9:11 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

Hi Nancy –

Ex. 5 Deliberative Process (DP)

WLO has been working directly with Matt, David and Katherine Willey on this. From the Region 10 side, my understanding is that Allyn Stern (R10 Regional Counsel) is helping coordinate.

CC Allyn and WLO folks here for awareness/in case they want to add.

Hope this helps.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Grantham, Nancy
Sent: Friday, July 26, 2019 7:37 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: Bristol Bay / Pebble Mine -- draft communications plan

Ex. 5 Deliberative Process (DP)

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 4:13 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 1:12 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Bristol Bay / Pebble Mine -- draft communications plan

Hi Katherine,

Allyn Stern asked me to send you our draft communications plan for Bristol Bay / Pebble Mine upcoming actions – it's attached.

Please let me know if you have any questions.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Like us on Facebook! @eparegion10

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Risley, David[Risley.David@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Grantham, Nancy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: Tue 7/2/2019 5:08:38 PM (UTC)
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Thanks

From: Skadowski, Suzanne
Sent: Tuesday, July 2, 2019 1:02 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Docs are online now: https://www.epa.gov/bristolbay

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Like us on Facebook! @eparegion10

From: Dennis, Allison
Sent: Tuesday, July 2, 2019 8:09 AM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Ah that's right. My apologies.

For this process statement and/ or answering media inquires , here are some resources OWOW pointed out to me as potentially helpful:

1) The following link connects to EPA's web area on theSection 404 process:
https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404

Under Agency Roles you'll see EPA, and the second to last and third to last bullets/links cover 404c and 404q. There is a fair amount of info here which should be sufficient for background.

Sent from my iPhone
On Jul 2, 2019, at 11:01 AM, Holsman, Marianne <Holsman.Marianne@epa.gov> wrote:

As we discussed yesterday: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Marianne Holsman
Mobile Ex. 6 Personal Privacy (PP)

Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.

On Jul 2, 2019, at 7:03 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

Not that I've seen.

-----Original Message-----
From: Dennis, Allison
Sent: Tuesday, July 02, 2019 9:14 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Has the holding statement been developed yet ?

Sent from my iPhone

> On Jul 2, 2019, at 9:12 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:
>
> Just talked to Michael Abboud and were good with that timing. Please share the link as soon as it's up. Thanks.
>
>> On Jul 2, 2019, at 9:04 AM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:
>>
>> The letters (attached) will be posted to the Bristol Bay website this morning, around 8:00am PT/11 am ET. If you need this up sooner, we'll need someone at HQ to post (Jennifer Dibble?).
>>
>> Suzanne Skadowski
>> Public Affairs Specialist | Media Relations U.S. Environmental Protection Agency Region 10 Pacific Northwest - Seattle
>> O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
>> Follow us on Twitter!
>> @EPAnorthwest<https://twitter.com/EPAnorthwest>
>> Like us on Facebook!
>> @eparegion10<https://www.facebook.com/eparegion10/>
>>
>> From: Grantham, Nancy
>> Sent: Tuesday, July 2, 2019 4:03 AM
>> To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
>> Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
>> Subject: FW: EPA comments on Pebble Mine DEIS
>>
>> Hi –
>>
>> Can you provide an update on the posting? Thanks ng

Begin forwarded message:
Resent-From: <Press@epa.gov<mailto:Press@epa.gov>>
From: "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)"
<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>
Date: July 2, 2019 at 5:25:52 AM EDT
To: Press <Press@epa.gov<mailto:Press@epa.gov>>
Subject: EPA comments on Pebble Mine DEIS
Reply-To: "Jennifer A. Dlouhy"
<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>
Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.

However, those comments have not yet shown up on epa.gov/bristolbay<http://epa.gov/bristolbay> nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?

Thanks,
Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net> /
jendlouhyenergy@gmail.com<mailto:jendlouhyenergy@gmail.com>
reporterjen@protonmail.com<mailto:reporterjen@protonmail.com>
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

<07012019 EPA Comments Pebble Project DEIS.pdf>
<07012019 EPA Comments Public Notice POA-2017-00271.pdf>

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
Cc: Morin, Jeff[Morin.Jeff@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; OWC[OWC@epa.gov]
From: Holsman, Marianne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=332EE5ED102F4F65841285A4C06EA8B2-HOLSMAN, MARIANNE]
Sent: Tue 7/2/2019 5:01:51 PM (UTC)
Subject: RE: EPA comments on Pebble Mine DEIS and 404

They are posted now. Under announcements.

Marianne

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Like us on Facebook! @eparegion10

From: Skadowski, Suzanne
Sent: Tuesday, July 02, 2019 9:34 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Morin, Jeff <Morin.Jeff@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; OWC <OWC@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

It's imminent at: https://www.epa.gov/bristolbay

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Like us on Facebook! @eparegion10

From: Abboud, Michael
Sent: Tuesday, July 2, 2019 9:23 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Morin, Jeff <Morin.Jeff@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; OWC <OWC@epa.gov>
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Where is this posting to?

Sent from my iPhone
On Jul 2, 2019, at 12:15 PM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

> Thank you Jeff! Our guy is on it now. Should be done soon.

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Morin, Jeff
Sent: Tuesday, July 2, 2019 9:14 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; OWC <OWC@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Hi Suzanne... thanks.

I'll be standing by in case my help is needed.

Jeff Morin
Office of Web Communications
US Environmental Protection Agency
w. 202-564-6553
https://intranet.epa.gov/newsreleases

From: Skadowski, Suzanne
Sent: Tuesday, July 2, 2019 12:13 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Morin, Jeff <Morin.Jeff@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; OWC <OWC@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Our webmaster is in the office now and can post asap. I have given him direction on how to post with intro text.

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Sent: Tuesday, July 2, 2019 9:11 AM
To: Morin, Jeff <Morin.Jeff@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; OWC <OWC@epa.gov>
Subject: FW: EPA comments on Pebble Mine DEIS and 404

Jeff – here are the documents .. I believe they go on the epa.gov/bristolbay site – others will weigh in on specific language and location on the site.

Jeff, can you confirm you are on board to do this? Thanks ng

From: Skadowski, Suzanne
Sent: Tuesday, July 2, 2019 9:04 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

The letters (attached) will be posted to the Bristol Bay website this morning, around 8:00am PT/11 am ET. If you need this up sooner, we'll need someone at HQ to post (Jennifer Dibble?).

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Grantham, Nancy
Sent: Tuesday, July 2, 2019 4:03 AM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: FW: EPA comments on Pebble Mine DEIS

Hi –

Can you provide an update on the posting? Thanks ng

Begin forwarded message:

> **Resent-From:** <Press@epa.gov>
> **From:** "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)" <jdlouhy1@bloomberg.net>
> **Date:** July 2, 2019 at 5:25:52 AM EDT
> **To:** Press <Press@epa.gov>
> **Subject: EPA comments on Pebble Mine DEIS**
> **Reply-To:** "Jennifer A. Dlouhy" <jdlouhy1@bloomberg.net>
>
> Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.
>
> However, those comments have not yet shown up on epa.gov/bristolbay nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?
>
> Thanks,
> Jen.
>
> ---
> ---
> Jennifer A. Dlouhy
> jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
> reporterjen@protonmail.com
> Desk: 202.807.2159
> Cell/Text/Signal: 202.905.3257
> Twitter: @jendlouhyhc
> Stories: http://bloom.bg/23Crpvk

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]; OWC[OWC@epa.gov]
From: Morin, Jeff[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89DD51C0946542F6A084EF6B3613A743-JMORIN]
Sent: Tue 7/2/2019 4:12:42 PM (UTC)
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Yes - starting now.

Jeff Morin
Office of Web Communications
US Environmental Protection Agency
w. 202-564-6553
https://intranet.epa.gov/newsreleases

From: Grantham, Nancy
Sent: Tuesday, July 2, 2019 12:11 PM
To: Morin, Jeff <Morin.Jeff@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; OWC <OWC@epa.gov>
Subject: FW: EPA comments on Pebble Mine DEIS and 404

Jeff – here are the documents .. I believe they go on the epa.gov/bristolbay site – others will weigh in on specific language and location on the site.

Jeff, can you confirm you are on board to do this? Thanks ng

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Sent: Tuesday, July 2, 2019 9:04 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

The letters (attached) will be posted to the Bristol Bay website this morning, around 8:00am PT/11 am ET. If you need this up sooner, we'll need someone at HQ to post (Jennifer Dibble?).

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Grantham, Nancy
Sent: Tuesday, July 2, 2019 4:03 AM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: FW: EPA comments on Pebble Mine DEIS

Hi –

Can you provide an update on the posting? Thanks ng

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)" <jdlouhy1@bloomberg.net>
Date: July 2, 2019 at 5:25:52 AM EDT
To: Press <Press@epa.gov>
Subject: EPA comments on Pebble Mine DEIS
Reply-To: "Jennifer A. Dlouhy" <jdlouhy1@bloomberg.net>

Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.

However, those comments have not yet shown up on epa.gov/bristolbay nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?

Thanks,
Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Risley, David[Risley.David@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Morin, Jeff[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89DD51C0946542F6A084EF6B3613A743-JMORIN]
Sent: Tue 7/2/2019 4:10:43 PM (UTC)
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Looking now...

Jeff Morin
Office of Web Communications
US Environmental Protection Agency
w 202-564-6553
c Ex. 6 Personal Privacy (PP)
http://intranet.epa.gov/newsreleases

On Jul 2, 2019, at 12:07 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

We can get it posted ... Jeff Morin .. will send you the docs folks will let you know where to get it posted. This is time sensitive.

Thanks ng

-----Original Message-----
From: Drinkard, Andrea
Sent: Tuesday, July 2, 2019 12:05 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Status check. Thanks.

-----Original Message-----
From: Skadowski, Suzanne
Sent: Tuesday, July 02, 2019 11:12 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

If you need them posted right now, you'll have to do it from HQ end of things. Our webmaster is not back in the office yet, expected soon.

-----Original Message-----
From: Grantham, Nancy
Sent: Tuesday, July 2, 2019 8:09 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Do you need help from us to post thx

Sent from my iPhone

On Jul 2, 2019, at 11:07 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

What happened to it posting at 8am?

-----Original Message-----

From: Skadowski, Suzanne

Sent: Tuesday, July 2, 2019 11:07 AM

To: Abboud, Michael <abboud.michael@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>

Subject: RE: EPA comments on Pebble Mine DEIS and 404

No, expecting around 8:30-9:00am if all goes well.

-----Original Message-----

From: Abboud, Michael

Sent: Tuesday, July 2, 2019 8:02 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>

Subject: RE: EPA comments on Pebble Mine DEIS and 404

Have the comments been posted?

-----Original Message-----

From: Holsman, Marianne

Sent: Tuesday, July 2, 2019 11:02 AM

To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: Re: EPA comments on Pebble Mine DEIS and 404

As we discussed yesterday: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Marianne Holsman

Mobile Ex. 6 Personal Privacy (PP)

Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.

> On Jul 2, 2019, at 7:03 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:
>
> Not that I've seen.
>
> -----Original Message-----
>
> From: Dennis, Allison
>
> Sent: Tuesday, July 02, 2019 9:14 AM
>
> To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
>
> Cc: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne

<Holsman.Marianne@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>;

Abboud, Michael <abboud.michael@epa.gov>

Subject: Re: EPA comments on Pebble Mine DEIS and 404

Has the holding statement been developed yet ?

Sent from my iPhone

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> Just talked to Michael Abboud and were good with that timing. Please share the link as soon as it's up. Thanks.
>
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> >
> > The letters (attached) will be posted to the Bristol Bay website this morning, around 8:00am PT/11 am ET. If you need this up sooner, we'll need someone at HQ to post (Jennifer Dibble?).
> >
> > Suzanne Skadowski
> >
> > Public Affairs Specialist | Media Relations U.S. Environmental
> >
> > Protection Agency Region 10 Pacific Northwest - Seattle
> >
> > O: 206-553-2160< Ex. 6 Personal Privacy (PP) > C Ex. 6 Personal Privacy (PP)
> > Ex. 6 Personal Privacy (PP)
> >
> > Follow us on Twitter!
> >
> > @EPAnorthwest<https://twitter.com/EPAnorthwest>
> >
> > Like us on Facebook!
> >
> > @eparegion10<https://www.facebook.com/eparegion10/>
> >
> > From: Grantham, Nancy

Sent: Tuesday, July 2, 2019 4:03 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski,

Suzanne <Skadowski.Suzanne@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison

<Dennis.Allison@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>

Subject: FW: EPA comments on Pebble Mine DEIS

Hi –

Can you provide an update on the posting? Thanks ng

Begin forwarded message:

Resent-From: <Press@epa.gov<mailto:Press@epa.gov>>

From: "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)"

<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>

Date: July 2, 2019 at 5:25:52 AM EDT

To: Press <Press@epa.gov<mailto:Press@epa.gov>>

Subject: EPA comments on Pebble Mine DEIS

Reply-To: "Jennifer A. Dlouhy"

<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>

Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.

However, those comments have not yet shown up on epa.gov/bristolbay<http://epa.gov/bristolbay> nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are

available?

Thanks,

Jen.

Jennifer A. Dlouhy

jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net> /

jendlouhyenergy@gmail.com<mailto:jendlouhyenergy@gmail.com>

reporterjen@protonmail.com<mailto:reporterjen@protonmail.com>

Desk: 202.807.2159

Cell/Text/Signal: 202.905.3257

Twitter: @jendlouhyhc

Stories: http://bloom.bg/23Crpvk

<07012019 EPA Comments Pebble Project DEIS.pdf>

<07012019 EPA Comments Public Notice POA-2017-00271.pdf>

To: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Risley, David[Risley.David@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Morin, Jeff[Morin.Jeff@epa.gov]
From: Grantham, Nancy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: Tue 7/2/2019 4:07:47 PM (UTC)
Subject: RE: EPA comments on Pebble Mine DEIS and 404

We can get it posted ... Jeff Morin .. will send you the docs folks will let you know where to get it posted. This is time sensitive.

Thanks ng

-----Original Message-----
From: Drinkard, Andrea
Sent: Tuesday, July 2, 2019 12:05 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

Status check. Thanks.

-----Original Message-----
From: Skadowski, Suzanne
Sent: Tuesday, July 02, 2019 11:12 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS and 404

If you need them posted right now, you'll have to do it from HQ end of things. Our webmaster is not back in the office yet, expected soon.

-----Original Message-----
From: Grantham, Nancy
Sent: Tuesday, July 2, 2019 8:09 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Do you need help from us to post thx

Sent from my iPhone

> On Jul 2, 2019, at 11:07 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:
>
> What happened to it posting at 8am?
>
> -----Original Message-----
> From: Skadowski, Suzanne
> Sent: Tuesday, July 2, 2019 11:07 AM
> To: Abboud, Michael <abboud.michael@epa.gov>; Holsman, Marianne
> <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
> Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Grantham, Nancy
> <Grantham.Nancy@epa.gov>; Stachowiak, Robert
> <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
> Subject: RE: EPA comments on Pebble Mine DEIS and 404
>
> No, expecting around 8:30-9:00am if all goes well.
>
>
> -----Original Message-----
> From: Abboud, Michael
> Sent: Tuesday, July 2, 2019 8:02 AM
> To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea
> <Drinkard.Andrea@epa.gov>
> Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Skadowski, Suzanne
> <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>;
> Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David
> <Risley.David@epa.gov>
> Subject: RE: EPA comments on Pebble Mine DEIS and 404
>
> Have the comments been posted?
>
> -----Original Message-----
> From: Holsman, Marianne
> Sent: Tuesday, July 2, 2019 11:02 AM
> To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
> Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Skadowski, Suzanne
> <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>;
> Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David
> <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
> Subject: Re: EPA comments on Pebble Mine DEIS and 404
>
> As we discussed yesterday: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

> Thank you.
>
> Marianne Holsman
> Mobile Ex. 6 Personal Privacy (PP)
>
> Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.
>
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>> Cc: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy
>> <Grantham.Nancy@epa.gov>; Holsman, Marianne
>> <Holsman.Marianne@epa.gov>; Stachowiak, Robert
>> <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>;
>> Abboud, Michael <abboud.michael@epa.gov>
>> Subject: Re: EPA comments on Pebble Mine DEIS and 404
>>
>> Has the holding statement been developed yet ?
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>> Sent from my iPhone
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>>>>
>>>>
>>>>
>>>>
>>>> Suzanne Skadowski
>>>> Public Affairs Specialist | Media Relations U.S. Environmental
>>>> Protection Agency Region 10 Pacific Northwest - Seattle
>>>> O: 206-553-2160 Ex. 6 Personal Privacy (PP) C Ex. 6 Personal Privacy (PP)
>>>> Follow us on Twitter!
>>>> @EPAnorthwest<https://twitter.com/EPAnorthwest>
>>>> Like us on Facebook!
>>>> @eparegion10<https://www.facebook.com/eparegion10/>
>>>>
>>>> From: Grantham, Nancy
>>>> Sent: Tuesday, July 2, 2019 4:03 AM
>>>> To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski,
>>>> Suzanne <Skadowski.Suzanne@epa.gov>
>>>> Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison
>>>> <Dennis.Allison@epa.gov>; Stachowiak, Robert
>>>> <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
>>>> Subject: FW: EPA comments on Pebble Mine DEIS
>>>>
>>>> Hi –
>>>>
>>>> Can you provide an update on the posting? Thanks ng
>>>>
>>>>
>>>> Begin forwarded message:
>>>> Resent-From: <Press@epa.gov<mailto:Press@epa.gov>>
>>>> From: "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)"
>>>> <jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>
>>>> Date: July 2, 2019 at 5:25:52 AM EDT
>>>> To: Press <Press@epa.gov<mailto:Press@epa.gov>>

>>>> Subject: EPA comments on Pebble Mine DEIS
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>>>> <jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>
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>>>> However, those comments have not yet shown up on epa.gov/bristolbay<http://epa.gov/bristolbay> nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?
>>>>
>>>> Thanks,
>>>> Jen.
>>>>
>>>> ---
>>>> Jennifer A. Dlouhy
>>>> jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net> /
>>>> jendlouhyenergy@gmail.com<mailto:jendlouhyenergy@gmail.com>
>>>> reporterjen@protonmail.com<mailto:reporterjen@protonmail.com>
>>>> Desk: 202.807.2159
>>>> Cell/Text/Signal: 202.905.3257
>>>> Twitter: @jendlouhyhc
>>>> Stories: http://bloom.bg/23Crpvk
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To: Dennis, Allison[Dennis.Allison@epa.gov]
Cc: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Risley, David[Risley.David@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Holsman, Marianne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=332EE5ED102F4F65841285A4C06EA8B2-HOLSMAN, MARIANNE]
Sent: Tue 7/2/2019 3:18:54 PM (UTC)
Subject: Re: EPA comments on Pebble Mine DEIS and 404

Yep, that's what I was referring to on the call yesterday.
Thanks.

Thank you.

Marianne Holsman
Mobile: Ex. 6 Personal Privacy (PP)

Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.

On Jul 2, 2019, at 8:08 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

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> For this process statement and/ or answering media inquires , here are some resources OWOW pointed out to me as potentially helpful:
>
> 1) The following link connects to EPA's web area on theSection 404 process:
> https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404
>
> Under Agency Roles you'll see EPA, and the second to last and third to last bullets/links cover 404c and 404q. There is a fair amount of info here which should be sufficient for background.
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Sent: Tuesday, July 02, 2019 9:14 AM

To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Cc: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

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Suzanne Skadowski

Public Affairs Specialist | Media Relations U.S. Environmental

Protection Agency Region 10 Pacific Northwest - Seattle

O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

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Like us on Facebook!

@eparegion10<https://www.facebook.com/eparegion10/>

From: Grantham, Nancy

Sent: Tuesday, July 2, 2019 4:03 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne

<Skadowski.Suzanne@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison

<Dennis.Allison@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>

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Resent-From: <Press@epa.gov<mailto:Press@epa.gov>>

From: "Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)"

<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>

Date: July 2, 2019 at 5:25:52 AM EDT

To: Press <Press@epa.gov<mailto:Press@epa.gov>>

Subject: EPA comments on Pebble Mine DEIS

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<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>

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Jennifer A. Dlouhy

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Cc: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Risley, David[Risley.David@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Dennis, Allison[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9BF7959058B241FAB18E564E9C957B56-ADENNIS]
Sent: Tue 7/2/2019 3:08:44 PM (UTC)
Subject: Re: EPA comments on Pebble Mine DEIS and 404

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Suzanne Skadowski

Public Affairs Specialist | Media Relations U.S. Environmental

Protection Agency Region 10 Pacific Northwest - Seattle

O: 206-553-2160< Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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@EPAnorthwest<https://twitter.com/EPAnorthwest>

Like us on Facebook!

@eparegion10<https://www.facebook.com/eparegion10/>

From: Grantham, Nancy

Sent: Tuesday, July 2, 2019 4:03 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne

<Skadowski.Suzanne@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison

<Dennis.Allison@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Risley, David
<Risley.David@epa.gov>

Subject: FW: EPA comments on Pebble Mine DEIS

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<jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net>>

Date: July 2, 2019 at 5:25:52 AM EDT

To: Press <Press@epa.gov<mailto:Press@epa.gov>>

Subject: EPA comments on Pebble Mine DEIS

Reply-To: "Jennifer A. Dlouhy"

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Jen.

Jennifer A. Dlouhy

jdlouhy1@bloomberg.net<mailto:jdlouhy1@bloomberg.net> /

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Stories: http://bloom.bg/23Crpvk

<07012019 EPA Comments Pebble Project DEIS.pdf>

<07012019 EPA Comments Public Notice POA-2017-00271.pdf>

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 6/26/2019 6:08:38 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Konkus, John [konkus.john@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Sure.

From: Drinkard, Andrea
Sent: Wednesday, June 26, 2019 2:07 PM
To: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: RE: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Will do. Angela, can you fix this before you post the release in the newsroom, thanks.

From: Konkus, John
Sent: Wednesday, June 26, 2019 2:06 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Can we fix this online please?

From: Fotouhi, David
Sent: Wednesday, June 26, 2019 2:04 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: Re: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Subject line of email isn't accurate. Should say "consideration of the withdrawal of the 2014 proposed determination.."

Sent from my iPhone

On Jun 26, 2019, at 1:57 PM, EPA Press Office <press@epa.gov> wrote:

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean

Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Ex. 6 Personal Privacy (PP)
From: Lynn, Tricia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8747BA49CDE485EA4AC58DBF09C3DCD-TRICIA SLUSSER]
Sent: Tue 9/4/2018 4:41:56 PM (UTC)
Subject: RE: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Paul—

On background:

The U.S. Army Corps of Engineers is reviewing a Clean Water Act permit application from the Pebble Limited Partnership and has started the Environmental Impact Statement (EIS) process under the National Environmental Policy Act. The Corps is the lead agency to develop the EIS, and at the request of the Corps, EPA is working as a cooperating agency. The Corps held a scoping public comment period from April 1, 2018 through June 29, 2018. For more information on the permit status, please contact the Army Corps.

Best,

Tricia

Tricia Lynn
Office of Public Affairs
U.S. EPA
Office: 202.564.2615

From: Ex. 6 Personal Privacy (PP)
Sent: Saturday, September 01, 2018 9:39 AM
To: Press <Press@epa.gov>
Subject: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Hello,

This news release from January states that "EPA intends to solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis." Can you please advise on the timing of when EPA intends to solicit additional public comments?

I am requesting a response by Tuesday at noon EST. I occasionally write articles for Seeking Alpha. Thanks.
https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay

News Releases

<iframe src="https://www.googletagmanager.com/ns.html?id=GTM-L8ZB" height="0" width="0" style="display:none;visibility:hidden"></iframe>
An official website of the United States government.

United States Environmental Protection Agency

Contact Us

EPA Administrator Scott Pruitt Suspends Withdrawal of

Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

01/26/2018

Contact Information:
(press@epa.gov)

WASHINGTON (January 26, 2018) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is following through on his promise to restore the rule of law and process to the previous Administration's action to restrict mining in Bristol Bay, Alaska.

As a result of Administrator Pruitt's actions last summer, proponents of mining in the region were allowed to apply for a permit with the U.S. Army Corps of Engineers. Today, after hearing directly from stakeholders and the people of Alaska, EPA is suspending its process to withdraw those proposed restrictions, leaving them in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources.

"We have restored process, reviewed comments, and heard from a variety of stakeholders on whether to withdraw the proposed restrictions in the Bristol Bay watershed," **Administrator Scott Pruitt said.** "Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection. Today's action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources."

This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable.

EPA intends to solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis.

Background

In 2014, the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.

In May of 2017, Administrator Pruitt took the first step to rescind this due process denial and allow the Pebble mine proponents to proceed and progress through the process. EPA received over one million comments from interested stakeholders. Administrator Pruitt's action allowed the litigation to be resolved and the proponent's application was allowed to finally move forward. That application is proceeding through the Army Corps's permitting process.

Today's action is important for several reasons. First, EPA has serious concerns about the impacts of

mining activity in the Bristol Bay Watershed. From public comments to community meetings, stakeholders stressed the importance of balancing a singular mine venture with the risk to one of the world's largest commercial fisheries. Second, for EPA not to express an environmental position at this stage would be disingenuous.

This action demonstrates the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship.

For more information and to read a copy of today's announcement in a pre-publication Federal Register Notice, visit: https://www.epa.gov/bristolbay.

Sent from my iPhone

To: Ex. 6 Personal Privacy (PP)
From: Lynn, Tricia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8747BA49CDE485EA4AC58DBF09C3DCD-TRICIA SLUSSER]
Sent: Thur 8/16/2018 5:54:26 PM (UTC)
Subject: RE: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Paul—

On background:

The U.S. Army Corps of Engineers is reviewing a Clean Water Act permit application from the Pebble Limited Partnership and has started the Environmental Impact Statement (EIS) process under the National Environmental Policy Act. The Corps is the lead agency to develop the EIS, and at the request of the Corps, EPA is working as a cooperating agency. The Corps held a scoping public comment period from April 1, 2018 through June 29, 2018. For more information on the permit status, please contact the Army Corps.

Best,

Tricia

Tricia Lynn
Office of Public Affairs
U.S. EPA
Office: 202.564.2615

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, August 15, 2018 4:08 PM
To: Press <Press@epa.gov>
Subject: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Good afternoon,

I am writing to request an update on the status of the proposed determination in Bristol Bay Watershed. Per the attached, the EPA is planning to solicit additional comments from the public. When will the public comment period take place, or was the ACoE public scoping period comment period sufficient?

Also, given the new mine plan being proposed by Pebble, is the proposed determination still based on the BBWA or is it now based on the new mine plan?

Thank you for any update you can provide.

Paul Lebo
Ex. 6 Personal Privacy (PP)

https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay

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An official website of the United States government.

Contact Us

EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

01/26/2018

Contact Information:
(press@epa.gov)

WASHINGTON (January 26, 2018) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is following through on his promise to restore the rule of law and process to the previous Administration's action to restrict mining in Bristol Bay, Alaska.

As a result of Administrator Pruitt's actions last summer, proponents of mining in the region were allowed to apply for a permit with the U.S. Army Corps of Engineers. Today, after hearing directly from stakeholders and the people of Alaska, EPA is suspending its process to withdraw those proposed restrictions, leaving them in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources.

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comments from interested stakeholders. Administrator Pruitt's action allowed the litigation to be resolved and the proponent's application was allowed to finally move forward. That application is proceeding through the Army Corps's permitting process.

Today's action is important for several reasons. First, EPA has serious concerns about the impacts of mining activity in the Bristol Bay Watershed. From public comments to community meetings, stakeholders stressed the importance of balancing a singular mine venture with the risk to one of the world's largest commercial fisheries. Second, for EPA not to express an environmental position at this stage would be disingenuous.

This action demonstrates the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship.

For more information and to read a copy of today's announcement in a pre-publication Federal Register Notice, visit: https://www.epa.gov/bristolbay.

Sent from my iPhone

To: Abboud, Michael[abboud.michael@epa.gov]
From: Drinkard, Andrea[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=808A6B7B65BF447F93DAD2F510FEAF61-ADRINKAR]
Sent: Thur 9/13/2018 8:10:46 PM (UTC)
Subject: FW: Pebble question

I asked john to call me, but he's probably working hurricane stuff. If you have a chance to chat, give me a call at my desk 564.1601 or on cell Ex. 6 Personal Privacy (PP) Thanks.

From: Lynn, Tricia
Sent: Thursday, September 13, 2018 3:04 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: FW: Pebble question

Another. Same response?

From: Alex Guillen [mailto:aguillen@politico.com]
Sent: Thursday, September 13, 2018 2:48 PM
To: Press <Press@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Pebble question

Hello,

Has EPA restarted its process to withdraw the Proposed Determination on Pebble Mine in Alaska since it was suspended in February? If so, when does EPA plan to act? If not, is there a plan to resume the process?

Thank you,

Alex Guillen | Energy Reporter | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: 703.341.4619 | Mobile: 571.839.6243
Email: aguillen@politico.com | Twitter: @alexcguillen | Website: www.POLITICOPro.com

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 9/7/2018 9:56:29 PM
To: Mike Palicz [mpalicz@atr.org]
CC: Abboud, Michael [abboud.michael@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: Re: Conservative letter on Section 404(c)

Will circle back!

On Sep 7, 2018, at 11:47 AM, Mike Palicz <mpalicz@atr.org> wrote:

Thanks Tate, appreciate it!

We'd also love to set up a brief call with Grover and Administrator Wheeler, I don't believe they've had much opportunity to connect before but know Grover is hoping to. Would be happy to set up something in person instead but I'm a assuming a call would be easier for scheduling.

Let me know if I can rope in Candice on our team to set something up.

Best,

Mike Palicz
Federal Affairs Manager
Americans for Tax Reform

722 12th Street NW | Washington, DC 20005
203-417-9970 | www.atr.org | mpalicz@atr.org

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Thursday, September 6, 2018 3:37:04 PM
To: Mike Palicz
Cc: Abboud, Michael
Subject: Re: Conservative letter on Section 404(c)

Hey Mike-

I'll make sure this gets to the right folks. Will let you know when we have more of an update.

Tate

On Sep 6, 2018, at 2:35 PM, Mike Palicz <mpalicz@atr.org> wrote:

Tate and Mike,

I hope you are both doing well. Attached please find a coalition letter from 15 conservative groups urging Acting Administrator Wheeler to rescind the proposed veto ("proposed determination") on Pebble Mine in Southwest Alaska.

While we applaud the June memo issued by former Administrator Pruitt, we believe the continuing existence of the proposed veto on Pebble Mine still sets a precedent for future administrations and undermines the reform intended in Pruitt's memo.

Please let me know if I can provide any additional information or answer any questions.

Best,

Mike Palicz
Federal Affairs Manager
Americans for Tax Reform

722 12th Street NW | Washington, DC 20005
203-417-9970 | www.atr.org | mpalicz@atr.org

<Conservative Letter on Section 404(c).pdf>

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/17/2018 5:54:32 PM
To: Hewitt, James [hewitt.james@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Konkus, John [konkus.john@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: FW: Pebble Mine

FYI

From: Lee, Stephen [mailto:stephenlee@bloombergenvironment.com]
Sent: Monday, September 17, 2018 1:53 PM
To: Block, Molly <block.molly@epa.gov>
Subject: Pebble Mine

Hey Molly. How are things? Hope you've been having a good summer.

Over the weekend I saw an email from Grover Norquist at ATR saying he "expects" EPA to issue a ruling, before the end of September, rescinding the Obama-era veto on Pebble Mine. Mike Palicz, ATR's federal affairs manager, had earlier emailed me that he's "expecting the EPA to take action on this before the end of the month, giving the Trump administration an important win before the midterms."

I'm just wondering if you can confirm whether any of this is true? Many thanks.

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: King, Ledge[lsrking@gannett.com]
Sent: Mon 6/25/2018 8:53:50 PM (UTC)
Subject: RE: Off-the-record, Ledge

Thanks Jahan. I'm going to pass.
Ledge

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, June 25, 2018 4:21 PM
To: King, Ledge <lsrking@gannett.com>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: Off-the-record, Ledge

the text below is being finalized. Do you want to break it first with a story tonight/tomorrow morning? Let us know, thank you.

MEMORANDUM

SUBJECT: Updating EPA's Regulations Implementing Clean Water Act Section 404(c)
FROM: E. Scott Pruitt, Administrator
TO: Distribution [AA for Water, General Counsel, Regional Administrators]

It is essential that the Environmental Protection Agency adhere to its core mission of protecting human health and the environment in a manner that is fully considered as well as consistent with the Agency's authority. When EPA uses its authority "preemptively" and without the benefit of the fully developed factual record or attempts to reimagine its authority in ways that diverge from statutory text or congressional intent, it diverts its attention from this core mission and engages in decision-making without a full understanding of the impacts of those decisions. To address this concern, at every opportunity I have directed the Agency to ensure predictability and regulatory certainty and take actions based upon a comprehensive understanding of the facts. These are the hallmarks of the proper exercise of administrative authority and due process under the law.

Today, I am directing the Office of Water to take another step toward returning the Agency to its core mission and providing regulatory certainty by **developing a proposal to change the regulations governing EPA's exercise of its authority under Clean Water Act section 404(c), which allows EPA to veto the issuance of permits by the U.S. Army Corps of Engineers ("Corps") or an approved State to discharge dredged or fill material at specified disposal sites**. These regulations were last revised nearly 40 years ago—at a time in our history when environmental safeguards and analytical methods were far less-developed than today. EPA's regulations should reflect today's permitting process and modern-day methods and protections, including the robust existing processes under the National Environmental Policy Act that already require federal agencies to consider the environmental and related social and economic effects of their proposed actions while providing opportunities for public review and comment on those evaluations. Any new regulations should seek to address significant concerns surrounding EPA's prior use of its veto authority before a permit application has been filed or after a permit has been issued. This long-overdue update to the regulations has the promise of increasing certainty for landowners, investors, businesses, and entrepreneurs to make investment decisions while preserving EPA's authority to restrict discharges of dredge or fill material that will have an unacceptable adverse effect on water supplies, recreation, fisheries, and wildlife.

Section 404 of the Clean Water Act regulates the discharge of dredged or fill material into waters of the United States by assigning differing roles to the Administrator and the Secretary of the Army. Section 404(a) empowers the Secretary of the Army, acting through the Army Corps of Engineers, to issue permits allowing for discharge of dredged or fill material at "specified disposal sites." States may assume administration of this program, as Michigan and New Jersey have done. Section 404(b) provides that the Corps or State shall specify each disposal site for each permit "subject to subsection (c)." EPA has developed guidelines for this process. Section 404(c) provides EPA with so-called veto authority. Specifically, section 404(c) authorizes the Administrator "to prohibit the specification (including withdrawal of the

specification) of any defined area as a disposal site" as well as to "deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site . . . whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas."

In 1979—seven years after Congress enacted section 404—EPA promulgated regulations that established procedures for exercising authority under section 404(c). *See* 44 FR 58076 (Oct. 9, 1979). The regulations establish defined steps with specific associated criteria: EPA's Regional Administrators are given responsibility for initiating the 404(c) process, issuing a proposed determination, and preparing and transmitting to EPA Headquarters a recommended determination to prohibit, withdraw, deny, or restrict the specification of a site as a disposal site. The Administrator, upon receipt of a recommended determination and after consultation with the Corps or the State, has the authority to issue a final determination to affirm, modify, or rescind the recommendation determination. **EPA has issued 13 final determinations since 1972 at various stages in the permitting process, including two instances where the action extended to areas for which a permit application was not pending and other instances after a permit had been issued.**[1]

EPA has asserted since 1979 that its "section 404(c) authority may be exercised before a permit is applied for, while an application is pending, or after a permit has been issued." 44 FR at 58076; *see also* 40 C.F.R. § 231.1(c). Commenters at the time the regulations were proposed opposed the use of EPA's authority before a permit application had been received or after a permit had been issued by the Corps or State. 44 FR at 58077. EPA responded to concerns about the practical application of pre-permit use of 404(c) by noting that this approach will facilitate planning by developers and industry and "eliminate frustrating situations in which someone spends time and money developing a project for an inappropriate site and learns at an advanced stage that he must start over." *Id.* EPA also stated that while "the statute on its face clearly allows EPA to act after the Corps issued a permit," EPA "recognize[d] that where possible it is much preferable to exercise this authority before the Corps or state has issued a permit, and before the permit holder has begun operations." *Id.*

During the prior Administration, EPA proposed to restrict discharges of dredge and fill material associated with mining activity near Bristol Bay, Alaska, which drew significant public scrutiny. Before advocates of mining of the Pebble Deposit submitted a permit application to the Corps, EPA Region 10 undertook an ecological risk assessment of three mining scenarios of different sizes based on information submitted to the Securities & Exchange Commission. Region 10 then issued a Proposed Determination to restrict the discharge of dredged or fill material from mining of the Pebble Deposit for "the potential disposal site [defined as] the waters within the mine claims held by [Northern Dynasty Minerals] subsidiaries, including PLP [Pebble Limited Partnership], that fall within the [South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek] watersheds." PLP subsequently obtained a preliminary injunction that halted the section 404(c) process before Region 10 could determine whether to prepare a recommended determination to transmit to EPA Headquarters. In December 2017, PLP submitted a permit application to the Corps. Earlier this year, EPA suspended its proposed withdrawal of the proposed determination; EPA also committed not to send a recommended determination from Region 10 to EPA Headquarters until after a final Environmental Impact Statement ("EIS") has been completed by the Corps, so long as that EIS is completed by May 2021. I believe that it is critical for the Agency to participate in the EIS process and review the final EIS in detail before determining whether to proceed with the section 404(c) process in this case.

* * *

EPA's historical interpretation of its statutory authority and its current regulatory framework applies the same procedures notwithstanding whether a permit application has been filed or a permit issued. **I am concerned that the mere potential of EPA's use of its section 404(c) authority before or after the permitting process could influence investment decisions and chill economic growth by short-circuiting the permitting process. Although the Corps can process a permit application and conduct a NEPA analysis while a section 404(c) action is ongoing, it cannot issue a permit. Moreover, the short timeframes in EPA's existing regulations allow the Administrator to issue a final determination restricting the specification of a site as a disposal site within just a few months' time from the start of the process. I am also concerned that under current regulations, EPA could issue a final determination without the**

benefit of full information about the project for which a permit is sought, the proposed disposal areas, and the environmental impacts of those activities.

Accordingly, I direct the Office of Water to prepare a proposal for submission to the Office of Management and Budget within four months from the date of this directive that proposes to consider, at a minimum, the following changes to EPA's regulations that would govern the future use of EPA's section 404(c) authority and seek public comment thereon:

· Eliminating the authority to initiate the section 404(c) process before a section 404 permit application has been filed with the Corps or a State, otherwise known as the "preemptive veto."

· Eliminating the authority to initiate the section 404(c) process after a permit has been issued by the Corps or a State, otherwise known as the "retroactive veto."

· Requiring a Regional Administrator to obtain approval from EPA Headquarters before initiating the section 404(c) process.

· Requiring a Regional Administrator to review and consider the findings of a final Environmental Assessment or Environmental Impact Statement prepared by the Corps or a State before preparing and publishing notice of a proposed determination.

· Requiring the Agency to publish and seek public comment on a final determination before such a determination takes effect.

Changing the current regulations would help to ensure that EPA exercises its extraordinary authority under section 404(c) in a careful, predictable, and prudent manner. The guiding principle should be to provide landowners, developers, and entrepreneurs with certainty that EPA will not short-circuit the permitting process and will consider all available information, including the results of an EIS, before taking any steps to veto a permit application. Adopting these changes would further EPA's core mission of protecting human health and the environment while improving predictability and regulatory certainty. The Office of Water shall begin preparing a regulatory proposal forthwith that includes these proposed changes for review and public comment.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell Ex. 6 Personal Privacy (PP)
Work Email: wilcox.jahan@epa.gov

Message

From: Small, Jeff [Jeff.Small@mail.house.gov]
Sent: 5/3/2018 10:13:19 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Graham, Amy [graham.amy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Konkus, John [konkus.john@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
CC: Hanson, Tanner [Tanner.Hanson@mail.house.gov]
Subject: RE: Caucus to EPA: Preemptive Project Veto a Tool of Tyranny
Attachments: 5-3 Pebble Final Signed.pdf

Attached is a final signed copy of our letter that went out today to the Administrator.

Below is our press release.

We appreciate the agency's consideration of this request.

Sincerely,

Jeff Small
Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.
2057 Rayburn HOB | Washington, DC 20515
(202) 225-2315 main
jeff.small@mail.house.gov

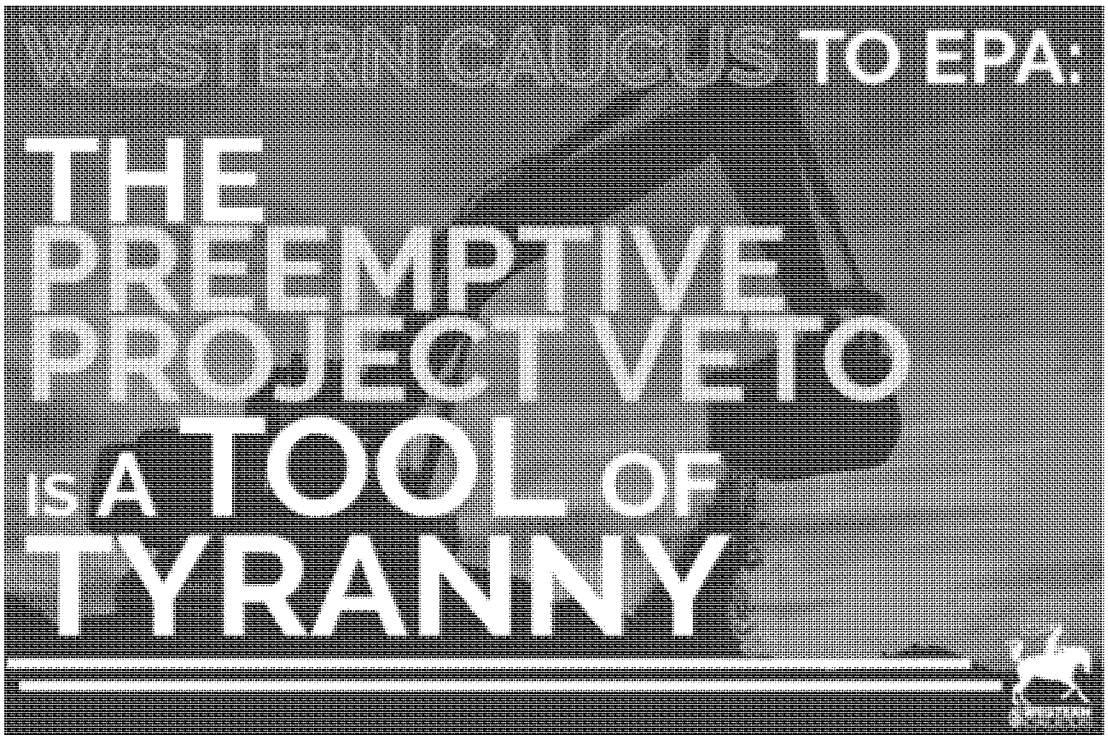
CONGRESSIONAL WESTERN CAUCUS

For Immediate Release
Contact: Tanner Hanson

Date: May 3, 2018
Tanner.Hanson@mail.house.gov

Caucus to EPA: Preemptive Project Veto a Tool of Tyranny

"This power-grab has no place in a Republican administration"



WASHINGTON, D.C. – Today, Congressional Western Caucus Chairman **Paul A. Gosar D.D.S. (AZ-04)**, **House Committee on Science, Space and Technology Chairman Lamar Smith (TX-21)**, Western Caucus Members **Doug Lamborn (CO-05)** and **Bob Gibbs (OH-07)**, representatives for the **Competitive Enterprise Institute**, the **National Mining Association**, **Americans for Limited Government**, the **American Resources Policy Network**, the **Yavapai Cattle Growers Association** as well as the **Apache County Supervisor Doyel Shamley** released the following statements after the Caucus led a coalition of 18 Members of Congress and dozens of stakeholders requesting that EPA Administrator Scott Pruitt reverse a preemptive veto of the Pebble Mine project in Alaska:

Chairman Paul Gosar stated, "Administrator Pruitt knows what we think of his accomplishments in office, but we'll say it again: they're outstanding. The EPA under President Obama turned into an extra-constitutional legislator in its own right, issuing vast national edicts without statutory authority but requiring total compliance. When the Trump Administration and Administrator Pruitt came in, all that changed, and we have since seen the EPA bring its activity back within statutory boundaries in order to protect the environment with science-based policies. The preemptive veto of the Pebble project in Alaska - a holdover of the Obama EPA - is the one glaring blemish staining Administrator Pruitt's record. This kind of power-grab has no place surviving into a Republican administration - not least because we know future Administrations would be glad to abuse such power in even more severe ways. Today, we've made a clear case for why allowing this unprecedented veto to go forward is an affront to due process, to stable capital markets and to the priorities of the Trump Administration. This is about process, not any particular project. Administrator Pruitt, projects shouldn't be vetoed before they have even been proposed. The Obama preemptive veto has to go."

House Science Committee Chairman Smith said, "Our government is based on the principles of due process and the rule of law. EPA's preemptive veto of the Pebble Mine in 2014 undermined both. The EPA, under new leadership and with a fresh perspective, has an opportunity to reverse

the misguided decision and let the rigorous permitting process work. I strongly urge Administrator Pruitt to withdraw the proposed determination."

"Industries in the United States should be able to rely on a transparent, reliable regulatory and permit approval process to operate. EPA and other agencies must not have the ability to deny American companies administrative due process with preemptive veto authority. Allowing regulatory entities to tell a business not to even bother applying for a permit, before any scientific analysis can be completed, will have a chilling and dangerous effect on American entrepreneurship and stifle economic growth. That's why I introduced the Regulatory Certainty Act to prevent the EPA from filing preemptive vetoes under Section 404 of the Clean Water Act. I join my colleagues in urging the EPA to reverse course and prevent setting a precedent that could do terrible damage to the American economy," said **Congressman Gibbs**.

Congressman Lamborn stated, "Considering the fact that the United States is increasingly reliant on foreign sources of critical and strategic minerals, it would be detrimental to our nation's national and economic security to preemptively veto one of the largest undeveloped deposits of copper and gold resources in the world. Administrator Pruitt should withdraw the preemptive veto and allow the Environmental Impact Statement to proceed in order to restore due process, fairness, and regulatory stability surrounding mining projects in our nation."

Myron Ebell, Director for the Center for Energy and Environment at the Competitive Enterprise Institute stated, "The pre-emptive veto of the Pebble mine and of all other potential mining projects in the Bristol Bay watershed should be withdrawn immediately. It conflicts with the Trump administration's proposal to eliminate EPA's veto authority under section 404c of the Clean Water Act entirely, and it sets a dangerous precedent. If one huge area of the country can be closed to natural resource development, what is to stop a future administration from arbitrarily closing off other areas—for example, the Mississippi River watershed?"

"There is no excuse for continuing this Obama administration dramatic expansion of power that threatens all resource development activity in future administrations. You can agree or disagree about the wisdom of the Pebble Mine development but those decisions should be reserved to the NPRM process and not preempted by shoddy political science that overrides the legally established approval process," said **Rick Manning, President of Americans for Limited Government**.

"This Administration has been a leader in showing that the responsible development of our natural resources and environmental stewardship can coexist," said **Hal Quinn, President and CEO of the National Mining Association**. "Given the Pebble Mine Project's potential as one of the largest deposits of copper and gold in the world, our hope is that the EPA will withdraw the prior administration's preemptive, uninformed and improper veto of the project, allowing the project proposal to proceed through the appropriate review channels as intended under the National Environmental Policy Act."

"With the growing recognition that the U.S. is dangerously dependent on foreign supply for scores of critical minerals and metals, the need for a predictable permitting process has never been greater," said **Daniel McGroarty** of the **American Resources Policy Network**. "The pre-emptive veto of the Pebble Project casts a chilling effect over resource development in the U.S. As the letter says, to allow a pre-emptive veto to stand is 'contrary to the spirit of our environmental protection laws, to due process, and to basic fairness."

"For EPA not to allow due process flies in the face of our country's most important institutional principles. While the old saw of the squeaky wheel gets the most grease, we need to use the

environmental and scientific studies that are mandated for environmental issues," said **Larry Parker**, **President of the Yavapai Cattle Growers Association**.

"We can no longer tolerate the damages done by bureaucrats who seek to rule our country via administrative fiat, undermining scientific based due process and the rule of law," said **Doyel Shamley, Apache County Supervisor**.

Background:

Today, May 3, 2018, the Western Caucus led 18 Members of Congress and dozens of stakeholders in sending a letter addressed to EPA Administrator Scott Pruitt respectfully requesting he proceed with his original statements and intention to withdraw the Obama Administration EPA's preemptive veto of the Pebble Limited Partnership mining project under Section 404(c) of the Clean Water Act.

Read the letter with all signers HERE. Be sure to also check out the Wall Street Journal Editorial Board's excellent piece concerning the precedent concerns arising from retaining the preemptive veto.

In particular, the letter responds to the EPA's decision to abruptly change course and opt not to withdraw the Obama Administration's preemptive veto of the project, contrary to Administrator Pruitt's prior stated commitment to do so.

The preemptive veto, initiated under Section 404(c) of the Clean Water Act, acts as an EPA "failsafe" set outside of the normal Army Corps of Engineers-facilitated NEPA process, along with its requirement of an Environmental Impact Statement (EIS). This, despite that the NEPA EIS takes a full environmental, ecological and chemical inventory of the scope and likely effects of a project as proposed. NEPA EIS's are rigorous and comprehensive, and the eventual EIS for Pebble Mine will be able to accurately determine whether it poses adverse risks to the environment and habitat of Bristol Bay or not.

Rather than allow the EIS to proceed as normal for Pebble Mine, the EPA's actions set a damaging precedent wherein projects that have not enjoyed the scientific and other study required by law can be preempted and shut down by EPA. These actions are contrary to the spirit of our environmental protection laws, to due process, and to basic fairness.

For example, in the five trading days following the recent EPA decision, Pebble's parent company Northern Dynasty Minerals saw its stock fall 40%. This is the predictable market reaction to the EPA's unpredictability, which will wreak havoc in mining-related capital markets if regulatory certainty is not restored.

The issue, therefore, is not about the completion of any particular project – including Pebble – but rather cuts to the core of whether we are a nation of laws in which those laws, rather than arbitrary decisions by politicians or bureaucrats, have the final say.

As such, the letter requests that Administrator Pruitt opt to withdraw the preemptive veto in order to restore due process, fairness and regulatory stability surrounding all mining projects, prospective or proposed, in the United States. This issue only grows in importance in light of President Trump and Department of Interior Secretary Ryan Zinke having made clear our overriding need to reduce reliance of foreign importation of critical and strategic minerals as

matters of national and economic security. At a time when domestic mining is critically important, providing regulatory certainty by following established processes is of utmost concern.

- -

Current signers (18):
Amodei, Babin, Biggs, Rob Bishop, DesJarlais, Jeff Duncan, John Duncan, Gibbs, Gosar, LaMalfa, Lamborn, Marshall, McKinley, Mooney, Perry, Lamar Smith, Weber, Yoho

Endorsed by:
American Exploration & Mining Association, National Mining Association, Women's Mining Coalition, Competitive Enterprise Institute, Americans for Limited Government, Arizona Mining Association, Alaska Miners Association, American Resources Policy Network, Arizona Pork Council, Arizona Rock Products Association, AZ BASS Nation, Bass Federation-AZ, Hibbing Area Chamber of Commerce, Hudbay Rosemont Copper Project, Idaho Mining Association, MiningMinnesota, New Mexico Cattle Growers' Association, New Mexico Wool Growers Inc., Southern Arizona Business Coalition, SRT Outdoors, Sulphur Springs Valley Electric Cooperative, Utah Mining Association, Yavapai Cattle Growers Association, Arizona District 6 Senator Sylvia Allen, Apache County Supervisor Doyel Shamley and Yavapai County Supervisors Thomas Thurman and Rowle Simmons

###

WEBSITE | UNSUBSCRIBE

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Press[Press@epa.gov]
From: Weinberger, Hannah[hannah.weinberger@crosscut.com]
Sent: Wed 7/31/2019 6:22:53 PM (UTC)
Subject: Re: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Hi, Suzanne and colleagues,

Thanks so much for sending this along. **I'm writing an article for which I have an End of Day deadline.** I'm wondering if:

1. Administrator Hladick would be willing to share what prompted him to retract his region's proposed determination, when that retraction wasn't mandated?
2. Would exercising 404(c) despite having another option (to have USACE and EPA headquarters take the reins of the situation, instead of leaving the issue to regional offices), leave the 404(c) powers vulnerable?

3. Is this accurate: In the memo from Leopold regarding the 404(q), it looks like there was a feeling that Region 10 didn't need to exercise its use of 404(c) when there may be other ways to align the interests of USACE and EPA, especially in a way that expedited the process (404(q))? Referencing:

"EPA has carefully considered the positions articulated in 2014 Proposed Determination and the 2017 and 2018 notices in light of the developments since they were published. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in EPA's 2014 Proposed Determination. Second, there are other processes available now, including the 404(q) MOA process, for EPA to resolve any issues with the Corps as the record develops. EPA believes these processes should be exhausted prior to EPA deciding, based upon all information that has and will be further developed, to use its Section 404(c) authority. The issues relating to the development of the record align with EPA's original, July 2017 rationale for withdrawing the 2014 Proposed Determination. For these reasons, Region 10 has now concluded that it is more appropriate to use well-established mechanisms to raise project-specific issues as the record develops during the permitting process and consider the full record before potential future This document is a prepublication version, signed by EPA Region 10 Regional Administrator Chris Hladick on July 30, 2019. We have taken steps to ensure the accuracy of this version, but it is not the official version. 15 decision-making on this matter, instead of maintaining a Section 404(c) process that is now five years old and does not account for the voluminous information provided in the permitting process."

4. What role would Region 10 play in the Pebble Mine permit process regulation if the 404(q) process DOES elevate the matter to HQ? (I.e., who would end up exercising 404(c) authority if matters came to that: Region 10, or HQ?) Referencing:

"By initiating the 404(q) MOA process, EPA Region 10 is following an avenue to work with the Corps Alaska District throughout the permitting process to resolve concerns. If unresolved, EPA Region 10 can elevate to EPA Headquarters, which can decide whether to engage with the Department of the Army. If EPA proceeds through this process and its concerns remain outstanding when the Corps is ready to issue the permit, the MOA specifically contemplates that EPA will have an opportunity to consider exercising its Section 404(c) authority at that time. If EPA believes that these processes are not addressing its concerns, EPA retains the discretion and the authority to decide to use its Section 404(c) authority "whenever" it determines, in its discretion, that the statutory standard for exercising this authority has been met, including at the end of 404(q) MOA process, by This document is a prepublication version, signed by EPA Region 10 Regional Administrator Chris Hladick on July 30, 2019. We have taken steps to ensure the accuracy of this version, but it is not the official version. 24 initiating a new Section 404(c) process that is informed by the entirety of the facts and the Corps' decision-making known to the Agency at that time."

Hannah Weinberger | **Science & Environment Staff Writer, Crosscut.com**

Phone: (206) 443-6698 | Signal: Upon request | Twitter: @weinbergrrrrr

KCTS 9 | Crosscut | Hive Media Lab | A part of Cascade Public Media
401 Mercer Street
Seattle, WA 98109

From: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Sent: Tuesday, July 30, 2019 11:20 AM
To: Skadowski, Suzanne
Cc: Skadowski, Suzanne
Subject: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Good Morning:

Sharing today's news release from EPA's Headquarters office in Wash. DC. If you have any questions or need any more information about this announcement, please email press@epa.gov.

Link to a pre-publication notice of the withdrawal of the 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination:
https://www.epa.gov/bristolbay/notification-decision-withdraw-proposed-determination-restrict-use-area-disposal-site

Link to EPA and Corps of Engineers letters regarding the Pebble Mine Clean Water Act 404(q) permit review process:
https://www.epa.gov/bristolbay/epas-comments-us-army-corps-engineers-draft-section-404-permit

Thank you,

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 1:53 PM
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

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EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit. "After today's action EPA will focus on the permit review process for the Pebble Mine project," **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue,

which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017.

Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

<image001.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Abboud, Michael[abboud.michael@epa.gov]
Cc: Press[Press@epa.gov]
From: Jones, Enesta[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: Tue 7/30/2019 8:26:13 PM (UTC)
Subject: Re: CNN request on Pebble mine

Added on 2F.

On Jul 30, 2019, at 4:22 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

I'll add you to our press list.

From: Devine, Curt <Curt.Devine@cnn.com>
Sent: Tuesday, July 30, 2019 4:12 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: RE: CNN request on Pebble mine

Perfect, thanks. Not sure why that didn't come up on my searches. Best,

Curt

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Tuesday, July 30, 2019 4:04 PM
To: Devine, Curt <Curt.Devine@cnn.com>; Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: RE: CNN request on Pebble mine

https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

---

From: Devine, Curt <Curt.Devine@cnn.com>
Sent: Tuesday, July 30, 2019 4:02 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: RE: CNN request on Pebble mine

Thanks – no additional questions for now. I'm actually just looking for this statement, which I'm not readily finding. In the next half hour would be great.

--

"After today's action EPA will focus on the permit review process for the Pebble Mine project" Region 10 Administrator Chris Hladick said in a statement.
https://thehill.com/policy/energy-environment/455368-epa-kills-proposed-obama-era-pebble-mine-veto

---

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, July 30, 2019 4:01 PM
To: Devine, Curt <Curt.Devine@cnn.com>; Press <Press@epa.gov>
Subject: RE: CNN request on Pebble mine

Hi Curt,

Thank you for your inquiry. Can you please let me know your deadline and if you have any additional questions?

Thanks,
Angela

Angela Hackel

Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Devine, Curt <Curt.Devine@cnn.com>
Sent: Tuesday, July 30, 2019 3:59 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: CNN request on Pebble mine

Hi Angela,

Curt Devine at CNN here. We are writing up a short digital on the decision to lift a restriction that had previously blocked the Pebble mine in Alaska. Does EPA have any statement on this? I believe I saw a statement from Chris Hladick cited here. Thanks for any assistance. Best,

Curt Devine
CNN, Washington
curt.devine@cnn.com
202-515-2862
678-576-6976 (cell)

To: Hackel, Angela[Hackel.Angela@epa.gov]
Cc: Press[Press@epa.gov]
From: Read, Richard[richard.read@latimes.com]
Sent: Wed 7/31/2019 8:58:21 PM (UTC)
Subject: Re: MEDIA INQUIRY: RA Hladick interview request from LA Times re Pebble Mine

Thanks so much, Angela. This is helpful background. I would also like to reiterate my request to interview Chris Hladick about the process and his role in it. I intend either way to write about his role in the process, and his career background, therefore it would help to have his insights, and in the interest of fairness, I would like to be sure to give him the chance to comment. Best, Rich

On Jul 31, 2019, at 1:20 PM, Hackel, Angela <Hackel.Angela@epa.gov> wrote:

EXTERNAL SOURCE

Hi Richard,

I received your inquiry from my colleague. Please see our response below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Thanks,

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Read, Richard <richard.read@latimes.com>
Sent: Wednesday, July 31, 2019 11:01 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Hi Suzanne,
Thanks so much again for your help yesterday on this development.
I would like to request an interview with Chris Hladick, concerning Pebble Mine, the EPA's decision on Proposed Determination, Region 10's recent Draft EIS submission, and not least, his experience as Dillingham city manager and the insights that be brings from his familiarity with the Bristol Bay region.
Ideally meeting in person, but phone would be okay. Mainly as soon as possible in his schedule, if he's able to accept this request.
I should note that questions from this English major will likely be basic and shouldn't be apt to require any special preparation on his part. This is in the context of my recent reporting trip to the Lake Iliamna area and what I expect

will be continuing coverage.
Best, Rich

Richard Read
Seattle Bureau Chief
Los Angeles Times
1200 Western Ave., 17G
Seattle, Wa. 98101

Cell/Signal/WhatsApp 503-913-4189

@RichReadReports

<image004.jpg>

To: richard.read@latimes.com[richard.read@latimes.com]
Cc: Press[Press@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Wed 7/31/2019 8:20:45 PM (UTC)
Subject: MEDIA INQUIRY: RA Hladick interview request from LA Times re Pebble Mine

Hi Richard,

I received your inquiry from my colleague. Please see our response below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Thanks,

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Read, Richard <richard.read@latimes.com>
Sent: Wednesday, July 31, 2019 11:01 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Hi Suzanne,
Thanks so much again for your help yesterday on this development.
I would like to request an interview with Chris Hladick, concerning Pebble Mine, the EPA's decision on Proposed Determination, Region 10's recent Draft EIS submission, and not least, his experience as Dillingham city manager and the insights that be brings from his familiarity with the Bristol Bay region.
Ideally meeting in person, but phone would be okay. Mainly as soon as possible in his schedule, if he's able to accept this request.
I should note that questions from this English major will likely be basic and shouldn't be apt to require any special preparation on his part. This is in the context of my recent reporting trip to the Lake Iliamna area and what I expect will be continuing coverage.
Best, Rich

Richard Read
Seattle Bureau Chief
Los Angeles Times
1200 Western Ave., 17G
Seattle, Wa. 98101

Cell/Signal/WhatsApp 503-913-4189

@RichReadReports

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/31/2019 8:14:15 PM
To: bbohrer@ap.org; Press [Press@epa.gov]
Subject: RE: Media question-Pebble project-Tuesday

Hello Becky,

Please see our responses to your questions below.

On background

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Q: Has the EPA sent to the corps a "will affect" letter, which is due 25 days from the end of a public comment period?

A: Last week, EPA requested an extension from the Corps on the deadline for the Agency to send a 3(b) letter. EPA is still operating within the elevation process, while recognizing that this process is unique and that 25 days was an insufficient amount of time to work through the over 150 pages of comments EPA provided on July 1st. EPA will use the remaining time extension to work with the Corps to resolve these comments. The Corps has agreed to give us 90 days, during which both agencies have committed continue the discussion.

Thanks,

Angela

From: bbohrer@ap.org <bbohrer@ap.org>
Sent: Tuesday, July 30, 2019 3:16 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: RE: Media question-Pebble project-Tuesday

Angela,
4 p.m. Alaska time (8 p.m. Eastern)

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, July 30, 2019 11:15 AM
To: Bohrer, Becky <bbohrer@ap.org>; Press <Press@epa.gov>
Subject: RE: Media question-Pebble project-Tuesday

Hello Becky,

I am checking in on this for you. Can you please let me know your deadline?

Thanks,

Angela

From: bbohrer@ap.org <bbohrer@ap.org>
Sent: Tuesday, July 30, 2019 2:38 PM
To: Press <Press@epa.gov>
Subject: Media question-Pebble project-Tuesday

Has the EPA sent to the corps a "will affect" letter, which is due 25 days from the end of a public comment period?
If so, may I get a copy of that letter?
If not, why not and is the EPA able to move forward in the 404q process without such a letter?
Thank you.
I am writing today.
Becky Bohrer

Becky Bohrer
Juneau correspondent, The Associated Press
Office: 907-586-1515
Cell: 907-229-0371
Twitter: @beckybohrerap

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/31/2019 8:11:06 PM
To: elwood.brehmer@alaskajournal.com
CC: Press [Press@epa.gov]
Subject: RE: Bristol Bay 404c clarification

Hi Elwood,

Please see our responses to your inquiry below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Q: Does today's withdrawal of the prior 404c proposed determination prohibit the EPA from reinvoking/restarting the 404c process after the Army Corps would issue a 404 wetlands fill permit to Pebble Partnership?

A: It would not.

Thanks,

Angela

> **From:** elwood.brehmer@alaskajournal.com <elwood.brehmer@alaskajournal.com>
> **Sent:** Tuesday, July 30, 2019 2:54 PM
> **To:** Press <Press@epa.gov>
> **Subject:** Bristol Bay 404c clarification
>
> Hello,
>
> One clarification: Does today's withdrawal of the prior 404c proposed determination prohibit the EPA from reinvoking/restarting the 404c process after the Army Corps would issue a 404 wetlands fill permit to Pebble Partnership?
>
> Thank you,
>
> Elwood

Elwood Brehmer

Reporter

Alaska Journal of Commerce

(907) 257-4272

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/31/2019 8:06:07 PM
To: Melinda Bolton [mbolton@ktuu.com]; Press [Press@epa.gov]
CC: KTUU-news_ktuu.com [news@ktuu.com]
Subject: RE: COMMENT ON BRISTOL BAY

Hi Melinda,

Please see our response to your inquiry below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Thanks,

Angela

From: Melinda Bolton <mbolton@ktuu.com>
Sent: Tuesday, July 30, 2019 3:43 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: Re: COMMENT ON BRISTOL BAY

Hello Angela,

Based off of this press release posted by the EPA today...

Question:
What is the "specific information" that was not available in 2014 in regard to Pebble Mine that led the EPA to withdraw change their determination restricting the use of the area for a deposit site for dredge and mine fill materials?

Can you further describe this process, **"the well-understood elevation process under CWA section 404(q) and the NEPA process"** and how that may be exhausted?

How does this impact the Environmental Impact statement for the proposed mine?

What change does this have on the future of the mine?

Does this change have anything to do with the meeting between the Governor of Alaska and the President of the United States in June?

The CEO of Pebble publicly thanked the Governor for his work in this change. What role has Governor Mike Dunleavy played with this change in EPA directive?

Thank you,

Melinda Bolton

Assignment Manager | Content Supervisor

KTUU Channel 2 | ktuu.com

Newsroom (907)762-9260

Direct (330)787-4234

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, July 30, 2019 11:16 AM
To: Melinda Bolton <mbolton@ktuu.com>; Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: RE: COMMENT ON BRISTOL BAY

External Email – Be Suspicious of Attachments, Links, Tasks and Requests for Login Information
Hello Melinda,

I am checking in on this for you. Can you please let me know your specific questions and deadline?

Thanks,

Angela

From: Melinda Bolton <mbolton@ktuu.com>
Sent: Tuesday, July 30, 2019 3:10 PM
To: Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: COMMENT ON BRISTOL BAY

Hello,

Is anyone available to do a phone interview with an Anchorage reporter today regarding this decision?

Please reply all,

Melinda Bolton

Assignment Manager | Content Supervisor

KTUU Channel 2 | ktuu.com

Newsroom (907)762-9260

Direct (330)787-4234

To: Press[Press@epa.gov]
Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Wed 7/31/2019 7:36:01 PM (UTC)
Subject: MEDIA INQUIRY: RA Hladick interview request from LA Times re Pebble Mine

---

For HQ press office.

From: Read, Richard <richard.read@latimes.com>
Sent: Wednesday, July 31, 2019 11:01 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: EPA withdraws 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination

Hi Suzanne,
Thanks so much again for your help yesterday on this development.
I would like to request an interview with Chris Hladick, concerning Pebble Mine, the EPA's decision on Proposed Determination, Region 10's recent Draft EIS submission, and not least, his experience as Dillingham city manager and the insights that be brings from his familiarity with the Bristol Bay region.
Ideally meeting in person, but phone would be okay. Mainly as soon as possible in his schedule, if he's able to accept this request.
I should note that questions from this English major will likely be basic and shouldn't be apt to require any special preparation on his part. This is in the context of my recent reporting trip to the Lake Iliamna area and what I expect will be continuing coverage.
Best, Rich

Richard Read
Seattle Bureau Chief
Los Angeles Times
1200 Western Ave., 17G
Seattle, Wa. 98101

Cell/Signal/WhatsApp 503-913-4189

@RichReadReports

On Jul 30, 2019, at 11:20 AM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

EXTERNAL SOURCE
Good Morning:

Sharing today's news release from EPA's Headquarters office in Wash. DC. If you have any questions or need any more information about this announcement, please emailpress@epa.gov.

Link to a pre-publication notice of the withdrawal of the 2014 Pebble Mine Clean Water Act 404(c) Proposed Determination:
https://www.epa.gov/bristolbay/notification-decision-withdraw-proposed-determination-restrict-use-area-disposal-site

Link to EPA and Corps of Engineers letters regarding the Pebble Mine Clean Water Act 404(q) permit review process:
https://www.epa.gov/bristolbay/epas-comments-us-army-corps-engineers-draft-section-404-permit

Thank you,

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 1:53 PM
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest

Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project,"**said Region 10 Administrator Chris Hladick**. "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.
This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

<image001.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Melinda Bolton [mbolton@ktuu.com]
Sent: 7/30/2019 7:44:11 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
CC: KTUU-news_ktuu.com [news@ktuu.com]
Subject: Re: COMMENT ON BRISTOL BAY

Deadline is 4p Alaska Time.

Melinda Bolton
Assignment Manager | Content Supervisor
KTUU Channel 2 | ktuu.com
Newsroom (907)762-9260
Direct (330)787-4234

From: Melinda Bolton <mbolton@ktuu.com>
Sent: Tuesday, July 30, 2019 11:42 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: Re: COMMENT ON BRISTOL BAY

Hello Angela,

Based off of this press release posted by the EPA today...

Question:
What is the "specific information" that was not available in 2014 in regard to Pebble Mine that led the EPA to withdraw change their determination restricting the use of the area for a deposit site for dredge and mine fill materials?

Can you further describe this process, **"the well-understood elevation process under CWA section 404(q) and the NEPA process"** and how that may be exhausted?

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What change does this have on the future of the mine?

Does this change have anything to do with the meeting between the Governor of Alaska and the President of the United States in June?

The CEO of Pebble publicly thanked the Governor for his work in this change. What role has Governor Mike Dunleavy played with this change in EPA directive?

Thank you,

Melinda Bolton

Assignment Manager | Content Supervisor
KTUU Channel 2 | ktuu.com
Newsroom (907)762-9260
Direct (330)787-4234

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, July 30, 2019 11:16 AM
To: Melinda Bolton <mbolton@ktuu.com>; Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: RE: COMMENT ON BRISTOL BAY

External Email – Be Suspicious of Attachments, Links, Tasks and Requests for Login Information
Hello Melinda,

I am checking in on this for you. Can you please let me know your specific questions and deadline?

Thanks,

Angela

From: Melinda Bolton <mbolton@ktuu.com>
Sent: Tuesday, July 30, 2019 3:10 PM
To: Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: COMMENT ON BRISTOL BAY

Hello,

Is anyone available to do a phone interview with an Anchorage reporter today regarding this decision?

Please reply all,

Melinda Bolton
Assignment Manager | Content Supervisor
KTUU Channel 2 | ktuu.com
Newsroom (907)762-9260
Direct (330)787-4234

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/30/2019 7:16:17 PM
To: Melinda Bolton [mbolton@ktuu.com]; Press [Press@epa.gov]
CC: KTUU-news_ktuu.com [news@ktuu.com]
Subject: RE: COMMENT ON BRISTOL BAY

Hello Melinda,

I am checking in on this for you. Can you please let me know your specific questions and deadline?

Thanks,

Angela

From: Melinda Bolton <mbolton@ktuu.com>
Sent: Tuesday, July 30, 2019 3:10 PM
To: Press <Press@epa.gov>
Cc: KTUU-news_ktuu.com <news@ktuu.com>
Subject: COMMENT ON BRISTOL BAY

Hello,

Is anyone available to do a phone interview with an Anchorage reporter today regarding this decision?

Please reply all,

Melinda Bolton

Assignment Manager | Content Supervisor

KTUU Channel 2 | ktuu.com

Newsroom (907)762-9260

Direct (330)787-4234

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/30/2019 7:14:01 PM
To: elwood.brehmer@alaskajournal.com; Press [Press@epa.gov]
Subject: RE: Bristol Bay 404c clarification

Hello Elwood,

I am checking in on this for you. Can you please let me know your deadline?

Thanks,

Angela

From: elwood.brehmer@alaskajournal.com <elwood.brehmer@alaskajournal.com>
Sent: Tuesday, July 30, 2019 2:54 PM
To: Press <Press@epa.gov>
Subject: Bristol Bay 404c clarification

Hello,
One clarification: Does today's withdrawal of the prior 404c proposed determination prohibit the EPA from reinvoking/restarting the 404c process after the Army Corps would issue a 404 wetlands fill permit to Pebble Partnership?
Thank you,
Elwood

Elwood Brehmer
Reporter
Alaska Journal of Commerce
(907) 257-4272

Message

From: MacIntyre, Mark [Macintyre.Mark@epa.gov]
Sent: 7/31/2019 12:21:15 AM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Angela: It turns out the Talking Points were here after all! Problem was, Marianne and Suzanne had both left for the day by the time I thought to look for them! Michael has sent me the entire package, so I'm all set. Sorry about the confusion.

I think we're set for tomorrow.

MM

From: Hackel, Angela
Sent: Tuesday, July 30, 2019 3:44 PM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Press <Press@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Hi Mark,

I am not aware of any vetted talking points. Nancy/Andrea are you aware of any? (The response statement to press inquiries is being worked on now by OGC/OW/OPA).

Thanks,

Angela

From: MacIntyre, Mark
Sent: Tuesday, July 30, 2019 6:25 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Angela: Do you know if there are vetted talking points for this in case my RA, Chris Hladick, gets bushwhacked at my SRI celebration event tomorrow morning based on today's coverage?

Thanks!

MM

From: Hackel, Angela
Sent: Tuesday, July 30, 2019 11:48 AM

To: Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>; Press <Press@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>; AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>; AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
Subject: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

---

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the

permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the

notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

Visit The EPA's Newsroom

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: MacIntyre, Mark[Macintyre.Mark@epa.gov]
Cc: Hackel, Angela[Hackel.Angela@epa.gov]; Press[Press@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
From: Holsman, Marianne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=332EE5ED102F4F65841285A4C06EA8B2-HOLSMAN, MARIANNE]
Sent: Tue 7/30/2019 11:48:38 PM (UTC)
Subject: Re: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

We have some material, Mark.

Thank you.

Marianne Holsman
Mobile Ex. 6 Personal Privacy (PP)

Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.

On Jul 30, 2019, at 3:59 PM, MacIntyre, Mark <Macintyre.Mark@epa.gov> wrote:

> Here's my challenge Angela: we will have Chris on site at this event tomorrow....and if any reporter who turns up see this as an unparalleled opportunity to drill into Chris about today's actions, I'm not sure handing them a desk statement is going to "do the trick."
>
> Thanks!
>
> MM
>
> ---
>
> **From:** Hackel, Angela
> **Sent:** Tuesday, July 30, 2019 3:44 PM
> **To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>; Press <Press@epa.gov>
> **Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> **Subject:** RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site
>
> Hi Mark,
>
> I am not aware of any vetted talking points. Nancy/Andrea are you aware of any? (The response statement to press inquiries is being worked on now by OGC/OW/OPA).
>
> Thanks,
> Angela
>
> ---
>
> **From:** MacIntyre, Mark
> **Sent:** Tuesday, July 30, 2019 6:25 PM
> **To:** Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
> **Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> **Subject:** RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site
>
> Angela: Do you know if there are vetted talking points for this in case my RA, Chris Hladick, gets bushwhacked at my SRI celebration event tomorrow morning based on today's coverage?
>
> Thanks!

MM

From: Hackel, Angela
Sent: Tuesday, July 30, 2019 11:48 AM
To: Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>; Press <Press@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>; AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>; AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
Subject: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick**. "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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https://usenvironmentalprotectionagency.cmail19.com/t/d-l-pudtra-jtjjbydit-y/

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Message

From: MacIntyre, Mark [Macintyre.Mark@epa.gov]
Sent: 7/30/2019 10:59:17 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Here's my challenge Angela: we will have Chris on site at this event tomorrow....and if any reporter who turns up see this as an unparalleled opportunity to drill into Chris about today's actions, I'm not sure handing them a desk statement is going to "do the trick."

Thanks!

MM

From: Hackel, Angela
Sent: Tuesday, July 30, 2019 3:44 PM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Press <Press@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
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Subject: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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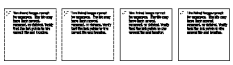

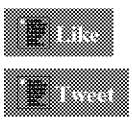

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Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/30/2019 7:02:53 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Press [Press@epa.gov]
Subject: RE: Media question-Pebble project-Tuesday

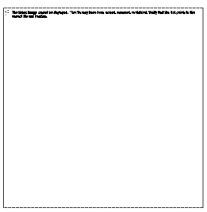
Yes, I will work with folks on this.

From: Abboud, Michael
Sent: Tuesday, July 30, 2019 3:01 PM
To: Press <Press@epa.gov>
Subject: RE: Media question-Pebble project-Tuesday

Can you work with the Region on this one as well.

From: bbohrer@ap.org <bbohrer@ap.org>
Sent: Tuesday, July 30, 2019 2:38 PM
To: Press <Press@epa.gov>
Subject: Media question-Pebble project-Tuesday

Has the EPA sent to the corps a "will affect" letter, which is due 25 days from the end of a public comment period?
If so, may I get a copy of that letter?
If not, why not and is the EPA able to move forward in the 404q process without such a letter?
Thank you.
I am writing today.
Becky Bohrer



Becky Bohrer
Juneau correspondent, The Associated Press
Office: 907-586-1515
Cell: 907-229-0371
Twitter: @beckybohrerap

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Message

From: bbohrer@ap.org [bbohrer@ap.org]
Sent: 7/30/2019 6:37:47 PM
To: Press [Press@epa.gov]
Subject: Media question-Pebble project-Tuesday
Attachments: ATT00001.txt

Has the EPA sent to the corps a "will affect" letter, which is due 25 days from the end of a public comment period?
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Becky Bohrer

Becky Bohrer
Juneau correspondent, The Associated Press
Office: 907-586-1515
Cell: 907-229-0371
Twitter: @beckybohrerap

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Message

From: dbrown@eenews.net [dbrown@eenews.net]
Sent: 6/26/2019 5:13:02 PM
To: Press [Press@epa.gov]
Subject: Pebble veto

Hello,

I am working to confirm a recent Bloomberg report that EPA will restart consideration of withdrawing the 2014 proposed determination that limited mining in Bristol Bay, Alaska.

Is this true? Any information you can provide on this subject would be much appreciated.

Many thanks,

Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

E&E NEWS
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www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

To: Hackel, Angela[Hackel.Angela@epa.gov]; Press[Press@epa.gov]
From: Alex Guillen[aguillen@politico.com]
Sent: Wed 6/26/2019 5:10:24 PM (UTC)
Subject: RE: Pebble process resuming?

Thanks Angela. My deadline is as soon as possible. No other questions for now but I might after you get back to me with the decision.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, June 26, 2019 12:59 PM
To: Alex Guillen <aguillen@politico.com>; Press <Press@epa.gov>
Subject: RE: Pebble process resuming?

Hi Alex,

Thank you for your email. Can you please let me know your deadline and if you have any additional questions?

Thanks,

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Alex Guillen <aguillen@politico.com>
Sent: Wednesday, June 26, 2019 12:56 PM
To: Press <Press@epa.gov>
Subject: Pebble process resuming?

Hi all, Bloomberg reports EPA is restarting its working on the proposed withdrawal of Obama-era restrictions, undoing the 2018 decision by Scott Pruitt. Is that correct? Does EPA have a document or release you could share?

Thank you,

Alex Guillen | Energy Reporter | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Phone: 703.341.4619
Email: aguillen@politico.com | Twitter: @alexcguillen | Website: www.POLITICOPro.com

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 7/25/2019 1:40:54 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Press [Press@epa.gov]
Subject: RE: Pebble Project/CNN

Sure. I can do that.

From: Abboud, Michael
Sent: Thursday, July 25, 2019 9:41 AM
To: Press <Press@epa.gov>
Subject: RE: Pebble Project/CNN

Can someone take this to the region to give him the latest.

From: Griffin, Drew <Drew.Griffin@turner.com>
Sent: Thursday, July 25, 2019 9:20 AM
To: Press <Press@epa.gov>
Subject: FW: Pebble Project/CNN

Good morning,

CNN is continuing to follow developments with the permitting of the Pebble Project (Pebble Mine) in Alaska. We have several questions we are submitting to EPA headquarters for a report that could be published as early as tomorrow (Friday July 26, 2019).

*Has the EPA's "proposed determination" under section 404 of the Clean Water Act changed?

*If so, what is the decision and when was it made?

*If the EPA has removed the "determination", who made that decision?

*Upon restoring the special protections for Bristol Bay last year (January 26, 2018), the EPA press release made it clear the Pebble Project could still apply for a permit, but included this statement:
. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable. (January 26, 2018 EPA)

*Does the EPA still believe the permit application must clear a high bar?

*It is clear from the attached letter, region 10 EPA administration Chris Hladick believes the Pebble Project still poses significant risks to the Bristol Bay Watershed and that the Army Corps of Engineers EIS study inadequately addressed the EPA's environmental concerns. Does the EPA leadership share Hladick's concerns?

CNN would greatly appreciate some responses as soon as possible. I can be reached at 805-443-8021

Thank you.

Drew Griffin
CNN

To: Press[Press@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Thur 7/25/2019 7:11:33 PM (UTC)
Subject: For Review: Pebble Project/CNN

Hello,

Ex. 5 Deliberative Process (DP) (OW/R10-were looped in on that thread).

I will hold on responding to reporter requests, unless I hear differently.

Thanks,
Angela

From: Griffin, Drew <Drew.Griffin@turner.com>
Sent: Thursday, July 25, 2019 12:27 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Cc: Devine, Curt <Curt.Devine@cnn.com>; Bronstein, Scott <Scott.Bronstein@turner.com>
Subject: Re: Pebble Project/CNN

Thank you Angela,

We are anticipating a report as early as tomorrow afternoon...of course it depends on the pressing news of the day.

Thanks for looking into this.

(including producers Curt Devine and Scott Bronstein who are in collaboration with me at CNN)

Drew Griffin

From: "Hackel, Angela" <Hackel.Angela@epa.gov>
Date: Thursday, July 25, 2019 at 12:07 PM
To: "Griffin, Drew" <Drew.Griffin@turner.com>, Press <Press@epa.gov>
Subject: RE: Pebble Project/CNN

Hi Drew,

Thank you for your inquiry. I am working on this for you. Can you please let me know when your deadline is?
Thanks,
Angela

From: Griffin, Drew <Drew.Griffin@turner.com>
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To: MacIntyre, Mark[Macintyre.Mark@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Hackel, Angela[Hackel.Angela@epa.gov]; Risley, David[Risley.David@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
Cc: Press[Press@epa.gov]
From: Grantham, Nancy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: Fri 6/28/2019 8:55:23 PM (UTC)
Subject: RE: Press Request: Pebble Mine

Yes .. looping press

From: MacIntyre, Mark
Sent: Friday, June 28, 2019 4:54 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Press Request: Pebble Mine

Assuming you guys will take this! No?

MM

From: Dennis, Allison
Sent: Friday, June 28, 2019 1:51 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Press Request: Pebble Mine

- John

+ Nancy

Let's add this to our discussion on Monday.

From: Hackel, Angela
Sent: Friday, June 28, 2019 4:47 PM
To: Fuld, John <Fuld.John@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Risley, David <Risley.David@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Press Request: Pebble Mine

Hello,

We have received the below request. I am still waiting on the deadline, although I wanted to make sure that you have the request. I asked for other questions and will send those along when I get them.

Thanks,
Angela

S&P Global Market Intelligence (Kip Keen)
DDL: Waiting to hear back from reporter
Pebble Mine

I'm covering the ongoing permitting process of the Pebble project, a proposed mine, in Alaska, undergoing a 404 permitting process and under EPA Region 10.

I note recent a decision by the General Counsel to revisit the proposed determination of water restrictions (from 2014).

RE: https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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Second, is there an expected timeline to process in Region 10 reconsidering the proposed determination that limited possible disposal of waste into the Bristol Bay watershed.

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

Message

From: awittenberg@eenews.net [awittenberg@eenews.net]
Sent: 7/26/2019 4:05:08 PM
To: Abboud, Michael [abboud.michael@epa.gov]; dbrown@eenews.net; Press [Press@epa.gov]
Subject: RE: Pebble proposed determination questions

Hi Michael,

Wondering why the part about the call being about air issues is off the record? If you want us to use it, we need it to be on the record or at least on background. We're not the only people who have noticed the scheduling and its timing, so we have to mention the call regardless.

Ariel

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Friday, July 26, 2019 11:57 AM
To: Dylan Brown <dbrown@eenews.net>; Press <Press@epa.gov>
Cc: Ariel Wittenberg <awittenberg@eenews.net>
Subject: RE: Pebble proposed determination questions

Administrator Wheeler is recused from this issue and has not had any conversations regarding this issue (see attached). Off the record: the May 21st call dealt with a local air issue affecting Alaska.

In regards to decision on Pebble Mine, please see our June 26th memo: https://www.epa.gov/newsreleases/epa-resumes-consideration-withdrawal-2014-proposed-determination-restrict-use-pebble

---

From: dbrown@eenews.net <dbrown@eenews.net>
Sent: Friday, July 26, 2019 10:36 AM
To: Press <Press@epa.gov>
Cc: awittenberg@eenews.net
Subject: RE: Pebble proposed determination questions

Hello,

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Many thanks,
Dylan and Ariel

From: Dylan Brown
Sent: Thursday, July 25, 2019 3:24 PM

To: Press
Cc: Ariel Wittenberg
Subject: Pebble proposed determination questions

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- Did any Pebble or Northern Dynasty officials review the memo before its release?

Many thanks,
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122 C Street NW 7th Floor Washington, DC 20001
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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: awittenberg@eenews.net [awittenberg@eenews.net]
Sent: 7/26/2019 3:59:42 PM
To: Abboud, Michael [abboud.michael@epa.gov]; dbrown@eenews.net; Press [Press@epa.gov]
Subject: RE: Pebble proposed determination questions

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To: Keen, Kip[Kip.Keen@spglobal.com]
Cc: Press[Press@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Fri 6/28/2019 6:05:14 PM (UTC)
Subject: RE: lifting suspension on proposed determination re Pebble

Hi Ken,

Thank you for your email. Can you please let me know your deadline and if you have any specific questions?
Thanks,
Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Keen, Kip <Kip.Keen@spglobal.com>
Sent: Friday, June 28, 2019 8:37 AM
To: Press <Press@epa.gov>; Press <Press@epa.gov>
Subject: lifting suspension on proposed determination re Pebble

Hi EPA press office,

I am a reporter with S&P Global Market Intelligence.

I'm covering the ongoing permitting process of the Pebble project, a proposed mine, in Alaska, undergoing a 404 permitting process and under EPA Region 10.

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Thanks,

Kip Keen

--

Kip Keen
Reporter - Metals & Mining
S&P Global Market Intelligence

1718 Argyle St.
Halifax, NS
Canada
902-442-7915
902-298-2179 (cell)
www.spglobal.com/marketintelligence

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Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 6/28/2019 5:58:50 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Press [Press@epa.gov]; Press [Press@epa.gov]
Subject: RE: lifting suspension on proposed determination re Pebble

Yes, I am following up on this one.

Thanks,

Angela

From: Abboud, Michael
Sent: Friday, June 28, 2019 1:53 PM
To: Press <Press@epa.gov>; Press <Press@epa.gov>
Subject: RE: lifting suspension on proposed determination re Pebble

Anyone on this?

From: Keen, Kip <Kip.Keen@spglobal.com>
Sent: Friday, June 28, 2019 8:37 AM
To: Press <Press@epa.gov>; Press <Press@epa.gov>
Subject: lifting suspension on proposed determination re Pebble

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Kip Keen
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Message

From: Holsman, Marianne [Holsman.Marianne@epa.gov]
Sent: 6/26/2019 7:44:45 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Press [Press@epa.gov]
Subject: AP query on Bristol Bay/Pebble Mine

Importance: High

See below. Are we clarifying anything at this point?

Marianne

Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

Marianne,
Are you able to explain what the provisions in the memo relating to 404c mean? I'm not clear on that.
Thank you.

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 6/26/2019 6:20:58 PM
To: Press [Press@epa.gov]; Comm Directors and Alternates [Comm_Directors_and_Alternates@epa.gov]; Regional Public Affairs Directors [Regional_Public_Affairs_Directors@epa.gov]; AO-OCIR Everyone [AOOCIR_Everyone@epa.gov]; AO OPA Internal Communications [AO_OPA_Internal_Communications@epa.gov]; AO OPA Immediate Office [AO_OPA_Immediate_Office@epa.gov]; AO OPA Web Communications [AO_OPA_Web_Communications@epa.gov]
Subject: Newsroom: EPA Resumes Consideration of the Withdrawal of the 2014 Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-resumes-consideration-withdrawal-2014-proposed-determination-restrict-use-pebble

From: EPA Press Office <press@epa.gov>
Sent: Wednesday, June 26, 2019 1:57 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean

Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

Visit The EPA's Newsroom

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Press[Press@epa.gov]; Konkus, John[konkus.john@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Molina, Michael[molina.michael@epa.gov]
From: Hope, Brian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C27B55619FB248CC8776FC46CD3F8B0D-BHOPE]
Sent: Thur 9/20/2018 9:02:09 PM (UTC)
Subject: FW: Pebble Preemptive Veto

From: Tim Stephens [mailto Ex. 6 Personal Privacy (PP)
Sent: Thursday, September 20, 2018 4:52 PM
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: Fwd: Pebble Preemptive Veto

FYI

Can we expect the EPA to publicly comment on the overreaching veto against Pebble soon?

Thank you for your service.

---------- Forwarded message ----------
From: **Tim Stephens** Ex. 6 Personal Privacy (PP)
Date: Thu, Sep 20, 2018 at 2:52 PM
Subject: Pebble Preemptive Veto
To: press@epa.gov

Dear EPA,

A recent article by Bloomberg has reported the EPA had meetings with Alaska groups, one person in particular being Matt Newman. The meetings supposedly took place on September 11th, 2018. Bloomberg states, Alaska groups "were told that the restrictions under the federal Clean Water Act will remain."

Is this true? Why hasn't this been communicated to all stakeholders or been made public? Was this meeting with regional 10 employees? Has Andrew Wheeler recused himself from this matter, and if so who will take ownership?

I look forward to a response before end of day, 5pm EST. Friday, September 21st.

Thank you in advance for your time.

The EPA plans to retain Obama-era restrictions that could hamper the construction of a massive gold and silver mine in Alaska, two members of a group briefed by the agency told Bloomberg Environment.

If so, the Pebble Mine could still move forward as it seeks the permits it needs, but would have to adhere to requirements the Environmental Protection Agency proposed in 2014 to protect wetlands along the pristine Bristol Bay and limit the construction of mine waste impoundments.

Pebble's owners now will likely have to prove to the EPA that the elimination of wetlands and creation of waste rock impoundments won't harm the Bristol Bay ecosystem, which produces nearly half the world's sockeye salmon.

A coalition of local businesspeople, tribal groups, and congressionally mandated entities known as Alaska Native Regional Corporations met with EPA political appointees and senior staff Sept. 11 and were told that the restrictions under the federal Clean Water Act will remain, said Matt Newman, senior staff attorney at the Native American Rights Fund, which represents tribal entities in Alaska. Newman himself was at the meeting.

"They were very adamant that [former EPA chief Scott] Pruitt's final order, leaving t proposed determination in place, stands, even with the recent change in leadership that occurred this summer," Newman told Bloomberg Environment Sept. 18, referring to Pruitt's resignation in July. "There is no indication whatsoever from the EPA that that decision is under any further consideration."

In January, Pruitt made a surprise decision to leave Obama's 2014 proposed water limits in place. That proposal would have effectively denied Pebble's ability to secu a Clean Water Act permit, and was issued before Pebble had even submitted a min plan or applied for a permit.

'Nothing Has Changed'

The reasoning behind Pruitt's January decision remains a mystery, particularly sinc he had moved in May 2017 to remove the limits. The EPA would almost certainly fa a legal challenge by Alaskans and environmentalists should the Obama limits be waived.

Dan Cheyette, vice president of lands and resources at the Bristol Bay Native Corporation, said Bristol Bay groups have been in "constant contact" with EPA officials for many months and have never been told that the restrictions would be lifted.

--
-Tim S

--
-Tim S

To: Lynn, Tricia[lynn.tricia@epa.gov]; Press[Press@epa.gov]
From: **Ex. 6 Personal Privacy (PP)**
Sent: Sun 10/7/2018 3:21:48 PM (UTC)
Subject: Questions on Pebble Mine

Good morning,

I have four quick questions on Pebble Mine:

1) has Mr Wheeler recused himself on this matter as E&E News reported weeks ago?
2) is Mr Darwin now the decision maker on this matter?
3) will the EPA be giving a response to the letter from Senator Carper and Representative DeFazio from July in which they requested an update on EPA's views on Pebble?
4) Bloomberg Environment reporting that Alaska groups were told during their Sept 11 meeting with EPA in DC that the proposed determination (preemptive veto) on Pebble will not be removed. Please confirm.

Thanks
Paul

Sent from my iPhone

To: Lynn, Tricia[lynn.tricia@epa.gov]; Press[Press@epa.gov]
From: Block, Molly[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]
Sent: Tue 9/4/2018 4:39:43 PM (UTC)
Subject: RE: FOR REVIEW: Seeking Alpha (Paul Klebo) RE: Pebble Mine. (9/4, 12 PM)

Ok

From: Lynn, Tricia
Sent: Tuesday, September 4, 2018 12:39 PM
To: Press <Press@epa.gov>
Subject: FOR REVIEW: Seeking Alpha (Paul Klebo) RE: Pebble Mine. (9/4, 12 PM)

Reporter has returned, asking the same question as he asked about 2 weeks ago. Below is what we sent last time and can send again. Paul Klebo, Seeking Alpha.

On background:

The U.S. Army Corps of Engineers is reviewing a Clean Water Act permit application from the Pebble Limited Partnership and has started the Environmental Impact Statement (EIS) process under the National Environmental Policy Act. The Corps is the lead agency to develop the EIS, and at the request of the Corps, EPA is working as a cooperating agency. The Corps held a scoping public comment period from April 1, 2018 through June 29, 2018. For more information on the permit status, please contact the Army Corps.

From: Ex. 6 Personal Privacy (PP)
Sent: Saturday, September 01, 2018 9:39 AM
To: Press <Press@epa.gov>
Subject: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Hello,

This news release from January states that "EPA intends to solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis." Can you please advise on the timing of when EPA intends to solicit additional public comments?

I am requesting a response by Tuesday at noon EST. I occasionally write articles for Seeking Alpha. Thanks.
https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay

News Releases

<iframe src="https://www.googletagmanager.com/ns.html?id=GTM-L8ZB" height="0" width="0" style="display:none;visibility:hidden"></iframe>
An official website of the United States government.

United States Environmental Protection Agency

Contact Us

EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

01/26/2018

Contact Information:
(press@epa.gov)

WASHINGTON (January 26, 2018) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is following through on his promise to restore the rule of law and process to the previous Administration's action to restrict mining in Bristol Bay, Alaska.

As a result of Administrator Pruitt's actions last summer, proponents of mining in the region were allowed to apply for a permit with the U.S. Army Corps of Engineers. Today, after hearing directly from stakeholders and the people of Alaska, EPA is suspending its process to withdraw those proposed restrictions, leaving them in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources.

"We have restored process, reviewed comments, and heard from a variety of stakeholders on whether to withdraw the proposed restrictions in the Bristol Bay watershed," **Administrator Scott Pruitt said.** "Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection. Today's action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources."

This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable.

EPA intends to solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis.

Background

In 2014, the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.

In May of 2017, Administrator Pruitt took the first step to rescind this due process denial and allow the Pebble mine proponents to proceed and progress through the process. EPA received over one million comments from interested stakeholders. Administrator Pruitt's action allowed the litigation to be resolved and the proponent's application was allowed to finally move forward. That application is proceeding through the Army Corps's permitting process.

Today's action is important for several reasons. First, EPA has serious concerns about the impacts of mining activity in the Bristol Bay Watershed. From public comments to community meetings, stakeholders stressed the importance of balancing a singular mine venture with the risk to one of the world's largest commercial fisheries. Second, for EPA not to express an environmental position at this stage would be disingenuous.

This action demonstrates the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship.

For more information and to read a copy of today's announcement in a pre-publication Federal Register Notice, visit: https://www.epa.gov/bristolbay.

Sent from my iPhone

Message

From: Thomas Allen [thomas@markeallenlaw.com]
Sent: 9/20/2018 6:03:24 PM
To: Press [Press@epa.gov]
Subject: Thomas Allen

Dear EPA,

Requesting your timely response by 5pm EST.

Bloomberg has reported the EPA held meetings with Alaska including BBNC on September 11, 2018. Bloomberg also reported that they were told at that meeting no PD lift would occur on Pebble. Please confirm.

Was Mr. Forsgren or Mr. Darwin present at that September 11 meeting? And has Mr. Darwin met with Americans for Tax Reform in September regarding Pebble?

E and E News reported Mr. Wheeler has recused himself from Pebble matters. Please confirm.

Sincerely,
Thomas Allen

Thomas D. Allen
Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:
Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

To: Press[Press@epa.gov]
From: Ex. 6 Personal Privacy (PP)
Sent: Thur 9/20/2018 5:54:32 PM (UTC)

Sent from my mobile.

Dear EPA,

Requesting your timely response by 5pm EST.

1) Bloomberg Environment reported that EPA held meetings with Alaska groups (including BBNC) on Sept 11. Bloomberg article also reported that Alaska groups are stating that they were told at Sept 11 meeting that no PD lift would occur on Pebble. Please confirm.
2) Were Mr. Forsgren or Mr. Darwin in attendance at Sept 11 meeting? Has Mr. Darwin met with Alaska native groups in September? His calendar has not been updated. Has Mr. Darwin met with Americans for Tax Reform (ATR) in September regarding Pebble?
3) E&E News reported that Mr. Wheeler has recused himself from Pebble matters. Please confirm.

To: Press[Press@epa.gov]
From: **Ex. 6 Personal Privacy (PP)**
Sent: Thur 9/20/2018 4:19:52 PM (UTC)
Subject: Inquiry

Good afternoon,

I have three questions:

1) Bloomberg Environment reported that EPA held meetings with Alaska groups (including BBNC) on Sept 11. Bloomberg article also reported that Alaska groups are stating that they were told at Sept 11 meeting that no PD lift would occur on Pebble. Please confirm.
2) Were Mr. Forsgren or Mr. Darwin in attendance at Sept 11 meeting? Has Mr. Darwin met with Alaska native groups in September? His calendar has not been updated. Has Mr. Darwin met with Americans for Tax Reform (ATR) in September regarding Pebble?
3) E&E News reported that Mr. Wheeler has recused himself from Pebble matters. Please confirm.

Thanks
Paul Lebo

Sent from my iPhone

To: Lynn, Tricia[lynn.tricia@epa.gov]; Press[Press@epa.gov]
From: Block, Molly[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]
Sent: Thur 8/16/2018 5:50:39 PM (UTC)
Subject: RE: FOR REVIEW: Seeking Alpha (Paul Lebo) RE: Bristol Bay Determination. (8/16)

Ok

From: Lynn, Tricia
Sent: Thursday, August 16, 2018 1:37 PM
To: Press <Press@epa.gov>
Subject: FOR REVIEW: Seeking Alpha (Paul Lebo) RE: Bristol Bay Determination. (8/16)

Reporter is asking for a status update for the proposed determination in Bristol Bay Watershed. OW provided response with region's input. Paul Lebo, Seeking Alpha.

Suggested Response:

Ex. 5 Deliberative Process (DP)

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, August 15, 2018 4:08 PM
To: Press <Press@epa.gov>
Subject: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Good afternoon,

I am writing to request an update on the status of the proposed determination in Bristol Bay Watershed. Per the attached, the EPA is planning to solicit additional comments from the public. When will the public comment period take place, or was the ACoE public scoping period comment period sufficient?

Also, given the new mine plan being proposed by Pebble, is the proposed determination still based on the BBWA or is it now based on the new mine plan?

Thank you for any update you can provide.

Paul Lebo
Ex. 6 Personal Privacy (PP)

https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay

News Releases

<iframe src="https://www.googletagmanager.com/ns.html?id=GTM-L8ZB" height="0" width="0" style="display:none;visibility:hidden"></iframe>
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United States Environmental Protection Agency

Contact Us

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01/26/2018

Contact Information:
(press@epa.gov)

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Sent from my iPhone

To: Press[Press@epa.gov]
From: Ex. 6 Personal Privacy (PP)
Sent: Wed 9/19/2018 4:58:16 PM (UTC)
Subject: Bloomberg article Pebble Mine - request for comment
EPA's Obama-Era Pebble Mine Limits to Remain, Alaska Group Says.pdf

Dear EPA,

Can you please comment on the veracity of this article? Is it the case that epa has no plans to rescind the Pebble veto? Deadline is tomorrow at 8am.

Thanks
Paul Lebo

Sent from my iPhone

Begin forwarded message:

>
>>

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 7/30/2018 9:17:08 PM
To: dbrown@eenews.net; Press [Press@epa.gov]
Subject: RE: 404(c) and Pebble

Looking into this. Just fyi – you sent this to my old House email…

Molly

From: dbrown@eenews.net [mailto:dbrown@eenews.net]
Sent: Monday, July 30, 2018 2:53 PM
To: Press <Press@epa.gov>
Cc: Block, Molly <Molly.Block@mail.house.gov>
Subject: 404(c) and Pebble

Hello,

I am working on a story about new acting Admin. Andrew Wheeler's approach to 404 (c) as it relates to the Pebble Project and am looking to answer the following questions:

- Will the acting administrator answer the questions raised in the July 19 letter from Sen. Tom Carper (D-Del.) and Rep. Peter DeFazio (D-Ore.) ?
- Does the acting administrator believe the Bristol Bay Watershed Assessment is scientifically sound?
- Does the acting administrator plan to take another look at the 2014 proposed determination for mining in the Bristol Bay watershed?

My deadline is tomorrow at noon EST. Please let me know if you need more time and I'll do my best to be flexible.

Many thanks as always,
Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: dbrown@eenews.net [dbrown@eenews.net]
Sent: 9/18/2018 5:18:58 PM
To: Press [Press@epa.gov]
CC: awittenberg@eenews.net
Subject: EPA/Pebble mine story

Hello,

My apologies as I just spoke with Molly about this, but within the last couple hours we have confirmed with multiple sources that acting Admin Wheeler has recused himself on all matters related to the Pebble mine project, which gives us enough to go ahead with a story for tomorrow.

I'm hoping to officially confirm that Wheeler has signed a recusal statement and when he did so.

Second, Americans for Tax Reform President Grover Norquist has said he expects EPA to rescind the 2014 proposed determination for Pebble before the end of the month. Is that true? And if so, what action will be taken?

Third, we recently wrote about a prospective rule formalizing restrictions on EPA's Section 404(c) authority. Is EPA still working on a proposed rulemaking and when will it be published?

Any information in regards to these questions is very much appreciated. My deadline is 12 p.m. EST tomorrow.

Many thanks,
Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: Lynn, Tricia [lynn.tricia@epa.gov]
Sent: 9/13/2018 6:25:43 PM
To: Press [Press@epa.gov]
Subject: RE: Pebble Mine press query

Checking

From: Jones, Enesta
Sent: Thursday, September 13, 2018 2:18 PM
To: Press <Press@epa.gov>
Subject: FW: Pebble Mine press query

From: Lee, Stephen [mailto:stephenlee@bloombergenvironment.com]
Sent: Thursday, September 13, 2018 2:16 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: Pebble Mine press query

Hi, Enesta.

I just heard from Americans from Tax Reform, which on Sept. 6 had sent a letter to EPA asking you to rescind the Obama-era proposed veto on Pebble Mine. Someone from ATR just said they expect EPA to take action "before the end of the month." Can you provide any timeline on that?

Best,

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

To: Lynn, Tricia[lynn.tricia@epa.gov]; Press[Press@epa.gov]
From: Block, Molly[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]
Sent: Thur 9/13/2018 1:25:13 PM (UTC)
Subject: RE: FOR REVIEW- Seeking Alpha (Paul Lebo) RE: Pebble Mine. (9/13)

Ok

From: Lynn, Tricia
Sent: Thursday, September 13, 2018 9:24 AM
To: Press <Press@epa.gov>
Subject: FOR REVIEW- Seeking Alpha (Paul Lebo) RE: Pebble Mine. (9/13)

Reporter is asking us to confirm a statement printed by E&E, and is also asking about timing of a rule to codify a memo forbidding Section 404© action preemptively or retroactively.

Suggested Response:

Ex. 5 Deliberative Process (DP)

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, September 12, 2018 5:53 PM
To: Press <Press@epa.gov>
Subject: Fwd: BRISTOL BAY: Conservatives push Wheeler to help Pebble -- Monday, September 10, 2018 -- www.eenews.net

Hello I am following up on the below inquiry. Thanks.

Sent from my iPhone
Begin forwarded message:

> **From:** Paul Lebo Ex. 6 Personal Privacy (PP)
> **Date:** September 10, 2018 at 4:10:15 PM EDT
> **To:** press@epa.gov
> **Subject: BRISTOL BAY: Conservatives push Wheeler to help Pebble -- Monday, September 10, 2018 -- www.eenews.net**
>
> Hello,
>
> Could you confirm the following stmt from the attached article? Also, can you comment on timing, as article states "soon"?
>
> "Sources have told E&E that EPA will soon issue a rule to codify the memo, which forbids Section 404(c) action either preemptively - like for Pebble - or retroactively - as in the case of a West Virginia coal mine during the Obama administration"
> https://www.eenews.net/greenwire/2018/09/10/stories/1060096407
>
> Thanks
> Paul Lebo

Conservatives push Wheeler to help Pebble

Dylan Brown, E&E News reporter
Published: Monday, September 10, 2018

An aerial view of the Pebble mine camp site in 2011. Jason Sear/Flickr
With a new leader at EPA, influential conservatives renewed their demands for the agency to scrap proposed limits on the controversial Pebble Mine project in Alaska.

A letter last week updated the previous call to action sent to former EPA chief Scott Pruitt (*Greenwire*, April 5).

Americans for Tax Reform President Grover Norquist headlined the missive, which was also signed by Myron Ebell, the former Trump EPA transition team head and director of the Competitive Enterprise Institute's Center for Energy and Environment.

In January, Pruitt infuriated his usual allies by killing his own proposal to eliminate the 2014 proposed determination restricting large-scale mining in the watershed of Bristol Bay — home to the massive Pebble copper and gold deposit and headwaters of the world's largest sockeye salmon fishery.

Before resigning in July, Pruitt did issue a memo limiting how EPA can use its Clean Water Act Section 404(c) power to veto Army Corps of Engineers permits.

Sources have told E&E News that EPA will soon issue a rule to codify the memo, which forbids Section 404(c) action either pre-emptively — like for Pebble — or retroactively — as in the case of a West Virginia coal mine during the Obama administration (*Greenwire*, Aug. 17).

Deriding the power as akin to "federal zoning" laws, the limited-government groups said acting EPA Administrator Andrew Wheeler must make an example out of the determination still looming over the Pebble project.

"The Agency can make sure that this message is received clearly by communicating that these rules will apply to all current and proposed projects, not just future permit applications," the letter states.

"So long as the preemptive veto on Pebble Mine remains in place," it says, "there remains a dangerous precedent for future administrations to undermine a fair, traditional, and rational permitting process."

Alaska Native, fishing interests and conservation groups have staunchly defended the determination to protect the region's multibillion-dollar salmon industry.

Among the other conservative groups that signed onto the letter were the American Business Defense Council, Americans for Limited Government, Americans for Prosperity, the American Lands Council, Public Lands for the People, Reaching America, the 60 Plus Association, the Independence Institute, the James Madison Institute, the Rio Grande Foundation and the John K. MacIver Institute for Public Policy.

Sent from my iPhone

To: Ex. 6 Personal Privacy (PP)
From: Lynn, Tricia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8747BA49CDE485EA4AC58DBF09C3DCD-TRICIA SLUSSER]
Sent: Thur 9/13/2018 12:47:09 PM (UTC)
Subject: RE: BRISTOL BAY: Conservatives push Wheeler to help Pebble -- Monday, September 10, 2018 -- www.eenews.net

Hi Paul. What's your deadline, please?

From Ex. 6 Personal Privacy (PP)
Sent: Wednesday, September 12, 2018 5:53 PM
To: Press <Press@epa.gov>
Subject: Fwd: BRISTOL BAY: Conservatives push Wheeler to help Pebble -- Monday, September 10, 2018 -- www.eenews.net

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Sent: Wed 8/15/2018 8:21:17 PM (UTC)
Subject: RE: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Got it!

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News Releases

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01/26/2018

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Sent from my iPhone

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Cc: Press[Press@epa.gov]
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Sent: Tue 8/21/2018 7:23:02 PM (UTC)
Subject: Re: Automatic reply: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

Paul,
We have nothing to add to our previous response.

On Aug 21, 2018, at 3:21 PM, Paul Lebo Ex. 6 Personal Privacy (PP) wrote:

Hi Enesta, just confirming I should anticipate a comment from EPA by 5pm EST today? Thanks much.

Sent from my iPhone

On Aug 19, 2018, at 10:08 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Specific time on 8/21?

On Aug 19, 2018, at 10:03 PM, Paul Lebo Ex. 6 Personal Privacy (PP) wrote:

Deadline is Tuesday. Thanks much.

Sent from my iPhone

On Aug 19, 2018, at 10:01 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Thanks. Do you have a firm deadline?

On Aug 19, 2018, at 9:59 PM, Paul Lebo Ex. 6 Personal Privacy (PP) wrote:

Thanks Enesta. I occasionally write articles for Seeking Alpha as a Contributor.
I have some questions on Mr Darwin's calendar. He held a meeting with Pebble Partnership leaders on August 2. What was discussed? Will EPA be providing a substantive update on its views of Pebble Mine this summer? Has any progress been made on the Proposed Determination which Mr Pruitt originally proposed to lift and then suspended the lift process? Thank you for your time.

Sent from my iPhone

On Aug 19, 2018, at 9:56 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Paul, please send your inquiry - specific questions and firm deadline. They were not included in the forward.

On Aug 19, 2018, at 9:55 PM, Ex. 6 Personal Privacy (PP) wrote:

Hello,
Please see inquiry below. Thanks.

Paul Lebo

Sent from my iPhone

Begin forwarded message:

From: "Lynn, Tricia" <lynn.tricia@epa.gov>
Date: August 19, 2018 at 9:50:36 PM EDT
To: Ex. 6 Personal Privacy (PP)
Subject: Automatic reply: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments | U.S. EPA News Releases | US EPA

I will be out of the office until August 28. Please contact press@epa.gov for immediate assistance during normal business hours.

Thanks!

--Tricia

Message

From: Wilcox, Jahan [wilcox.jahan@epa.gov]
Sent: 5/25/2018 6:43:34 PM
To: Josh Siegel [jsiegel@washingtonexaminer.com]
CC: Block, Molly [block.molly@epa.gov]; Press [Press@epa.gov]
Subject: Re: Wash Examiner inquiry: Pebble Mine financing

Sent from my iPhone

On May 25, 2018, at 2:38 PM, Josh Siegel <jsiegel@washingtonexaminer.com> wrote:

> Hey Jahan and Molly,
>
> It's Josh from the Examiner. I am writing on the news that Northern Dynasty Minerals said Friday that it is terminating a financing agreement with First Quantum Minerals to develop Pebble Mine in Alaska's Bristol Bay.
>
> What does this mean for EPA's review of the project?
>
> Thanks for your help.
>
> Josh

Message

From: Jones, Enesta [Jones.Enesta@epa.gov]
Sent: 4/5/2018 7:22:17 PM
To: Press [Press@epa.gov]
Subject: Fwd: Pebble Mine letter
Attachments: 032318-404cVeto_Coalition_Pebble.pdf; ATT00001.htm

From: "Lee, Stephen" <stephenlee@bloombergenvironment.com>
Date: April 5, 2018 at 3:21:29 PM EDT
To: "jones.enesta@epa.gov" <jones.enesta@epa.gov>
Subject: Pebble Mine letter

Hi, Enesta. Not sure if you're the right contact for this, but I'm doing a story about the letter from Myron Ebell, Grover Norquist, etc. to get Administrator Pruitt to reverse his decision on Pebble Mine's 404(c) water permit. Any response? I'm on deadline for 4:30. Sorry for the short notice.

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

March 23, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Administrator Pruitt,

In 2013, organizations from Coast to Coast called on EPA Administrator Gina McCarthy to reject an unprecedented decision on Pebble and warned a preemptive veto, "would have a dramatic chilling effect on investment in America." Unfortunately, this call went unheeded as the Obama EPA promulgated the 'Proposed Determination. ' This action was essentially a preemptive veto on the development of a copper mine in Southwest Alaska (AKA Pebble Mine) before the project had the chance to go through the permitting process. The veto was based on incomplete, shoddy analysis and agency collusion with liberal environmental activists and other project opponents.

This action undertaken by the Obama EPA killed the opportunity for thousands of well-paying, private sector jobs, many of which would be held by native Alaskans, in an economic sector and region starved for gainful employment to sustain families. The pre-permit project veto by the previous Administration (and post permit veto in the case of the Spruce Mine) sent a chilling message to the international investment community that banana republics have a more reliable and rational permitting process than the largest economy in the world.

One does not have to be a mining proponent to oppose the unprecedented action taken by the Obama EPA with their preemptive veto of the Pebble Mine—before it even submitted a permit application. The harmful effects of continuing with EPA's veto process go well beyond the mining industry. The need to secure 404 permits touches every state and all areas of our economy.

The conduct of EPA over the last forty years confirms that its issuance of a preemptive veto in this particular case was unprecedented. EPA has only exercised its authority under Section 404(c) thirteen times. In each previous instance, EPA invoked Section 404(c) only after receipt of a permit application describing the scope and details of the project proposed, the anticipated environmental impact, and the techniques employed to mitigate, which is normal for all applicants under the well-established NEPA process.

The permit process should not be a popularity contest determined by liberal environmental groups. We cannot change the past, but we can change the future. You have the ability to right the wrongs of the past and close the book on the use of a preemptive 404(c) veto.

We are disappointed with your action to suspend the withdrawal of the Obama Administration's 'Proposed Determination' against mining in Southwest Alaska and urge you to move forward with overturning the "veto" as soon as possible. This action would be important step in returning fair and due process to the EPA. Rescinding the preemptive "404(c) veto" will signal to the rest of the world that the United States will re-institutionalize a traditional, rational permitting process—a basis businesses use to make sound investment decisions based on acumen—that would enhance the overall economic growth in the United States.

We appreciate your leadership on reducing the burdensome EPA regulations implemented by the Obama EPA, and we look forward to your action on this issue as well.

Sincerely,

Myron Ebell
Director, Center for Energy & the Environment
Competitive Enterprise Institute

Brent Gardner
Chief Government Affairs Officer
Americans for Prosperity

Grover Norquist
President
Americans for Tax Reform

Pete Sepp
President
National Taxpayers Union

Daniel Schneider
Executive Director
American Conservative Union

Message

From: Dylan Brown [dbrown@eenews.net]
Sent: 4/25/2018 2:57:58 PM
To: Block, Molly [block.molly@epa.gov]
CC: Press [Press@epa.gov]
Subject: RE: Bristol Bay questions

Hey Molly, just wanted to circle back on this, see if EPA has anything they want to add!

Best,
Dylan

From: Dylan Brown
Sent: Tuesday, April 24, 2018 7:56 PM
To: 'block.molly@epa.gov' <block.molly@epa.gov>
Subject: Bristol Bay questions

Hey Molly,

I'm working on a story about the meetings leading up to the administrator's decision to suspend the withdrawal of the proposed Bristol Bay determination. We've got most everything we need from records and previous statements, but wanted to check with you about whether the administrator has ever been fishing in Bristol Bay? We've heard he's been up and had a great time. Just trying to confirm when he went and what he thought of the area?

I know you're likely slammed as always, but if you have a second to let me know if there is any way to confirm these details I'm be much obliged.

My deadline is noon tomorrow, but let me know what kind of time you need.

Thanks,
Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/30/2019 11:20:26 PM
To: MacIntyre, Mark [Macintyre.Mark@epa.gov]
CC: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
Subject: Re: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Hey Mark thanks for including the press box. Katharine Willey sent over all relevant talkers and FAQs at 12:24 eastern to Marianne and a Suzanne. I'll forward along to you as well.

Sent from my iPhone

On Jul 30, 2019, at 6:59 PM, MacIntyre, Mark <Macintyre.Mark@epa.gov> wrote:

> Here's my challenge Angela: we will have Chris on site at this event tomorrow....and if any reporter who turns up see this as an unparalleled opportunity to drill into Chris about today's actions, I'm not sure handing them a desk statement is going to "do the trick."
>
> Thanks!
>
> MM
>
> ---
>
> **From:** Hackel, Angela
> **Sent:** Tuesday, July 30, 2019 3:44 PM
> **To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>; Press <Press@epa.gov>
> **Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> **Subject:** RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site
>
> Hi Mark,
>
> I am not aware of any vetted talking points. Nancy/Andrea are you aware of any? (The response statement to press inquiries is being worked on now by OGC/OW/OPA).
>
> Thanks,
>
> Angela
>
> ---
>
> **From:** MacIntyre, Mark
> **Sent:** Tuesday, July 30, 2019 6:25 PM
> **To:** Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
> **Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> **Subject:** RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Angela: Do you know if there are vetted talking points for this in case my RA, Chris Hladick, gets bushwhacked at my SRI celebration event tomorrow morning based on today's coverage?

Thanks!

MM

From: Hackel, Angela
Sent: Tuesday, July 30, 2019 11:48 AM
To: Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>; Press <Press@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>; AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>; AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
Subject: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

---

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) – Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

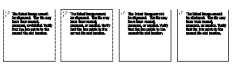
In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

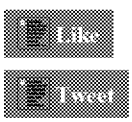
In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

<!--[if !vml]--><image001.png><!--[endif]-->





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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/30/2019 10:29:58 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: Fwd: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

This is getting ridiculous

Sent from my iPhone

Begin forwarded message:

> **Resent-From:** <Press@epa.gov>
> **From:** "MacIntyre, Mark" <Macintyre.Mark@epa.gov>
> **Date:** July 30, 2019 at 6:25:25 PM EDT
> **To:** "Hackel, Angela" <Hackel.Angela@epa.gov>, Press <Press@epa.gov>
> **Cc:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Subject: RE: Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site**
>
> Angela: Do you know if there are vetted talking points for this in case my RA, Chris Hladick, gets bushwhacked at my SRI celebration event tomorrow morning based on today's coverage?
>
> Thanks!
>
> MM
>
> ---
>
> **From:** Hackel, Angela
> **Sent:** Tuesday, July 30, 2019 11:48 AM
> **To:** Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>; Press <Press@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>; AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>; AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
> **Subject:** Newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site
>
> In the newsroom: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit
>
> ---
>
> **From:** EPA Press Office <press@epa.gov>
> **Sent:** Tuesday, July 30, 2019 2:00 PM
> **To:** Hackel, Angela <Hackel.Angela@epa.gov>

Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely

with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

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In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

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This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

<!--[if !vml]--> <!--[endif]-->

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/30/2019 6:11:53 PM
To: Holsman, Marianne [Holsman.Marianne@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: Re: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

Yes.

Sent from my iPhone

On Jul 30, 2019, at 2:03 PM, Holsman, Marianne <Holsman.Marianne@epa.gov> wrote:

> This is final?
>
> Marianne
>
> *Follow us on Twitter! @EPAnorthwest*
> *Like us on Facebook! @eparegion10*
>
> ---
>
> **From:** Abboud, Michael <abboud.michael@epa.gov>
> **Sent:** Tuesday, July 30, 2019 10:54 AM
> **To:** Holsman, Marianne <Holsman.Marianne@epa.gov>
> **Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
> **Subject:** FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview
>
> Updated.
>
> ---
>
> **From:** EPA Press Office <press@epa.gov>
> **Sent:** Tuesday, July 30, 2019 1:53 PM
> **To:** Abboud, Michael <abboud.michael@epa.gov>
> **Subject:** EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

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In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

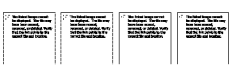
In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

<!--[if !vml]--><image002.png><!--[endif]-->



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Washington, D.C. 20004

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From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/30/2019 5:54:12 PM
To: Jennifer A. Dlouhy [jdlouhy1@bloomberg.net]
Subject: FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 1:53 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the

permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise

its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/30/2019 4:10:31 PM
To: Jennifer A. Dlouhy [jdlouhy1@bloomberg.net]
Subject: FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

This is our press release. Same as the other document, subject to change but you will be the first to know if the edits happen. Embargoed until you publish.

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 12:07 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site - Preview

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"Today's action restores the well-understood permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014. By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can

continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit."

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process. "Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**. EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

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whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

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To: Drinkard, Andrea[Drinkard.Andrea@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Tue 7/30/2019 1:42:44 PM (UTC)
Subject: RE: Pebble

Ok. We are sending from HQ.

From: Drinkard, Andrea
Sent: Tuesday, July 30, 2019 9:39 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Pebble

Can you send me the current release? I'm happy to coordinate with R10 on posting etc, once you have the final. They'll need to review and approve the quote for Chris H.

Does 2pm our time work for a release time?

Andrea Drinkard
Senior Advisor (detail)
EPA Office of Public Affairs
Desk: 202.564.1601
Cell Ex. 6 Personal Privacy (PP)

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Wed 7/24/2019 3:57:39 PM (UTC)
Subject: RE: pebble mine info

We are also going to do an embargoed interview with Jen Dlouhy with Bloomberg.

From: Grantham, Nancy
Sent: Wednesday, July 24, 2019 10:26 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: pebble mine info

This is with ogc now ..

Have asked whether timing is stlll Friday thanks ng

From: Holsman, Marianne
Sent: Wednesday, July 24, 2019 10:20 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Risley, David <Risley.David@epa.gov>
Subject: Fwd: PD Withdrawal Notice -- draft talking points -- please review!

Here's what Suzanne circulated last week.

Thank you.

Marianne Holsman
Mobil Ex. 6 Personal Privacy (PP)

Sent from my iPhone. Please excuse impolite brevity, typos and other embarrassing errors.
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** July 18, 2019 at 2:17:10 PM PDT
> **To:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>
> **Subject: FW: PD Withdrawal Notice -- draft talking points -- please review!**
>
> Per instructions from Allyn and David, here is what I sent to OGC folks. I only sent OGC the talking pts, not the comms plan.
>
> Feel free to share with OW, OPA, whoever.
>
> ---
>
> **From:** Skadowski, Suzanne
> **Sent:** Thursday, July 18, 2019 12:02 PM
> **To:** Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
> **Cc:** Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
> **Subject:** PD Withdrawal Notice -- draft talking points -- please review!
> **Importance:** High
>
> Good Afternoon –

Our draft talking points for Matt are attached.

Please let me know if you have any changes before you/we send along to Matt.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

To: Drinkard, Andrea[Drinkard.Andrea@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Wed 6/26/2019 5:21:15 PM (UTC)
Subject: FW: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

---

From: Konkus, John
Sent: Wednesday, June 26, 2019 12:52 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Got it

John Konkus
Environmental Protection Agency
Deputy Associate Administrator for Public Affairs
Mobile: Ex. 6 Personal Privacy (PP)
On Jun 26, 2019, at 12:50 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

With edits in red text below from Matt and me:

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Konkus, John
Sent: Wednesday, June 26, 2019 12:43 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Ex. 5 Deliberative Process (DP)

<image002.png> <image003.png> <image004.png> <image005.png>

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Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/2/2019 12:45:48 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: RE: EPA comments on Pebble Mine DEIS

I talked with Nancy about it, OGC said Region 10 were in charge of it publishing. But now its past the deadline.

From: Drinkard, Andrea
Sent: Tuesday, July 2, 2019 8:45 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA comments on Pebble Mine DEIS

Can we touch base on this? Region 10 and OW were doing some coordination on this, but if you've got this with OGC, I'd like to let them know so they can stand down. Thanks.

If you've already talked to Nancy about this, please disregard ☺

From: Abboud, Michael
Sent: Tuesday, July 02, 2019 7:04 AM
To: Press <Press@epa.gov>
Subject: Re: EPA comments on Pebble Mine DEIS

Handling

Sent from my iPhone

On Jul 2, 2019, at 5:25 AM, Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) <jdlouhy1@bloomberg.net> wrote:

> Good morning. Presumably, EPA filed comments as intended with the Army Corps of Engineers on the Pebble Mine DEIS before the comment period closed at midnight.
>
> However, those comments have not yet shown up on epa.gov/bristolbay nor in the comment repository at the Pebble EIS website. Can you please send the comments or point to where they are available?
>
> Thanks,
> Jen.

--
Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/25/2019 9:44:58 PM
To: Griffin, Drew [Drew.Griffin@turner.com]; Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
CC: Devine, Curt [Curt.Devine@cnn.com]; Bronstein, Scott [Scott.Bronstein@turner.com]
Subject: RE: Pebble Project/CNN

Hey Drew, here is the latest on this issue from EPA.

https://www.epa.gov/newsreleases/epa-resumes-consideration-withdrawal-2014-proposed-determination-restrict-use-pebble

---

From: Griffin, Drew <Drew.Griffin@turner.com>
Sent: Thursday, July 25, 2019 12:27 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Cc: Devine, Curt <Curt.Devine@cnn.com>; Bronstein, Scott <Scott.Bronstein@turner.com>
Subject: Re: Pebble Project/CNN

Thank you Angela,

We are anticipating a report as early as tomorrow afternoon...of course it depends on the pressing news of the day.

Thanks for looking into this.

(including producers Curt Devine and Scott Bronstein who are in collaboration with me at CNN)

Drew Griffin

From: "Hackel, Angela" <Hackel.Angela@epa.gov>
Date: Thursday, July 25, 2019 at 12:07 PM
To: "Griffin, Drew" <Drew.Griffin@turner.com>, Press <Press@epa.gov>
Subject: RE: Pebble Project/CNN

Hi Drew,

Thank you for your inquiry. I am working on this for you. Can you please let me know when your deadline is?

Thanks,

Angela

From: Griffin, Drew <Drew.Griffin@turner.com>
Sent: Thursday, July 25, 2019 9:20 AM
To: Press <Press@epa.gov>
Subject: FW: Pebble Project/CNN

Good morning,

CNN is continuing to follow developments with the permitting of the Pebble Project (Pebble Mine) in Alaska. We have several questions we are submitting to EPA headquarters for a report that could be published as early as tomorrow (Friday July 26, 2019).

*Has the EPA's "proposed determination" under section 404 of the Clean Water Act changed?

*If so, what is the decision and when was it made?

*If the EPA has removed the "determination", who made that decision?

*Upon restoring the special protections for Bristol Bay last year (January 26, 2018), the EPA press release made it clear the Pebble Project could still apply for a permit, but included this statement:
. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable. (January 26, 2018 EPA)

*Does the EPA still believe the permit application must clear a high bar?

*It is clear from the attached letter, region 10 EPA administration Chris Hladick believes the Pebble Project still poses significant risks to the Bristol Bay Watershed and that the Army Corps of Engineers EIS study inadequately addressed the EPA's environmental concerns. Does the EPA leadership share Hladick's concerns?

CNN would greatly appreciate some responses as soon as possible. I can be reached at 805-443-8021

Thank you.

Drew Griffin
CNN

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 7/22/2019 4:08:22 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
Subject: RE: Pebble Mine comment--E&E News

We will handle.

From: Hackel, Angela
Sent: Monday, July 22, 2019 10:47 AM
To: Press <Press@epa.gov>
Subject: FW: Pebble Mine comment--E&E News

Is the 3F handling this one or should I reach out to program office?

Thanks,

Angela

From: awittenberg@eenews.net <awittenberg@eenews.net>
Sent: Monday, July 22, 2019 10:38 AM
To: Press <Press@epa.gov>
Subject: Pebble Mine comment--E&E News

Hi Everyone,

Hope you all had great weekends! I'm working on an article about the Clean Water Act Section 404(q) deadline EPA has coming up regarding Pebble Mine, and how EPA has to decide by Friday whether or not to send its 3(b) letter saying Pebble Mine "will" have "substantial and unacceptable impacts" on an Aquatic Resource of National Importance. Does EPA have any comment on this?

Also, my story will be including the fact that EPA sent a 3(a) letter for the ASAP pipeline in August 2017, saying the project "may" have substantial and unacceptable impacts on the Yukon River Basin. My sources say that EPA drafted a 3(b) letter, but it wasn't sent after political appointees in headquarters decided against it. Does EPA have any comment on this?

My deadline is noon.

Thanks,

Ariel

Ariel Wittenberg
E&E News reporter
awittenberg@eenews.net
202-737-4557
@arielwittenberg

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001

Message

From: Dizon, Ninia R (LAW) [ninia.dizon@alaska.gov]
Sent: 7/30/2019 6:10:50 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Thanks, Joe!

Kind regards,

Ninia Dizon
Executive Secretary
Office of the Attorney General
(907) 269-5602

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Tuesday, July 30, 2019 10:09 AM
To: Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ninia,

Please see below a press release on today's announcement. The documents will be posted on the website link provided shortly. Please ensure that Attorney General Clarkson receives the materials and appreciate his time on the phone today. Feel free to reach out to me with any questions.

Thank you,
Joe

Joseph A. Brazauskas
Acting Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

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This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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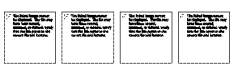

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Message

From: Mason, Janice L (GOV) [janice.mason@alaska.gov]
Sent: 7/30/2019 6:08:32 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Knudson, Kip C (GOV) [kip.knudson@Alaska.gov]
CC: Carter, Brittany S. [carter.brittanys@epa.gov]
Subject: RE: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Thank you Joe,

We will get this directly to the Governor.

Janice Mason
Director of Scheduling
Office of Governor Michael J. Dunleavy

Phone: 907-465-3500
Fax: 907-465-3889
janice.mason@alaska.gov

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Tuesday, July 30, 2019 10:07 AM
To: Knudson, Kip C (GOV) <kip.knudson@Alaska.gov>; Mason, Janice L (GOV) <janice.mason@alaska.gov>
Cc: Carter, Brittany S. <carter.brittanys@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Kip and Janice,

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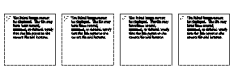

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To: Newell, Martha[Martha.Newell@mail.house.gov]; alex.ortiz@mail.house.gov[alex.ortiz@mail.house.gov]
Cc: Rodrick, Christian[rodrick.christian@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Kolb, John (JohnMark)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0516791D05324430893EF917E0E707BD-KOLB, JOHN]
Sent: Tue 7/30/2019 6:03:20 PM (UTC)
Subject: FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Martha and Alex,

Thanks for getting on the phone earlier. In addition to the email I just sent, please see the below release.

Thanks!

JohnMark Kolb
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-7793
C: Ex. 6 Personal Privacy (PP)

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

---

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To: Edwards, John (Holt)[edwards.john@epa.gov]
Cc: Frye, Tony (Robert)[frye.robert@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Edwards, John (Holt)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC9947C20AA9454D928FC430F4763735-EDWARDS, JO]
Sent: Tue 7/30/2019 6:02:39 PM (UTC)
Subject: FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

All,

Please see the press release on Pebble Mine that just went out as well.

Thank you,
Holt

J. Holt Edwards
Special Assistant for Senate Affairs
O: (202) 564-7813
C Ex. 6 Personal Privacy (PP)

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Edwards, John (Holt) <edwards.john@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 6:00:21 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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To: Edwards, John (Holt)[edwards.john@epa.gov]
Cc: Frye, Tony (Robert)[frye.robert@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Edwards, John (Holt)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC9947C20AA9454D928FC430F4763735-EDWARDS, JO]
Sent: Tue 7/30/2019 5:57:22 PM (UTC)
Subject: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

Today, the U.S. Environmental Protection Agency Region 10 is withdrawing its 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' draft Environmental Impact Statement (DEIS) includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain conclusions conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops, including the well-understood elevation process under CWA section 404(q). EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by Chris Hladick, EPA's Region 10 Regional Administrator, which will be published in the Federal Register.

Today's action does not approve Pebble's permit application or determine a particular outcome in the permitting process; rather; it allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments to its DEIS and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision. Updated information is available at EPA's Bristol Bay website, https://www.epa.gov/bristolbay.

Background on the Consideration of the Withdrawal of the July 2014 Proposed Determination to Restrict the Use of the Pebble Deposit Area as a Disposal Site

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. Since then, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, a permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was "suspending th[e] withdrawal proceeding and leaving the [2014] Proposed Determination in place" at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment

opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

Last week, EPA requested an extension from the Corps on the deadline for the Agency to send a 3(b) letter. EPA is still operating within the elevation process, while recognizing that this process is unique and that 25 days was an insufficient amount of time to work through the over 150 pages of comments EPA provided on July 1st. EPA will use the remaining time extension to work with the Corps to resolve these comments. The Corps has agreed to give us 90 days, during which, we will continue the discussion.

If you or your staff would like a briefing on the decision by EPA to withdraw the 2014 Proposed Determination, please let us know, and we will be happy to arrange something in the following week.

J. Holt Edwards
Special Assistant for Senate Affairs
Office of Congressional and Intergovernmental Relations
Environmental Protection Agency
O: (202) 564-7813
C: Ex. 6 Personal Privacy (PP)
edwards.john@epa.gov

To: Kolb, John (JohnMark)[kolb.john@epa.gov]; Seiger, Ryan[Ryan.Seiger@mail.house.gov]
Cc: Brazauskas, Joseph[brazauskas.joseph@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Touton, Camille[Camille.Touton@mail.house.gov]; Williams, Alexa[Alexa.Williams2@mail.house.gov]
From: Bermudez, Navis[Navis.Bermudez@mail.house.gov]
Sent: Mon 8/5/2019 6:43:05 PM (UTC)
Subject: RE: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

Hello JohnMark-

That should work fine. We've reserved Rayburn 2253. We will send an invite to the full committee. Thank you, navis

---

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Monday, August 5, 2019 1:26 PM
To: Bermudez, Navis <Navis.Bermudez@mail.house.gov>; Seiger, Ryan <Ryan.Seiger@mail.house.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Touton, Camille <Camille.Touton@mail.house.gov>; Williams, Alexa <Alexa.Williams2@mail.house.gov>
Subject: RE: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

Navis,

The first week of September works for us. Can you do 3:30pm on Wednesday, September 4th?

Sincerely,

JohnMark Kolb
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-7793
C: Ex. 6 Personal Privacy (PP)

From: Bermudez, Navis <Navis.Bermudez@mail.house.gov>
Sent: Thursday, August 1, 2019 2:24 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>; Seiger, Ryan <Ryan.Seiger@mail.house.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Touton, Camille <Camille.Touton@mail.house.gov>; Williams, Alexa <Alexa.Williams2@mail.house.gov>
Subject: RE: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

Hello JohnMark,

We were thinking we would open it up to the full Committee, but we can't guarantee that all LAs would attend. Are there any days the week of the 12th that work? Or the first week of September? Once we have a date nailed down, we can send the invitation to the entire full Committee (both Majority and Minority).

Thank you, Navis

Navis A. Bermudez
Professional Staff
Subcommittee on Water Resources and Environment
Committee on Transportation and Infrastructure
202.226.0066

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Wednesday, July 31, 2019 4:16 PM
To: Seiger, Ryan <Ryan.Seiger@mail.house.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Bermudez, Navis <Navis.Bermudez@mail.house.gov>; Touton, Camille <Camille.Touton@mail.house.gov>; Williams, Alexa <Alexa.Williams2@mail.house.gov>
Subject: RE: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

Ryan,

A few quick questions: Is this going to be a Subcommittee briefing or with the full Committee? And how many staff do you anticipate joining? As you know, it is standard Agency practice that we provide briefings on a bipartisan basis and will extend the invite to Minority staff as well. If there are any other accommodations you would like please let me know and we can start working on some times.

Sincerely,

JohnMark Kolb
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-7793
C Ex. 6 Personal Privacy (PP)

From: Seiger, Ryan <Ryan.Seiger@mail.house.gov>
Sent: Tuesday, July 30, 2019 4:39 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Bermudez, Navis <Navis.Bermudez@mail.house.gov>; Touton, Camille <Camille.Touton@mail.house.gov>; Williams, Alexa <Alexa.Williams2@mail.house.gov>
Subject: RE: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

John:

The House Transportation and Infrastructure Committee would be interested in a meeting on this.

Let's start to identify some times in the near future when this can happen.

Ryan C. Seiger
Staff Director/Senior Counsel
Subcommittee on Water Resources and Environment
Committee on Transportation and Infrastructure
585 Ford House Office Building
Washington, D.C. 20515
(202) 225-0060

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Tuesday, July 30, 2019 1:55 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: EPA Withdraws Proposed Determination under CWA Section 404(c) for the use of Pebble Deposit Area

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If you or your staff would like a briefing on the decision by EPA to withdraw the 2014 Proposed Determination, please let me know, and I will be happy to arrange something in the following week.

Sincerely,

JohnMark Kolb
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-7793
C: Ex. 6 Personal Privacy (PP)

Message

From: EPA Press Office [press@epa.gov]
Sent: 6/26/2019 5:57:12 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to

resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 9/18/2018 4:35:11 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Hey!

Joe,

Hope all is well. Would love to catch up with you to see how things are going generally, and (of course) also to see if you're hearing anything at all about Pebble.

Let me know if you have time for a quick call.

Best,

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 3/4/2020 9:37:17 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]

Nice pic of you in E&E afternoon story today.

Hope all is well.

PDR

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Brazauskas, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BABF7B77AEEC4FFEAAD446BB35E05B24-BRAZAUSKAS,]
Sent: 7/30/2019 6:15:17 PM
To: Peter Robertson [peterrobertson@pebblepartnership.com]
Subject: FW: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Joseph A. Brazauskas
Acting Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: EPA Press Office <press@epa.gov>
Sent: Tuesday, July 30, 2019 2:00 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

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This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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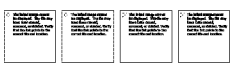

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Brazauskas, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BABF7B77AEEC4FFEAAD446BB35E05B24-BRAZAUSKAS,]
Sent: 7/30/2019 6:17:34 PM
To: Peter Robertson [peterrobertson@pebblepartnership.com]
Subject: RE: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

It is released, here is the link: https://www.epa.gov/sites/production/files/2019-07/documents/bristol-bay-frn-pre-publication-7-30-2019.pdf

Joseph A. Brazauskas
Acting Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

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Sent: Tuesday, July 30, 2019 2:16 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Re: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Joe,

Is this an advance copy or have you guys released it?

PDR

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Sent: Tuesday, July 30, 2019 2:15 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Re: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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Acting Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

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Sent: Tuesday, July 30, 2019 2:00 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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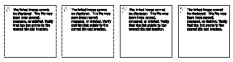

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Message

From: Brazauskas, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BABF7B77AEEC4FFEAAD446BB35E05B24-BRAZAUSKAS,]
Sent: 7/30/2019 6:06:34 PM
To: Knudson, Kip C (GOV) [kip.knudson@Alaska.gov]; Mason, Janice L (GOV) [janice.mason@alaska.gov]
CC: Carter, Brittany S. [carter.brittanys@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Kip and Janice,

Please see below a press release on today's announcement. The documents will be posted on the website link provided shortly. Please ensure that Governor Dunleavy receives the materials and appreciate his time on the phone today. Feel free to reach out to me with any questions.

Thank you,
Joe

Joseph A. Brazauskas
Acting Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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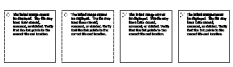

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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 6:00:21 PM
To: Brennan, Thomas [Brennan.Thomas@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under

section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

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Additional information: https://www.epa.gov/bristolbay.

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Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

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In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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Message

From: EPA Press Office [press@epa.gov]
Sent: 6/26/2019 5:57:12 PM
To: Brennan, Thomas [Brennan.Thomas@epa.gov]
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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Appointment

From: Darwin, Henry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7AE8E9D24EEB4132B25982E358EFBD9D-DARWIN, HEN]
Sent: 7/20/2018 8:18:16 PM
To: Darwin, Henry [darwin.henry@epa.gov]

Subject: Pebble Mine Discussion
Location: WJCN 3412

Start: 8/2/2018 2:00:00 PM
End: 8/2/2018 3:00:00 PM
Show Time As: Busy

Participants
Ed Newbury, Squire Patton Boggs
Tom Collier, CEO, Pebble Partnership
Perter Robertson, Senior VP for Corporate Affairs, Pebble Partnership

Message

From: EPA Press Office [press@epa.gov]
Sent: 6/26/2019 5:57:12 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

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To: Borum, Denis[Borum.Denis@epa.gov]; Klasen, Matthew[Klasen.Matthew@epa.gov]; Skane, Elizabeth[Skane.Elizabeth@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Peck, Gregory[Peck.Gregory@epa.gov]; Orvin, Chris[Orvin.Chris@epa.gov]
From: Kaiser, Sven-Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: Tue 3/13/2018 1:21:37 PM (UTC)
Subject: FW: SEPW QFR - Pebble Mine

Kaitlyn – did you get this – final OW/OGC approved language for Van Hollen 107 on Pebble Mine. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
Ex. 6 Personal Privacy (PP) (c)

From: Forsgren, Lee
Sent: Tuesday, March 13, 2018 9:14 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: SEPW QFR

Christian,

It looks like the final language on that QFR should be as follows:

107. ***OW:*** I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Ex. 5 Deliberative Process (DP)

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency

1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Fotouhi, David
Sent: Monday, March 12, 2018 7:04 PM
To: Palich, Christian <palich.christian@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: SEPW QFR

We have a few suggestions to the first paragraph; let me know if this works:

Ex. 5 Deliberative Process (DP)

The second paragraph is fine as written.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Palich, Christian
Sent: Monday, March 12, 2018 6:34 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: SEPW QFR

Thanks all!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C Ex. 6 Personal Privacy (PP)

Sent from my iPhone
On Mar 12, 2018, at 6:33 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Thanks David!

From: Fotouhi, David
Sent: Monday, March 12, 2018 6:33 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: SEPW QFR

We will review and provide comments ASAP.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee
Sent: Monday, March 12, 2018 6:24 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: SEPW QFR

Sven,

I would modify it as follows:

Ex. 5 Deliberative Process (DP)

I would ask that OGC review this response as well.

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460

Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Kaiser, Sven-Erik
Sent: Monday, March 12, 2018 6:01 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: SEPW QFR

Lee- Are you okay with Greg Peck's draft response (in italics below)? Thanks,
Sven
On Mar 12, 2018, at 5:18 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Lee, see Gregory Peck's draft below.
>
> **From:** Peck, Gregory
> **Sent:** Monday, March 12, 2018 2:37 PM
> **To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
> **Subject:** RE: SEPW QFR
>
> How about something like this?
>
> *107.* ***OW:*** I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Ex. 5 Deliberative Process (DP)

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108

C: Ex. 6 Personal Privacy (PP)
Shimmin.Kaitlyn@epa.gov

From: Forsgren, Lee
Sent: Monday, March 12, 2018 5:17 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: SEPW QFR

Sven-Erik,

You said you have a proposed response for this or do I need to do/have one done?

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Kaiser, Sven-Erik
Sent: Monday, March 12, 2018 2:14 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
Subject: SEPW QFR

OW Team – Thanks for getting in the SEPW QFR responses. Van Hollen #107 on infrastructure projects was originally assigned to OGC/OPA and it's been asked for OW to take a crack at it. Please take a look and see if you can draft a response. Apologies for the late notice. Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
Ex. 6 Personal Privacy (PP) (c)

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To: Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]
From: Kaiser, Sven-Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: Mon 3/12/2018 9:19:36 PM (UTC)
Subject: RE: SEPW QFR

You're too quick for me!

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
Ex. 6 Personal Privacy (PP) (C)

From: Shimmin, Kaitlyn
Sent: Monday, March 12, 2018 5:19 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: SEPW QFR

Lee, see Gregory Peck's draft below.

From: Peck, Gregory
Sent: Monday, March 12, 2018 2:37 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
Subject: RE: SEPW QFR

How about something like this?

107. ***OW:*** I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Ex. 5 Deliberative Process (DP)

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460
O: (202) 564-4108
C Ex. 6 Personal Privacy (PP)
Shimmin.Kaitlyn@epa.gov

From: Forsgren, Lee
Sent: Monday, March 12, 2018 5:17 PM
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Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: SEPW QFR

Sven-Erik,

You said you have a proposed response for this or do I need to do/have one done?

Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

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Subject: SEPW QFR

OW Team – Thanks for getting in the SEPW QFR responses. Van Hollen #107 on infrastructure projects was originally assigned to OGC/OPA and it's been asked for OW to take a crack at it. Please take a look and see if you can draft a response. Apologies for the late notice. Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
Ex. 6 Personal Privacy (PP) (C)

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Cc: Frye, Tony (Robert)[frye.robert@epa.gov]; Palich, Christian[palich.christian@epa.gov]
From: Kaiser, Sven-Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: Mon 3/12/2018 6:04:47 PM (UTC)
Subject: RE: OW QFR

Kaitlyn,
Hmm, on the list we got it was assigned to OGC/OPA, and if it got reassigned to OW we missed it. If needed we can get this right over to OW. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
Ex. 6 Personal Privacy (PP) (c)

From: Shimmin, Kaitlyn
Sent: Monday, March 12, 2018 2:01 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: OW QFR

Hi Sven,

Do you know what is happening with this missing QFR? It's the only one we haven't received from Water. Thanks!

107. ***OW:*** I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6 Personal Privacy (PP)
Shimmin.Kaitlyn@epa.gov

Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 6:00:21 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under

section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action EPA will focus on the permit review process for the Pebble Mine project" **said Region 10 Administrator Chris Hladick.** "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold**.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014 Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act

Regional and Village Corporations with lands in the watershed. In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: EPA Press Office [press@epa.gov]
Sent: 6/26/2019 5:57:12 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Leopold.** "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Palich, Christian[palich.christian@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]
From: Shimmin, Kaitlyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: Mon 3/12/2018 10:28:24 PM (UTC)
Subject: Fwd: SEPW QFR

For 107

Sent from my iPhone

Begin forwarded message:

> **From:** "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
> **Date:** March 12, 2018 at 6:26:57 PM EDT
> **To:** "Shimmin, Kaitlyn" <shimmin.kaitlyn@epa.gov>
> **Subject: Fwd: SEPW QFR**
>
> Let's go with Lee's edited version. Thanks
>
> Begin forwarded message:
>
> > **From:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>
> > **Date:** March 12, 2018 at 6:24:08 PM EDT
> > **To:** "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
> > **Cc:** "Goodin, John" <Goodin.John@epa.gov>, "Campbell, Ann" <Campbell.Ann@epa.gov>, "Peck, Gregory" <Peck.Gregory@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> > **Subject: RE: SEPW QFR**
> >
> > Sven,
> >
> > I would modify it as follows:
> >
> > **Ex. 5 Deliberative Process (DP)**
> >
> > I would ask that OGC review this response as well.

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Kaiser, Sven-Erik
Sent: Monday, March 12, 2018 6:01 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: SEPW QFR

Lee- Are you okay with Greg Peck's draft response (in italics below)? Thanks,
Sven
On Mar 12, 2018, at 5:18 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Lee, see Gregory Peck's draft below.
>
> **From:** Peck, Gregory
> **Sent:** Monday, March 12, 2018 2:37 PM
> **To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>
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>
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>
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Kaitlyn Shimmin
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Washington, D.C. 20460
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Ex. 6 Personal Privacy (PP) (c)

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Message

From: EPA Press Office [press@epa.gov]
Sent: 7/30/2019 6:00:21 PM
To: Terwilleger, Brock [terwilleger.brock@epa.gov]
Subject: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

SEATTLE (July 30, 2019) - Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

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"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," **EPA General Counsel Matthew Z. Leopold.**

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The signed memo can be found here:
https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf

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