Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 2/13/2018 9:21:45 PM
To: Kelly, Albert [kelly.albert@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: EPA Regulations
Attachments: Scott Pruitt-EPA.docx; ATT00001.htm

Re pebble.

Begin forwarded message:

From: James L Martin <jmartin@60plus.org>
Date: February 13, 2018 at 4:19:02 PM EST
To: "lyons.troy@epa.gov" <lyons.troy@epa.gov>, "ringel.aaron@epa.gov" <ringel.aaron@epa.gov>, "Bennett.Tate@epa.gov" <Bennett.Tate@epa.gov>
Cc: Mary Mahoney <mmahoney@60plus.org>
Subject: EPA Regulations

Gentlemen,

Attached and below is a letter that I would very much appreciate you bringing to the attention of Administrator Pruitt.

Kindest rgards,

Jim Martin
Chairman
60 Plus Association
Kill the Death Tax
Don't Wound It!
703-807-2070 (O)
Ex. 6 Personal Privacy (PP)
jmartin@60plus.org

February 13, 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.

Moreover, it is our understanding EPA's assertion of authority to undertake "preemptive veto(s)" was undertaken without Executive office review involving other affected agencies such as the Interior, Energy, and Defense Departments. The policy implications of such unprecedented use of such authority were effectively avoided. We encourage the Administrator initiate such review.

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.

Most Sincerely,

<!--[if !vml]--><!--[endif]-->

James L. Martin

Founder/Chairman