PSPA
PACIFIC SEAFOOD
PROCESSORS ASSOCIATION

10 August 2020

Matt Leopold, General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Leopold:

Members of the Pacific Seafood Processors Association (PSPA) are deeply invested in the sustainability of Bristol Bay salmon fisheries, including the world's largest and most valuable wild sockeye salmon run consistently worth more than $500 million annually at first wholesale value and creating over $1.2 billion in U.S. economic output and $658 million in labor income annually. We have closely tracked the regulatory process for the Pebble Project proposed by Northern Dynasty and overseen by the Army Corps of Engineers.

PSPA and collaborating seafood processing companies submitted extensive, detailed comments (dated 28 June 2019) on the Draft Environmental Impact Statement (DEIS) for the Pebble Project, highlighting the many ways that the DEIS did not meet the requirements of the National Environmental Policy Act (NEPA) for sufficiently analyzing the direct and indirect environmental and socioeconomic impacts and effects of this project under both normal operations and catastrophic failure events. We also noted that the DEIS failed to disclose and analyze the entire geographic scope and duration of the Pebble Project, a failure that fundamentally prevents an accurate analysis of any of the reasonably foreseeable adverse near-term or cumulative effects on Bristol Bay's fisheries and fish habitat. We urged the Corps to withdraw the DEIS, reinitiate an analysis based on scientific data and other evidence at the appropriate scope and depth, and issue a revised draft.

Upon review of the Final EIS (FEIS) issued 24 July 2020, we find that the FEIS does not comply with NEPA. The Corps did not rectify key analytical deficiencies regarding potential impacts on Bristol Bay's fisheries and fish habitat that we documented in the DEIS. These omissions from the FEIS preclude the public and decision makers from making an informed decision about potential impacts, costs, and necessary mitigation measures of the Pebble Project. We understand the Corps may nevertheless proceed with a Record of Decision that allows permitting to advance.

The Environmental Protection Agency (EPA) has the scientific capability to more accurately assess the Pebble Project's ' otential im' acts on Bristol Bay fisheries and fish habitat and the authority to issue a veto under CWA §404(c) if the agency determines that permitting of the project will have unacceptable adverse effects. We understand the NEPA process and have been participating in the process to -date to support a robust and scientifically sound decision document. The process has not produced such a document. Until and unless the EIS process can be re-done with the necessary analytical rigor, we find that the EPA is justified in using its CWA §404(c) authority to issue a veto. We ask the EPA to do so.

Sincerely,

Chris Barrows
President

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