DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

Mr. Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Washington, D.C. 20460

FEB 27 2020

Dear Mr. Leopold,

I am in receipt of your February 25, 2020, letter regarding the Pebble Limited Partnership (PLP) application for a permit (POA-2017-00271) under Section 404 of the Clean Water Act (33 USC 1344). Your letter requests an additional time extension for the Environmental Protection Agency (EPA) to make a determination under Part IV paragraph 3(b) of the 1992 Memorandum of Agreement (MOA) between the Army and EPA to implement Section 404 (q) of the Clean Water Act (CWA).

The Army has previously granted the EPA two time extension requests in response to EPA letters dated July 25, 2019, and October 22, 2019. On both occasions, EPA requested the extension in order work with the United States Army Corps of Engineers (USACE), Alaska District, and other cooperating agencies to resolve outstanding comments on the application. The current extension period expires on February 28, 2020.

The USACE, Alaska District has continued to work diligently on this project and on February 7, 2020, released its Preliminary Final Environmental Impact Statement (PFEIS) to the EPA and other cooperating agencies. The USACE, Alaska District has requested that the agencies provide comments no later than March 23, 2020. Given the status of EPA's ongoing review of the PFEIS, a ninety (90) calendar day extension for a determination under the MOA is reasonable and will be granted. Please provide the Army a final determination on this application no later than May 28, 2020.

Thank you for your continued engagement on this important project.

Sincerely,

Ryan A. Fisher

for R.D. James
Assistant Secretary of the Army
(Civil Works)