To: Fotouhi, David[fotouhi.david@epa.gov]
From: Schwab, Justin
Sent: Mon 5/22/2017 9:44:19 PM
Subject: Re: 30-Day Report updates

Thanks

Sent from my iPhone

On May 22, 2017, at 5:36 PM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Hi, Hayley. Yes, I will send you an update later today ASAP.

Sent from my iPhone

On May 22, 2017, at 5:26 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi David and Justin,

Any update on the below legal section for the 30-day? Thanks!

1. **PEBBLE LIMITED PARTNERSHIP LITIGATION - SETTLED**. EPA reached a settlement late last week with Pebble Mine Partnership, putting an end to lengthy, high-profile litigation inherited from the last administration. The litigation arose from EPA's so-called "preemptive veto" of the Pebble Mine project – before Pebble submitted its permit application to the U.S. Army Corps of Engineers, the Obama EPA issued a "proposed determination" of the environmental effect of the project which, if finalized, would have effectively prevented the project from moving forward. Under the settlement, EPA will begin the procedure specified in its regulations to consider whether to withdraw the proposed determination. Additionally, in no event will EPA take the next step in its review process until 48 months from the date of settlement or until the Army Corps issues its final Environmental Impact Statement, whichever comes first. In exchange, Pebble will withdraw with prejudice its claims under the Freedom of Information Act and the Federal Advisory Committee Act, as well as its request for attorney's fees, and agree to file no new FOIA requests while the settlement is in effect. The settlement will be dissolved if Pebble does not file its application with the Army Corps within 30 months of settlement. This settlement does not guarantee any particular outcome to Pebble's permit application, but ensures that Pebble has a chance to make that application and

have it considered in the regular course.

Timing: The settlement was publically announced on Friday, May 12, 2017. EPA's next step is to begin the administrative process to consider withdrawal of the proposed determination.

Contact: Justin Schwab, Deputy General Counsel, schwab.justin@epa.gov

Non-Responsive: Update Unrelated to Bristol Bay

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Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296