To: Allnutt, David[Allnutt.David@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Thiesing, Mary[Thiesing.Mary@epa.gov]
From: LaCroix, Matthew
Sent: Sat 2/10/2018 2:33:37 AM
Subject: Non-Responsive - Material Unrelated to Bristol Bay/Pebble Mine

All,

Non-Responsive – Material Unrelated to Bristol Bay/Pebble Mine

Lastly, I will summarize my brief conversation with Sheila Newman about the letter we sent in response to the January 5 Pebble PN. Ex. 5 - Deliberative Process
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Ex. 5 - Deliberative Process We were hoping to initiate a discussion with the District about a couple of issues that should be straightforward, but that is not the response we received. Indirectly, we were asking how the District interprets the requirement in their regulations that an application must address compensation in order to be complete. The plain language of the regulation states that compensation must either be proposed, or the applicant must explain why it should not be required. Pebble's application does neither. Sheila would only say that the District deemed the application to be complete, and that they would not have issued the public notice if were incomplete.

Nor did she provide much insight into our second question, which was whether the District considered the January 5 PN as being a "comment period" within the context of the 404(q) MOA. She stated that the January 5 PN did not solicit comments; and that the District would do so by issuing a PN concurrent with publication of the DEIS. That should be a sufficient response, but she pointed out that she could not interpret the 404(q) MOA for EPA.

She did not understand our third point, that the PN had neglected to identify that the project would involve the discharge of dredged material. After we discussed it a bit, her position seemed to be that it was perhaps an oversight, but of no consequence. All of the project elements would be adequately characterized and discussed in the DEIS.

Once again, hopefully we will be able to have an open, collaborative relationship with the District as they prepare the EIS for the Pebble project. I hope that Chris can emphasize to the District our desire for that.

Thanks,

Matthew LaCroix, Biologist

Aquatic Resources Unit

Office of Environmental Review and Assessment

Alaska Operations Office

222 W. 7th Ave. #19

Anchorage, AK 99513

(907) 271-1480