Outline for the Development of EPA's Bristol Bay Watershed Assessment

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The U.S. Environmental Protection Agency (EPA) has received requests from nine tribal governments, and a number of other interests, to take action to protect the Bristol Bay watershed from the adverse impacts of potential large-scale hard rock mining projects utilizing EPA's statutory authority, including Section 404(c) of the Clean Water Act (CWA). This authority allows EPA to prohibit or restrict discharges of dredged or fill material into waters of the United States, including wetlands, when it determines that such discharges would have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. We have also received requests from two tribes and several other interests to refrain from taking advance action and to wait for specific permit applications for these projects to be reviewed by the U.S. Army Corps of Engineers pursuant to Section 404 of the CWA and the National Environmental Policy Act (NEPA). While the Bristol Bay watershed is comprised of 7 drainages, the Kvichak and Nushagak watersheds are the principle drainages with lands open to large scale development. EPA's analysis, therefore, will focus primarily on those two watersheds. The purpose of this outline is to describe a process for EPA, in coordination with Federal, State and Tribal organizations to collect and evaluate information necessary to determine whether to initiate an advanced 404(c) action, or take other appropriate action at this time.

Details of the Watershed Assessment Process

The purpose of this process is to build a common understanding of potential impacts to Bristol Bay's salmon fishery and to identify possible options for protecting these resources. The following three questions are central to this analysis:

- Is the Bristol Bay salmon fishery the one of a kind, world class fishery that it is depicted to be?
- What are the existing and potential risks to Bristol Bay's salmon fishery associated with large-scale development activities such as hard rock mining?
- Are there technologies or practices that will mitigate these risks?

Scientific/Technical Information Gathering

EPA will prepare a watershed assessment for Bristol Bay's salmon fishery using existing scientific and agency produced information. This document will describe the Bristol Bay salmon fishery, the potential risks posed to this fishery associated with large-scale human development in Bristol Bay, and available measures to mitigate these risks. The tasks for completing this watershed assessment include:

- Review and document relevant literature, interview relevant agency staff and other experts on the ecological and economic significance of the salmon resources in the Bristol Bay watershed. The goal of this review and documentation process is to describe the current status of salmon resources of Bristol Bay, and to answer the question "What is the ecological and economic significance of Bristol Bay salmon resources locally and around the North Pacific Ocean?" Compare the Bristol Bay salmon resource to others in North America in terms of importance to the greater ecosystem it supports.
- Review and document relevant literature, interview relevant agency staff and other experts on the risks, threats and stressors associated with current and foreseeable human activity on the health of salmon resources of Bristol Bay.
- Review and document mitigation practices used to abate threats and risks identified in Task 2 to answer the questions "What are commonly used mitigation measures and what are available but uncommonly used mitigation measures?" and "What are their success and failure rates when applied to protecting water quality, quantity and fishery resources?"
- Develop a synthesis of the cumulative impacts of all risks, threats and stressors identified on the long term ecological integrity of the Bristol Bay salmon resource and factor in the perpetual efficacy of any mitigation measures identified. Final conclusions will also include the long-term impacts of identified threats and stresses on the economic values of fishery resources.

Federal, State, Tribal Involvement and Public Input

EPA will seek participation from federal, state and tribal agencies to:

- Pool relevant information at their disposal and determine appropriate sources of missing information;
- Review EPA's watershed assessment; and
- Participate in public meetings organized by EPA (below).

EPA plans to hold two sets of public meetings in Anchorage and the Bristol Bay Watershed. Written and oral comments will be accepted.

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- The first set of meetings will be to present the preliminary findings of the scientific analysis and solicit public input to address questions one and two (is it a world class fishery? and are there existing or potential risks to that fishery?)
    - We anticipate being ready for these meetings in 6 to 9 months but will coordinate with Tribes and stakeholders to ensure their availability.
- The second set of meetings will take place after peer review of the watershed assessment. They will be developed to discuss the issue of available technologies and practices to mitigate any potential unacceptable effects and how to incorporate these protective actions into development of the watershed using either 404(c) or other federal authorities.
    - We anticipate being ready for these meetings in 9 to 12 months but will coordinate with Tribes and stakeholders to ensure their availability.

A summary of each public meeting will be developed and made available via the web. In addition, EPA will create fact sheets and mailings as work progresses to keep the public informed.

EPA will consult with Tribes in the watershed that request consultation and will meet with prospective resource developers within the watershed, relevant federal and Alaska state agencies and other interests as requested and appropriate.

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