Congress of the United States
Washington, DC 20515

August 31, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

Dear Administrator Wheeler:

We write to urge you to use your authority under Section 404(c) of the Clean Water Act to protect Bristol Bay from the proposed Pebble Mine. The Environmental Protection Agency can veto the Final Environmental Impact Statement on the grounds that the Pebble Mine would have significant impacts to one of America's most ecologically valuable waters. The agency has itself already acknowledged that these threats exist – in January 2018, then Administrator Scott Pruitt noted that "any mining projects in the region likely pose a risk to the abundant natural resources that exist there"[1].

If constructed, the Pebble Mine would be the largest open pit gold and copper mine in North America. It would be sited at the headwaters of the Bristol Bay watershed, threatening a globally significant ecosystem and imperiling the world's greatest wild sockeye salmon fishery, which drives a multimillion-dollar economy. Alaska indigenous communities have lived and depended on the Bristol Bay watershed for thousands of years. Further, the project doesn't meet the standards of the people of Alaska, who have made their opposition to it quite clear - opposition is consistently between 55-60% among Alaskans and the mine is opposed by Alaska Native Tribes, sportsmen, fishermen, and scientists.

A project of massive scale should face an incredible amount of careful scrutiny, but the permitting process led by the U.S. Army Corps of Engineers (USACE) has been one of the fastest permitting processes for a project of this size under the National Environmental Policy Act (NEPA). It is promising that USACE has finally acknowledged that the mine "would likely result in significant degradation of the environment and would likely result in significant adverse effects on the aquatic system or human environment". While USACE has announced the Pebble

[1] January 26, 2018. "EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments" https://archive.epa.gov/epa/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay.html

Mine cannot be permitted as currently proposed[2], it is important to note that USACE has not made a decision on the permit but has required the project sponsors to submit a mitigation plan in 90 days. There is no level of compensatory mitigation that would be sufficient to address the mine's irreversible harm to the pristine environment that exists in Bristol Bay.

It is thus critical that the EPA exercise its authority under the Clean Water Act and oppose the flawed Environmental Impact Statement. The Pebble Mine would put the livelihoods, cultures, and economy of Native Tribes and Bristol Bay communities at grave risk and we urge you to fulfill your mission to protect human health and the environment.

Sincerely,

Jared Huffman
Member of Congress

Peter A. DeFazio
Member of Congress

/s/ Raúl M. Grijalva
Member of Congress

/s/ Nanette Diaz Barragán
Member of Congress

/s/ Deb Haaland
Member of Congress

/s/ Mike Quigley
Member of Congress

/s/ Suzanne Bonamici
Member of Congress

/s/ Harley Rouda
Member of Congress

/s/Ann Kirkpatrick
Member of Congress

/s/ Kurt Schrader
Member of Congress

/s/ Pramila Jayapal
Member of Congress

/s/Jan Schakowsky
Member of Congress

/s/ Jamie Raskin
Member of Congress

/s/ Adam Smith
Member of Congress

/s/Ruben Gallego
Member of Congress

/s/ Earl Blumenauer
Member of Congress

/s/ Diana DeGette
Member of Congress

/s/ Alan Lowenthal
Member of Congress

/s/ Gerald E. Connolly
Member of Congress

/s/ Jackie Speier
Member of Congress

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2 https://www.army.mil/article/238426/army_finds_pebble_mine_project_cannot_be_permitted_as_proposed

/s/ Rick Larsen
Member of Congress

/s/ Chellie Pingree
Member of Congress

/s/ Eleanor Holmes Norton
Member of Congress

/s/ Peter Welch
Member of Congress

/s/ Suzan K. DelBene
Member of Congress

/s/ Albio Sires
Member of Congress

/s/ Mike Levin
Member of Congress

/s/ Julia Brownley
Member of Congress

/s/ Derek Kilmer
Member of Congress

/s/ Kim Schrier, M.D.
Member of Congress

/s/ James P. McGovern
Member of Congress

/s/ Jesús G. "Chuy" García
Member of Congress

/s/ Judy Chu
Member of Congress

/s/ Steve Cohen
Member of Congress

/s/ Ann McLane Kuster
Member of Congress

/s/ Mark DeSaulnier
Member of Congress