**To:** Press[Press@epa.gov]
**From:** Grantham, Nancy
**Sent:** Fri 5/12/2017 6:25:07 PM
**Subject:** FW: EPA and Pebble Limited Partnership Reach Settlement Agreement

Note: this is from region 10 and a request for the Administrator to be on a radio show re: pebble

Thanks ng


**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**202-253-7056 (mobile)**


**From:** Skadowski, Suzanne
**Sent:** Friday, May 12, 2017 2:23 PM
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; regionalpress <regionalpress@epa.gov>
**Cc:** Holsman, Marianne <Holsman.Marianne@epa.gov>
**Subject:** FW: EPA and Pebble Limited Partnership Reach Settlement Agreement

Nancy,

Let me know how I should respond on this one, thanks.


**Suzanne Skadowski**

Public Affairs Specialist

U.S. Environmental Protection Agency

Region 10 Pacific Northwest | Seattle

Desk: 206-553-2160 Cell: 206-900-3309

**From:** Dave Bendinger [mailto:dave@kdlg.org]
**Sent:** Friday, May 12, 2017 10:52 AM
**To:** Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
**Subject:** RE: EPA and Pebble Limited Partnership Reach Settlement Agreement

Thank you for this. I've made a few calls and sent a few emails; would love to have an acting Region 10 or Mr. Pruitt as a guest on our weekly show here in Bristol Bay, perhaps for next week. Is that possible?

-Dave / KDLG

KDLG news director

dave@kdlg.org

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**CONTACT:**
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**FOR IMMEDIATE RELEASE**
May 12, 2017

## EPA and Pebble Limited Partnership Reach Settlement Agreement

*EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits*

**WASHINGTON** --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.

- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.