To: Navas, Nicole (OPA)[Nicole.Navas@usdoj.gov]; Flores, Sarah Isgur (OPA)[Sarah.Isgur.Flores@usdoj.gov]; Hornbuckle, Wyn (OPA)[Wyn.Hornbuckle@usdoj.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Bowman, Liz
Sent: Thur 5/11/2017 11:31:38 PM
Subject: Final EPA Release re: Pebble Settlement - 6:30 AM Release Time?
2017-05-11 Final News Release re Pebble Settlement.docx

Attached, and below, please find the final press release which incorporates all DOJ's edits. Is the plan still for this to go out at 6:30 a.m. tomorrow? The last I heard, we were asked to send this at 6:30 a.m. EDT tomorrow. Please correct me if that timing has changed.

Thank you for your help and review of this statement.

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. Today's agreement will not guarantee or prejudge a particular outcome, but will provide the 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 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 initiated 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.

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From: Navas, Nicole (OPA) [mailto:Nicole.Navas@usdoj.gov]

Sent: Thursday, May 11, 2017 6:12 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>; Hornbuckle, Wyn (OPA) <Wyn.Hornbuckle@usdoj.gov>
Subject: RE: For DOJ Review: Pebble Mine Release
Importance: High

Hi Liz,

Please see attached DOJ edits to the draft press release so it reads accurately. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please advise that you concur with all the edits so I can relay that to the litigation team. Thank you

Nicole A. Navas

Spokesperson/Public Affairs Specialist

U.S. Department of Justice (DOJ)

-----Original Message-----
From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, May 11, 2017 4:33 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: For DOJ Review: Pebble Mine Release

Thanks, Nicole. The version below was already reviewed by multiple EPA OGC staff, both political and career. Please let us know if anything is factually inaccurate, but please do not edit the messaging, including the Administrator's quote.

-----Original Message-----

From: Navas, Nicole (OPA) [mailto:Nicole.Navas@usdoj.gov]

Sent: Thursday, May 11, 2017 4:29 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>

Subject: RE: For DOJ Review: Pebble Mine Release

Thank you. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process I will have below draft reviewed and get back to you with any edits. Thanks again for coordinating.

Nicole A. Navas

Spokesperson/Public Affairs Specialist

U.S. Department of Justice (DOJ)

202-514-1155 (office)

Ex. 6 - Personal Privacy

Nicole.Navas@usdoj.gov

-----Original Message-----

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]

Sent: Thursday, May 11, 2017 4:20 PM

To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: RE: For DOJ Review: Pebble Mine Release

Ex. 5 - Deliberative Process

-----Original Message-----

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]

Sent: Thursday, May 11, 2017 4:16 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: RE: For DOJ Review: Pebble Mine Release

Adding Nicole from our office

***

Sarah Isgur Flores

Director of Public Affairs

Ex. 6 - Personal Privacy

-----Original Message-----

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]

Sent: Thursday, May 11, 2017 4:13 PM

To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: RE: For DOJ Review: Pebble Mine Release

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process I can be reached at Ex. 6 - Personal Privacy if that's easier.

-----Original Message-----

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]

Sent: Thursday, May 11, 2017 4:04 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: RE: For DOJ Review: Pebble Mine Release

Ex. 5 - Deliberative Process

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Sarah Isgur Flores

Director of Public Affairs

Ex. 6 - Personal Privacy

-----Original Message-----

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]

Sent: Thursday, May 11, 2017 3:07 PM

To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: For DOJ Review: Pebble Mine Release

Hi Sarah -- Attached, and below, please find a draft EPA press release on the Pebble Mine settlement, which we understand should be sent early tomorrow morning - once our legal folks give us the heads-up that the settlement has been signed. This draft has been reviewed by our general counsel. We would be happy to put out a joint statement with DOJ, if you want to add your edits and a quote from Attorney General Sessions to this version - or we can send this out independently. Let us know what you prefer. If you would like to discuss, please give me a call Ex. 6 - Personal Privacy Thank you -- Liz Bowman (EPA comms).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process