Message

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 3/27/2019 8:16:25 PM
To: Darwin, Henry [darwin.henry@epa.gov]
CC: Bolen, Brittany [bolen.brittany@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
Subject: Pebble Mine DEIS Proposed Internal Review Schedule
Attachments: Pebble DEIS + 404 letter prep and meeting schedule_20190326.xlsx

Henry,

As we have discussed, I am sharing the proposed internal review schedule for both the NEPA draft EIS and the Clean Water Act Section 404 Public Notice for the Pebble Project. The proposed schedule incorporates recommendations you made during the briefing in Seattle on February 28, and it includes opportunities for policy briefings (during the weeks of April 22 and May 9) for HQ leadership prior to HQ review of the draft comment letters. This schedule also reflects input that we've received from staff and management in the affected EPA-HQ offices.

I am copying the relevant leadership for the Office of Policy, the Office of Water, and the Office of General Counsel, so that everyone has this. If you have any questions or concerns, please feel free to contact me.

Thanks,

Chris

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Pebble DEIS + 404 letter prep and m...

Message

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 3/10/2019 8:23:59 PM
To: Darwin, Henry [darwin.henry@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: Bristol Bay Fishermen Extension Request

FYI

Sent from my iPhone

Begin forwarded message:

From: Lindsey Bloom <lindsey@bloominalaska.net>
Date: March 8, 2019 at 3:33:35 PM PST
To: drafteis@comments.pebbleprojecteis.com, poaspecialprojects@usace.army.mil
Cc: "Robertson, Ann (Murkowski)" <Ann_Robertson@murkowski.senate.gov>, "Elam, Erik (Sullivan)" <erik_elam@sullivan.senate.gov>, chad.padgett@mail.house.gov, corri.feige@alaska.gov, "Brune, Jason W (DEC)" <jason.brune@alaska.gov>, Frances Leach <director@ufa-fish.org>, "Rep. Bryce Edgmon" <Rep.Bryce.Edgmon@akleg.gov>, Senator.Cathy.Giessel@akleg.gov, hladick.christopher@epa.gov, douglas.vincent-lang@alaska.gov
Subject: Bristol Bay Fishermen Extension Request

COMMERCIAL FISHERMEN FOR BRISTOL BAY

March 8, 2019

U.S. Army Corps of Engineers - Alaska District
645 G St.
Suite 100-921
Anchorage, AK 99501

Re: Public Input on the Proposed Pebble Mine Project (POA-2017-271)

Dear Mr. McCoy, Ms. Newman, and Colonel Borders,

It is well documented and recognized that the economic, cultural, and environmental importance of Bristol Bay is significant for the state of Alaska and our nation as a whole. On behalf of the thousands of Americans who fish in Bristol Bay and depend on its salmon fishery for their livelihoods, Commercial Fishermen for Bristol Bay is writing in response to the release of the Army Corps of Engineers' Draft Environmental Impact Statement (EIS) for the proposed Pebble Mine.

Due to extensive information gaps and inadequacies in the Army Corp's Scoping Report, the Draft EIS fails to capture the magnitude and extent of risks posed by the Pebble Mine, thereby making it impossible for the Army Corps to make an informed decision that

adequately protects the public. A far more extensive, rigorous, and transparent federal permitting process is necessary in order to best serve Alaskans and the American public. We ask that the Army Corps suspend the permitting process until it has the data and information needed to uphold the expectations and obligations of the National Environmental Policy Act and Clean Water Act. To do otherwise is a disservice to American taxpayers and jeopardizes the integrity of our federal permitting laws.

Commercial Fishermen for Bristol Bay was disappointed to see the release of the Army Corps' Draft EIS despite repeated requests from Bristol Bay fishermen and local residents to suspend the permitting process until the Pebble Partnership submitted a complete permit application that reflected their full development plans. As we have stated previously, it is essential that the following be addressed in the Army Corps' review of Pebble's permit application:

- An independent economic feasibility study of the proposed Pebble Mine. Without it the federal government is wasting taxpayer dollars on a hypothetical project that might not be feasible and still lacks a financial partner.
- A thorough, science-based NEPA Process that includes essential topics such as the impacts of copper toxicity on fish, long-term water treatment plan at the Pebble Mine site, and the possibility of a large-scale tailings dam failure at the Pebble Mine site. The Scoping Report released in 2018 and the draft EIS released in February fall short of this and fail to look at the full impacts the Pebble Mine would have on the Bristol Bay watershed.
- Inclusion of the Environmental Protection Agency's peer-reviewed Bristol Bay Watershed Assessment, which concluded that the adverse impacts of the Pebble Mine on Bristol Bay's fisheries, tourism, wildlife, wetlands, cultural resources, would be unacceptable and irreversible. Even the "small" mine size that the Pebble Partnership has proposed exceeds the parameters that the EPA outlined in its 2014 Clean Water Act Section 404(c) Proposed Determination. To omit the EPA's scientific record is egregious and flies in the face of reality.
- Robust economic study comparing the long-term impact of Bristol Bay's commercial fisheries with the proposed Pebble Mine. This economic analysis must look at the impacts of potential changes to the public's perception of both the Bristol Bay Sockeye and Alaska Seafood brands
  Of particular concern to Bristol Bay's fishing industry is that the Army Corps'

Draft EIS fails to look at the Pebble Mine's full potential impacts on the Bristol Bay watershed, including both the long-term and large-scale impacts to the ecological health and economic productivity of Bristol Bay. This includes the Army Corps' omission of what a potential large-scale tailings dam failure at the Pebble Mine site could do to Bristol Bay and its fish populations. Given the increasing frequency with which tailings dam failures are occurring worldwide and the fact that this dam will exist at the headwaters of the watershed forever, we would like to know why the Army Corps chose to ignore this very real scenario in its Draft EIS, especially when modeling technology is readily available? To that end, the attached report by Lynker provides clarity on the importance of assessing this kind of risk, it is unacceptable that this modeling of failure scenarios is not included in the Draft EIS.

Given the current short-comings of the Army Corps' impact assessment, Commercial Fishermen for Bristol Bay formally asks the Army Corps to suspend its NEPA review process until the Pebble Partnership provides sufficient environmental baseline and

economic data as well as a comprehensive mitigation plan and reclamation plan for the Pebble Mine. Once these criteria are met, then we expect the Army Corps to conduct a minimum 270-day comment period on a Draft EIS and hold public hearings with opportunity for oral testimony and provide all materials translated and distribution throughout Bristol Bay, Alaska, and the Pacific Northwest.

As commercial fishermen, we understand the need for strong permitting and we appreciate the hard work that federal agencies like the Army Corps do to enforce those permitting processes. It is concerning to see the Army Corps give preferential treatment to a junior mining company rather than established American businesses, including Bristol Bay's thousands of commercial fishing permit-holders. To streamline the permitting process in favor of the Pebble Partnership's politically-driven timeline and at the expense of the American public is inappropriate and questionable. The NEPA process was created to ensure transparency and protection of the health and well-being of Americans, especially places like Bristol Bay that provide public goods and benefits. Bristol Bay's commercial fishermen ask that the Army Corps restart its review of the Pebble Partnership's permit application and not continue to ignore our concerns about this risky and irresponsible mining project.

Thank you for your time and attention,

Commercial Fishermen for Bristol Bay Representatives:
Alexus Kwachka, F/V No Point
Chip Treinen, F/V Balrog
Erica Madison, Bristol Bay set netter
Heidi Dunlap, F/V Toonces
Holly Wysocki, Bristol Bay set netter
John Fairbanks, F/V Sumo
Katherine Carscallen, F/V Sea Hawk
Mark Niver, F/V Surrender
Melanie Brown, Bristol Bay set netter
Steve Kurian, F/V Ava Jane

Cc:
Honorable Mike Dunleavy, Governor of Alaska
Honorable Kevin Meyer, Lt. Governor of Alaska
Honorable Lisa Murkowski, U.S. Senate
Honorable Dan Sullivan, U.S. Senate
Honorable Don Young, U.S. House of Representatives
Honorable Cathy Giessel, Alaska State Senate President
Honorable Bryce Edgmon, Alaska Speaker of the House
Chris Hladick, EPA Region 10 Administrator
Todd T. Semonite, U.S. Army Corps of Engr's, Commanding General & Chief of Engr's Lt. General Michael Brooks, U.S. Army Corps of Engr's Alaska District Commander Col. David S. Hobbie, U.S. Army Corps of Engr's Alaska District, Chief of Regulatory Division
Corri Feige, Commissioner, Alaska Department of Natural Resources
Jason Brune, Commissioner, Alaska Department of Environmental Conservation
Doug Vincent-Lang, Commissioner, Alaska Department of Fish & Game

Message

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 11/9/2018 10:59:11 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Ross, David P [ross.davidp@epa.gov]
Subject: FW: message to Henry

Gentleman: I'm writing to gauge your interest in receiving a background briefing on EPA's role with respect to the proposed Pebble gold and copper mining project in SW Alaska.

I anticipate that EPA will be asked to weigh in over the next few months on the expected environmental impacts of the project, and it would be good to hear your perspectives as we prepare for these communications. EPA has been involved in various Clean Water Act and NEPA aspects of this project for more than a decade, and we would be happy to provide you with background on these efforts as well as on anticipated future actions. Similar briefings were provided in 2017 to members of the transition team and to political leadership of HQ's water and NEPA programs. I understand that you met with Tom Collier in August to hear his perspectives on the project, and we expect that other pro- and anti-mine interests will be reaching out to you as well. Because the acting Administrator is currently recused from participating in this matter, we'd like to offer you an overview of the project and EPA's role.

As you're probably aware, Administrator Pruitt issued – but later suspended – a proposal to withdraw a 2014 Clean Water Act "proposed determination" that would have imposed certain restrictions on development of the Pebble deposit. Meanwhile, the Army Corps of Engineers is currently developing an environmental impact statement and considering an application for a Clean Water Act permit necessary to develop the mine. We anticipate that EPA will be asked to review and comment on both the EIS and the permit application in 2019. These reviews are likely to involve staff from Region 10 as well as from HQ's offices of water, policy, and general counsel.

The Corps is currently expecting to issue its draft EIS for public review and comment in January, so both Lee Forsgren and I believe a briefing in November or December would be timely.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Darwin, Henry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7AE8E9D24EEB4132B25982E358EFBD9D-DARWIN, HEN]
Sent: 9/13/2018 8:29:07 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: FW: follow up

FYI – We can discuss when we meet.

Henry

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, September 12, 2018 3:15 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Subject: follow up

Henry,

I wanted to thank you again for meeting with my CEO Tom Collier and me last month.

I've also just spoken with Steve Owens about your conversation, and am wondering whether you and I can follow up with a short phone call.

I'm happy to do it at nearly any time, including well after regular work hours if that best accommodates your busy daytime schedule. Let me know what might work best for you.

Thanks so much.

Sincerely,

Peter Robertson

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 2/6/2018 8:37:55 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; peterrobertson@pebblepartnership.com

Subject: Meeting with Peter Robertson
Location: 1201 Constitution Ave NW, Washington DC 20460 WJCE 3219B Please call 202-564-5700 for escort

Start: 2/15/2018 7:00:00 PM
End: 2/15/2018 7:45:00 PM
Show Time As: Busy

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 5/25/2018 12:44:58 PM
To: Peter D. Robertson [peterrobertson@pebblepartnership.com]

Subject: Pebble Mine Meeting
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Tentative

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 10/19/2018 2:38:01 PM
To: peterrobertson@pebblepartnership.com

Subject: Meeting with Alaskan Native Group
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 2369B WJCE

Start: 11/14/2018 7:00:00 PM
End: 11/14/2018 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 10/19/2018 2:31:25 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; peterrobertson@pebblepartnership.com; Gude, Karen [Gude.Karen@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Penman, Crystal [Penman.Crystal@epa.gov]

Subject: Meeting with Alaskan Native Group
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 3233 WJCE

Start: 11/14/2018 2:30:00 PM
End: 11/14/2018 3:15:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 5/14/2018 4:49:56 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Peter D. Robertson [peterrobertson@pebblepartnership.com]; Fotouhi, David [fotouhi.david@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: Pebble Mine Meeting
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 6/8/2019 11:25:42 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

Exchange Server re-created a meeting that was missing from your calendar.

Sent by Microsoft Exchange Server

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 11/3/2018 12:15:59 AM
To: peterrobertson@pebblepartnership.com

Subject: Meeting with Alaskan Native Group
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 2369B WJCE

Start: 11/14/2018 7:30:00 PM
End: 11/14/2018 8:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:19:05 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]

Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Location: Please open invitation for location and attachments

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:19:05 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]

Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Location: Please open invitation for location and attachments

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CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]

Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Location: Please open invitation for location

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM
Show Time As: Busy

Appointment

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Subject: Bristol Bay R10/HQ Policy Briefing (Check-in 2 of 2)
Location: (Conf#: **Ex. 6 Personal Privacy (PP)**

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CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]

Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Location: Please open invitation for location

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:19:05 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Location: Please open invitation for location

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM
Show Time As: Busy

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 10/19/2018 2:31:25 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; peterrobertson@pebblepartnership.com; Gude, Karen [Gude.Karen@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Penman, Crystal [Penman.Crystal@epa.gov]

Subject: Meeting with Alaskan Native Group
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 3233 WJCE

Start: 11/14/2018 2:30:00 PM
End: 11/14/2018 3:15:00 PM
Show Time As: Busy

Recurrence: (none)

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 2/6/2018 8:37:55 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; peterrobertson@pebblepartnership.com

Subject: Meeting with Peter Robertson
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20460 WJCE 3219B Please call 202-564-5700 for escort

Start: 2/15/2018 7:00:00 PM
End: 2/15/2018 7:45:00 PM
Show Time As: Busy

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 5/14/2018 4:49:56 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Peter D. Robertson [peterrobertson@pebblepartnership.com]; Fotouhi, David [fotouhi.david@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: Pebble Mine Meeting
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Busy

The group includes:

Abe Williams – PLP Employee, Commerical Fisherman, BBNC Shareholder, Grew up in Bristol Bay
Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation
Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 6/8/2019 11:25:42 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]

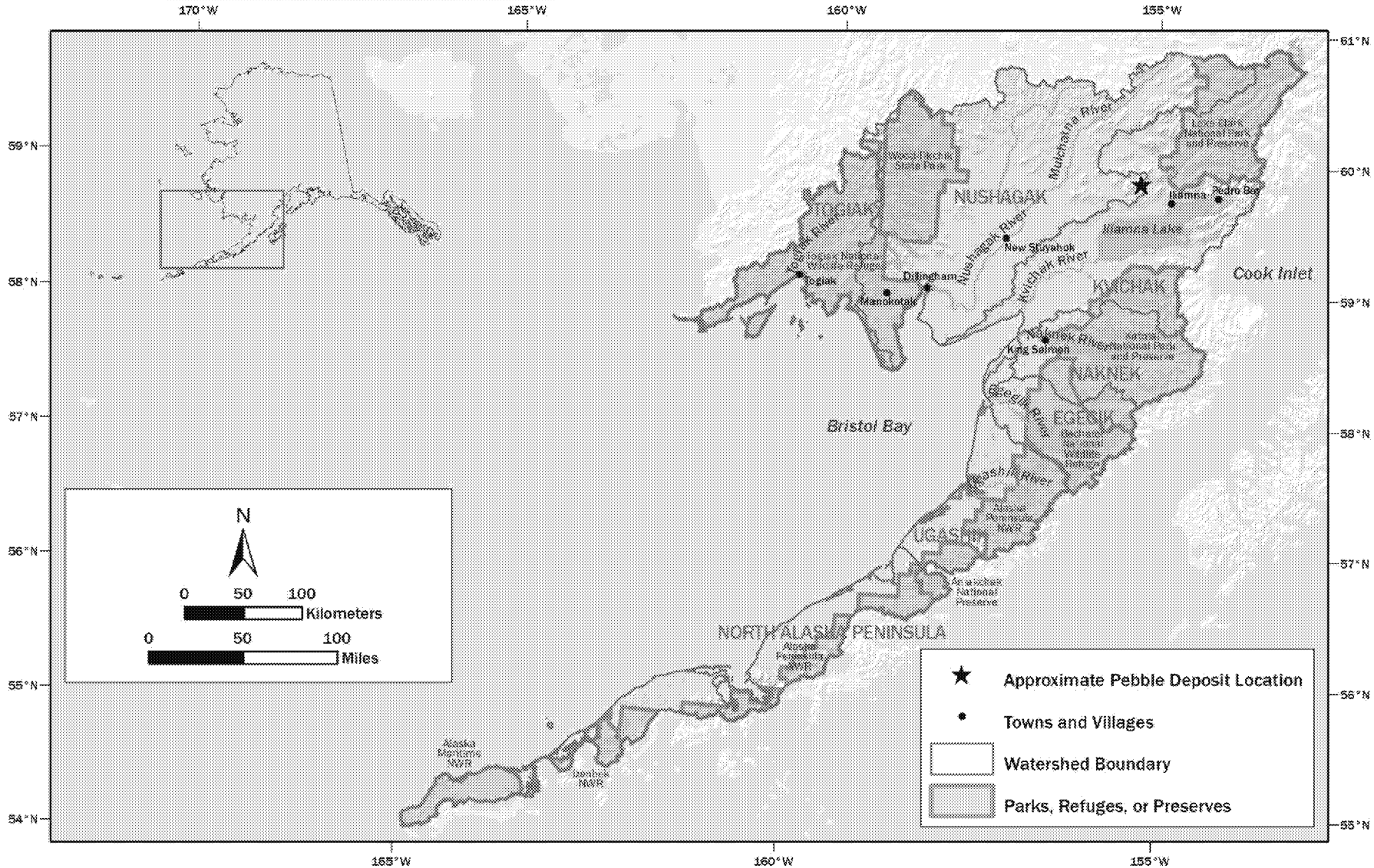
Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

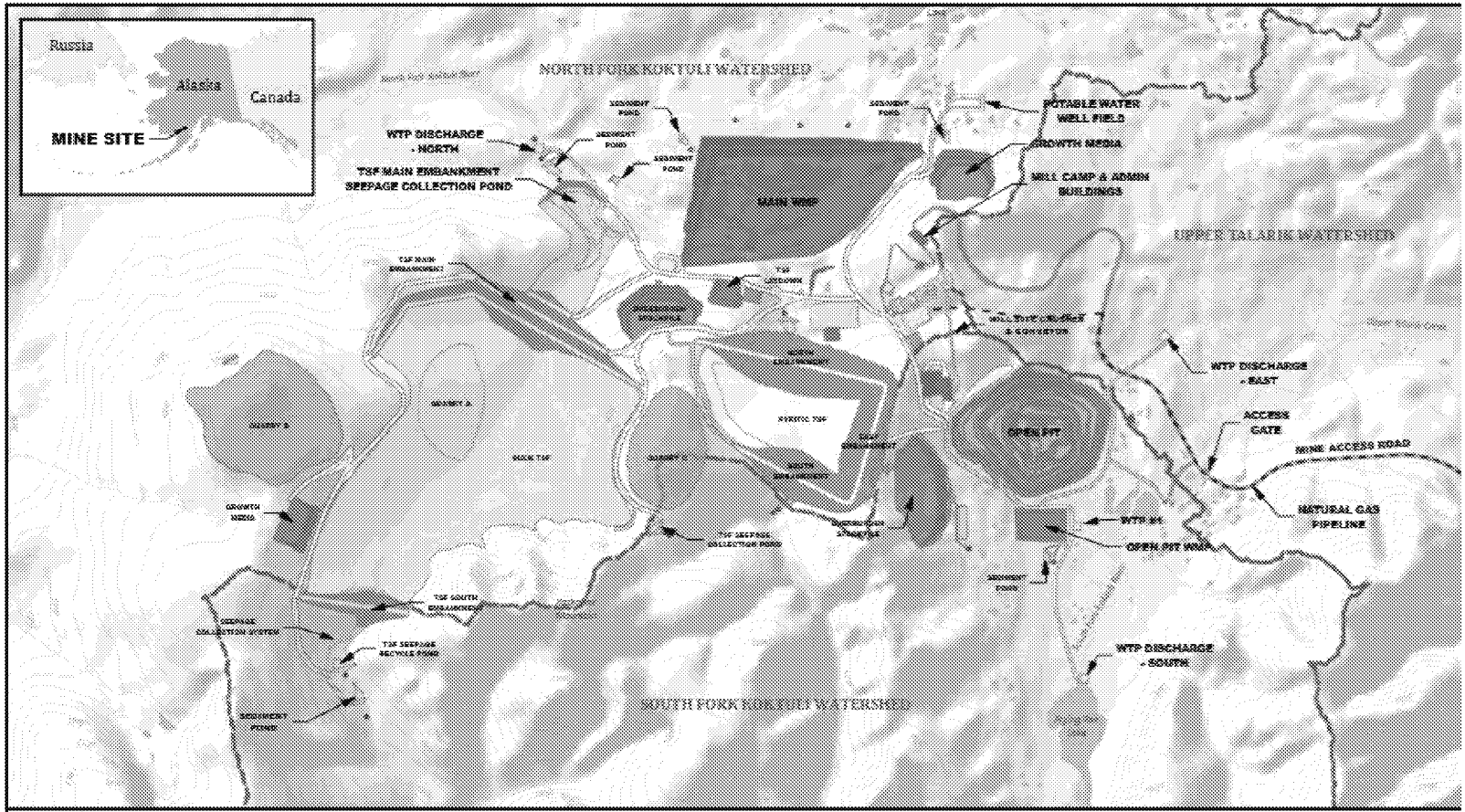
Exchange Server re-created a meeting that was missing from your calendar.

Sent by Microsoft Exchange Server

Bristol Bay Watershed



Proposed Mine Site



Sources: PLP 2013; USGS; ADNR
Note: The displayed features are the permanent footprint unless otherwise specified.

US Army Corps of Engineers

0.5 0 0.5 1
Miles

Action Alternative 1
- Monitoring Wells
- Natural Gas Pipeline

Mine Site Infrastructure
- Bulk Tailing Storage Facility
- Main Water Management Pond
- Mill Site Power Plant
- Mine Site Infrastructure
- Mineral Processing Facilities
- Onsite Access Roads
- Open Pit
- Pyritic Tailings Storage Facility
- Quarries
- Sediment/Seepage Collection Systems
- Stockpiles
- Waste Management Facilities
- Water Management Pond
- Water Treatment Plants

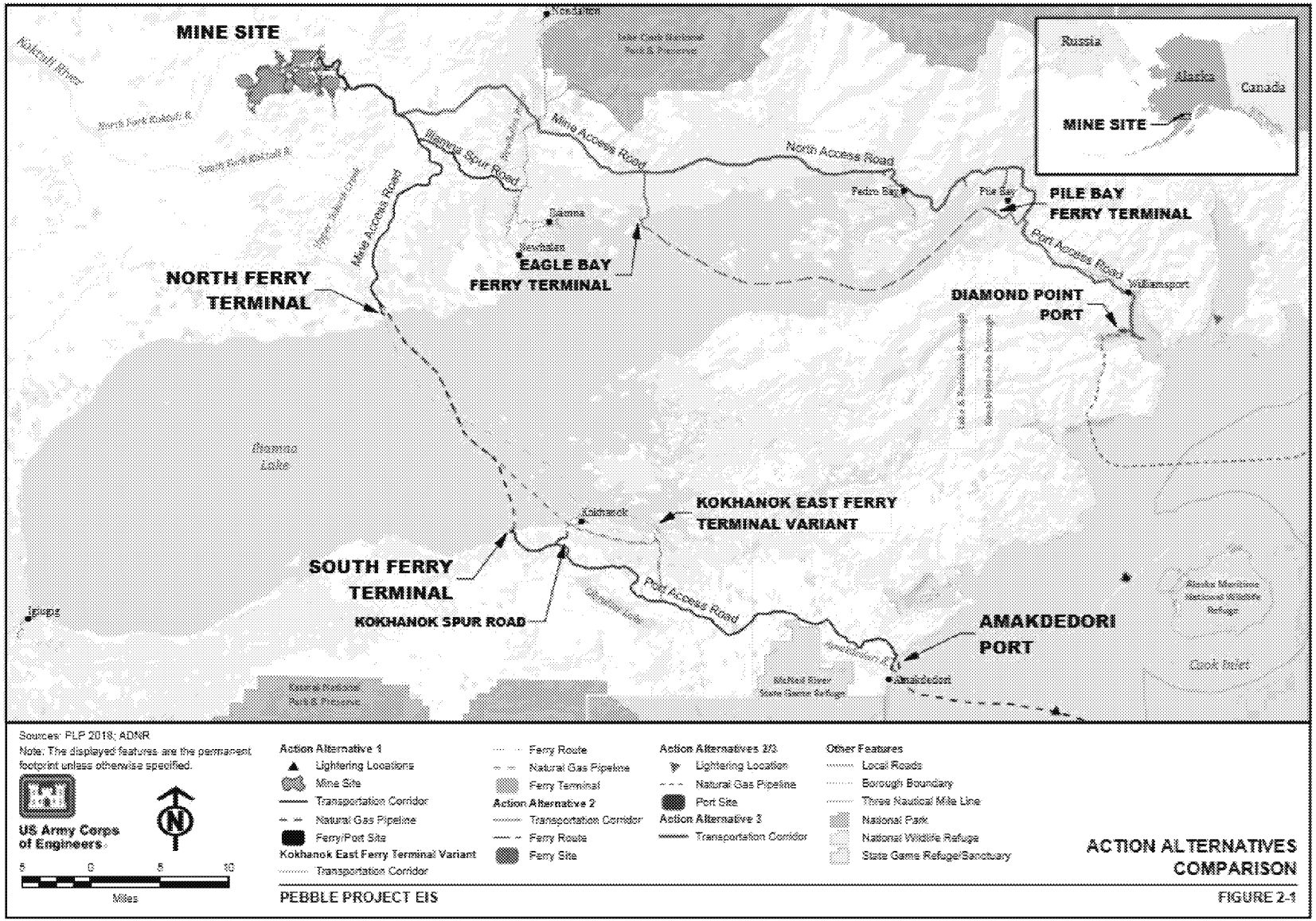
Other Features
- River/Stream
- Lake/Pond
- Watershed
- 100' Contour (Existing)

ACTION ALTERNATIVE 1 - MINE SITE LAYOUT

PEBBLE PROJECT EIS

FIGURE 2-4

DEIS Alternatives



Sources: PLP 2018; ADNR
Note: The displayed features are the permanent footprint unless otherwise specified.

US Army Corps of Engineers

5 0 5 10
Miles

Action Alternative 1
- Lightering Locations
- Mine Site
- Transportation Corridor
- Natural Gas Pipeline
- Ferry/Port Site

Kokhanok East Ferry Terminal Variant
- Transportation Corridor
- Ferry Route
- Natural Gas Pipeline
- Ferry Terminal

Action Alternative 2
- Transportation Corridor
- Ferry Route
- Ferry Site

Action Alternatives 2/3
- Lightering Location
- Natural Gas Pipeline
- Port Site

Action Alternative 3
- Transportation Corridor

Other Features
- Local Roads
- Borough Boundary
- Three Nautical Mile Line
- National Park
- National Wildlife Refuge
- State Game Refuge/Sanctuary

ACTION ALTERNATIVES COMPARISON

PEBBLE PROJECT EIS

FIGURE 2-1

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 10/18/2018 8:15:02 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: meeting request for Alaskan Native Group

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 10/4/2018 2:57:20 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: deantha@alaskaminers.org
Subject: Meeting with Deantha Crockett of the Alaska Miners Association

Lee and Crystal,

Deantha Crockett, head of the Alaska Miners Association is going to be in Washington DC the week of October 15. She would very much appreciate the opportunity to meet with Lee while she is there.

The Alaska Miners Association is the leading trade association for the mining industry in Alaska. Lee, you know better than most how important mining is to Alaska. The industry provides some 4,500 direct mining jobs: $700 million in direct and indirect payroll; some of the best-paying jobs in the state (nearly $109,000 estimated annual average wage, more than twice the state average for all sectors of the economy); $143 million in state and local government revenue; and some $250 million in payments to Alaska Native Corporations.

Deantha tells me that she has significant availability early in that week (the 15th, 16th and 17th), though she is booked up on Thursday and Friday (the 18th and 19th). I have copied her on this email so that you can communicate with her directly.

I very much hope you can meet with her, Lee, and appreciate your consideration of this request.

Best,

Peter Robertson

THE pebble PARTNERSHIP

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 6/4/2018 6:14:17 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
Subject: Re: Visit of Native Alaskans this week

You're terrific. Thanks, Lee.

Peter

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, June 4, 2018 2:13 PM
To: Peter Robertson
Cc: Penman, Crystal; Campbell, Ann
Subject: Re: Visit of Native Alaskans this week

Happy to meet with them when they come in.

Sent from my iPhone

On Jun 4, 2018, at 2:12 PM, Peter Robertson <peterrobertson@pebblepartnership.com> wrote:

> Lee and Crystal,
>
> We have had a change to the group of Native Alaskans that are visiting this week. Abe Williams and Margie Olympic are no longer able to come. The group still includes:
>
> - Brad Angasan, President & CEO of Alaska Peninsula Corporation *(Represents Port Heiden, South Naknek, Ugashik, Kokhanok & Newhalen);*
> - Ventura Samaniego, President & CEP of Kijik Corporation *(Represents Lake Clark area & Six Mile Lake); and*
> - Henry Olympic, President of Newhalen Tribal Council *(Represents Newhalen).*
>
> They will be accompanied by me and by Shalon Harrington, Chief of Staff for the Pebble LImited Partnership.
>
> Please let me know if you have any questions. We look forward to seeing you.
>
> Sincerely,
>
> Peter

<Outlook-1517243019.png>

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 6/4/2018 6:12:01 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: Visit of Native Alaskans this week

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- Brad Angasan, President & CEO of Alaska Peninsula Corporation *(Represents Port Heiden, South Naknek, Ugashik, Kokhanok & Newhalen);*
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- Henry Olympic, President of Newhalen Tribal Council *(Represents Newhalen).*

They will be accompanied by me and by Shalon Harrington, Chief of Staff for the Pebble LImited Partnership.

Please let me know if you have any questions. We look forward to seeing you.

Sincerely,

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 5/24/2018 7:27:26 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: Re: meeting request

Lee and Crystal,

Circling back to see if we can get a time on the books for this meeting. Then, if you need to cancel, we would certainly understand.

Thanks.

Peter

Peter D. Robertson
202-629-3392
Sent from my iPhone

From: Peter Robertson
Sent: Friday, May 11, 2018 4:03:47 PM
To: Forsgren, Lee; Penman, Crystal
Subject: Re: meeting request

Thanks, Lee. I completely understand, better than most, how busy you guys are. I appreciate your willingness to try to make time. And you understand better than anyone how tough it is to get here from Alaska, so I really home they will get to speak with you.

But we will stand by to hear more. Thanks for considering the request.

PDR

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Friday, May 11, 2018 4:01:04 PM
To: Peter Robertson; Penman, Crystal
Subject: RE: meeting request

Peter,

We are very busy and I know that my schedule that week is crazy as we try to get the WOTUS rules to OMB. Will see what the art of the possible might be but I can't make any promises. Crystal will do her best to accommodate but it will be tough.

Thanks,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water

Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Friday, May 11, 2018 3:47 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: meeting request

Dear Lee and Crystal,

I hope all is well. I'm reaching out to you because a group of Alaskan natives is coming to Washington for meetings on June 5 and 6 regarding the Pebble mine. They are hopeful that Lee would have time to meet with them. At this point, their schedule is free on both days, except for 1:00 on the 6th, when they meet with Representative Young.

The group includes:

Abe Williams – PLP Employee, Commerical Fisherman, BBNC Shareholder, Grew up in Bristol Bay
Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation
Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Can you let me know if Lee has has time on either of those days?

Thanks.

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Appointment

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 5/26/2018 1:14:15 AM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]

Subject: Accepted: Pebble Mine Meeting
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 5/11/2018 8:03:47 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: Re: meeting request

Thanks, Lee. I completely understand, better than most, how busy you guys are. I appreciate your willingness to try to make time. And you understand better than anyone how tough it is to get here from Alaska, so I really home they will get to speak with you.

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PDR

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Friday, May 11, 2018 4:01:04 PM
To: Peter Robertson; Penman, Crystal
Subject: RE: meeting request

Peter,

We are very busy and I know that my schedule that week is crazy as we try to get the WOTUS rules to OMB. Will see what the art of the possible might be but I can't make any promises. Crystal will do her best to accommodate but it will be tough.

Thanks,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Friday, May 11, 2018 3:47 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: meeting request

Dear Lee and Crystal,

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to meet with them. At this point, their schedule is free on both days, except for 1:00 on the 6th, when they meet with Representative Young.

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Henry Olympic – President of Newhalen of Tribal Council.

Can you let me know if Lee has has time on either of those days?

Thanks.

Peter

THE pebble PARTNERSHIP

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 5/11/2018 7:46:54 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: meeting request

Dear Lee and Crystal,

I hope all is well. I'm reaching out to you because a group of Alaskan natives is coming to Washington for meetings on June 5 and 6 regarding the Pebble mine. They are hopeful that Lee would have time to meet with them. At this point, their schedule is free on both days, except for 1:00 on the 6th, when they meet with Representative Young.

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Henry Olympic – President of Newhalen of Tribal Council.

Can you let me know if Lee has has time on either of those days?

Thanks.

Peter

THE pebble PARTNERSHIP

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 2/26/2018 5:51:33 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: BBWA

Lee,

Thanks again for meeting with Tom Collier and me when Tom was here two weeks ago. We appreciated your making yourself available and your willingness to listen to our ongoing concerns.

As Tom and I have talked about our meetings in Washington, one of the issues that has come up is a continuing concern on our part about the Bristol Bay Watershed Assessment. You, and others with whom we have spoken in EPA and at other agencies, were not with the Agency when the BBWA was being drafted and completed. I suspect you have certainly not read the voluminous comments that we submitted, addressing concerns with both the substance of the Assessment and the process by which it was prepared. Those concerns are every bit as important today as they were when the BBWA came out, because the Agency is obviously still relying to a significant degree on the BBWA to make decisions regarding Pebble (as evidenced by the concerns about the risk of a mine as enunciated in the decision not to withdraw the Proposed Determination).

Tom would appreciate the opportunity to brief you, along with others in the Agency and perhaps representatives from other agencies involved in this process as well. He is out of the country now, but will be back in country and in Washington DC on Friday, March 9. He might also be in Washington during the following week.

If that timing doesn't work, we could almost certainly do this as a conference call (perhaps as a webinar with some slides as well). That may be the easiest way to do it and to involve people in other offices at EPA and in other agencies.

Please let me know if you have the time and inclination to hear our concerns. We believe that understanding them is crucial to making informed decisions. We appreciate your consideration of our request.

Best,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Appointment

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 2/12/2018 2:51:28 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]

Subject: Accepted: Meeting with Peter Robertson
Location: 1201 Constitution Ave NW, Washington DC 20460 WJCE 3219B Please call 202-564-5700 for escort

Start: 2/15/2018 7:00:00 PM
End: 2/15/2018 7:45:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 1/22/2018 7:20:09 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: Tomorrow's meeting with Lee Forsgren

FYI

Begin forwarded message:

From: Peter Robertson <peterrobertson@pebblepartnership.com>
Date: January 22, 2018 at 2:14:48 PM EST
To: "Campbell, Ann" <Campbell.Ann@epa.gov>
Cc: "Penman, Crystal" <Penman.Crystal@epa.gov>, "Edwards, Crystal" <Edwards.Crystal@epa.gov>
Subject: Re: Tomorrow's meeting with Lee Forsgren

OK. Thanks for letting me know.

Crystal, I had not seen this message when I sent my previous message to you wondering if the meeting was still on. You can obviously ignore that meeting now.

Peter

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, January 22, 2018 1:14:53 PM
To: Peter Robertson
Cc: Penman, Crystal; Edwards, Crystal
Subject: Tomorrow's meeting with Lee Forsgren

Good afternoon Mr. Robertson. Due to an unavoidable conflict, we are going to need to reschedule your appointment with Mr. Forsgren tomorrow. Crystal will be in touch with you to find a time that is suitable.

I appreciate your understanding.

Regards,

Ann Campbell
Managing Director
Office of Water

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 1/22/2018 7:19:01 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Re: meeting tomorrow

I already contacted Peter and he has acknowledged receipt of my message that the meeting with be rescheduled.

On Jan 22, 2018, at 2:14 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Ann

Can you reach out to these folks and waive off Ex. 5 Deliberative Process (DP).

Lee

Sent from my iPhone

Begin forwarded message:

From: Peter Robertson <peterrobertson@pebblepartnership.com>
Date: January 22, 2018 at 2:11:54 PM EST
To: "Penman, Crystal" <penman.crystal@epa.gov>, "forsgren.lee@epa.gov" <forsgren.lee@epa.gov>
Subject: meeting tomorrow

Lee and Crystal,

I'm wondering whether our meeting tomorrow is still on, assuming the House passes the funding bill. Right now, it looks like the invitation says, "to be rescheduled". Tom Collier is leaving town tomorrow afternoon, so if it's possible to keep it on the schedule, that would be great.

Thanks.

Peter

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 1/22/2018 7:11:54 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: meeting tomorrow

Lee and Crystal,

I'm wondering whether our meeting tomorrow is still on, assuming the House passes the funding bill. Right now, it looks like the invitation says, "to be rescheduled". Tom Collier is leaving town tomorrow afternoon, so if it's possible to keep it on the schedule, that would be great.

Thanks.

Peter

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 2/2/2018 8:19:12 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]; Edwards, Crystal [Edwards.Crystal@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: meeting with Lee Forsgren

Dear Crystal,

The meeting for Tom Collier and me with Lee Forsgren, previously scheduled for January 23, had to be canceled because of scheduling difficulties.

If possible, I would like to come in to see Lee next week. If for any reason that is not possible, Mr. Collier will be here the entire week of the February 12, and I would like to bring him in to meet Lee during that week. He is available any day that week.

There is significant urgency to this issue, because EPA's recent decision has caused the price of our stock to drop some 50%. The survival of this company is genuinely at risk. We need to speak with Mr. Forsgren about this as soon as possible.

Thank you so much for considering my request.

Sincerely,

Peter Robertson

THE pebble PARTNERSHIP

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Appointment

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 1/11/2018 1:00:04 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]

Subject: Accepted: Meeting with Pebble Partnership
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3219B Please call 202-564-5700 for escort

Start: 1/23/2018 4:00:00 PM
End: 1/23/2018 4:45:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 11/7/2018 8:55:15 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Penman, Crystal [Penman.Crystal@epa.gov]
Subject: Meeting with Alaskan Native Group

Lee, recommend adding Karen Gude, our tribal coordinator, and John Goodin or Brian Frazer.

Subject: Meeting with Alaskan Native Group
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 2369B WJCE

Start: Wed 11/14/2018 9:30 AM
End: Wed 11/14/2018 10:15 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Forsgren, Lee
Required Attendees: peterrobertson@pebblepartnership.com

Categories: Blue Category

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation

Ventura Samaniego Kijik Corporation

Lisa Reimers Iliamna Development Corporation

Sue Anelon Iliamna Natives Limited

Chasity Anelon Pebble Employee/ Iliamna Resident

Rhiannon Nanalook Pebble Employee/ Iliamna Resident

Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

Message

From: Gude, Karen [Gude.Karen@epa.gov]
Sent: 11/13/2018 6:47:16 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]
Subject: 11/14 Meeting with Alaskan Native Group

Lee,

I see that I was included on the invitation for tomorrow's meeting with the Alaskan Native Group. Unfortunately, the meeting conflicts with a meeting on Ex. 5 Deliberative Process (DP) which I feel is important to attend. If there is anything that you might need from me in support of the meeting with the Alaskan Native Group and/or wish that I attend the meeting, please let me know.

Thank you,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

Subject: Meeting with Alaskan Native Group
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 3233 WJCE

Start: Wed 11/14/2018 9:30 AM
End: Wed 11/14/2018 10:15 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Tentatively accepted

Organizer: Forsgren, Lee
Required Attendees: peterrobertson@pebblepartnership.com; Gude, Karen; Frazer, Brian; Goodin, John
Optional Attendees: Penman, Crystal

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation

Ventura Samaniego Kijik Corporation

Lisa Reimers Iliamna Development Corporation

Sue Anelon Iliamna Natives Limited

Chasity Anelon Pebble Employee/ Iliamna Resident

Rhiannon Nanalook Pebble Employee/ Iliamna Resident

Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

Appointment

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 11/5/2018 7:00:50 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]

Subject: Accepted: Meeting with Alaskan Native Group
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 2369B WJCE

Start: 11/14/2018 2:30:00 PM
End: 11/14/2018 3:15:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Penman, Crystal [Penman.Crystal@epa.gov]
Sent: 11/2/2018 7:40:29 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Re: meeting request for Alaskan Native Group

Lee, would you like to meet with this group?

Crystal M. Penman
Environmental Protection Agency
Office of Water
1201 Constitution Ave NW
Washington, DC 20004
202-564-3318

From: Peter Robertson <peterrobertson@pebblepartnership.com>
Sent: Thursday, October 18, 2018 4:15 PM
To: Forsgren, Lee; Penman, Crystal
Subject: meeting request for Alaskan Native Group

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 10/18/2018 8:44:48 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: Fwd: meeting request for Alaskan Native Group

Let's see if this is possible.

Sent from my iPhone

Begin forwarded message:

From: Peter Robertson <peterrobertson@pebblepartnership.com>
Date: October 18, 2018 at 4:15:02 PM EDT
To: "Forsgren, Lee" <forsgren.lee@epa.gov>, "Penman, Crystal" <Penman.Crystal@epa.gov>
Subject: meeting request for Alaskan Native Group

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 6/4/2018 6:13:34 PM
To: Peter Robertson [peterrobertson@pebblepartnership.com]
CC: Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
Subject: Re: Visit of Native Alaskans this week

Happy to meet with them when they come in.

Sent from my iPhone

On Jun 4, 2018, at 2:12 PM, Peter Robertson <peterrobertson@pebblepartnership.com> wrote:

Lee and Crystal,

We have had a change to the group of Native Alaskans that are visiting this week. Abe Williams and Margie Olympic are no longer able to come. The group still includes:

- Brad Angasan, President & CEO of Alaska Peninsula Corporation *(Represents Port Heiden, South Naknek, Ugashik, Kokhanok & Newhalen);*
- Ventura Samaniego, President & CEP of Kijik Corporation *(Represents Lake Clark area & Six Mile Lake); and*
- Henry Olympic, President of Newhalen Tribal Council *(Represents Newhalen).*

They will be accompanied by me and by Shalon Harrington, Chief of Staff for the Pebble LImited Partnership.

Please let me know if you have any questions. We look forward to seeing you.

Sincerely,

Peter

<Outlook-1517243019.png>

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 5/25/2018 12:44:58 PM
To: Peter D. Robertson [peterrobertson@pebblepartnership.com]

Subject: Pebble Mine Meeting
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Tentative

The group includes:

Abe Williams – PLP Employee, Commerical Fisherman, BBNC Shareholder, Grew up in Bristol Bay
Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation
Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 5/11/2018 8:01:04 PM
To: Peter Robertson [peterrobertson@pebblepartnership.com]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: RE: meeting request

Peter,

We are very busy and I know that my schedule that week is crazy as we try to get the WOTUS rules to OMB. Will see what the art of the possible might be but I can't make any promises. Crystal will do her best to accommodate but it will be tough.

Thanks,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Friday, May 11, 2018 3:47 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: meeting request

Dear Lee and Crystal,

I hope all is well. I'm reaching out to you because a group of Alaskan natives is coming to Washington for meetings on June 5 and 6 regarding the Pebble mine. They are hopeful that Lee would have time to meet with them. At this point, their schedule is free on both days, except for 1:00 on the 6th, when they meet with Representative Young.

The group includes:

Abe Williams – PLP Employee, Commerical Fisherman, BBNC Shareholder, Grew up in Bristol Bay
Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation

Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Can you let me know if Lee has has time on either of those days?

Thanks.

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 5/11/2018 7:59:02 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]
Subject: FW: meeting request

It won't break my heart if we can't find time to meet with them.

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Friday, May 11, 2018 3:47 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: meeting request

Dear Lee and Crystal,

I hope all is well. I'm reaching out to you because a group of Alaskan natives is coming to Washington for meetings on June 5 and 6 regarding the Pebble mine. They are hopeful that Lee would have time to meet with them. At this point, their schedule is free on both days, except for 1:00 on the 6th, when they meet with Representative Young.

The group includes:

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Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation
Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Can you let me know if Lee has has time on either of those days?

Thanks.

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 1/22/2018 7:14:45 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: Fwd: meeting tomorrow

Ann

Can you reach out to these folks and waive off Ex. 5 Deliberative Process (DP)

Lee

Sent from my iPhone

Begin forwarded message:

> **From:** Peter Robertson <peterrobertson@pebblepartnership.com>
> **Date:** January 22, 2018 at 2:11:54 PM EST
> **To:** "Penman, Crystal" <penman.crystal@epa.gov>, "forsgren.lee@epa.gov" <forsgren.lee@epa.gov>
> **Subject: meeting tomorrow**
>
> Lee and Crystal,
>
> I'm wondering whether our meeting tomorrow is still on, assuming the House passes the funding bill. Right now, it looks like the invitation says, "to be rescheduled". Tom Collier is leaving town tomorrow afternoon, so if it's possible to keep it on the schedule, that would be great.
>
> Thanks.
>
> Peter

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 11/3/2018 12:15:59 AM
To: peterrobertson@pebblepartnership.com

Subject: Meeting with Alaskan Native Group
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 2369B WJCE

Start: 11/14/2018 7:30:00 PM
End: 11/14/2018 8:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson

The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 11/2/2018 9:05:59 PM
To: Penman, Crystal [Penman.Crystal@epa.gov]
Subject: RE: meeting request for Alaskan Native Group

If we can work it in on the 13th. The 14th is too busy and I need to be able to leave for New Mexico late afternoon.

From: Penman, Crystal
Sent: Friday, November 2, 2018 3:40 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: meeting request for Alaskan Native Group

Lee, would you like to meet with this group?

Crystal M. Penman

Environmental Protection Agency

Office of Water

1201 Constitution Ave NW

Washington, DC 20004

202-564-3318

From: Peter Robertson <peterrobertson@pebblepartnership.com>
Sent: Thursday, October 18, 2018 4:15 PM
To: Forsgren, Lee; Penman, Crystal
Subject: meeting request for Alaskan Native Group

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 10/19/2018 2:38:01 PM
To: peterrobertson@pebblepartnership.com

Subject: Meeting with Alaskan Native Group
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; 2369B WJCE

Start: 11/14/2018 7:00:00 PM
End: 11/14/2018 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson

The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

Appointment

From: Penman, Crystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93662678A6FD4D4695C3DF22CD95935A-PENMAN, CRYSTAL]
Sent: 10/19/2018 2:34:50 PM
To: peterrobertson@pebblepartnership.com

Subject: Meeting with Alaskan Native Group
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004; Please call 202-564-5700 for escort; WJCE 3233

Start: 11/14/2018 7:00:00 PM
End: 11/14/2018 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Lee and Crystal,

I hope all is well. I'm writing today to request a meeting with you, Lee, for a group of Alaskan Native leaders that will be in Washington on November 13 and 14 to discuss issues related to the Pebble Mine. The group will include:

Brad Angasan Alaska Peninsula Corporation
Ventura Samaniego Kijik Corporation
Lisa Reimers Iliamna Development Corporation
Sue Anelon Iliamna Natives Limited
Chasity Anelon Pebble Employee/ Iliamna Resident
Rhiannon Nanalook Pebble Employee/ Iliamna Resident
Shannon Johnson South Central foundation Clinic & Lake and Peninsula School Board

This group will be meeting with the Alaska delegation, with other members and staff in Congress, and with representatives of the Administration (at EPA, Interior and elsewhere).

I'm hoping we can find some time for this group on one of those two days. Let me know if that might work, or if you need anything else from me.

Best wishes,

Peter

Peter D. Robertson

The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 5/16/2019 7:35:05 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

Appointment

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Sent: 5/21/2019 10:35:01 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]

Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)

Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Busy

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Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

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Subject: Bristol Bay R10/HQ Policy Briefing #3
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-RoomSup-21Tahoma-VTC-Setup

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Subject: FW: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)

Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
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Subject: Bristol Bay R10/HQ Policy Briefing #3
Location: R10 21-Tahoma / VTC Set-up / Conf Line Ex. 6 Personal Privacy (PP)

Start: 6/10/2019 6:15:00 PM
End: 6/10/2019 7:15:00 PM
Show Time As: Busy

Meeting Request Form for Headquarters

Today's Date: 5/16/19

Requesting Office: Region 10

Title of the Meeting: Bristol Bay R10/HQ Policy Briefing #3

Purpose: Update senior leadership on Pebble Mine NEPA and CWA 404 issues

Role of the Deputy Administrator: N/A

Background:

In 2014, EPA Region 10 issued a Proposed Determination to restrict the use of certain waters in the Bristol Bay watershed in Alaska as disposal sites for the discharge of dredged or fill material related to development of a mine at the Pebble deposit pursuant to Section 404(c) of the Clean Water Act. As part of a May 2017 settlement agreement resolving outstanding lawsuits between EPA and the Pebble Limited Partnership (PLP), the Agency considered whether to withdraw the Proposed Determination, including through tribal and Alaska Native Claims Settlement Act Corporation consultations and by soliciting public comment. On January 26, 2018, EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving "that Determination in place pending further consideration by the Agency of information that is relevant to the protection of the world-class fisheries contained in the Bristol Bay watershed."

In December of 2017, PLP submitted a Section 404 permit application to the U.S. Army Corps of Engineers to develop the Pebble deposit, and the EPA is participating as a cooperating agency on the development of an environmental impact statement (EIS) for the project under the National Environmental Policy Act. The EPA is currently reviewing the Corps' draft EIS and Clean Water Act Section 404 Public Notice. Comments on both documents are due May 30, 2019. Region 10 developed a schedule, with HQ input, for the review and comment letter development that includes two R10/HQ check in points.

Last possible date for the meeting: June 10, 2019

Is the meeting urgent and if so why? This briefing is scheduled for June 10th to align with senior leadership visit to Seattle Office.

Requested Time Length: 1 hour.

EPA Staff (Required): Chris Hladick, Matt Leopold, David Fotouhi, Lee Forsgren, Brittany Bolen

EPA Staff (Optional): Michelle Pirzadeh, David Allnutt, Steven Neugeboren, John Goodin, Robert Tomiak, Heidi Nalven, Carrie Wehling, Allyn Stern, Cara Steiner-Riley, Ashley Palomaki, Patricia McGrath, Molly Vaughan, Palmer Hough, Susan Detwiler, Jill Nogi, Erik Peterson, Michael Szerlog, Megan Barnhart, Allison Hoppe, Tom Marshall, Justin Schwab, Matthew LaCroix, Jill Nogi, Vicky Blackmond, Antonio Haskins, Dan Opalski, Angela Chung, Carolyn Inge, Tami Fordham, Candi Schaedle, Robin Kime, William Lovell, Brian Frazer

NOTE: Meeting request forms should be submitted to [HYPERLINK "mailto:scheduling@epa.gov"], with a copy to Aaron Dickerson at [HYPERLINK "mailto:dickerson.aaron@epa.gov"], and the AO Special Assistant who covers your office. All briefing material must be sent to your AO Special Assistant by 3:00 pm two days before your meeting, or to OCIR 48 hours in advance. If briefing materials are not submitted on time, we may need to reschedule your briefing.

External Participants: N/A

Teleconference Required? Yes

Video Conference Required? Yes

Point of Contact for the Meeting: Erik Peterson, Bristol Bay 404(c) Team Project Manager, Region 10, 206-553-6382

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Message

From: Fotouhi.David@epa.gov [Fotouhi.David@epa.gov]
Sent: 6/19/2019 7:04:09 PM
To: Nalven, Heidi [Nalven.Heidi@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Re: Pebble presentation from June 12

Thank you.

Sent from my iPhone

On Jun 19, 2019, at 9:35 AM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

> David - Just wanted to make sure you had a copy of the presentation Pebble gave last week to Matt and others.
>
> ---
>
> **From:** James Fueg <jamesfueg@pebblepartnership.com>
> **Sent:** Thursday, June 13, 2019 1:58 PM
> **To:** Kaiser, Russell <Kaiser.Russell@epa.gov>
> **Subject:** Pebble presentation from June 12
>
> Mr. Kaiser
> Attached please find a copy of the PLP presentation as requested. Thank you again for your time.
> Regards,
> James
>
> James Fueg
> Vice President - Permitting
>
> Main: (907) 339-2600
> Direct: (907) 339-2612
> 3201 C Street, Suite 505
> Anchorage, AK 99503
>
> <JUN 12 EPA presentation.pdf>

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Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Attachments: 2019 HQ Internal Meeting Request Form_Bristol Bay_#3_5.16.19.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

VTC will be available in the following locations:
HQ personnel - DC Room ARN 4045
R10 personnel - 21-Umatilla

RTP will open the conference line for those not able to attend via VTC. Please use the call in number below to be connected.
Conference # Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)

HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

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CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Attachments: 2019 HQ Internal Meeting Request Form_Bristol Bay_#3_5.16.19.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Tentative

VTC will be available in the following locations:
HQ personnel - DC Room ARN 4045
R10 personnel - 21-Umatilla

RTP will open the conference line for those not able to attend via VTC. Please use the call in number below to be connected.
Conference # Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)

HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 5/16/2019 7:35:05 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
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Subject: Bristol Bay R10/HQ Policy Briefing #3
Attachments: 2019 HQ Internal Meeting Request Form_Bristol Bay_#3_5.16.19.docx
Location: R10 21-Tahoma / VTC Set-up / Conf Line Ex. 6 Personal Privacy (PP)

Start: 6/10/2019 6:15:00 PM
End: 6/10/2019 7:15:00 PM
Show Time As: Tentative

POC Erik Peterson

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 5/21/2019 10:35:01 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]

Subject: FW: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)

Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
Show Time As: Tentative

From: Hladick, Christopher
Sent: Tuesday, May 21, 2019 6:53:38 PM UTC
To: Hladick, Christopher; Jackson, Ryan; Leopold, Matt (OGC); Bolen, Brittany
Cc: Willis, Sharnett; Mutz, John; Inge, Carolyn
Subject: Pebble Draft Discussion
When: Wednesday, May 22, 2019 3:00 PM-3:30 PM.
Where: 3402 WJC-N (Ryan's Office)

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 5/21/2019 10:35:01 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]

Subject: FW: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)

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End: 5/22/2019 3:30:00 PM
Show Time As: Tentative

From: Hladick, Christopher
Sent: Tuesday, May 21, 2019 6:53:38 PM UTC
To: Hladick, Christopher; Jackson, Ryan; Leopold, Matt (OGC); Bolen, Brittany
Cc: Willis, Sharnett; Mutz, John; Inge, Carolyn
Subject: Pebble Draft Discussion
When: Wednesday, May 22, 2019 3:00 PM-3:30 PM.
Where: 3402 WJC-N (Ryan's Office)

Appointment

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CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing #3
Attachments: 2019 HQ Internal Meeting Request Form_Bristol Bay_#3_5.16.19.docx
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-RoomSup-21Tahoma-VTC-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:00:00 PM
Show Time As: Busy

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R10 personnel - 21-Tahoma

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Conference # Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)

HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing (Check-in 2 of 2)
Location: Please open invite for location information

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

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Subject: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Attachments: 2019 HQ Internal Meeting Request Form_Bristol Bay_#3_5.16.19.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

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R10 personnel - 21-Umatilla

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Code: Ex. 6 Personal Privacy (PP)

HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

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Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)

Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Busy

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
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CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; EPAVTC [EPAVTC@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing (Update to Meeting Schedule Document)
Attachments: NEPA Enclosure for GC.docx; 404 Cover Letter for GC.docx; NEPA Cover Letter for GC.docx; Bristol Bay and Pebble Mine Maps.pdf; Bristol Bay Policy Briefing Document - Check-in 1 of 2_final 22April2019.docx; 404 Enclosure for GC.docx; Pebble DEIS + 404 letter prep and meeting schedule_20190513rev2.xlsx
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21Tahoma-VTC-Setup; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

Purpose

- Update senior leadership on Pebble Mine NEPA and CWA 404 issues

Agenda

- Pebble DEIS + 404 letter prep and meeting schedule
- Alaska trip
- Draft NEPA and 404 letters

Materials

- Bristol Bay and Pebble Mine Maps
- Pebble DEIS + 404 letter prep and meeting schedule_20190513rev
- NEPA Cover Letter for GC
- NEPA Enclosure for GC
- 404 Cover Letter for GC
- 404 Enclosure for GC
- Bristol Bay Policy Briefing Document- Check-in 1 of 2_final22April2019

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R10 personnel - 21-Tahoma

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HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

Appointment

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CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]

Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Attachments: Bristol Bay and Pebble Mine Maps.pdf; Pebble DEIS + 404 letter prep and meeting schedule_20190322.xlsx; Bristol Bay Policy Briefing Document - Check-in 1 of 2_on 22April2019.docx
Location: Please open invitation for location and attachments

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM
Show Time As: Tentative

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Code: Ex. 6 Personal Privacy (PP)

HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/25/2018 8:38:07 PM
To: Ford, Hayley [ford.hayley@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Kundinger, Kelly [kundinger.kelly@epa.gov]
Subject: RE: Latest draft memo

Thank you.

From: Ford, Hayley
Sent: Monday, June 25, 2018 4:20 PM
To: Ross, David P <ross.davidp@epa.gov>; Wheeler, Andrew <wheeler.andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Kundinger, Kelly <kundinger.kelly@epa.gov>
Subject: RE: Latest draft memo

I spoke with Matt earlier and explained it to Kelly who is with him now. When he is done with his current event at 4:50PM, she is going to **Ex. 5 Deliberative Process (DP)** Ex. 5 Deliberative Process (DP) If he wants to hear more, he's going to give Matt a call.

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: Ex. 6 Personal Privacy (PP)

From: Ross, David P
Sent: Monday, June 25, 2018 4:16 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: RE: Latest draft memo

Let's set up a briefing. I'm adding Hayley so that we can get on his schedule. Hayley, 30 minutes or under will do. Thanks.

From: Wheeler, Andrew
Sent: Monday, June 25, 2018 4:11 PM
To: Ross, David P <ross.davidp@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Latest draft memo

Ex. 5 Deliberative Process (DP)

From: Ross, David P
Sent: Monday, June 25, 2018 4:07 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Latest draft memo

Confidential

Ex. 5 Deliberative Process (DP)

From: Leopold, Matt (OGC)
Sent: Monday, June 25, 2018 2:40 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Wheeler, Andrew <wheeler.andrew@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Fwd: Latest draft memo

Let us know if this needs any further review. **Ex. 5 Deliberative Process (DP)**

Sent from my iPhone

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 25, 2018 at 2:26:57 PM EDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Subject: RE: Latest draft memo**
>
> Hi, Matt. I'm just following up on this; please let me know if I should send this draft downstairs to tee up for signature or if you would like any additional changes made to the draft. Thanks.
>
> **David Fotouhi**
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> **From:** Fotouhi, David
> **Sent:** Friday, June 22, 2018 2:28 PM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Subject:** RE: Latest draft memo
>
> Got it; holding until further instructions.
>
> **David Fotouhi**
>
> Deputy General Counsel

Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Leopold, Matt (OGC)
Sent: Friday, June 22, 2018 2:01 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Latest draft memo

Hold tight.

Sent from my iPhone

On Jun 22, 2018, at 1:45 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

> Hi, Matt. Please see attached. Let me know if you have any final edits and/or if I should send downstairs. Thanks!
>
> **David Fotouhi**
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> <NEW DRAFT 404C memo v 2018-06-22 130pm.docx>

Message

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 4/25/2018 9:35:59 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Bristol Bay Watershed Assessment

Ryan,

We will review the letter.

Respectfully,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 5:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Bristol Bay Watershed Assessment

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Bristol Bay Watershed Assessment

Ryan,

Another letter to the Administrator -- this one on the many flaws of the Bristol Bay Watershed Assessment, which the Administrator is relying on in sustaining the preemptive veto of the Pebble Mine.

Please let me know if you have any questions.

Thanks.

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/25/2018 9:28:06 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: FW: Bristol Bay Watershed Assessment
Attachments: 20180425160309.PDF

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Bristol Bay Watershed Assessment

Ryan,

Another letter to the Administrator -- this one on the many flaws of the Bristol Bay Watershed Assessment, which the Administrator is relying on in sustaining the preemptive veto of the Pebble Mine.

Please let me know if you have any questions.

Thanks.

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

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April 25, 2018

VIA ELECTRONIC MAIL

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA's Continued Reliance on the Bristol Bay Watershed Assessment

Dear Administrator Pruitt,

I am writing in response to your decision in January to suspend the withdrawal of the Proposed Determination to restrict the discharge of dredged or fill material in Alaska's Bristol Bay watershed related to the Pebble deposit. Your decision was surprising and disappointing, especially in light of your public statements during your confirmation hearing affirming that preemptive federal vetoes – which the Proposed Determination unquestionably is – "could undermine both the administrative process and rule of law."[1] But even more concerning is the fact that your decision is based entirely and misguidedly upon the Bristol Bay Watershed Assessment ("BBWA"), a flawed and biased study that remains EPA's only attempt to evaluate the environmental impacts of a potential Pebble mine. Despite what some in EPA may have led you to believe, it is highly inaccurate to conclude "that any mining projects in the region will likely pose a risk to [Bristol Bay's] abundant natural resources."[2] That conclusion was in fact the starting point for the previous Administration's approach to the Pebble matter, and the BBWA was merely a tool to fulfill it. The document is the result of an unfair, pre-determined process and shoddy scientific work by "scientists" of questionable reputation determined to kill the Pebble mine at all costs. As the attached materials demonstrate in even greater detail, the BBWA is the ultimate example of bad science, and I encourage you to carefully examine EPA's record and consider allowing the normal legal permit application process to unfold without the cloud cast by a study as woefully inadequate as the BBWA.

The BBWA Sprung from Early EPA Efforts to Veto Pebble

Although EPA has repeatedly touted a petition purportedly submitted by six Alaska Native Tribes as the impetus for action in Bristol Bay, that petition was in fact the result of collusion between an EPA employee and the Tribes' attorney. That employee, Phil North, had

[1] Response to Questions for the Record from Scott Pruitt (Jan. 18, 2017), at 196.
[2] Press Release, EPA, *EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments* (Jan. 26, 2018).

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been vocally advocating within EPA for a veto of the Pebble mine as early as 2009, and by 2010 had recruited at least two high-ranking EPA Region 10 officials to his cause. Officials in the region began drafting policy memoranda and budgets preparing for a veto and even convinced U.S. Fish and Wildlife Service employees to join the efforts. By the time the tribal petition was submitted in June 2010, which EPA's Inspector General concluded was the result of a "possible misuse of position," the Agency already had a running start on its veto efforts.

The BBWA Process Was Designed from the Start to Justify a Pebble Veto

The BBWA was never meant to be an objective study of the effects of copper mining on Bristol Bay. All of EPA's words and actions prove this. A 2010 memorandum outlined steps EPA could take to provide the appearance of public involvement to "deflect political backlash" and "derail opposition." Knowing that it needed a scientific record but unwilling to engage in a comprehensive and statutorily-required environmental impact statement upon Pebble's submission of a permit application, EPA instead developed a plan for its own "information gathering and analysis…in order to support a decision to formally initiate…404(c)." And when Senator Lisa Murkowski of Alaska suggested that EPA's decision to conduct the BBWA in February 2011 meant no pre-emptive action would occur until all the science had been evaluated, an EPA official stated "her statement would suggest no 404(c) would be done until all the science is in (EIS?). Obviously, that's not what we have in mind…"

EPA's close collaboration with environmental activists further demonstrate its bias. EPA officials communicated hundreds of times with anti-Pebble activists and scientists to share information, technical studies, and public relations strategies. One EPA employee even shared an outline of the BBWA with an anti-Pebble scientist a year before it was even announced. In particular, EPA became obsessed with a biased risk assessment conducted by The Nature Conservancy and scheduled several briefings to determine how that study could support EPA's efforts. All these communications stand in stark contrast to EPA's treatment of Pebble, as then-Administrator Lisa Jackson repeatedly refused to meet with Alaska Native interests close to the proposed mine that support due process for the project.

The BBWA Evaluates Fake, Unpermittable Mines to Bolster EPA's Case against Pebble

The BBWA analyzed hypothetical and implausible mine designs that did not reflect modern engineering or environmental standards. EPA knew that doing so would result in exaggerated environmental impacts and overstated risks, ensuring it could justify its preordained pre-emptive action. For example, any mine of Pebble's size would necessarily involve compensatory mitigation, which EPA's hypothetical mines conspicuously omitted. Peer reviewers noted this weakness, stating that the overall utility of the BBWA was "questionable" because of the inherent uncertainty involved with studying hypothetical design plans.

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The BBWA is Rife with Fake Science

EPA stacked the BBWA deck with anti-Pebble personnel and material. Richard Parkin, who not only admitted under oath to favoring a preemptive Pebble veto but also stated in a public meeting that politics were "as big or [a] bigger factor" than science in a Pebble decision, was installed as BBWA team leader. Phil North, fresh off his secret collusion that resulted in the tribal petition, was the BBWA's "technical lead." From outside EPA, the Agency brought in several other anti-Pebble extremists, most notably Ann Maest, who admitted in litigation related to the infamous *Chevron* case in Ecuador to having falsified scientific reports to fit her preferred, anti-development agenda. In perhaps its most brazen move, EPA carefully selected seven vehemently anti-Pebble studies and subjected them to an unannounced peer review so that their conclusions could be included in the BBWA.

Not surprisingly, these selections led to biased results, which peer reviewers repeatedly questioned, even concluding that the BBWA's conclusions were "not appropriate for a document that is intended to provide a scientific and technical foundation for future decision making." To further the bias of the BBWA's contents, EPA completely ignored the comprehensive environmental baseline studies that Pebble had conducted, the result of eight years of evaluation by 35 professional organizations and comprising about 27,000 pages and $150 million in investment.

EPA Even Tried to Short-Circuit the BBWA's Peer Review to Conceal its Flaws

EPA designed a peer review process that was contrary to its own regulations and guidelines so the many flaws in its BBWA study would remain hidden. For example, EPA officials had excessive contact with peer reviewers during the review period and limited oral and written submissions during public peer review meetings. When the second draft of the BBWA expanded from 339 pages to 618, and included an entirely new hypothetical mine scenario, EPA ignored requests that it conduct a full peer review of the new document. Several peer reviewers complained that the time given to review the Assessment was far too short to enable them to reach sound conclusions.

* * *

It is thus no surprise that virtually every independent investigation of EPA's conduct with respect to Pebble and the BBWA has concluded that there was wrongdoing. The U.S. House Committee on Oversight and Government Reform concluded that "EPA employees had inappropriate contact with outside groups and failed to conduct an impartial, fact-based review of the proposed Pebble mine" and that the pre-emptive veto was "without legal basis." Former U.S. Senator and Secretary of Defense William Cohen determined that the circumstances "raise serious concerns as to whether EPA orchestrated the process to reach a predetermined outcome; had inappropriately close relationships with anti-mine advocates; and was candid about its

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decision-making process." A federal court in Alaska granted a preliminary injunction halting all EPA work on the 404(c) veto after seeing just a fraction of the evidence of EPA misconduct. And the U.S. House Committee on Science, Space, and Technology found EPA's actions rife with misconduct and "determined that the pre-emptive action taken for the Pebble Mine Project was unprecedented under the Clean Water Act and was justified by a questionable assessment that relied on predetermined conclusions developed by EPA officials."

In addition to the BBWA's obvious flaws, the use of a preemptive veto under Section 404(c) of the Clean Water Act sets a dangerous precedent. In the history of the Clean Water Act, EPA has only exercised its veto authority 13 times. In each instance, EPA invoked Section 404(c) only after receipt of a permit application that described the scope and details of the project being proposed, the anticipated environmental impact, and techniques to be employed to mitigate or control that impact. EPA's campaign against Pebble throws that entire process into uncertainty, unsettling the legitimate business expectations of potential developers. By going its own way, EPA has sent the message, in the words of the National Mining Association, that "it can do whatever it wants. If it can decide to (preemptively veto a project) for this industry, there is no reason it can't ignore the legal process and preempt other projects from going forward."

In light of this overwhelming record and potentially catastrophic precedent, I strongly urge you to reconsider your reliance on such an obviously flawed study. You have not been shy to point out the errors made in the previous Administration's environmental policies and overreach. This is another opportunity for you to restore the rule of law and sound scientific analysis into environmental decision-making.

Sincerely,

Tom Collier

Thomas C. Collier
CEO

Attachments: *EPA's Abuse of Due Process, Science, and its CWA 404(c) Veto Authority*

Comments of the Pebble Limited Partnership on the Proposal to Withdraw Proposed Determination to Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska (Oct. 17, 2017)

3201 C Street, Suite 604 | Anchorage, AK 99503 | 907-339-2600 phone | 1-877-450-2600 toll-free | 907-339-2601 fax | www.pebblepartnership.com

Message

From: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Sent: 4/25/2018 9:20:48 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: RE: Letter to the Administrator

Sounds good.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David
Sent: Wednesday, April 25, 2018 2:00 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Letter to the Administrator

Please see attached. I'd like to discuss sometime next week (or will let you know if we need to discuss sooner). Thanks!

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 1:55 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Letter to the Administrator

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 1:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Letter to the Administrator

Ryan,

Guess I should have actually attached the letter before I hit send.

Peter

From: Peter Robertson
Sent: Wednesday, April 25, 2018 1:31:27 PM
To: jackson.ryan@epa.gov
Subject: Letter to the Administrator

Ryan,

I'm attaching a letter to Administrator Pruitt to this email. I would appreciate it if you could bring this to his attention. He spoke a couple of weeks ago to a group of conservative organizations. During that meeting, he was asked about the Pebble preemptive veto. His answers were conveyed to us, and this letter reacts to some of the things he said.

One of the things he said was that he was willing to hear new information about Pebble. This letter contains information which the Administrator clearly has not heard before. It also contains a request to meet with him so that we can discuss these matters in greater detail. Anything you can do to help facilitate such a meeting would, of course, be greatly appreciated.

Look forward to hearing from you.

Best,

Peter

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Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/25/2018 5:54:53 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: FW: Letter to the Administrator
Attachments: 20180425125804.PDF

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 1:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Letter to the Administrator

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Guess I should have actually attached the letter before I hit send.

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Sent: Wednesday, April 25, 2018 1:31:27 PM
To: jackson.ryan@epa.gov
Subject: Letter to the Administrator

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that we can discuss these matters in greater detail. Anything you can do to help facilitate such a meeting would, of course, be greatly appreciated.

Look forward to hearing from you.

Best,

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

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April 24, 2018

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

It is our understanding that you appeared before a group of non-governmental organizations and others last Wednesday, April 11, 2018. During the course of that meeting, you responded to a question about your decision to leave in place the Obama-era regulatory overreach and unprecedented preemptive 404(c) veto imposed on the Pebble mine.

We heard from several people who attended that meeting, who are very concerned about the EPA's use of a 404(c) preemptive veto, about your comments on Pebble and suspending the withdrawal of the "Proposed Determination."

According to participants, you also said we could bring new information about the mine to you. We appreciate your willingness to listen and respectfully request a meeting to do so. We will contact your staff to set up such a meeting. In advance of that discussion, we believe it is important to provide you with accurate information and provide our perspective on some of the issues you cited.

Flawed and Biased Science Was Created by Obama EPA to Justify Unprecedented 404(c) Action.

You noted that the decision was based on the data before you. You stated that the mine was in an area with two rivers, and that the mine could impact millions of fish. We assume that in making these statements, you are relying on the Bristol Bay Watershed Assessment ("BBWA"). That report was developed by the Obama Administration to support a predetermined decision to veto the Pebble Mine through an unprecedented

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process before a permit application – containing an actual mine plan and other important aspects, such as proposed mitigation – had even been submitted for review. This discredited Obama EPA science is wholly insufficient to support making any regulatory decision, especially one of this significance, and that point was made by a number of EPA's own peer reviewers of the BBWA.

Moreover, The BBWA is an outdated, severely flawed study that used hypothetical mine plans in assessing potential impacts to the region. When EPA prepared the BBWA, it is important to remember that Pebble had never filed a mine plan or a Section 404 permit application. The BBWA assumed we would be in two river systems. As our permit application makes clear, major mining operations are only in one watershed. Pebble Project, Department of the Army, Application for Permit, POA-2017-271, p. 31, found at https://pebbleprojecteis.com/documents/background.

Former Senator and Secretary of Defense William Cohen undertook an independent review of EPA's actions. Among other things, he found that "EPA relied upon the BBWA in its Proposed Determination but acknowledged that there were significant gaps in its assessment and that it was not designed to duplicate or replace the Permit/NEPA Process." http://files.cohengroup.net/Final/Final-Report-with-Appendices-compressed.pdf.

The U.S. House of Representative's Committee on Science, Space, and Technology extensively reviewed the process used to veto the mine and the so-called science developed to support that process. The Chairman of the Committee wrote: "EPA employees colluded with third party Pebble Mine opponents. They sought to deliberately establish a record that pointed to one outcome: the Pebble Mine will be excluded from the regular permitting process and should be stopped." https://science.house.gov/sites/republicans.science.house.gov/files/documents/HHRG-114-SY-WState-S000583-20160428.pdf. The Committee also "determined that the pre-emptive action taken for the Pebble Mine Project was unprecedented under the Clean Water Act and was justified by a questionable assessment that relied on predetermined conclusions developed by EPA officials." https://science.house.gov/sites/republicans.science.house.gov/files/documents/02.22.17%20SST%20Letter%20to%20EPA%20Administrator%20Pruitt.pdf. Finally, the Committee found "that EPA employees inappropriately assisted outside groups in petitioning the

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agency to change the way they operate and use Section 404(c) to stop this project." https://science.house.gov/sites/republicans.science.house.gov/files/documents/02.22.17%20SST%20Letter%20to%20EPA%20Administrator%20Pruitt.pdf. The U.S. House Committee on Oversight and Government Reform came to a similar conclusion, stating in a November 2015 report "that EPA employees had inappropriate contact with outside groups and failed to conduct an impartial, fact-based review of the proposed Pebble mine." https://oversight.house.gov/wp-content/uploads/2015/11/Bristol-Bay-Pebble-Mine-Staff-Findings-Nov-2015-Final.pdf.

The Actual Pebble Mine Plan, Designed for Sustainability.

As our permit application sets out, "[t]he layout was designed to consolidate the majority of the site infrastructure in a single drainage, the North Fork Koktuli, and avoid the placement of waste rock or tailings in the Upper Talarik Creek drainage." Pebble Project, Department of the Army, Application for Permit, POA-2017-271, p. 31, found at https://pebbleprojecteis.com/documents/background. I took those steps explicitly for sustainability purposes, because the Upper Talarik Creek supports significantly greater numbers of salmon than does the North Fork Koktuli. However, your statement that "millions of salmon" occupy this area is simply incorrect. The average escapement of salmon (*i.e.*, those that return to these streams to spawn) for the years 2004-2009 is about 65,000 salmon/year.

This single point most perfectly exemplifies why this veto raises such serious concerns. President Obama's EPA initiated a preemptive veto, and the decision to leave it in place is evidently based on "facts" that our permit application and other data show are simply not true.

No Consultation with Project Proponent.

We understand that you stated that you sent "political advisers" to the area to investigate. While these Agency employees did attend public hearings, they did not speak with anyone from Pebble while in the state. It seems that if they wanted to get a comprehensive understanding of the issues involved, a meeting with the project proponent would have been advisable. We would have, of course, welcomed such a meeting.

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Withdrawal of Proposed Veto is Clearly a Discretionary Action.

We understand the concern that you could be sued if you withdrew the Obama-era proposed preemptive veto by a suit alleging that your decision was arbitrary and capricious under the Administrative Procedure Act. Such suits are common, and we understand why you would be concerned about such a suit. Such a case has no merit and would likely be thrown out by any court. The decision to initiate a veto or not to do so is entirely in your discretion. The case law on such actions is solid – they are not reviewable. In addition to being entirely within your discretion, a decision to withdraw the veto would not be final agency action, and therefore not subject to review by courts. We have attached a memorandum that addresses this issue. *See,* Attachment 1.

If you are concerned about any mining in the area, as some meeting participants indicated to us, it is important to remember that the Obama EPA acknowledged in the BBWA that a mine smaller than their .25 hypothetical mine would be allowed to go through the permitting process. Therefore, even the Obama Administration is on record as stating that some mine in the area could be approved.

Continued Denial of Due Process.

Just because Pebble can go through permitting, that does not mean that the project has due process. While the U.S. Army Corps of Engineers is reviewing our permit application, it cannot issue a permit while the proposed veto is still pending because the regulations prevent them from doing so. *See,* 33 CFR Sec. 323.6(b). This "overhang" represents a clear denial of due process and does not reflect the rule of law. We should not be subject to a requirement that a veto must be withdrawn before we can receive a permit. That was clearly not the way Congress designed the Clean Water Act, nor was it the intent of the settlement agreement we have with the Agency.

An Adverse Precedent for Resource Development in the U.S.

Many of your ardent supporters understand that the precedent purposely left in place can and likely will be cited by future administrations as justification for action on other projects. Environmentalists understand that it may take only a proposed, preemptive veto to stop a development project, thus weaponizing the 404(c) veto process. Such administrations could use the 404(c) authority to initiate one, or dozens, or hundreds of

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proposed preemptive vetoes. These vetoes could prevent permits from ever being issued whether EPA finalizes those vetoes or not. Because proposed vetoes are not final agency actions, project proponents would not be able to obtain judicial review of those proposed preemptive vetoes. EPA will have created a 'Catch 22' that could effectively stymie development. This seems inconsistent with your successful record of regulatory reform at the EPA.

This action also is completely inconsistent with the policy position articulated by President Trump on EPA's appropriate role on such matters. As you know, in the recent proposal to Congress concerning infrastructure financing and project streamlining, President Trump has proposed to repeal Section 404(c) of the Clean Water Act in its entirety.

Pebble Did Legally Challenge EPA's Authority.

Participants report that you said Pebble had not sued the Agency attacking EPA's authority to issue a preemptive veto. In fact, we did attack in court the statutory authority to issue such vetoes. The court dismissed the suit as not ripe because there was no final agency action. Interestingly, the Federal judge in Alaska hearing the three cases we filed requested briefing on both the merits and on the ripeness issue simultaneously. *See*, Attachment 2. We believe that the argument that the Agency lacks statutory authority to promulgate a preemptive veto is strong, and we commend these arguments to your attention.

The "proposed determination" left in place is exactly the same preemptive veto proposed by the Obama Administration. It is NOT based on an examination of our proposed mine plan, nor does it have a robust environmental impact statement to support it. Withdrawing this flawed preemptive veto does not prevent you from initiating a new one at the proper point in the process if you choose to do so, based on a full administrative record. Continuing with the Obama-era flawed veto, based on a discredited Bristol Bay Assessment, is to continue a preemptive veto.

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We look forward to discussing these issues with you further, and will be pleased to fully describe the mine plan that we have submitted for review, when we meet.

Sincerely,

Tom Collier
CEO

Attachment 1

Judicial Review of Withdrawal of Proposed Determination

- EPA would likely prevail on an APA or citizen suit challenging its decision to withdraw the Proposed Determination without reviewing public comments.

  - Under either APA, or CWA's citizen suit provision, a plaintiff seeking to challenge the withdrawal of EPA's Proposed Determination has to demonstrate that it is challenging a *nondiscretionary* duty. *See* 5 U.S.C. 701(a) (APA grants a court jurisdiction to review actions taken by an agency except to the extent "agency action is committed to agency discretion by law"); 33 U.S.C. § 1365 (citizen suits may be brought where there is an alleged "failure … to perform any act or duty under this Act which is not discretionary with the Administrator").

  - We have not found any case challenging EPA's decision to withdraw a Proposed Determination. However, several courts have dismissed suits claiming that EPA improperly failed to exercise its Section 404(c) authority, holding that such authority is committed to the discretion of the agency. The reasoning of these cases is persuasive here.

    - In *Preserve Endangered Areas of Cobb's History, Inc. v. United States Army Corps of Engineers*, 87 F.3d 1242, 1249-50 (11th Cir.1996), plaintiffs brought a CWA citizen suit against EPA for failing to veto the Corps' issuance of a 404 permit. The court dismissed the claim, holding that EPA's authority to veto a section 404 permit is discretionary. The court summarized the various reasons why Section 404(c) is best viewed as discretionary, including the statute's use of the word "authorized" in Section 404(c). *See* 33 U.S.C. § 1344(c) (the "Administrator is authorized to prohibit . . . and authorized to deny or restrict the use of any defined area for specification . . . ."). The court found that the use of the term "authorized" (as opposed to "shall") suggests a discretionary function. The court also pointed out that the discretionary nature of the EPA's veto authority is also the interpretation adopted by the agency, as seen in its regulations, which use the permissive "may," as opposed to the mandatory "must" or "shall." *See* 40 C.F.R. § 231.1(a) ("Under section 404(c), the Administrator may exercise a veto over the specification by the U.S. Army Corps of Engineers or by a state of a site for the discharge of dredged or fill material.").

    - Numerous courts have agreed with this reasoning. *See also Hill v. Boy*, 144 F.3d 1446, 1449 n. 7 (11th Cir. 1998) (upholding dismissal of citizen suit against EPA and the Corps for failing to use their authority to veto the Corps' issuance of a section 404 permit because authority to veto a section 404 permit is discretionary); *City of Olmstead Falls v. EPA*, 266 F. Supp. 2d 718, 722-23 (N.D. Ohio 2003) (court lacked jurisdiction under APA to review EPA's decision not to veto the Corps' decision to issue a Section

404 permit because the EPA's "veto power as set forth in Section 404(c) is discretionary").

- Other courts have also noted in dicta that the use of Section 404(c) is discretionary. *See Mingo Logan Coal Co. v. EPA*, 70 F. Supp. 3d 151, 166 (D.D.C. 2014) (noting "section 404(c) contains *permissive, discretionary* language") (emphasis added); *Ctr. for Biological Diversity v. United States Army Corps of Engineers*, No. CV 14-1667, 2015 U.S. Dist. LEXIS 76653 at *8 (C.D. Cal. Feb. 4, 2015) (EPA "has the *discretionary* authority to veto that decision if it makes certain findings regarding the adverse effects of the permitted action.") (emphasis added).

- Despite this case law, two courts have permitted suits against EPA where the agency chose not to initiate a veto.

  - Relying on a Fourth Circuit case that held generally that EPA's ultimate responsibility for the protection of wetlands under the CWA was a non-discretionary duty, *Nat'l Wildlife Fed'n v. Hanson*, 859 F.2d 313 (4th Cir. 1988), one district court held that a plaintiff can maintain a suit where the "Administrator fails to exercise the duty of oversight imposed by" Section 404(c). *See South Carolina Coastal Conservation League v. United States Army Corps of Engineers*, No. 2:07-3802-PMD, 2008 U.S. Dist. LEXIS 69499 (D. S.C. Sept. 11, 2008).

  - In *Alliance to Save the Mattaponi v. United States Army Corps of Engineers*, 515 F. Supp. 2d 1 (D.D.C. 2007), the district court dismissed plaintiff's citizen suit alleging that EPA failed to veto a Corps permit, holding that "this veto power … is discretionary." However, it concluded that plaintiff's APA claim survived because the CWA provides a standard by which to judge EPA's discretion – whether the discharge will have an unacceptable adverse effect. Because in this case EPA had not based its decision on this standard, the court ultimately found that EPA had acted arbitrarily and capriciously, *Alliance to Save the Mattaponi v. United States Army Corps of Engineers*, 606 F. Supp. 2d 121 (D.D.C. 2009).

Attachment 2

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

PEBBLE LIMITED PARTNERSHIP and ALASKA PENINSULA CORPORATION, Plaintiffs, and STATE OF ALASKA, Intervenor-Plaintiff, vs. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, and DENNIS J. McLERRAN, in his official capacity as Regional Administrator of EPA Region 10, Defendants.	No. 3:14-CV-0097-HRH

ORDER

Case Status

A status and scheduling conference was held in this case on July 11, 2014.

The court minutes of the foregoing conference are supplemented as follows for purposes of scheduling clarity.

Plaintiffs moved for reconsideration[1] of the court's order of July 7, 2014,[2] granting UTBB's motion to intervene. Plaintiff has responded to the motion for reconsideration.[3]

---

[1]Docket No. 71.

[2]Docket No. 69.

[3]Docket No. 72.

ED_002890_00031473-00011 Bristol Bay-Pebble Mine 2019 FOIAs Production001

Reconsideration is granted. The court's July 7, 2014, order granting intervention is vacated. The court will entertain opposition to UTBB's motion to intervene if filed on or before July 18, 2014. Any reply shall be served and filed on or before July 23, 2014.

Nunamta Aulukestai has moved to intervene.[4] Any opposition to that motion shall be served and filed on or before July 18, 2014. Replies may be served and filed on or before July 23, 2014.

The defendants propose to file a motion to dismiss. That motion shall also be served and filed on or before August 11, 2014. Usual response and reply times shall be observed.

Defendants' response to plaintiffs' motion for preliminary injunction is currently due July 28, 2014.[5] A second motion for preliminary injunction by intervenor-plaintiff State of Alaska has been filed.[6] The time for defendants to respond to both motions for preliminary injunction is extended to August 11, 2014. Usual reply times shall be observed.

Defendants' response to the two motions for preliminary injunction may be consolidated, but the defendants' proposed motion to dismiss shall be separately briefed.

After consultation with counsel, the court has determined to invoke the provisions of Rule 65(a)(2), Federal Rules of Civil Procedure, which permits a court to consolidate proceedings on the merits of a case with proceedings on motion for preliminary injunction. That is, the court intends taking up first defendants' motion to dismiss and then the construction of § 404(c) of the Clean Water Act, 33 U.S.C. § 1344(c), and the State of Alaska's arguments based upon the Alaska Statehood Act, Pub. L. No. 85-508, 72 Stat. 339 (1958). The defendants' response to the motions for preliminary injunctions, as well as replies on those motions, should focus upon these legal issues. It is the court's perception that if the defendants' motion to dismiss is not dispositive of the case, a decision on the merits of the

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[4]Docket No. 77.

[5]Docket No. 70.

[6]Docket No. 61.

foregoing legal issues (the construction of § 404(c) and the Alaska Statehood Act) are likely to be dispostive.

DATED at Anchorage, Alaska, this 11th day of July, 2014.

/s/ H. Russel Holland
United States District Judge

DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0110

Mr. Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Leopold,

I am in receipt of your letter dated July 25, 2019, regarding the Pebble Limited Partnership (PLP) application for a permit under Section 404 of the Clean Water Act (33 USC 1344).

On July 1, 2019, the United States Environmental Protection Agency (EPA) Region 10 submitted comments on the United States Army Corps of Engineers (USACE) February 2019 Draft National Environmental Policy Act Environmental Impact Statement for the PLP project, and in separate correspondence also provided comments on the Public Notice POA-2017-00271 (PN) for the draft Clean Water Act permit.

The July 1, 2019 EPA PN letter indicated that the discharge of fill material associated with the PLP project *may* result in substantial impacts to waters of the United States within the Bristol Bay and Cook Inlets. This determination initiated the procedure outlined in the Part IV paragraph 3(a) of the 1992 Memorandum of Agreement (MOA) between the Army and EPA to implement Section 404(q) of the Clean Water Act. Upon initiation of the Part IV 3(a) MOA procedures, under MOA Section 3(b), the EPA has twenty-five (25) calendar days from July 1st to provide letter notification to the USACE Alaska District Engineer on whether discharges from the PLP project *will* have substantial and unacceptable impacts to aquatic resources of national importance.

In your July 25, 2019 letter to this office, you requested an extension of the timeframes for EPA to make a Paragraph 3(b) determination. Based on this request, I am agreeing to a ninety (90) calendar day extension. I anticipate that EPA will work closely with the USACE Alaska District throughout this extension period, and I encourage such continued coordination.

The Army looks forward to continuing to work with EPA on this important project.

Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0110

JUL 26 2019

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Sincerely,

R.D. James
Assistant Secretary of the Army
(Civil Works)

Message

From: Nalven, Heidi [Nalven.Heidi@epa.gov]
Sent: 6/19/2019 1:35:22 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: FW: Pebble presentation from June 12
Attachments: JUN 12 EPA presentation.pdf

David - Just wanted to make sure you had a copy of the presentation Pebble gave last week to Matt and others.

From: James Fueg <jamesfueg@pebblepartnership.com>
Sent: Thursday, June 13, 2019 1:58 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: Pebble presentation from June 12

Mr. Kaiser
Attached please find a copy of the PLP presentation as requested. Thank you again for your time.
Regards,
James

James Fueg
Vice President - Permitting

Main: (907) 339-2600
Direct: (907) 339-2612
3201 C Street, Suite 505
Anchorage, AK 99503

THE pebble PARTNERSHIP

Pebble Project Briefing

Environmental Protection Agency

Iliamna, Alaska

June 12, 2019

THE pebble PARTNERSHIP

Pebble's Plan

A Fundamental Re-design

- Pebble submitted a 404 permit application under the *Clean Water Act* to the US Army Corps of Engineers in December 2017
  - A **fundamentally** re-imagined, re-designed and re-engineered project
  - Final Environmental Impact Statement (EIS) in 2020

- Pebble listened and responded to concerns of project stakeholders, regulatory agencies & critics
  - Residents of Bristol Bay/Alaska
  - EPA & other federal/state agencies
  - ENGOs & their scientists

- Based on 15 years of study & $750 million of engineering & scientific data
  - A specific project plan optimized for local conditions vs. **hypothetical** concepts in Bristol Bay Watershed Assessment (BBWA)

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Bristol Bay-Pebble Mine 2019 FOIAs Production001

THE pebble PARTNERSHIP

Pebble's Plan

A Fundamental Re-design

1. Significantly smaller project
2. No cyanide
3. No permanent waste rock facility
4. No mine facilities in Upper Talarik/Kvichak
5. Industry leading approach to tailings management
6. Optimized water management strategy, incorporating multiple and redundant environmental safeguards

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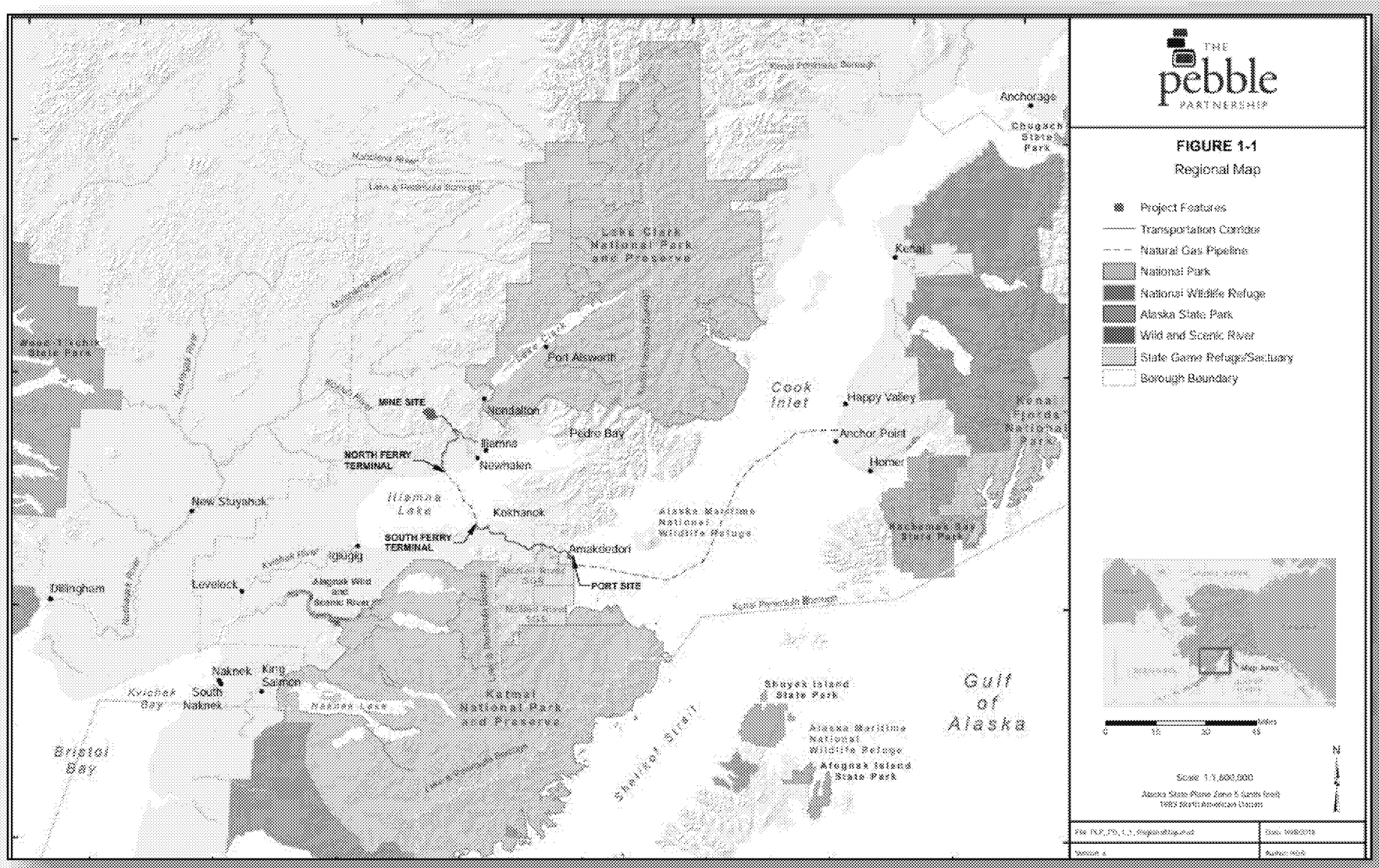
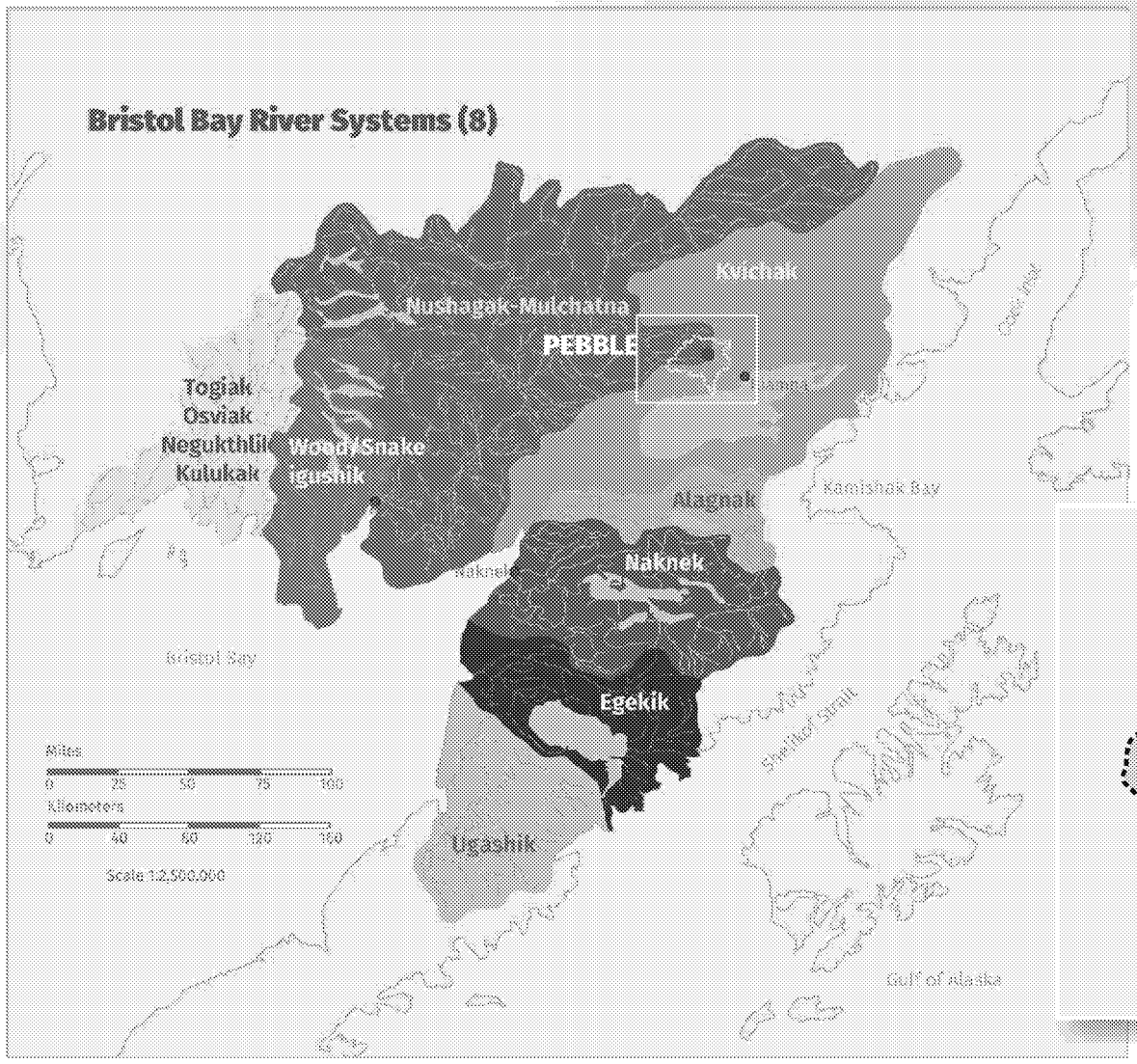
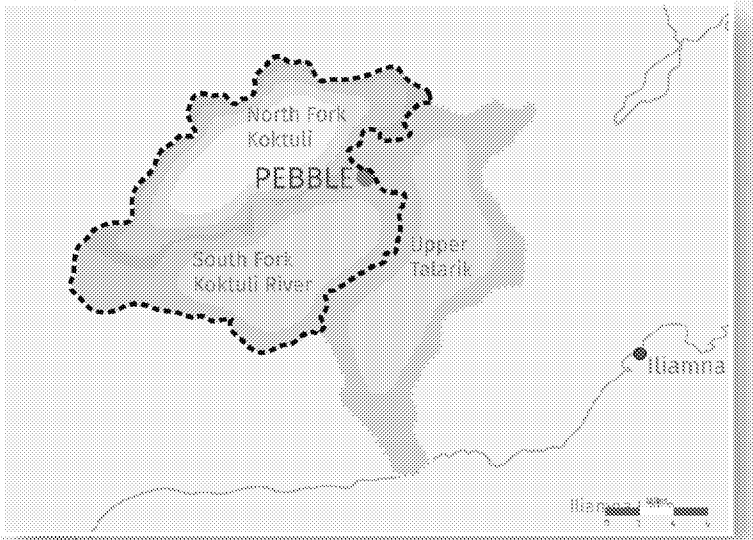
Bristol Bay-Pebble Mine 2019 FOIAs Production001

Pebble Project Setting
Southwest Alaska and Bristol Bay



Pebble Project Setting
Southwest Alaska and Bristol Bay





THE pebble PARTNERSHIP

Pebble Site Conditions

THE pebble PARTNERSHIP

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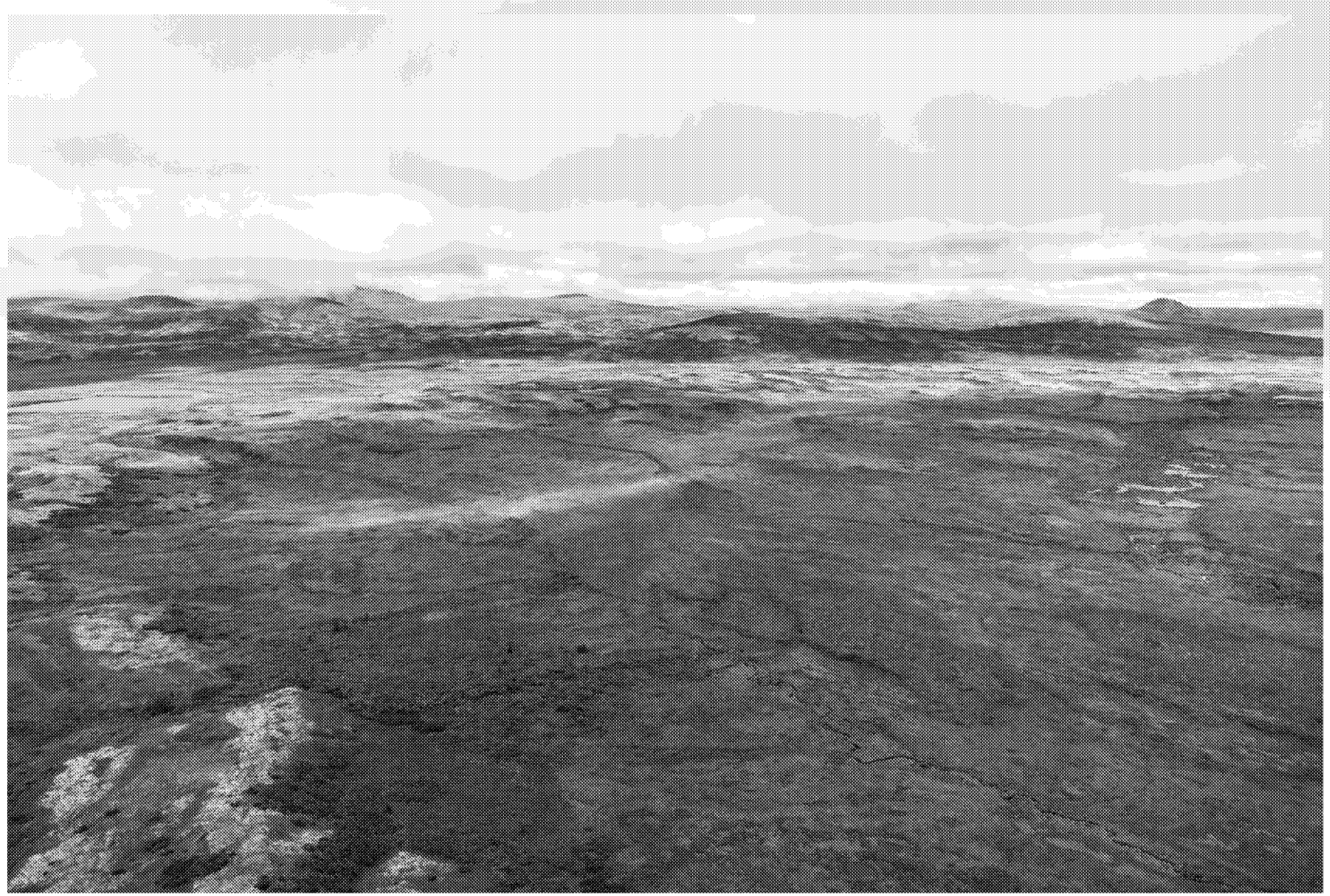
THE pebble PARTNERSHIP

Pebble Site Conditions



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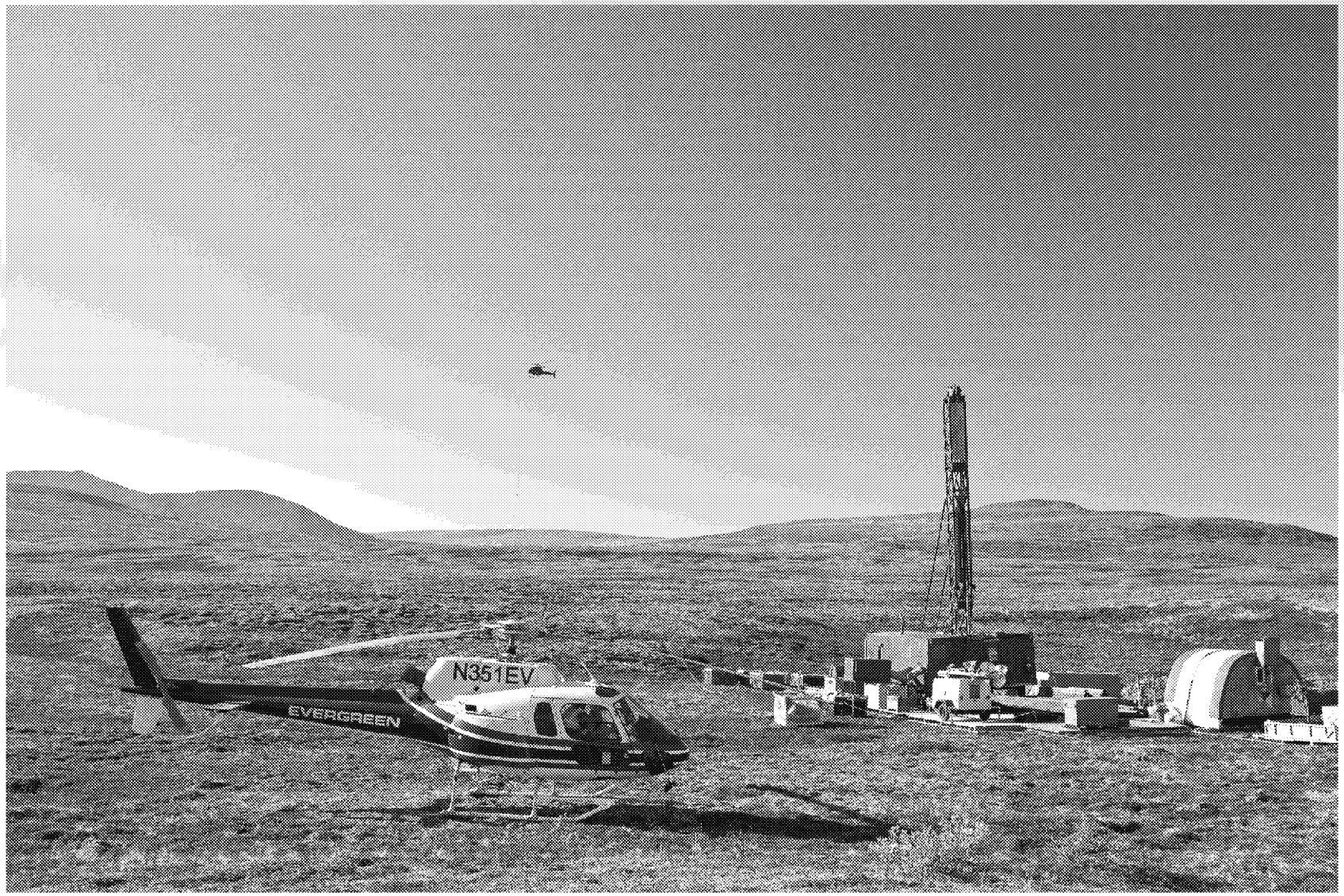
Pebble Site Conditions



THE pebble PARTNERSHIP

Pebble's Plan

A Fundamental Re-design

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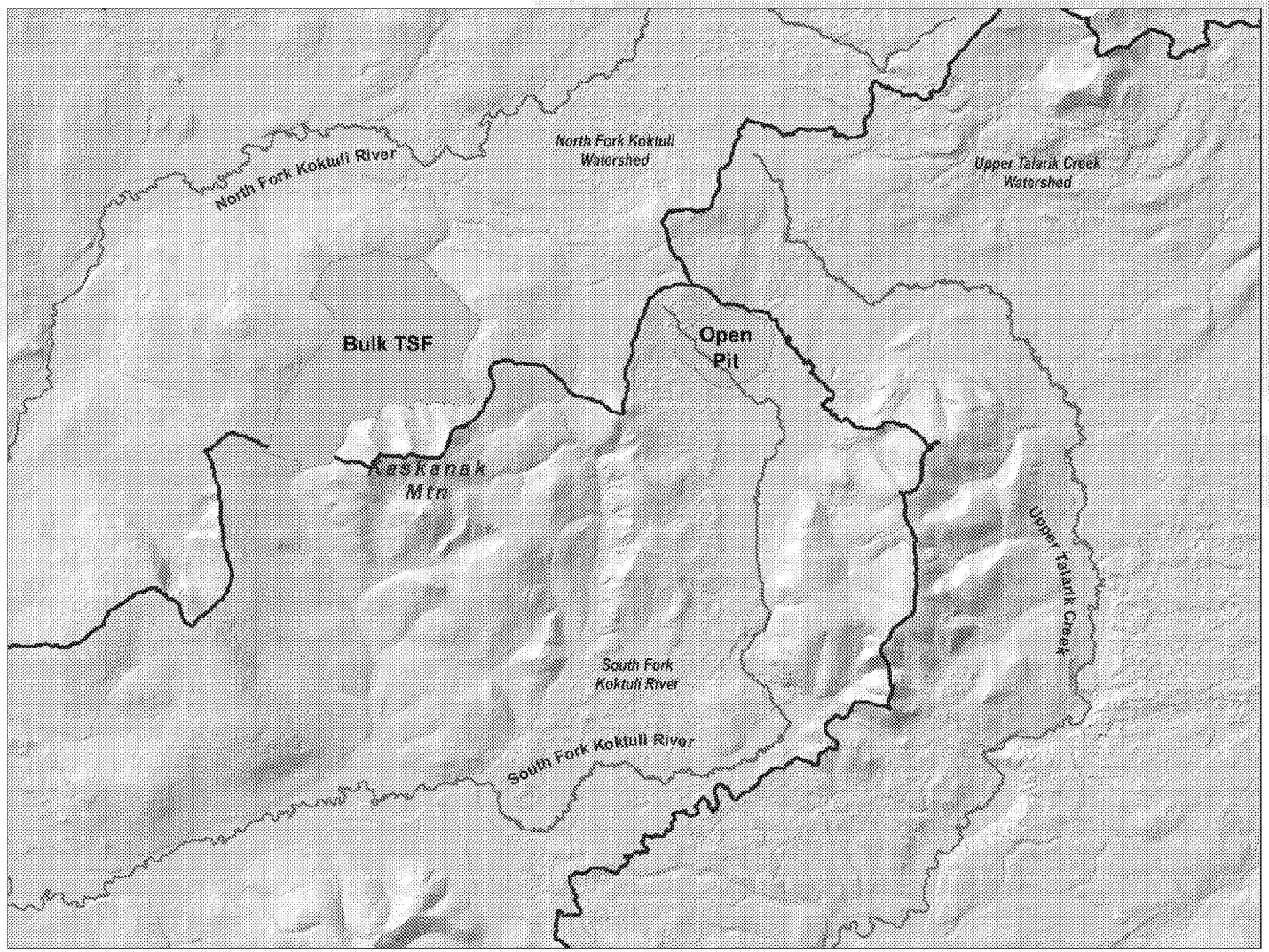
Bristol Bay-Pebble Mine 2019 FOIAs Production001

1. A significantly smaller project

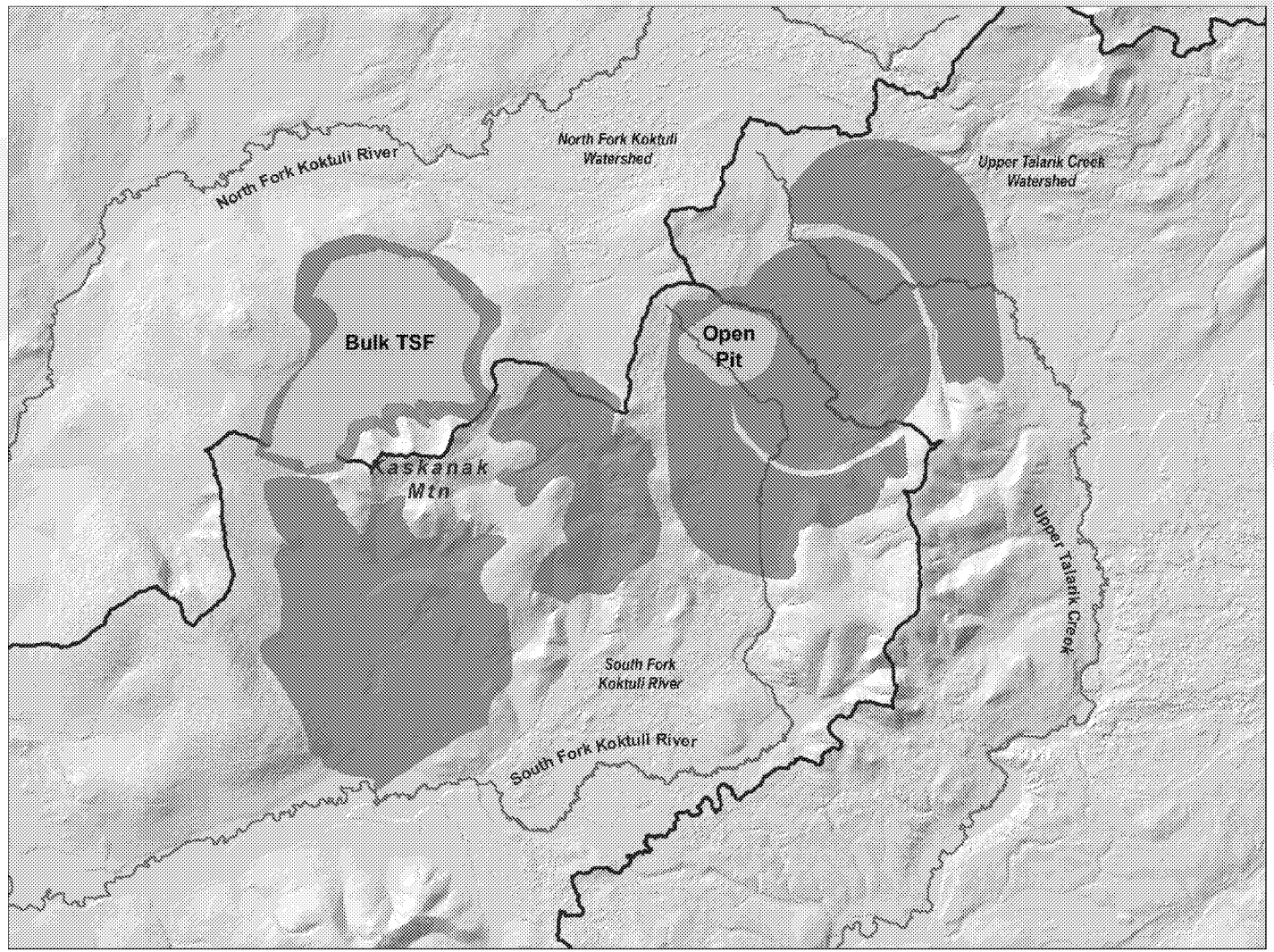


BBWA Comparison

Square miles of permanent impact

Pebble's Plan: 5.2

A significantly smaller project



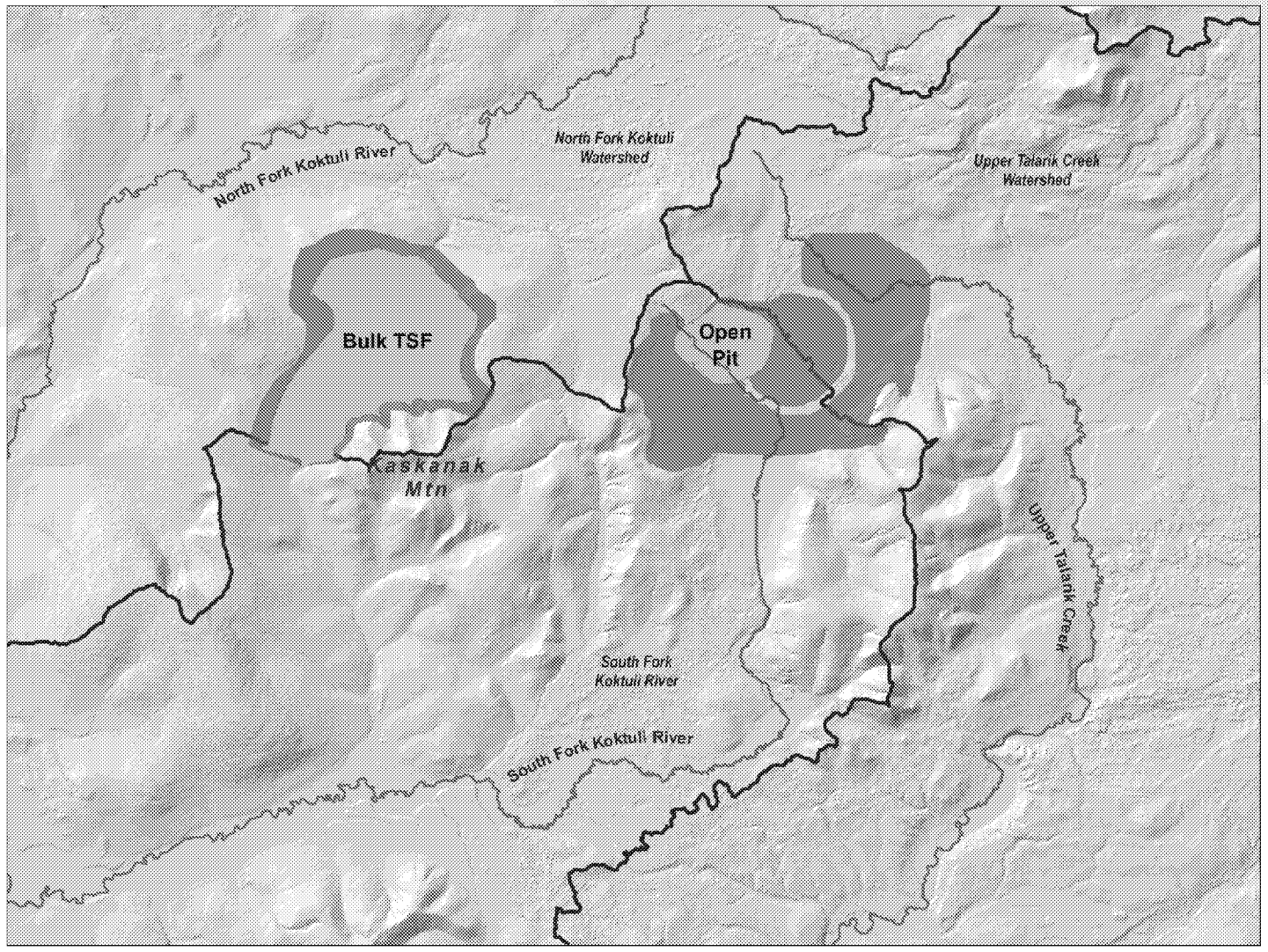
BBWA Comparison

Square miles of permanent impact

EPA 6.5:	35.8
Pebble:	5.2

Pebble's plan is 85% smaller

1. A significantly smaller project



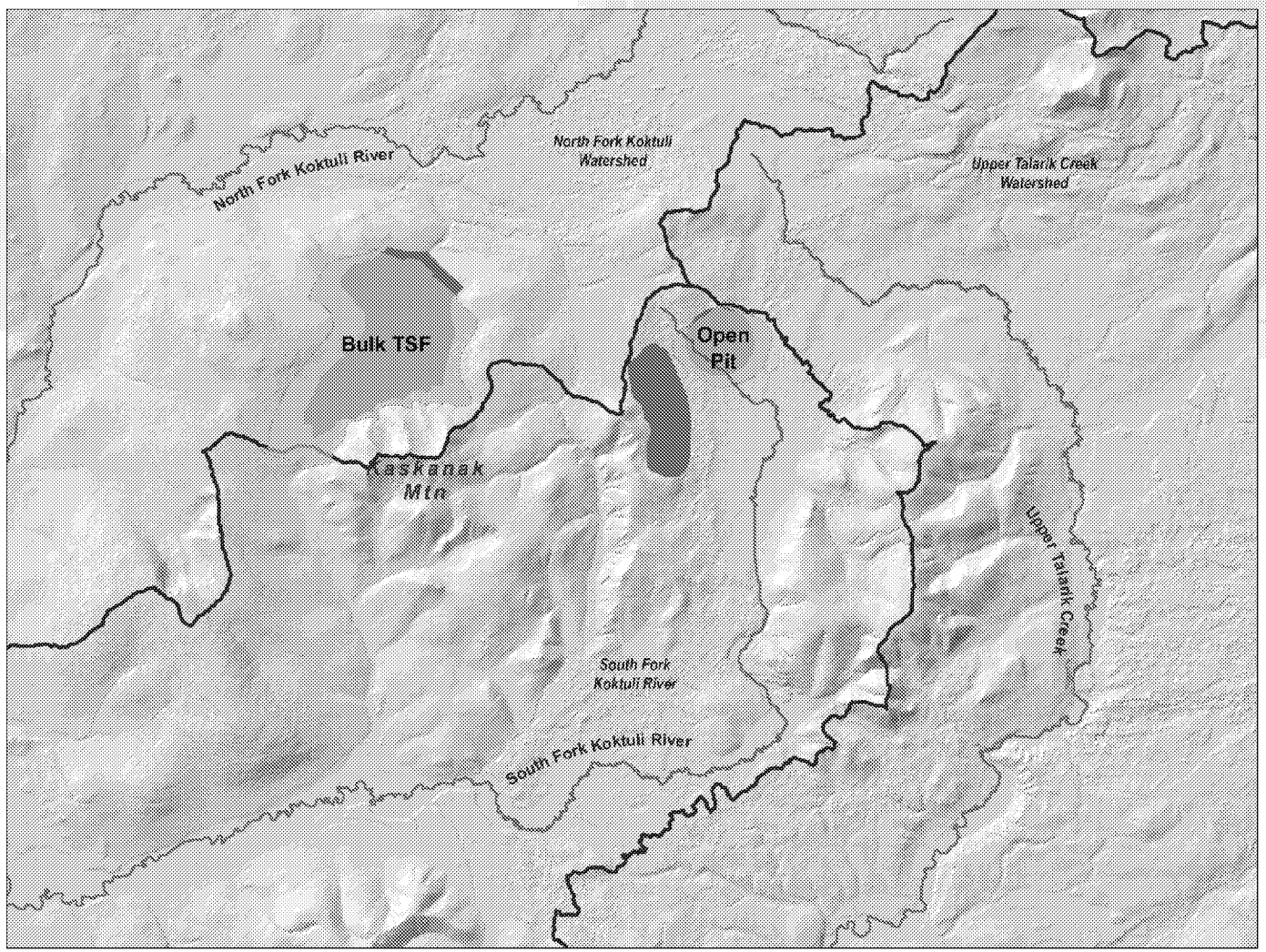
BBWA Comparison

Square miles of permanent impact

EPA 2.0:	13.5
Pebble:	5.2

Pebble's plan is 62% smaller

1. A significantly smaller project



BBWA Comparison

Square miles of permanent impact

EPA 0.25:	4.2
Pebble:	5.2

Pebble is comparable to EPA's smallest concept

THE pebble PARTNERSHIP

2. No cyanide

- Significant stakeholder concern throughout Bristol Bay region about secondary gold treatment
- Cyanide is used safely at industrial facilities/mines throughout the world, including the United States and Alaska
- Pebble listened, and **eliminated cyanide** from its design
- No spill or post-closure cyanide risks

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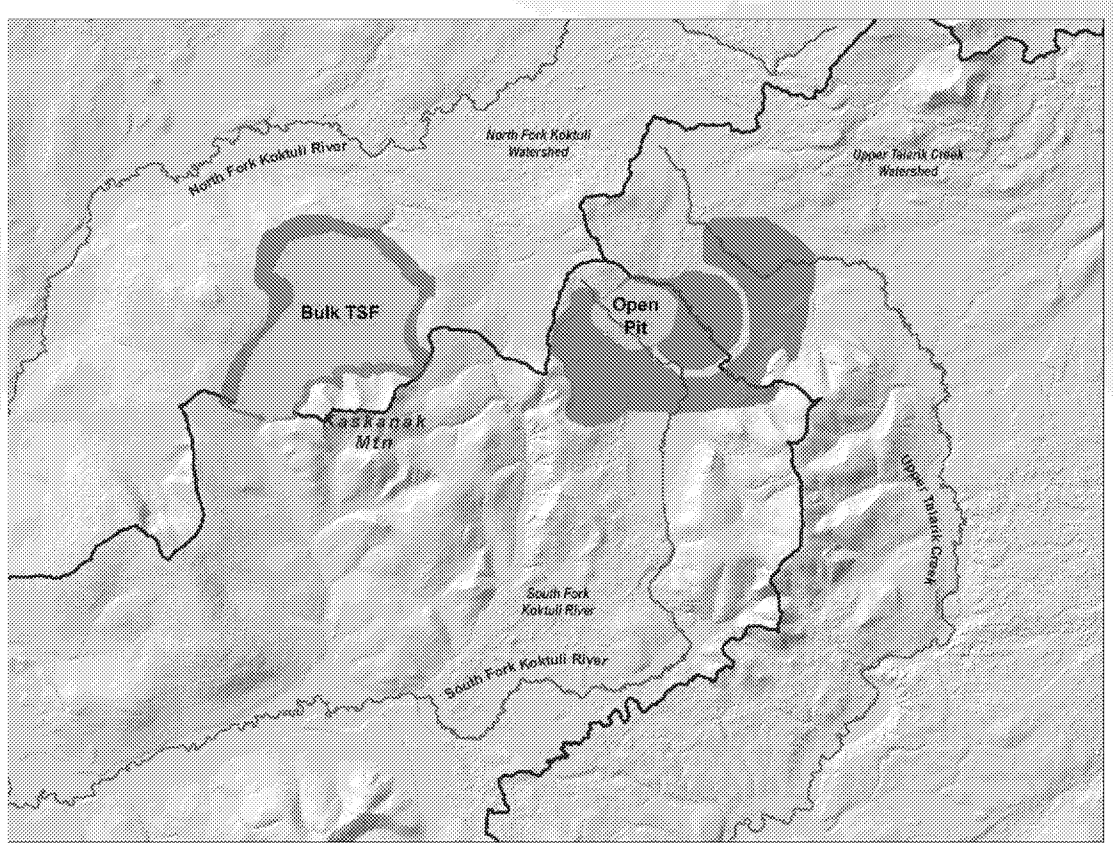
Bristol Bay-Pebble Mine 2019 FOIAs Production001

3. No permanent waste rock storage on surface



- Exceptionally low strip-ratio of 0.12:1
- Vast majority of mined material is processed as ore
- Remainder goes into pyritic tailings facility

Pebble's Plan vs. EPA 2.0

- Elimination of waste rock storage on surface **dramatically reduces project footprint**
- Substantially reduced post-closure water management requirements

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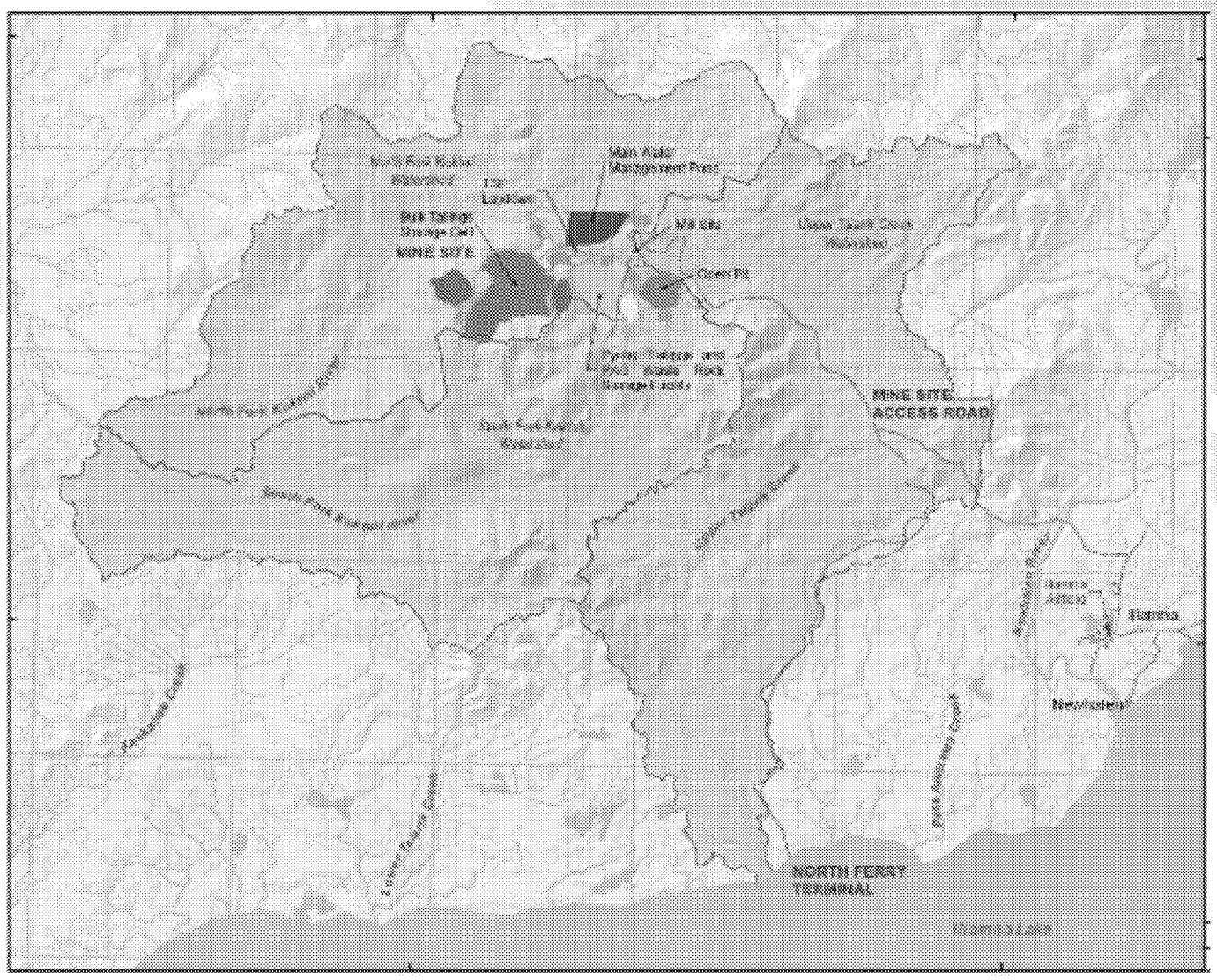
Bristol Bay-Pebble Mine 2019 FOIAs Production001

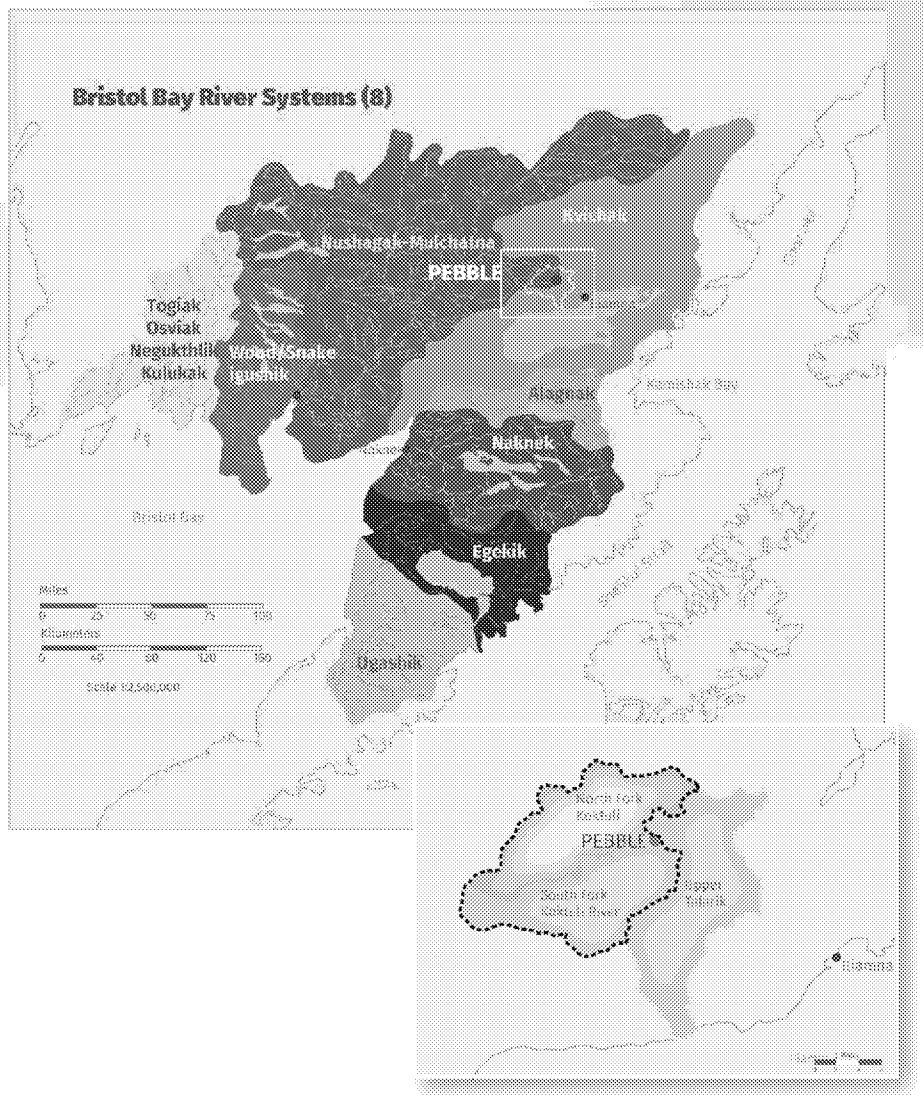
4. No mine facilities in Upper Talarik/Kvichak



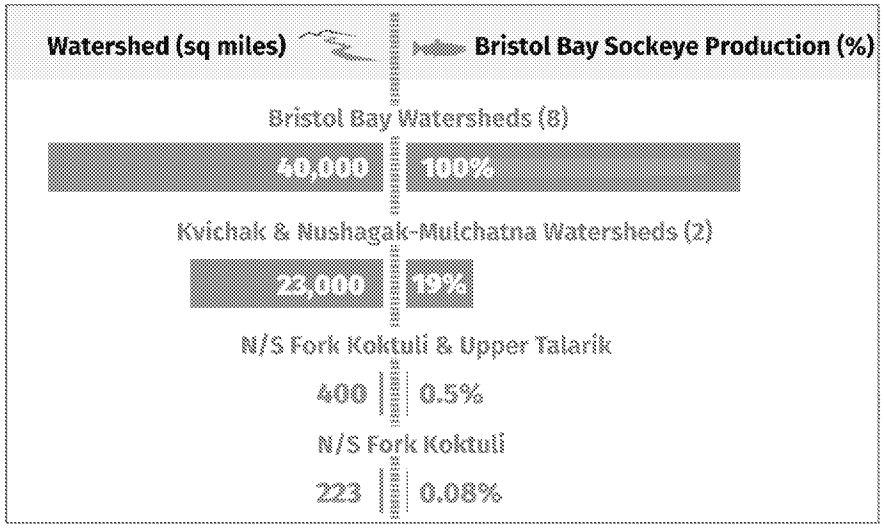
Pebble 2020 restricts mine development to two small creeks within the Nushagak drainage:

- North Fork Koktuli (NFK)
- South Fork Koktuli (SFK)

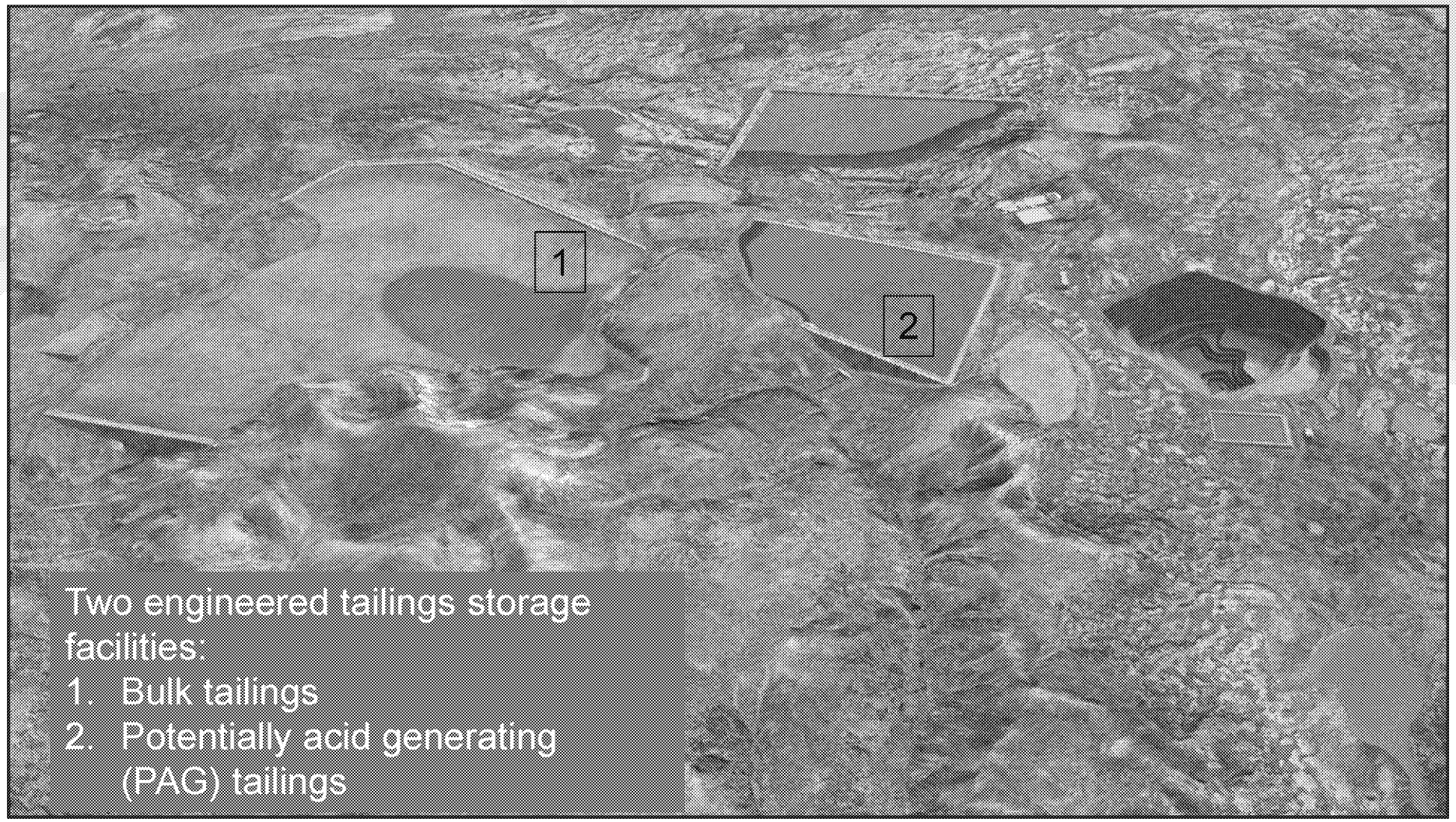
4. No mine facilities in Upper Talarik/Kvichak



- NFK & SFK produce just 0.08% of Bristol Bay sockeye
- Deposit area streams contribute negligible salmon habitat relative to massive Bristol Bay watershed
- Habitat availability is not a limiting factor for Bristol Bay sockeye or Chinook



5. New Approach to Tailings Management



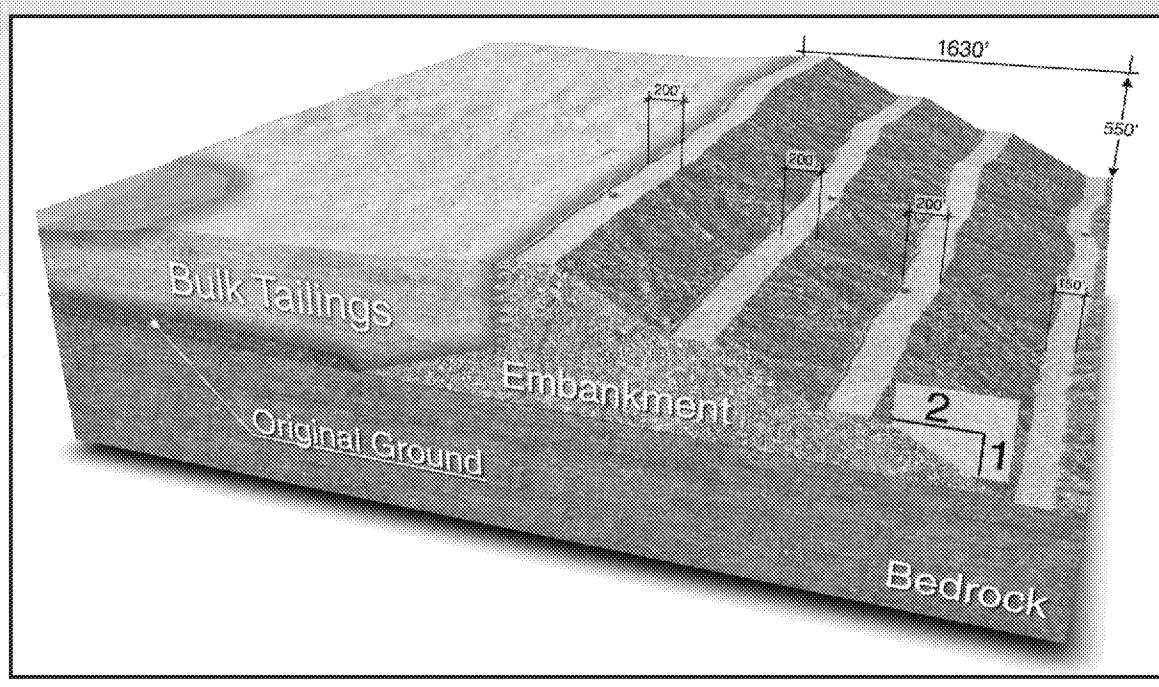
Two engineered tailings storage facilities:

1. Bulk tailings
2. Potentially acid generating (PAG) tailings

5. New Approach to Tailings Management

Bulk Tailings (non-reactive)

- **Flow-through embankment** design to minimize water storage and maximize stability
- Extensive buttressing and flatter slope angles
- 25% increase in factor-of-safety exceeds industry norms
- Consolidation of tailings solids greatly reduces risk of liquefaction & failure
- Facilitates dry closure and simplifies closure water management

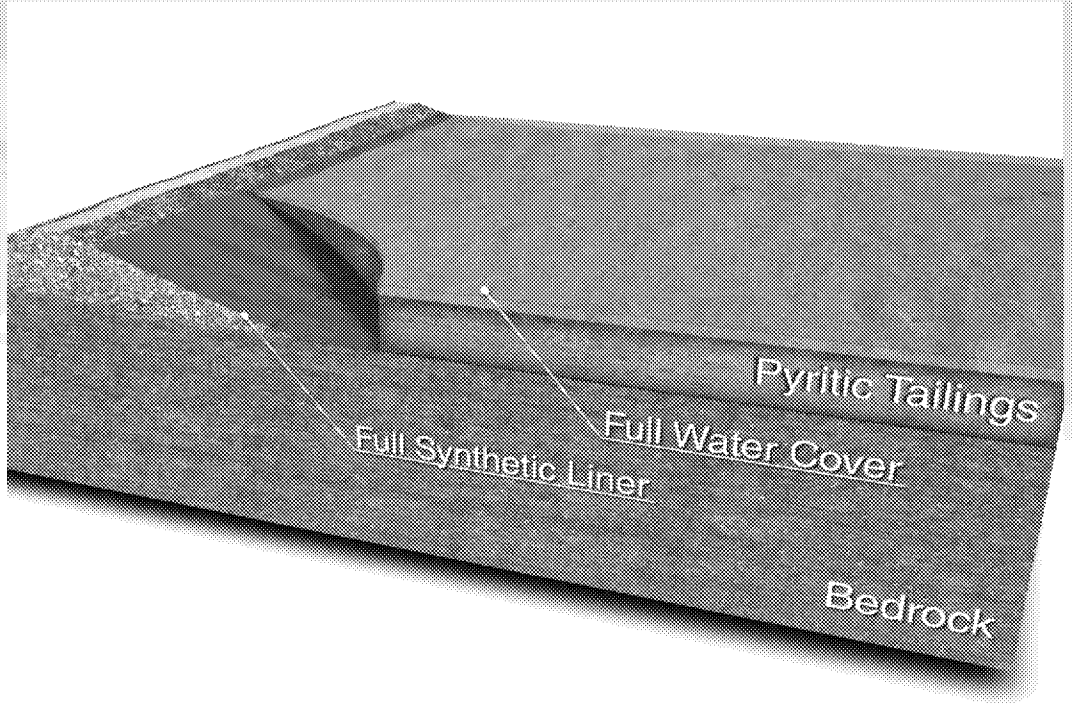


Bulk TSF North Embankment

5. New Approach to Tailings Management

Pyritic Tailings (potentially reactive)

- Fully-lined engineered facility
- Subaqueous storage of PAG tails & waste rock during mine operations
  - Prevents oxidation of potentially reactive materials
- Transfer of PAG materials to former open-pit at closure
  - Permanent subaqueous storage prevents oxidization
- No risk of PAG tailings release to environment



Pyritic TSF Embankment

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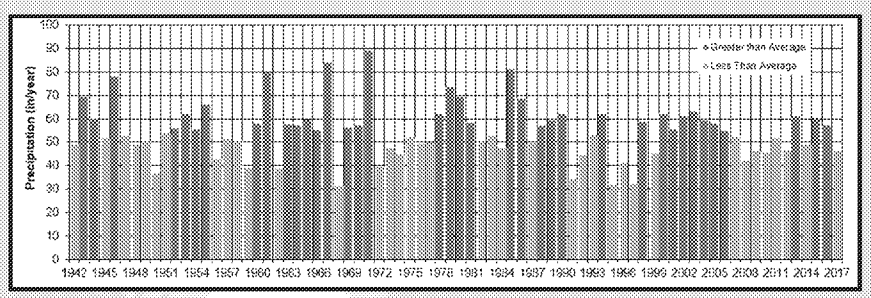
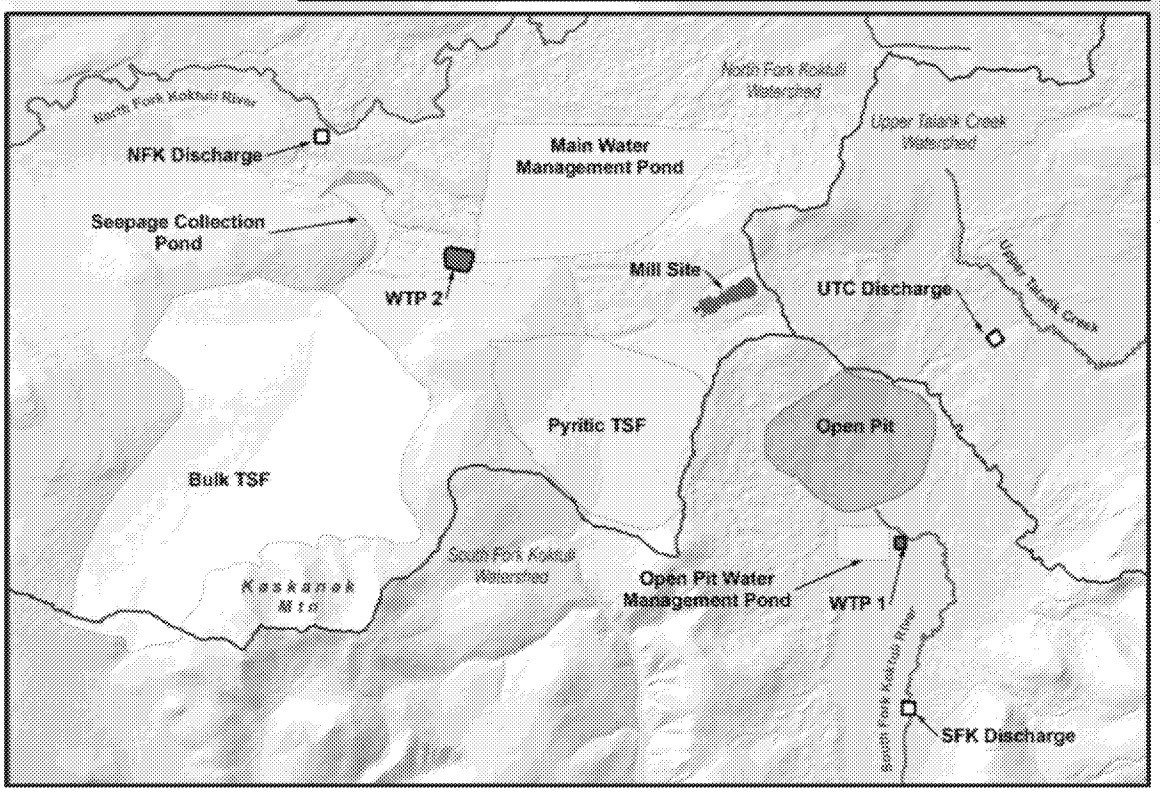
Bristol Bay-Pebble Mine 2019 FOIAs Production001

6. Redundant Water Management Strategy

- Robust engineered water management system
  - Based on long-term, high-quality hydrological record
  - Enhanced management capacity to address climate extremes
  - Multiple, redundant environmental safeguards
- State of the art water treatment & conditioning
  - Meets stringent water quality guidelines
- Strategic surplus water releases to optimize downstream fish habitat conditions

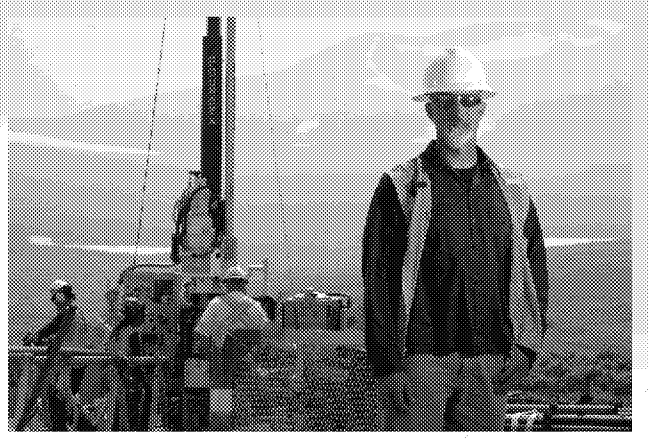




THE pebble PARTNERSHIP

Pebble's Plan is **intrinsically different & not comparable** to:

- previous Pebble Project designs; and
- hypothetical mine scenarios evaluated in Bristol Bay Watershed Assessment



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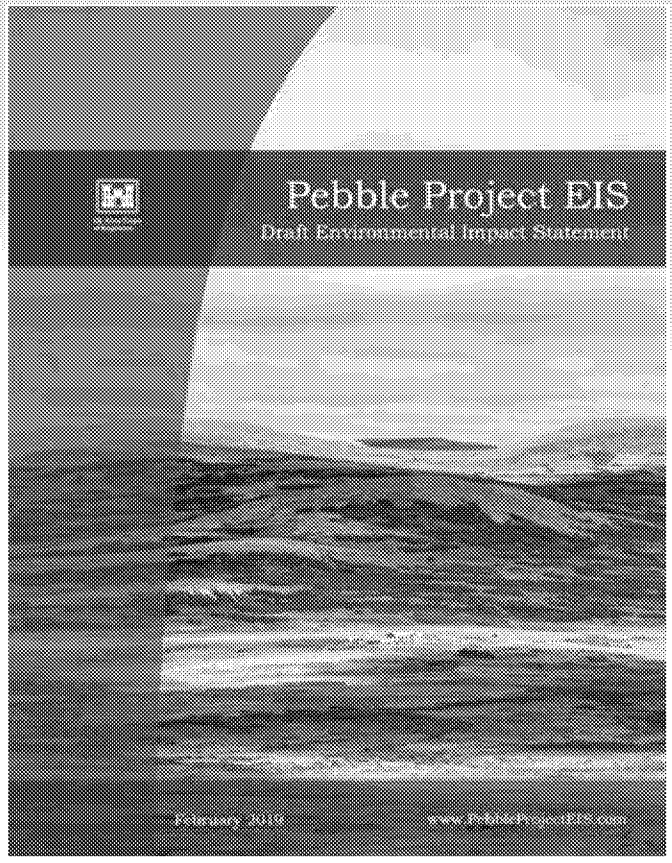
Bristol Bay-Pebble Mine 2019 FOIAs Production001

THE pebble PARTNERSHIP

Pebble Project
Draft Environmental Impact Statement (EIS)

- Published by US Army Corps of Engineers in February 2019
- 3rd-party EIS contractor (AECOM)
- Provides an independent, objective, expert & science-based evaluation of Pebble's Plan.
- NRDC calls the NEPA EIS process '*the Magna Carta of environmental protection*'
- 13 cooperating agencies
- Government-to-government engagement with 35 Bristol Bay and Cook Inlet tribes
- Public comment period concludes July 1, 2019
- Final EIS expected in early 2020

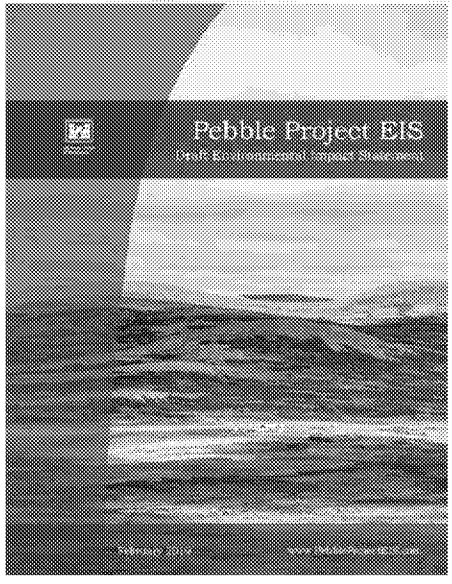


Draft EIS

Key Findings – Mine Operations

Pebble Mine operations will not affect local or regional salmon populations

- *"….would not reduce returning adult salmon to the Kvichak and Nushagak river systems as a result of project operations."* (ES 54)
- *"Other salmon fisheries in Alaska exist in conjunction with non-renewable resource extradition industries." (ES 53)*
- Direct loss of habitat: *"….moderate….but population level effects within the context of the NFK River, SFK River, and UT Creek are not anticipated."* (Appendix 1 – EFH Assessment)
- *"….indirect impacts associated with mine operations would occur at the individual level, and be attenuated upstream of the confluence of the NFK and SFK with no measureable impacts to salmon populations." (4.24.6)*

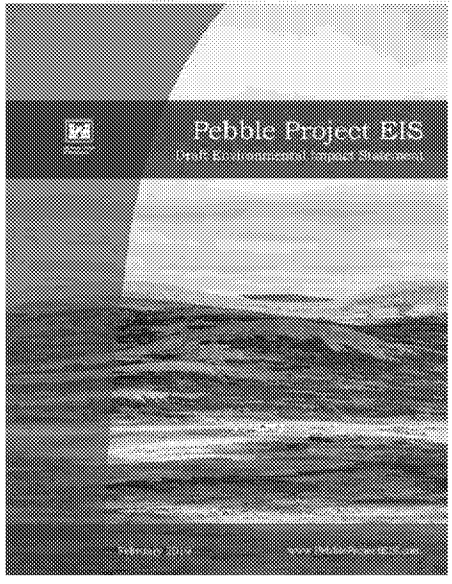


Draft EIS

Key Findings – Tailings Failure

Tailings failure risks are extremely low

- *"No population-level impacts would be expected for fish from either tailings release scenarios."* (ES 71)
- *"TSF and WMP Embankment Stability….Low probability of embankment instability…."* (4.15-21)
- *"Estimates of the probability of failure of tailings dams include……one failure every 2,500 to 250,000 dam-years (EPA2014). These leading estimates all indicate that the probabilities of failure are low."* (4.27-70/71)
- *"….the probability of a failure of the bulk TSF in closure would be expected to be even lower than the estimates above (EPA 2014) ."* (4.27-70/71)



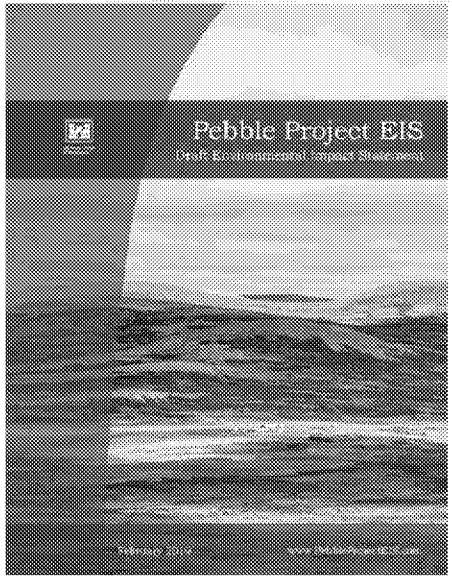
THE pebble PARTNERSHIP

Draft EIS

Key Findings – Commercial Fishery

No impacts on Bristol Bay commercial salmon fishery

- *"….there would be no measurable change to wholesale values or processor operations expected."*
- *"….would not reduce returning adult salmon to the Kvichak and Nushagak river systems as a result of project operations."*
- *"….would not be expected to result in a long term change in the health of the commercial fisheries in Bristol Bay or Cook Inlet."* (ES 54)



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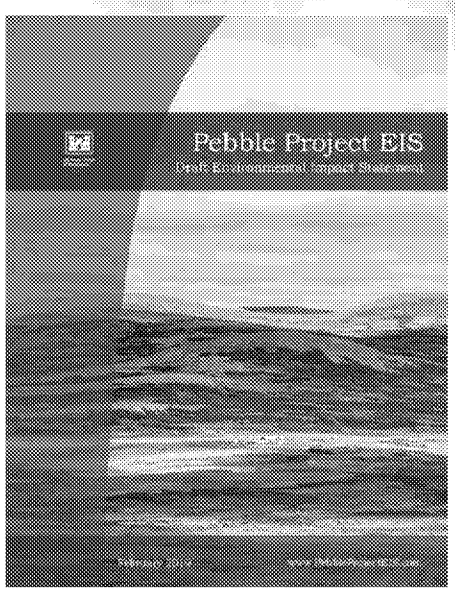
Bristol Bay-Pebble Mine 2019 FOIAs Production001

Draft EIS

Key Findings – Subsistence Resources

Subsistence fish and wildlife resources not affected

- *"Impacts to fish and wildlife would not be expected to impact harvest levels, because there would be no decrease in resources and abundance."*
- *"….during operations, there would be minimal impact on access to subsistence resources…"* (ES 31)



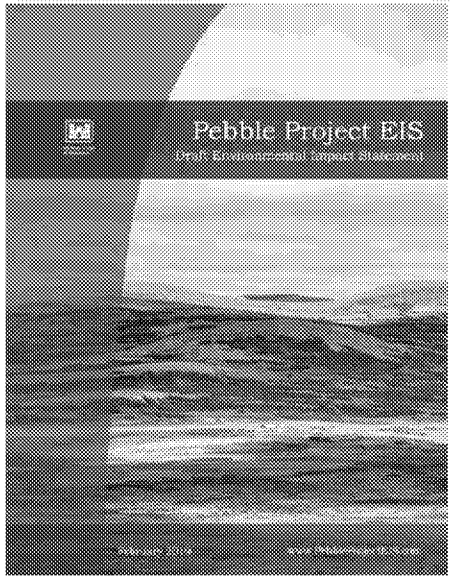
Draft EIS

Key Findings – Essential Fish Habitat

Essential Fish Habitat Report: 'low degree of impact; unlikely to reduce Pacific salmon production'

- Direct Loss of habitat: *"….moderate….but population level effects within the context of the NFK River, SFK River and UT Creek are not anticipated."*
- *"….modest changes in spawning habitat availability, as predicted by modelling, would have little impact on spawning site selection, spawning success, or fry production."*
- *"….unlikely to reduce Pacific salmon production."*
- *….project impacts on Pacific salmon spawning and rearing habitats within the mine Action Area would remain within plus or minus 5 percent of pre-mining acreages, with most reductions occurring in lower quality or in existing low Pacific salmon density habitats."*
- *"Population-level effects to the local watersheds are unlikely and population level effects at the Bristol Bay watershed level would be undetectable."*
- *"Water temperature changes are expected to be within the range of seasonal variability."*
- *"The majority of Project impacts to EFH evaluated in this assessment would result in a low degree of impact……but mortalities are unlikely and EFH characteristics would return to normal shortly after the activity ceases, or in the short term."*
- *"The loss of EFH is minimal relative to area that would remain undisturbed. Further, habitat removed is generally of low biological importance."*

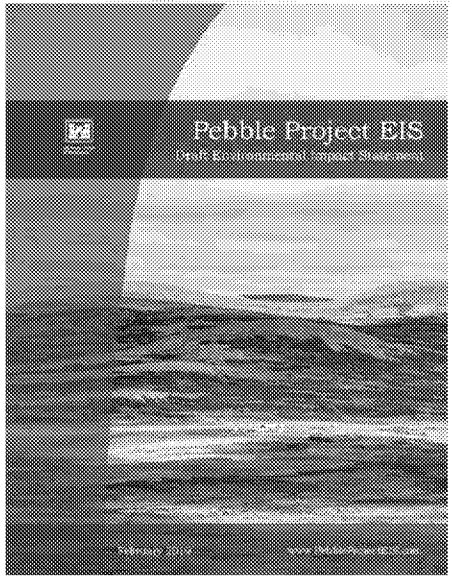
(Appendix I – EFH Assessment)



Draft EIS
Key Findings - Socioeconomic

Significant economic benefits for the State of Alaska; life-changing opportunities for the villages and people of Bristol Bay

- *"Project benefits will be most apparent in small, rural communities closest to the mine site."*
- *The overall economic and health benefits will be substantial"*
- *Project benefits include increased revenue, employment and education' (4.10-8)*

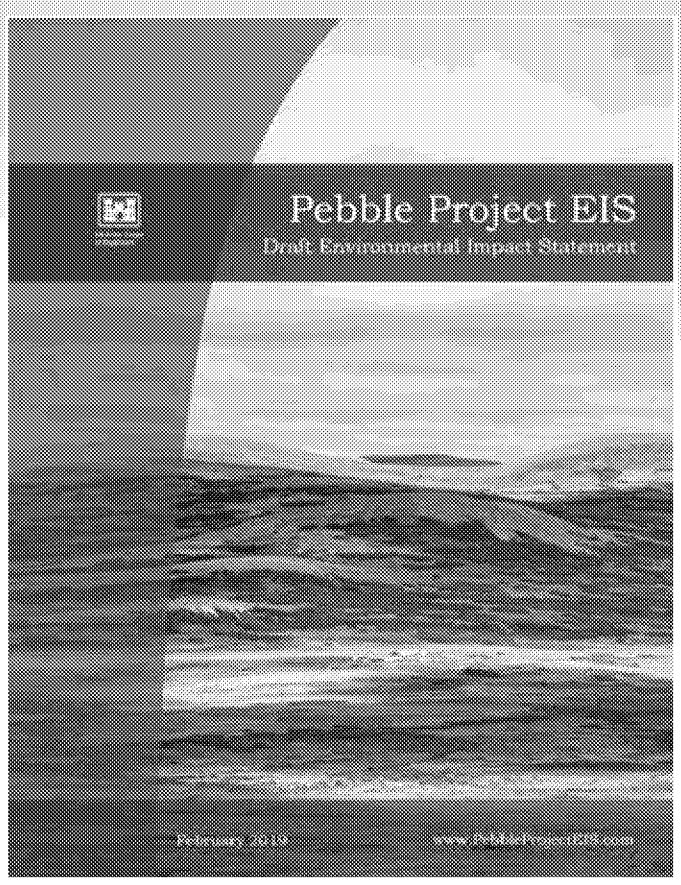


ED_002890_00032706-00030
Bristol Bay-Pebble Mine 2019 FOIAs Production001

THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

1. Pebble consulting engineer designed tailings facility that failed at Mt. Polley
2. Draft EIS tailings failure assessment is inadequate
3. Draft EIS presents no Mitigation Plan
4. Pebble fish habitat assessment is incorrect
5. Local streams at Pebble are essential to Bristol Bay salmon production
6. Draft EIS doesn't address Climate Change
7. EIS process has been rushed; comment period too short
8. Draft EIS evaluates a smaller project than Pebble intends to build

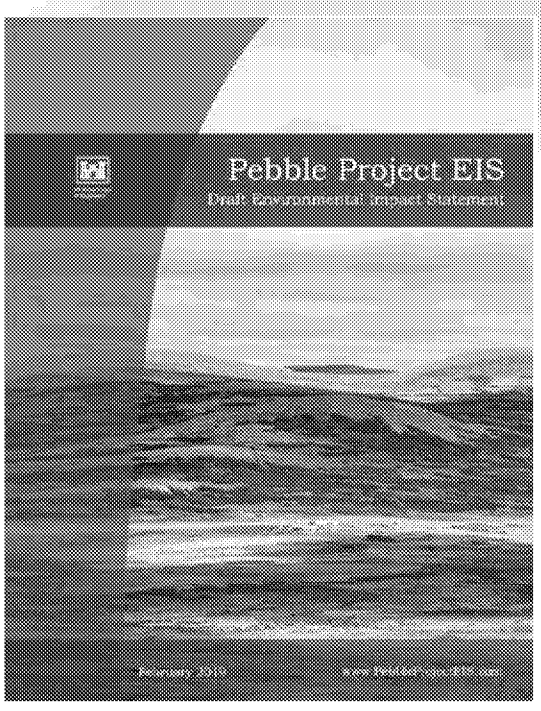


THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

1. The firm designing Pebble's tailings storage facility (TSF) also designed the TSF that failed at Mt. Polley

- **False**
- Knight Piesold designed the original Mt. Polley TSF but, after leaving the project, its design was radically altered to include steeper, weaker slopes
- The operator permitted excessive water storage, far exceeding original design specifications
- These design changes impacted the TSF dam stability and led to its failure
- **Pebble critics know this:**
- In 2019, David Chambers wrote: *"The Mt. Polley Expert Panel found that if the original design had been followed, the failure would not have occurred."*

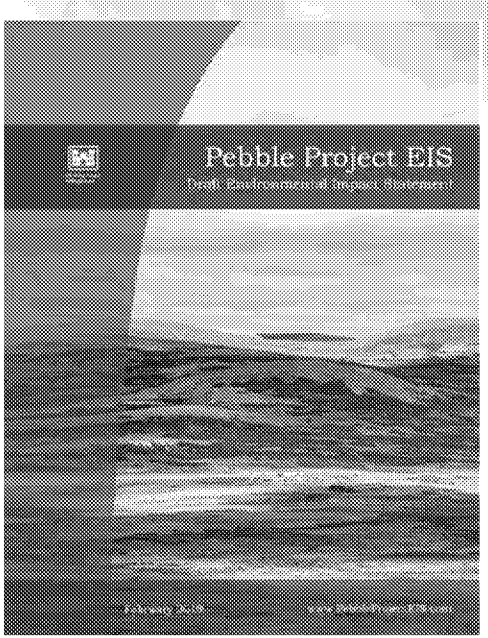


THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

2. Tailings failure assessment in Draft EIS is inadequate

- **Incorrect**
- Pebble critic Wobus argues a catastrophic tailings failure is a near certainty and modelled its impacts
  - NOT an expert in tailings embankment design or operation
  - Pebble design team & USACE independent engineers/scientists – competent credentialed experts in tailings design
- **Wobus modelled failure of a tailings facility that is also used to store water**
  - Grossly over-exaggerated failure risks & impacts
  - Pebble has a flow-through design with separate water management pond
- USACE derived failure assessments based on credible failure probabilities and risks

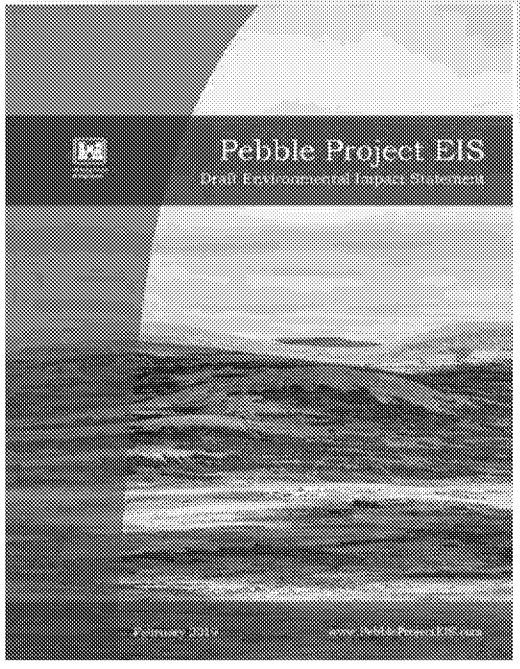


THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

3. There is no Mitigation Plan in Draft EIS

- **Schindler's claims are incorrect**
- See Chapter 5 and Appendix M of the DEIS
- Significant mitigation measures were incorporated into the new Pebble design
- **70 different applicant-proposed mitigation measures are summarized in the DEIS**
- A draft Compensatory Mitigation Plan (CMP) prepared by the proponent is in the DEIS
- Additional scoping comment mitigation measures also included in the DEIS

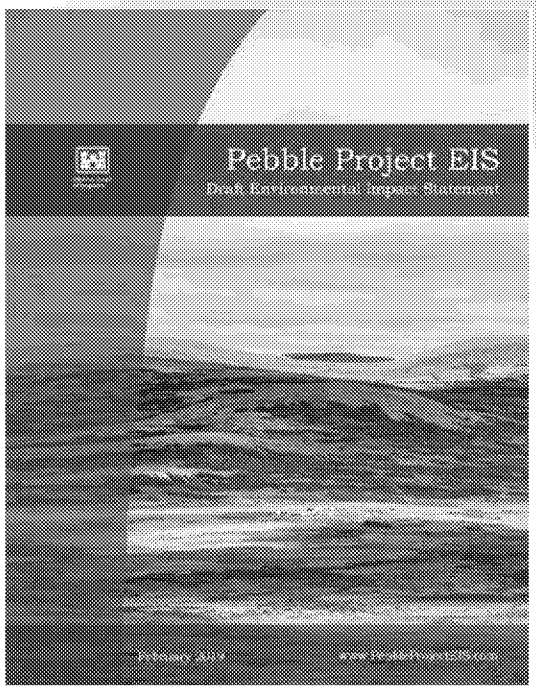


THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

4. Pebble fish habitat assessment employs short-term fish abundance data

- **Schindler's claims are incorrect**
- Pebble habitat quality assessment is based on 12 different physical, chemical and biological parameters – NOT fish numbers
- **All 12 parameters demonstrate that deposit area streams are very low in productivity, have poor quality and support few if any fish**
- Pebble's 'habitat quality' focus is consistent with norms for state & federal regulators
- Regulators know that fish abundance only reflects current population levels, and not productive capacity – hence the focus on habitat not fish numbers

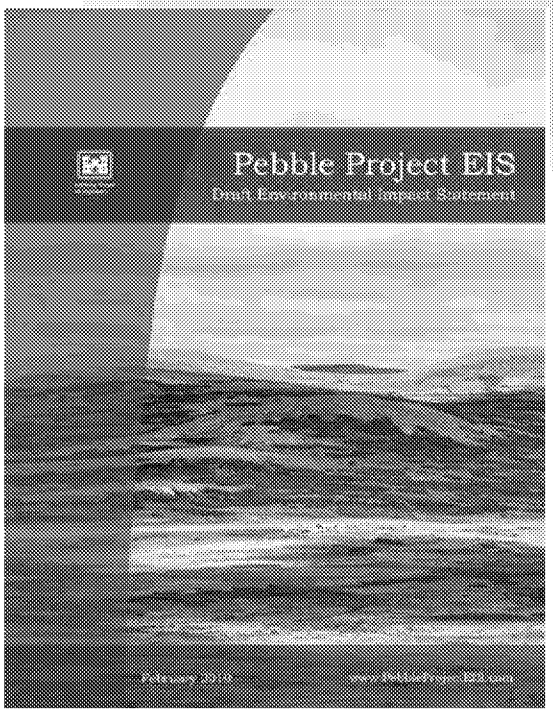


THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

5. Pebble area streams are essential to Bristol Bay salmon production

- **Wrong**
- **The two project area streams produce a miniscule portion of total BB sockeye (0.08%)**
- DEIS concludes Pebble will not reduce local salmon population – but even if there were losses, they would be undetectable in the overall commercial fishery
- **Pebble critic Daniel Schindler and other's studies confirm insignificant fish production in the project area streams**
- Pebble's surplus water release strategy will protect habitat & sustain fish production - **there will be NO population level losses**



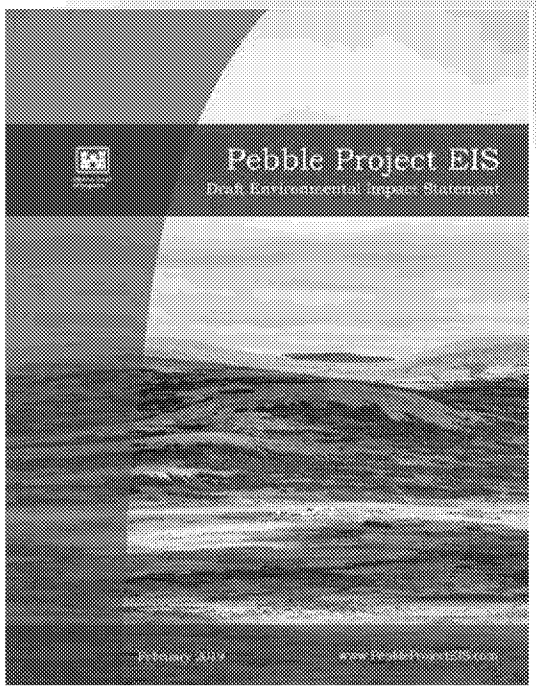
THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

6. Draft EIS does not address Climate Change

Schindler's claims are not correct

- The DEIS provides a detailed description of different long-term climate change models & widely varying predictions of precipitation patterns
- The DEIS confirms the reasonableness of Pebble mine design for foreseeable climate change scenarios



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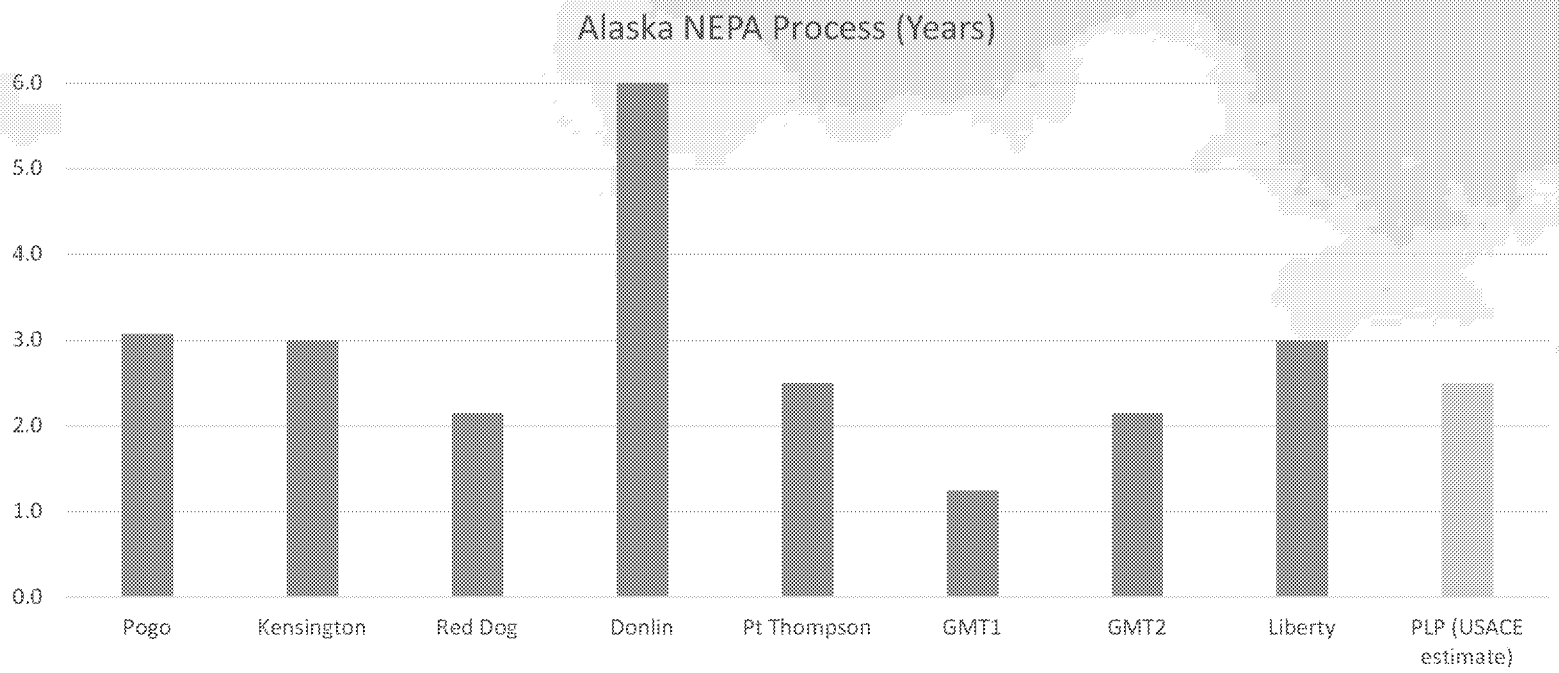
Bristol Bay-Pebble Mine 2019 FOIAs Production001

THE pebble PARTNERSHIP

Criticisms of the USACE DEIS

7. EIS process has been rushed; public comment period too short



THE pebble PARTNERSHIP

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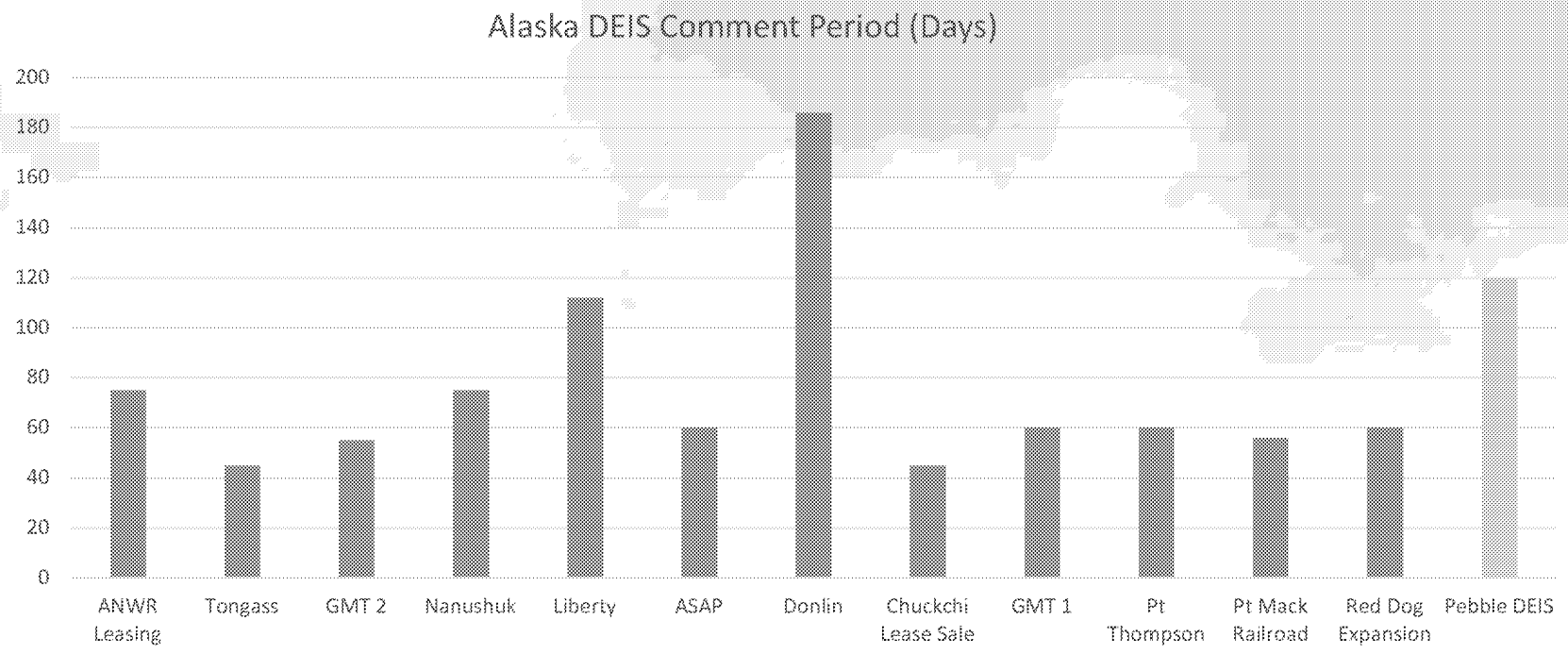


THE pebble PARTNERSHIP

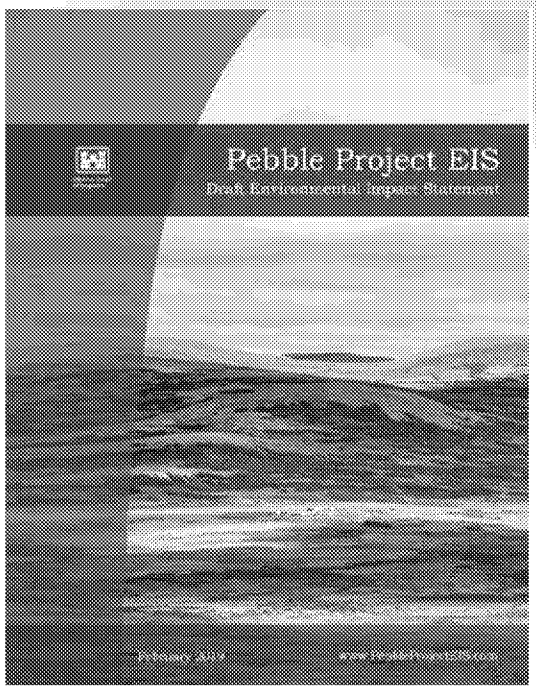
Criticisms of the USACE DEIS

8. Draft EIS evaluates a smaller project than Pebble intends to build

- **Incorrect**

- There are no plans to develop the Pebble Project beyond the 20-year mine project currently being evaluated by the US Army Corps of Engineers

- Any subsequent phase of development would have to undergo comprehensive federal, state and local regulatory review
  - Another discrete EIS process



THE pebble PARTNERSHIP

3 Takeaways

- Pebble has presented a project description vastly different from that used in the BBWA
- The DEIS addresses the central issues of concern for the Pebble Project and shows it can be done responsibly and without impact to the BB fishery
- The criticisms against Pebble's current plan are not valid

THE pebble PARTNERSHIP

Pebble Project Briefing

Environmental Protection Agency

Iliamna, Alaska

June 12, 2019

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/25/2018 9:32:46 PM
To: Schwab, Justin [schwab.justin@epa.gov]
Subject: FW: Bristol Bay Watershed Assessment
Attachments: 20180425160309.PDF

FYI

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 5:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Bristol Bay Watershed Assessment

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Bristol Bay Watershed Assessment

Ryan,

Another letter to the Administrator -- this one on the many flaws of the Bristol Bay Watershed Assessment, which the Administrator is relying on in sustaining the preemptive veto of the Pebble Mine.

Please let me know if you have any questions.

Thanks.

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/25/2018 9:32:40 PM
To: Schwab, Justin [schwab.justin@epa.gov]
Subject: FW: Letter to the Administrator
Attachments: 20180425125804.PDF

FYI

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 1:55 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Letter to the Administrator

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 1:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Letter to the Administrator

Ryan,

Guess I should have actually attached the letter before I hit send.

Peter

From: Peter Robertson
Sent: Wednesday, April 25, 2018 1:31:27 PM
To: jackson.ryan@epa.gov
Subject: Letter to the Administrator

Ryan,

I'm attaching a letter to Administrator Pruitt to this email. I would appreciate it if you could bring this to his attention. He spoke a couple of weeks ago to a group of conservative organizations. During that meeting, he was asked about the Pebble preemptive veto. His answers were conveyed to us, and this letter reacts to some of the things he said.

One of the things he said was that he was willing to hear new information about Pebble. This letter contains information which the Administrator clearly has not heard before. It also contains a request to meet with him so that we can discuss these matters in greater detail. Anything you can do to help facilitate such a meeting would, of course, be greatly appreciated.

Look forward to hearing from you.

Best,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/25/2018 9:28:56 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Carrie Wehling [Wehling.Carrie@epa.gov]
Subject: FW: Bristol Bay Watershed Assessment
Attachments: 20180425160309.PDF

Another letter from PLP . . .

David Fotouhi

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Office of General Counsel
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Sent: 4/25/2018 5:59:56 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Carrie Wehling [Wehling.Carrie@epa.gov]
Subject: FW: Letter to the Administrator
Attachments: 20180425125804.PDF

Please see attached. I'd like to discuss sometime next week (or will let you know if we need to discuss sooner). Thanks!

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Best,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 6/19/2019 7:04:09 PM
To: Nalven, Heidi [Nalven.Heidi@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Re: Pebble presentation from June 12

Thank you.

Sent from my iPhone

On Jun 19, 2019, at 9:35 AM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

> David - Just wanted to make sure you had a copy of the presentation Pebble gave last week to Matt and others.
>
> ---
>
> **From:** James Fueg <jamesfueg@pebblepartnership.com>
> **Sent:** Thursday, June 13, 2019 1:58 PM
> **To:** Kaiser, Russell <Kaiser.Russell@epa.gov>
> **Subject:** Pebble presentation from June 12
>
> Mr. Kaiser
> Attached please find a copy of the PLP presentation as requested. Thank you again for your time.
> Regards,
> James
>
> James Fueg
> Vice President - Permitting
>
> Main: (907) 339-2600
> Direct: (907) 339-2612
> 3201 C Street, Suite 505
> Anchorage, AK 99503
>
> <JUN 12 EPA presentation.pdf>

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/17/2019 11:26:34 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Re: EIS

Thanks Chris.

Sent from my iPhone

> On May 17, 2019, at 5:22 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:
>
> Matt:
>

Ex. 5 Deliberative Process (DP)

>
> Have a good weekend
>
> Chris
>
> Sent from my iPhone

Message

From: hladick.christopher@epa.gov [hladick.christopher@epa.gov]
Sent: 6/4/2019 8:01:03 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: AK trip - call from PLP

Yes I will make arrangements.

Sent from my iPhone

On Jun 4, 2019, at 12:27 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

> Hi Chris,
>
> I also received a letter making the same request. We can schedule a meeting in Anchorage for the technical briefing. I will not be accepting a helicopter tour. Can you make arrangements accordingly?
>
> Thanks, Matt
>
> **Matthew Z. Leopold**
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> ---
>
> **From:** Hladick, Christopher
> **Sent:** Tuesday, June 4, 2019 2:28 PM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Cc:** Fotouhi, David <Fotouhi.David@epa.gov>
> **Subject:** FW: AK trip - call from PLP
>
> Just an FYI do we want to provide a written response from you Matt? They have been calling almost daily.
>
> Chris Hladick
> Regional Administrator
> U.S. Environmental Protection Agency, Region 10
> Office: (206) 553-1234
> Cell: Ex. 6 Personal Privacy (PP)
> Fax: (206) 553-1809
>
> ---
>
> **From:** McGrath, Patricia
> **Sent:** Tuesday, June 4, 2019 11:25 AM
> **To:** Allnutt, David <Allnutt.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
> **Cc:** Fordham, Tami <Fordham.Tami@epa.gov>
> **Subject:** AK trip - call from PLP
>
> Hi David and Chris-
>
> I got a call this morning from James Fueg, PLP VP for permitting. He was calling on behalf of PLP to clarify that PLP would like to meet with the General Counsel during his trip to Alaska next week to brief

him on the project and technical issues. James said that PLP would be able to meet either in Anchorage or Iliamna for 1 to 2 hours. James also wanted to clarify that PLP has invited the General Counsel on a helicopter tour of the site during the time we are in Iliamna. He indicated that a helicopter tour would take about 1.5 hours and could accommodate 4 EPA people. If additional EPA folks want to participate in a tour that could take place following the first tour.

Just wanted to pass on this information.

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

Message

From: hladick.christopher@epa.gov [hladick.christopher@epa.gov]
Sent: 6/7/2019 2:23:04 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Fwd: June 2019 Alaska Travel_M Leopold_Final DRAFT Itinerary updated6_6_19 .docx
Attachments: June 2019 Alaska Travel_M Leopold_Final DRAFT Itinerary updated6_6_19 .docx; ATT00001.htm

Matt:

Give me a call this afternoon to talk about the trip; dress to how the meetings will go in the villages. Let's talk. No matter what I know these folks so all will be good.

Sent from my iPhone

Begin forwarded message:

> **From:** "Fordham, Tami" <Fordham.Tami@epa.gov>
> **Date:** June 6, 2019 at 6:06:28 PM PDT
> **To:** "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Cc:** "Allnutt, David" <Allnutt.David@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Detwiler, Susan K." <detwiler.susan@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
> **Subject: June 2019 Alaska Travel_M Leopold_Final DRAFT Itinerary updated6_6_19 .docx**
>
> Please see the updated itinerary (mostly final). One item remains on the itinerary, the list of PLP representatives who will be present in Iliamna, otherwise it is complete and we are otherwise set. I will be out tomorrow, but reachable if needed.
>
> Sue and I look forward to hosting the team very soon in Alaska.
>
> Tami

Message

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 5/17/2019 7:48:26 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; bolen.brittney@epa.gov; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Gahner, Pamela [gahner.pamela@epa.gov]
Subject: Meeting to discuss EIS

Folks:

Ryan asked that I check on your availability next week to discuss EIS for Pebble. I am having a briefing paper prepared. Would be good to find some time on Wednesday if possible. Otherwise I could change my flights and do Friday morning. I am having Pam Gahner work with your schedulers.

Thanks

Chris

Sent from my iPhone

Message

From: hladick.christopher@epa.gov [hladick.christopher@epa.gov]
Sent: 5/10/2019 4:01:45 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Re: two things

Yes

Sent from my iPhone

On May 10, 2019, at 8:53 AM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

> Can you do 12:45 eastern?
>
> **Matthew Z. Leopold**
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> ---
>
> **From:** Hladick, Christopher
> **Sent:** Friday, May 10, 2019 10:56 AM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Subject:** RE: two things
>
> Open from 1 to 2..... 3 to 4..... or 4:30 on your time.
>
> Chris Hladick
> Regional Administrator
> U.S. Environmental Protection Agency, Region 10
> Office: (206) 553-1234
> Cell: Ex. 6 Personal Privacy (PP)
> Fax: (206) 553-1809
>
> ---
>
> **From:** Leopold, Matt (OGC)
> **Sent:** Thursday, May 9, 2019 5:46 PM
> **To:** Hladick, Christopher <hladick.christopher@epa.gov>
> **Subject:** Re: two things
>
> Ok. Let's chat tomorrow.
>
> Sent from my iPhone
>
> On May 9, 2019, at 8:08 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:
>
>> We can pay pebble to fly a helicopter to the site. Probably can't book a flyover on a charter. We need to get the mine visit nailed down before booking the rest of Alaska flights. Might be best to talk through tomorrow.
>>
>> Sent from my iPhone
>>
>> On May 9, 2019, at 2:02 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Hi Chris,

Glad to have you back. I look forward to hearing about your trip.

On the visit to Alaska, I agree that we should do a flyover of the site. Lee and I are the only ones planning to make the trip from HQ. I plan to arrive in Seattle the evening of Sunday, June 9. We would spend Monday at the Region and then fly to Anchorage on Tuesday. Can you pull together a proposed itinerary for the time in Alaska? I have blocked off the entire week. I'll give you a call so we can talk details.

As for the draft NEPA and 404 comments, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, May 9, 2019 4:45 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: two things

Matt:

Just returned from Scotland, had an awesome trip.

Pebble EIS/404 Briefing Tuesday: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Pebble site visit. I highly recommend actually going to the site. I don't know how many people you have coming to Alaska but would not take everyone to the actual site. It is good to get the geography of the area, I have not been on the ground at the site but have flown over it many times when I lived in Dillingham. I believe it will beneficial for you to see it first-hand. The reason I bring this up is we need to know now to make

arrangements for a helicopter, they are in high demand in Alaska during the summer months.

Let me know.

Chris

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 7/23/2019 8:35:51 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
Subject: 404(q) MOA 3(b) extension letter
Attachments: Pebble Mine _404(q) MOA 3(b) extension letter.docx

Chris and Lee,

Please see the attached draft, which I plan to finalize today. I am available to discuss any comments. Please do not share this more broadly.

Thanks, Matt

DRAFT DELIBERATIVE DO NOT RELEASE

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 7/26/2019 10:25:04 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: 404(q) Pebble Mine
Attachments: 1255892637_072619_155056.pdf; ATT00001.htm

Chris, see attached

Sent from my iPhone

Begin forwarded message:

> **From:** "Fisher, Ryan A SES USARMY HQDA ASA CW (US)" <ryan.a.fisher12.civ@mail.mil>
> **Date:** July 26, 2019 at 5:01:01 PM EDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Cc:** "James, Rickey Dale (RD) HON USARMY HQDA ASA CW (USA)" <rickey.d.james.civ@mail.mil>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Schmauder, Craig R SES (USA)" <craig.r.schmauder.civ@mail.mil>, "Davenport, Robert L Jr CIV USARMY HQDA OGC (USA)" <robert.l.davenport4.civ@mail.mil>
> **Subject: RE: 404(q) Pebble Mine**
>
> Matt,
>
> Please see attached a letter in response to your July 25, 2019 letter to Mr. James regarding the 404(q) MOA process for the Pebble Limited Partnership application. We'll be in touch next week, and look forward to working with you further.
>
> Ryan
>
> Ryan A. Fisher | Principal Deputy Assistant Secretary of the Army for Civil Works
> 108 Army Pentagon, Room 3E446 | Washington, DC 20310-0108
> 703-695-1370 | ryan.a.fisher12.civ@mail.mil

> **From:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Sent:** Thursday, July 25, 2019 2:19 PM
> **To:** James, Rickey Dale (RD) HON USARMY HQDA ASA CW (USA) <rickey.d.james.civ@mail.mil>
> **Cc:** Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** [Non-DoD Source] 404(q) Pebble Mine
>
> Mr. James,
>
> Please see the attached letter regarding the 404(q) MOA process for the Pebble Mine. I'd be happy to discuss with you if you have any questions. I look forward to your response.
>
> Regards, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

Message

From: Kaiser, Russell [Kaiser.Russell@epa.gov]
Sent: 6/17/2019 12:41:36 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]
Subject: FW: Pebble presentation from June 12
Attachments: ATT00001.txt; JUN 12 EPA presentation.pdf

FYI, attached is the Pebble slide presentation.

Thanks,

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
Room 7114B West Bldg.
Washington, DC 20004
P: 202.566.0963
C: Ex. 6 Personal Privacy (PP)

From: James Fueg <jamesfueg@pebblepartnership.com>
Sent: Thursday, June 13, 2019 1:58 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: Pebble presentation from June 12

Mr. Kaiser
Attached please find a copy of the PLP presentation as requested. Thank you again for your time.
Regards,
James

James Fueg
Vice President - Permitting

Main: (907) 339-2600
Direct: (907) 339-2612
3201 C Street, Suite 505
Anchorage, AK 99503

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/4/2019 10:23:33 AM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: Re: Pebble interim drafts

Thank you David. I look forward to reviewing.

Matt

Sent from my iPhone

On Jun 3, 2019, at 8:51 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

Matt – attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.

Ex. 5 Deliberative Process (DP)

<Picture (Device Independent Bitmap) 1.jpg>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

<PLP 404 Cover Letter_3June2019.docx>

<PLP 404 Enclosure_22May2019 draft.docx>

<PLP DEIS Detailed Comments_22May2019.docx>

<PLP DEIS Cover Letter_3June2019.docx>

THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law
OFFICE OF THE ATTORNEY GENERAL

1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501
Main: (907) 269-5100
Fax: (907) 269-5110

May 15, 2019

Matthew Z. Leopold, General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: *Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act*

Dear Mr. Leopold:

I write concerning an unlawful action taken by the United States Environmental Protection Agency (EPA) under the administration of President Obama that, to date, EPA has declined to withdraw. Specifically, EPA continues to keep in place the Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(C) of the Clean Water Act Pebble Deposit Area, Southwest Alaska, issued in July 2014 (the "Proposed Determination"), which has indefinitely suspended the State's ability to provide for the development of mineral resources on certain state lands in Southwest Alaska. EPA's withdrawal of this unlawful action by the prior administration is long overdue.

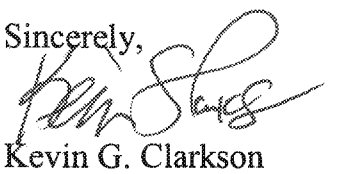
Briefly, on February 28, 2014, EPA publicly announced that it was commencing a process to potentially veto under Clean Water Act (CWA) Section 404(c) a necessary permit for mining on state lands containing substantial mineral resources known as the Pebble deposit. EPA's action was based on a watershed assessment that had no regulatory foundation and an interpretation of the CWA that lacked any legal basis. The Proposed Determination was based on hypothetical mining scenarios that have since been demonstrated through the ongoing 404 permitting process for the Pebble Mine to lack a factual basis. Even worse, EPA's process leading to the Proposed Determination was so infected with bias against a mine that an Alaska federal district court judge was compelled to grant a preliminary injunction halting all EPA work on the veto in November 2014. The House Committee on Oversight and Government Reform conducted an investigation of EPA's actions in this matter and concluded "that EPA employees had inappropriate contact with outside groups and failed to conduct an

impartial, fact-based review of the proposed Pebble mine."[1] One wonders why EPA, under the Trump Administration, would continue to defend such an action.

The lands at issue in this matter were conveyed to the State by the Alaska Statehood Act of 1958 and related federal acts and were intended to provide for the State's overall economic and social well-being. We were heartened in July 2017 when EPA published notice of a proposal to withdraw the illegal Proposed Determination, but we were shocked and disappointed in January 2018 when EPA decided to suspend that withdrawal. EPA's decision to suspend the withdrawal appears to be based on the same assessment that the federal court and U.S. House Committee on Oversight and Government Reform found to be infected with bias and lacking in facts. By keeping the illegal Proposed Determination in place, EPA is discouraging investment in mineral resource development in Southwest Alaska and throughout the state, and breaking the promise of the Alaska Statehood Act that these lands could be developed for the benefit of the State's economy. The longer the Proposed Determination remains in place, the greater the risk that the proposed veto will become a *fait accompli* as investors look for a more predictable opportunities for natural resource development.

The State continues to evaluate its options concerning EPA's refusal to withdraw the Proposed Determination, including possible litigation against EPA. We would much prefer that EPA take the right step for Alaskans and the rule of law, withdraw the Proposed Determination, and allow the ongoing 404 permitting process for the Pebble Mine to proceed without the specter of EPA's veto. We certainly hope that the current Trump Administration will not continue to perpetuate the illegal action taken by the former administration of President Obama to thwart natural resource development in Alaska.

Sincerely,



Kevin G. Clarkson
Attorney General

cc: Doug Hoelscher, Director Intergovernmental Affairs
Representative Don Young
Senator Lisa Murkowski
Senator Dan Sullivan

---

[1] Letter from House Oversight Committee to EPA Administrator McCarthy (Nov. 4, 2015), https://republicans-oversight.house.gov/wp-content/uploads/2015/11/2015-11-04-JC-CLJJ-to-McCarthy-EPA-Bristol-Bay-due-11-18.pdf.

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/16/2019 8:02:57 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]
CC: Allnutt, David [Allnutt.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Pebble mine site visit

Yes, I'd like to make sure I meet with the tribal and fishing interests in the area. We'll have more time for that.

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, May 16, 2019 3:58 PM
To: Fordham, Tami <Fordham.Tami@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Pebble mine site visit

Tami: no meeting with Pebble in Iliamna, if you think we should meet with the tribe there lets keep that portion.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Fordham, Tami
Sent: Thursday, May 16, 2019 12:56 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: Pebble mine site visit

Absolutely. I will send a revised itinerary, I'm assuming that a meeting with Pebble in Iliamna should remain on the itinerary, without the helicopter tour.

Please let me know otherwise as Patty McGrath needs to follow up with PLP.

Thank you! Tami

Sent from my iPhone

On May 16, 2019, at 11:51 AM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

> Will do. Tami please revise and send

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Leopold, Matt (OGC)
Sent: Thursday, May 16, 2019 12:14 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: Pebble mine site visit

Chris,

As discussed, we will not turn the mine while in Alaska. Please send us a revised schedule for Tuesday-Thursday.

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Wednesday, May 15, 2019 1:29 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Pebble mine site visit

Matt:

I tried to call your cell earlier but this is the gist of what I wanted to talk about:

A decision needs to be made about the mine visit. I understand that Stephanie Rich is working on the ethics question regarding whether or not a political can go to the mine site on a helicopter provided by the mine. There are no commercial flights available to the mine. So the mine providing a helicopter for a price per seat is one option, which we have used many times in the past, and the other is to charter a helicopter. Gina McCarthy chartered a helicopter when she visited the site some years ago.

Given the high profile of this project I think it is extremely important for you to go and see the site for yourself and hear from the Pebble Limited Partnership about their plans. We will also be going to Dillingham to hear from staunch opponents of the mine.

The helicopter option needs to be decided today because charter helicopters in Alaska in the summer are in high demand. If charter is the way we are going we need to start working on the logistics for that today if at all possible. There may be three or four seats available on a helicopter, depends on the model.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/16/2019 7:14:22 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
CC: Allnutt, David [Allnutt.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]
Subject: RE: Pebble mine site visit

Chris,

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Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Wednesday, May 15, 2019 1:29 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Pebble mine site visit

Matt:

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The helicopter option needs to be decided today because charter helicopters in Alaska in the summer are in high demand. If charter is the way we are going we need to start working on the logistics for that today if at all possible. There may be three or four seats available on a helicopter, depends on the model.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/15/2019 5:57:55 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
CC: Allnutt, David [Allnutt.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]
Subject: Re: Pebble mine site visit

Can we contact ethics for the final view? Ex. 5 Deliberative Process (DP)

Thanks, Matt

Sent from my iPhone

On May 15, 2019, at 1:28 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

> Matt:
>
> I tried to call your cell earlier but this is the gist of what I wanted to talk about:
>
> A decision needs to be made about the mine visit. I understand that Stephanie Rich is working on the ethics question regarding whether or not a political can go to the mine site on a helicopter provided by the mine. There are no commercial flights available to the mine. So the mine providing a helicopter for a price per seat is one option, which we have used many times in the past, and the other is to charter a helicopter. Gina McCarthy chartered a helicopter when she visited the site some years ago.
>
> Given the high profile of this project I think it is extremely important for you to go and see the site for yourself and hear from the Pebble Limited Partnership about their plans. We will also be going to Dillingham to hear from staunch opponents of the mine.
>
> The helicopter option needs to be decided today because charter helicopters in Alaska in the summer are in high demand. If charter is the way we are going we need to start working on the logistics for that today if at all possible. There may be three or four seats available on a helicopter, depends on the model.
>
> Chris Hladick
> Regional Administrator
> U.S. Environmental Protection Agency, Region 10
> Office: (206) 553-1234
> Cell: Ex. 6 Personal Privacy (PP)
> Fax: (206) 553-1809

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/13/2019 10:25:22 AM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Hladick, Christopher [hladick.christopher@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: Pebble interim drafts

Thank David. I appreciate having these drafts to review to prepare for the Tuesday check in.

Also, I wanted to make the team aware that I accepted a request from Pebble for a meeting that will occur Wednesday at 2 pm eastern. Let me know if there is any information that we should request in advance of the June trip.

I will also be meeting with the Alaska delegation and potentially other groups as Lee Forsgren has gotten requests from the fishing interests.

Sent from my iPhone

On May 10, 2019, at 8:47 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

> Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director

<Picture (Device Independent Bitmap) 1.jpg>

Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

<NEPA Enclosure for GC.docx>

<404 Cover Letter for GC.docx>

<404 Enclosure for GC.docx>

<NEPA Cover Letter for GC.docx>

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/10/2019 6:21:33 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: RE: two things

Okay. Defer to you on the arrangements.

From: Hladick, Christopher
Sent: Friday, May 10, 2019 1:28 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: two things

We will not be staying overnight in Dillingham unfortunately, will be staying in Anchorage every night. I keep a jet boat there for hunting and fishing. Another trip.....

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Leopold, Matt (OGC)
Sent: Friday, May 10, 2019 8:53 AM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: two things

Can you do 12:45 eastern?

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Friday, May 10, 2019 10:56 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: two things

Open from 1 to 2..... 3 to 4..... or 4:30 on your time.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Leopold, Matt (OGC)
Sent: Thursday, May 9, 2019 5:46 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Re: two things

Ok. Let's chat tomorrow.

Sent from my iPhone

On May 9, 2019, at 8:08 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

> We can pay pebble to fly a helicopter to the site. Probably can't book a flyover on a charter. We need to get the mine visit nailed down before booking the rest of Alaska flights. Might be best to talk through tomorrow.
>
> Sent from my iPhone
>
> On May 9, 2019, at 2:02 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:
>
> > Hi Chris,
> >
> > Glad to have you back. I look forward to hearing about your trip.
> >
> > On the visit to Alaska, I agree that we should do a flyover of the site. Lee and I are the only ones planning to make the trip from HQ. I plan to arrive in Seattle the evening of Sunday, June 9. We would spend Monday at the Region and then fly to Anchorage on Tuesday. Can you pull together a proposed itinerary for the time in Alaska? I have blocked off the entire week. I'll give you a call so we can talk details.
> >
> > As for the draft NEPA and 404 comments, Ex. 5 Deliberative Process (DP)
> >
> > Ex. 5 Deliberative Process (DP)
> >
> > Thanks, Matt
> >
> > **Matthew Z. Leopold**
> > General Counsel
> > U.S. Environmental Protection Agency
> > (202) 564-8040
> >
> > **From:** Hladick, Christopher
> > **Sent:** Thursday, May 9, 2019 4:45 PM
> > **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> > **Subject:** two things
> >
> > Matt:
> >
> > Just returned from Scotland, had an awesome trip.

Ex. 5 Deliberative Process (DP)

Pebble site visit. I highly recommend actually going to the site. I don't know how many people you have coming to Alaska but would not take everyone to the actual site. It is good to get the geography of the area, I have not been on the ground at the site but have flown over it many times when I lived in Dillingham. I believe it will beneficial for you to see it first-hand. The reason I bring this up is we need to know now to make arrangements for a helicopter, they are in high demand in Alaska during the summer months.

Let me know.

Chris

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 5 Deliberative Process (DP)
Fax: (206) 553-1809

Message

From: Hobbie, David S CIV USARMY CEPOA (US) [David.S.Hobbie@usace.army.mil]
Sent: 5/9/2019 9:45:14 PM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Ryan A. Fisher [Ryan.A.Fisher12.civ@mail.mil]; Goodin, John [Goodin.John@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Turley, Tammy R CIV USARMY CELRN (USA) [Tammy.R.Turley@usace.army.mil]; Borders, Phillip J (Phil) COL USARMY CEPOA (US) [Phillip.J.Borders@usace.army.mil]; Johnson, Shannon L CIV USARMY CEPOA (USA) [Shannon.L.Johnson@usace.army.mil]
Subject: RE: Follow-up on voicemails

David,
Thanks for the note and sorry for the delayed response, but this has been a busy week! As you are tracking, we received your comments on Tuesday and have been working to re-write and address all of the documents. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The documents are in our OC for a review. I am off tomorrow, but will do my best to get you the final version tomorrow.

VR
Dave

-----Original Message-----
From: Allnutt, David [mailto:Allnutt.David@epa.gov]
Sent: Wednesday, May 8, 2019 11:36 AM
To: Hobbie, David S CIV USARMY CEPOA (US) <David.S.Hobbie@usace.army.mil>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Ryan A. Fisher <Ryan.A.Fisher12.civ@mail.mil>; Goodin, John <Goodin.John@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: [Non-DoD Source] RE: Follow-up on voicemails

David - Lee has asked that update him and Ryan on the status of our discussions regarding the draft Nanushuk permit. I've described in general terms the discussion that you and I had by phone yesterday and by this email am sharing our latest written communications on the topic.

I know that you've been tied up in meetings this morning, and I'm tied up this afternoon. But to follow up on the phone message I left earlier today, I wanted to clarify that -- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director
Laboratory Services and Applied Science Division U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Jensen, Amy A.
Sent: Tuesday, May 07, 2019 12:15 PM

To: Allnutt, David <Allnutt.David@epa.gov>; Hobbie, David S CIV USARMY CEPOA (US) <David.S.Hobbie@usace.army.mil>
Subject: RE: Follow-up on voicemails

David -

Ex. 5 Deliberative Process (DP)

-Amy

Amy Jensen
Regional Wetland Coordinator
U.S. EPA, Region 10
Wetlands and Oceans Section, Water Division
1200 Sixth Avenue, Mail Stop 14-D12
Seattle, Washington 98101-3140
Office: (206) 553-0285; Cell: Ex. 6 Personal Privacy (PP)
Email: jensen.amy@epa.gov <mailto:jensen.amy@epa.gov>

From: Allnutt, David
Sent: Tuesday, May 7, 2019 9:47 AM
To: Hobbie, David S CIV USARMY CEPOA (US) <David.S.Hobbie@usace.army.mil>
Cc: Jensen, Amy A. <jensen.amy@epa.gov>
Subject: Follow-up on voicemails

David - glad that we were able to finally connect by phone. Since you were driving, here's my summary of what we discussed:

Pebble -

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Nanushuk --

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director
Laboratory Services and Applied Science Division U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

Message

From: Allnutt, David [Allnutt.David@epa.gov]
Sent: 5/8/2019 7:36:22 PM
To: Hobbie, David S CIV USARMY CEPOA (US) [David.S.Hobbie@usace.army.mil]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Fisher, Ryan A SES USARMY HQDA ASA CW (US) [ryan.a.fisher12.civ@mail.mil]; Goodin, John [Goodin.John@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: RE: Follow-up on voicemails
Attachments: ATT85457

David – Lee has asked that update him and Ryan on the status of our discussions regarding the draft Nanushuk permit. I've described in general terms the discussion that you and I had by phone yesterday and by this email am sharing our latest written communications on the topic.

I know that you've been tied up in meetings this morning, and I'm tied up this afternoon. But to follow up on the phone message I left earlier today, I wanted to clarify that -- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Jensen, Amy A.
Sent: Tuesday, May 07, 2019 12:15 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Hobbie, David S CIV USARMY CEPOA (US) <David.S.Hobbie@usace.army.mil>
Subject: RE: Follow-up on voicemails

David –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-Amy

Amy Jensen
Regional Wetland Coordinator
U.S. EPA, Region 10
Wetlands and Oceans Section, Water Division
1200 Sixth Avenue, Mail Stop 14-D12
Seattle, Washington 98101-3140
Office: (206) 553-0285; Ex. 6 Personal Privacy (PP)
Email: jensen.amy@epa.gov

From: Allnutt, David
Sent: Tuesday, May 7, 2019 9:47 AM
To: Hobbie, David S CIV USARMY CEPOA (US) <David.S.Hobbie@usace.army.mil>
Cc: Jensen, Amy A. <jensen.amy@epa.gov>
Subject: Follow-up on voicemails

David – glad that we were able to finally connect by phone. Since you were driving, here's my summary of what we discussed:

Ex. 5 Deliberative Process (DP)

Nanushuk --

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 4/25/2019 7:02:03 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Murkowski Calls for Pebble Comment Period Extension

Thanks. I would like to do the trip to Alaska the second week of June. I would plan to come to Seattle first. How should we go about setting this up?

Lee, can you start thinking of what meetings are necessary on the Hill given the recent inquires? I assume we should do those in May?

Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, April 25, 2019 9:54 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Fwd: Murkowski Calls for Pebble Comment Period Extension

Am guessing Murkowski will request consultation on anything we do as well.

Subject: Murkowski Calls for Pebble Comment Period Extension

Murkowski Calls for Pebble Comment Period Extension; Stresses Need for Meaningful Consultation and Time for Feedback from Alaskans

04.24.19

Murkowski Calls for Pebble Comment Period Extension

Stresses Need for Meaningful Consultation and Time for Feedback from Alaskans

Affter completing review of the Draft Environmental Impact Statement (DEIS) for the proposed Pebble mine project in Bristol Bay, U.S. Senator Lisa Murkowski (R-AK) today sent a letter to Colonel Phillip Borders, U.S. Army Corps of Engineers Alaska District Commander, requesting an extension for the public comment period from 90 days to 120 days. Currently, the public comment period runs through May 30.

In her letter, Senator Murkowski acknowledged her appreciation for the U.S. Army Corps of Engineers for providing a public comment period twice the length of the required minimum comment period of 45 days, but cited a need for an immediate extension. Given the length and complexity of the DEIS, Murkowski stressed the necessity to extend the comment period by an additional 30 days in order to ensure that the thousands of Alaskans who have followed this project closely have the opportunity to provide meaningful feedback.

"I appreciate all the work the Corps is doing on this project to meet its responsibilities with respect to this permitting application. When the DEIS was first posted, I raised concerns about the length of the comment period, given the size and scope of the project, as well as statewide interest. After carefully reviewing the DEIS, I've concluded Alaskans need more time," said Senator Murkowski. "The Corps permit is one of many the proposed Pebble mine will ultimately need to acquire, but throughout this process I want Alaskans to have adequate time to review and weigh in on the project. I expect their input to be taken seriously and fully considered in the development of the final EIS and the Record of Decision."

Murkowski also requested the U.S. Army Corps of Engineers redouble its efforts to engage in meaningful consultation with the Alaska Natives who live in the Bristol Bay region, including ensuring local residents have the ability to provide input on the DEIS in a government-to-government setting in the region.

The full text of the letter is available here and below.

Dear Colonel Borders:

I write today to request the U.S. Army Corps of Engineers (Corps) extend the public comment period for the Draft Environmental Impact Statement (DEIS) for the proposed Pebble mine in Bristol Bay, Alaska from 90 days to 120 days.

While I appreciate the U.S. Army Corps of Engineers providing a public comment period of 90 days – twice the length of the required minimum comment period of 45 days – I believe the Corps should immediately extend the comment period by an additional 30 days. Acting now is important given the length and complexity of the DEIS and the need to ensure that the thousands of Alaskans who have followed this project closely can provide meaningful feedback on it.

In addition, I urge you to redouble your efforts to engage in meaningful consultation with the Alaska Natives who live in the Bristol Bay region. I understand consultation occurs throughout the EIS process and that input from tribes can occur outside the boundaries of the comment period. I ask that you make every attempt to ensure that local residents receive the DEIS and can provide their input in a government-to-government setting in the region. I also expect that input to be taken seriously and fully considered in the development of the final EIS and the Record of Decision.

I make this request for this proposed project as an exception to my general view about the appropriate length of comment periods for EISs under the National Environmental Policy Act. This request is consistent with the 120-day comment period I asked the EPA to conduct for the Bristol Bay Watershed Assessment in 2012. I do not believe, however, that a similar comment period is warranted for any other project or rulemaking underway in Alaska at this time.

I appreciate all the work the Corps is doing on this project to meet its responsibilities with respect to this permitting application. I also recognize that the Corps permit is

one of many the proposed Pebble mine will ultimately need to acquire, with the bulk of the permitting for this project occurring at the state level.

I thank you in advance for your consideration of this request.

Sincerely,

Bill Dunbar
EPA Region 10
O:206/553-1019
C: Ex. 6 Personal Privacy (PP)
1200 Sixth Avenue, Suite 155
M/S RAD-202
Seattle, WA 98101

Follow us!

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/3/2019 10:29:37 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

Ex. 5 Deliberative Process (DP)

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----
From: Forsgren, Lee
Sent: Friday, May 3, 2019 5:14 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: FW: Corps announced 30-day extension to Pebble DEIS comment period

Matt,
Now that the COE in Alaska have extended the comment period by 30 days do you want to give the team the additional time to provide comments on the Pebble EIS and 404 permit?

Ex. 5 Deliberative Process (DP)

Regards,
Lee

-----Original Message-----
From: Goodin, John
Sent: Friday, May 3, 2019 4:53 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

DELIBERATIVE

Thanks, Lee.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
John

-----Original Message-----
From: Forsgren, Lee
Sent: Friday, May 03, 2019 4:11 PM
To: Goodin, John <Goodin.John@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

Ex. 5 Deliberative Process (DP)

-----Original Message-----
From: Goodin, John
Sent: Friday, May 3, 2019 4:06 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Corps announced 30-day extension to Pebble DEIS comment period
Importance: High

Ex. 5 Deliberative Process (DP) Note that this will put Matt's visit during the comment period.

-----Original Message-----
From: Hough, Palmer
Sent: Friday, May 03, 2019 4:04 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: Corps announced 30-day extension to Pebble DEIS comment period
Importance: High

FYI - Corps just announced a 30-day extension to the Pebble DEIS comment period. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-----Original Message-----
From: Vaughan, Molly
Sent: Friday, May 03, 2019 3:41 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: FW: 05_03_2019_email_RE_public_comment_extension_for_dEIS no response needed (UNCLASSIFIED)

Hello All,
We just received word from the Corps that the comment period has been extended an additional 30 days, to June 29. Per Patty's previous email, we will draft a revised review schedule for the letters, and share that on Monday.
Regards,
Molly

-----Original Message-----
From: POA Special Projects <poaspecialprojects@usace.army.mil>
Sent: Friday, May 03, 2019 11:27 AM
To: bobl@jadenorth.com; Brooke Merrell <brooke_merrell@nps.gov>; Curyung Tribal <courtenay@curyungtribe.com>; Daugherty, Linda (PHMSA) <linda.daugherty@dot.gov>; David Seris (David.M.Seris@uscg.mil) <David.M.Seris@uscg.mil>; Douglass Cooper <douglass_cooper@fws.gov>; Hassell, David (PHMSA) <david.hassell@dot.gov>; J. Loichinger <jloichinger@achp.gov>; Joan Kluwe <joan_kluwe@nps.gov>; John Eddins <jeddins@achp.gov>; Mark Fesmire <mark.fesmire@bsee.gov>; 'mary_colligan@fws.gov' <mary_colligan@fws.gov>; McCall, John <john.mccall@bsee.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Moselle, Kyle W (DNR) <kyle.moselle@alaska.gov>; manager@lakeandpen.com; POA Special Projects <poaspecialprojects@usace.army.mil>; nondaltontribe@yahoo.com; Wesley Furlong <wfurlong@narf.org>
Cc: Craig, Bill <bill.m.craig@aecom.com>; POA Special Projects <poaspecialprojects@usace.army.mil>; Bella, Elizabeth <elizabeth.bella@aecom.com>; Bellion, Tara <tara.bellion@aecom.com>
Subject: 05_03_2019_email_RE_public_comment_extension_for_dEIS no response needed (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

After careful consideration, the District will extend the current May 30, 2019 deadline for an additional 30 days. The deadline for submitting comments on the draft environmental impact is now June 29, 2019. The District will consider all comments submitted by June 29, 2019, before finalizing the EIS and making any permit decision.

It would be appreciated if your agency would submit comments in as timely manner as possible so that we can review and help inform the specificity of the topics for the technical work shops and who should participate.

VR

Shane McCoy
Program Manager

CLASSIFICATION: UNCLASSIFIED

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 2/12/2019 2:49:41 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: Teleconference with Alaska Attorney General

Chris, I wanted to let you know I got this contact. Let me know if you'd like to discuss before I reach out.

Matt

Sent from my iPhone

Begin forwarded message:

> **From:** "Sniffen, Clyde E (LAW)" <ed.sniffen@alaska.gov>
> **Date:** February 11, 2019 at 7:14:38 PM EST
> **To:** "leopold.matt@epa.gov" <leopold.matt@epa.gov>
> **Subject: Teleconference with Alaska Attorney General**
>
> Mr. Leopold,
>
> I'm the Chief of Staff to Attorney General Kevin Clarkson. I'd like to arrange a time for you and Mr. Clarkson to have a 10 minute conversation about EPA's proposed determination of the Bristol Bay 404(c) permit. Can you let me know if you have time this week for a quick call? Thank you very much – I know your time is limited.
>
> **Clyde "Ed" Sniffen Jr.**
> Chief of Staff
> Alaska Department of Law
> 1031 W. 4th Ave. #200
> Anchorage, AK 99501
> 907-269-5100 (Anchorage)
> 907-465-4044 (Juneau)

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 4/12/2019 12:36:09 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Mutz, John [mutz.john@epa.gov]
Subject: RE: Alaska

Thanks. Let me check the calendar and circle back with you.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, April 11, 2019 7:27 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: Alaska

Matt:

I called contacts out in Bristol Bay about the best time to visit Dillingham. They indicated before June 15th or after July 20th would be the best dates for availability as most folks we would talk with are commercial fisherman and June 15 to July 20th is the Sockeye season. Let me know what works best for you. I also indicated they should send someone to talk to you in DC ahead of the visit to Alaska. I let them know you would be out of the office next week.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 4/25/2018 11:06:14 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
Subject: Fwd: Another Letter from PLP to the Administrator
Attachments: 20180425160309.PDF; ATT00001.htm

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

Begin forwarded message:

> **From:** "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>
> **Date:** April 25, 2018 at 2:45:06 PM PDT
> **To:** "Peterson, Erik" <Peterson.Erik@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>, "Steiner-Riley, Cara" <Steiner-Riley.Cara@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Mendelman, Krista" <Mendelman.Krista@epa.gov>, "Bennett, Brittany" <bennett.brittany@epa.gov>
> **Cc:** "Hough, Palmer" <Hough.Palmer@epa.gov>
> **Subject: Another Letter from PLP to the Administrator**

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

> **From:** Wehling, Carrie
> **Sent:** Wednesday, April 25, 2018 2:42 PM
> **To:** Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
> **Subject:** Fwd: Bristol Bay Watershed Assessment
>
> But wait, there's more....
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> > **Date:** April 25, 2018 at 5:28:56 PM EDT
> > **To:** "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>
> > **Subject: FW: Bristol Bay Watershed Assessment**

Another letter from PLP . . .

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 5:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Bristol Bay Watershed Assessment

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Bristol Bay Watershed Assessment

Ryan,

Another letter to the Administrator -- this one on the many flaws of the Bristol Bay Watershed Assessment, which the Administrator is relying on in sustaining the preemptive veto of the Pebble Mine.

Please let me know if you have any questions.

Thanks.

Peter

Message

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 4/25/2018 8:29:55 PM
To: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: FW: Letter to Administrator from Pebble re 404c
Attachments: 20180425125804.PDF

This just in. I haven't reviewed it yet.

Allyn L. Stern
Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Seattle, WA 98101
206-553-1223

From: Palomaki, Ashley
Sent: Wednesday, April 25, 2018 12:03 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Mendelman, Krista <Mendelman.Krista@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Letter to Administrator from Pebble re 404c

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Wehling, Carrie
Sent: Wednesday, April 25, 2018 11:51 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Heads up re Letter to the Administrator

Heidi – looks like something for our weekly next week, if not sooner.
No specific to-do.
Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Fotouhi, David
Sent: Wednesday, April 25, 2018 2:00 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Letter to the Administrator

Please see attached. I'd like to discuss sometime next week (or will let you know if we need to discuss sooner). Thanks!

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 1:55 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Letter to the Administrator

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 1:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Letter to the Administrator

Ryan,

Guess I should have actually attached the letter before I hit send.

Peter

From: Peter Robertson
Sent: Wednesday, April 25, 2018 1:31:27 PM
To: jackson.ryan@epa.gov
Subject: Letter to the Administrator

Ryan,

I'm attaching a letter to Administrator Pruitt to this email. I would appreciate it if you could bring this to his attention. He spoke a couple of weeks ago to a group of conservative organizations. During that meeting, he was asked about the Pebble preemptive veto. His answers were conveyed to us, and this letter reacts to some of the things he said.

One of the things he said was that he was willing to hear new information about Pebble. This letter contains information which the Administrator clearly has not heard before. It also contains a request to meet with him so that we can discuss these matters in greater detail. Anything you can do to help facilitate such a meeting would, of course, be greatly appreciated.

Look forward to hearing from you.

Best,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Dennis DeWitt Ex. 6 Personal Privacy (PP)
Sent: 4/19/2018 8:44:16 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
CC: Mike Heatwole [mikeheatwole@pebblepartnership.com]
Subject: Objection to Use of 404(c) Veto at Pebble Mine
Attachments: Letter to EPA Re Pebble.pdf

Please receive a copy of our letter requesting Administrator Pruitt withdraw the Proposed Determination Pursuant to Section 404c of the Clean Water Act for Pebble Deposit Area, Southwest Alaska.

Thank you

Denny DeWitt
Executive Director
First Things First Alaska Foundation
PO Box 240605
Douglas, Alaska 99824
www.ftffoundation.org
Email: Ex. 6 Personal Privacy (PP)
Phone: 907 723 6667

FIRST THINGS FIRST
ALASKA FOUNDATION

P.O. Box 240605
Douglas, AK 99824

907.586.1254 phone
907.463.3433 fax
fffoundation.org

April 19, 2018

Neil MacKinnon
President

Rosemary Hagevig
Vice President

Joseph Kahklen
Secretary

Frank Bergstrom
Treasurer

Directors
Corey Baxter
Richard Burns
Wayne Coogan
Naomi Hobbs
Scott Spickler

John Sandor
Director Emeritus

Denny DeWitt
Executive Director

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Administrator Pruitt,

While we appreciate the many actions you've taken to date, we call upon you to direct the U.S. Environmental Protection Agency (EPA) to withdraw the 'Proposed Determination Pursuant to Section 404c of the Clean Water Act for Pebble Deposit Area, Southwest Alaska' (AKA the Obama proposed pre-permit veto) to remedy the Agency's prior overreach and bad public policy.

The Obama 404c proposed pre-permit veto action utilized a blunt instrument of federal overreach in an attempt to block projects before they could go through the well-established federal permitting process. While the Corps of Engineers is now moving forward on its NEPA review of the Pebble permit, we believe that the EPA should never attempt to use this provision and it needs to be eliminated, which the Trump infrastructure plan proposes. The normal permitting process should be applied to all, including allowing Pebble to continue without the proposed veto continuing to hang over its head. Further, the Obama EPA pre-permit proposed veto on the Pebble Deposit area was based on incomplete, shoddy analysis and agency staff collusion with liberal environmental activists and other project opponents.

The impact of this issue is far greater than just one mine. A pre-permit 404c veto eliminates due process and the well-established, transparent regulatory process for Clean Water Act permits. By proposing to rescind the Obama 404c Proposed Determination on mining in Alaska and then suspending that action, you have affirmatively let the proposed pre-permit veto stand. This gives the environmental left a new tool to eliminate projects they don't like under liberal administrations, and we all know that future EPA administrators will then point to you as a justification for them to use it again.

Further, we welcome the Trump Administration's call to cut federal red tape in the infrastructure plan, including cutting back EPA's 404c veto authority to

First Things First Alaska Foundation (FTFAF) is dedicated to preserving the economic viability and future of Alaska through education. There is a clear need to educate the public on the benefits of responsible economic development and natural resource management.

address the burden of duplicative regulatory approval for dredge and fill permits.

Again, we appreciate your leadership on reducing the burdensome EPA regulations implemented by the Obama EPA and the stranglehold those regulations place on the United States of America. However, we are disappointed with your action on this issue and urge you to complete the withdrawal of the 404c 'Proposed Determination' as soon as possible. Withdrawing it simply confirms your often-stated commitment to the rule of law and regular order in such proceedings.

Sincerely

Neil MacKinnon
Board President

cc: Michael Catanzaro
Tate Bennett
Samantha Dravis
Chris Hladick
Darrell Henry
Tom Collins

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 7/10/2019 6:02:02 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: FW: Article

Interesting read on pebble.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: (206) 247-2946
Fax: (206) 553-1809

https://www.undercurrentnews.com/2019/07/08/alaska-gives-federal-agency-long-pebble-mine-to-do-list/

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 7/5/2019 3:35:09 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: FW: Alaska Journal | EPA sharply critical of Pebble draft; 'preemptive veto' revisted

The Alaska Journal has a reputation of good reporting. Have a great weekend.

http://www.alaskajournal.com/2019-07-02/epa-sharply-critical-pebble-draft-'preemptive-veto'-revisted

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 6/27/2019 4:30:04 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: Might be late to Pebble VTC

Sorry I did not realize, until this morning, this drill was scheduled during our VTC.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Fotouhi, David
Sent: Thursday, June 27, 2019 9:11 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Re: Might be late to Pebble VTC

We've heard from R10 that they have a building evacuation drill planned for this time, so fletcher will be looking to move this to later in the afternoon. Thanks

Sent from my iPhone

On Jun 27, 2019, at 9:12 AM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

> Matt and David,
>
> I might be a few minutes late to the Pebble VTC today at 1:30. I have to attend Ryan Jackson's Weekly Planning meeting for OW at 1:00. Those meetings are scheduled for 45 minutes but frequently end sooner than that. I will come as soon as possible.
>
> Respectfully,
> Lee

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 6/7/2019 2:23:05 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Fwd: June 2019 Alaska Travel_M Leopold_Final DRAFT Itinerary updated6_6_19 .docx
Attachments: June 2019 Alaska Travel_M Leopold_Final DRAFT Itinerary updated6_6_19 .docx; ATT00001.htm

Matt:

Give me a call this afternoon to talk about the trip; dress to how the meetings will go in the villages. Let's talk. No matter what I know these folks so all will be good.

Sent from my iPhone

Begin forwarded message:

> **From:** "Fordham, Tami" <Fordham.Tami@epa.gov>
> **Date:** June 6, 2019 at 6:06:28 PM PDT
> **To:** "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Cc:** "Allnutt, David" <Allnutt.David@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Detwiler, Susan K." <detwiler.susan@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
> **Subject: June 2019 Alaska Travel_M Leopold_Final DRAFT Itinerary updated6_6_19 .docx**
>
> Please see the updated itinerary (mostly final). One item remains on the itinerary, the list of PLP representatives who will be present in Iliamna, otherwise it is complete and we are otherwise set. I will be out tomorrow, but reachable if needed.
>
> Sue and I look forward to hosting the team very soon in Alaska.
>
> Tami

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 6/4/2019 8:01:04 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: AK trip - call from PLP

Yes I will make arrangements.

Sent from my iPhone

On Jun 4, 2019, at 12:27 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

> Hi Chris,
>
> I also received a letter making the same request. We can schedule a meeting in Anchorage for the technical briefing. I will not be accepting a helicopter tour. Can you make arrangements accordingly?
>
> Thanks, Matt
>
> **Matthew Z. Leopold**
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> ---
>
> **From:** Hladick, Christopher
> **Sent:** Tuesday, June 4, 2019 2:28 PM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Cc:** Fotouhi, David <Fotouhi.David@epa.gov>
> **Subject:** FW: AK trip - call from PLP
>
> Just an FYI do we want to provide a written response from you Matt? They have been calling almost daily.
>
> Chris Hladick
> Regional Administrator
> U.S. Environmental Protection Agency, Region 10
> Office: (206) 553-1234
> Cell: Ex. 6 Personal Privacy (PP)
> Fax: (206) 553-1809
>
> ---
>
> **From:** McGrath, Patricia
> **Sent:** Tuesday, June 4, 2019 11:25 AM
> **To:** Allnutt, David <Allnutt.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
> **Cc:** Fordham, Tami <Fordham.Tami@epa.gov>
> **Subject:** AK trip - call from PLP
>
> Hi David and Chris-

I got a call this morning from James Fueg, PLP VP for permitting. He was calling on behalf of PLP to clarify that PLP would like to meet with the General Counsel during his trip to Alaska next week to brief him on the project and technical issues. James said that PLP would be able to meet either in Anchorage or Iliamna for 1 to 2 hours. James also wanted to clarify that PLP has invited the General Counsel on a helicopter tour of the site during the time we are in Iliamna. He indicated that a helicopter tour would take about 1.5 hours and could accommodate 4 EPA people. If additional EPA folks want to participate in a tour that could take place following the first tour.

Just wanted to pass on this information.

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 6/5/2019 9:28:34 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Mutz, John (Fletcher) [mutz.john@epa.gov]
Subject: FW: AK trip - call from PLP
Attachments: June 2019 Alaska Travel_M Leopold_Draft Itinerary updated5.31.19.docx

Here is the latest, trying to incorporate all meetings. Pebble meeting Wed in Iliamna,

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: (206) 247-2946
Fax: (206) 553-1809

From: Fordham, Tami
Sent: Wednesday, June 5, 2019 2:26 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: AK trip - call from PLP

From: Hladick, Christopher
Sent: Wednesday, June 05, 2019 1:24 PM
To: Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: AK trip - call from PLP

Please send whole schedule as it exists

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Fordham, Tami
Sent: Tuesday, June 4, 2019 2:34 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>; Detwiler, Susan K. <detwiler.susan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: RE: AK trip - call from PLP

I just confirmed Iliamna, here is the revised schedule. I talked with Patty who will call PLP. I will need to talk with Newhalen about the change in itinerary and the ANCSA Corporations to adjust meeting time. As soon as Patty confirms I will make those calls.

9:30AM – 10:30AM: Newhalen Tribal Council

Location: Newhalen Bingo Hall

11:00AM – 12:00PM: Iliamna Village Council
Location: Iliamna Community Center

12:30PM-1:30PM: Pebble Limited Partnership
Location: PLP

1:45PM – 3:30PM: ANCSA Village Corporation Representatives: Iliamna Natives Limited (INL), Alaska Peninsula Corporation (APC), & Kijik Corporation
Location: Two Sisters Haven (aka "Grams")

From: Hladick, Christopher
Sent: Tuesday, June 04, 2019 12:02 PM
To: Detwiler, Susan K. <detwiler.susan@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Fwd: AK trip - call from PLP

Would it be easier to do this in Iliamna?

Sent from my iPhone

Begin forwarded message:

> **From:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Date:** June 4, 2019 at 12:27:25 PM PDT
> **To:** "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Cc:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Subject: RE: AK trip - call from PLP**
>
> Hi Chris,
>
> I also received a letter making the same request. We can schedule a meeting in Anchorage for the technical briefing. I will not be accepting a helicopter tour. Can you make arrangements accordingly?
>
> Thanks, Matt
>
> **Matthew Z. Leopold**
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> ---
>
> **From:** Hladick, Christopher
> **Sent:** Tuesday, June 4, 2019 2:28 PM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Cc:** Fotouhi, David <Fotouhi.David@epa.gov>
> **Subject:** FW: AK trip - call from PLP
>
> Just an FYI do we want to provide a written response from you Matt? They have been calling almost daily.
>
> Chris Hladick

Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: McGrath, Patricia
Sent: Tuesday, June 4, 2019 11:25 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Fordham, Tami <Fordham.Tami@epa.gov>
Subject: AK trip - call from PLP

Hi David and Chris-

I got a call this morning from James Fueg, PLP VP for permitting. He was calling on behalf of PLP to clarify that PLP would like to meet with the General Counsel during his trip to Alaska next week to brief him on the project and technical issues. James said that PLP would be able to meet either in Anchorage or Iliamna for 1 to 2 hours. James also wanted to clarify that PLP has invited the General Counsel on a helicopter tour of the site during the time we are in Iliamna. He indicated that a helicopter tour would take about 1.5 hours and could accommodate 4 EPA people. If additional EPA folks want to participate in a tour that could take place following the first tour.

Just wanted to pass on this information.

Patty

Patty McGrath |Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 5/17/2019 7:48:26 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; bolen.brittney@epa.gov; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Gahner, Pamela [gahner.pamela@epa.gov]
Subject: Meeting to discuss EIS

Folks:

Ryan asked that I check on your availability next week to discuss EIS for Pebble. I am having a briefing paper prepared. Would be good to find some time on Wednesday if possible. Otherwise I could change my flights and do Friday morning. I am having Pam Gahner work with your schedulers.

Thanks

Chris

Sent from my iPhone

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 5/14/2019 7:51:56 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Follow up

Would like to follow up on today's teleconference on Pebble.

Chris

Sent from my iPhone

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 5/10/2019 4:36:08 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: two things

I will call you at the number below

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: (206) 247-2946
Fax: (206) 553-1809

From: Leopold, Matt (OGC)
Sent: Friday, May 10, 2019 8:53 AM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: two things

Can you do 12:45 eastern?

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Friday, May 10, 2019 10:56 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: two things

Open from 1 to 2…….. 3 to 4…… or 4:30 on your time.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: (206) 247-2946
Fax: (206) 553-1809

From: Leopold, Matt (OGC)
Sent: Thursday, May 9, 2019 5:46 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Re: two things

Ok. Let's chat tomorrow.

Sent from my iPhone

On May 9, 2019, at 8:08 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

We can pay pebble to fly a helicopter to the site. Probably can't book a flyover on a charter. We need to get the mine visit nailed down before booking the rest of Alaska flights. Might be best to talk through tomorrow.

Sent from my iPhone

On May 9, 2019, at 2:02 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Hi Chris,

Glad to have you back. I look forward to hearing about your trip.

On the visit to Alaska, I agree that we should do a flyover of the site. Lee and I are the only ones planning to make the trip from HQ. I plan to arrive in Seattle the evening of Sunday, June 9. We would spend Monday at the Region and then fly to Anchorage on Tuesday. Can you pull together a proposed itinerary for the time in Alaska? I have blocked off the entire week. I'll give you a call so we can talk details.

Ex. 5 Deliberative Process (DP)

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, May 9, 2019 4:45 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: two things

Matt:

Just returned from Scotland, had an awesome trip.

Pebble EIS/404 Briefing Tuesday: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Pebble site visit. I highly recommend actually going to the site. I don't know how many people you have coming to Alaska but would not take everyone to the actual site. It is good to get the geography of the area, I have not been on the ground at the site but have flown over it many times when I lived in Dillingham. I believe it will beneficial for you to see it first-hand. The reason I bring this up is we need to know now to make arrangements for a helicopter, they are in high demand in Alaska during the summer months.

Let me know.

Chris

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 5/10/2019 4:01:46 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Re: two things

Yes

Sent from my iPhone

On May 10, 2019, at 8:53 AM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

> Can you do 12:45 eastern?
>
> **Matthew Z. Leopold**
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> ---
>
> **From:** Hladick, Christopher
> **Sent:** Friday, May 10, 2019 10:56 AM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Subject:** RE: two things
>
> Open from 1 to 2..... 3 to 4..... or 4:30 on your time.
>
> Chris Hladick
> Regional Administrator
> U.S. Environmental Protection Agency, Region 10
> Office: (206) 553-1234
> Cell: (206) 247-2946
> Fax: (206) 553-1809
>
> ---
>
> **From:** Leopold, Matt (OGC)
> **Sent:** Thursday, May 9, 2019 5:46 PM
> **To:** Hladick, Christopher <hladick.christopher@epa.gov>
> **Subject:** Re: two things
>
> Ok. Let's chat tomorrow.
>
> Sent from my iPhone
>
> On May 9, 2019, at 8:08 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:
>
>> We can pay pebble to fly a helicopter to the site. Probably can't book a flyover on a charter. We need to get the mine visit nailed down before booking the rest of Alaska flights. Might be best to talk through tomorrow.
>>
>> Sent from my iPhone

On May 9, 2019, at 2:02 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Hi Chris,

Glad to have you back. I look forward to hearing about your trip.

On the visit to Alaska, I agree that we should do a flyover of the site. Lee and I are the only ones planning to make the trip from HQ. I plan to arrive in Seattle the evening of Sunday, June 9. We would spend Monday at the Region and then fly to Anchorage on Tuesday. Can you pull together a proposed itinerary for the time in Alaska? I have blocked off the entire week. I'll give you a call so we can talk details.

Ex. 5 Deliberative Process (DP)

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, May 9, 2019 4:45 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: two things

Matt:

Just returned from Scotland, had an awesome trip.

Pebble EIS/404 Briefing Tuesday: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Pebble site visit. I highly recommend actually going to the site. I don't know how many people you have coming to Alaska but would not take everyone to the actual site. It is good to get the geography of the area, I have not been on the ground at the site but have flown over it many

times when I lived in Dillingham. I believe it will beneficial for you to see it first-hand. The reason I bring this up is we need to know now to make arrangements for a helicopter, they are in high demand in Alaska during the summer months.

Let me know.

Chris

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 4/25/2019 1:54:27 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: Murkowski Calls for Pebble Comment Period Extension

Am guessing Murkowski will request consultation on anything we do as well.

Subject: Murkowski Calls for Pebble Comment Period Extension

Murkowski Calls for Pebble Comment Period Extension; Stresses Need for Meaningful Consultation and Time for Feedback from Alaskans

04.24.19

Murkowski Calls for Pebble Comment Period Extension

Stresses Need for Meaningful Consultation and Time for Feedback from Alaskans

Affter completing review of the Draft Environmental Impact Statement (DEIS) for the proposed Pebble mine project in Bristol Bay, U.S. Senator Lisa Murkowski (R-AK) today sent a letter to Colonel Phillip Borders, U.S. Army Corps of Engineers Alaska District Commander, requesting an extension for the public comment period from 90 days to 120 days. Currently, the public comment period runs through May 30.

In her letter, Senator Murkowski acknowledged her appreciation for the U.S. Army Corps of Engineers for providing a public comment period twice the length of the required minimum comment period of 45 days, but cited a need for an immediate extension. Given the length and complexity of the DEIS, Murkowski stressed the necessity to extend the comment period by an additional 30 days in order to ensure

that the thousands of Alaskans who have followed this project closely have the opportunity to provide meaningful feedback.

"I appreciate all the work the Corps is doing on this project to meet its responsibilities with respect to this permitting application. When the DEIS was first posted, I raised concerns about the length of the comment period, given the size and scope of the project, as well as statewide interest. After carefully reviewing the DEIS, I've concluded Alaskans need more time," said Senator Murkowski. "The Corps permit is one of many the proposed Pebble mine will ultimately need to acquire, but throughout this process I want Alaskans to have adequate time to review and weigh in on the project. I expect their input to be taken seriously and fully considered in the development of the final EIS and the Record of Decision."

Murkowski also requested the U.S. Army Corps of Engineers redouble its efforts to engage in meaningful consultation with the Alaska Natives who live in the Bristol Bay region, including ensuring local residents have the ability to provide input on the DEIS in a government-to-government setting in the region.

The full text of the letter is available here and below.

Dear Colonel Borders:

I write today to request the U.S. Army Corps of Engineers (Corps) extend the public comment period for the Draft Environmental Impact Statement (DEIS) for the proposed Pebble mine in Bristol Bay, Alaska from 90 days to 120 days.

While I appreciate the U.S. Army Corps of Engineers providing a public comment period of 90 days – twice the length of the required minimum comment period of 45 days – I believe the Corps should immediately extend the comment period by an additional 30 days. Acting now is important given the length and complexity of the

DEIS and the need to ensure that the thousands of Alaskans who have followed this project closely can provide meaningful feedback on it.

In addition, I urge you to redouble your efforts to engage in meaningful consultation with the Alaska Natives who live in the Bristol Bay region. I understand consultation occurs throughout the EIS process and that input from tribes can occur outside the boundaries of the comment period. I ask that you make every attempt to ensure that local residents receive the DEIS and can provide their input in a government-to-government setting in the region. I also expect that input to be taken seriously and fully considered in the development of the final EIS and the Record of Decision.

I make this request for this proposed project as an exception to my general view about the appropriate length of comment periods for EISs under the National Environmental Policy Act. This request is consistent with the 120-day comment period I asked the EPA to conduct for the Bristol Bay Watershed Assessment in 2012. I do not believe, however, that a similar comment period is warranted for any other project or rulemaking underway in Alaska at this time.

I appreciate all the work the Corps is doing on this project to meet its responsibilities with respect to this permitting application. I also recognize that the Corps permit is one of many the proposed Pebble mine will ultimately need to acquire, with the bulk of the permitting for this project occurring at the state level.

I thank you in advance for your consideration of this request.

Sincerely,

Bill Dunbar
EPA Region 10

O:206/553-1019
C: Ex. 6 Personal Privacy (PP)
1200 Sixth Avenue, Suite 155
M/S RAD-202
Seattle, WA 98101

Follow us!

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 2/12/2019 3:00:27 AM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Re: Teleconference with Alaska Attorney General

I talked to Gov a few days ago with his Chief if Staff Tuckerman Babcock. Let's touch base on conversation I had tomorrow

Sent from my iPhone

On Feb 11, 2019, at 5:49 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

> Chris, I wanted to let you know I got this contact. Let me know if you'd like to discuss before I reach out.
>
> Matt
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Sniffen, Clyde E (LAW)" <ed.sniffen@alaska.gov>
> > **Date:** February 11, 2019 at 7:14:38 PM EST
> > **To:** "leopold.matt@epa.gov" <leopold.matt@epa.gov>
> > **Subject: Teleconference with Alaska Attorney General**
> >
> > Mr. Leopold,
> >
> > I'm the Chief of Staff to Attorney General Kevin Clarkson. I'd like to arrange a time for you and Mr. Clarkson to have a 10 minute conversation about EPA's proposed determination of the Bristol Bay 404(c) permit. Can you let me know if you have time this week for a quick call? Thank you very much – I know your time is limited.
> >
> > **Clyde "Ed" Sniffen Jr.**
> > Chief of Staff
> > Alaska Department of Law
> > 1031 W. 4th Ave. #200
> > Anchorage, AK 99501
> > 907-269-5100 (Anchorage)
> > 907-465-4044 (Juneau)

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 4/25/2018 9:15:37 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]
Subject: Re: Letter to Administrator from Pebble re 404c

Thanks

Sent from my iPhone

On Apr 25, 2018, at 1:30 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:

This just in. I haven't reviewed it yet.

Allyn L. Stern
Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Seattle, WA 98101
206-553-1223

From: Palomaki, Ashley
Sent: Wednesday, April 25, 2018 12:03 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Mendelman, Krista <Mendelman.Krista@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Letter to Administrator from Pebble re 404c

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Wehling, Carrie
Sent: Wednesday, April 25, 2018 11:51 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Heads up re Letter to the Administrator

Heidi – looks like something for our weekly next week, if not sooner.
No specific to-do.
Thanks.
Carrie

Caroline (Carrie) Wehling

Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Fotouhi, David
Sent: Wednesday, April 25, 2018 2:00 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Letter to the Administrator

Please see attached. I'd like to discuss sometime next week (or will let you know if we need to discuss sooner). Thanks!

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 1:55 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Letter to the Administrator

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 1:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Letter to the Administrator

Ryan,

Guess I should have actually attached the letter before I hit send.

Peter

From: Peter Robertson
Sent: Wednesday, April 25, 2018 1:31:27 PM
To: jackson.ryan@epa.gov
Subject: Letter to the Administrator

Ryan,

I'm attaching a letter to Administrator Pruitt to this email. I would appreciate it if you could bring this to his attention. He spoke a couple of weeks ago to a group of conservative organizations. During that meeting, he was asked about the Pebble preemptive veto. His answers were conveyed to us, and this letter reacts to some of the things he said.

One of the things he said was that he was willing to hear new information about Pebble. This letter contains information which the Administrator clearly has not heard before. It also contains a request to meet with him so that we can discuss these matters in greater detail. Anything you can do to help facilitate such a meeting would, of course, be greatly appreciated.

Look forward to hearing from you.

Best,

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

<20180425125804.PDF>

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 6/5/2018 12:43:07 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Peter D. Robertson [peterrobertson@pebblepartnership.com]; Fotouhi, David [Fotouhi.David@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: FW: Pebble Mine Meeting
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Tentative

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 6/5/2018 12:43:07 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Peter D. Robertson [peterrobertson@pebblepartnership.com]; Fotouhi, David [Fotouhi.David@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: FW: Pebble Mine Meeting
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Forsgren, Lee
Sent: Tuesday, June 05, 2018 8:40 AM
To: Forsgren, Lee; Peter D. Robertson; Fotouhi, David; Nalven, Heidi; Goodin, John
Cc: Campbell, Ann; Penman, Crystal; Frazer, Brian
Subject: FW: Pebble Mine Meeting
When: Tuesday, June 05, 2018 1:00 PM-1:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

-----Original Appointment-----
From: Forsgren, Lee
Sent: Thursday, May 31, 2018 8:19 AM
To: Forsgren, Lee; Peter D. Robertson; Fotouhi, David; Nalven, Heidi; Goodin, John
Cc: Campbell, Ann; Penman, Crystal
Subject: Pebble Mine Meeting
When: Tuesday, June 05, 2018 1:00 PM-1:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

The group includes:

Abe Williams – PLP Employee, Commerical Fisherman, BBNC Shareholder, Grew up in Bristol Bay
Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation
Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/22/2018 8:22:34 PM
To: Wilcox, Jahan [wilcox.jahan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Ross, David P [ross.davidp@epa.gov]
Subject: Fwd: Latest draft memo
Attachments: NEW DRAFT 404C memo v 2018-06-22 130pm.docx; ATT00001.htm

Draft 404c memo.

Sent from my iPhone

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 22, 2018 at 1:45:36 PM EDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Subject: Latest draft memo**
>
> Hi, Matt. Please see attached. Let me know if you have any final edits and/or if I should send downstairs. Thanks!
>
> **David Fotouhi**
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21Tahoma-VTC-Setup

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; EPAVTC [EPAVTC@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing (Update to Meeting Schedule Document)
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21Tahoma-VTC-Setup; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; EPAVTC [EPAVTC@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing (Update to Meeting Schedule Document)
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21Tahoma-VTC-Setup; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; EPAVTC [EPAVTC@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing (Briefing Documents Attached)
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21Tahoma-VTC-Setup; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
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Attachments: NEPA Enclosure for GC.docx; 404 Cover Letter for GC.docx; NEPA Cover Letter for GC.docx; Bristol Bay and Pebble Mine Maps.pdf; Bristol Bay Policy Briefing Document - Check-in 1 of 2_final 22April2019.docx; 404 Enclosure for GC.docx; Pebble DEIS + 404 letter prep and meeting schedule_20190513rev2.xlsx
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Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 4/25/2018 9:28:56 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: FW: Bristol Bay Watershed Assessment
Attachments: 20180425160309.PDF

Another letter from PLP . . .

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 5:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Bristol Bay Watershed Assessment

From: Peter Robertson [mailto:peterrobertson@pebblepartnership.com]
Sent: Wednesday, April 25, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Bristol Bay Watershed Assessment

Ryan,

Another letter to the Administrator -- this one on the many flaws of the Bristol Bay Watershed Assessment, which the Administrator is relying on in sustaining the preemptive veto of the Pebble Mine.

Please let me know if you have any questions.

Thanks.

Peter

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

THE pebble PARTNERSHIP

December 5, 2018

The Honorable Andrew Wheeler
Acting Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

I am writing on behalf of the Pebble Limited Partnership ("PLP") to formally request that the Environmental Protection Agency ("EPA") withdraw *Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act* (July 2014) ("Proposed Determination"), which aims to restrict the discharge of dredged or fill material related to the Pebble deposit in southwest Alaska. The Pebble Mine has the potential to produce substantial amounts of copper, molybdenum, and gold, and is expected to create thousands of jobs in the Bristol Bay region of Alaska. Equally as important, PLP has invested heavily into planning a mine that will operate safely and not pose a threat to Bristol Bay's valuable waters and fisheries.

Despite this, in 2014, EPA invoked its authority under Section 404(c) of the Clean Water Act to veto any proposed development by PLP *before* PLP had even filed for a permit application under Section 404 and *before* EPA had undertaken any scientific analysis of the potential project. But Section 404(c) does *not* authorize such a "preemptive" veto. Indeed, EPA had never before, or since, exercised its Section 404(c) authority preemptively. In every other case in which EPA has invoked its Section 404(c) authority, it has done so following the submission of a permit application and the completion of a thorough evaluation of that permit application under the National Environmental Policy Act ("NEPA"), as required by the Clean Water Act.

Seeking to fulfill the prior Administration's activist agenda, EPA ignored its statutory charge in an effort to halt any development project that it deemed, without any scientific analysis at all, to have any environmental impact. This extreme, activist approach to environmental regulation is not only misguided and unauthorized, it also runs counter to this Administration's stated policy of allowing for a full, fair, and open permit application process by the U.S. Army Corps of Engineers ("USACE") before deciding whether to issue a development permit. In fact, the White House's February 2018 infrastructure proposal advocates removing EPA's veto authority *entirely* because a veto "creates significant uncertainty and delays permit decisions . . . [and] removing EPA's authority to veto a 404 permit would make the permitting process more efficient and predictable." And in June 2018, EPA announced that it would develop a proposed rulemaking to consider amending its regulations to eliminate the authority to issue vetoes before

a permit application is filed or after a permit issues. Despite these public proclamations, former EPA Administrator Scott Pruitt refused to withdraw the Proposed Determination earlier this year, leaving the Pebble Mine in peril and sending mixed signals to investors and developers.

This Administration has re-committed EPA to the rule of law in many important areas, such as the Clean Power Plan and the Waters of the United States Rule. These efforts have reintroduced regulatory certainty and invigorated investment while maintaining environmental protections. By withdrawing the Obama Administration's Pebble veto, EPA has a similar opportunity; the Agency should allow for its proposed rulemaking to proceed and provide Pebble with nothing more than the same treatment that other permit applicants will receive in an improved Clean Water Act regulatory scheme. In so doing, EPA can continue to protect the valuable Bristol Bay watershed without unnecessarily stymying a project with immense economic potential.

The Proposed Determination Should Be Withdrawn for the Very Reasons Underlying EPA's Proposed Rulemaking

While EPA's June 2018 memo directing the Section 404(c) rulemaking was a welcome step toward re-introducing certainty into the federal permitting process and thereby spurring further economic development, allowing the Obama Pebble veto to remain in place fundamentally undercuts this progress. Preemptive vetoes (those issued before a developer even submits a permit application to USACE) significantly hinder growth by serving as a regulatory cloud over companies' investment decisions. Indeed, in announcing its Section 404(c) rulemaking, EPA noted that one reason for the proposed rulemaking was its concern "that the mere potential of the EPA's use of its section 404(c) authority before or after the permitting process could influence investment decisions and chill economic growth by short-circuiting the permitting process."

As the Pebble case unfortunately proves, this concern is not abstract; PLP is feeling these chilling effects right now. To illustrate this harm, just consider the aftermath of former Administrator Pruitt's announcement that EPA would not withdraw the Proposed Determination: The Agency announced its decision on Friday, January 26, 2018, and by the next Monday, the stock of PLP's parent company, Northern Dynasty Minerals, was down 50%. And, just recently, Goldman Sachs issued a report recommending no investment in Pebble and highlighting EPA's suspension of the proposed withdrawal of the Proposed Determination. Although Administrator Pruitt stated that his "decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project," the market clearly interpreted the action otherwise.

These effects are not limited to Pebble. If left in place, the Obama EPA's precedent – that the Agency can pick and choose which projects are worthy of due process – will still cause companies to question whether to pursue development projects in the United States. Indeed,

when EPA announced its intention to suspend the proposed withdrawal, the *Wall Street Journal* derided the move in a January 30, 2018, editorial titled "Pruitt's Bad Pebble Precedent," emphasizing the decision's likelihood to "undermine capital investment" and warning that future administrations could "take Mr. Pruitt's precedent and run with it" because it "makes the agency a superregulator able to kill any mine, pipeline, bridge or oil well before companies can make a case, and regardless of support by one of the 50 states." And hamstringing Pebble hurts other federal initiatives: Recent projections show demand for copper increasing, in large part due to its utility in green technology, a demand Pebble can help meet. These harms were all too common for businesses under the Obama Administration, but your EPA has an opportunity to reverse them and begin setting better precedent.

In fact, EPA can avoid these effects and begin to achieve some of the goals of the proposed rulemaking immediately. Withdrawing the Proposed Determination does not commit EPA to any outcome with regards to the ultimate permit application process for the Pebble Mine. Rather, such a move would merely assure that PLP receives the same fairness that the proposed rulemaking will establish for other project proponents. EPA described the potential regulations as "long-overdue" and bearing "the promise of increasing certainty for landowners, investors, businesses and entrepreneurs to make investment decisions while preserving EPA's authority to restrict discharges." PLP, which has invested nearly a billion dollars into exploration and planning, can also benefit from that increased certainty that will allow the company to further its plans to develop a project with immense economic potential for Alaska and the country.

EPA May Withdraw the Proposed Determination Immediately

When EPA suspended the process to withdraw the Proposed Determination, it said it intended to "at a future time" solicit public comment and information on whether to withdraw it. This statement is based on the erroneous belief that some further legal process is required to withdraw the veto. However, no such process is required.

The Proposed Determination adhered to EPA regulations requiring public comment and provided for public hearings regarding the proposed restrictions. *See* 40 C.F.R. § 231.3. Following any public comments or hearings, those regulations require *only* that within 30 days of the public hearing, or 15 days after expiration of the comment period (if no hearing is held), the EPA Regional Administrator either withdraw the Proposed Determination or prepare a Recommended Determination. If it is withdrawn, the Administrator has 10 days to notify the Regional Administrator if he intends to review such a withdrawal. *See* 40 C.F.R. § 231.5. If no such notice is given, the withdrawal becomes final. These timelines may be extended for good cause under 40 C.F.R. 231.8, and indeed EPA has extended these periods many times.

Thus, once EPA receives public comments and/or holds a hearing on a Proposed Determination, no further legal process is required. The regulation simply sets out certain

timelines for the agency to make its internal decision. Because there has never before been a preemptive veto, there is no agency precedent that requires the agency to conduct any additional process to withdraw such a veto. And, even if EPA wants more comments than have been received on the Proposed Determination and suspended withdrawal thereof, the ongoing environmental impact statement process has provided for even more public involvement, including public comments, and the publication of a scoping report with additional information about the Pebble Mine.

Finally, withdrawing the Proposed Determination in no way limits future EPA action on the Pebble Mine, including a veto under Section 404(c). A withdrawal does not require taking a position on whether the project will or will not pose a risk to the environment, or that the Bristol Bay Watershed Assessment (a study the Obama EPA concocted to justify its decision to issue the Proposed Determination) is scientifically flawed, or that PLP should be granted a permit. EPA would still retain its statutory authority to review the project following the NEPA process and can, at that time, evaluate the merits of the project based on a full record.

Withdrawing the Proposed Determination Poses No Legal Risks

Though environmental groups may file suit to challenge EPA's withdrawal, these actions will not succeed. As non-parties to the permit application process, any suit by environmental groups would likely be brought under the Clean Water Act's citizen suit provision or the Administrative Procedure Act. However, these statutes only allow for judicial review of a *non-discretionary* duty. *See* 5 U.S.C. 701(a) (granting a court jurisdiction to review actions taken by an agency except to the extent "agency action is committed to agency discretion by law"); 33 U.S.C. § 1365 (citizen suits may be brought where there is an alleged "failure … to perform any act or duty under this Act which is not discretionary with the Administrator"). Thus, courts have repeatedly dismissed actions by environmental groups challenging 404(c) determinations because both Section 404(c) of the Clean Water Act and EPA's regulations make clear that the Agency's veto authority is discretionary.

Moreover, environmental groups suing EPA for withdrawing the Proposed Determination may also lack standing to bring such an action because withdrawal of a veto is a procedural step, not the final decision on the permit application; thus there is no harm to would-be plaintiffs. This is especially true here, since EPA has the authority to reissue a Proposed Determination at the conclusion of the EIS process and in accordance with the Clean Water Act.

* * *

Withdrawing the Proposed Determination immediately is thus fully in accordance with the law and this Administration's stated policies. But more importantly, it would signal a commitment to regulatory stability and consistency without sacrificing any environmental

THE pebble PARTNERSHIP

protection. Since your appointment as EPA Acting Administrator, you have committed the Agency to returning to its core mission by focusing on the rule of law. By restoring order and fairness to the Pebble decision-making process, you have a tremendous opportunity to further that core mission.

Sincerely,

Tom Collier

Thomas C. Collier

Message

From: Sandi Colantuoni [sandi.colantuoni@pebblepartnership.com]
Sent: 12/6/2018 3:17:36 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Correspondence from The Pebble Partnership
Attachments: 20181206103832.PDF

Attached please find correspondence from Thomas Collier at The Pebble Partnership. Thank you.

Sandi Colantuoni
Executive Assistant
The Pebble Partnership
202.629.3397

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 4/5/2019 7:27:39 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; OGC IT Team [OGC_IT_Team@epa.gov]; Blackmond, Vicky [Blackmond.Vicky@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; EPAVTC [EPAVTC@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Bristol Bay R10/HQ Policy Briefing (Update to Meeting Schedule Document)
Attachments: NEPA Enclosure for GC.docx; 404 Cover Letter for GC.docx; NEPA Cover Letter for GC.docx; Bristol Bay and Pebble Mine Maps.pdf; Bristol Bay Policy Briefing Document - Check-in 1 of 2_final 22April2019.docx; 404 Enclosure for GC.docx; Pebble DEIS + 404 letter prep and meeting schedule_20190513rev2.xlsx
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21Tahoma-VTC-Setup; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

Purpose

- Update senior leadership on Pebble Mine NEPA and CWA 404 issues

Agenda

- Pebble DEIS + 404 letter prep and meeting schedule
- Alaska trip
- Draft NEPA and 404 letters

Materials

- Bristol Bay and Pebble Mine Maps
- Pebble DEIS + 404 letter prep and meeting schedule_20190513rev
- NEPA Cover Letter for GC
- NEPA Enclosure for GC
- 404 Cover Letter for GC
- 404 Enclosure for GC
- Bristol Bay Policy Briefing Document- Check-in 1 of 2_final22April2019

VTC will be available in the following locations:
HQ personnel - DC Room ARN 4045
R10 personnel - 21-Tahoma

RTP will open the conference line for those not able to attend via VTC. Please use the call in number below to be connected.
Conference Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)

HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 5/31/2018 12:18:38 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Peter D. Robertson [peterrobertson@pebblepartnership.com]; Fotouhi, David [Fotouhi.David@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: Pebble Mine Meeting
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Busy

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 5/31/2018 12:18:38 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Peter D. Robertson [peterrobertson@pebblepartnership.com]; Fotouhi, David [Fotouhi.David@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Goodin, John [Goodin.John@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]

Subject: Pebble Mine Meeting
Attachments: Real ID Information.pdf
Location: 1201 Constitution Ave NW, Washington DC 20004 WJCE 3233 Please call 202-564-5700 for escort

Start: 6/5/2018 5:00:00 PM
End: 6/5/2018 5:45:00 PM
Show Time As: Busy

The group includes:

Abe Williams – PLP Employee, Commerical Fisherman, BBNC Shareholder, Grew up in Bristol Bay
Brad Angasan – VP of Corporate Affairs for Alaska Peninsula Corporation
Ventura Samaniego – President & CEO of Kijik Corporation
Margie Olympic – PLP Site Staff & Newhalen Tribal Member
Henry Olympic – President of Newhalen of Tribal Council.

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

Message

From: Leopold.Matt@epa.gov [Leopold.Matt@epa.gov]
Sent: 7/26/2019 10:24:52 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: 404(q) Pebble Mine
Attachments: 1255892637_072619_155056.pdf; ATT00001.htm

Chris, see attached

Sent from my iPhone

Begin forwarded message:

> **From:** "Fisher, Ryan A SES USARMY HQDA ASA CW (US)" <ryan.a.fisher12.civ@mail.mil>
> **Date:** July 26, 2019 at 5:01:01 PM EDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Cc:** "James, Rickey Dale (RD) HON USARMY HQDA ASA CW (USA)" <rickey.d.james.civ@mail.mil>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Schmauder, Craig R SES (USA)" <craig.r.schmauder.civ@mail.mil>, "Davenport, Robert L Jr CIV USARMY HQDA OGC (USA)" <robert.l.davenport4.civ@mail.mil>
> **Subject: RE: 404(q) Pebble Mine**
>
> Matt,
>
> Please see attached a letter in response to your July 25, 2019 letter to Mr. James regarding the 404(q) MOA process for the Pebble Limited Partnership application. We'll be in touch next week, and look forward to working with you further.
>
> Ryan
>
> Ryan A. Fisher | Principal Deputy Assistant Secretary of the Army for Civil Works
> 108 Army Pentagon, Room 3E446 | Washington, DC 20310-0108
> 703-695-1370 | ryan.a.fisher12.civ@mail.mil

> **From:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Sent:** Thursday, July 25, 2019 2:19 PM
> **To:** James, Rickey Dale (RD) HON USARMY HQDA ASA CW (USA) <rickey.d.james.civ@mail.mil>
> **Cc:** Fisher, Ryan A SES USARMY HQDA ASA CW (US) <ryan.a.fisher12.civ@mail.mil>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** [Non-DoD Source] 404(q) Pebble Mine
>
> Mr. James,
>
> Please see the attached letter regarding the 404(q) MOA process for the Pebble Mine. I'd be happy to discuss with you if you have any questions. I look forward to your response.
>
> Regards, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

Message

From: Dizon, Ninia R (LAW) [ninia.dizon@alaska.gov]
Sent: 5/15/2019 5:00:25 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Knudson, Kip C (GOV) [kip.knudson@Alaska.gov]; Clarkson, Kevin G (LAW) [kevin.clarkson@alaska.gov]
Subject: Letter to EPA from AG Clarkson
Attachments: 5-15-19 Letter to EPA re Section 404(c) of the CWA.pdf

Dear Mr. Leopold,

Please find attached letter sent on behalf of Alaska Attorney General Kevin G. Clarkson. The original will follow by mail.

Thank you.

Kind regards,

Ninia Dizon
Executive Secretary
Office of the Attorney General
1031 West Fourth Avenue, Suite 200
Anchorage, AK 99501
Tel: (907) 269-5602
Fax: (907) 269-5110
Email: ninia.dizon@alaska.gov

Message

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 5/20/2019 2:52:49 AM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; 'Carrie Wehling' [Wehling.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Christopher Hladick (hladick.christopher@epa.gov) [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
Subject: RE: Letter to EPA from AG Clarkson
Attachments: 5-15-19 Letter to EPA re Section 404(c) of the CWA.pdf

Resending with attachment.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----
From: Leopold, Matt (OGC)
Sent: Sunday, May 19, 2019 10:47 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Carrie Wehling <Wehling.Carrie@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Christopher Hladick (hladick.christopher@epa.gov) <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: FW: Letter to EPA from AG Clarkson

Passing along. I just spotted this email as it was in my junk mail. OGC/ORC could you work on a draft response to the AG for me to review?

Thank you, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----
From: Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>
Sent: Wednesday, May 15, 2019 1:00 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Knudson, Kip C (GOV) <kip.knudson@Alaska.gov>; Clarkson, Kevin G (LAW) <kevin.clarkson@alaska.gov>
Subject: Letter to EPA from AG Clarkson

Dear Mr. Leopold,

Please find attached letter sent on behalf of Alaska Attorney General Kevin G. Clarkson. The original will follow by mail.

Thank you.

Kind regards,

Ninia Dizon

Executive Secretary

Office of the Attorney General

1031 West Fourth Avenue, Suite 200

Anchorage, AK 99501

Tel: (907) 269-5602

Fax: (907) 269-5110

Email: ninia.dizon@alaska.gov <mailto:ninia.dizon@alaska.gov>

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 5/22/2019 5:41:18 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-RoomSup-21Tahoma-VTC-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:00:00 PM

Recurrence: (none)

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 5/17/2019 11:19:56 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Hold: Pebble Draft Discussion
Location: tbd

Start: 5/22/2019 2:00:00 PM
End: 5/22/2019 2:30:00 PM

Recurrence: (none)

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 5/17/2019 9:21:59 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Hold: Pebble Draft Discussion
Location: tbd

Start: 5/22/2019 5:00:00 PM
End: 5/22/2019 5:30:00 PM

Recurrence: (none)

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 4/6/2019 2:02:54 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted (Conf # Ex. 6 Personal Privacy (PP)

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM

Recurrence: (none)

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 4/6/2019 2:02:53 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing (Check-in 2 of 2)
Location: (Conf#: **Ex. 6 Personal Privacy (PP)**

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM

Recurrence: (none)

Message

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 7/23/2019 8:35:51 PM
To: Christopher Hladick (hladick.christopher@epa.gov) [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
Subject: 404(q) MOA 3(b) extension letter
Attachments: Pebble Mine _404(q) MOA 3(b) extension letter.docx

Chris and Lee,

Please see the attached draft, which I plan to finalize today. I am available to discuss any comments. Please do not share this more broadly.

Thanks, Matt

DRAFT DELIBERATIVE DO NOT RELEASE

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 5/16/2019 7:41:56 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3
Location: R10 21-Tahoma / VTC Set-up / Conf Line Ex. 6 Personal Privacy (PP)

Start: 6/10/2019 6:15:00 PM
End: 6/10/2019 7:15:00 PM
Show Time As: Busy