

July 1, 2019

Via Email ([drafteis@comments.pebbleprojecteis.com](mailto:drafteis@comments.pebbleprojecteis.com)) and  
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Program Manager  
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Re: Draft Environmental Impact Statement for Pebble Project, Bristol Bay, AK (DEIS 20190018)

Dear Corps of Engineers:

On behalf of our millions of members and supporters, the 104 undersigned conservation, social justice, and civic organizations urge the Corps of Engineers (Corps) to deny the permit for the extraordinarily destructive Pebble Mine project and withdraw the project's deeply flawed Draft Environmental Impact Statement (DEIS). These actions are necessary to protect the people and wildlife of Alaska's pristine Bristol Bay watershed.

The ecologically rich Bristol Bay watershed is home to more than 190 species of birds, 40 species of mammals, and 29 species of fish, including all five species of North American Pacific salmon. The health of this ecosystem makes possible the world's greatest wild salmon fishery, which drives the economy of the entire region and generates \$1.5 billion in annual economic output. Not surprisingly, more than 65 percent of Alaskans, 80 percent of Bristol Bay residents and Native communities, and 85 percent of commercial fishermen oppose the Pebble Mine.

Pebble Mine would forever scar this essential watershed with a massive open-pit toxic mine, dangerous tailings storage facility, 270-megawatt power plant, 83 miles of roads with more than 200 stream crossings and 8 large bridges, 188 miles of natural gas pipelines, and a large new port and ice-breaker barge system. The damage will be overwhelming—even the improperly truncated DEIS acknowledges that more than 4,500 acres<sup>1</sup> of pristine wetlands will be destroyed, 80 miles of untouched streams will be wiped out, flows will be altered in critical salmon streams, and “fugitive dust” will cover 1,890 additional wetland acres. These significant adverse impacts cannot be mitigated.

In short, the Pebble Mine project would cause and contribute to significant degradation of Alaska's waters, as recognized by the Environmental Protection Agency in 2014<sup>2</sup> and again in 2018.<sup>3</sup> As a matter

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<sup>1</sup> The DEIS states that 3,560 acres of wetlands that will be permanently destroyed, 510 acres will be “temporarily” filled during construction, and 449 acres will be dewatered. DEIS at ES-2.

<sup>2</sup> U.S. Environmental Protection Agency, 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 (July 2014) at ES-5 to ES-6 (loss of 1,100 acres of wetlands or more than 5 miles of anadromous fish streams in Bristol Bay would be “unacceptable” and appropriate for a Clean Water Act 404(c) veto).

<sup>3</sup> Environmental Protection Agency, Notification of Decision Not to Withdraw Proposed Determination to Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska, 83 Fed. Reg. 8668, (Feb. 28, 2018).

of law, the Corps must deny a Clean Water Act permit for any activity that will cause this level of harm.<sup>4</sup> As a result, the Corps must deny the requested Clean Water Act permit for Pebble Mine.

The Corps should also withdraw the fatally flawed DEIS, which ignores a vast array of significant impacts, lacks scientific integrity, is missing fundamental data and information, and examines only a small portion of the mining activities that the applicant intends to carry out. Among many other problems, the DEIS:

- **Ignores significant impacts to a vast array of fish and wildlife species.** Pebble Mine will destroy and fragment vital habitat, reduce connectivity, change natural stream flows, harm water quality, and leave behind an open pit containing at least 61 billion gallons of highly toxic wastewater in perpetuity once the mine is closed. The DEIS either completely ignores or barely addresses the impacts of these habitat changes on mammals, migratory waterfowl, other migratory birds, and amphibians. Impacts on salmon and other fish species are similarly given short shrift, including by failing to assess the impacts of increased copper concentrations in streams (which can prevent salmon from using their sense of smell to return upstream to breed), and failing to assess the habitat loss impacts on long-term productivity (the most productive Bristol Bay salmon habitat shifts location from year to year, potentially magnifying harm from habitat loss<sup>5</sup>).
- **Ignores highly dangerous threats to water quality.** Pebble Mine will use an extremely complex and untested water treatment system to process an unprecedented amount of highly toxic wastewater—at least 6.8 billion gallons of wastewater a year during operation of the mine and 11.8 billion gallons of wastewater a year *in perpetuity* after the mine closes—in the seismically active and extremely difficult conditions in the Bristol Bay watershed. Even under less hostile conditions, 93% of U.S. open pit copper mines fail to adequately capture and treat wastewater resulting in significant impacts to water quality.<sup>6</sup> The DEIS ignores these realities, and instead simply assumes that water quality standards will in fact always be met.
- **Ignores the very real risk of a full or partial tailings pond collapse.** The proposed mine tailings dam would hold 1.1 billion tons of mining waste in perpetuity in a seismically active region. The DEIS fails to assess the impacts of a catastrophic or partial collapse of the tailings dam, despite repeated examples of failures around the world. A catastrophic failure would contaminate the region forever.
- **Ignores significant risks to the region’s economy.** Bristol Bay’s immense ecological wealth drives the region’s economy and supports an immensely valuable wild-salmon fishery. Despite the extensive damage that Pebble Mine will inflict on the region’s ecology and fisheries, the DEIS fails to provide any assessment of the impacts of Pebble Mine on the region’s economy.
- **Ignores critical public health and cultural impacts.** The DEIS does not include a Health Impact Assessment, despite requests from Bristol Bay community members through public scoping

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<sup>4</sup> A Clean Water Act permit must be denied for a project that “will cause or contribute to significant degradation of the waters of the United States.” 40 C.F.R. § 230.10(c) (2010).

<sup>5</sup> Sean R. Brennan, Schindler D.E., Cline T.J., et al, *Shifting habitat mosaics and fish production across river basins*, *Science* 364 (6442), 783-786 (May 2019), DOI: 10.1126/science.aav4313.

<sup>6</sup> Earthworks, *Pebble Mine: Unprecedented Waste Water Capture & Treatment Requirements*, May 2019 (analyzing 15 open pit copper mines operating in the United States that account for 99% of US copper production).

meetings and written comments. The DEIS likewise ignores many important social and cultural impacts that will affect the everyday well-being of Bristol Bay residents.

- **Ignores highly significant cumulative impacts, including from climate change and from mining the full Pebble deposit.** The DEIS fails to assess the cumulative impacts of climate change, which could cause significant changes in rainfall patterns and other hydrologic conditions in the watershed. The DEIS fails to meaningfully analyze the cumulative impacts of mining the entire nearly 11-billion ton deposit over time, despite the DEIS' explicit recognition that it must do so. Because Pebble has made it clear that it in fact intends to mine the full deposit, the DEIS should also comprehensively examine the impacts of mining the full deposit as an action alternative.
- **Ignores critically important compensatory mitigation requirements.** In direct violation of the National Environmental Policy Act, the DEIS fails to provide specific information on actions that could be taken (including the effectiveness of those actions) to mitigate the project's significant adverse impacts. Instead, the DEIS states only that out-of-kind mitigation *might* be carried out in other watersheds and any such mitigation *might* be developed in the future.

Any future (or additional) consideration of mining the Pebble Deposit should start with the release of an entirely new, and legally adequate, DEIS for public comment. The new DEIS must fully address the extensive adverse impacts of siting an industrial mining facility and its attendant infrastructure in the pristine Bristol Bay watershed, including the direct, indirect, and cumulative impacts of the proposal. Some of our organizations will also be submitting additional technical comments that we urge you to carefully consider.

Our organizations staunchly oppose the Pebble Mine project and we urge the Corps to reject the requested permit and withdraw the DEIS. The Bristol Bay watershed is far too important to wildlife, communities, jobs, and the economy to risk to such flawed decision making.

Sincerely,

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