

BRISTOL BAY, PEBBLE & THE EPA



Bob Waldrop



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Nine tribes, Bristol Bay Native Corporation, Bristol Bay Native Association and other Bristol Bay stakeholders have asked the United States Environmental Protection Agency (EPA) to implement a seldom used tool in the Clean Water Act to protect Bristol Bay waters and fish from threats posed by large mines, such as the proposed Pebble Mine. To inform their decision, the EPA is conducting the Bristol Bay Watershed Assessment using the best available science to evaluate the state of our salmon fishery and the risks posed to it from large-scale hardrock mining. A draft of the Watershed Assessment was released on May 18th and they are currently accepting public comments. **Your involvement in this process is an important part of protecting Bristol Bay's fish,**

WHAT IS THE DRAFT BRISTOL BAY "WATERSHED ASSESSMENT"?

In preparing the draft Watershed Assessment over the past year, EPA studied and compiled scientific information from the State of Alaska, federal agencies, the Pebble Limited Partnership's baseline document, and local traditional knowledge of the region. In this draft assessment, EPA found that the clean waters and diverse habitat of Bristol Bay support a world-class fishery that in turn supports vibrant Native cultures, a robust commercial fishery, and unparalleled sport fishing opportunities. EPA also found that:

- Even if no accidents occur, the proposed Pebble mine would destroy up to 87 miles of salmon streams and thousands of acres of wetlands.

- If significant elements of the mine fail – such as the dam holding back billions of tons of acid generating mine tailings -- the impacts on the remaining fishery could last forever. This would include the near total loss of the North Fork Koktuli and up to 28% of the Chinook of the Nushagak River.
- Mitigation of fisheries and habitat loss is unpredictable and often ineffective when it comes to salmon.



WHAT IS 404(c)?

Section 404(c) is a provision of the Clean Water Act that allows the EPA to prohibit the disposal of dredge and fill materials, such as mine waste, in waters or wetlands when it has determined that there will be unacceptable adverse effects to fish wildlife, recreation, or municipal water supplies. While 404(c) is rarely used, in May, 2010, local tribes and other organizations requested that the EPA use its power under the Clean Water Act to protect Bristol Bay's important fishery resources.

The Clean Water Act, established in 1972, protects our right to clean water by requiring permits for the disposal of wastes and pollutants into public waters. Section 404 of the Clean Water Act requires individuals and corporations to get a permit from the Army Corps of Engineers before dumping waste into or filling public waters or wetlands. Thousands of 404 permits are issued every year for everything

from small gravel pits and boat harbors to large-scale, open-pit mines. While the Army Corps of Engineers has primary authority to issue 404 permits under the Clean Water Act, the EPA has oversight under 404(c) and, in special circumstances, can limit 404 permits that will have especially harmful impacts to important fish and water resources.

The EPA has not yet initiated a 404(c) process in Bristol Bay. However, if the final Bristol Bay Watershed Assessment concludes that mine waste will have an "unacceptable adverse effect" on salmon, the EPA can use its authority to restrict or prohibit the Army Corps of Engineers from issuing 404 permits for large, industrial-scale projects in Bristol Bay. The tribes and BBNC would like the EPA to provide upfront protections for Bristol Bay now, before permits applications are considered, and ensure that Bristol Bay's world-class fishery is protected.

WHY IS IT IMPORTANT THAT YOU PARTICIPATE?

EPA needs to hear from the people who live in our region. This will inform their final watershed assessment as well as their decision whether to use their Section 404(c) authority to protect Bristol Bay. The EPA's upcoming public meetings in Bristol Bay are our opportunity to ensure that the EPA knows we want our salmon and watershed protected from large-scale mining. Tell EPA what you know about the fishery, what it means to you, and what pollution from mining could do to the fishery and to you. The time is NOW to take action to protect Bristol Bay and our future generations.

TIPS FOR TESTIFYING

The following questions can help you organize your testimony. Answering all of these questions will help you to craft compelling testimony that will encourage EPA to move forward and protect Bristol Bay.

HOW IMPORTANT ARE BRISTOL BAY SALMON TO YOU?

For example, are you and your family subsistence users of salmon? Do you commercial fish? Do you sport fish? What would the loss or pollution of Bristol Bay salmon mean to you? Tell EPA your story!

DO YOU BELIEVE THE PROPOSED PEBBLE MINE THREATENS BRISTOL BAY'S SALMON?

Are the risks of mining like the proposed Pebble mine worth it to you?

WHAT DO YOU WANT EPA TO DO?

Use their 404(c) authority to protect Bristol Bay!

How Do I GET INVOLVED IN THE BRISTOL BAY WATERSHED ASSESSMENT PROCESS?

1 Submit Testimony.

IN PERSON

Comment at a public meeting during the week of June 4-8, 2012, and join others to show EPA how much we care!

WRITTEN

1. Preferred method. Submit online at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-ORD-2012-0276-0001> Follow the online instructions for submitting comments to Docket # EPA-HQ-ORD-2012-0276.
2. Send an email to ORD.Docket@epa.gov Include Docket # EPA-HQ-ORD-2012-0276 in the subject line of the email.
3. Fax them to: 202-566-1753 - Include the docket # EPA-HQ-ORD-2012-0276 in the subject line of the fax.
4. Send a letter to the EPA Bristol Bay docket at:
Office of Environmental Information (OEI) Docket (Mail Code: 2822T)
Docket # EPA-HQ-ORD-2012-0276
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W. Washington, DC 20460

RECORDED

If you would like to submit recorded oral testimony contact Judy Smith for details: smith.judy@epa.gov • 503-326-6994

2 Attend A Public Meeting.

MONDAY, JUNE 4

ANCHORAGE 5:30 pm,
UAA, Wendy Williamson Auditorium

TUESDAY, JUNE 5

DILLINGHAM 11:30am
Middle School Gymnasium

NAKNEK 5pm
Naknek School Auditorium

WEDNESDAY, JUNE 6

IGIUGIG 5pm
Igiugig Airport Hangar

LEVELOCK 4pm
Rainbow Hall

THURSDAY, JUNE 7

NONDALTON 5pm
Nondalton Community Center

NEW STUYAHOK 7pm
Cetuyarag Community Center

NOTE Dates and times for additional meetings may also be announced

More Tips for Testimony

Compelling testimony is personal! You are an expert in your own history and experience. No need to be a scientist, engineer – EPA is assessing the value of the fishery, and the potential risks to it posed by large-scale mineral development. Local residents who depend on the water and fish are the real experts here. Speak of your own experience with natural resources in your area, ways in which you use and depend on them and what you want for the future. Your voice matters; as Bristol Bay residents you are the leading experts on Bristol Bay and its resources!



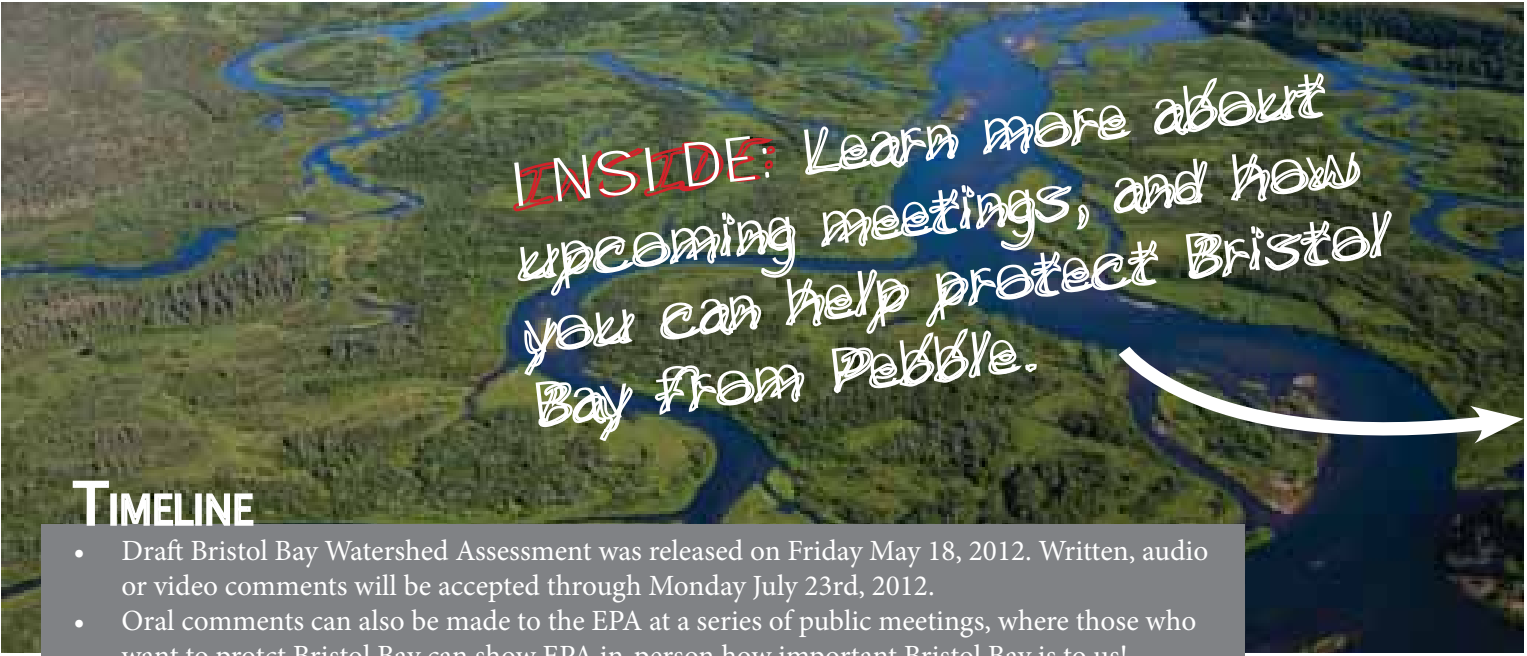
QUESTIONS?

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WE HAVE THE OPPORTUNITY TO **PROTECT** OUR FISH, CULTURE & LIFESTYLE **BUT WE NEED YOU TO SPEAK UP.**

INSIDE: Learn more about
upcoming meetings, and how
you can help protect Bristol
Bay from Pebble.



TIMELINE

- Draft Bristol Bay Watershed Assessment was released on Friday May 18, 2012. Written, audio or video comments will be accepted through Monday July 23rd, 2012.
- Oral comments can also be made to the EPA at a series of public meetings, where those who want to protect Bristol Bay can show EPA in-person how important Bristol Bay is to us!

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