

# **Pebble FACA Case Delays EPA's Process to Protect Bristol Bay**

*Bristol Bay Tribes disappointed with ruling but confident court will ultimately rule in favor of protecting Bristol Bay.*

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## **FOR IMMEDIATE RELEASE:**

Dillingham, AK –District Court Judge H. Russell Holland issued an order this morning permitting parts of the Pebble Partnership's lawsuit against the Environmental Protection Agency to move forward while dismissing other parts of the suit outright. In his order Judge Holland held that some of Pebble's allegations were at least factually plausible, and therefore dismissal for failure to state a proper claim was inappropriate. The Judge also found, however, that some of the other claims were not plausible, such as Pebble's claim that EPA "created" anti-mining advocacy committees, and dismissed such claims with prejudice. The case is now likely to proceed to the merits phase.

Robert Heyano, President of United Tribes of Bristol Bay, who attended last week's oral argument, issued the following statement:

*Although we are disappointed with the court's ruling today, we remain confident that further proceedings will demonstrate that EPA has conducted a fair and transparent process in Bristol Bay. The Agency's actions to protect our fishery and way of life continues to have full support from our region. This case is simply another delay tactic from Pebble. The company's complaints about the federal advisory process – a process Pebble itself participated in – in no way changes the scientific fact that this mine, in this place, will devastate our fishery. Today's ruling was merely a preliminary step in a judicial process that isn't over, and if further litigation is the price necessary to protect the Bristol Bay fishery and our traditional way of life, then it will be well worth it.*

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