

# Bristol Bay Fishermen's Association

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For Release: June 16, 2022

# Press Release

## EPA's 404(c) Proposed Determination for Pebble Mine Does Little to Protect Bristol Bay

On May 26, 2022 EPA Region 10 published a Clean Water Act Section 404(c) [Proposed Determination](#) to prohibit or restrict the use of certain headwaters in a defined area of the Bristol Bay watershed (South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek drainages) **as disposal sites for the discharge of dredged or fill material** associated with mining the Pebble Deposit. Public comments may be submitted through July 5, 2022 via the website at <https://www.epa.gov/bristolbay/public-comments-and-hearings-2022-proposed-determination>

**EPA's 2022 proposed determination (2022 PD) for the Pebble deposit is much weaker than its 2014 proposed determination (2014 PD) and does little to provide lasting protection to the Bristol Bay watershed.** The 2022 PD only prohibits the Pebble Limited Partnership's (PLP) 2020 mine plan for which the Corps of Engineers has already denied a permit. PLP can revise its mine plan to comply with the weaker limits on four types of harm to anadromous streams and submit a new plan.

The following table compares the limits in Section 5 of the 2014 PD to those in Section 5 of the weaker 2022 PD.

Four types of harm subject to proposed limits in the defined area.	<u>2014 PD limits on harm before they trigger restriction of discharge</u>	<u>2022 PD limits on harm before they trigger restriction of discharge</u>
1. Loss of anadromous streams.	<u>5 miles</u>	<u>8.5 miles</u>
2. Loss of tributaries to anadromous streams.	<u>19 miles</u>	<u>91.2 miles</u>
3. Loss of acres of wetlands, lakes and ponds that contribute to anadromous streams.	<u>1100 acres</u>	<u>2113 acres</u>
4. Anadromous stream miles adversely affected by greater than 20 percent change in average monthly streamflow.	<u>9 miles</u>	<u>29 miles</u>

EPA should not allow any mine to have such greatly increased levels of adverse effects before triggering yet to be determined restrictions. (See table above.) EPA must do an effective job of protecting ecosystems of anadromous streams from adverse effects.

Also, the 2022 PD does not apply to nearby potential mines at the Pebble South PEB, Groundhog, Big Chunk South and Big Chunk North deposits, which would or could build the same facilities as Pebble mine and cause the very same harms as Pebble mine.

"The Bristol Bay Fishermen's Association regrets that it cannot support the EPA's weak and watered-down 2022 PD," said David Harsila, spokesman for BBFA. "The watershed will not be protected, and a large-scale mining operation could still be permitted. We demand that EPA do more to protect the Bristol Bay drainages."

BBFA is the oldest and largest voluntary association of commercial salmon fishers in Bristol Bay.

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