

BRISTOL BAY NATIVE ASSOCIATION

**P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257**



- Aleknagik*
- Chignik Bay*
- Chignik Lagoon*
- Chignik Lake*
- Clarks Point*
- Curyung*
- Egegik*
- Ekuk*
- Ekwok*
- Igiugig*
- Iliamna*
- Ivanof Bay*
- Kanatak*
- King Salmon*
- Kokhanok*
- Koliganek*
- Levelock*
- Manokotak*
- Naknek*
- New Stuyahok*
- Newhalen*
- Nondalton*
- Pedro Bay*
- Perryville*
- Pilot Point*
- Port Heiden*
- Portage Creek*
- South Naknek*
- Togiak*
- Twin Hills*
- Ugashik*

July 1, 2019

Shane McCoy, Program Manager
US Army Corps of Engineers
645 G St.
Suite 100-921
Anchorage, AK 99501

RE: Bristol Bay Native Association Comments on Draft Environmental Impact Statement and Clean Water Act Permit for the Proposed Pebble Mine (POA-2017-271)

Dear Mr. McCoy:

Bristol Bay Native Association (BBNA) is a non-profit association serving 31 federally recognized tribes in the Bristol Bay region in southwest Alaska. Governed by a Board of Directors composed of representatives from each of the tribes in the region, BBNA's mission is to function as a service agency dedicated to the betterment of the Native People of the Bristol Bay region. BBNA's mission statement is to maintain and promote a strong regional organization supported by the Tribes of Bristol Bay to serve as a unified voice to provide social, economic, cultural, educational opportunities and initiatives to benefit the Tribes and the Native people of Bristol Bay.

The people of Bristol Bay have been sustained on these lands since time immemorial. Our people have been traditionally taught to be stewards of our lands, to protect our lands for the future generations. The main life source that connects all our people and all living things is water. Water is life. Our watershed must be protected in order to maintain a healthy ecosystem. Water connects us to live a subsistence lifestyle and water connects us along the rivers to access our traditional fishing and hunting grounds.

BBNA provided oral testimony during the April 9, 2019 Dillingham public comment period for the draft Environmental Impact Statement (dEIS) on the Pebble project. During this meeting, the USACE received copies of six (6) BBNA resolutions regarding our opposition to the Pebble Mine project and large-scale sulfide mining within the Bristol Bay region. The people in the Bristol Bay region have been opposed to this mine for over a decade and our

comments have not changed. Our position and the Bristol Bay resident's opposition reflect many years of analysis, not only to the alternatives outlined in this dEIS but to all mine scenarios. Our comments reflect our values and traditional knowledge in maintaining an intact ecosystem to protect our traditional lands with clean air, clean water and our natural renewable resources. The comments on the docket and those received during the public comment period referencing subsistence and our way of life are substantive.

The Pebble project application should have never been accepted due to the deficiencies in the project plan. The applicant changed the plan multiple times after the scoping period. This constant changing has created confusion and questions regarding the mine plan. BBNA and multiple other organizations requested for a longer comment period and we were granted an additional 30 days, however the deadline of July 1, 2019 is in the heat of our subsistence and commercial fishing season.

The dEIS has neglected to consider our community wellbeing as it has been negatively impacted during this entire process. This has caused significant psycho-social impacts on our people by hindering our ability to continue to live our traditional way of life with the threat of Pebble mine. There is no reason the dEIS should not have included a thorough health impact assessment (HIA). An HIA would consider input from stakeholders to determine the potential effects of this project on those that will be disproportionately impacted: our communities. Not including an HIA is a disservice to our people and future generations that will bear the burden of the social and physical harm that this mine will cause, if built.

It is unacceptable to presume that a private road, a slurry pipeline, numerous industrial port complexes, an ice-breaking ferry, and a natural gas pipeline would not deter subsistence users from accessing public lands for subsistence hunting and fishing; or from accessing in-holdings within the federal conservation units. Traditional patterns of food gathering balance and define our roles within ourselves, our families, and the region as a whole. Changes to these patterns, and changes to the disposition of public lands and access managed by federal agencies has not been adequately assessed, and the rights provided to our residents by ANILCA. The NEPA process is incomplete until the Bureau of Land Management (BLM) becomes a cooperating agency. These steps are mandatory in providing for the public review and development of a public easement plan and ANILCA section 810 analysis being included in the process.

We cannot put a price on our way of life that has sustained our people for thousands of years. This is the last place on the planet with the world's largest sockeye salmon return. The USACE has received comments from numerous of reputable scientists that support our position. We are in support of the comments from the American Fisheries Society, and agree with the scientific review and publication of the EPA Watershed Analysis. The science matches our traditional knowledge. During the 2014 EPA public comment period, EPA received 1.6 million comments and concluded to permanently protect the Bristol Bay watershed.

In the many years of public participation The Pebble Limited Partnership (PLP) has failed to gain social license or prove a no-net-loss to the fishery. The dEIS has also failed to provide an acceptable alternative that would prove the merits of this project.

In conclusion, BBNA supports the No Action Alternative and the denial of the CWA 404 permit for the Pebble project. Further, in light of an additional last minute change to the process, BBNA opposes the withdrawal of the EPA's Bristol Bay Watershed Assessment and looks forward to EPA issuing a final 404c determination to protect the waters that are the lifeblood of our way of life.

Sincerely,


for Ralph Andersen
President & CEO

Enclosure: BBNA Resolution 2019-04

**BRISTOL BAY NATIVE ASSOCIATION
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DILLINGHAM, ALASKA 99576
Ph. (907) 842-5257 Fax (907) 842-5932
By Executive Committee**

RESOLUTION 2019-04

**A RESOLUTION SUPPORTING THE “NO ACTION” ALTERNATIVE IN
THE PEBBLE PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND DENIAL
OF THE CLEAN WATER ACT (CWA) 404 PERMIT**

- WHEREAS:** the Bristol Bay Native Association (BBNA) is an Alaska Native regional non-profit corporation and a Tribal Consortium which provides a variety of educational, social, economic and related services to the Native people of the Bristol Bay Region; and
- WHEREAS:** the Pebble deposit is located under rolling permafrost-free terrain in the Iliamna region of southwest Alaska, approximately 200 miles southwest of Anchorage and 60 miles west of Cook Inlet; and
- WHEREAS:** the closest communities to the Pebble Project, the villages of Iliamna, Newhalen, and Nondalton are all within the BBNA Service Area, and
- WHEREAS:** Alaska's Bristol Bay region is home to world-class fisheries that support thousands of American jobs, boasts one of the last thriving economies fueled by wild salmon, and is an iconic destination for hunters and anglers worldwide; and
- WHEREAS:** the health of the salmon runs is critical for the cultural, physical and spiritual well-being of the people of Bristol Bay, as the use of salmon and other subsistence resources has been the mainstay of Alaska Natives for thousands of years; and
- WHEREAS:** the Bristol Bay watershed's pristine environment supports dozens of species of land mammals, marine mammals, freshwater fish, and birds, all of which are important ecologically and which together support the subsistence-based lifestyle of the Native people of Bristol Bay; and
- WHEREAS:** the Draft Environmental Impact Statement (DEIS) for the Pebble Project was released by the Army Corps of Engineers on February 20, 2019; and
- WHEREAS:** the DEIS shows that Pebble's initial proposal, which would access just 1/8th of the total deposit, would destroy more than 3,500 acres of wetlands and roughly 80 stream miles; and

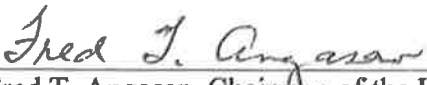
- WHEREAS: the DEIS describes the potentially affected environment, the proposed project, no action alternative and three action alternatives, and makes an effort to evaluate the environmental effects of the Pebble project; and
- WHEREAS: the DEIS includes analysis of two spill scenarios related to very minor tailings releases, it does not consider the potential environmental impacts of a tailings dam failure like the ones that have recently occurred in British Columbia (Mt Polley, 2014) and Brazil (Samarco and Brumadinho, 2015 and 2019); and
- WHEREAS: more than ten percent of earthen tailings dams have failed globally and a tailings dam failure in Bristol Bay would permanently alter the landscape and life in the region; and
- WHEREAS: alternative 1 would require two tailing storage facilities (TSFs): approximately 2,796 acres for bulk tailings and 1,071 acres for pyritic tailings, both of which would be located predominantly in the North Fork Koktuli river (NFK) watershed with a small footprint in the South Fork Koktuli river (SFK) watershed; and
- WHEREAS: preliminary geochemical data indicates significant acid mine drainage (AMD) potential at Pebble and authorizing a mine where it is known that water treatment in perpetuity will be required poses significant long term financial and/or environmental risks to the public; and
- WHEREAS: the potential for AMD is high throughout the Pebble Mine footprint, threatening the environment and public for hundreds of years; and
- WHEREAS: all of the TSFs presented in the DEIS pose a significant threat to Bristol Bay's watershed. The TSFs will be constructed in the form of a massive earthen dam—the largest in the world. This dam would be vulnerable to a breach, given the seismic activity of the region. Additionally, the structural integrity of the proposed earthen dam has been questioned by independent scientists; and
- WHEREAS: the Army Corps of Engineers is obligated to provide alternatives in a DEIS that are both "reasonable and practical." and
- WHEREAS: the only mine closure alternative proposed in the DEIS is to backfill the open pit with mine waste. Both engineers and investors know that backfilling the pit after 20 years of mining will not happen, so the closure alternative being analyzed in the DEIS is neither reasonable nor practical; and
- WHEREAS: the proposed Pebble mine poses a significant and unacceptable risk to the fish, water, and fish-based industries of the region, and has the potential to destroy critical cultural heritage and food supply that Alaska Native tribes in the area have relied on for millennia; and
- WHEREAS: the DEIS is inadequate and fails to properly account for the economic feasibility of the project, impacts from inevitable future expansion, groundwater management and mitigation, or the loss of perhaps the world's best remaining wild-salmon fishery; and

WHEREAS: the No Action Alternative is the least environmentally damaging alternative and will ensure the continued existence of the thriving Bristol Bay Fishery, its 14,000 annual jobs, and its annual \$1.5 Billion dollars of economic activity; and

WHEREAS: the No Action Alternative will maintain the last great sockeye salmon run in the world, and protect the 10,000 year cultural tradition of subsistence practiced by the indigenous people of Bristol Bay.


NOW THEREFORE BE IT RESOLVED, the Bristol Bay Native Association supports the No Action Alternative presented in the Pebble Project Draft Environmental Impact Statement.

NOW THEREFORE BE IT FURTHER RESOLVED, the Bristol Bay Native Association supports the denial of the Clean Water Act 404 permit.


Fred T. Angasan, Chairman of the Board

CERTIFICATION:

I, the undersigned Secretary of the Bristol Bay Native Association, do hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution at a duly called and noticed meeting on this 24th day of May 2019, and that a quorum was present.


Robert Heyano, Secretary