



June 27, 2022

Water Docket
Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Docket ID No. EPA-R10-OW-2022-0418, submitted by email to ow-docket@epa.gov

Dear Administrator Regan and Regional Administrator Sixkiller:

On behalf of members of the Pacific Seafood Processors Association (PSPA), I am pleased to offer comments on the Environmental Protection Agency's (EPA) Clean Water Act (CWA) Section 404(c) Proposed Determination (PD) to prohibit and restrict the use of certain waters in the Bristol Bay watershed as disposal sites for the discharge of dredged or fill material associated with mining the Pebble Deposit. Given our role in Bristol Bay's communities and economies, PSPA members support the EPA's updated proposed action to effectively veto development of the Pebble Limited Partnership's (PLP) 2020 Mine Plan.

PSPA represents wild Alaska seafood processors, some of which started as Bristol Bay salmon canneries more than 100 years ago. Over the course of decades, our members have invested hundreds of millions of dollars in salmon processing infrastructure in Bristol Bay, enabling salmon sustainably harvested in the world's largest wild sockeye salmon fishery to reach seafood consumers around the world. This and other Bristol Bay commercial fisheries support 15,000 jobs and \$2 billion or more in economic impact annually.

PSPA members support industrial development that follows appropriate environmental safeguards, yet we have watched the evolution of PLP's proposed Pebble Mine with great concern that such development would be incompatible with sustainable fisheries. When EPA first proposed a 404(c) PD in 2014, it was based on a Bristol Bay Watershed Assessment that analyzed the best information available at the time, which did not yet include PLP's permit application or mine plan. This 2014 analysis considered a scenario of mining 0.25 billion tons of ore.

The EPA's updated PD differs from the one issued in 2014, in that it is based on PLP's permit application first submitted in 2017 to the Army Corps of Engineers and updated in 2020 (*i.e.*, the 2020 Mine Plan). This Mine Plan provide significant detail about the Pebble Project's larger footprint, expanded operations (mining 1.3 billions of tons of ore), and landscape disturbances, thereby allowing for more robust and accurate analyses of environmental impacts. EPA's scientific review, including information from the Final Environmental Impact Statement based on PLP's permit applications and subsequent scientific analyses, found PLP's 2020 Mine Plan would destroy approximately 100 miles of streams and 2,113 acres of wetlands, permanently degrading critical salmon habitat in Bristol Bay's headwaters.

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This updated scientific assessment of the Pebble Project's impacts to the Bristol Bay watershed and its fisheries habitat led to the conclusion that PLP's 2020 Mine Plan would result in unacceptable adverse effects to aquatic resources, satisfying the statutory trigger to invoke Section 404(c) of the Clean Water Act. This finding is consistent with the findings of the Army Corps of Engineers, which in November 2020 denied PLP's permit application based on the 2020 Mine Plan for the same reason. Even without additional analysis on commercial fisheries economic impacts or longer-term failure scenarios, PSPA concurs that the unacceptable adverse effects standard has been met for 404(c) purposes and development of the Pebble Deposit should not advance.

PSPA members, and the communities in which we operate, will rely on healthy and sustainable Bristol Bay salmon stocks long into the future. Therefore, we support the CWA Section 404(c) Proposed Determination for Bristol Bay watersheds and steps to finalize this PD.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Barrows", written in a cursive style.

Chris Barrows
President