



Maine Lobstering Union

IMLU Local 207: By Lobstermen, for Lobstermen



September 10, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Mail Code: 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: Water Docket # EPA-R10-OW-2014-0505

Dear Administrator McCarthy:

This letter is submitted on behalf of the Maine Lobstering Union, I.A.M.A.W. Local Lodge 207, in support of EPA's recent decision to move forward with a 404(c) determination protecting Bristol Bay, Alaska and its valuable salmon industry. We appreciate and applaud the time you took to review this issue through the *Bristol Bay Watershed Assessment*. Finalizing this determination is a necessary step to ensure that Bristol Bay receives the protection it needs from the type of large-scale developments that will devastate fisheries and eco-tourism in this area, either through catastrophic events or chronic habitat degradation over time.

Maine's Senator Susan Collins has observed that: "In parts of Maine the environment is our economy." The same can be said of Bristol Bay, Alaska. Like Maine, the success of Bristol Bay's economy depends on maintaining the integrity of this area's environment. Like Maine, eco-tourism and commercial fishing are foundations of Bristol Bay, Alaska's economy that support thousands of jobs and sustain many communities.

The Maine Lobstering Union is an incorporated cooperative formed in 2013 by lobstermen and sternmen, to represent the interests of Maine lobstermen and sternmen. Since our formation in 2013, we have partnered with Maine environmental organizations, including the Sierra Club of Maine, to protect our own environment, including Penobscot Bay, from the types of exploitation and industrial development that fail to respect the natural resources of our State as *shared resources* upon which many people and communities rely for their survival, sustenance and prosperity. Commercial fishing *is commerce* and directly and indirectly supports many jobs by providing a sustainable, well-paying industry that supports people and communities for generations.

Rock Alley, President

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In our own State, we have seen the damage that projects like the Pebble Mine do to reduce sustainable jobs and threaten the economic security of entire regions of the State for generations. Here, HoltraChem dumped 9 to 12 tons of mercury into the Penobscot River from 1967 to 1970 – before enactment of the Clean Water Act (CWA). This mercury pollution and other industrial pollution that was dumped, or allowed to seep into, the Penobscot River for decades prior to the enactment of the CWA damaged our own Atlantic salmon grounds in the Penobscot River – decimating this population to the brink of extinction. Only now is this area and our salmon beginning to slowly recover; however, this industrial pollution continues to seep into the Penobscot Bay today, more than a decade after HoltraChem declared bankruptcy – abandoning its toxic site and leaving it to the Town of Orrington and State of Maine to deal with after non-payment of local property taxes.

Litigation by the State and environmental groups to get compensation for the environmental damage and clean-up costs from HoltraChem's successor corporation have raged on in the State and federal courts for almost 20 years – but yet the environmental damage that this pollution caused continues to impact the recovery of our salmon and river and the current and future of our environment and our lobstermen.

In February of this year, 14 years after HoltraChem went bankrupt and 44 years after the bulk of the mercury contamination stopped being actively dumped into the Penobscot River, a 7 square mile area in the lower Penobscot River and upper Penobscot Bay had to be closed to all lobstering and crabbing because of high levels of mercury found in the muscle meat of lobsters and crabs in this area. This current contamination was caused by a mobile pool of mercury-laden sediment in this area that was tainting the biota in this area – including lobsters and crabs. This closure put 10 lobstermen out of work, displacing them from their fishing grounds, and still threatens the reputation of all Maine lobsters. The same fate should never befall Bristol Bay, Alaska and its important sockeye salmon fishery.

The CWA was enacted to prevent just this sort of calamity that harms the health and economic prosperity of entire regions for generations after those who would make short-term profits are long dead and their corporate entities defunct. We applaud the serious study you have given this matter to date and hope that you will stand firm in enforcing the CWA in the future in Bristol Bay and elsewhere – including Maine. The false choice of “jobs” that Pebble Mine claims are being foregone if this project does not proceed is a false one. The few jobs environmentally damaging projects like this bring in, always on the short-term, can never replace the thousands of lost jobs and opportunities that are lost now and for generations to come by such degradation.

The recent Mt. Polley tailings dam collapse, is a reminder of the result of allowing open-pit copper and gold mining within essential salmon habitat, with no way to guarantee against unplanned outcomes. Ironically, the Mt. Polley mine has been held up as an example of modern mining practices, co-existing with another great wild fishery. Sadly, it is the fishermen and communities downstream who will be left to carry the burden of rebuilding something that never should have been put at risk and that may never be able to be restored to what it had been.

The Bristol Bay salmon fishery is acknowledged across the world as a premier example of sustainable fisheries management. Mining like the proposed Pebble Mine has no place in this salmon watershed. A source of safe and healthful food, that sustains the jobs and economy for many individuals and communities should never be risked for a few new jobs in an industry that is environmentally and economically incompatible with a natural resource based economy of an area like Bristol Bay.

We support the EPA's proposed determination and believe the agency is more than justified in its decision to restrict dredge and fill material at the Pebble deposit. Furthermore, in light of the value of the Bristol Bay fishery, the sensitivity of its habitat, and the impossibility of guaranteeing against a catastrophic accident in open-pit mining – now or in years to come when this operation is abandoned after it is no longer profitable. Large-scale mining activity poses unacceptable risks to the Bristol Bay watershed, just as all heavy industrial uses in Penobscot Bay are incompatible with our lobster fishery. The Pebble Mine should be prohibited. Please promptly issue a final 404(c) determination that will guarantee that large-scale mining will not have adverse impacts on the world's largest sockeye salmon fishery and the jobs and communities that it sustains.

Sincerely,

A handwritten signature in black ink, appearing to read "Rock Alley", with a stylized flourish at the end.

Rock Alley
President
Maine Lobstering Union