



September 19, 2014

Water Docket # EPA-R10-OW-2014-0505
U.S. Environmental Protection Agency
Mail Code: 2822T
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dear Administrator McCarthy:

I am writing on behalf of the Natural Resources Council of Maine (NRCM) in support of EPA's proposed 404(c) determination for the Pebble Mine in Alaska. NRCM is Maine's largest environmental advocacy group, with more than 16,000 members and supporters.

As EPA notes in the summary of its proposed determination, the resources in the Bristol Bay watershed are unparalleled:

The Bristol Bay watershed's streams, wetlands, and other aquatic resources support world-class, economically important commercial and sport fisheries for salmon and other fishes, as well as a more than 4,000-year-old subsistence-based way of life for Alaska Natives. Each year Bristol Bay supports the world's largest runs of sockeye salmon, producing approximately half of the world's sockeye salmon. These sockeye salmon represent the most abundant and diverse populations of this species remaining in the United States. Bristol Bay's Chinook salmon runs are frequently at or near the world's largest, and the region also supports significant coho, chum, and pink salmon populations. Because no hatchery fish are raised or released in the watershed, Bristol Bay's salmon populations are entirely wild. Bristol Bay is remarkable as one of the last places on Earth with such bountiful and sustainable harvests of wild salmon. One of the main factors leading to the success of this fishery is the fact that its aquatic habitats are untouched and pristine, unlike the waters that support many other fisheries.

The Bristol Bay fisheries also supported employment for more than 14,000 full- and part-time workers in 2009.

NRCM is very familiar with the threat of mining pollution. In Maine, the Callahan Mine, although much smaller than the proposed Pebble Mine, is still harming our coastal environment, 42 years after the mine closed in 1972. The old mine is a Superfund site and costs Maine and federal taxpayers money every year. The major part of the cleanup at the site has not even started yet, and the mine continues to leach dangerous amounts of heavy metals into our waters. A recent Dartmouth study¹ found high levels of metals in prey fish that could threaten larger predator species. The study found that the metal contamination was from a continuing source of pollution within the mine site, not from historic sediment contamination.

¹ See, for example, <http://www.centralmaine.com/2013/09/20/researchers-look-at-maine-mine-contamination/>

NRCM has also led the fight for strong mining regulations in Maine. In 2012, JD Irving, a huge Canadian conglomerate, pushed a law through Maine's Legislature requiring our Department of Environmental Protection to weaken our mining regulations. JD Irving pushed this bill so that the company could pollute unlimited amounts of groundwater while mining its Bald Mountain property in northern Maine. JD Irving claimed current requirements that mining companies protect Maine's groundwater made it too burdensome to mine at Bald Mountain. NRCM has spent three years fighting the proposed new regulations Maine's current administration developed to make mining easier for JD Irving. The Maine Legislature rejected the regulations this year.

Although on a smaller scale, a Bald Mountain mine would pose some similar threats in Maine to the Pebble Mine. Bald Mountain is located in the headwaters of the Fish River, which has outstanding brook trout fishing. Brook trout are the iconic Maine fish, as salmon are in Alaska, and Maine has nearly all remaining high-quality brook trout habitat in the United States. The proposed Bald Mountain mine is not only in a terrible location from a fisheries perspective, but the ore body and surrounding rock have nearly 50% sulfur content and extremely high levels of arsenic. A mine there would almost certainly result in serious acid mine drainage and contamination of surface and groundwater with high levels of arsenic. NRCM does not want this to happen in Maine, and we do not want a mining disaster in Bristol Bay either.

I recently wrote an op-ed for the *Bangor Daily News* about the Mt. Polley Mine disaster and its lessons for Maine². Clearly, that disaster has profound lessons for Bristol Bay and Alaska too. The engineering firm that designed the tailings dam for the Mt. Polley Mine also designed the proposed tailings dam for the Pebble Mine. When EPA raised concerns about the dam, the firm responded by saying: "modern dam design technologies are based on proven scientific/engineering principles and there is no basis for asserting that they will not stand the test of time."³ Tailings dams need to last forever in order to protect downstream waters, wildlife, and communities. Mt. Polley's tailings dam lasted 17 years. A tailings dam at the proposed Pebble Mine would also likely fail at some point during the many centuries that its waste remained active. The consequences of dam failure on Bristol Bay would be disastrous.

In closing, NRCM strongly supports EPA's 404(c) determination for the proposed Pebble Mine. We urge EPA to implement the determination as quickly as possible.

Thank you for the opportunity to comment on this critical issue.

Sincerely,



Nick Bennett
Staff Scientist

² See <http://bangordailynews.com/2014/08/20/opinion/contributors/canadian-mine-disaster-offers-maine-a-lesson-strong-regulations-enforcement-are-critical/>

³ Accessed at http://corporate.pebblepartnership.com/files/documents/PLP-Knight_Piesold_Ltd.pdf