

INTERNAL DELIBERATIVE DOCUMENT OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
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FY11 Proposed Investment: **Bristol Bay 404(c)**

Funding Gap = \$312k

**Activity/Proposal:** Initiate the process and publish a CWA 404(c) “veto” action for the proposed permit for the Pebble gold mine in Bristol Bay, AK.

**Background:** EPA is on a fast track to evaluate the potential harm of a proposed gold mine to the natural resources of Bristol Bay, AK. The Bay is the largest sockeye salmon fishery on the Pacific Coast; the fishery itself is larger than the combination of all other Pacific Ocean fisheries, and provides income to residents and food to Alaskan native villages. The mine, if permitted, would be the largest gold mine in the US, and would generate six times the tailings as the current largest mine.

While resorting to exercising EPA’s 404(c) authority is rare (only 12 actions since 1981), the Bristol Bay case represents a clear and important need to do so given the nature and extent of the adverse impacts coupled with the immense quality and vulnerability of the fisheries resource. Threat of impacts will also harm all other investment in Bristol Bay. Six Alaskan tribes and 14 other stakeholders have requested that EPA initiate a 404(c) veto based on their concerns that the mine would irreversibly adversely affect the fishery. Region 10 believes that additional information gathering and analysis must be completed in order to support a decision to formally initiate of 404(c). It’s still possible that a veto will not prove necessary, but a decision to move forward has created the need for upfront analysis and outreach regardless.

Additional FY11 resource needs funds for travel to Anchorage and the permit site; and contractor support to conduct specific scientific/technical analysis on the characteristics of salmon resource, the ecological and economic significance of salmon, stressors and threats to watershed health, and success or failures of potential mitigative measures. This work will support a decision in June 2011 whether to proceed with the 404(c) veto. If yes, then additional resources will be needed in FY12 to issue the Recommended Determination, respond to comments, and issue the Final Determination by the summer of 2012.

**Impact/Rationale:** Given the magnitude of proposed project’s environmental impact and the Administration’s decision to proceed, we have no choice but to support this work.

**Decisions to date/shortfall:** Funding has already been provided for one SEE staffer in Region 10, along with \$64k in FY10 funds to initiate the risk analysis. The work that EPA has already committed to (i.e., pre-404(c) activities) will require an additional \$312k in the Region and HQ. Conduct of the 404(c) action itself (anticipated in FY12) will require an additional \$187k.

