



UNITED FISHERMEN OF ALASKA

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Water Docket, U.S. Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460
Via Regulations.gov Docket ID No. EPA-R10-OW-2017-0369

RE: Withdrawal of 404(c) Determination

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 34 commercial fishing organizations participating in fisheries throughout the state, and the federal fisheries off Alaska's coast.

Consistent with previously stated positions, UFA is opposed to withdrawal of the EPA's July 2014 404(c) Proposed Determination for the Pebble Mine in the Bristol Bay watershed. UFA expressed support for proactive 404(c) action in an October 2010 letter to the EPA Administrator and reiterated support for the Proposed Determination in a September 2014 letter. UFA's position against any presently conceivable development of the Pebble Mine remains unchanged. Previously submitted letters are attached for reference.

The risks of large-scale mining in the Bristol Bay watershed have been well-documented prior to and throughout the investigative process that led to EPA's Proposed Determination. Although promoters of the Pebble Mine have had ample time and opportunity to file for permits and present viable plans for development, none have been forthcoming despite promises to do so. UFA's position opposing development of the Pebble deposit with respect to conceivable mining options is largely based on a well-documented and practical reality that extraction of desired minerals from the area's low-grade, acid-generating ore requires massive amounts of excavation and containment that is certain to damage salmon spawning and rearing habitat. In addition, there is an unacceptable risk of a catastrophic event or multiple events at the mining site that could severely compromise downstream environments, particularly for salmon. EPA investigations and analyses that led to the 2014 Proposed Determination served to clearly corroborate those concerns.

UFA's support of the proactive use of the 404(c) is also based on a desire to have a more stable seafood business climate that is free from the risks of potential disruption from mining development. Part of the market value for Bristol Bay salmon is based on the perception of purity—large-scale mining in the watershed would compromise those attributes and any

mine failures such as a tailings dam breach would be especially difficult to overcome in the market. Record salmon runs and favorable market conditions of the last few years underscore the importance of a healthy salmon fishery to the Bristol Bay region, the State of Alaska and the entire country. In 2017, the Nushagak River saw the largest run of sockeye salmon in recorded history—it is one of the major drainages downstream of the Pebble Mine site. Although the Nushagak River is not typically known for its sockeye production, it is by far the biggest king salmon system in the Bristol Bay Region. In contrast to commercial fishery prospects, financial backing for the Pebble project has largely evaporated as its economic viability and environmental risk has been more fully understood by private and public interests through EPA's investigations and analyses related to the Proposed Determination.

The following points are listed as reasons considered by UFA over the years in supporting the Proposed 404(c) Determination and opposing EPA's proposed withdrawal:

- Development of the Pebble Mine is likely comprise at least a portion of the Bristol Bay's wild sockeye salmon production and diminish the environmental resiliency of the area as the world's largest wild sockeye salmon producing region.
- The Bristol Bay salmon fishery is a significant and integral part of the Alaska's statewide commercial fishing industry with economic benefits that accrue far beyond the state's borders.
- The Bristol Bay salmon fishery is the primary economic driver for the region.
 - The 2017 run of 56.5 Million fish ranks second highest of the last twenty years.¹
 - 2017 preliminary ex-vessel value at \$214 Million
 - First wholesale value of \$417 Million in 2014²
 - Accounts for 25% or more of the value of Alaska's overall salmon harvest.
 - Provided 8,395 harvester jobs and an additional 3,485 processing worker jobs in 2014.³
- Low-grade, acid-generating ore would require massive excavations and storage of tailings in perpetuity.
- Site development and transportation corridor requirements that would cross multiple salmon spawning and rearing streams and affect adjoining aquatic habitats.
- Inadequacy of technologic mitigation of mine development and operation impacts on salmon. (Note failures of Columbia River hatchery and other mitigation projects as an example)
- Complex hydrology of region makes prediction of mining impacts and risks on groundwater and streamflow difficult.
- High seismic risk at mine site and in the region.

¹ <http://www.adfg.alaska.gov/static/applications/dcfnewsrelease/865497019.pdf>

² http://ebooks.alaskaseafood.org/ASMI_Seafood_Impacts_Dec2015/#/0/

³ http://ebooks.alaskaseafood.org/ASMI_Seafood_Impacts_Dec2015/#/0/

- Salmon markets that are sensitive to environmental perceptions and seafood industry desire to have business stability.
- Questionable environmental record of mining industry.
- Indemnity and legal protection for losses to fishermen not well established and historically difficult to uphold. (Note US Supreme Court overturning of jury verdict on Exxon Valdez oil spill)⁴
- Questionable economic viability of the Pebble Mine as indicated by 2013 disinvestment by Anglo-American and February 2017 Kerrisdale Capital report and recommendation to short-sell.⁵

UFA urges the EPA to refrain from withdrawal of the 2014 Proposed Determination based on the factors outlined above.

Sincerely,



Jerry McCune
President



Mark Vinsel
Executive Administrator

Attachments

⁴https://en.wikipedia.org/wiki/Exxon_Shipping_Co._v._Baker

⁵ <https://www.kerrisdalecap.com/wp-content/uploads/2017/02/Northern-Dynasty-Minerals-NAK.pdf>