



**UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
REGION 10**

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Seattle, WA 98101

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

Colonel Damon Delarosa  
Commander  
U.S. Army Corps of Engineers  
Alaska District  
PO Box 6898  
JBER, Alaska 99506

Ms. Corri A. Feige  
Commissioner  
Alaska Department of Natural  
Resources  
550 West 7<sup>th</sup> Avenue, Suite 1400  
Anchorage, AK 99501

Ms. Michelle Johnson  
Director  
Chuchuna Minerals Company  
11401 Olive Lane  
Anchorage, AK 99515

Mr. John Shively  
Chairman and CEO  
Pebble Limited Partnership  
2525 Gambell Street, Suite 405  
Anchorage, Alaska 99503

Mr. John Shively  
Director and President  
Pebble East Claims Corporation  
3201 C Street, Suite 404  
Anchorage, Alaska 99503

Mr. John Shively  
Director and President  
Pebble West Claims Corporation  
3201 C Street, Suite 505  
Anchorage, Alaska 99503

Dear Ms. Corri Feige, Ms. Michelle Johnson, Mr. John Shively, and Colonel Damon Delarosa:

On November 23, 2021, the Environmental Protection Agency Region 10 published notice in the Federal Register providing an update on the status of its 2014 Clean Water Act section 404(c) Proposed Determination regarding the Pebble deposit area located in Alaska's Bristol Bay watershed (Enclosed). The U.S. District Court for the District of Alaska vacated and remanded EPA's 2019 decision to withdraw the 2014 Proposed Determination. EPA Region 10's Federal Register notice extended applicable time requirements until May 31, 2022, to consider available information, and to determine appropriate next steps in this 404(c) review process. This review includes information that has become available since EPA issued the 2014 Proposed Determination.

The 2014 Proposed Determination proposed restrictions on the discharge of dredged or fill material into certain waters within the Bristol Bay watershed associated with mining the Pebble deposit. It was issued because of concerns that such discharges could result in unacceptable adverse effects on ecologically important streams, wetlands, lakes, and ponds and the fishery areas they support including spawning and breeding areas.

I am writing to inform you that based on our evaluation to date of available information, EPA Region 10 continues to have reason to believe that the discharge of dredged or fill material associated with mining the Pebble deposit could result in unacceptable adverse effects on important fishery areas. Accordingly, I am notifying you of my intention to issue a revised Proposed Determination. EPA is sending letters at this time to ensure there is ample opportunity for full consideration of available information to determine next steps before May 31, 2022.

The Clean Water Act's section 404(c) regulations provide an opportunity for consultation at this stage among EPA, the U.S. Army Corps of Engineers, the owners of record of the site, and the permit applicant (if any). EPA is sending this notice to the same entities it notified in 2014 as well as Chuchuna Minerals. The U.S. Army Corps of Engineers' 2020 Final Environmental Impact Statement for the Pebble Mine indicates that discharges associated with mining the Pebble deposit could expand in the future into portions of areas where Chuchuna Minerals holds mining claims.

You may submit information for the record to demonstrate that no unacceptable adverse effects to fishery areas would result from discharges associated with mining the Pebble deposit, or that actions could be taken to prevent unacceptable adverse effects to waters from such mining. Consistent with the section 404(c) regulations, please provide your response by February 11, 2022. EPA can provide additional time if requested.

I appreciate your prompt attention to this matter. If you have any questions or wish to arrange a meeting to discuss any of these issues, please contact me or have your staff contact Cami Grandinetti, at (206) 390-8890 or Grandinetti.cami@epa.gov.

Sincerely,

[/s/][ 1.27.2022 ]

Michelle L. Pirzadeh  
Acting Regional Administrator

Enclosure

Cc: Doug Mecum, Acting Administrator, Alaska Region  
National Marine Fisheries Service

Greg Siekaniec, Regional Director  
U.S. Fish and Wildlife Service

Sara Longan, Deputy Commissioner  
Alaska Department of Natural Resources

Robert Retherford, Director and Vice President  
Chuchuna Minerals

Reeves Amodio, LLC, Registered Agent  
Pebble East Claims Corporation and Pebble West Claims Corporation