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Minerals Company

March 28, 2022

Ms. Michelle Pirzadeh
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Ave., Suite 155
Seattle, WA 98101

Re: Pebble Project Area - Clean Water Act 404(c) Proposed Determination

Dear Ms. Pirzadeh:

We have received your letter dated January 27, 2022 regarding the proposed determination of your agency, pursuant to Section 404(c) of the Clean Water Act (CWA), concerning the Pebble project. We thank you for the opportunity to comment.

Your letter notes your intent “to consider available information and to determine appropriate next steps in this 404(c) review process.” As regards said “available information,” we note that no EPA document exists setting forth an objective and well substantiated basis for exercising their 404(c) authority on the Pebble project. Section 404(c) of the CWA represents an extraordinary governmental authority and the standards for using this authority must entail a clear and compelling case to justify use. Agency “beliefs” are not a sufficient basis for exercising 404(c) authority. Therefore, as an “appropriate next step,” we urge the EPA to document, in quantifiable terms, i.e. extent of unacceptable and unmitigated habitat loss from a specific Pebble system failure, a clear basis for use of 404(c).

Until we are better able to understand the reasons for the “404(c) Proposed Determination,” we are strongly opposed to the exercise of this authority.

We thank you for your consideration of our concerns and are open to any discussion or questions you may have of us.

Yours truly,

Michelle Johnson, Director
Chuchuna Minerals Company

Cc:

Lisa Murkowski, State of Alaska Senator
Dan Sullivan, State of Alaska Senator
Michael Dunleavy, State of Alaska Governor