



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

DEC 16 2022

Honorable Radhika Fox
Assistant Administrator, Water
Environmental Protection Agency
1200 Pennsylvania Avenue NW, 4101M
Washington, DC 20460

Dear Assistant Administrator Fox,

On December 2, 2022 you provided the US Army Corps of Engineers (USACE) with notice that the US Environmental Protection Agency (EPA) Regional Administrator for Region 10 determined that discharges into certain waters of the United States in the South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek watersheds associated with developing the Pebble deposit would be likely to result in unacceptable adverse effects on anadromous fishery areas. Your letter initiated EPA's consultation with USACE as required under 40 C.F.R. § 231.6. That regulation provides an opportunity for USACE to notify EPA of our intent to take corrective action to prevent the unacceptable adverse effects identified in EPA's recommended determination.

The Alaska District, USACE denied Pebble Limited Partnership's (PLP) Clean Water Act permit request on November 20, 2020. No work associated with developing the Pebble deposit that would result in a discharge of dredged or fill material into waters of the United States has been authorized by USACE. Therefore, there is no corrective action with respect to the adverse effects identified in EPA's recommended determination that USACE can appropriately take. PLP has administratively appealed the permit denial, and that appeal process is still on-going. Should this appeal be found to have merit, and USACE revisits the permit decision, we will consider the implications of any EPA action.

Thank you for the opportunity to engage in consultation on this matter. Please continue to keep USACE apprised of the status of EPA's review under Section 404(c) of the Clean Water Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Spellmon".

Scott A. Spellmon
Lieutenant General, U.S. Army
Commanding