March 28, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

CC: The Honorable Lisa Murkowski
CC: The Honorable Dan Sullivan
CC: The Honorable Don Young
CC: Pebble Partnership

Re: EPA’s Clean Water Act Preemptive Veto of the Pebble Project

Dear Administrator Pruitt,

The Women’s Mining Coalition (WMC) is a grassroots organization with members nationwide who work in all sectors of the mining industry, energy generation, manufacturing, transportation, and mining-related service industries. For many years, WMC has been concerned about the protracted and costly permitting process that is chilling investment in the nation’s mineral resources and impeding the timely development of the domestic minerals critical to this country’s economy, manufacturing sector, and defense. The U.S. Environmental Protection Agency’s (EPA’s) recent decision to ratify the Obama Administration’s veto of the proposed Pebble Project in Alaska heightens our concerns.

By reinstating the Section 404(c) Clean Water Act preemptive veto of the Pebble Project, EPA is sending a strong and unfortunate signal to the rest of the world that the U.S. is an extremely risky and hostile country in which to explore for and develop minerals. This action will increase the nation’s reliance on foreign minerals and is completely inconsistent with President Trump’s December 2017 Executive Order No. 13817, “A Federal Strategy to Ensure Secure and Reliable Sources of Critical Minerals.”

In Executive Order 13817, President Trump explicitly mandates increasing domestic mineral supplies through actions that include promoting exploration and development of this nation’s mineral resources. EPA’s actions to prejudice the
permitting process for the Pebble Project in order to thwart development of this copper and gold deposit violate Executive Order 13817. Both copper and gold are critical technology and infrastructure minerals. Executive Order 13817 mandates the development of domestic sources of these and other minerals.

EPA’s actions on the Pebble Project are unfair and uninformed because they rely on the Bristol Bay Watershed Assessment that describes an imaginary mining project. The pretend project described in this biased report would violate the state and federal environmental protection laws that govern the real Pebble Project. EPA’s reliance on this false report is completely inappropriate.

Many WMC members have expertise with the environmental permitting and regulatory requirements for U.S. mining projects. Based on this expertise, WMC is confident that an unbiased and fact-based analysis of the permit applications for the Pebble Project would give state and federal regulators all of the information required to enable them to make sound decisions whether to issue permits for this project.

EPA’s flawed Pebble Project decision, which is based on misinformation from anti-mining activists, stands in marked contrast to EPA’s careful and fact-based decision that additional financial assurance pursuant to CERCLA 108(b) was not warranted in light of the comprehensive environmental protection and financial assurance requirements in existing state and federal laws and regulations. WMC strongly supports EPA’s CERCLA 108(b) decision and asks that the agency allow these same laws and regulations to be applied to the Pebble Project in a straightforward and unfettered manner.

We thus urge EPA to reconsider its decision and allow the permitting process for the Pebble Project to proceed on an even playing field that is not encumbered by the unjust prejudice of a preemptive veto based on a false report.

Respectfully submitted:

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