

FOR IMMEDIATE RELEASE

September 9, 2021

Press Contact: Nolan Bush, nolan@stgresults.com, (425) 780-0237

Bristol Bay Defense Fund Applauds Biden EPA for Resuming Process to Protect Bristol Bay from Pebble Mine

By moving to reinstate 2014 proposed protections and “veto” process, EPA will be closer to fulfilling Biden’s promise to respect Tribal sovereignty, local voices, science, and the rule of law

(Washington, DC/Alaska) — Today, the U.S. Environmental Protection Agency (EPA) [announced their intent](#) to resume work to establish protections for the Bristol Bay watershed that could ensure a large-scale mine like the Pebble Mine is not allowed to devastate the region’s waters and lands. The EPA filed a joint motion in federal court announcing its intention to file a motion later this month that would reverse the Trump administration’s withdrawal of proposed protections for the Bristol Bay watershed and restart the administrative process under Section 404(c) of the Clean Water Act.

EPA’s proposal would vacate the withdrawal of proposed protections for Bristol Bay and reinstate the 2014 “proposed determination,” a set of proposed restrictions that, if completed, would have limited the scope of mining in Bristol Bay and established lasting protections for the region. The 404(c) process was initiated by the Obama-Biden administration in 2014, and thrown out by the Trump administration in 2019 before protections were finalized. Today’s announcement is the first step in allowing EPA to get back to work on lasting protections for Bristol Bay’s world-class fishery and all it sustains, and comes as a result of the Ninth Circuit Court of Appeals case *Trout Unlimited et. al. v. Pirzadeh et. al.*, reflecting the agency’s acknowledgment that its prior withdrawal of proposed Bristol Bay protections did not meet the standard set by the court.

*“This announcement is a historic step forward in the long fight to protect Bristol Bay, our fishery, and our people,” said **Robert Heyano, President of United Tribes of Bristol Bay**. “The fifteen federally recognized Tribes of the United Tribes of Bristol Bay who call this region home, have worked for decades to protect our pristine watershed that sustains our sacred indigenous way of life. Today, we applaud Administrator Regan for reinstating the process to consider protections for Bristol Bay and for respecting tribal sovereignty. The people of Bristol Bay are counting on the EPA to listen to the science and finish the job of protecting our lands and waters.”*

Today’s filing is consistent with calls from Tribes and other Bristol Bay communities to reverse the Trump administration’s 2019 decision to throw out the protections in the proposed determination and halt the 404(c) process. The 2019 [decision](#) was arbitrary, not based on science, and flew in the face of longstanding requests by Tribes and others for permanent protections for Bristol Bay’s headwaters.

*“This is a pivotal moment for Bristol Bay fishermen. Our decades-long, locally-led effort to permanently protect Bristol Bay, our thriving commercial fishery, and our communities from the Pebble Mine is finally back on track,” said **Katherine Carscallen, Executive Director of Commercial Fishermen for Bristol Bay**. “While we are celebrating today, the last four years have taught us that Bristol Bay is not safe from the Pebble Mine until the EPA completes the Clean Water Act Section 404(c) process. The Biden administration has an opportunity and a responsibility to truly finish the job that the EPA started in 2014 and complete the 404(c) process so that Bristol Bay’s fishermen, businesses, and communities are no longer threatened by the Pebble Mine.”*

*“It’s clear today that EPA is listening,” said **Joel Reynolds, senior attorney and western director for the Natural Resources Defense Council**. “Tribal, business and, community leaders, along with millions of supporters, have been fighting the destructive Pebble Mine for more than a decade, urging the agency to save this national treasure. This decision will restart an in-depth agency process, and we’ll be fighting every step of the way to permanently protect the world’s greatest wild salmon fishery and the homeland of the Yup’ik, Dena’ina, and Alutiiq peoples.”*

The Biden administration’s decision will eventually reopen the 404(c) process, but the shape that process takes will determine whether or not Bristol Bay is fully protected from dangerous mining. Moving forward, the coalition of business, tribal, nonprofit, and community organizations in the Bristol Bay Defense Fund are eager to work with EPA throughout the process to finish the job. To permanently protect this special place, the EPA must take steps to protect the headwaters of Bristol Bay from large-scale mining, as Pebble Mine is not the only threat — it is simply the most immediate.

EPA’s action comes just over one year since then-candidate Biden [committed](#) to do “what President Trump has failed to do: listen to the scientists and experts to protect Bristol Bay — and all it offers to Alaska, our country, and the world.”

The Bristol Bay Defense Fund and partners, lead by United Tribes of Bristol Bay, has [urged](#) the administration to “Finish the Job,” throughout this summer, and the agency’s announcement comes after letters and ads requesting action from stakeholders across the political spectrum, including [Tribes](#), [sport and commercial fishermen](#), [conservationists](#), and others. The 404(c) ‘veto’ is a critical part of the strategy to provide permanent protection that also includes the goal of Congressional legislation to further codify protections of this special place.

The [Tribal-led fight](#) to protect Bristol Bay began more than a decade ago in response to the proposed Pebble Mine located at the Bay’s headwaters. Pebble Mine would be the largest open-pit mine in North America, producing more than 10 billion tons of toxic waste that will remain there forever. As [reported in the New York Times](#), Bristol Bay is a bright spot amid devastatingly low catches in other salmon communities. But even the catch in Bristol Bay is at risk from the dangerous Pebble Mine. Northern Dynasty Minerals CEO Ron Thiessen — the head of the company behind the Pebble Mine proposal — [recently said](#) “we have by no means

given up on this project” amid bipartisan public opposition. EPA’s action provides hope that this threat will not loom over the region indefinitely. This time, however, the job must be finished.

###