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united
TRIBES OF BRISTOL BAY

October 15, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004
regan.michael@epa.gov

Re: Clean Water Act Process in Bristol Bay

Administrator Regan,

I write to thank you for restoring science and the rule of law while respecting Tribal sovereignty in your recent announcement seeking a voluntary remand of the 2019 withdrawal decision in *Trout Unlimited et al. v. Pirzadeh et al.* Likewise, your decision to resume the Section 404(c) process and recognition that defending the politically motivated position of the Trump Administration stood in stark contrast to the will of the overwhelming majority of Alaskans. We stand ready to support your Agency in advancing this process as swiftly as possible.

The United Tribes of Bristol Bay (UTBB) represents 15 federally recognized Tribes which constitute more than 80% of the people that call Bristol Bay home. Our ancestors have called this land home for millennia and stand united in our desire to protect our sacred lands and waters from mining development.

When President Biden assumed office, he promised to restore science, make fact-based decisions, and respect Tribal sovereignty. Thank you for helping keep that promise. The scientific record in this matter could not be more clear: Pebble Mine represents an existential threat to Bristol Bay and the salmon it supports. Over the years, the importance of this watershed has been demonstrated through intensive studies by the EPA, Army Corps of Engineers, U.S. Fish and Wildlife Service, Alaska Department of Fish and Game, along with independent, academic researchers and experts, including the region's Federally Recognized Tribes. While the EPA must be thorough and diligent in executing the 404(c) process, we strongly encourage you to act expeditiously to secure protection for our homelands.

We have lived with the threat of the Pebble Mine hanging over our communities for nearly 20 years. It is time to stop the Pebble Mine once and for all. We strongly encourage you to complete the Section 404(c) process before the start of the next fishing season. Given the lengthy record developed by the EPA and the Army Corps of Engineers, this timeline is highly achievable. The CEO of Pebble's parent company likewise recently stated in a press release that a final 404(c) determination must be decided "in a timely basis, because we believe that

a prompt decision is required by due process.”¹ Moving efficiently in the Section 404(c) process is in the best interests of all stakeholders.

Our Tribes first petitioned the EPA in 2010 to issue a Section 404(c) determination under EPA’s Clean Water Act authority and protect our watershed from large-scale mining like the proposed Pebble Mine. When he visited in 2015, President Obama recognized Bristol Bay as a “national treasure” that needed permanent protections. We look forward to working with you and President Biden to finish the job President Obama started to ensure these lands and waters are preserved for future generations.

Salmon are the lifeblood of Bristol Bay’s Native people, not just holding deeply rooted religious and cultural significance, but providing the primary present day economic resource for the Native communities of the region. Thank you again for your leadership and swift action on this critical issue.

Sincerely,

A handwritten signature in blue ink that reads "Robert Heyano". The signature is written in a cursive, flowing style.

Robert Heyano, President
United Tribes of Bristol Bay

¹ https://www.northerndynastyminerals.com/site/assets/files/4933/october_13-_2021.pdf