



AMERICANS FOR LIMITED GOVERNMENT

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July 21, 2020

U.S. Rep. Peter DeFazio
2134 Rayburn Office Building
Washington, DC 20515

U.S Rep. Jared Huffman
1527 Longworth House Office Building
Washington, DC 20515

U.S. Rep. Mike Levin
1626 Longworth House office Building
Washington, DC 20515

U.S. Rep. Alan Lowenthal
108 Cannon House Office Building
Washington, DC 20515

To Representative DeFazio, Huffman, Levin and Lowenthal:

I read with interest your letters of concern related to the consideration by the federal government of plans for the Pebble Mine in Alaska. Having been to the site itself, I feel compelled to provide you some perspective.

The tundra wasteland that is the site for the proposed Pebble Mine was originally federal government property. However, the federal government decided to swap this less valuable land with the state of Alaska for the acreage that subsequently became Lake Clark National Park and Preserve via the Cook Inlet Land Exchange.

The Lake Clark National Park and Preserve is described by the National Park Service as, "... a land of stunning beauty. Volcanoes steam, salmon run, bears forage, and craggy mountains reflect in shimmering turquoise lakes. Here, too, local people and culture still depend on the land and water."

Visitors are invited to, "Venture into the park to become part of the wilderness."

In exchange for preserving this stunningly beautiful wilderness experience, the federal government gave up a large, barren stretch of tundra that they knew was going to be zoned for mining. All was well, until someone had the audacity to actually discover mineral wealth on that land. Suddenly federal government bureaucrats and professional fundraising groups masked as environmentalists were all atwitter.

The land was fine to give away when it had zero value for land that was suitable to be declared a national park, and it takes an incredible amount of hubris for the

federal government to put additional restrictions on the use of the barren wasteland after more than hundreds of millions of dollars has been spent by private companies to create a plan to responsibly extract the strategic minerals that the federal government chose to trade to the State of Alaska.

No one is urging that the NEPA process not be followed to ensure that the mine meets federal requirements, and once it does, then turn the decision over to the authorities in the state of Alaska. However, your complaints amount to little more than grandstanding as you want the goal posts to be moved in an obvious effort to renege on the original agreement when the land for Lake Clark National Park was obtained.

After almost a decade, it is time to allow the owners of Pebble deposit to have their opportunity to present their engineering studies and mining plans for fair and honest federal scrutiny. When, and if, the NEPA process is successfully completed, the decision will lie where it rightfully should – with the state of Alaska which traded for this land and zoned it for mining in the first place.

I have taken this opportunity to also respectfully provide you with the attached information to correct all the miss-informed claims and assertions that have been made in your letters. Sadly, you all have been misled by federal government bureaucrats with an anti-development at any cost agenda and those professional fundraising groups masked as environmentalists.

Elitist federal bureaucrats and virtue signaling Members of Congress should not impede the scientific and legal facts that will determine whether the Pebble Mine project should move forward, per the attached information. It is time to get out of the way and allow the well-established NEPA process to work.

Sincerely,

A handwritten signature in black ink that reads "Richard Manning". The signature is written in a cursive, slightly slanted style with a small flourish at the end.

Richard Manning
President
Americans for Limited Government

Corrected Facts to the Assertions Made in the Letters to U.S. Army Corps of Engineers from Rep. Peter DeFazio and Reps. Jared Huffman, Alan Lowenthal, and Mike Levin

- The DeFazio letter states: “We have heard from several Alaska Native Tribal communities about their concerns regarding the Pebble Permitting timeline and process. They do not feel that they have been adequately and meaningfully consulted I ask that your schedule be extended indefinitely until such time as the Corps can meet its obligation to fully consult with the tribal communities.”
 - With respect to engagement with Alaska Native Tribes, the entire EIS process has been open and consultative.
 - The Corps is closely coordinating with numerous Alaska Native entities.
 - Two Bristol Bay area tribes are cooperating agencies for the EIS.
 - The Corps is also engaging in government-to-government consultation with broad range of tribes in the Bristol Bay and Cook Inlet areas.
 - To date, the Corps has consulted with 24 federally recognized tribes. DEIS at 6-2.
 - The Corps significantly extended the comment periods during scoping and on the DEIS to ensure all parties had adequate opportunities for input.
 - The Corps held numerous public meetings during scoping and on the DEIS throughout Alaska.
 - The Corps has engaged a cultural anthropologist to assist on Section 106 and native village issues, including subsistence.
- The Huffman, et al letter states: “[I]t is troubling that the preferred alternative was recently changed from the southern ferry route to the northern road-only transportation corridor from the mine site to the port with little notice to the public. . . . Where in the administrative record is it possible to find a detailed analysis of the environmental consequences of this change?”
 - The Congressmen’s suggestion that the impacts of the selected northern transportation alternative were not adequately reviewed in the DEIS or subject to public review is false.

- In the DEIS, the northern transportation alternative is “Action Alternative 3.”
- In the DEIS’s consideration of the various categories of potential impacts (*e.g.*, impacts to wildlife values, fish values, wetlands, subsistence, and recreation), each category contains a discussion of the impacts specifically evaluated for the northern transportation alternative.
- On the media call described by the Congressmen in which the chosen alternative was announced, the Corps made clear that the decision was the result of input received from cooperating agencies and the public.
- The Corps’ selection of the northern transportation alternative demonstrates that the permitting process is objective and not predetermined. After all, the Corps chose *not* to proceed with the alternative (Lake Iliamna ferry) that Pebble had preferred.
- “USACE has stated that the final EIS does not require further public comment, yet the northern route, an 82-mile road along Lake Iliamna, would also require right-of-way access to lands owned by Alaska Native Tribes and Alaska Native Corporations. How does USACE plan to engage with these landowners before issuing a final EIS and record of decision?”
 - The final EIS will be subject to a 30-day public review period.
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- “But since the release of the draft EIS, the project proponent has failed to conduct the overwhelming weight of additional field work recommended by cooperating agencies, independent scientists, and stakeholders.”
 - The Pebble Project EIS website document library (<https://pebbleprojecteis.com/documents/library>) contains *hundreds* of Requests for Information to which Pebble has responded, including many that were completed since the publication of the DEIS.
 - Here are just some examples of additional information Pebble has provided the Corps since the Draft EIS:
 - **Expanded Biological Assessment:** Pebble developed a revised biological assessment to address endangered species concerns, including operational impacts to otters and eiders.
 - **New Reclamation Plan:** Pebble provided a draft Reclamation and Closure Plan that meets State of Alaska formatting requirements in support of the final EIS.
 - **New Compensatory Mitigation Plan:** Pebble has worked with the Corps on a revised compensatory mitigation plan for the final EIS.
 - **Groundwater Impacts:** Pebble and its contractors developed an updated groundwater model, which was utilized to generate data in response to requests for information from the Corps.
 - **Wetlands:** Supplemental wetland mapping from the 2019 field season will fill data gaps for the final EIS.
 - **Other Key Plans:** Pebble submitted a fugitive dust management plan and an invasive species management plan for inclusion in the final EIS.
 - **Increased analysis on species:** Pebble has submitted significant analysis on fish, bears, and other species that will be reflected in the final EIS, including details on mitigation and management measures.
 - **Improved Port Design:** Pebble has improved the port design to reduce potential impacts to marine mammals and other species. Change to caissons, moved road on north side, and modified bridge designs.
- “[T]hese questions highlight the continued gaps in the fast-tracked environmental review process for a large, complex mining project.”
 - A three-year NEPA review process is not “rushed.” It is not unprecedented for large, complex projects. For example:

- **Haile Mine:** The EIS process for the Haile Mine in South Carolina began July 2011, and the final EIS was published less than three years later in June 2014.
- **Pogo Mine:** In August 2000, Teck-Pogo Inc. applied for a Section 404 permit for a proposed underground cut-and-fill gold mine on State of Alaska-owned land in the Goodpaster River Valley. EPA, in close consultation with the Corps, published a DEIS in March 2003, then a final EIS in Sept. 2003 – three years and a month after the application.
- **Kensington Mine:** In 2001, Coeur Mining redefined the scope for its development of an underground gold mine within the Tongass National Forest outside of Juneau. This necessitated a new NEPA review, which was completed three years later in December 2004.
- **Red Dog Mine:** EPA prepared the Supplemental EIS for the expansion of the Red Dog Mine into the Aqqaluk deposit in northwest Alaska. The permitting process started in mid-2007 and the EIS was finished during Fall 2009, taking just over two years. The Corps was a cooperating agency.
- **Point Thomson:** The Corps was the lead agency for the EIS for the development of ExxonMobil’s Point Thomson oil facility on the North Slope of Alaska. The EIS process began in late 2009 and the final EIS was issued mid-2012, taking approximately two and a half years.
- The process has in fact been extended multiple times to allow for more time to comment on scoping and the DEIS itself.
 - During scoping, the Corps predicted the publication of a final EIS in late 2019 and a Record of Decision in early 2020.
 - The current schedule calls for a final EIS in summer 2020.
- The DEIS, as is expected for the final EIS, is extremely comprehensive.
 - The DEIS contains over 3,400 pages of analysis and appendices.
 - The DEIS references Pebble’s comprehensive Environmental Baseline Document and Supplemental Environmental Baseline Document, which contains several thousand *more* pages of scientific analysis on the Pebble Project.