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TRIBES OF BRISTOL BAY



NUNAMTA AULUKESTAI
CARETAKERS OF THE LAND



April 26, 2016

Via Email to:

Chairman Lamar Smith
U.S. House of Representatives
Committee on Science, Space, & Technology
Attn: Michelle Stoika,
Michelle.Stoika@mail.house.gov

Ranking Member Eddie Bernice Johnson
U.S. House of Representatives
Committee on Science, Space, & Technology
Attn: Doug Pasternak
Doug.Pasternak@mail.house.gov

Re: Bristol Bay and the proposed Pebble Mine

Dear Chairman Smith and Ranking Member Johnson:

Through a series of hearings and other efforts it appears as if the House Committee on Science, Space & Technology (Committee) remains fixated on EPA's action to protect Bristol Bay. We write to you to emphasize that in the face of both a company that repeatedly violated its promises to the people of the region, and non-responsive state regulators, the people of the Bay themselves invited EPA to Bristol Bay to help protect our unparalleled wild salmon fishery.

We now take this occasion to invite you and other members of the Committee to Bristol Bay so that you can see for yourselves the incredible bounty of wild salmon in Bristol Bay, experience the subsistence, cultural and economic reliance that the people of the Bay have on salmon, and better understand the fundamental threat to our salmon and ways of life posed by the proposed Pebble mine.

In the long run, the threat of the proposed Pebble mine to Bristol Bay stems from three factors. First, the mine would be massive. As described by Pebble Limited Partnership (PLP) there are at least 12 billion tons of mineralized, but extremely low quality, ore in the deposit. As proposed, the Pebble mine would be one of the world's largest open pit mines. Second, much of that ore is potentially-acid-generating, which means that it must be actively managed *forever* to address its risk. This is something that has never been done and which time repeatedly teaches us cannot realistically be done. Finally, the deposit underlies the headwaters of two of Bristol Bay's most prolific salmon-producing drainages, which are incredibly sensitive areas of the watershed. These factors combine to make the proposed Pebble mine a terrible idea. This would be quite evident to you should you take us up on our invitation to visit Bristol Bay.

Moreover, our concerns about the threat of the Pebble mine to Bristol Bay are not founded solely on future events. PLP and its predecessors have drilled over 1350 holes totaling over 190 miles in length in Bristol Bay's headwaters as part of exploration work, many of which are accompanied by sump waste pits. PLP has also constructed staging and material sites in the area. As the Alaska Supreme Court noted in previous litigation, "the hundreds of sumps [associated with PLP's exploration activities] containing toxic waste and chemically reactive material represent a continuing potential source of environmental harm" Indeed, the drilled holes and other sites also have the potential to harm the abundant, pristine and critically important surface water and groundwater in Bristol Bay's headwaters. Meanwhile, PLP has stopped all of its in-region work on the proposed mine, has only monitored or inspected a fraction of these sites, and no longer dedicates money for reclamation work.

In fact, the most recent financial reporting by PLP's parent company, Northern Dynasty Minerals (NDM), to the Securities and Exchange Committee (April 5, 2016) underscores our concerns. NDM's auditor –Deloitte LLP – stated that the company's financial statements included "material uncertainties that raise substantial doubt about [NDM's] ability to continue as a going concern." As the people who live in Bristol Bay, we are concerned that if NDM fails as a company the environmental damage caused by PLP's exploration activities will be left unaddressed.

Stepping back to the mine development picture, for more than a decade the people of Bristol Bay have waited for PLP to file its oft-promised development permit application with the U.S. Army Corps of Engineers. As you know, such a permit application would obviate the need for proactive EPA action. Senator Murkowski herself acknowledged several years ago that PLP's serial broken promises have made "anxiety, frustration and confusion" the norm in many Bristol Bay communities, and as we can tell you that continues to this day.

Rather than coming forward with a permit application, however, PLP has resorted to lawsuits and lobbying. It has also retained consultants, at great expense, to publish biased and inaccurate documents like the Cohen Report. PLP has also encouraged committees like yours to call into question the validity of government action that, in fact, is directly in line with what government should be doing – listening to the people most affected by a proposed development, using science to assess those concerns, and proposing action that would protect invaluable and unique resources that Congress has entrusted to EPA's care.

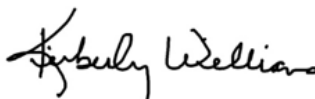
Make no mistake; the people of Bristol Bay support economic development. We will only do so, however, if it is reasonable. For our communities, this means development that is consistent with our *Fish First* vision for Bristol Bay, under which we place a priority on maintaining the water and fishery resources that have allowed our people to thrive here for thousands of years. These resources are the very foundation of our cultures and communities, as well as our mainstay industries and economies. Should the Committee be inclined to continue its examination of proposed mine development in Bristol Bay, it is only proper that it examine the

ability of NDM and PLP to meet their obligations and promises. We strongly encourage committee members to accept our invitation to visit the region – a world apart from your committee offices inside the beltway. Visiting in person will allow you to see for yourselves what is so obvious to those of us from Bristol Bay -- the proposed Pebble mine is not responsible development for our region.

Sincerely,



Robert Heyano
President, United Tribes of Bristol Bay



Kimberly Williams
Executive Director, Nunamta Aulukestai



Daniel L. Cheyette
Vice President, Associate General Counsel
Bristol Bay Native Corporation

Cc: Members of the House Committee on Science, Space & Technology; Honorable Don Young, AK