



# ALASKA MINERS ASSOCIATION, INC.

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July 23, 2012

Mr. Dennis McLerran, Region 10 Director  
Ms. Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington DC, 20460

*Submitted via <http://www.regulations.gov>*

Re: Docket # EPA-HQ-ORD-2012-0276: Draft Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska

Dear Mr. McLerran and Ms. Jackson:

The Alaska Miners Association is again contacting the Environmental Protection Agency (EPA) to express our grave concerns regarding the draft assessment of the Bristol Bay Watershed.

Accompanying this letter are supporting documents to supplement our concerns. The documents include a technical review of the draft assessment, as well as a report by the Institute of Social and Economic Research, a department of the University of Alaska, titled: *"Assessing Ecological Risk of Proposed Mines: Can Valid Assessments Be Done Pre-Design?"*

The Alaska Miners Association (AMA) is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. The AMA is composed of more than 1,400 individual prospectors, geologists and engineers, vendors, suction dredge miners, small family mines, junior mining companies, and major mining companies. Our members look for and produce gold, silver, platinum, lead, zinc, copper, molybdenum, coal, limestone, sand and gravel, crushed stone, armor rock, and other materials.

AMA remains extremely concerned and disappointed in this assessment. We contacted the EPA previously to ask that a watershed assessment not be conducted at all, given the implied project has not applied for any permits. We again contacted the EPA when the opportunity to submit peer reviewer nominations was presented, as the window for nominating persons who would face such a monumental task was entirely too brief. Again, we contacted the EPA asking for an extension of the deadline to submit comments on the draft assessment. Our concerns appear to have fallen on deaf ears and closed minds, but we will persist in communicating what we feel are substantial flaws and dangers of this document.

AMA believes the intent of this assessment is to preemptively stop a project before it even enters the permitting process. When our nation, state, or community begins to stop projects before they even submit plans for review, we lose our ability to maintain an economy and provide jobs for our people. To be clear: a premature decision on a project, whether it is approval or denial, is unacceptable to the Alaska Miners Association.

AMA has several areas of concern with this extremely flawed assessment. They include:

**The "Watershed Assessment" has no identity or foundation**

The "Bristol Bay Watershed Assessment" does not fit any existing EPA models such as a Watershed Assessment, an Environmental Assessment, an Environmental Risk Assessment, an Environmental Impact Statement, etc.,

but rather picks and chooses elements of each. The original press release outlining EPA's intentions describes a Watershed Assessment, however, this document does not fit that model nor meet its regulatory function. Furthermore, the document does not follow clear and established methods, which are vital for other scientists to reproduce so that the results of the assessment can be verified.

### **Credibility of the assessment**

While the Alaska Miners Association generally concerns itself with issues affecting the mining industry, we feel the negative impacts that would assuredly result from the assessment would stretch much further than just the mining sector in Alaska. These impacts would certainly pertain to more than the proposed Pebble Project and implied effects on salmon habitat, which the assessment is obviously aimed at, despite the commitment in the EPA's original press release that states, "EPA's assessment is not limited to examining the effects of hard-rock mining projects, but will consider the effects of large-scale development in general." The assessment narrowly focuses on a large-scale mine. The fact that EPA did not adhere to its original commitment causes us to question the credibility of the entire assessment in general.

### **Inadequacy of the draft assessment document**

The draft assessment includes a lack of references and citations, incomplete statements, and even typos and spelling errors. The sloppiness of the document indicates a rushed process and calls into question the validity of any conclusions reached. Any assessment process should be deliberate, stringent, and done with the closest examination possible – not completed swiftly at the expense of sound science.

One year is not a sufficient amount of time to conduct an assessment of an area of such expanse and importance. However, because no on the ground data was gathered and no original, first-hand research was completed, one can see how the process took only a year. Suffice it to say, that entire process is inadequate at the very best. More appropriately: this assessment, based on a series of interviews, is not scientific nor is it appropriate.

The entire Bristol Bay watershed consists of approximately 40,000 square miles and includes seven distinct and unique hydrological areas. However, the draft assessment focuses on only two of those areas, assuming they would represent the entire region. Applying the characteristics of only a quarter of the watershed to the entire area is illogical and again, not sound science.

The draft assessment, again which was supposed to focus on development in general and not specific to mining, showcases an obvious lack of understanding of the mining industry as well as Alaska. It is confusing as to why a geologic event such as the eruption of Mount St. Helens is used as an analogy of sediment loading from a potential tailings dam failure. Alaska has had many geologic events that would more appropriately apply to potential scenarios reviewed in the draft assessment. Using events from an entirely separate region completely removes reality from the equation.

### **Questionable validity of the document**

The draft assessment contains so many inaccurate examples and scenarios that we must question the validity of the document altogether. For example, the concepts of mitigation, minimization, and impact avoidance are frequently avoided, if not ignored altogether. These techniques are key elements of any development permit in Alaska, which the report authors appear to be unaware of, or perhaps chose to overlook.

The draft assessment chooses to assume that 11 billion metric tons of ore will be mined under the not yet seen Pebble mine plan. This number, which represents the total resource and not the mineable reserve, is inflammatory and seems designed to alarm, as well as exposes the authors' unfamiliarity with mining in general.

The comparison of a hypothetical dam to structures like the Washington Monument or St. Louis Arch is unreasonable. In addition, examples of failures to said dam were modeled after case studies from mines that

opened in the 1800s. It is absurd to compare the two, considering construction of a dam today would occur over 100 years later with major changes to regulatory, engineering, and environmental standards. Finally, the draft suggests that remediation *may* occur following a dam failure, but is uncertain. State and federal statutes require remediation in such an example to begin immediately, so designing a scenario that describes otherwise ignores mining standards and regulations in place today.

### **The document misleads with sensational examples**

The draft assessment includes misleading and sensational language in many places, using terms like “will happen” instead of “may happen.” Using definitive language on a scenario that has not and likely will not happen is unprofessional, inappropriate, and unscientific.

The draft assessment discusses specific impacts from areas that have not been mined and have unproven resources, specifically Groundhog and Humble. The Groundhog property has not even seen exploration drilling. It is unfathomable how the report authors can assume impacts from a property that has not been mined or even explored.

The hypothetical mine used in the draft assessment simply would not be permitted under existing standards. Therefore, the document creates a foregone conclusion about a large-scale mine in the area and causes misconception regarding any associated scenario. The document goes as far as to suggest the mine could suddenly close while assuming no state standards such as reclamation bonding and design requirements.

The inclusion of quotations by anti-mining industry residents in the region is entirely biased, as well as misleading when presented as has been done in the document. One can certainly not conclude that all Bristol Bay residents are opposed to mining in the region, however, the draft assessment implies otherwise. Many residents in the region are interested in the positive effects of development, given the severe hardship and lack of opportunities they face. Presenting one of these concepts and not the other is a completely unbalanced approach and inappropriate for the assessment.

The State of Alaska has a strong permitting system; in fact, we believe we have the best regulatory system in the world. We have responsibly operating mines that boast many accomplishments in environmental protections and reclamation. Also, our mines provide full-time, high paying jobs, with an average wage of \$100,000 to Alaskan residents right in the communities mines are located near. Who better to take care of their environment, than the ones who call it home? And why, if the project proponent can demonstrate the ability to mine without harming the environment, would the EPA take those jobs away from a region that so badly needs them? This assessment, and its likelihood to preemptively terminate a project, would do just that.

AMA requests you disregard this draft assessment, and the process altogether, and allow existing state and federal processes to determine whether large-scale development can occur in Bristol Bay.

Thank you for the opportunity to comment.

Sincerely,



Deantha Crockett  
Executive Director