



THE FIGHT GOES ON (AND ON)

FOR THOSE WITH INTEREST in the Pebble Mine—a massive gold, copper and molybdenum project proposed in the Bristol Bay region of Alaska—the last year has been a regulatory roller coaster. But for mine opponents—a coalition of conservationists, anglers and regular Alaskans—things are, for now, looking up.

In late January, Environmental Protection Agency head Scott Pruitt came out in support of a Clean Water Act designation that would make it increasingly difficult for the proposed mine in the headwaters of Bristol Bay to get state and federal permitting. Pruitt's support of Bristol Bay protections was not only surprising, but also huge encouragement for mine opponents who had experienced countless setbacks in the fight for Bristol Bay since his appointment.

The current back-and-forth on the Pebble Mine ultimately began in 2014, when the Obama-era Environmental Protection Agency determined after four years of peer-reviewed research and two public comment sessions that a mine at the headwaters of one of the world's most productive salmon fisheries was wildly irresponsible, if not potentially catastrophic. The administration used a Clean Water Act 404(c) Proposed Determination to place restrictions on how many wetlands and streams could be harmed by projects like the proposed Pebble Mine, which, in this case, would be located upstream of Bristol Bay—federal waters that support a sockeye salmon population projected to be worth about \$1.5 billion annually, and supports more than 14,000 jobs.

"Pebble cannot get their Clean Water Act 404(c) permit while this proposed designation is still out there," Nelli Williams, director of Trout Unlimited's Alaska program, says. "Alaska tribes, commercial fisherman, sportsmen and business owners from around Alaska asked the EPA to use this special part of the Clean Water Act to protect Bristol Bay."

The designation delivered a blow seen by many mine opponents as the first step in putting the Pebble Project to rest—but that didn't stop proponents from finding a way to skirt it.

Following the proposed designation in 2014, Pebble Limited Partnerships (PLP)—which is largely owned by Canada's Northern Dynasty Minerals—quickly went to work to get the mine back on track, ultimately filing a lawsuit against the EPA.

After three years of deadlock, the lawsuit finally got some attention with Donald Trump's appointment of Scott Pruitt to head the EPA. In his past as a senator and then Attorney General of Oklahoma, Pruitt had made it no secret that he was anti-regulation and, more specifically, anti-EPA—suing the EPA a total of 14 times during his tenure as Attorney General and accepting more than \$300,000 in campaign contributions from the oil and gas industries.

Upon his appointment, Pruitt made quick work of the proposed Clean Water Act designation that had all but halted the Pebble Project. In May 2017, Pruitt spent just a few hours speaking with PLP CEO Tom Collier in a private meeting, the result of which was what one might expect from a meeting between an anti-regulation politician and the CEO of a mining corporation: The lawsuit between the EPA and PLP was settled. Pruitt then promptly directed his staff to withdraw the 2014 Proposed Determination that had previously given environmentalists, anglers and Alaskans a presumed light at the end of a long legislative tunnel.

Pruitt's reversal of federal opposition to the Pebble Project cleared a path for PLP to apply for a federal permit in December, which was subsequently accepted by the Army Corps of Engineers for review in early January. Mine opponents sighed a collective "this again?" in the fight for Bristol Bay.

However on Jan. 25, just three weeks after the Army Corps accepted PLP's permit for review, Pruitt shocked all involved in the Pebble debate when he reversed position on Clean Water Act protections for Bristol Bay. His decision came on the heels of millions of citizens submitting comments following his initial decision against Bristol protection, 26,000 of which came from Alaska residents and business owners.

"I think it's more important now than ever before to speak up—if we don't speak up in the permitting process, Pebble could become a reality five years from now."
—Nelli Williams, Trout Unlimited

Words:
Amanda Montbeil

Photos:
Tim Romano

◀LEFT▶
"My time spent in Bristol Bay, AK, was incredible from a fishing standpoint. But I honestly could have just flown around all day in the airplane looking at the varied waters and landscape below wondering if a single human had ever even set foot in some of these places."