



# ALASKA MINERS ASSOCIATION, INC.

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May 29, 2013

The Honorable Bob Perciasepe, Acting Administrator  
Dennis McLerran, Region X Administrator  
Docket #EPA-HQ-ORD-2013-0189  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Via email to [ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov)

Re: Docket #EPA-HQ-ORD-2013-0189: EPA's Revised Assessment of the Bristol Bay Watershed

Dear Mr. Perciasepe and Mr. McLerran:

The Alaska Miners Association (AMA) again submits comments on EPA's report on the Bristol Bay watershed, now called *An Assessment of Potential Mining Impacts on Salmon Ecosystem of Bristol Bay, Alaska*.

AMA is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,500 individual prospectors, geologists, engineers, vendors, suction dredge miners, small family mines, junior mining companies, and major mining companies. Our members look for and produce gold, silver, platinum, molybdenum, lead, zinc, copper, 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 made contact when the opportunity to submit peer reviewer nominations was presented, as the window for nominating persons to face such a task was entirely too brief. We contacted EPA again asking for an extension of the deadline to submit comments on the draft assessment in 2012, and yet again when presented with a 24 business-day window of the Revised Assessment in April of 2013. **Again, our concerns appear to have fallen on deaf ears and closed minds.**

In July 2012, we submitted a detailed, thirty-page technical review of the Assessment's first draft. Our review included an academic analysis by the University of Alaska Anchorage, titled: "*Assessing Ecological Risk of Proposed Mines: Can Valid Assessments Be Done Pre-Design?*" AMA wonders whether EPA even read our submitted technical review, as the great bulk of errors, omissions and faulty assumptions in the first draft remain, as do the erroneous conclusions. This points to a biased and outcome-oriented product, rather than scientific objectivity. It also demonstrates that regulatory agencies should not have a role in developing documents that purport to be based on objective science.

Specifically, AMA summarizes its continuing concerns with the Assessment as follows:

**EPA ignored U.S. environmental laws, namely the National Environmental Policy Act (NEPA).** EPA predicts impacts from hypothetical mines that fail to meet the standards in U.S. environmental law, including NEPA, and that fail to meet basic modern mine engineering standards. Therefore, EPA's hypothetical mine used in the Assessment would never be permitted, let alone proposed.

Of the 26 significant errors that AMA identified in its technical review of the first draft Assessment, most remain. EPA's failure to address these concerns demonstrates a discernible bias and unrealistic viewpoint of how mining is conducted in Alaska. These errors were, and still remain, crucial to any science-based review of any area, and particularly the Bristol Bay region, which has multiple resources available for development for the maximum benefit of local residents, Alaskans, and the nation.

To be clear, the omission of existing environmental laws, mining standards, or even realistic mining scenarios invalidates the Assessment completely. The flaws don't stop there: there is no mention of avoidance,

prevention, and mitigation techniques, which are an integral part of any kind of development project in Alaska. There is an inflated and unrealistic portrayal of fish habitat in the Bristol Bay region. This is a misplaced and expensive exercise to try to assess imagined and overestimated impacts from mines that it invents, but that would never be permitted, let alone submitted for permitting. **This Assessment is not science.**

In the Assessment, EPA relies on selected, and in fact, cherry-picked data so that conclusions sought and subsequently found by the agency would appear to be validated. EPA reviewed “reports” related to the proposed Pebble project in the region, nearly all of which are outdated and are unrepresentative of modern mining, in a way that blatantly prejudices mine development and future permitting. Furthermore, much of this information comes from outspoken opponents to mining, which calls into question the motives of EPA. Water treatment failure data came from a known mining opponent, Earthworks, that evaluated legacy mines (not modern mines) that began operations between the late 1800s and 1967, three years before enactment of NEPA. These assumptions, clearly based on bias, were pointed out in our 2012 technical review, and EPA failed to fix or even address them. **This Assessment continues to be highly biased.**

Even worse than using biased information, EPA continues to use reports (and continues to try and validate them) that were composed by individuals whom admitted scientific fraud in other works. A scientific evaluation is only as good as the science and sources it is based upon, so one can only conclude that the evaluation, this Assessment, is too a fraud.

AMA remains concerned that the intent of this Assessment is to preemptively stop a project before it even enters the permitting process. The Assessment should not be conducted at all, given the implied project has not applied for any permits and little is known about the mining plan and activity at all. **However, if the region, state, and nation truly stand to benefit from an unbiased and science-based evaluation of the Bristol Bay watershed, it should be conducted by a science and research agency, not a regulatory agency.**

This Assessment is not appropriate for a regulatory agency, particularly in this case, where the agency has a distinct role in the statute governing any particular project associated with the area, specifically, the possible vetoing of wetlands permits issued by the U.S. Army Corps of Engineers under the Clean Water Act. Any scientific evaluation of a project supposing impacts to a region, watershed, or resource should be done by an independent, non-land-managing, and non-regulatory science agency which provides unbiased scientific data, research and assessments of geographic, geologic and hydrologic science, and is well respected for its independence and scientific integrity. Assessments should always be done by a science organization that provides impartial information on the health of our ecosystems and environment, the natural hazards that threaten us, the natural resources we rely on, the impacts of climate and land-use change, and the core science systems that help us provide timely, relevant, and useable information. **Specifically, AMA believes an Assessment of this nature should have been and should be done by an unbiased and science-based entity removed from the regulatory structure.**

AMA asserts that the obvious conclusion is EPA’s current document, defined internally and whose authors include advocacy groups, is a “desired outcome” in search of a pseudo-scientific validation, not an independent scientific evaluation of the characteristics of a watershed and its vulnerabilities. Realistically, it appears to be predetermined conclusions by those who wish to stop mining on State of Alaska lands that are designated for mining. EPA chose to ignore suggestions by AMA to review the exceptional track record of the several currently operating mines in Alaska as an example of how modern mining is carried out, furthering our belief that the Assessment is built around an attempt to preempt a mining project.

**The Bristol Bay Watershed Assessment, both in its 2012 form and its 2013 revision, remains a biased document that lacks science, validity, credibility, and a purpose.** It is at best an inadequate document, and at worst misleading and sensationalized. AMA again urges the EPA to disregard this Assessment, and the process altogether, and allow existing state and federal processes to determine whether development can occur in Bristol Bay.

Thank you for the opportunity to comment.



Deantha Crockett  
Executive Director