



March 11, 2019

The Honorable Lisa Murkowski
The Honorable Dan Sullivan
The Honorable Don Young
Alaska's Congressional Delegation
Submitted via email

Dear Senators Murkowski and Sullivan, and Congressman Young:

The undersigned coalition of organizations, representing many of Alaska's industry sectors write to share our collective view that the National Environmental Policy Act (NEPA) and Clean Water Act (CWA) must be applied to the Pebble Project in a manner consistent with other resource projects in Alaska.

The U.S. Army Corps of Engineers (USACE) recently published the Draft Environmental Impact Statement (DEIS) for the Pebble Project. From the time it received the project application, the USACE has committed to conducting the review as efficiently and transparently as possible in full compliance with NEPA and other applicable federal laws. This formal process began in December 2017 when the USACE received a CWA Section 404 permit application from the project. The USACE issued a timeline for a final permit decision by 2020 and set interim timelines for the DEIS, a Final EIS, and a Record of Decision (ROD).

Recently, some have called upon the USACE to extend the public comment period for the DEIS from 90 to 270 days, and we urge you to take this opportunity to defend and uphold the NEPA process.

The Pebble Project is controversial, however, controversy does not justify extraordinary treatment. The USACE's mandate to facilitate an objective, transparent, and efficient process despite the controversy is what Congress intended NEPA to facilitate. The establishment of a project schedule with clear timelines and responsibilities for all stakeholders at the start of the process should be applauded, not questioned or criticized. Despite allegations that the DEIS would not be comprehensive enough, the USACE published a DEIS that is approximately 1,400 pages, excluding appendices, with an 80-page Executive Summary. The USACE recently noted that a 45-day comment window would be

the norm for reviewing this amount of data when compared to other complex projects in Alaska, as seen in Table 1. Because the agency recognized they would receive requests for additional time for public review and comment, it established a 90-day public comment window, double what is required.

Table 1:

Summary of Alaska Project DEIS Comment Periods

Project Name	Lead Agency	DEIS	Comment Period	Extension of Comment Period	Length of DEIS (Excluding Appendices)	Notes
ANWR Coastal Plain Oil and Gas Leasing	BLM	12/2018	45 days	Yes 30 days	392 pages	NOA: 83 Fed. Reg. 67337 (Dec. 28, 2018) Extension: News Release Extension of Comment Period (extended to March 13, 2018)
Tongass Timber Sale on POW Island	Forest Service	4/2018	45 days	No	408 pages	NOA: 83 Fed. Reg. 19758 (May 4, 2018)
ConocoPhillips GMT 2	BLM	3/2018	45 days	Yes 10 days	631 pages (SEIS)	NOA: 83 Fed. Reg. 13508 (March 29, 2018) Extension: News Release of Extension of Comment Period (extended to May 17, 2018)
Oil Search Nanushuk Project	Corps	9/2017	45 days	Yes 30 days	1,191 pages	NOA: 82 Fed. Reg. 41621 (Sept. 1, 2017) Extension: Public Notice of Application for Permit (extended to Nov. 14, 2017)
Hilcorp Liberty Project	BOEM	7/2017	90 days	Yes 22 days	784 pages	NOA: 82 Fed. Reg. 39453 (Aug. 18, 2017). Extension: News Release of Extension Comment Period (extended to Dec. 8, 2017)
Alaska Stand Alone Pipeline Project	Corps	6/2017	45 days	Yes 15 days	1,822 pages (SEIS)	NOA: 82 Fed. Reg. 29859 (June 30, 2017) Extension: 82 Fed. Reg. 39424 (extended to Aug. 29, 2017)
Donlin Gold	Corps & BLM	11/2015	155 days	Yes 31 days	3,144 pages	NOA: 80 Fed. Reg. 74104 (Nov. 27, 2015) Extension: 81 Fed. Reg. 27442 (extended to May 31, 2016)
Chukchi Sea OCS Oil and Gas Lease Sale 193	BOEM	11/2014	45 days	No	694 pages (2nd SEIS)	NOA: 79 Fed. Reg. 66401 (Nov. 7, 2014)
Bristol Bay Watershed Assessment	EPA	4/2013	32 days	Yes 6 days	618 pages (Revised version)	NOA: 78 Fed. Reg. 25266 (April 30, 2013) Extension: 78 Fed. Reg. 34093 (extended to June 6, 2013)

You have long championed for permitting and NEPA reviews that are objective and follow science and process. You’ve also advocated for permitting reform, citing the need to “improve the quality and timeliness of decisions,” speaking out against delay tactics that abuse NEPA, and encouraging regulators to improve permitting efficiency. This is exactly the effort that is being undertaken by USACE in the Pebble Project permitting process and it should be defended. Any effort to slow down the agency’s process would be inconsistent with these initiatives, and would set a dangerous precedent for future resource development project reviews in Alaska.

Our organizations represent members that have long struggled with Alaska’s reputation as a state challenged by regulatory instability. Deviations from the permitting process, like the lengthy comment window extension requested for the Pebble Project, only serve to further that reputation. We urge you to hold firm on reasonable regulatory actions to help demonstrate that Alaska truly is open for business.

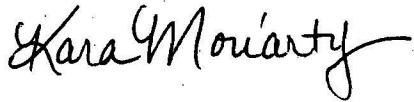
Sincerely,



Albert Fogle
Vice President
Alaska Chamber



Deantha Crockett
Executive Director
Alaska Miners Association



Kara Moriarty
President/CEO
Alaska Oil and Gas Association



Alicia Siira
Executive Director
Associated General Contractors of Alaska



Rebecca Logan
CEO
Alaska Support Industry Alliance



Karen Matthias
Executive Director
Council of Alaska Producers



Marleanna Hall
Executive Director
Resource Development Council for Alaska, Inc.

Cc: David Hobbie, Regulatory Branch Chief, Alaska District, U.S. Army Corps of Engineers