



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

December 2, 2022

Lieutenant General Scott Spellmon
Chief of Engineers
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314

Mr. Akis Gialopsos
Acting Commissioner
Alaska Department of Natural
Resources
550 West 7th Avenue, Suite 1400
Anchorage, AK 99501

Ms. Michelle Johnson
Director
Chuchuna Minerals Company
11401 Olive Lane
Anchorage, AK 99515

Mr. John Shively
Chairman and CEO
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Mr. John Shively
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Mr. John Shively
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Pebble West Claims Corporation
3201 C Street, Suite 505
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Dear Lieutenant General Spellmon, Mr. Gialopsos, Ms. Johnson, and Mr. Shively

On December 1, 2022, I received from the U.S. Environmental Protection Agency's (EPA) Region 10 Regional Administrator Casey Sixkiller a Clean Water Act Section 404(c) Recommended Determination to prohibit and restrict the use of certain waters of the United States in the South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek watersheds as disposal sites for certain discharges of dredged or fill material associated with developing the Pebble deposit.

After evaluating the available information, including extensive scientific and technical information and the public comments received on the 2022 Proposed Determination, Regional Administrator Sixkiller determined that such discharges into certain waters of the United States in the South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek watersheds would be likely to result in unacceptable adverse effects on anadromous fishery areas.

EPA Region 10's Recommended Determination is available online at www.epa.gov/bristolbay.

EPA's Clean Water Act Section 404(c) regulations require EPA to initiate consultation with you at this stage and to offer you the opportunity to notify EPA, within fifteen (15) days, of your intent to take corrective action to prevent unacceptable adverse effects on anadromous fishery areas from discharges of dredged or fill material associated with developing the Pebble deposit. By this letter, consistent with the regulation at 40 C.F.R. § 231.6, EPA is initiating consultation with you. Should you decide to provide notification of your intent to take corrective action, please do so by December 19, 2022. Information previously provided to EPA Region 10 will be considered by EPA Headquarters and need not be resubmitted.

I appreciate your prompt attention to this matter. If you have any questions regarding the Recommended Determination or would like to arrange a consultation meeting, please have your staff contact Lynsey Lanier with the Office of Water, at (202) 566-1951 or Lanier.Lynsey@epa.gov or Laura Shumway with the Office of Wetlands, Oceans, and Watersheds, at (202) 566-2514 or Shumway.Laura@epa.gov.

Sincerely,



Radhika Fox
Assistant Administrator

CC: Mr. Casey Sixkiller, Regional Administrator, Region 10
EPA

Colonel Damon Delarosa
Commander, U.S. Army Corps of Engineers – Alaska District

Mr. David Hobbie, Chief of Regulatory Division
U.S. Army Corps of Engineers – Alaska District

Mr. John Crowther, Deputy Commissioner
Alaska Department of Natural Resources

Mr. Brent Goodrum, Deputy Commissioner
Alaska Department of Natural Resources

Mr. Robert Retherford, Director and Vice President
Chuchuna Minerals

Mr. Reeves Amodio, LLC, Registered Agent
Pebble East Claims Corporation and Pebble West Claims Corporation