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Groups sue EPA for gutting protections and clearing path for Pebble

Lawsuit charges EPA with unlawfully withdrawing proposed protections for Bristol Bay, Alaska

ANCHORAGE (AK)—More than a dozen groups sued the Environmental Protection Agency today for failing to protect Alaska fisheries, wildlife, jobs, communities, and ways of life from the proposed Pebble mine.

The lawsuit is one of three charging the EPA with breaking the law when it withdrew a 2014 Proposed Determination setting out protections for Bristol Bay, Alaska. The EPA abandoned protections for the Bristol Bay watershed in late summer. According to news reports, the

decision to withdraw protections occurred after President Trump met with Alaska Gov. Mike Dunleavy in June.

“A ‘fair and rigorous’ process means proponents for the proposed Pebble Mine don’t get to toss out scientific studies that show truths they’d rather ignore,” **said Tim Bristol, executive director of SalmonState.** “With its mine proposal, Pebble Limited Partnership perpetuates a myth that building a colossal open-pit mine will not have negative impacts on the world’s greatest wild salmon fishery. History and the science say otherwise. Unfortunately, backroom deals and cronyism between political appointees and mining lobbyists have left us with no choice but to petition the courts for relief.”

“The EPA’s attempt to reject its own science-based conclusions is clearly arbitrary and capricious, wholly political, and legally indefensible,” **said Katie Strong, senior staff attorney for Trustees for Alaska.** “The EPA’s Proposed Determination found that even a small mine in the headwaters of Bristol Bay could devastate the region’s fisheries and communities. Science overwhelmingly supports that conclusion, yet this administration continues to aggressively ignore science and public processes to benefit special interests.”

Today’s litigation comes weeks after Sen. Lisa Murkowski expressed concerns over the scientific and technical deficiencies in the Army Corps’ draft environmental impact statement for Pebble. As chair of a subcommittee, she supported an appropriations bill that encourages agencies to use their enforcement authorities to protect Bristol Bay if the Army Corps fails to fix the flaws and gaps in its analysis.

“EPA’s decision to abandon protections for Bristol Bay is driven by politics, not science, and Alaska’s wild salmon fishery and the people and communities who depend on it are the victims,” **said Joel Reynolds, the western director at the Natural Resources Defense Council.** “The Trump Administration’s backing of a foreign mining company over the people of Alaska in disregard of science-based safeguards is arbitrary, capricious, and illegal.”

Trustees for Alaska filed the suit on behalf of 12 clients: The Alaska Center, Alaska Community Action on Toxics, Alaska Wilderness League, Cook Inletkeeper, Defenders of Wildlife, Friends of McNeil River, McNeil River Alliance, National Parks Conservation Association, National Wildlife Federation, SalmonState, Sierra Club, and Wild Salmon Center.

NRDC joined the case representing itself. Earthworks joined the case represented by Earthjustice, a nonprofit environmental law firm.

“We’re honored to stand with Bristol Bay communities in fighting the threat of the Pebble mine to the world’s greatest salmon fishery,” **said Tom Waldo, a staff attorney with Earthjustice.** “EPA was right in 2014 when it first proposed to protect Bristol Bay, and right again in 2018 when it stood by that proposal. Its cowardly reversal this summer violated the agency’s duty to protect an irreplaceable resource and the people who depend on it.”

Bristol Bay groups filed a related lawsuit on Oct. 8, and Trout Unlimited filed one today.

Additional client statements:

"Pebble Mine faces near-universal opposition, and for good reason," said **Peter Morgan, an attorney with the Sierra Club**. "It would gouge a hole in the Bristol Bay Watershed, threatening the abundant wildlife in Bristol Bay and the thriving fishing economy that depends on it. Today we're taking an important step to fight back against the Trump administration's plans to greenlight this destructive project."

"The Pebble Mine would threaten the largest remaining wild sockeye salmon fishery in the world and could impede the recovery of endangered Cook Inlet beluga whales, which now number just 328 animals," said **Nicole Whittington-Evans, Alaska program director, Defenders of Wildlife**. "The Trump administration's efforts to withdraw environmental protections put these precious world-class fish and wildlife resources in peril."

"The proposed Pebble mine will cause extensive long-term and multigenerational adverse health effects on the people and communities of the region," said **Pamela Miller, executive director of Alaska Community Action on Toxics**. "The project represents a grave environmental injustice. The EPA cannot be allowed to abandon its responsibility to protect water quality, environmental and public health."

"EPA's decision to discard years of scientific work and reverse protections for Alaska's Bristol Bay is arbitrary and, we are confident, won't hold up in any court of law," said **Emily Anderson, Alaska director for the Wild Salmon Center**. "We can't let politics jeopardize Alaska's largest wild salmon fishery and all those who depend on it."

"Every scientific analysis shows that mining for gold and copper upstream of Bristol Bay would devastate world-class salmon runs, poison pristine waters, degrade wildlife habitat, and shatter the way of life of local tribes and communities," said **Collin O'Mara, president and CEO of the National Wildlife Federation**. "This lawsuit is essential to stopping the EPA's reckless flip-flop from irreparably ruining one of the last pristine ecosystem in North America and the world."

"The EPA's decision to abandon protections for the world's largest wild salmon fishery on behalf of the Pebble mine is an appalling example of politics over science," said **Bonnie Gestring, northwest program director for Earthworks**. "We know of no other mine that will have such devastating consequences for clean water."

"Bristol Bay and Cook Inlet have vibrant and robust fisheries, communities, and bear viewing opportunities that have been put in jeopardy by the lack of scientific integrity by the agencies charged with providing oversight," said **Drew Hamilton, president of Friends of McNeil River**. "McNeil River State Game Sanctuary was created to preserve the largest congregation of brown bears in the world. The idea that an industrial port, road, and power plant could coexist next to a protected area that relies on vast tracts of wilderness when all existing science says otherwise is preposterous. The Army Corps and Pebble Partnership have failed to meet the basic standards of scientific rigor throughout the EIS process, and the EPA is complicit by trying to withdraw the very protections its own scientific analysis demands."

“The EPA must be held accountable for sacrificing science and ignoring threats to Bristol Bay water, Alaska Native communities and the famous brown bears of Katmai and Lake Clark National Parks,” said **Theresa Pierno, president and CEO of the National Parks Conservation Association**. “We stand with Alaska Native people, fishermen, tourism businesses and conservation partners in demanding that the EPA returns to its mission of protecting the environment.”

“The EPA ignored science and the voices of thousands and thousands of concerned Alaskans when it withdrew the protections its own experts had determined were essential to Alaska salmon and all the people who depend on these thriving Bristol Bay fisheries,” said **Louie Flora, government affairs director, The Alaska Center**. “Poor leadership of this magnitude must be held to account and we are left with no choice but to look to the court at this time.”