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## Alaska and national groups take legal action to defend EPA's prohibition on large-scale mines like Pebble in Bristol Bay

Anchorage, AK— Alaska and national groups filed a motion to intervene in U.S. District Court on Friday to defend the U.S. Environmental Protection Agency's prohibition of the Pebble mine project in the Bristol Bay region of Alaska. The EPA issued a final determination on Jan. 31, 2023, that prevents large-scale mining projects like Pebble from doing profound harm to Bristol Bay communities, salmon, rivers, streams, and other waterways.

"As a fourth generation Yup'ik, Unangan, Iñupiaq and Sugpiaq commercial fisherman with a deep family history in Bristol Bay, the proposed Pebble mine threatens to impact not only my economic security, but my family's health, home, and ability to consume traditional foods," **said Melanie Brown, outreach director for SalmonState.** "Bristol Bay needs clean, cold, clear water — not contamination from a massive, open-pit, acid-generating mine."

The EPA finalized 404(c) Clean Water Act protections that prohibit or restrict the use of the South Fork Koktuli, North Fork Koktuli, and Upper Talarik Creek watersheds of Bristol Bay as a disposal site for mining waste. This determination effectively prevents the Pebble mine proposal or any future large-scale mining projects like it. Pebble Limited Partnership, a subsidiary of the Canadian company Northern Dynasty, challenged the EPA's decision in court in March 2024.

"The U.S. Environmental Protection Agency used sound science and its lawful authority to protect the Bristol Bay watershed from mines like Pebble, and it did so to protect salmon and Alaska communities," **said Siobhan McIntyre, staff attorney with Trustees for Alaska.** "We intend to defend the EPA's conclusions and to uplift the voices of Alaska residents who overwhelmingly oppose Pebble and any mine like it at the headwaters of one of the State's and world's last thriving salmon runs."

The State of Alaska also filed a separate lawsuit, challenging EPA's final determination under Section 404(c) of the Clean Water Act in April 2024. Of note, Alaska Representative Mary Peltola [introduced legislation to protect Bristol Bay](#) this month to codify the EPA's veto of the proposed Pebble mine or any mine like it in the Bristol Bay region.

Tribes and other Bristol Bay groups also [filed to intervene](#) on behalf of the EPA today. Environmental and conservation groups filed a joint motion to intervene on behalf of multiple intervenors, including 12 groups represented by Trustees for Alaska, along with the Center for Biological Diversity, EarthWorks, and Friends of Earth represented by EarthJustice, and the Natural Resources Defense Council as represented by itself. Trout Unlimited also intervened in a separate filing.

Law firm Trustees for Alaska represents SalmonState, The Alaska Center, Alaska Community Action on Toxics, Alaska Wilderness League, Alaska Wildlife Alliance, Cook Inletkeeper, Friends of McNeil River, Kachemak Bay Conservation Society, National Parks Conservation Association, National Wildlife Federation, Sierra Club, and Wild Salmon Center.

#### **Client quotes:**

"We file on behalf of all the wildlife whose habitat and health are threatened by the Pebble mine proposal," **said Nicole Schmitt, executive director of Alaska Wildlife Alliance.** "It is with respect to all communities in the Bristol Bay region, from Tribes to fishers and the plants and animals around them, that we proudly seek permanent protections for Bristol Bay from mining projects like Pebble."

"Protecting Bristol Bay is the right thing to do," **said Penelope Haas, vice president Kachemak Bay Conservation Society.** "What happens to the Bristol Bay Watershed and Fisheries touches communities across Alaska: we know that harm to Bristol Bay would be harm to Homer and the Kenai Peninsula."

"We are committed to preventing the proposed Pebble mine in order to protect the health and well-being of the watershed and people of Bristol Bay," **said Pamela Miller, executive director of Alaska Community Action on Toxics.** "The mine is a threat to water quality, the lives and livelihoods of Alaskans, and the public health of Bristol Bay communities."

"Time and time again, Alaskans have expressed their opposition to Pebble Mine," **said Chantal de Alcuaz, co-executive director with The Alaska Center.** "Pebble's lawsuit is just another attempt at silencing our voices. The people of Bristol Bay, the majority of Alaskans and the EPA all agree that this is the wrong mine in the wrong place. We won't stop fighting until Bristol Bay is granted the permanent protections it deserves."

"Pebble Mine poses an existential threat to clean water and healthy salmon," **said Loren Barrett, co-executive director of Cook Inletkeeper.** "The impacts of vacating the final determination and allowing large scale mining activities would cause irreparable damage to the Cook Inlet economy and communities. For over twenty years Cook Inletkeeper has worked to protect Bristol Bay and we stand firm in our opposition to Pebble mine."

“The Pebble Mine would be a disaster just waiting to happen, and we applaud President Biden’s choice to prioritize people and salmon over short term corporate profits,” **said Andy Moderow, senior director of policy for Alaska Wilderness League.** “It’s critical that the courts hear from the diversity of voices that have been steadfast in calling for long-term protections in this region, and we look forward to helping to build that record in this very important case.”

“A massive, polluting mine does not belong in the middle of the world’s largest and most productive salmon fishery,” **said Jim Murphy, senior director of legal advocacy for the National Wildlife Federation.** “Any mine in this location would have the potential to destroy one of the world’s most treasured salmon fisheries, a resource relied on for millennia by Indigenous people in Alaska. The science led the EPA to the inescapable conclusion there was simply no way to operate a mine in this location without placing this treasure at existential risk.”

“This challenge is frustrating, as the EPA rejected this disastrous mining proposal after years of research and examination, backed by sound science and bipartisan opposition to the proposal,” **said Jim Adams, Senior Alaska Region Director for the National Parks Conservation Association.** “NPCA remains unwavering in our support for protecting the people and parks of this irreplaceable region, including Lake Clark National Park and Preserve, from the Pebble mine.”

“Local communities and wildlife rely on Bristol Bay and its clean water – Pebble Mine would threaten that,” **said Andrea Feniger, director of Sierra Club's Alaska Chapter.** “The mine faced nearly universal opposition for a reason. We will continue to work to ensure that these lands and waters are protected for this generation and the next.”

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