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PLP CEO: EPA Preemptive Veto Action is Indefensible

Massive overreach is not legally, environmentally or technically supported

Anchorage, AK -- *The Pebble Partnership reiterated its long-standing objection to the Environmental Protection Agency's (EPA) preemptive veto of the Pebble Project and called the agency action political and without legal, environmental, or technical merit. PLP CEO John Shively had the following statement about the comments submitted by the company:*

"We still firmly believe that the proposed determination should have been withdrawn as it is based on indefensible legal and non-scientific assumptions. The process and the decision have been political from the start, as evidenced by White House Climate Change Advisor Gina McCarthy's stating in November of 2021 that the administration would shut down the project once and for all while praising the action with a 'hallelujah.'

"Those who think we can build a green energy economy in this country and stop mining at the same time are living in a fantasy world. I suspect the Chinese are laughing at the U.S. for making it so easy for China to become the 'OPEC' of producing minerals critical for the world's economy. We have witnessed the situation unfolding in Europe which is the direct result of their being dependent on an unfriendly country for essential resources, and yet, for no good reason, the U.S. is heading down a similar path for these critical minerals.

"The EPA has made wildly speculative claims about possible adverse impacts from Pebble's development that are not supported by any defensible data and are in direct contradiction to the facts validated in the USACE's Final Environmental Impact Statement (FEIS) for the Pebble Project. The FEIS clearly states that Pebble can be developed without harm to the Bristol Bay fishery. EPA's speculation about impacts is not the same as demonstrating impacts will occur and is not a valid reason for issuing a veto.

"Congress did not give the EPA broad authority to act as it has in the Pebble case. This is clearly a massive regulatory overreach by the EPA and well outside what Congress intended for the agency when it passed the Clean Water Act. This point was also highlighted in a letter to the EPA signed by 14 states, including Alaska, in September that expressed their deep concern with the precedence this EPA 'wildcard' would set.

“Perhaps the most egregious aspect of this entire process is the EPA’s blatant dismissal of, and complete lack of consideration for, the significant economic benefits this project could have for the region and for the state without explanation or justification. The EPA gives short shrift to what hundreds, if not thousands, of jobs could mean for the communities around Iliamna Lake. I know from personal experience what jobs mean for Alaska’s smaller, rural communities and for the Alaska Natives who live there. The Final EIS and subsequent Economic Impact Assessment clearly demonstrate the dramatic impact responsible Pebble development could have for these communities. The benefits are indisputable.

“The state of Alaska is the owner of the world-class Pebble prospect and specifically selected the Pebble area for its mineral potential. If the EPA finalizes its veto and precludes any development on over 300 square miles of Alaska land, it would be violating Alaska’s Statehood Compact and the ‘no-more’ clause of the Alaska National Interest Lands Conservation Act.

“EPA is not only taking significant tax and royalties from the citizens of Alaska but is also taking away contributions to the Permanent Fund and the dividends it provides to our people.

“In addition, EPA gives little to no consideration to the critical role copper will play in our nation’s transition to more renewable sources of power. There are multiple studies and reports that point to a looming supply gap for copper in the decades ahead. Pebble could be a critical source for the copper the nation needs to make this transition.

“Thus, for numerous legal, environmental, technical and economic reasons, the EPA should have withdrawn its actions against Pebble and let the established permitting process function as designed. Our team submitted a thorough and detailed set of comments opposing the EPA’s preemptive veto of Pebble in September, and I encourage all project stakeholders to read them.”

A copy of PLP’s comments to the EPA can be found on the company’s website – www.pebblepartnership.com

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