

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

June 26, 2013

Office of Environmental Information
Docket (Mail Code: 28221T)
Docket ID No. EPA-HQ-ORD-2013-0189
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Public Comments on Pebble Mine, Governor's Failure to Act
Docket ID No. EPA-HQ-ORD-2013-0189

Dear Acting Director Gallahan,

I am writing as an Alaska legislator who is disappointed that Alaska's last two Governors, Sarah Palin and Sean Parnell, have both failed to use their state authority, through the Alaska Department of Natural Resources, to find the obvious. Stopping the damage that will likely be caused by the Pebble Mine should have been a state matter, but Governor Parnell and his appointees have refused to use their authority to protect Alaska and a world-renowned fishery. I still hope Governor Parnell will act, but after more than a half decade, he keeps letting this project and its permits move forward with no indication other than that he wants this highly controversial project to move forward.

The proposed Pebble Mine, which will operate with toxins that can rain into the world's greatest wild salmon fishery, poses an unjustifiable risk to this vastly important resource. It is a fishery that is crucial to the way of life of Alaska's first people, to subsistence, to commercial fishing, and to sports fishermen. In addition to salmon the area is also home to some of the world's largest wild rainbow trout, which are important to sport fishermen and that industry. It is with reluctance that I send these comments in but it now seems obvious our attempts to get the Governor to act to protect this fishery have failed and are going backwards.

There are few places in the world where you can catch a 30-inch wild rainbow trout. There is no other place that offers the world's greatest wild salmon fishery that feeds the nation. Damage to these fisheries would be catastrophic to the Alaskan way of life, and to the nation. Governor Parnell should be given another opportunity to stop the largest surface strip mine on the continent, but if he doesn't, then the EPA should protect what the Governor refuses to.

I urge the state, and if not the state, then our government, to listen to the citizens of Bristol Bay and to science. The law, which our Governor should know he is not allowed to violate, includes Clean Water Act section 404(c) which requires the protection of salmon, wild trout, wildlife, and jobs in Bristol Bay.

For context, former Governor Frank Murkowski relaxed our previously strict clean water standards, and this coming year state legislation to allow an unjustifiable amount of water to be taken out of wild salmon and trout streams, House Bill 77, is poised to pass the Alaska State Legislature. It passed the Alaska House in March, 2013, and is one committee away from a Senate Floor vote when the Legislature reconvenes in January. The bill will allow damage to fisheries like those at Bristol Bay and favors projects like Pebble. The Administration opposed amendments I and others filed, that failed, and that would have required that water not be taken out of fishing streams in amounts that damage fish habitat and survival. Instead, the Commissioner of the Alaska Department of Natural Resources is left with the discretion to take out damaging amounts of water.

Under Pebble's plans up to 6.84 billion gallons of surface water and 4.7 billion gallons of ground water will be taken out of the Upper Talarik Creek drainage. At least 12.03 billion gallons of surface water and 2.8 billion gallons of ground water will be removed from the South Fork of the Koktuli River, and at least 8.02 billion gallons of surface water and 0.2 billion gallons of ground water will be removed from the North Fork of the Koktuli River. That is a total of 35 billion gallons. Under the plan a dam to hold back tons of toxic sludge is also planned. At some point, whether in ten years or one hundred, that dam wall likely will start to breach, seeping toxins into this watershed.

This is the wrong place for a foreign-operated copper and gold strip mine that will rely on flotation chemicals that kill fish. In order to separate the various minerals found at the site, various chemical reagents must be added to a solution to enhance the floatability of the valuable mineral particles. A frother reagent, typically Methyl Isobutyl Carbinol (MIBC) or Pine Oil, must be added to the solution to create a froth and allow minerals to be captured. MIBC is not diluted but pumped directly from bulk containers to the point of addition using metering pumps. Collecting agents must be used to make bubbles in the froth attract the minerals. Collectors are organic molecules or ions and are often ethyl, butyl, propyl, and amyl xanthates. Potassium Amyl Xanthate is one common collecting agent.

Depressors are inorganic compounds used to prevent the flotation of undesirable particles. Cyanide is one common depressor. Activators help make difficult to separate minerals more floatable. Copper sulfate is one common depressor. Flocculants are polymers used to separate solids from water. Surfactants are products that carry out the same role as washing detergents. Lime is used to raise the pH of the processing solution to the desired level. Acid might also be used at the end of the water treatment process to lower a pH range following the use of lime.

I hope you will first give the Governor a chance to do the right thing and honor Alaska's formerly responsible mining history, and stop this above ground project as proposed. If the Governor fails, then the EPA will have to do his work, under federal law, and protect the citizens of the state of Alaska by using Clean Water Act section 404(c) to do what our Governor should have done years ago.

For context, Governor Parnell has changed this state's formerly responsible mining history by allowing a coal mine to move forward in the permitting process which would remove eleven miles of Middle Creek, a major tributary of the Chuitna River, a stream identified by the Alaska Department of Fish and Game as "significant to salmon". Restoration attempts would not happen for thirty years, but regardless you cannot reconstruct a wild salmon stream. Naturally, the local village of Tyonek overwhelmingly opposes this project. The Governor has had the opportunity to send the Canadian company's plan for coal export back

to the drawing board, but has not acted. We have a Governor who is willing to trade a fisheries resource for mining by foreign companies that damage our fisheries resources.

State protection of our way of life is important, but when the state refuses to protect an Alaska fishery that is a world's greatest fishery, then all other legal means to prevent the catastrophe that Pebble will likely cause will have to be used.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Gara", with a long horizontal flourish extending to the right.

Representative Les Gara (D-Anchorage)