



ASSOCIATED GENERAL CONTRACTORS of ALASKA

8005 SCHOON STREET, SUITE 100 • ANCHORAGE, ALASKA 99518
TELEPHONE (907) 561-5354 • FAX (907) 562-6118

June 10, 2013

The Honorable Bob Perciasepe, Acting Administrator
Dennis McLerran, Region X Administrator
Docket #EPA-HQ-ORD-2013-0189
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Via email to ORD.Docket@epa.gov

Re: Docket #EPA-HQ-ORD-2013-0189; EPA's Revised Assessment of the Bristol Bay Watershed.

Dear Mr. Perciasepe and Mr. McLerran:

The Associated General Contractors of Alaska (AGC) is a trade association representing over 650 Alaskan businesses in the construction industry. On behalf of the AGC, those businesses and employees, I offer the following comments on the EPA's Revised Bristol Bay Watershed Assessment (BBWA), now called *An Assessment of Potential Mining Impacts on Salmon Ecosystem of Bristol Bay, Alaska*.

AGC is very concerned that any action by the EPA to validate the revised BBWA is a preemptive action that will undermine the existing regulatory process and set a dangerous precedent for development projects. This unwarranted and unprecedented action will have a stifling effect on investment across much of the US economy.

The document is premature:

- It is based on a hypothetical mine that would never get a permit under Alaska's or the United States current regulatory environment.
- There have been no development permit applications that include detailed plans and environmental mitigation strategies submitted to government agencies.
- The NEPA process has not been initiated.

The document has been hastily crafted:

- The EPA has spent less than one year studying an area of over 20,000 square miles. The short time frame is insufficient and much less than the time frame required and afforded any permit application review.
- The revised assessment is full of technical deficiencies and has not taken respectable public comment into consideration.

- The revised assessment ignores most of the comments of most of your own Peer Review Panel
- In contrast, the Pebble Partnership has spent eight years and over \$120 million to study a much smaller area around the deposit, little of which data is included in the revised assessment

Action supporting the BBWA is a denial of constitutionally guaranteed rights of Equal Access, Due Process and Opportunity:

- Every project, no matter the location or size should have the opportunity to be reviewed under existing legal framework.
- The proposed Pebble mine lands have been set aside in a land use action by the state for mineral development. The courts have clearly determined that land use decisions are a local right and responsibility, and not federal.
- The communities and tribes closest to the proposed development have asked you to refrain from moving ahead with the BBWA. Any pre-emptive action you take will have the effect of denying residents the opportunity afforded other US citizens.

Any further action by the EPA regarding the BBWA, other than outright rejection, will have the effect of biasing the EPA in its mandated role participating in the review and permitting process of an actual mine development permit.

The environmental laws that Congress has enacted, including the Clean Water Act under which you claim authorizes you to perform this assessment, depend on a rigorous and objective adherence to the best available science. The tabloid analysis contained in the BBWA appears to be a study purposely designed to arrive at a predetermined conclusion. It is comparable professionally and in quality to the patent medicines, medical elixirs and nostrums of the 19th century.

Thank you for the opportunity to comment.

Sincerely,



John MacKinnon
Executive Director,
Associated General Contractors of Alaska