March 11, 2019

The Honorable Lisa Murkowski
The Honorable Dan Sullivan
The Honorable Don Young
Alaska’s Congressional Delegation
Submitted via email

Dear Senators Murkowski and Sullivan, and Congressman Young:

The undersigned coalition of organizations, representing many of Alaska’s industry sectors write to share our collective view that the National Environmental Policy Act (NEPA) and Clean Water Act (CWA) must be applied to the Pebble Project in a manner consistent with other resource projects in Alaska.

The U.S. Army Corps of Engineers (USACE) recently published the Draft Environmental Impact Statement (DEIS) for the Pebble Project. From the time it received the project application, the USACE has committed to conducting the review as efficiently and transparently as possible in full compliance with NEPA and other applicable federal laws. This formal process began in December 2017 when the USACE received a CWA Section 404 permit application from the project. The USACE issued a timeline for a final permit decision by 2020 and set interim timelines for the DEIS, a Final EIS, and a Record of Decision (ROD).

Recently, some have called upon the USACE to extend the public comment period for the DEIS from 90 to 270 days, and we urge you to take this opportunity to defend and uphold the NEPA process.

The Pebble Project is controversial, however, controversy does not justify extraordinary treatment. The USACE’s mandate to facilitate an objective, transparent, and efficient process despite the controversy is what Congress intended NEPA to facilitate. The establishment of a project schedule with clear timelines and responsibilities for all stakeholders at the start of the process should be applauded, not questioned or criticized. Despite allegations that the DEIS would not be comprehensive enough, the USACE published a DEIS that is approximately 1,400 pages, excluding appendices, with an 80-page Executive Summary. The USACE recently noted that a 45-day comment window would be
the norm for reviewing this amount of data when compared to other complex projects in Alaska, as seen in Table 1. Because the agency recognized they would receive requests for additional time for public review and comment, it established a 90-day public comment window, double what is required.

Table 1:

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Lead Agency</th>
<th>DEIS</th>
<th>Comment Period</th>
<th>Extension of Comment Period</th>
<th>Length of DEIS (Excluding Appendices)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chukchi Sea OCS Oil and Gas Lease Sale 193</td>
<td>BOEM</td>
<td>11/2014</td>
<td>45 days</td>
<td>No</td>
<td>694 pages (2nd SEIS)</td>
<td>NOA: 79 Fed. Reg. 66401 (Nov. 7, 2014)</td>
</tr>
</tbody>
</table>

You have long championed for permitting and NEPA reviews that are objective and follow science and process. You’ve also advocated for permitting reform, citing the need to “improve the quality and timeliness of decisions,” speaking out against delay tactics that abuse NEPA, and encouraging regulators to improve permitting efficiency. This is exactly the effort that is being undertaken by USACE in the Pebble Project permitting process and it should be defended. Any effort to slow down the agency’s process would be inconsistent with these initiatives, and would set a dangerous precedent for future resource development project reviews in Alaska.

Our organizations represent members that have long struggled with Alaska’s reputation as a state challenged by regulatory instability. Deviations from the permitting process, like the lengthy comment window extension requested for the Pebble Project, only serve to further that reputation. We urge you to hold firm on reasonable regulatory actions to help demonstrate that Alaska truly is open for business.
Sincerely,

Albert Fogle  
Vice President  
Alaska Chamber

Kara Moriarty  
President/CEO  
Alaska Oil and Gas Association

Rebecca Logan  
CEO  
Alaska Support Industry Alliance

Marleanna Hall  
Executive Director  
Resource Development Council for Alaska, Inc.

Cc: David Hobbie, Regulatory Branch Chief, Alaska District, U.S. Army Corps of Engineers