

Statement for the Record

Before the U.S. House of Representatives
Committee on Science, Space, and Technology

Written testimony for the full committee hearing titled
“Examining EPA’s Predetermined Efforts to Block the Pebble Mine”

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Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to testify before the House Science, Space & Technology Committee this week. My name is Rick Halford. I moved to Alaska 50 years ago as a college student and never left. My wife and our kids currently split our time between Chugiak (near Anchorage) and Aleknagik (in Bristol Bay). After I graduated from Alaska Methodist University, I worked as a commercial pilot and big game hunting guide; my first paying customers were miners, prospectors and geologists. I flew them all over the state helping them to stake mining claims. Later I was elected to the Alaska state legislature where I introduced mining legislation and had strong support from resource development groups. I never ran a race without support from a mining organization. Mining is important to Alaska. After 24 years in the Alaska Legislature, serving as House Majority Leader, Senate Majority Leader five times and Senate President for two terms, I retired in 2003.

I first flew over the Pebble area over 40 years ago as a hunting guide. After I retired from the legislature former first lady of Alaska Bella Hammond asked me to look at the Pebble Mine proposal. Shortly thereafter I got stuck in the Village of Ekwok because it was getting dark and my plane was iced up. I stayed at Buck Williams' home and had breakfast with Luki Akelkok, who also asked me to look at the Pebble mine proposal.

I had never opposed a mine before and never expected to. But after I learned about the Pebble proposal, this ended up being the only mine in my life that I didn't like, here's why:

Pebble mine is unique because of its massive size, the type of ore body it is and because the deposit lies underneath rivers that support one of the world's last remaining wild salmon fisheries.

1. The Pebble deposit is a low grade ore body primarily made up of sulfur and has a high likelihood of producing acid mine drainage.
2. The deposit is located in a saddle that drains into both of the largest salmon rivers in Bristol Bay. There could not be a worse location for this mine. Additionally the road, slurry pipeline and other infrastructure necessary to transport materials to and from the deposit to a deep water port would cross over 64 salmon streams in the Kvichak River watershed and go through some of the roughest terrain on the planet.



*Proposed road
and slurry
pipeline route to
deep water port
in Cook Inlet.*



Existing road to transfer fishing boats from Cook Inlet to Lake Iliamna. Road would have to be significantly extended and widened to accommodate mining infrastructure.

3. The size of the Pebble deposit is beyond imagination. According to a 2011 report to their shareholders, Northern Dynasty Minerals the Pebble Mine would include about 10.78 billion tons of mineable ore. The pit would be well over a mile deep in places, and the footprint would cause the direct loss of between 24 and 94 miles of stream, 1,200 to 4,900 acres of wetlands, and 100 to 450 acres of ponds and lakes. The waste would be stored on site in perpetuity.

<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595724>

http://www2.epa.gov/sites/production/files/2015-05/documents/bristol_bay_assessment_final_2014_vol1.pdf

Over the past decade, Pebble conveniently claimed it had a plan when in their best interest, but in the end these claims were only empty promises to apply for permits and start public review process. Here are a few examples of these empty promises:

- **2004** – (Nov 3) – Northern Dynasty Minerals (NDM) announces they expect “completion in 2005 of permit applications.” See letter from Senator Murkowski.
http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=3b2efb37-cdd2-4203-8568-72c405e2a4e4
- **2005** – (August) NDM claims that “a full permitting process for a port, access road, and open pit mine [were] all slated to begin in 2006”
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595668>
- **2007** - (October) - Pebble targets completion of a pre-feasibility study in December 2008, a feasibility study by 2011 and commencement of commercial production by 2015.
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595686>
- **2008** – Cynthia Carroll, former CEO of Anglo American Mining Company, tells Fast Company Magazine that they won’t go where they’re not wanted.
<http://www.fastcompany.com/1042481/anglo-american%E2%80%99s-bristol-bay-controversy-wildlife-vs-mineral-riches>
- **2008** - (October) – Alaskans were assured that that Pebble was on “schedule to finalize a proposed development plan in 2009 and, following input from project stakeholders, apply for permits in early 2010.”
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595696>
- **2009** – (March) – Pebble noted they were in the midst of “preparation to initiate state and federal permitting under the National Environmental Policy Act (NEPA) in 2010.
<http://corporate.pebblepartnership.com/perch/resources/2009-work-plan-1.pdf>
- **2009** - (September) – Preparing for project permitting under NEPA in 2010.
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595723>

- **2010** – (Feb 1) – Pebble claims preparing to initiate NEPA permits in 2011, <http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595723>
- **2010** – (May) – Pebble backtracks and now claims it will enter permit phase in 2012.
http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=3b2efb37-cdd2-4203-8568-72c405e2a4e4
- **2010** - Pebble fined \$45,000 for withdrawing water without a permit on 45 separate occasions over a 3-year period.
<http://dnr.alaska.gov/mlw/mining/largemine/pebble/water-settlement/index.cfm>
- **2010** - (September) – Pebble CEO John Shively tells the Juneau Empire that Pebble is likely to start applying for permits in early 2011.
http://juneauempire.com/stories/092410/sta_711593114.shtml#.VjEcCqR43Pw
- **2011** – (May) – Pebble reports that “design process is nearing important milestones and that Pebble intends to enter the permitting phase toward the end of 2012.” The press release also states that, “The Pebble Partnership has made a public commitment to consult the people of Bristol Bay and Alaska before permitting is initiated as a process of a proposed mine plan for Pebble . . . That important work will begin this year.” (Ron Theissen)
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595726>
- **2011** – (June) – John Shively, CEO of Pebble, tells E&E news that Pebble should have a project proposal sometime in 2012 and be in permitting by late 2012, or early 2013. <http://www.eenews.net/tv/videos/1365/transcript>
- **2011** – (October) – Pebble about-faces and now claims . . . We have never even said that we’re going to seek a permit. We may not.”
<http://www.aaas.org/news/proposed-pebble-mine-has-alaskan-community-focused-critical-science-and-policy-issues>

- **2012** - (February) – Pebble Releases 27,000 pages of Environmental Baseline Documents that rely on flawed methodology and withhold original data making peer review impossible.
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595657>
- **2012** – (February) – Former Vice President of the Pebble Partnership told the State of Alaska House Resources Committee that Pebble would have a mine plan out within a year, moving to permitting by early 2013.
<http://juneauempire.com/state/2012-02-17/pebble-partnership-ready-permit-early-fy-13>
- **2012** – (May) – Pebble announces \$107 million work program to prepare Pebble project for permitting at the end of 2012.
<http://www.norterndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595730>
- **2013** - (June 2013) – Again on E & E News, Pebble CEO John Shively explains that he hopes “to have a project to take into permitting this year.”
<http://www.eenews.net/tv/videos/1698/transcript>
- **2013** – (March) – Senator Cantwell calls on SEC to investigate Pebble
<http://www.alaskapublic.org/2013/03/18/senator-cantwell-calls-for-sec-to-investigate-northern-dynasty-minerals/>
- **2013** – (April) – Pebble announces \$80 Million work plan to advance Pebble project to permitting by the end of the year.
<http://www.northerndynastyminerals.com/ndm/NewsReleases.asp?ReportID=595742>
- **2013** – (July) – Murkowski tells Pebble to apply for permits (see her letter)
http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=3b2efb37-cdd2-4203-8568-72c405e2a4e4
- **2013** – (November) – Ron Thiessen, CEO of Northern Dynasty, stated to the International Business Times, that “We can permit this mine. There’s no question.” “The heavy lifting is done and we have all of the data.” Thiessen further stated that “Northern Dynasty will have permitting documentation done and ready to file by the first quarter of 2014”

<http://www.ibtimes.com/pebble-mine-executive-says-northern-dynasty-can-manage-giant-alaskan-copper-mine-alone-if-necessary>

- **2015** – (November) - "working toward the goal of submitting our initial project description for permitting" and "we're only just now preparing to apply for permits" <http://www.pebblepartnership.com/plan.html>

During this time, opposition to the mine grew to an overwhelming majority of local residents, and thousands of commercial fishermen, and fishing and hunting guide businesses. Alaskans asked the State of Alaska for help numerous times, but were disappointed. We started looking to other entities for help and in 2010, six local tribes, a commercial fishing organization, and many others requested to EPA that they initiate a 404(c) process. As EPA responded and local residents learned more about the 404(c) process, it was refreshing to have someone actually listen to us. There were qualified people asking real questions, recording answers, respecting local knowledge and providing interpreters and objective explanation instead of telling people what they should want. Here is a brief timeline:

- **2010** – (May) – Tribes, commercial fishermen, and many others submit request to EPA to initiate 404(c) process in Bristol Bay.
- **2011** – (February and March) – Pebble rejects the EPA's request to provide input and participation in the watershed assessment process.
 - Dennis McLarren asks at least twice for information and data from Pebble, while making sure to answer Pebble's questions. Pebble never outright answers or provides information *as requested* by EPA.
 - Then later, in the Watershed Assessment response, blasts EPA for not using Pebble data.
- **2011** – (June) – EPA hosts 4 informational meetings in Bristol Bay about the Watershed Assessment
- **2012** - (May) – EPA Releases First Draft of Watershed Assessment

<http://www2.epa.gov/bristolbay/about-epas-bristol-bay-assessment>

- **2012** – (June) – EPA held public comment meetings in 6 Bristol Bay villages, as well as Anchorage and Seattle.
 - Approximately 2,000 people attended public meetings
 - During the 60 day comment period EPA collected 233,000 comments
 - 95% of comments supported EPA action to protect Bristol Bay
<http://www2.epa.gov/bristolbay/public-involvement-bristol-bay-assessment>
- **2012** (August) – EPA holds three day peer-review meetings to review Watershed Assessment
 - Peer Review team consisted of 12 independent experts
<http://www2.epa.gov/bristolbay/peer-review-bristol-bay-assessment>
- **2013** – (April) – EPA releases second draft of the Watershed Assessment
 - 90 day public comment period
 - EPA collected 890,000 comments
 - Overall, 73% of comments supported EPA
 - 84% of Alaska comments supported EPA
 - 98% of Bristol Bay comments supported EPA
<http://www2.epa.gov/bristolbay/public-involvement-bristol-bay-assessment>
- **2014** – (January) – EPA Releases Final Watershed Assessment.
<http://www2.epa.gov/bristolbay/about-epas-bristol-bay-assessment>
- **2014** – (February) – EPA initiates review of Bristol Bay under §404(c) of the Clean Water Act. <http://www2.epa.gov/bristolbay>
- **2014** – (July) – EPA releases its Proposed Determination for Pebble Deposit in Bristol Bay that sets restrictions for mining in the pebble deposit in the Bristol Bay watershed. <http://www2.epa.gov/bristolbay>
 - Hosts public comment period, and six public hearings in Bristol Bay communities and one in Anchorage
 - Total - over 670,000 comments submitted
 - 99% of comments support EPA's proposed determination

There is widespread and overwhelming local support for completing 404(c) protections for Bristol Bay salmon, culture and jobs. Unfortunately, the Pebble Partnership continues to try to deceive Alaskans. The recent Pebble funded report by the Cohen Group is currently alleging that EPA is unfair, the report omits the fact that the only thing stopping Pebble from applying for permits and undergoing a the NEPA review process is the Pebble Partnership itself.

Further, as a resident of Bristol Bay, I can tell you that nothing seems pre-determined to me in EPA's actions. EPA collected information and data, met with and listened to both sides, and engaged in extensive outreach to all the stakeholders. I do not believe that EPA's engagement itself was out of the ordinary as it is common for developers and the public to seek EPA's perspective in advance of formal project initiation. EPA's engagement on what has the potential to be the largest open-pit mine in North America should have been expected and it should be no surprise that the largest open-pit mine would have the largest environmental impacts. Recognizing the facts associated with the Pebble Mine project does not constitute a "pre-determined" outcome on the part of EPA.

I understand the Committee on Science, Space, and Technology has detailed information on Pebble's exploration harms from its last hearing on Pebble held on August 1, 2013, and I'd like to update that information. *See* Letter from Rep. Paul Broun, Chairman, Committee on Science, Space, and Technology to Wayne Nastri (Sept. 3, 2013) (asking "what possible environmental harm could occur between today and a decision on a Pebble mine proposal following a NEPA process that a preemptive EPA veto might avoid?"); *and* Questions for the Record from Wayne Nastri to the Committee on Science, Space, and

Technology (Sept. 17, 2013) (answering this question with descriptions and photos of on-going harm from Pebble's exploration activities).

In July of 2015, a field inspection report by the State of Alaska showed that 1/3 of the 24 drill sites that PLP showed to DNR during the inspection had problems that could lead to pollution, including acid generation. There are 1300 holes, thousands of settling ponds and tens of thousands of pounds of now unused material on state land. There are several photos below and the full field report can be found: <http://dnr.alaska.gov/mlw/mining/largemine/pebble/field-reports/pebble10122015.pdf?pdf=pebble-july22>



Photo: Pebble operations camp (October 2015)



Photo: Alaska DNR July 2015. Materials stored for future use with a view to the east.



Photo: Alaska DNR July 2015. Boxes for line heaters



Photo: Alaska DNR. Material is stored in this view to the southeast

Right now Pebble chooses to spend its remaining money on lobbyists, lawyers and public relations firms while continuing to ignore the will of the local people. The people of Bristol Bay overwhelming thank the EPA and we encourage you to let them do their job.