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USACE completes appeal process for proposed Pebble mine

JOINT BASE ELMENDORF-RICHARDSON – The U.S. Army Corps of Engineers – Alaska District finalized the appeal remand decision for the Pebble Limited Partnership’s application to develop a copper-gold-molybdenum deposit as a surface mine in Southwest Alaska this week.

Col. Jeffrey Palazzini, district commander, signed a Record of Decision April 15 that states the revised application cannot be authorized after consideration of the Environmental Protection Agency’s Final Determination under Section 404(c) of the Clean Water Act, also referred to as a “veto.” This regulatory action concludes a yearslong administrative appeal process.

“This decision is reflective of a thorough analysis regarding all applicable laws and regulations that guide the USACE appeal process,” Palazzini said. “We are committed to maintaining and restoring the nation’s aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions.”

The Pebble Limited Partnership appealed the 2020 permit denial to USACE’s Pacific Ocean Division. In April 2023, it was determined that specific elements of the appeal had merit and the 2020 permit decision was remanded back to the Alaska District for reconsideration, additional evaluation and documentation.

Furthermore, the district was instructed to evaluate the EPA’s veto to determine how it would proceed with its reconsideration of issues found to have merit. USACE’s appeal remand decision confirms that the EPA’s determination is a controlling factor that cannot be changed by a USACE decision maker and the application is denied without prejudice, regardless of any review of the issues found to have merit.

The applicant, Alaska Native tribes and other project stakeholders were notified of the decision immediately following its confirmation. A special public notice and the decision document was published at the district’s website and can be found here:

<https://www.poa.usace.army.mil/Missions/Regulatory/Public-Notices/Special-Public-Notices/>.

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