



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE REGIONAL
ADMINISTRATOR

March 13, 2014

Mr. Michael C. Geraghty
The State of Alaska
Office of the Attorney General
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501

Dear Mr. Geraghty:

I am responding to your February 28, 2014 letter requesting that the 15-day time period for responding to the EPA's February 28, 2014 letter initiating the Clean Water Act section 404(c) process be tolled. Specifically, you requested that the time period be tolled until permit applications for a mine at the Pebble Deposit have been submitted and their review completed.

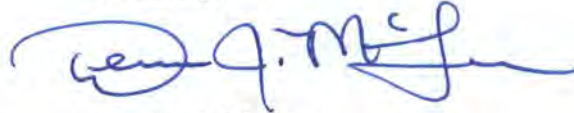
I want to clarify that the initial 15-day process is just one of many opportunities the State and others are provided to submit comments and participate in the section 404(c) review. The 404(c) review process is established to facilitate submittal of information to the EPA for the record to demonstrate, for example, that no unacceptable adverse environmental effects to aquatic resources would result from discharges associated with mining the Pebble deposit or that actions could be taken to prevent unacceptable adverse effects to waters from such mining. The time period described in 40 C.F.R. §231.3(a)(2) is designed to be an initial opportunity to provide a response and additional information that may not be in the record. The regulations provide further opportunity to provide information through a formal public comment period and opportunity for a public hearing if the EPA decides to proceed to the next phase of the 404(c) process. At any step in the review process, the EPA could decide that further 404(c) review is not necessary, based on information submitted by the State or any other party. Therefore, your input is not limited to this initial response period.

Your letter requests that the agency's section 404(c) review be stayed until permit applications for the Pebble Mine are submitted and the Corps has completed its review under the Clean Water Act and the National Environmental Policy Act. Neither the Corps nor the EPA regulations prevent permit applications from being submitted or reviewed. Our regulations make clear, however, that a permit for the Pebble Mine may not be issued while a section 404(c) review is underway.

In an effort to balance the EPA's responsibility to respect the timeframes set forth in the regulations with need for development of a considered response from the State, the EPA is extending the time period for the State to respond to the EPA's February 28th letter by 45 days, to April 29, 2014. The EPA is also extending the time period for the Pebble Partnership until this date. The EPA welcomes the opportunity to meet with State representatives to engage in discussions on this matter. I assure you that information that the State provides for the record during this period or at any step in the review process will be fully considered.

If you have any questions, or wish to discuss any of these issues, please contact Rick Parkin, who is the Agency's lead for the Bristol Bay matter, at (206) 553-8574.

Sincerely,



Dennis J. McLerran
Regional Administrator

cc: Ms. Nancy Stoner, Assistant Administrator
U.S. Environmental Protection Agency

Colonel Christopher D. Lestochi
U.S. Army Corps of Engineers

Mr. Joe Balash, Commissioner
Alaska Department of Natural Resources

Mr. Ron Thiessen, President & CEO
Northern Dynasty Minerals Ltd.

Mr. John Shively, Chairman of the Board
Pebble Limited Partnership

Mr. Geoffrey Hackett, Regional Director
U.S. Fish & Wildlife Refuge System

Mr. James Balsiger, Ph.D, Administrator, Alaska Region
National Marine Fisheries Service