



American Fisheries Society

Western Division

President Dave Ward, President-elect Tina Swanson, Vice-president Pam Sponholtz, Secretary-Treasurer Mary Buckman, Past-president Lori Martin

July 21, 2012

Office of Environmental Information (OEI) Docket (Mail Code: 2822T)
Docket # EPA-HQ-ORD-2012-0276
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Subject: Comments on EPA Report on Potential Effects of Mining in the Bristol Bay Watershed

The Western Division of the American Fisheries Society (WDAFS) is a 3,000 member professional society composed of fishery biologists working in academia, government, NGOs, and the private sector. The WDAFS includes 10 Chapters representing Society members residing in the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; U.S. associated entities in the West Pacific Ocean; the Province of British Columbia and the Yukon Territory in Canada; and Mexico.

Because of the importance of Bristol Bay's fisheries and its supporting watersheds, the WDAFS formed a committee to review "An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska." The committee was composed of 9 WDAFS members with expertise in mining, fish ecology, anthropology/ethnology, and management/regulation—5 of whom had direct scientific experience in the proposed mining district. The remaining 4 scientists have worked and published on mining issues elsewhere.

Included with this cover letter are (1) the summary of a thorough review of the USEPA report, and (2) a spreadsheet containing specific detailed comments. You will find that the WDAFS finds the report to be an excellent assessment of hypothetical mining scenarios, and raises an important (albeit not comprehensive) set of concerns. We commend the USEPA for considering operational risks (human error), not merely technological risks (random failure). We also appreciate that the document on multiple occasions listed caveats to its claims, as this is a very important feature to making such a document defensible. Some groups wanted the decision as to whether mining might be permitted to be handled exclusively at the state level. The land in question is held by the State of Alaska but it is entirely appropriate for the USEPA to consider the likely future consequences of direct and indirect effects of mining on fishes, wildlife, humans, and water resources using its authority under the Clean Water Act. The law itself and

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the background on it in the federal register clearly indicate that Congress envisioned just such an application.

The WDAFS believes that based on the preponderance of scientific evidence, significant impacts to Bristol Bay water and fisheries will likely occur based on the report's conservative mine scenarios. Should the full 11.9 billion ton Pebble deposit (Ghaffari et al. 2011), as well as the deposits elsewhere in the mining district, be extracted instead of the 6.5 billion tons in the Assessment, impacts and risks will be much greater. In light of our proven inability to conserve wild salmon concurrent with large-scale development (Stouder et al. 1997, Lackey 2003, Montgomery 2003, Rand et al. 2012), we strongly recommend that the final report include (1) an Agency denial of use of the area because of unacceptable adverse effects on fishery areas (including spawning & breeding) under Section 404c of the Clean Water Act, and (2) an explicit explanation of the legal bases for that denial in light of the science included in the report.

Thank you for the opportunity to comment on the report.

Sincerely,

A handwritten signature in black ink that reads "Dave J. Ward". The signature is written in a cursive, flowing style.

Dave Ward
President, Western Division AFS