



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
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ISSUANCE DATE: May 2, 2023
REFERENCE NUMBER: POA-2017-00271
EXPIRATION DATE: May 17, 2023

Notification of Appeal Remand for Pebble Limited Partnership's Application

The U.S. Army Corps of Engineers (USACE), Alaska District, in accordance with regulations pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. seq.) and/or Section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403) issue the below Special Public Notice.

The Pebble Limited Partnership (PLP) submitted a Department of the Army (DA) permit application to develop an open pit mine and associated infrastructure for development of the Pebble Deposit in December of 2017, which triggered an Environmental Impact Statement level of review under the National Environmental Policy Act (NEPA). After analysis and revisions to the project during the NEPA process, PLP submitted a final modified DA application in June of 2020. The USACE subsequently developed a Record of Decision in November 2020, which denied the issuance of a permit. PLP administratively appealed the decision and April 24, 2023, the Administrative Appeal Decision was rendered to the Alaska District. It was determined that specific elements of the Request for Appeal had merit and the permit decision was remanded back to the Alaska District for reconsideration, additional evaluation, and documentation sufficient to support the decision.

This Special Public Notice is to notify parties who commented or participated in the original review that the following items from the Request for Appeal were determined to have merit and require reconsideration, additional evaluation, and documentation sufficient to support the decision:

1. The Alaska District overstated the significance of the impacts by unduly narrowing the watershed scale at the mine site;
2. The compensatory mitigation plan was improperly rejected without providing PLP an opportunity to correct the alleged deficiencies;

3. The alleged compensatory mitigation plan “deficiencies” (specifically related to port site mitigation, a preservation waiver, level of detail, and monitoring) are baseless; and
4. The public interest decision is contrary to law and unsupported by the record (specifically related to need and welfare of the people, alternative mine site locations, catastrophic tailing storage facilities failure, and conflict between mining interests and fishing interests).

District Commander
U.S. Army, Corps of Engineers