



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

ISSUANCE DATE: April 15, 2024

REFERENCE NUMBER: POA-2017-00271

Notification of Appeal Remand Decision for Pebble Limited Partnership's Application

The United States (U.S.) Army Corps of Engineers (Corps), 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 Corps subsequently developed a Record of Decision in November 2020 which denied the issuance of a permit. PLP administratively appealed the decision to Pacific Ocean Division (POD) and on 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.

In January 2023, the Environmental Protection Agency (EPA) issued their *Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act – Pebble Deposit Area, Southwest Alaska*. With this 404(c) determination (also referred to as “veto”), the EPA, “[prohibited] the specification of and restrict[ed] the use for specification of certain waters in the Bristol Bay watershed as disposal sites for certain discharges of dredged or fill material associated with development of a mine at the Pebble deposit.”

The memo transmitting the April 2023 Corps Administrative Appeal Decision to the Alaska District specifically instructed the Alaska District to evaluate the EPA's decision to determine its

effect on how the District proceeds with its reconsideration of issues in the Appeal Decision determined to have merit.

This Special Public Notice is to notify parties who commented or participated in the original review that technical evaluation of the Administrative Appeal Decision in light of the EPA veto has occurred, and a decision has been rendered that the EPA veto is a controlling factor, and the application is denied without prejudice.

District Commander
U.S. Army, Corps of Engineers