

Message

From: Cody Stewart [codystewart@utah.gov]
Sent: 5/17/2017 2:09:14 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]
Subject: Re: Intro at EPA / EPA and Pebble Limited Partnership Reach Settlement Agreement

Hey, Tate. Nice to meet you and thanks for the outreach.

I was wondering if I might be able to request a meeting for Governor Herbert and your boss when the Governor is in DC on July 17 or the 18th. Any chance we can get that on your agenda?

Thanks! Look forward to working with you.

Cody

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert

Ex. 6

On Fri, May 12, 2017 at 10:31 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Happy Friday!

I wanted to take a quick second to introduce myself as the new Sr. Deputy Associate Administrator for Intergovernmental Relations (i.e. your liaison) at EPA in Administrator Scott Pruitt's Office. Please don't ever hesitate to give me a shout if I can be helpful. **Ex. 6** is my direct.

I also wanted to flag the below settlement agreement with Pebble Limited Partnership that was announced by EPA earlier this AM.

Let me know if I can ever be helpful.

Tate

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Ex. 6



CONTACT:

press@epa.gov

FOR IMMEDIATE RELEASE

May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular,'" said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.

- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudice any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

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