



At a Glance

Why We Did This Review

Based on congressional inquiries and hotline complaints, we conducted this review regarding the actions of the U.S. Environmental Protection Agency (EPA) and its decision to conduct an assessment of the Bristol Bay watershed in Alaska. We sought to determine whether the EPA conducted the assessment in a biased manner; predetermined the outcome; and followed policies and procedures for ecological risk assessment, peer review and information quality.

The Bristol Bay watershed, home to 25 federally recognized tribal governments, contains large amounts of copper and gold. The EPA conducted its watershed assessment from February 2011 through January 2014 to determine the significance of Bristol Bay's ecological resources and evaluate the potential impacts of large-scale mining on those resources.

This report addresses the following EPA goals or cross-agency strategies:

- *Protecting America's waters.*
- *Launching a new era of state, tribal, local, and international partnerships.*

Send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

Listing of [OIG reports](#).

EPA's Bristol Bay Watershed Assessment: Obtainable Records Show EPA Followed Required Procedures Without Bias or Predetermination, but a Possible Misuse of Position Noted

What We Found

Based on available information, we found no evidence of bias in how the EPA conducted its assessment of the Bristol Bay watershed, or that the EPA predetermined the assessment outcome. We also found that the EPA's assessment appropriately included sections on the three primary phases discussed in the agency's ecological risk assessment guidelines. Further, the EPA met requirements for peer review, provided for public involvement throughout the peer review process, and followed procedures for reviewing and verifying the quality of information in the assessment before releasing it to the public.

The EPA addressed guidelines and followed policies and procedures when conducting the Bristol Bay watershed assessment. We found no evidence of bias or a predetermined outcome. We did find a possible misuse of position by a Region 10 employee who retired in 2013.

We did find that an EPA Region 10 employee used personal nongovernmental email to provide comments on a draft Clean Water Act Section 404(c) petition from tribes before the tribes submitted it to the EPA. We found this action was a possible misuse of position, and the EPA's Senior Counsel for Ethics agreed. Agency employees must remain impartial in dealings with outside parties, particularly those that are considering petitioning or have petitioned the agency to take action on a matter. This employee retired from the EPA in April 2013.

Scope Limitations

In conducting our review, we obtained email records and documents from the agency and an external source. The agency was unable to provide all government emails for the retired employee. In addition, despite issuing a subpoena, we were unable to obtain additional personal emails for the retired employee. Our report therefore reflects findings based on available information.

Recommendations and Planned Agency Corrective Actions

We recommend that the EPA incorporate, in the agency's ethics training, examples of misuse of position in interactions with stakeholders, and define and incorporate in mandatory EPA tribal training the appropriate and ethical parameters of tribal assistance. We also recommend that the Regional Administrator, Region 10, issue a memo to staff emphasizing the importance of adhering to standards of ethical conduct, particularly when dealing with external parties with an interest in regulatory or administrative action. The agency agreed with all of our recommendations and proposed adequate corrective actions.