



DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0110

Mr. Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Leopold,

I am in receipt of your letter dated July 25, 2019, regarding the Pebble Limited Partnership (PLP) application for a permit under Section 404 of the Clean Water Act (33 USC 1344).

On July 1, 2019, the United States Environmental Protection Agency (EPA) Region 10 submitted comments on the United States Army Corps of Engineers (USACE) February 2019 Draft National Environmental Policy Act Environmental Impact Statement for the PLP project, and in separate correspondence also provided comments on the Public Notice POA-2017-00271 (PN) for the draft Clean Water Act permit.

The July 1, 2019 EPA PN letter indicated that the discharge of fill material associated with the PLP project *may* result in substantial impacts to waters of the United States within the Bristol Bay and Cook Inlets. This determination initiated the procedure outlined in the Part IV paragraph 3(a) of the 1992 Memorandum of Agreement (MOA) between the Army and EPA to implement Section 404(q) of the Clean Water Act. Upon initiation of the Part IV 3(a) MOA procedures, under MOA Section 3(b), the EPA has twenty-five (25) calendar days from July 1st to provide letter notification to the USACE Alaska District Engineer on whether discharges from the PLP project *will* have substantial and unacceptable impacts to aquatic resources of national importance.

In your July 25, 2019 letter to this office, you requested an extension of the timeframes for EPA to make a Paragraph 3(b) determination. Based on this request, I am agreeing to a ninety (90) calendar day extension. I anticipate that EPA will work closely with the USACE Alaska District throughout this extension period, and I encourage such continued coordination.

The Army looks forward to continuing to work with EPA on this important project.

Sincerely,

A handwritten signature in blue ink that reads "R.D. James".

R.D. James
Assistant Secretary of the Army
(Civil Works)