
WELCOME TO ILIAMNA/NEWHALEN

EPA Administrator Gina McCarthy and Staff

Prepared by Iliamna Natives

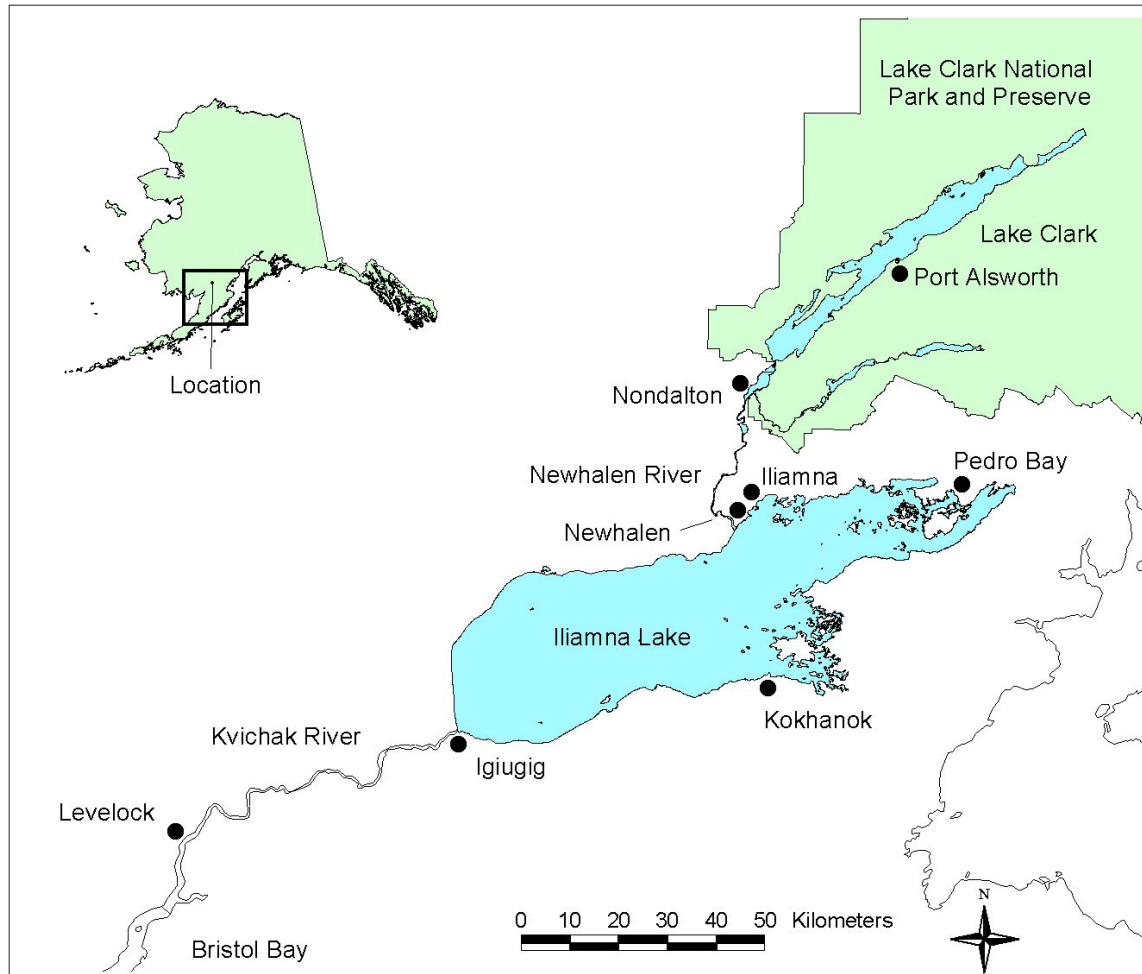
August 2013

Two Native Tribal and Traditional Councils

- **Iliamna Village Council**
 - **Newhalen Tribal Council**

 - **Both are recognized Tribes under the Indian Reorganization Act of 1934**
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Introduction



- **ILIAMNA and NEWHALEN POPULATION over 300**
- **Yupik Eskimo and Athabascan Heritage**
- **Lake and Peninsula Borough**

Iliamna and Newhalen Area Economics

- ❑ Subsistence hunting and fishing
 - ❑ Seasonal commercial fishing.
 - ❑ Sportfishing
 - ❑ Resource Exploration Projects
Support Center
 - ❑ Sale of Native Arts/Crafts
 - ❑ Hunting and trapping of furbearing
Animals
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Iliamna and Newhalen Area Stats

- ❑ Lake Iliamna (approximately 90 miles long and 22 miles wide), Alaska's largest lake.
 - ❑ The lake area is home to some of the world's largest caribou herds, abundant salmon, trout, freshwater seal and numerous wildlife species.
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DIRECT IMPACT

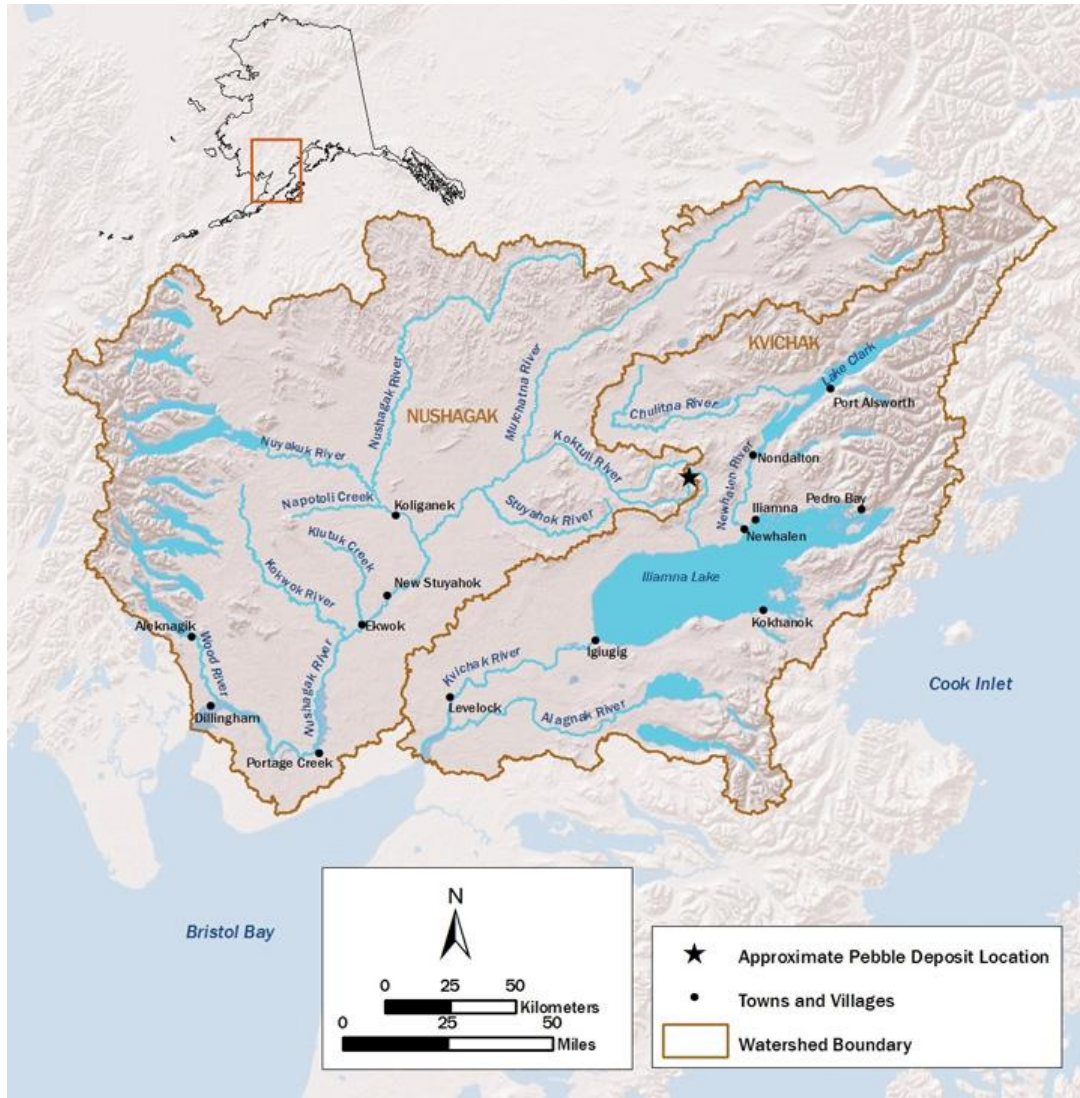
- **Newhalen and Iliamna Native Members have direct economic benefits through job creation from Resource Exploration Projects.**
 - **Iliamna Development Corporation has direct contracts from Resource Development Companies**
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EPA Section 404c Clean Water Act Study

On February 7, 2011, the U.S. Environmental Protection Agency (EPA) announced that it would undertake a scientific assessment of the Kvichak and Nushagak watersheds to better understand how large-scale mining of metallic sulfide deposits may affect water quality and the salmon fisheries of Bristol Bay and its drainages.

We disagree with such order!

Area of 404c Study



- 25 Alaska Native Villages will be affected by study
- May 31, 2012 Draft watershed assessment was open for comment
- Review Panel 12 will recommend water assessment of affected area
- Assessment is not regulatory in nature, but rather of potential impacts

Iliamna Village Council and Newhalen Tribal Council

- Iliamna Village Council and Newhalen Tribal Council have not taken a position regarding the development of the mining district. The Tribes have an open mind while resource exploration studies are conducted.
 - Many Tribal Members have jobs from Pebble Partnership Project.
 - There is no here mine yet! No Mine Plan Yet!
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Question Procedural Process

- March 2013 U.S. Rep. Lamar Smith of Texas question the Bristol Bay Watershed Assessment:

“By initiating the Bristol Bay Watershed Assessment, it appears as though EPA is selectively using its authority to conduct scientific assessments to create new regulatory burdens.”

WE AGREE WITH REP. LAMAR SMITH

- We agree with the statement of U.S. Representative Lamar Smith of Texas that EPA is overstepping its authority by conducting the Bristol Bay Watershed.
 - We are concerned about the legal parameters of the Bristol Bay Watershed Study
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Definition of Undertaking

Other Bristol Bay Tribes from this region and sportfishing, commercial fishing interests want the EPA to invoke its authority under section 404c of the Clean Water Act to veto dredge and fill permits required for any large mining project in the Bristol Bay Region.

The EPA has never used the 404c authority *prior* to the filing of permit applications.

WE DISAGREE WITH THE OTHER TRIBES IN THE AREA!

Preemptive Veto Under Section 404c: Pebble Mine

- Mingo Logan Coal company, Inc. vs. United States Environmental Protection

In a harshly worded opinion, Judge Amy Jackson accused the EPA of “magical thinking” in its interpretation of the Clean Water Act. Judge Jackson felt that the EPA’s position would create huge uncertainty among the regulated community if permits could be revoked “after the fact.”

Despite this order EPA has continued its efforts to expand its authority under the Clean Water Act.

Adverse Effects of Study

■ State of Alaska Position

- ❑ That EPA's Bristol Bay Assessment ignores EPA guidance and would not support a permit veto;
- ❑ That the use of a pre-permit veto by EPA would preempt a complete NEPA analysis;
- ❑ That the application of a veto would unlawfully nullify the federal legislation under which the Pebble land was conveyed to the State of Alaska;
- ❑ That section 404(c) cannot properly be invoked in the absence of a permit application; and
- ❑ That the Bristol Bay Assessment would not support a pre-permit veto even if EPA had the authority to issue one.

FOR ONCE WE AGREE WITH THE STATE OF ALASKA!

Scope of Assessment

The assessment reviews, analyzes impacts of large scale mine developments on “Bristol Bay fisheries, and subsequent effects on the wildlife, and Alaska Native Cultures of the region.”

ILIAMNA NATIVES and NEWHALEN NATIVES ARE THE DIRECT NATIVE CULTURES OF THE IMPACT AREA. WE SUPPORT EXPLORATION OF SUBSURFACE LANDS IN BBWA STUDY AREA.

ILIAMNA and NEWHALEN NATIVES SUPPORT

- **The protection of all Biota in the area**
- **Support protection Salmon Based subsistence, commercial, sportfishing livelihoods**
- **Support protection of all wildlife of the area.**
- **Clean water, clean environment, and protection of health of its members**

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Economics of Bristol Bay Area Resources

- **Commercial:** \$300 million a yr.
- **Sport Fishing:** 60 million a yr.
- **Sport hunting:** 8 million a yr.
- **Recreation, Wildlife Viewing and Tourism:** 100 million a yr.

Subsistence hunting and fishing: Priceless

Source: Estimates of Bristol Bay Assessment

Flaws in the EPA Peer Review Assessment of Watershed

- Draft BBWA report suffers from lack of sufficient data and information to support conclusions reached, yet the report authors in many cases overlooked the voluminous site-specific data provided by the Pebble Partnership as part of its Environmental Baseline Document
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Flaws in the EPA Peer Review Assessment of Watershed

- The Draft BBWA report over-estimates both the likelihood and consequence of range of potential systems and operational failures
 - **Hypothetical** mining scenario presented in the draft BBWA does not employ best mining practices or the alternative engineering approaches, environmental safeguards and other mitigation strategies commonly used at modern mines to avoid environmental effects.
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Missing Elements of BBWA Study

1. Discussion of science and sufficiency of analysis of impact to ANCSA surface/Subsurface Lands, State of Alaska Lands, Native Allotments, Federal Lands.
 2. Valuation Factors of Closure to:
 - ANCSA Surface/Subsurface Lands
 - State of Alaska
 - Native Allotments
 - Federal Lands
 3. ANILCA Lands Already Protect Public Lands from any undue harm
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Lands in BBWA area

Surface Lands

- a. 14 ANCSA village corporations manage sand and gravel programs in BBWA area
- b. State of Alaska
- c. Native Allotments
- d. Private Landowners

Subsurface Lands

- a. ANCSA Regional Corporation manages all mineral/oil/gas/timber
 - b. State of Alaska
 - c. Federal Government
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ANCSA 7i Revenue Sharing Provision

Over **\$1 Billion Dollars** has been shared since the creation of ANCSA to:

- ❑ 12 ANCSA Regional Corporations
 - ❑ 225 ANCSA Village Corporations
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BBWA Closure will Impact future Native Income

BRISTOL BAY WATERSHED CLOSURE WILL IMPACT FUTURE ANCSA 7i revenue sharing for:

- ❑ 12 ANCSA Regional Corporations
- ❑ 225 ANCSA Village Corporations

Thus affecting future:

- 1. Subsistence fishing and hunting Programs**
 - 2. Education/Internships/Scholarships Funding**
 - 3. Special Elders Distributions**
 - 4. Shareholder Distributions and Dividends**
 - 5. Burial Assistance**
 - 6. NATIVE JOBS and Management Training**
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RESOURCE DEVELOPMENT COMPANIES



RESOURCE
DEVELOPMENT
SUPPORTS ALASKA
NATIVE JOBS .

ALL WILL BE LOST IF EPA
ORDERS CLOSURE
UNDER THE CWA 404c
STUDY.



Will EPA create jobs in
the community? EPA is
a job killer!

NATIVE JOBS AND DIVIDENDS ARE IN DANGER FROM BBWA STUDY

- 1. NATIVE JOBS WILL DISAPPEAR!**
 - 2. MOST HUGE DIVIDENDS FROM ANCSA
CORPORATIONS ARE GENERATED FROM
RESOURCE DEVELOPMENT EXTRACTION OF
OIL, GAS, MINERALS, and TIMBER!**
 - 3. SUBSURFACE LANDS IN AREA HAVE NOT
BEEN ASSESSED FOR FULL POTENTIAL FOR
RESOURCE DEVELOPMENT!**
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Future Factors/Values of ANCSA 7i

- 1. Subsurface Exploration Agreements lead to Resource Development**
- 2. Exploration Agreements affect value of surface lands by way of exploration agreements**
- 3. Federal Mandates affect ANCSA subsurface/surface lands values**
- 4. Federal Mandates affect value of corporate stock**

That is what BBWA Study will do affect future value of money to Native Peoples.

SUBSURFACE LANDS

- 1. State of Alaska Subsurface lands are owned by all Alaskans**
 - 2. ANCSA Subsurface Lands may be owned by Bristol Bay Native Corporation, however resource income from such lands are subject to ANCSA 7i sharing provision that affects all 12 Regional Corporations and 225 village corporations**
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BBWA Study and Closure

- 1. Will impact future value of ANCSA subsurface lands**
 - 2. Will affect future value of ANCSA surface lands**
 - 3. Will affect future value State of Alaska Subsurface**
 - 4. Will affect Native Allotments management system**
 - 5. Will create total disharmony to Native Way of Life in our communities with the federal government**
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ANCSA Regional Subsurface Land Management

- **Decisions by regional corporations affect market value of subsurface lands and future of ANCSA 7i**
 - **ANCSA surface companies are very dependent on success of ANCSA 7i land exploration/production programs**
 - **Village and Regional Relationships are dependent upon successful subsurface/surface land management programs**
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BBWA-Assumption

Assessment may lead huge land closures in the BBWA areas thus affecting how ANCSA companies, State of Alaska, Native Allotments manage their lands for resource development, tourism, subsistence hunting and fishing.

Closure of Bristol Bay Watershed area will result in increased tension and disharmony between the federal government and its landowners.

What will happen

- 1. ORDER for Closure of Bristol Bay Watershed will have legal challenges by ANCSA corporations and State of Alaska**
 - 2. Seek Legal Opinion on EPA powers of BBWA-states rights, ANCSA rights to manage its lands under law will occur once closure order is in place**
 - 3. EPA should develop matrix how Subsurface/Surface Land Valuations should be placed for such closure order and develop a fund for such order.**
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THANK YOU

QUYANA for coming to the Iliamna
and Newhalen. Thank you for
listening!
