



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**  
**Washington DC 20515**

**Peter A. DeFazio**  
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**Ranking Member**

**Paul J. Sass**  
Republican Staff Director

June 29, 2020

Lieutenant General Todd T. Semonite  
54<sup>th</sup> Chief of Engineers and Commanding General  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, DC 20314

Dear General Semonite,

We have heard from several Alaska Native Tribal communities about their concerns regarding the Pebble Permitting timeline and process. They do not feel that they have been adequately and meaningfully consulted, which is only exacerbated by their concerns of the potential impacts of the novel Coronavirus to Alaska and its Native Tribes. Despite the concerns expressed by the tribal communities, the schedule for Pebble Mine Permit remains the same, and the United States Army Corps of Engineers (Corps) could release the final Environmental Impact Statement within the next several weeks. It is for the reasons above that I ask that your schedule be extended indefinitely until such time as the Corps can meet its obligation to fully consult with the tribal communities.

Each tribal government that requests a consultation should be afforded a consultation. The 2012 Corps Tribal Consultation Policy acknowledges the sovereign status of tribal governments, and that “federally recognized American Indian and Alaska Native Tribes are distinct and separate governments, requiring a consultation process that may be completely unique to them.” Section 1129 of the Water Resources Development Act (WRDA) of 2018 also directed the Secretary of the Army to carry out all existing tribal consultation policies, regulations and guidance.

In the aftermath of concerns with lack of tribal consultation related to the Dakota Access Pipeline, Congress specifically directed the Corps to issue a report to Congress on its tribal consultation policies, to provide for public and private meetings with Indian tribes (Section 1120 of WRDA 2016), and to ensure that consultations with Indian tribes are carried out (Section 1129 of WRDA 2018). Yet, the Corps has failed to issue its Congressionally-mandated Tribal Consultation Report to Congress, and, again, is seemingly failing in its responsibility to consult with affected

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Indian tribes that will be directly, substantially, and permanently affected by the Corps' actions related to the Pebble Mine project.

The United Tribes of Bristol Bay's opposition to the Pebble Mine is simple, "it is a threat to our past, present and future as Native People." There is no do-over for the tribal communities who have called this region home for time immemorial, and for the preservation of their sacred life. We cannot afford to get this wrong.

Again, I request that the Corps extend the schedule before any final action is taken on the proposed Clean Water Act permit related to the Pebble Mine Project until such time as the Corps completely and meaningfully consults with all of the affected Tribal interests associated with the proposed Pebble Mine permit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter A. DeFazio". The signature is fluid and cursive, with the first name "Peter" and last name "DeFazio" clearly distinguishable.

PETER A. DEFAZIO  
CHAIRMAN