



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Anchorage Fish and Wildlife Conservation Office
4700 BLM Road
Anchorage, Alaska 99507



In Reply Refer to:
FWS/IR11/AFWCO

June 18, 2020

Mr. Shane McCoy
Program Manager, Regulatory Division
U.S. Army Corps of Engineers, Alaska District
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

Subject: Proposed Pebble Mine Project, Kamishak Bay and Cook Inlet, Alaska (POA-2017-271)
Section 7 Consultation (07CAAN00-2020-F-0279)

Dear Mr. McCoy:

Thank you for requesting formal consultation, pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq., as amended), for the proposed Pebble Mine Project, by letter dated and received on May 21, 2020. Pebble Limited Partnership submitted a Department of the Army permit application (POA-2017-271) to the U.S. Army Corps of Engineers (USACE), for discharge of fill into waters of the United States, to facilitate development and operation of an open-pit surface mine at the Pebble Deposit. The USACE's biological assessment also addresses section 7 consultation requirements for the U.S. Coast Guard's (USCG) authorization for bridges across the Newhalen River and Iliamna River, and the Bureau of Safety and Environmental Enforcement's (BSEE) authorization for the pipeline right-of-way in Federal waters. You have determined that the proposed issuance of authorizations by the USACE, USCG, and BSEE for the Pebble Mine Project is likely to adversely affect the federally threatened Alaska Distinct Population Segment of northern sea otter (*Enhydra lutris kenyoni*) and its designated critical habitat, and the federally threatened Alaska breeding population of Steller's eider (*Polysticta stelleri*). You also determined that the proposed project may affect, but is not likely to adversely affect the federally endangered short-tailed albatross (*Phoebastria albatrus*). This consultation was assigned consultation number 07CAAN00-2020-F-0279; please include this number in all future correspondence.

The Pebble Deposit is located on State of Alaska-owned lands in the Iliamna region of Southwest Alaska, within the greater Bristol Bay watershed, approximately 200 miles southwest of Anchorage, and 60 miles west of Cook Inlet. It is positioned at the headwaters of the South Fork Koktuli River, the North Fork Koktuli River, and Upper Talarik Creek, tributaries to the Nushagak and Kvichak Rivers which flow into Bristol Bay. The closest communities are the

Villages of Iliamna, Newhalen, and Nondalton, each approximately 17 miles from the Pebble Deposit. The proposed mine project would include ore processing facilities at the mine site; a port facility near Diamond Point; a transportation corridor extending from the mine site to the port facility; an offshore lightering location in Iniskin Bay; a gas pipeline and fiber optic cable extending from the Kenai Peninsula, across the Cook Inlet to the Diamond Point port facility, and along the transportation corridor, terminating at the mine site; concentrate and return water pipelines along the transportation corridor between the mine site and the port facility; and power generation facilities located at the mine and port facilities.

All information required to initiate formal consultation was either included with your letter submitted on May 21, 2020, or is otherwise accessible for our consideration and reference. This letter acknowledges initiation of formal consultation based on your May 21, 2020, request. The regulations that implement section 7 allow the Service up to 90 calendar days to conclude formal consultation with your Agency, and an additional 45 calendar days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, we expect to provide you with our biological opinion no later than October 3, 2020.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.

Thank you for your coordination on this project. If you have any questions or concerns about this consultation, or the consultation process in general, please contact me at (907) 271-1467 or douglass_cooper@fws.gov, or Ms. Catherine Yeargan at (907) 271-2066 or catherine_yeargan@fws.gov.

Sincerely,

Douglass M. Cooper
Branch Chief, Ecological Service