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**Statement of Subcommittee on Oversight Chairman Paul Broun (R-Ga.)  
Hearing on EPA's Bristol Bay Watershed Assessment – A Factual Review of a Hypothetical  
Scenario**

**Chairman Broun:** Today's hearing is titled, "EPA's Bristol Bay Watershed Assessment – A Factual Review of a Hypothetical Scenario."

Last year, the U.S. Environmental Protection Agency released a draft watershed assessment of the Bristol Bay area in Alaska at the request of several Alaskan tribes and organizations concerned about the potential of mining activity in the region.

This assessment, which by some estimates has cost taxpayers a minimum of \$2.4 million, has undergone a peer review process and was re-released earlier this year as a second draft. However, EPA has not finalized the assessment, nor has it specified the ultimate purpose of the document. One concern - not denied by EPA - is that the assessment may be the basis of a preemptive veto where the agency would prohibit a mining company from even applying for mine permits. It is important to note that as of this point, no mining permits have been filed in Bristol Bay. That means that EPA's watershed assessment is based on hypothetical mining scenarios, and according to one mining supporter, "it's a fantasy for the government to say here's a mine plan."

Further, one of our witnesses today, Dr. Kavanaugh, a member of the National Academy of Engineering, states that EPA's assessment "exaggerates the probability of failures, relies on worst case scenarios to support a qualitative judgment on the potential impacts of these failures, does not adequately consider modern engineering, construction, operations, and maintenance practices, and thus provides an unrealistic and unscientific assessment of the potential impacts of the hypothetical mining project."

I find that analysis troubling. A prospective decision of such magnitude by the EPA should be based on the best possible science – a point underscored in EPA's own Peer Review Handbook which states, "Science is the foundation that supports all of our work here at EPA. Strong, independent science is of paramount importance to our environmental policies. The quality of science that underlies our regulations is vital to the credibility of EPA's decisions..."

A preemptive veto by EPA would set a dangerous precedent, and could have a chilling effect on similar projects throughout the nation. Investors would be wary of funding projects if they believed that a federal agency could just say no at any time to a company prior to permit applications.

Let me emphasize that I am not an advocate for or against the development of Pebble mine. I understand the argument of mine proponents - that they be granted due process and allowed to make their case through existing law, which includes the Clean Water Act, the National Environmental Policy Act, as well as the Environmental Impact Statement process, which would address the specific issues that are unique to this part of Alaska and exclusive to this mine proposal.

You all may also know that I am a long-term lifetime member of Trout Unlimited. I am an avid hunter and fisherman, and I have been to Alaska many times. I, too, understand the concerns of the anti-mine people regarding the value of this inimitable and pristine environment. Let me assure those folks - I care more about protecting that environment than many non-profit organizations pushing a social agenda.

To me, the question at hand comes down to one of due process. This country was founded under the notion that citizens must be protected from tyrannical overreach, and I believe it is unconscionable for the Administration, any Administration, to deny a U.S. citizens their day in court. In a similar vein, I would consider a preemptive denial by the EPA equivalent to denying the mining companies their day in court, having judged them guilty instead of presumed innocent. Even The Washington Post, hardly regarded as a pro-mining mouthpiece, concluded in a recent editorial that regarding the mining companies, "All they want, they say, is a fair and thorough evaluation of their claims. That is reasonable."

That is reasonable to me too, and I look forward to hearing all sides of our witnesses' testimonies today.