

COMMITTEE ON NATURAL RESOURCES
114th Congress Disclosure Form
“Investigating the Appropriate Role of NEPA in the Permitting Process”

Kimberly Williams
Executive Director
Nunamta Aulukestai



Thank you Chairman Bishop for the opportunity to testify. Good morning members of the House Natural Resources Committee. My name is Kimberly Williams. I was born and raised in Dillingham, Alaska, which is located in Bristol Bay. I am married and have 6 children who I have raised in Dillingham. I come from a family like so many in Bristol Bay with grandparents who received an 8th grade education and parents who graduated from high school. I hold a Bachelor of Science in Biological Sciences and Masters Degree in Public Administration. I am the first in my family to hold a Master’s degree and I am proud to say that my oldest daughter is now the first in our family with a doctorate.

My family is reflective of a lot of families in Bristol Bay. We have kept our strong ties to the Bay and its incredible wild salmon. We also take increasing advantage of education and other opportunities, which are possible for us because of the strong foundation provided to Bristol Bay by its incredible 130-year-old sustainable salmon fishery.

I am the executive director of Nunamta Aulukestai, which is a Yu’pik phrase for “Caretakers of Our Lands.” Our organization is made up of ten ANSCA village corporations and ten tribal governments in Bristol Bay. Nunamta is a non-profit organization that was started in 2006. Our mission is to protect our land, water, and air for all generations. I am also one of 7 elected tribal chiefs for the Curyung Tribe in Dillingham, I am a board member of Bristol Bay Area Health Corporation, and a board member of the Bristol Bay Native Corporation, which is an ANSCA regional corporation. In the past, I’ve served on the board for the Dillingham City School District and Choggiung Limited the ANSCA village corporation. As you can see, I am a very active and dedicated member of my community.

Mr. Chairman, this hearing today couldn’t come at a worse time, which is why I am here alone. This hearing is in direct conflict with the people of my region who are busy filling their nets, smokehouses, and freezers with our amazing wild salmon so that they can feed their families during the coming winter months. Not many of the people of our region can take 4 days out of their schedule this time of year to make this trip back. It is an obligation I do willingly because of the tremendous impact Pebble has to our way of life and those who rely on the commercial fishery, and increasingly sport fishery, to support their economic livelihoods. Many of our families like mine, are busy getting their commercial fishing operation ready for the 46 million sockeye that are headed to the 5 commercial fishing districts that make up Bristol Bay. We have a finite window to commercially harvest these salmon that feed the world. This is because the main run enters these districts from the last week of June to the 2nd week of July. The timing of this hearing disrespects and ignores the importance of our livelihood.

To you Mr. Chairman, Bristol Bay is a far off place that you have probably only read about because of Pebble’s efforts to build a mine there. But to me, and to others in the region, Bristol Bay is our home. And my home is a beautiful place that supports all five species of salmon. Salmon are the foundation of our lives in Bristol Bay. We all celebrate the first salmon caught in the season by sharing with others in our community.

Just last week, as I was preparing to testify before this committee, I filled my smokehouse with 56 king salmon. In fact, in order to make time to come to Washington D.C. today, I had to rush through processing these salmon. I am thankful that I was able to harvest and process the prized king, red and chum salmon for my family's food security before coming to this hearing. And while I can't take this committee to see my home today, I have brought back with me just a sample of what we do with these salmon. In the jar, I have 3-day smoked king salmon and plain meat. I also brought with me smoked salmon strips, fresh frozen king fillets, smoked heads, tips and tails we call gamcaq, smoked chum and sockeye dry fish. These salmon bring life to Bristol Bay.

For the last 13 years, since my triplets were three years old, I have been involved with educating not only the people of the Bristol Bay region, but also Alaskans, those who live in the lower 48, and the international community about what the Pebble project means to the people of our region.

What our region has learned about the Pebble project is that

1. It is huge. Pebble claims 10 to 12 billion tons of ore are in the deposit.
2. It is located in the headwaters of two of our most prolific salmon watersheds -- the Nushagak and Iliamna Drainages. Together they reliably provide of the vast majority of the wild salmon that we catch every year.
3. It has a very dangerous ore type (copper-porphyry), one which can cause acid mine drainage.

Because of these features, the Pebble project threatens the foundation of our life and livelihood in Bristol Bay. So we started to speak up. And when we asked for assistance from the State of Alaska, they ignored our concerns and did not let the people of the region have any voice in what was happening to our home.

We then turned to the EPA for help. We asked the EPA to listen to our concerns and to help us. And by "we" I mean essentially every interest in Bristol Bay, from individuals to tribes to the Bristol Bay Native Corporation to commercial fishing to sport fish small business owners.

Rather than agree to our request that it use 404(c) of the Clean Water Act right away, EPA spent four years gathering science that is compiled in the Bristol Bay Watershed Assessment. EPA completed an incredible public process. At every step EPA was sensitive to the needs of the people of Bristol Bay, scheduling public comment and hearings at times and in places that worked with our very busy lives in the Bay. EPA was especially careful not to schedule hearings during our busiest time of year – right now – when we must catch salmon. This committee should send commendations to EPA for its efforts to seek out public comment, and we certainly did.

If you carefully review what EPA completed through the Bristol Bay Watershed Assessment it mirrors or exceeds what a NEPA process entails with scoping and seeking public comment. EPA started work on the Bristol Bay Watershed Assessment in 2011, and provided the public with countless opportunities to have their voices heard. It did two rounds of public comment and peer review on the watershed assessment. Held multiple formal hearings all over the Bay, and in Anchorage and Seattle. After finishing the watershed assessment it issued the Proposed Clean Water Act 404(c) Determination and held another comment period and six more public meetings in the region. EPA's efforts to engage the public during the drafting of the Bristol Bay Watershed Assessment were more robust than any NEPA that I have been a part of. I have only ever had a few opportunities to comment during a normal NEPA process: during scoping and on a draft document. I have lost track of how many opportunities EPA provided to me and others in the region to participate in the process surrounding the Bristol Bay Watershed Assessment.

And the public responded well too. EPA received well over 1.5 million comments from the public about Bristol Bay and the Pebble mine. And, by the way, the vast majority of these comments opposed the mine. Our voices were heard.

What is important here is that the science backs up what the people of Bristol Bay have known for some time – Pebble is a huge threat to our region and our livelihoods.

The people of the region have been told many times that we should withhold judgment on the Pebble project until the company files for their permits and the NEPA process starts. We've also been told that NEPA will address all of the concerns we have. Unfortunately, the people of Bristol Bay can't start the NEPA process! Only Pebble can do that by filing their permit application. Our people have been in limbo for nearly 13 years waiting on a company that tells us year after year that a permit application will be coming soon. And yet, year after year we are left waiting. Meanwhile over 1,355 exploration holes were being drilled, millions of gallons of water were being removed from streams and ponds that support spawning salmon and other fresh water fish, explosives were being used as part of the exploration activities, and hundreds of sumps were being used to dispose of toxic waste and chemically reactive material. We are supposed to wait patiently as all this destruction was happening around us for Pebble to file an application and start the NEPA process? Why should the people of Bristol Bay wait on a company that doesn't live up to its words! When in history has it helped Native people to be passive? Nothing in law prevents the people of Bristol Bay from pro-actively seeking out the protections we want to protect our livelihood, and we will not let the uncertainty that this company puts on all that is positive about Bristol Bay go on a day longer than we can.

The Environmental Protection Agency is supposed to protect the environment. The Clean Water Act is supposed to protect our waters. The NEPA process doesn't trump the Clean Water Act. Those of us in the region see the proposed Pebble mine as a threat to our environment, our water, and our way of life. Pebble ignored our concerns and told us to wait. The State went out of its way to silence our voices and told us to wait.

What we hear when you hold a hearing like this that it would be far better for us to be silent and wait until Pebble files for a permit to press our case. But better for who? The people of the region or for Pebble? EPA has never told us to wait. EPA took our concerns seriously and started looking at what this massive mine located in our headwaters mining potentially acid generating ore could mean for our salmon, and it bears repeating that their science validates our concerns about the unacceptable threat that this mine poses to Bristol Bay.

Are there other serious environmental issues with this mine, yes. Impacts from activity that has already occurred worry us greatly, as this mining company has work to do to ensure that its exploration efforts are safely closed up. And we are especially worried about that as Northern Dynasty Minerals appears to be running on financial fumes. But the heart of Bristol Bay is our water and our salmon, and that's exactly what EPA looked at and has authority given by you here in Congress to address.

The smoke and mirrors that the Pebble Partnership continues to play with a state agency, federal agency or even Congress regarding EPA's mine scenario in the Bristol Bay Watershed Assessment just doesn't hold water! Again, all Pebble has to do is file a permit application and it can have the NEPA process it appears to want so badly.

As for those of us in Bristol Bay, we want EPA to finish its 404(c) process, and give certainty to our people that our salmon resource can support us for generations to come. And we will not rest until the threat posed by Pebble is put to bed for good.

Thank you again for the opportunity to testify.