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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510–6175

September 11, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We write regarding recent reports of an armed raid by the Environmental Protection Agency (EPA) and other federal and state agencies conducted against miners in Chicken, Alaska. According to several news outlets, EPA agents needlessly intimidated miners last month near Chicken while investigating supposed Clean Water Act (CWA) violations, going so far as to wear full body armor and carry guns in confronting the surprised miners.

These heavy-handed tactics appear to have been wholly unnecessary, and we therefore request that you immediately accommodate Alaska Governor Sean Parnell's call for you to review and evaluate how EPA handles CWA violations.[1] We also ask that you provide to us the exact circumstances which led to this armed raid, as EPA's initial claim that the raid was needed to deal with alleged human and drug trafficking has been challenged by state officials.[2] We ask further that you provide clarity as to which environmental statute EPA derives enforcement authority in human and drug trafficking issues.

Your prompt attention to this particular matter is of paramount importance given EPA's recent hostility towards the mining industry in Alaska and elsewhere. Although previous efforts by the Agency have included retroactively vetoing permits, creating theoretical mining operations, or otherwise causing uncertainty that jeopardizes investment and economic opportunity, this particular instance is of heightened concern.

Indeed, there is growing concern throughout the country that EPA is more interested in shutting down natural resource industries than it is in faithfully executing federal environmental statutes. Such an approach to commerce is antithetical to job creation and our national security.

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[1] Press Release, State of Alaska, Office of the Governor, Governor Outraged at Needless Show of Force by EPA, BLM, DEC Agents (Sept. 5, 2013), available at http://gov.alaska.gov/parnell/press-room/full-press-release.html?pr=6591.

[2] *See* Sean Doogan, *Gold Miners Near Chicken Cry 'Foul' Over 'Heavy-Handed' EPA Raids*, ALASKA DISPATCH (Sept. 3, 2013), available at http://www.alaskadispatch.com/article/20130903/gold-miners-near-chicken-cry-foul-over-heavy-handed-epa-raids.

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Confidence in EPA as a dispassionate federal agency can only be restored through swift and effective responses to egregious actions. Accordingly, we ask that you respond to Gov. Parnell's request for a review of how EPA handles CWA violations no later than September 18, 2013, and we request a staff briefing on the exact circumstances, which led to the armed raid near Chicken no later than September 25, 2013.

If you have questions regarding the requests, please feel free to have your staff contact Brandon Middleton with the Senate Committee on Environment and Public Works at 202-224-6176.

Sincerely,

David Vitter
Ranking Member
Environment and Public Works Committee

John Barrasso
U.S. Senator