



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

Peter A. DeFazio  
Chairman

Katherine W. Dedrick  
Staff Director

Sam Graves  
Ranking Member

Paul J. Sass  
Republican Staff Director

November 19, 2020

John Shively  
Interim Chief Executive Officer (CEO)  
Pebble Limited Partnership  
3201 C Street, Suite 505  
Anchorage, Alaska 99503

Dear Mr. Shively:

One year ago, Tom Collier, who was at the time the Chief Executive Officer (CEO) of Pebble Limited Partnership (Pebble), testified before our Committee as an official representative of the company.<sup>1</sup> For more than one decade, Pebble, the U.S.-based subsidiary of the Canadian mining company Northern Dynasty Minerals Ltd. (Northern Dynasty), has sought to develop one of the world's largest open pit copper and gold mines at the headwaters of Bristol Bay, Alaska. The Bristol Bay watershed is also home to the world's largest natural sockeye salmon fishery.<sup>2</sup> At the Committee's October 2019 hearing, Mr. Collier was adamant that Pebble had listened to concerns of Bristol Bay's citizens and, among other actions to de-risk its plans, had dramatically scaled back the mine's size by eliminating permanent waste rock storage on the surface that would result in a footprint of just 5.2 square miles.<sup>3</sup> As indicated in the official permit application for the mine that Pebble filed with the U.S. Army Corps of Engineers (Army Corps) in 2017, the mine would operate over a 20-year period and produce 160,000 metric tons per day.<sup>4</sup> Referring to that application, Mr. Collier's written testimony said, "Pebble has no current plans, in this application or in any other way, for expansion."<sup>5</sup>

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<sup>1</sup> "The Pebble Mine Project: Process and Potential Impacts," Hearing before the Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. House of Representatives, 116<sup>th</sup> Congress, First Session, October 23, 2019, (Hereafter referred to as "T&I Pebble Mine Project Hearing, October 23, 2019"), accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hhrg41942/pdf/CHRG-116hhrg41942.pdf>

<sup>2</sup> "Gene Conservation Laboratory: Bristol Bay Sockeye Salmon Mixed Stock Analysis, Genetic Baseline," Alaska Department of Fish and Game, (Undated), accessed here: [http://www.adfg.alaska.gov/index.cfm?adfg=fishinggeneconservationlab.bbaysockeye\\_baseline](http://www.adfg.alaska.gov/index.cfm?adfg=fishinggeneconservationlab.bbaysockeye_baseline)

<sup>3</sup> Testimony of Tom Collier before the Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. House of Representatives at hearing entitled "The Pebble Mine Project: Process and Potential Impacts," October 23, 2019, p. 19, accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hhrg41942/pdf/CHRG-116hhrg41942.pdf>

<sup>4</sup> "The Pebble Project: Department of the Army Application for Permit (POA-2017-271), Attachment D: Project Description," December 2017, accessed here: <https://www.pebbleprojecteis.com/documents/background>

<sup>5</sup> Testimony of Tom Collier before the Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. House of Representatives at hearing entitled "The Pebble Mine Project: Process

However, recent revelations by both Mr. Collier and Ronald Thiessen, the President, CEO and Director of Pebble's parent company, Northern Dynasty,<sup>6</sup> call those public claims into question.<sup>7</sup> Privately recorded comments made by Mr. Collier, who was the CEO of Pebble at the time of the recordings but is no longer a Pebble employee, and Mr. Thiessen, who is still the President and CEO of Northern Dynasty, makes abundantly clear that Pebble's executives have had one message for potential investors in private and another message for the U.S. Congress and Federal agencies in public.<sup>8</sup>

Video recordings recently released of Mr. Collier and Mr. Thiessen raise fundamental questions about the veracity of both Mr. Collier's testimony to the Committee in October 2019 and Pebble's truthfulness in official records it submitted to the Army Corps regarding the proposed size, scope and intended duration of the Pebble Mine in Bristol Bay, Alaska. Those recordings, known as "The Pebble Tapes," were obtained and released by investigators for the Environmental Investigation Agency (EIA), a non-governmental organization.<sup>9</sup> Investigators at EIA posed as potential financial investors in the Pebble Mine project and recorded their multiple interactions with Mr. Collier and Mr. Thiessen. "The Pebble Tapes" were recorded in August and September 2020 and were publicly released on September 21, 2020.<sup>10</sup>

During Mr. Collier's testimony to the Committee in October 2019, he said: "One of my fellow panelists today, former EPA Regional Administrator Dennis McLerran, has called Pebble's permit application the 'camel's nose under the tent,' which I suppose means that he believes that Pebble plans on shoehorning in a larger project despite the fact that we have scaled back the footprint in the mine plan currently before the Corps of Engineers."<sup>11</sup> Mr. Collier mocked this witness, offering several responses to his allegations, claiming that it showed a "level of desperation" by the opponents of the Pebble Mine and that it indicated that those opposed to the permit application "are forced to argue that it must in fact be far different than what is actually proposed."<sup>12</sup> That response appears to have been an effort to detract from the truth.

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and Potential Impacts," October 23, 2019, p. 20, accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hhrg41942/pdf/CHRG-116hhrg41942.pdf>

<sup>6</sup> Northern Dynasty Minerals Ltd. is a publicly traded company on the New York Stock Exchange. See: "Northern Dynasty Minerals Stock Forecast, Price & News," *MarketBeat*, accessed here: <https://www.marketbeat.com/stocks/NYSEAMERICAN/NAK/>

<sup>7</sup> In August and September 2020, investigators for the non-governmental organization (NGO) Environmental Investigation Agency (EIA) posed as financial investors interested in investing in the Pebble Mine project and videotaped multiple conversations with both Tom Collier, then the Chief Executive Officer (CEO) of Pebble Limited Partnership (PLP) and Ronald Thiessen, the current President and CEO of Northern Dynasty Minerals Ltd., Pebble's parent Canadian company. "The Pebble Tapes" were publicly released on September 21, 2020. They are available at the EIA website, (Hereafter referred to as "The Pebble Tapes"), accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>8</sup> The Pebble Tapes, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>9</sup> The Pebble Tapes, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>10</sup> Ibid.

<sup>11</sup> Testimony of Tom Collier before the House Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment at hearing entitled "The Pebble Mine Project: Process and Potential Impacts," October 23, 2019, p. 20, accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hhrg41942/pdf/CHRG-116hhrg41942.pdf>

<sup>12</sup> Ibid.

The video recordings that captured Mr. Collier's own words suggest that the plans that Pebble submitted to the Army Corps and portions of Mr. Collier's testimony to the Committee may have been misleading. As we are certain you are aware, there are Federal laws that demand testimony to Congress be both truthful and complete.<sup>13</sup> Concealing material facts and making intentionally false statements to the U.S. Congress or Federal agencies are prohibited.<sup>14</sup> Thus, some of these statutes may apply to an individual who intentionally withholds pertinent information from Federal agencies or the U.S. Congress. One of these laws, 18 U.S.C. § 1001, was specifically listed in the permit application that Pebble signed and submitted to the Army Corps on December 22, 2017.<sup>15</sup> Under this statute, false statements to Congress are punishable by fines of up to \$250,000, imprisonment of up to five years, or both.<sup>16</sup>

In a response to the release of the EIA tapes, the Army Corps issued a brief statement which said, in part: "Upon review of the transcripts, we have identified inaccuracies and falsehoods relating to the permit process and the relationship between our regulatory leadership and the applicant's executives."<sup>17</sup> Those videotapes show Mr. Collier and Mr. Thiessen made several candid revelations regarding the planned expansion, increased capacity, size and duration of the proposed Pebble Mine that clearly contradict statements made in public to the Army Corps and to our Committee.<sup>18</sup>

- **Expansion.** In those videotapes, Mr. Thiessen indicated that once the mine is approved, it would be unstoppable.<sup>19</sup> Mr. Collier also suggested that the likelihood of expansion was virtually 100 percent, completely contradicting his testimony to the Committee.<sup>20</sup> In fact, Mr. Collier indicated that "constant expansions" and extensions of the duration of the mine's operating life as well as the mine's expanded daily production capacity is "a well-worn path" that the Pebble project is following.<sup>21</sup> He also indicated that he was unaware of any mine project in Alaska or anywhere in the United States that had ever been turned down regarding a request to expand. "[T]hat's what would happen here," he said.<sup>22</sup> Mr. Collier's private statements appear to entirely contradict his public testimony to the Committee, in which he claimed: "Pebble has no current plans, in this application or in any other way, for expansion."<sup>23</sup>

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<sup>13</sup> See, for example, 18 U.S. Code § 1001, "Statements or entries generally," accessed here:

<https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap47-sec1001.pdf>

<sup>14</sup> Ibid.

<sup>15</sup> "Pebble Project, Department of the Army, Application for Permit," POA-2017-271, The Pebble Partnership, December 2017, accessed here:

[https://www.poa.usace.army.mil/Portals/34/docs/regulatory/plp/12\\_22\\_2017\\_POA\\_2017-271\\_DA\\_Application\\_Pebble\\_Limited\\_Partnership.pdf?ver=2018-01-05-115756-287](https://www.poa.usace.army.mil/Portals/34/docs/regulatory/plp/12_22_2017_POA_2017-271_DA_Application_Pebble_Limited_Partnership.pdf?ver=2018-01-05-115756-287)

<sup>16</sup> 18 U.S. Code § 1001, "Statements or entries generally," accessed here:

<https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap47-sec1001.pdf>

<sup>17</sup> "Corps issues statement on Environmental Investigation Agency's recorded conversations," Press Release, U.S. Army Corps of Engineers - Alaska District, September 23, 2020, accessed here:

<https://www.poa.usace.army.mil/Media/News-Releases/Article/2358737/corps-issues-statement-on-environmental-investigation-agencys-recorded-conversa/>

<sup>18</sup> Ibid.

<sup>19</sup> The Pebble Tapes, Pebble Tape Overview, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>20</sup> The Pebble Tapes, Pebble Tape No. 1, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> T&I Pebble Mine Project Hearing, October 23, 2019, accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hrg41942/pdf/CHRG-116hrg41942.pdf>

- **Capacity.** Mr. Thiessen indicated that he expected the mine to expand production from an estimated 160,000 metric tons per day, as indicated in Pebble’s permit application to the Army Corps, to up to 320,000 metric tons per day.<sup>24</sup>
- **Size.** Mr. Thiessen told the would-be investors that Pebble anticipated developing three to four mines over the 425 square miles of mineral claims it has in the Pebble deposit over the next 100 years.<sup>25</sup> In his testimony, however, Mr. Collier, indicated that the footprint of the Pebble Mine would be 5.2 square miles.<sup>26</sup>
- **Duration.** In the video recordings, Mr. Thiessen indicated that the Pebble Mine’s operations would run for nearly 200 years, ten times longer than Pebble indicated in its permit application to the Army Corps.<sup>27</sup> In addition, Mr. Collier pointed out that the initial infrastructure developed for the Pebble Mine will make future expansions “post-20 years” much easier.<sup>28</sup>

From the private discussions revealed by the “Pebble Tapes,” it seems as though Pebble was dealing with two sets of facts, one to lure potential investors to the Pebble project and one to alleviate fears of Alaskan Natives, the U.S. Congress and Federal agencies of potential adverse environmental impacts from the mine. Pebble appears to have shuffled its deck of facts depending on the players at the table.

In its public statements, since late 2017, Pebble has consistently described a mine of limited scale and having a short life to imply that the environmental impacts from its operation will be minimized:

- **January 2018** - Pebble announced that the Army Corps officially accepted its permit application to develop the Pebble Mine. Pebble’s press release on this announcement specifically cited Mr. Collier, then Pebble’s CEO, on the “re-design” of the proposed mine and indicated that the redesigned mine would “operate for a period of 20 years” and would process 160,000 tons of material per day in milling operations.<sup>29</sup>
- **December 2018** - Pebble submitted a “project description” to the Army Corps as part of its permit application to develop the Pebble Mine.<sup>30</sup> The document clearly indicated Pebble’s plan for a 20-year operating life, a mining rate up to 73 million tons per year

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<sup>24</sup> The Pebble Tapes, Pebble Tape No. 1, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>25</sup> The Pebble Tapes, Pebble Tape No. 1, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>26</sup> Testimony of Tom Collier before the Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. House of Representatives at hearing entitled “The Pebble Mine Project: Process and Potential Impacts,” October 23, 2019, p. 19, accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hhrg41942/pdf/CHRG-116hhrg41942.pdf>

<sup>27</sup> See: The Pebble Tapes, Pebble Tape Overview and Pebble Tape No. 1, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>28</sup> The Pebble Tapes, Pebble Tape No. 5, accessed here: <https://eia-global.org/reports/20200921-the-pebble-tapes>

<sup>29</sup> “Proposed Plan Features Reduced Footprint,” Press Release, Pebble Limited Partnership, January 6, 2018, accessed here: <https://pebblepartnership.com/press-releases/2018/6/6/plan-features-reduced-footprint-and-increased-safeguards>

<sup>30</sup> “The Pebble Project: Project Description,” Pebble Limited Partnership, December 2018, accessed here: <https://www.pebbleprojecteis.com/documents/background>

(200,000 tons per day), and a milling rate up to 66 million tons per year (181,000 tons per day).<sup>31</sup>

- **October 2019** - Mr. Collier testified before the Committee's Subcommittee on Water Resources and Environment about Pebble's efforts to scale back the size of the mine in response to citizens' concerns.<sup>32</sup>
- **September 2020** - A four-page brochure and 48-page presentation released by Northern Dynasty reiterated the planned 180,000 ton-per-day processing capacity and the 20-year operating duration of the Pebble Mine.<sup>33</sup>

However, the "Pebble Tapes," recorded in August and September 2020, show that Pebble officials were simultaneously delivering a starkly contrasting message in private about their plans for the mine. For example, similar to prior public statements, Mr. Thiessen publicly expressed to potential investors at the H.C. Wainwright 22<sup>nd</sup> Annual Global Investment Conference on September 15, 2020, that the Pebble Mine would process 180,000 tons per day and have a 20-year operating life.<sup>34</sup> In contrast, just weeks before, Mr. Thiessen privately told EIA investigators who were posing as prospective investors and who secretly recorded the "Pebble Tapes" that the mine's processing capacity would eventually reach 320,000 tons per day and that the Pebble Mine's lifespan could endure for 200 years.<sup>35</sup>

In short, the public statements by Pebble both before and after the "Pebble Tapes" were recorded show that the company and its officials were consistent in providing what appears to be intentionally misleading and deceptive information to the public while delivering a decidedly separate set of facts in private to those it believed were potential Pebble investors.<sup>36</sup> Mr. Collier and Mr. Thiessen appear to have either knowingly made inaccurate claims in order to entice the interest of those they believed would invest in the Pebble Mine project or they knowingly provided false information to the American public, Alaskan Natives, Federal agencies and the U.S. Congress. In Mr. Collier's case, his public statements about the Pebble Mine to the Committee appear to be incongruous with his privately recorded statements. It is impossible to conclude that both sets of statements were accurate, since they were so completely contradictory. The public statements Pebble Limited Partnership, its parent company Northern Dynasty and its executives made appear disingenuous, misleading and potentially illegal.

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<sup>31</sup> Ibid.

<sup>32</sup> T&I Pebble Mine Project Hearing, October 23, 2019, accessed here: <https://www.govinfo.gov/content/pkg/CHRG-116hhrg41942/pdf/CHRG-116hhrg41942.pdf>

<sup>33</sup> "The Time to Invest in Northern Dynasty is Now, [rightminerighttime.com](http://rightminerighttime.com)," The Pebble Project | The Future of U.S. Mining & Metals, Northern Dynasty Minerals Ltd., September 2020, accessed here:

[https://www.northerndynastyminerals.com/site/assets/files/4590/ndm\\_sept\\_2020\\_corporate\\_brochure\\_web.pdf](https://www.northerndynastyminerals.com/site/assets/files/4590/ndm_sept_2020_corporate_brochure_web.pdf) and "In Sight: America's Next Great Copper-Gold Mine – The Pebble Project, The Future of U.S. Mining & Metals" Northern Dynasty Materials Ltd., September 28, 2020, accessed here:

[https://www.northerndynastyminerals.com/site/assets/files/4806/ndm\\_corporate\\_sept\\_28\\_2020-web.pdf](https://www.northerndynastyminerals.com/site/assets/files/4806/ndm_corporate_sept_28_2020-web.pdf)

<sup>34</sup> Virtual presentation by Ronald Thiessen on the Pebble Mine project, Northern Dynasty Materials Ltd., at the H. C. Wainwright 22<sup>nd</sup> Annual Global Investment Conference, September 15, 2020, accessed here:

<https://wsw.com/webcast/hcw7/register.aspx?conf=hcw7&page=ndm.to&url=https://wsw.com/webcast/hcw7/ndm.ro/1806896>

<sup>35</sup> The Pebble Tapes, accessed here: <https://cia-global.org/reports/20200921-the-pebble-tapes>

<sup>36</sup> Ibid.

The Committee has clear oversight of issues related to the proposed Pebble Mine project, including jurisdiction over all programs within the civil works and regulatory programs of the Army Corps and the water quality and Clean Water Act-related infrastructure programs of the U.S. Environmental Protection Agency.<sup>37</sup> In order for our Committee to gain a fuller and more accurate account of Pebble's true intent regarding the scale, scope and duration of the proposed Pebble Mine and to help ascertain Mr. Collier's truthfulness in his testimony to this Committee, we are requesting copies of all records related to the intended, anticipated or potential length, capacity, size or scope of the Pebble Mine.

The requested records should include, but not be limited to, presentations, memorandums, plans, studies, analyses, reports and forecasts. They should also include all e-mails, texts and other written communications to, from or between Pebble employees. In addition, they should include all communications to, from or between Pebble employees and any non-Pebble Limited Partnership entities, particularly Northern Dynasty, Pebble Mines Corporation and any other companies, organizations, investors or potential investors, consultants, or local, state or Federal officials. These items may be limited to:

- 1) All records referencing, referring to, discussing or citing the intended, anticipated or potential operational length or duration of the Pebble Mine;
- 2) All records referencing, referring to, discussing or citing the intended, anticipated or potential operational capacity of the Pebble Mine;
- 3) All records referencing, referring to, discussing or citing the intended, anticipated or potential size or footprint of the Pebble Mine;
- 4) All records referencing, referring to, discussing or citing the intended, anticipated or potential development of any other mines in the Pebble deposit, other than the Pebble Mine as described in Pebble's December 2017 permit application submitted to the Army Corps;
- 5) All records referencing, referring to, discussing or citing the Donlin Mine.

The scope of the searches requested above may be limited to December 1, 2017, to present.

We appreciate your attention to this matter. Please see the attachment for instructions regarding the preparation of these records. Please have your staff discuss the logistics of providing these records electronically with Committee staff in advance of any planned delivery.

We request that delivery of these records begin on December 10, 2020. We will consider a rolling production of these records if you are unable to fully complete this response by this date. However, please have your staff discuss your anticipated timeline for completion of this request with Committee staff prior to the December 10<sup>th</sup> deadline if you believe you will need additional time to complete this request.

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<sup>37</sup> Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, accessed here: <https://transportation.house.gov/subcommittees/water-resources-and-environment-116th-congress>

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To make arrangements for electronic delivery of these records, or if you have any questions regarding this request, please have your staff contact Matt Weisman, Majority Staff Counsel at 202-225-4472.

Sincerely,



PETER A. DeFAZIO  
Chair



GRACE F. NAPOLITANO  
Chair  
Subcommittee on Water Resources  
and Environment

Enclosure: Attachment A – Responding to House Committee on Transportation and Infrastructure Records requests in the 116th Congress

cc: The Honorable Sam Graves, Ranking Member  
The Honorable Bruce Westerman, Ranking Member,  
Subcommittee on Water Resources and Environment