



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation

OFFICE OF THE COMMISSIONER

P.O. Box III800
Juneau, Alaska 99811-1800
Main: (907) 465-5065
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June 15, 2020

Tom Waldo / Olivia Glasscock
Earthjustice
325 4th Street
Juneau, AK 99801

Re: Request for Adjudicatory Hearing – Donlin Mine 401 Certification

Dear Mr. Waldo and Ms. Glasscock:

On June 5, 2020, the Alaska Department of Environmental Conservation (ADEC) received your request for adjudicatory hearing on the Water Division's issuance of the Certificate of Reasonable Assurance (401 Certification) for the Donlin Mine 404 permit.

As provided in AS 44.64.060(b), the Commissioner conditionally approved the hearing request and referred the request to the Office of Administrative Hearings for a recommended decision whether the request meets the requirements of 18 AAC 15.200 and the scope of any hearing on the request. When the Commissioner refers your request to the Office of Administrative Hearings, ADEC's regulations require that notice be provided for the request for hearing. 18 AAC 15.220(b). ADEC issued the public notice concerning your request for hearing on June 15, 202. A copy of the public notice is enclosed.

The regulations allow twenty days from publication of the notice for the permittee and department staff to submit responses on whether the Commissioner should grant or deny the request for adjudicatory hearing. You may file a reply within seven days of service of any timely filed response to the hearing request. 18 AAC 15.220(a). Not later than ten days after the deadline for responses and replies, the Office of Administrative Hearings will issue a recommended decision to the Commissioner whether the hearing request meets the requirements of 18 AAC 15.200. Not later than ten days after receiving the recommended decision, the Commissioner will make a final decision on the recommendation.

If the Commissioner determines that an adjudicatory hearing or a hearing on the existing record should be held, the Office of the Commissioner will publish notice of the action in a newspaper of general circulation for the affected area and will send a copy of the public notice to each person who submitted timely comments on the amendments or who submitted a request for hearing.

If you have any questions concerning these procedural matters, please feel free to contact me. I can be reached at Gary.Mendivil@alaska.gov or on my cell phone at (907) 209-0247. You may also leave a voice mail on (907) 465-5061 while I am teleworking.

Sincerely,



Gary Mendivil
Environmental Program Specialist

cc: Jason Brune, DEC
Emma Pokon, DEC
Randy Bates, DEC
Dan Graham, Donlin Gold LLC