DEC Request for Adjudicatory Hearing Form Pursuant to 18 AAC 15.200

A request for adjudicatory hearing must be submitted using this form and timely served upon the Commissioner by hand delivery, electronic mail or U.S. mail (see 18 AAC 15.200(a), (c) and (e), as well as on the division that issued the decision.

Attn: Jason Brune, Commissioner - Alaska Department of Environmental Conservation
P.O. Box 111800
Juneau, AK 99811-1800 or DEC.Commissioner@alaska.gov

### Requestor Contact Information

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<tr>
<th>Name*</th>
<th>Thomas S. Waldo</th>
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<tr>
<td>Address*</td>
<td>EARTHJUSTICE 325 4th St. Juneau, AK 99801</td>
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<td>Telephone*</td>
<td>(907) 723-3200</td>
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<tr>
<td>Fax</td>
<td>(907) 463-5891</td>
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<tr>
<td>Email Address</td>
<td><a href="mailto:tom.waldo@earthjustice.org">tom.waldo@earthjustice.org</a></td>
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Please provide the name(s), mailing address(es), electronic mail address(es) and telephone number(s) for the individual(s) or organization(s) bringing forward this request for adjudicatory hearing (see 18 AAC 15.200(c) and 18 AAC 15.920(13))

*Required

### Identification of Represented Parties

For each requester named above that is a member organization, please provide the names and addresses of members who are adversely affected by the decision who are being represented by the organization in this matter (see 18 AAC 15.200(c)(3))

Orutsararmiut Native Council
P.O. Box 927
Bethel, AK 99559
Please identify the permit or other decision you are seeking to have reviewed. Please include information such as the date of the decision, who made the decision, the title of the document within which the decision is contained or the permit number. The requester bears the burden of presenting evidence in the hearing request. If the decision is not available on the department’s web pages, please provide an electronic copy of the decision document. If the department provided an opportunity for public comment on the permit, approval or decision, you must have provided comments during the public notice period or commented at a public hearing regarding the permit, approval or decision. Please also identify where you commented on the issues being appealed.

See attachment.

Issues to be Decided

Please provide the following information for each question of material fact or law (collectively referred to as "contested issues" you are asking to be reviewed as part of the adjudicatory hearing request. Attach additional pages as needed if you are seeking to raise more than three issues or if you need more space for your response relating to an issue.

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Contested Issue 2

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Contested Issue 3

Contested issue and location of the issue

Explanation and reasons the contested issue is relevant to the decision

How are requesters directly and substantively affected?

Any suggested terms or conditions?

Why should your request be granted?

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Contested Issue 3

a) A concise statement of the contested issue proposed for hearing (see 18 AAC 15.200(c)(4)(C))

b) The location(s) in the permit, or other decision where the specific terms or conditions appear, that you are contesting (e.g. page, paragraph or other identifying description)

c) An explanation of how the decision was in error with respect to the contested issue

d) The reason(s) you believe the contested issue you are raising is relevant to the Division’s decision (why you believe resolving the contested issue in your favor will materially change the Division’s decision)

e) How each requester (including represented parties if the requester is a member organization representing them in this matter) is directly and substantively affected by the contested decision to justify review; more specifically, please include a discussion or
   1) the nature of the interest of the requester or represented party who is impacted by the contested decision(s):
   2) whether that interest is one that the department’s applicable statutes and regulations intend to protect; and
   3) the extent to which the Division’s decision relating to this contested issue directly and substantively impairs the interest described in (2) above

(f) Identify when and where you raised this issue in testimony or comments you provided to DEC. If your comments or testimony were submitted to DEC in writing, provide a reference to the page and paragraph where they appear. (see 18 AAC 15.200(a) and 18 AAC 15.245)**

(g) Suggested alternative terms and conditions that in your judgement are required for the Division’s decision to be in accord with the facts or law applicable to the issue you are raising.

(h) A discussion of any other reasons you believe your request for an adjudicatory hearing should be granted. Please include a concise summary of the facts and laws that you believe support your request.

(i) If you believe a provision of the final decision or permit you are challenging was not in the draft decision or permit that was subject to the public notice or comment process, please explain the basis of your claim. (see 18 AAC 15.200(a))**

** this requirement does not apply to a person challenging an Air Quality Division Stationary Source Emission Control permit under AS 46.15.2200 either (1) on the basis of a private, substantive legally protective interest under state law that may be adversely affected by the permit action, or (2) as the owner or operator of the stationary air source.

NOTE: IF you did not raise your issue before the Division’s issuance of the permit or contested decision, then 18 AAC 15.245 requires you to show “good cause” for the failure to raise the issue for it to be considered. You should include this information in your response to (h) above.
Request for Evidentiary Hearing
With reference to the number of issues listed in your response to "Issues to be Decided" above, please list the number of the issues for which you are requesting an evidentiary hearing that may involve the testimony of factual witnesses, expert witnesses or the offering of additional documents or other evidence not already in the existing agency record.

Orutsararmiut Native Council does not seek an evidentiary hearing. It requests review of the Division's findings on the existing record.

Description of Question of Fact to be Raised at an Evidentiary Hearing
With reference to the number of issues listed in your response to "Request for Evidentiary Hearing" above, please describe each of the factual issues you want considered in an evidentiary hearing. You may reference your answers in your response if they describe all the questions of fact that you want considered at an evidentiary hearing

Not applicable.

Estimated Time for an Evidentiary Hearing
Please provide your estimate of the time you think will be needed to conduct the evidentiary hearing you are requesting.

Not applicable.

IF YOU HAVE QUESTIONS
If you have questions regarding what information needs to be included in this form or questions about the process for requesting an adjudicatory hearing, you may find help by:
1. Reviewing the department's regulations, many of which are referenced in this form. The Administrative Procedures regulations at 18 AAC 15 are available on the Internet at http://dec.alaska.gov/commish/regulations/index.htm. The definitions of key terms may be found at 18 AAC 15.920.
2. Reviewing the guidance documents posted by the department at http://dec.alaska.gov/commish/ReviewGuidance.htm; or
3. Contacting the department's adjudicatory hearing liaison, Gary Mendivil, in the Commissioner's Office at (907) 465-5061 or at Gary.Mendivil@alaska.gov

Please be aware that failing to comply with the requirements for filing and serving a request for adjudicatory hearing could result in all or a portion of your request being denied.

APPLICABLE DEADLINES
Requests for an adjudicatory hearing must be made not later than 30 days after the issuance of the department's decision or permit, or not later than 30 days after the issuance of a decision on a request for informal review under 18 AAC 15.185, whichever is later. (see 18 AAC 15.200(a))
ATTACHMENT

Decision and Issues to be Reviewed

On behalf of Orutsararmiut Native Council (“ONC” or “the Tribe”), Earthjustice requests an adjudicatory hearing to review the May 13, 2022 decision of the Division of Water (the Division)\(^1\) affirming the Division’s April 5, 2019 decision to issue a 401 Certificate of Reasonable Assurance for the proposed Donlin Gold Mine.\(^2\) The 2022 decision is signed by Randy Bates, Director of the Division. The 2019 decision and the Certificate are signed by James Rypkema, Program Manager in Storm Water and Wetlands. During the public comment period, Earthjustice submitted a comment letter on July 13, 2018 on behalf of ONC.\(^3\) The Division originally issued a Certificate for the mine on August 10, 2018\(^4\) before issuing the revised Certificate in the April 5, 2019 decision. Representing ONC, Earthjustice requested informal review of these decisions on August 30, 2018\(^5\) and April 24, 2019,\(^6\) requested adjudication on June 5, 2020,\(^7\) and appealed the Commissioner's final decision to Superior Court on June 28, 2021.\(^8\) The May 13, 2022 decision for which adjudication is sought occurred on remand from the Superior Court.\(^9\)

Issues to be Decided

For the reasons set forth below, the Division has failed to demonstrate reasonable assurance that the proposed mine will comply with numeric water quality standards for temperature in Crooked Creek.

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\(^1\) Letter from R. Bates, Div. of Water, to T. Waldo, Earthjustice (May 13, 2022). This decision and related documents are posted at https://dec.alaska.gov/water/wastewater/donlin-gold-mine-certification-remand-decision/. Other documents cited in this request are part of the agency record in this matter.


\(^3\) Letter from T. Waldo, Earthjustice, to Alaska Dep’t of Env’t Conservation (July 13, 2018).


\(^6\) Letter from T. Waldo, Earthjustice, to A. Sayers-Fay, Div. of Water (Apr. 24, 2019).

\(^7\) T. Waldo & O. Glasscock, Earthjustice, Request for Adjudicatory Hearing (June 5, 2020).

\(^8\) ONC v. Alaska Dep’t of Env’t Conservation, No. 3AN-21-06502 CI, Notice of Appeal (June 28, 2021).

\(^9\) ONC v. Alaska Dep’t of Env’t Conservation, No. 3AN-21-06502 CI, Order Granting Interlocutory Remand (Dec. 29, 2021).
Contested Issue 1

Contested Issue and Location of the Issue

The Certificate fails to demonstrate reasonable assurance that construction and operation of the proposed mine will comply with Alaska’s water quality standards for temperature as required by section 401 of the Clean Water Act and by regulations of the U.S. Environmental Protection Agency (EPA) and the Department of Environmental Conservation (the Department). EPA regulations require Donlin Gold, LLC (Donlin) to receive certification from the Department that there is “reasonable assurance” that the entire “activity” associated with the certification will not violate water quality standards. The Division has not provided adequate support for these findings.

The Division’s rationale challenged in this request appears on pages 38-50 and 53-54 of “The Division’s Response to ONC Comments,” attached to the decision letter of May 13, 2022.

Explanation and reasons the contested issue is relevant to the decision

Alaska’s water quality criteria include temperature standards for fish migration, spawning, rearing, and egg and fry incubation. The Final Environmental Impact Statement (FEIS) explains that the pit dewatering wells for the proposed mine would divert groundwater that would normally flow to Crooked Creek. During the summer, this reduction in groundwater input “could cause stream temperatures in reaches near the mine to be close to or above the State of Alaska’s water quality temperature standard of 55.4°F for egg/fry incubation and spawning and 59.0°F for migration and rearing.” The FEIS goes on to explain that these violations may affect “the duration and timing of egg incubation and availability of prey species.” It further notes that these violations would occur in waters regulated as essential fish habitat “supporting key life stages of salmon that play a role in the Kuskokwim subsistence community.” At the time of the initial certification, neither Donlin nor the Division supplied any modeling to contradict the FEIS’s conclusions. Following ONC’s appeal of this issue to Superior Court, Donlin retained a consulting firm to develop a model of stream temperatures near the mine site, and the court remanded the matter to the Division for further analysis.

10 33 U.S.C. § 1341(a)(1); 40 C.F.R. § 121.2(a) (2019); 18 AAC 70.010(a), 70.020(b)(10)(A)(iii), (10)(C).
13 18 AAC 70.020(b)(10)(A)(iii), (10)(C).
15 Id.
16 Id.
17 Id.
Donlin’s new model makes it even more clear that there is no reasonable assurance of compliance with the temperature standards. It predicts that stream temperatures during mine operations would comply with water quality standards by razor-thin margins in future conditions comparable to July 2005. In Crooked Creek at the American Creek tributary, the modeled temperature would reach 54.8°F, just 0.6°F below the spawning standard, in July 2005 conditions.\(^{18}\) When applying conservative assumptions regarding streamflow, the model predicts 55.1°F, just 0.3°F below the standard, in July 2005 conditions.\(^{19}\)

This model provides no assurance of compliance with the standards, because it fails to account for the likelihood that future temperatures will be warmer than July 2005. This is true for two reasons.

First is climate change. The record is clear that temperatures will be warmer 30 years from now, when the mine would be operating. Because Donlin’s model predicts compliance by as little as 0.3°F, even a slight increase in background temperatures from climate change will cause mining operations to bump stream temperatures over the standard. Actual projections of climate change exceed that margin considerably. The mine is expected to operate at least 30 years following the commencement of construction, including three to four years of construction followed by 27 years of operation.\(^{20}\) The FEIS states, “Climate change is affecting resources in the EIS Analysis Area and trends associated with climate change are projected to continue into the future.”\(^{21}\) It predicts mean annual air temperature increases in Alaska by 2050 up to 6°F,\(^{22}\) which will cause warmer water temperatures with negative effects on salmon and other fish.\(^{23}\) Similarly, the U.S. Global Change Research Program predicts that the Yukon-Kuskokwim region will warm significantly over the course of this century.\(^{24}\) At Crooked Creek specifically, the University of Alaska Fairbanks predicts temperature increases of several degrees over historic averages in all months of the year by the 2030s, and greater increases by the 2060s and beyond, with the magnitude of increases depending on assumptions about future greenhouse gas emissions.\(^{25}\) Neither Donlin nor the Division has offered any contrary evidence.

\(^{19}\) Memorandum from H. Weatherly, BGC Engineering Inc., to Perkins Coie at 3 (Apr. 14, 2022).
\(^{20}\) FEIS, Exec. Summ. at 4.
\(^{21}\) FEIS at 3.13-63.
\(^{22}\) Id. at 3.26-17, Tbl. 3.26-7.
\(^{23}\) Id. at 3.26-24.
\(^{24}\) See, e.g., Letter from T. Waldo, Earthjustice, to Alaska Dep’t of Env’t Conservation, Div. of Water (Mar. 29, 2022) (ONC Comment Letter 2022), Ex. 9 at 16, Fig. 26.1 (U.S. Global Change Research Program, Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States (Rev. Mar. 2021)) (showing projected average annual temperatures rising between 6-8°F under the lower Representative Concentration Pathway (RCP) 4.5 scenario and 10-12°F under the higher RCP 8.5 scenario by 2070-2099).
\(^{25}\) See id., Ex. 10 (University of Alaska Fairbanks, Scenarios Network for Alaska, Community Climate Charts, Crooked Creek (Qipcarpik), Alaska, https://snap.uaf.edu/tools/community-charts (last accessed Feb. 3, 2022)).
Second, even without climate change, July 2005 does not represent the warmest month likely to occur based on readily available weather records. BGC Engineering (BGC) had only six years of data with stream temperatures in Crooked Creek near the mine: 2005-2009 and 2011. 26 During this time, July 2005 was the warmest month and therefore the reference point in the BGC model. 27 However, temperature records from the National Weather Service (NWS) show that there have been several months in recent years warmer than July 2005, both before 2005 and after 2011. The nearest station with temperatures reported online is Bethel. In Bethel, as at Crooked Creek, July 2005 had the warmest mean average temperatures among the months with data from Crooked Creek. 28 This confirms that Bethel and Crooked Creek experience similar weather patterns. However, looking at just a few additional years of data from Bethel, there were five months with mean average temperatures warmer than July 2005: two of them earlier (July and August 2004) and three of them later (July and August 2016, and July 2019). 29 The same pattern holds true for Bethel’s mean maximum temperatures: July 2005 was highest among the years in the BGC model, but there were five months with higher mean maximums in other years, both earlier and later (July and August 2004, June 2015, July 2016, and July 2019). 30 It is all but certain that there have similarly been warmer months at Crooked Creek and that there will be more in the future. Because the predicted margins of compliance are so tiny, if the model were to take the likelihood of warmer months into account, it would show significant violations of the temperature standard.

Earthjustice raised these issues and other problems with Donlin’s temperature model on behalf of ONC in its comment letter on remand. 31

In response, the Division first questions the existence of climate change. The Division calls climate change “an unexpected and unpredictable event 20 years in the future . . . .” 32 While the precise degree of warming is unknowable, there is no serious dispute that the climate is already warming and will warm significantly more. Modeling science provides numerous tools to address such uncertainty, including sensitivity analysis, uncertainty analysis, and assessment of alternative scenarios. 33 Simply ignoring the problem, as the Division and Donlin’s contractor have done, is not one of the options. It is arbitrary and fails to consider a critical factor with a substantial bearing on the outcome.

26 BGC 2021 at 5.
27 Id. at 15.
28 ONC Comment Letter 2022, Ex. 8 at 1 (NWS, Bethel Temperature Data 2000-2022) (NWS 2022).
29 Id., Ex. 8 at 1 (NWS 2022).
30 Id., Ex. 8 at 2 (NWS 2022).
31 ONC Comment Letter 2022 at 7-10.
The Division’s characterization of climate change as “unexpected” is a substantial change in Department policy, which has until now acknowledged the existence of climate change and its impact on streams. The Commissioner chaired the Alaska Climate Change Sub-Cabinet created by the Governor in 2007.\textsuperscript{34} The Sub-Cabinet noted that “[t]he impacts of climate warming in Alaska are already occurring”\textsuperscript{35} and that “[w]arming streams . . . affect fish habitat.”\textsuperscript{36}

The Division did not respond at all to ONC’s showing that there are already several months on record with warmer temperatures than July 2005, both before and after 2005.

The Division asserts that it will adopt an “adaptive permitting strategy which will account for changing conditions during each permit reissuance.”\textsuperscript{37} The 401 Certificate, though, will last the life of the mine and not be reissued. The Division appears to be relying on future reissuances of the waste management permit, which it amended in connection with the decision to reaffirm the 401 Certificate.

The waste management permit does not provide sufficient assurances of future compliance in the face of climate change and warmer background stream temperatures. The only monitoring sites in Crooked Creek for stream temperature will be outside the segment predicted to experience the greatest increases in stream temperature. The FEIS and Donlin’s consultant predict that the segment of Crooked Creek subject to greatest warming is between American Creek and Crevice Creek.\textsuperscript{38} The monitoring plan will not sample this segment. The plan specifies only two monitoring sites: one above the mine site, which is not affected by the mine and is used as a baseline reference point, and another below Crevice Creek.\textsuperscript{39} Crevice Creek will be undisturbed by mining and will therefore introduce cold water to Crooked Creek. As a result, the monitoring stations selected by the Division will miss the segments of the stream most affected by the mine according to Donlin’s own consultant and the FEIS.

Even if this inadequate monitoring showed violations, the plan identifies no proven measures to remedy them. The plan postulates different engineering or water management changes that might address the problem, such as increasing discharge from Snow Gulch, cooling the treated effluent, storing rather than discharging treated effluent, or discharging groundwater from new

\textsuperscript{35} \textit{id.} at 1.  
\textsuperscript{36} \textit{id.} at 4 (State of Alaska, What Will Climate Change Mean for Alaska, http://web.archive.org/web/20170220013053/http://climatechange.alaska.gov/cc-ak.htm (last accessed June 10, 2022)).  
\textsuperscript{37} Division Response 2022 at 47.  
\textsuperscript{38} FEIS at 3.13-112; BGC 2021 at 15, 23 (identifying sites at American Creek and above Crevice Creek (CCAC)).  
wells farther from the mine.40 None of these ideas has ever been studied for feasibility, effectiveness, or environmental impact. Further, they present significant engineering obstacles, and, as far as the record reflects, such methods have never been utilized at other mines to moderate stream temperatures.41 The only expert to evaluate these methods identified numerous obstacles and concluded, “BGC Engineering’s mitigation proposals are all theoretical, and moving something from theory, to lab demonstrations, then into practical field application has historically been problematic for the mining industry.”42 In short, the only mitigation strategies identified are entirely speculative and unproven. The Division’s reliance on “adaptive permitting” does not provide any assurance the mine can comply with temperature standards in the face of climate change and warmer background temperatures.

BGC acknowledges a high degree of uncertainty in its model, even without addressing climate change.43 Expert analysis identified further sources of uncertainty.44 Given the fact that the model predicts compliance by the narrowest of margins, there is far too much uncertainty to support a finding that the mine will comply with temperature standards in Crooked Creek. When climate change is added to the mix, there is no assurance at all.

**How are requesters directly and substantively affected?**

ONC is a federally recognized sovereign tribal government responsible for the health, safety, and well-being of its citizens. The community is located on the Kuskokwim River downstream from the proposed mine. The proposed mine would be located on Crooked Creek, which flows directly into the Kuskokwim River. The Tribe’s ancestors historically lived, traveled, fished, and traded with other communities along the Kuskokwim River, and the Tribe’s present citizens continue to do so.45 The citizens of the Tribe rely on the Kuskokwim River and surrounding lands of the Yukon-Kuskokwim region for nutritional, economic, social, spiritual, and cultural purposes.46 ONC and the other Tribes of the region value their long traditions of fishing and harvesting from the region’s lands and waters.47 Of particular importance are the salmon and rainbow smelt that annually return to the Kuskokwim River to spawn. The many communities

40 Id.
41 Memorandum from D. Chambers, Center for Science in Public Participation, to Earthjustice (May 5, 2022) (submitted with Letter from T. Waldo, Earthjustice, to R. Bates, Div. of Water (May 9, 2022)).
42 Id. at 2.
43 See BGC 2021 at 22.
44 ONC Comment Letter 2022, Ex. 6 (T. Myers, Surface Water Temperature Effects of the Proposed Donlin Project (Nov. 24, 2021)); Memorandum from T. Myers to Earthjustice (Apr. 29, 2022) (submitted with Letter from T. Waldo, Earthjustice, to R. Bates, Div. of Water (May 9, 2022)).
45 FEIS at 3.21-5 to 3.21-12.
46 Id.
47 Id.
along the Kuskokwim River harvest and use these and other subsistence species in various ways, and their combined harvests total well over a million pounds of edible resources every year.\(^{48}\)

The Certificate will adversely affect the health, safety, welfare, and cultural practices, including subsistence practices, of ONC and other Tribal and non-Tribal residents of the Kuskokwim and Yukon River watersheds. Clean water and intact aquatic habitats are essential to the way of life for Tribes and communities all along the rivers.

ONC’s ability to engage in traditional fishing and other subsistence practices would be directly and adversely affected by the proposed mine. Crooked Creek is a tributary of the Kuskokwim River and a corridor traveled by fish to reach productive areas such as Bell Creek and Getmuna Creek.\(^{49}\) The temperature standard is intended specifically to ensure temperatures remain sufficiently cold for spawning and incubation of eggs and fry.\(^{50}\) The increased temperatures in Crooked Creek may affect “the duration and timing of egg incubation and availability of prey species,” especially during low-flow events.\(^{51}\) These violations would occur in waters regulated as essential fish habitat “supporting key life stages of salmon that play a role in the Kuskokwim subsistence community.”\(^{52}\) The FEIS acknowledges that “salmon may be nearly or completely extirpated from Crooked Creek by hydrological changes from mine development, operation, and closure.”\(^{53}\) Habitat in other stream segments in the Crooked Creek drainage would be altered or destroyed.\(^{54}\)

The violation of Alaska’s water quality standards and degradation of aquatic habitat would, among other things, affect the salmon and other species relied upon by ONC and other residents. This would constitute a direct and adverse impact to the Tribe’s strong interest in maintaining clean water and intact aquatic habitat to protect closely held traditions and subsistence practices.

In the prior adjudication, the administrative law judge and the Commissioner rejected arguments that ONC lacked standing to challenge the same standards at issue here, among others. The order recognized that ONC “has clearly established its interest in enforcing those standards,” and the Commissioner adopted this holding.\(^{55}\) The same reasoning and conclusion apply here.

\(^{48}\) See id. at 3.21-19 to 3.21-91.
\(^{49}\) Id. at 3.13-109.
\(^{50}\) 18 AAC 70.020(b)(10)(A)(iii), (10)(C).
\(^{51}\) FEIS at 3.13-112.
\(^{52}\) Id.
\(^{53}\) Id. at 3.21-140 (quoting App. N at 15).
\(^{54}\) Id. at 3.21-158.
\(^{55}\) ONC v. Alaska Dep’t of Env’t Conservation, Div. of Water, OAH No. 20-0536-DEC, Recommended Ruling on Request for Adjudicatory Hearing and Commissioner’s Decision at 11, 13 (July 31, 2020).
Any suggested terms or conditions?

ONC does not request any changed terms or conditions. The Tribe requests that the Commissioner vacate the Certificate, deny Donlin’s request for certification, and notify the U.S. Army Corps of Engineers.

Why should your request be granted?

There is no reasonable assurance that operation of the Donlin Gold Mine will not violate water quality standards for temperature. The increase in stream temperatures will adversely affect salmon and the Tribal citizens and other residents of the Kuskokwim region who rely on them.
The Climate Change Sub-Cabinet advises the Office of the Governor on the preparation and implementation of an Alaska climate change strategy. The Sub-Cabinet was created in 2007 under Administrative Order 238. Click to read the Governor's Report on the Climate Change Sub-Cabinet (July 2008).

"My hope is the Climate Change Strategy will be a living document reflecting the best knowledge on the effects of climate change in Alaska. It will be of great use to Alaskans by conveying state plans for adaptation to warming as well as presenting realistic approaches to mitigating the root causes of climate change." Larry Hartig, Chair, Executive Sub-Cabinet on Climate Change

Emissions Inventory

- 1990-2010 Greenhouse Gas Emission Inventory

Climate Change News:

See the Climate, Ecosystems & Human Health Work Group webpage for up to date information.

The final and draft reports of the Climate Change Advisory Groups:

- Adaptation Advisory Group Draft Final Report
- Mitigation Advisory Group Final Report
- Immediate Action Work Group Final Report
- Research Needs Work Group Draft Final Report

Alaska's Perspective

The impacts of climate warming in Alaska are already occurring. These impacts include coastal erosion, increased storm effects, sea ice retreat and permafrost melt. The villages of Shishmaref, Kivalina, and Newtok have already begun relocation plans. The U.S. Army Corps of Engineers has identified over 160 additional rural communities threatened by erosion. Click here to see photographs of some of the Alaska climate change issues.

The unique task of the Climate Change Sub-Cabinet is to appropriately attend to these immediate needs.

The Climate Change Sub-Cabinet

On September 14, 2007, former Governor Sarah Palin signed Administrative Order No. 238, officially forming the Alaska Climate Change Sub-Cabinet (see Press Release). The Sub-Cabinet is charged with preparing and implementing an Alaska Climate Change Strategy. This will be a transparent document which deals with state policies for anticipated climate change.

The Sub-Cabinet’s strategy will discuss:

- Building the state’s knowledge of the actual and foreseeable effects of climate warming in Alaska
- Developing appropriate measures and policies to prepare communities in Alaska for the anticipated impacts from climate change
• Providing guidance regarding Alaska’s participation in regional and national efforts addressing causes and effects of climate change

On September 21, 2007, former Governor Palin signed on as an Observer to the Western Climate Initiative (WCI). The WCI is a collaboration launched in February 2007 between the Governors of Arizona, California, New Mexico, Oregon and Washington to meet regional challenges raised by climate change. Other States and Canadian Provinces have joined, some as partners, some as observers.
Climate Change Sub-Cabinet Members

**Chair:** Larry Hartig, Commissioner, Department of Environmental Conservation
Commissioner, Department of Natural Resources
Commissioner, Department of Commerce, Community and Economic Development
Commissioner, Department of Fish and Game
Commissioner, Department of Transportation and Public Facilities

**Official Liaisons to the Sub-Cabinet**
Vice Chancellor of Research, University of Alaska Fairbanks
Director of State and Federal Relations and Special Counsel to the Governor, Washington, D.C.
Climate change describes the variation in Earth's global and regional atmosphere over time. These changes are likely caused by a combination of natural processes and activities. The rise in the Earth's average surface temperature is known as global warming. Scientists attribute the accelerating rate of global warming to manmade greenhouse gas emissions.

Global warming is currently impacting Alaska and will continue to impact it in a number of ways. These impacts include melting polar ice, the retreat of glaciers, increasing storm intensity, wildfires, coastal flooding, droughts, crop failures, loss of habitat and threatened plant and animal species.

According to NOAA (National Oceanic and Atmospheric Association) scientists, in April 2014, a new record low snow cover extent for the satellite era (1967-2014) occurred in Eurasia and, in September 2014, minimum sea ice extent was the 6th lowest in the satellite record (1979-2014). But, in 2014, there were modest increases in the age and thickness of sea ice relative to 2013. The eight lowest sea ice extents since 1979 have occurred in the last eight years (2007-2014).

- NOAA Arctic Report Card 2014 Summary
- NOAA Arctic Report Card 2013 Highlights
- NOAA Arctic Report Card 2012 Highlights
- NOAA's Accomplishments 2009 - 2012
- NOAA's 2011 Global Highlights
- NOAA's 2010 Global Highlights

Less ice means more open water - which means greater absorption of solar energy - which leads to increased warming in the ocean, and in turn accelerates more ice loss. This has led to a wide range of impacts in Alaska, including:

- **melting glaciers, rising sea levels, and flooding of coastal communities.** Warming of oceans and melting of land-based ice increases the volume of ocean water. Loss of sea-ice cover changes habitat for arctic species and leaves coastal communities more exposed to larger waves generated by severe storms.

- **thawing permafrost, increased storm severity**, and related infrastructure damage to roads, utility infrastructure, pipelines and buildings. Extremes in weather patterns, precipitation and rising sea levels will affect safe water sources in villages, and contributes to increased erosion along Alaska coasts and rivers and undermines Alaska boreal forests.

- **loss of the subsistence way of life** as animal habitat and migration patterns shift and as hunting and fishing become more dangerous with changing sea and river ice. Warming streams and increased silt from melting glaciers affect fish habitat. Boreal forests advance northward and to higher elevations, displacing tundra. Invasive species compete with native vegetation. Humans, animals and plants may be exposed to new infectious diseases as habitat changes.

- **forest fires and insect infestations** increasing in frequency and intensity. In the past decade, Alaska has witnessed a record loss of forests to fires and spruce bark beetles.
CERTIFICATE OF SERVICE

I certify that on June 13, 2022, a copy of the foregoing REQUEST FOR ADJUDICATORY HEARING was served by electronic mail on the following:

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