



**FOR IMMEDIATE RELEASE:**

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**Despite Administrative Law Judges Concerns About Dangerous Mercury Exposure, Alaska Commissioner Rubber-Stamps Donlin Gold Mine Water Quality Certification**

*Decision follows administrative law judge ruling that mine will result in violations of water quality standards and certificate should not have been issued*

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Bethel, AK -- Today Commissioner Jason Brune of the Alaska Department of Environmental Conservation rejected an administrative law judge's conclusion that the state's water quality certification is unsupported: there is no reasonable assurance that the mine would not violate water quality standards, including for mercury.

In April, Alaska Administrative Law Judge Z. Kent Sullivan [ruled in favor of Orutsararmiut Native Council](#), finding the Alaska Department of Environmental Conservation improperly issued a water certificate for Donlin Gold, because the mine would not meet Alaska water quality standards.

Judge Sullivan noted that "state water quality standards for mercury will undeniably be exceeded by the project in numerous locations, in many instances by a significant degree." He also highlighted impacts to salmon, noting, "it is obvious that the overwhelming majority of the salmon productivity from that segment of the main stem of Crooked Creek will be eliminated."

For Alaska Native Tribes and other communities downstream from the proposed Donlin Gold mine site, the Kuskokwim River provides a critical source of sustenance. More than half the annual subsistence harvest consists of salmon.

The Donlin Gold mine will result in a 40 percent increase in mercury deposition to surface waters near the mine. Once in the environment, mercury can be transformed into methylmercury, a toxic substance that bioaccumulates up the food chain – particularly in fish and shellfish. Historical contamination from mining has led to already-elevated mercury levels in the surrounding environment.

A day before Brune issued his decision, an expert panel convened for [a webinar](#) on health impacts and mercury exposure from the mine.

“The river, as well as the land, are essential for sustaining the food and resources we depend on,” **Gloria Simeon of Bethel**, an ONC Tribal citizen said at that event. “This is our land. This is where we belong.”

“There is nothing more important to Kuskokwim communities than maintaining a way of life that has sustained them through millennia -- a way of life that is integrally intertwined with the salmon and smelt of the Kuskokwim River and its tributaries,” said **Mark Springer, Executive Director of Orutsararmiut Native Council**. “The Donlin mine would be a direct threat to water quality, to the many fish that traverse these waters, and to the Kuskokwim way of life.”

“There is no mine on Earth of this size or type that has ever succeeded in not contaminating surrounding waters, and Donlin will be no different,” said **Olivia Glasscock, Earthjustice attorney** representing Orutsararmiut Native Council. “Earthjustice will continue to challenge this short-sighted plan, which would rob an entire region of a priceless river only to line the pockets of mine developers.”

#### BACKGROUND

According to the Clean Water Act, the U.S. Army Corps of Engineers is required to obtain a 401 certificate from the state of Alaska as part of the permitting process for the Donlin project. The Final Environmental Impact Statement (FEIS) for the Donlin Gold Project concluded, based on extensive study, that operation of the Donlin Mine would lead to violations of numerous state water quality standards for mercury and water temperature. Judge Sullivan’s findings concurred with the FEIS, noting that Alaska’s Department of Environment and Conservation cannot provide “reasonable assurance” that Donlin will meet Alaska’s water quality standards.

Commissioner Brune, who rejected Judge Sullivan’s finding, was appointed by Gov. Dunleavy after a private career in resource development. He served as an advocate for the Pebble Mine in his position as Government Affairs/Public Relations Manager at Anglo American, the former owner of Pebble Mine. He also served as Executive Director of the Resource Development Council.

Within a year of former President Donald Trump’s inauguration, the U.S. Army Corps of Engineers issued a joint Record of Decision with the Bureau of Land Management authorizing the key Clean Water Act permit required for the Donlin Gold project. That approval was granted despite concerns flagged in the Environmental Impact Statement about destruction of salmon spawning habitats and releases of mercury into the air and water far in excess of Alaska’s standards. Under fish habitat permits issued by the Alaska Department of Fish and Game, Donlin would be authorized to permanently eliminate salmon streams.

Resolutions opposing the Donlin project have been adopted by the Association of Village Council Presidents which represents all tribal governments in the region. Additionally, 13 Tribal

Governments, the Yukon Kuskokwim Health Corporation, and the National Congress of American Indians.

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