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Conservation Groups Join Tribe's Appeal of Faulty Waste Management Permit for Palmer Project

Mine project in Chilkat River watershed threatens traditional subsistence, clean water, wild salmon and community health

Haines, Alaska Deishú/Lkóot and Jilkáat Kwáan (Nov. 7, 2022) — Audubon Alaska, Lynn Canal Conservation, Rivers Without Borders, Southeast Alaska Conservation Council, and the Takshanuk Water Council, on November 3, joined the Chilkat Indian Village of Klukwan (CIV) in filing an appeal to the Alaska Department of Environmental Conservation (DEC) regarding the waste management permit for the Palmer Project's exploration project in Southeast Alaska's Chilkat River watershed. The appeal asked DEC to conduct a formal review and rescind the permit.

The latest appeal follows a three-year effort, starting in 2019, to get adequate protections for the Chilkat Valley's fish and wildlife. The Palmer Project plan calls for contaminated wastewater to be discharged near Glacier Creek, a tributary of the Chilkat River. In 2019, DEC granted informal review to consider the risk that the project's wastewater would enter the creek. But DEC did not reach a decision in that review process until this October, when the agency dismissed the risk of polluting the creek and reissued the permit with minimal changes—despite a complete redesign of the wastewater management plan and without the opportunity for public comment on the changes. In fact, the information in the record indicates the facility will very likely discharge to Glacier Creek. Appellants hold that the DEC still cannot ensure the Palmer Project disposal system will meet the state and federal laws protecting Alaska's waters.

Within hours, DEC notified the plaintiffs that it had conditionally approved the request for formal review. However, the Office of Administrative Hearings will make the final decision on whether a review is necessary. The permittee and DEC staff will have 20 days to submit responses to the request.

For three years, organizations in the Chilkat Valley and across Alaska have called for a transparent public process on this permit and an assessment of the risks of mining to the pristine lands and waters of the Chilkat Valley. The Chilkat Valley has provided for its people

since time immemorial. It is home to all five species of wild Pacific salmon and the Chilkat Bald Eagle Preserve, which attracts nearly 4,000 bald eagles each fall — the largest gathering of bald eagles on earth. The gravels of the Chilkat River watershed provide critical, natural habitat for millions of salmon. Mining in the headwaters of this watershed would threaten the future of healthy salmon runs across Southeast Alaska.

“The Chilkat River watershed deserves nothing less than the absolute best science and the highest level of environmental safeguards that we can provide. This waste management permit falls far short of that standard,” said **Derek Poinsette of the Takshanuk Watershed Council**.

“The jointly filed request for an adjudicatory hearing and a stay of action on the Palmer Project is about the need for appropriate public process. The wastewater permit was remanded in 2019 because the Department of Environmental Conservation had not been able to decisively demonstrate that contaminated water would not end up polluting public waters and reaching downstream communities like Klukwan,” said **Meredith Trainor, Southeast Alaska Conservation Council Executive Director**. “DEC’s decision here failed to include public notification or engagement, and significantly underestimates the real risks of the Palmer Project’s planned approach to waste management. We’re asking DEC for a formal hearing on this permit and a stay of action on the implementation of the waste discharge system so that the state can do its job by ensuring meaningful public participation and reexamining what to us is an obvious need for more comprehensive analysis of the implications of this planned mine development.”

“The Chilkat River’s coho salmon run is often the largest in southeast Alaska. A unique late chum salmon run through February attracts the largest seasonal concentration of bald eagles in the world to the Alaska Chilkat Bald Eagle Preserve. Since 90% of the people in Haines and Klukwan depend on Chilkat fish for food and cultural practices, DEC needs to do a better job of safeguarding these resources from the adverse effects of the Palmer project,” stated **Chris Zimmer of Rivers Without Borders**.

The mine plan calls for a mile-long underground tunnel, drilled beneath the glacier and into the Chilkat Mountains, thereby producing the wastewater. The tunnel would intercept groundwater contaminated by blasting activities and drain into the headwaters of Glacier Creek. Once this seepage begins, it is very difficult to stem.

“Palmer’s base camp and access roads kept washing downstream this summer, and the site gets buried under avalanches every winter. Yet, as our appeal points out, DEC has not considered these environmental hazards in its approval of Palmer’s permit. DEC needs to require Palmer to design a wastewater discharge plan that protects downstream communities regardless of the weather,” said **Jessica Plachta of Lynn Canal Conservation**. “DEC’s habit of bending over backward to rubber stamp Palmer permits puts Chilkat water quality and salmon, and those of us here who depend on these resources, at risk.”

“Many people in the Chilkat Valley live a traditional subsistence way of life that relies on clean water. The wastewater discharge permit is a serious threat to them, and to everyone who relies on the tourism and commercial fishing that the valley’s pristine waters support. A Clean Water Act discharge permit, at the very least, is needed to ensure that the Palmer Project mine complies with legal protections for Alaska’s waters,” said **Erin Colón, attorney for Earthjustice.**

The appeal was filed by Earthjustice, which is representing CIV, Southeast Alaska Conservation Council, the Takshanuk Watershed Council, Lynn Canal Conservation, Audubon Alaska and Rivers Without Borders.

Note to media:

CIV has issued its own press release that can be found [here](#).

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