



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources

OFFICE OF THE COMMISSIONER

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March 27, 2019

Jones Hotch  
Chilkat Indian Village  
32 Chilkat Avenue  
Haines, AK 99827

APR 01 2019

Dear Mr. Hotch:

I am in receipt of your 20 February 2019 correspondence requesting formal consultation, and I appreciate the opportunity to respond. The Department of Natural Resources (“DNR”), both as a matter of good practice and in fulfillment of legal requirements, routinely engages with citizens, including tribal representatives, as part of our mission to develop, conserve and maximize the use of Alaska’s natural resources consistent with the public interest. Although interactions between DNR representatives and interested citizens are important for maintaining open dialogue and building productive relationships, DNR must be cautious not to undermine the legally-required public notice and comment periods used for collecting input that informs State permitting decisions. Accordingly, your request to “establish and outline an official consultation process” is respectfully denied.

Your correspondence referenced the 2001 Millennium Agreement (the “Agreement”) between federally recognized tribes and the State of Alaska. The Agreement was a policy directive from former Governor Tony Knowles that did not obligate future administrations. It was recognized at the time that subsequent administrations may adopt a different policy, which is why the Agreement is not binding on all subsequent administrations. DNR respectfully highlights the following from the Agreement: “...This agreement is a policy directive and does not create legally binding or enforceable rights.”<sup>1</sup> For these reasons, DNR is not currently implementing the Agreement. However, you are welcome to contact Kyle Moselle,<sup>2</sup> Associate Director of DNR Office of Project Management and Permitting, with general questions about the Palmer Exploration Project and upcoming public comment periods. Keep in mind, any specific concerns, suggestions, and/or comments you have will need to be provided through the public notice and comment period described below.

The Palmer Exploration Project will require several State permits and/or authorizations before it may begin construction or operation as a producing mine. Those permits and/or authorizations will require approval not only from DNR, but also other State agencies such as the Departments of Environmental Conservation (“DEC”) and Fish and Game (“DFG”). DNR and DEC are

<sup>1</sup> Agreement, Section VI., para. 31.

<sup>2</sup> 907-465-6849 or [kyle.moselle@alaska.gov](mailto:kyle.moselle@alaska.gov).

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preparing a joint-agency public notice and comment period for the Draft Reclamation Plan Approval and Draft Waste Management Permit required for the proposed Palmer Exploration Project Phase II Plan of Operations. I encourage you to submit your project-specific comments during that time, so that each respective agency may consider your input and, as necessary, make any adjustments before final decisions are reached.

The joint-agency public notice for the Draft Reclamation Plan Approval and Draft Waste Management Permit will be posted to the Online Public Notices website,<sup>3</sup> as well as DNR's Large Project website for the Palmer Exploration Project.<sup>4</sup> Please continue to monitor the above websites for these and future public notices and current project-related information. The Online Public Notices website offers a "subscribe" feature located at the bottom of the "Search" portal. This feature allows users to subscribe to all notices or subscribe to notices based on specific search criteria. Once completed, you will receive automatic notifications when a public notice matching your subscription have been posted to the Online Public Notices website.

Sincerely,



Corri A. Feige  
Commissioner

APR 01 2019