



TRUSTEES FOR ALASKA

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Dear Friend,

After four rewarding years as Executive Director of Trustees for Alaska, Trish Rolfe has determined that family circumstances require her to leave the organization. Trustees for Alaska has flourished under Trish's capable stewardship. We, and the Alaska conservation community, are deeply grateful for the leadership role Trish has played in protecting the state's natural resources. We wish Trish the very best.

On November 1, our Legal Director, Vicki Clark, will become Executive Director. We are most fortunate in having someone of Vicki's competence and accomplishment to succeed Trish. Vicki joined Trustees for Alaska as a staff attorney in 2003 and since 2007 has served as our Legal Director. She has been counsel in many of our most significant cases, including litigation over the Pebble Mine, while supervising six attorneys and guiding the office's far-flung legal work. She has traveled widely in rural Alaska, representing residents in remote villages facing some of the state's severest environmental threats. Vicki is a passionate advocate, a skilled administrator, and a respected environmental leader in Alaska. We are delighted to name her as our next Executive Director.

Sincerely,

Board Chair

P.S. As always, we offer many ways to give. Your contribution of \$50, \$75 or \$100 is an investment in Alaska's future. In addition to making a one-time gift, you can increase the value of your gift by joining our monthly giving program. By choosing the monthly giving option you will reduce mail costs so more of your gift goes directly to protecting the environmental and social health of Alaska. Both options are available on our website www.trustees.org — click on Donate Now — it's now easier than ever!

Trustees for Alaska Welcomes Legal Help from Across the Pond



Our new legal extern for the fall is Sarah Mackie. Sarah finds herself a long way from home, having travelled over 6,500 miles from Newcastle upon Tyne in the United Kingdom to join us. Sarah completed her undergraduate degree at Cambridge University and has recently finished a master's degree in environmental law. As well as learning about the differences between English and American law, Sarah is eager to gain practical experience in environmental law to add to the knowledge she gained from her master's degree.

Sarah is keen on outdoor activities and is enjoying discovering the various adventures that Alaska has to offer. A glacier boat trip, hiking up Flattop Mountain and swimming in Rainbow Lake, Willow have been some recent highlights. She is looking forward to the first snow, seeing the northern lights and the prospect of learning to cross-country ski.

by Sarah Mackie, Legal Extern

Photo courtesy of Sarah Mackie

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Instream Flow Reservations Must be Adjudicated to Protect Salmon Habitat in the Chuitna River Watershed



Chuitna River

On October 15, 2013, the Superior Court ruled that the Alaska Department of Natural Resources (DNR) failed to follow the law when it let water rights applications for instream flow reservations languish. The applications were filed by Trustees for Alaska on behalf of the Chuitna Citizens Coalition to protect a salmon stream in the Chuitna River Watershed proposed for the Chuitna coal strip mine. Trustees for Alaska sued to force DNR to process water rights applications that were filed in 2009. The court held:

Letting three applications languish over the course of four years with no action is not reasonable. Therefore, the Court finds that DNR has unreasonably withheld agency action on Chuitna's applications.

The court also held that DNR violated Chuitna Citizens Coalition's due process rights. Here is a link to the Anchorage Daily News story: <http://www.adn.com/2013/10/17/3129757/judge-state-wrong-in-ignoring.html>.

In February, Trustees for Alaska won a case in the Alaska Superior Court about protecting water for fish habitat. (<http://trustees.org/media/Sitelimages/TfA-February-2013-Legal-Brief.pdf>). The Court ruled that DNR must consider pending applications for instream flow reservations when it allows other users to remove water from the same waterbody. These cases are important victories for protecting salmon habitat in the face of industrial water users, like the developer of the proposed Chuitna coal strip mine.

Since the filing of these lawsuits, DNR and Governor Parnell have sought controversial legislative changes that would strip citizens of the right to seek these instream flows to protect fish and wildlife habitats, as well as strip the public's right to participate in many other aspects of resource development permitting. That bill, HB 77, passed the Alaska House last session. DNR is likely to continue to push for its passage in the Alaska Senate during the legislative session in 2014. Trustees for Alaska will continue to fight the passage of HB 77.

by Valerie Brown, Senior Staff Attorney and Vicki Clark, Legal Director



Pebble exploration drill rig discharging to tundra.

AngloAmerican Withdraws From Pebble Project

The proposed Pebble Mine suffered a financial setback in September when AngloAmerican, one of the world's largest mining corporations, announced its withdrawal from the Pebble Limited Partnership (PLP). AngloAmerican's departure leaves a much smaller company, Vancouver-based, Northern Dynasty Minerals, to pursue the controversial project proposed for the headwaters of the world's most productive salmon fishery. AngloAmerican had agreed to invest \$1.5 billion for exploration, permitting and development. By withdrawing from its 50-50 partnership with Northern Dynasty, AngloAmerican abandoned \$540 million it has spent to date. Mark Cutifani, Chief Executive of AngloAmerican, said that his company had decided to walk away after it assessed its options and "prioritize[d] capital to projects with the highest value and lowest risks."

Cutifani did not itemize those risks, but they include devastation to the fishery, public opposition in the Bristol Bay region and throughout Alaska, a growing national anti-Pebble campaign, a Bristol Bay Watershed assessment by the Environmental Protection Agency, and litigation. PLP has funneled some of the money it got from AngloAmerican into public relations campaigns, as well as initiating or countering lawsuits. PLP spent over \$1 million to step into the case Trustees for Alaska filed against the State of Alaska on behalf of Nunamta Aulukestai, Violet Willson, Bella Hammond, Victor Fischer, and Ricky Delkittie, Sr. That lawsuit challenged the State's rubber-stamp approvals of exploration permits without any prior public notice or any assessment of the public interest. A superior court judge ruled no notice or analysis is required, and then allowed the State and PLP to seek attorneys' fees — normally not allowed in constitutional public interest lawsuit — and to launch an inquiry into the plaintiffs' private finances, as well as the finances of Trustees for Alaska and Alaska Conservation Foundation, which had provided funding for the lawsuit. The judge's rulings have been appealed to the Alaska Supreme Court and are scheduled for oral argument on December 17, 2013, in Anchorage.

by Nancy Wainwright, Senior Staff Attorney