



# TRUSTEES FOR ALASKA

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**Legal Brief**

**February 2013**

Dear Trustees for Alaska Supporter,

Trustees for Alaska has been very busy! Because of your support and dedication, Trustees for Alaska celebrated a victory last month in our efforts to protect the salmon in the Chuitna River Watershed.

We also filed a lawsuit representing seven individuals from the Native Village of Nuiqsut, which challenges the U.S. Army Corps of Engineers permit for the CD-5 drilling project on the North Slope in an effort to protect hunting and fishing grounds.

Please read more about these cases in this issue of Legal Brief. And if you like what you read, please **Donate Now** to help keep our work going. Your contribution of \$100, \$75 or \$50 is an investment in Alaska's future and will help to protect generations to come.

Thank You!

Sincerely,

Trish Rolfe  
Executive Director

## **Court Agrees State of Alaska Not Protecting Chuitna Salmon ~ A Win for Fish!**

In a victory for salmon, the Alaska Superior Court ruled that the Department of Natural Resources (DNR) violated its own rules by denying Alaskans' their right to keep water in streams to protect wild salmon runs.



Trustees for Alaska, on behalf of our clients, the Chuitna Citizens Coalition, filed for instream flow rights on Middle Creek, which supports wild runs of Chinook and Coho within the Chuitna River Watershed. DNR accepted these applications but refused to process them. DNR then approved Temporary Water Use Permits (TWUP) allowing PacRim Coal to remove up to 305,000 gallons from the same waterbody without any consideration of the pending request for instream reservation of water. Chuitna Citizens appealed the TWUP decision, arguing DNR had to consider the water they had requested for fish habitat before giving water to PacRim. The DNR Commissioner dismissed Chuitna Citizens' claims, but The Alaska Superior Court overturned the DNR decision, holding that DNR had to consider Chuitna Citizens application to keep water in the stream for fish.

## **Trustees for Alaska Represents Nuiqsut Residents in a Challenge of Corps of Engineers Permit to Protect Critical Hunting and Fishing Grounds**



Last month, on behalf of seven residents from the Native Village of Nuiqsut, Trustees for Alaska filed a challenge to a U.S. Army Corps of Engineers permit for the CD-5 drilling project on the North Slope, north of Nuiqsut. The Corps

failed to consider the impacts to subsistence resources from the construction of a road and multiple bridges through pristine untouched Arctic slope habitat vital for birds, fish and caribou. The CD-5 project threatens the subsistence way of life of the plaintiffs and the Nuiqsut community because it is located in the heart of key hunting and fishing grounds.



Please visit our website at [www.trustees.org](http://www.trustees.org)