



TRUSTEES FOR ALASKA

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Greetings,

I used to enjoy seeing beluga whales frolicking in the waters of Cook Inlet from my office window. Now that formerly frequent and welcome sight is a rarity throughout these waters.

This front row seat view provides me with a direct glimpse into the impacts that climate change and other factors are having on Alaska's landscape, its waters, its wildlife and its people.

Just across the inlet that these beluga whales call home, the proposed Chuitna coal project would allow strip mining through 11 miles of a thriving salmon stream. If developed, this mine poses a very real and serious threat to water quality, salmon habitat, and the very existence of the region's already drastically depleted Cook Inlet beluga whale population. On a broader scale, continuing to mine and burn fossil fuels as dirty as coal can only speed us to the tipping point beyond which the accelerating and disastrous effects of climate change cannot be reversed.

That is why our team at Trustees for Alaska is using all of its legal muscle to challenge this short-sighted project. We are encouraging public input from all concerned stakeholders, and especially from the people who directly rely upon the wild salmon and other resources that would be threatened by Chuitna.

Read more in this latest issue of *Legal Brief* about our fight against this project and our continued efforts to see that the State of Alaska abandons its rubber stamp approach to industrial permitting and instead fulfills its duty to provide concerned citizens with meaningful opportunities to voice their concerns.

Your help is still needed so we can continue our work to protect Alaska. Please join us by visiting our website (www.trustees.org) and Donate Now so that we can keep the priorities of our clients at the forefront of these important legal battles. Thank you!

Sincerely,

Trish Rolfe, Executive Director

Trustees for Alaska Seeks Common Sense Rule from State of Alaska to Protect Wild Salmon

Petition also requests public notice to ensure meaningful participation



The State of Alaska routinely touts its rigorous permitting system for industrial development. Yet there's no law or policy that prohibits the complete destruction of salmon streams from coal strip mining.

Earlier this month, Trustees for Alaska filed a petition requesting that the Alaska Department of Fish & Game (ADF&G) Commissioner Cora Campbell consider adopting basic rules to protect wild salmon habitat and provide Alaskans a meaningful opportunity to participate in salmon habitat decisions.

On behalf of our clients, Cook Inletkeeper, Chuitna Citizens Coalition, Northern District Setnetters Association of Cook Inlet, and United Cook Inlet Drift Association, we asked for modifications to ADF&G's existing rules to include a rule that would prohibit surface coal mining operations through wild salmon streams. We also asked ADF&G to provide public notice to Alaskans for so-called "Title 16" permits. These permits are required to destroy or impair wild fish habitat, but they are granted with no public notice or input no matter the size of the request.

"Alaska's wild salmon are a public resource. They're my fish, your fish, our fish, and we have an obligation to protect them for our kids," said Rob Ernst, a commercial fisherman and Cook Inletkeeper Board member.

"Alaskans have a right to know when a corporation wants to impact our wild salmon runs so we can have a meaningful opportunity to engage in the process. Getting public notice of projects that will harm our salmon habitat is a good start."

Pressure for regulatory changes comes in part from the proposed Chuitna coal strip mine in Upper Cook Inlet, where PacRim Coal LLC is proposing Alaska's largest coal strip mine with plans to export coal overseas. PacRim's plan calls for the total removal of over 11 miles of wild salmon streams - from bank-to-bank, down hundreds of feet. PacRim claims it will create a new salmon stream after mining, but it's never been done before and experts say it's impossible to re-create the complexities of a wild salmon stream. To read expert comments, please visit: <http://chuitna.org/documents/expert-comments/>

The petition also highlights disturbing trends in salmon habitat management, and notes Alaska is starting to repeat the habitat mistakes made elsewhere where once-healthy fish runs have collapsed. To learn more visit: <http://inletkeeper.org/resources/contents/the-war-on-alaska-salmon/view>

ADF&G has 30 days to respond the petition.

by Valerie Brown, Senior Staff Attorney

11 Million Acres of Important Wildlife Habitat Protected!

Trustees for Alaska Applauds This Decision



In February, out-going Interior Secretary, Ken Salazar, finalized his decision to protect 11 million acres of sensitive habitat in the National Petroleum Reserve-Alaska. To read more about this victory for caribou, birds, and nearby Native Villages, find more information in the *February 2013 Issue of Legal Brief* on our website: www.trustees.org

Cook Inlet Belugas Struggle to Recover

Recovery Threatened by Multiple Industrial Development Projects in Cook Inlet

In January, scientists from the National Oceanic and Atmospheric Administration (NOAA) released the latest population estimate for the Cook Inlet beluga whales, and it was not good. While the 2012 population estimate was slightly lower at 284 whales, NOAA's 2013 estimate of 312 whales shows a continued population decline when viewed over the last 10 years. You can read NOAA's press coverage here: <http://alaskafisheries.noaa.gov/newsreleases/2013/cibelugapop2012.htm>

In 2012, the estimate was the second lowest since NOAA began its annual surveys in 1993. The failure to see a significant increase in the population reveals that the whales are not recovering.

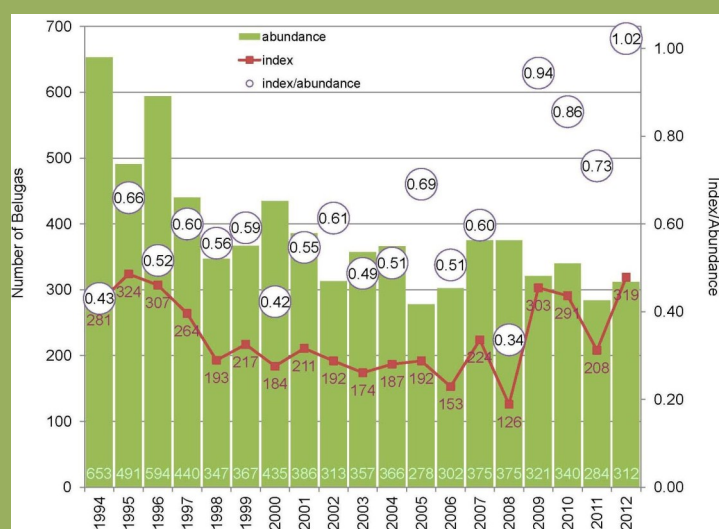
In 2008, in response to a petition drafted by Trustees for Alaska, the beluga was listed as an endangered species under the Endangered Species Act. In 2010, the State of Alaska challenged the listing of the species in court. On behalf of various conservation groups, Trustees for Alaska intervened in the lawsuit and fought to uphold the endangered species status. In the fall of 2011, we won and the beluga remains protected as an endangered species. The full Court opinion can be viewed here: <http://alaskafisheries.noaa.gov/newsreleases/2013/cibelugapop2012.htm>

But being listed as an endangered species has not yet stopped the decline. More must be done to help the beluga whales fully recover.

Unfortunately, there are numerous projects in the Cook Inlet watershed that threaten the beluga whales and their critical habitat. These threats include oil and gas activities, including seismic exploration; massive construction projects in key critical habitat, like the Knik Arm Bridge and development of the Port of Anchorage and Port MacKenzie; waste discharges from the Anchorage wastewater treatment plant; and large-scale mining projects like the proposed Chuitna coal strip mine and the proposed Pebble mine.

Trustees for Alaska has been representing conservation groups working to protect the beluga for over two decades and will continue our work until the population has recovered to a healthy and sustainable level.

by Brian Litmans, Senior Staff Attorney



Annual abundance estimates (green bars) and median index counts (red line) for beluga aerial surveys, Cook Inlet, Alaska, 1994-2012. Circles show index counts divided by abundance estimates (note: in most years the index count is between 50% - 70% of the total abundance estimate). [From Sheldon, Sims, Brattström, Mocklin, and Hobbs, "Aerial Surveys of Belugas in Cook Inlet, Alaska, June 2012," Figure 6.

To view NOAA's Aerial Survey Report, visit here: <http://alaskafisheries.noaa.gov/protectedresources/whales/beluga/survey/june.12.pdf>



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