

**For Immediate Release:**

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**U.S. Army Corps of Engineers Did Not Consider All of the Impacts of the Colville River Delta Project**

**Federal Court Requires the Corps to Revisit Its Analysis**

Anchorage, Alaska—On May 27, 2014, a Federal Judge ruled in favor of five Alaska Natives from Nuiqsut, finding that the U.S. Army Corps of Engineers (“Corps”) violated the law when it approved a permit for the Colville River Delta 5 (“CD-5”) project near their community. The court held that the Corps failed to consider all of the impacts from an oil and gas project in the ecologically valuable Delta. The project at issue is called the Colville Delta 5 (“CD-5”) project and is being advanced by ConocoPhillips.

“We depend on this area for our subsistence way of life, our traditions, and our culture. I want to be able to teach my grandchildren how to hunt and take care of the land like my elders taught me. This project threatens all of that,” said Sam Kunaknana, a plaintiff in the case.

The Corps issued a permit to ConocoPhillips to build multiple bridges and a six-mile-long road extending from the CD-5 drilling pad to the existing Alpine Satellite drilling locations in the Colville River Delta, through key fishing and hunting areas for the residents of Nuiqsut. The Colville River Delta is the largest and most complex delta in the Arctic Coastal Plain. Many species of birds and fish and the Central Arctic and Teshekpuk Lake caribou herds live in or rely on the Delta. The Delta provides crucial subsistence hunting and fishing resources for the residents of Nuiqsut. Over half of the subsistence fish harvested by Nuiqsut residents each year are harvested from the Nigliq Channel, which the largest bridge is slated to cross.

“This project is in the heart of our hunting and fishing grounds, and is already jeopardizing our ability and the ability of future generations to provide for the community,” said plaintiff Martha Itta. “A project that threatens this area is a threat to our community and our way of life.”

The plaintiffs are represented by Trustees for Alaska, an Alaska-based non-profit environmental law firm.

Trustees for Alaska’s Executive Director applauded the decision. “This is a victory for the Arctic and all of those who rely on its abundant subsistence resources. It’s clear that the Corps’ decision rested on shaky facts and projects like this one require public input, especially when there are direct impacts to a community’s way of life,” said Victoria Clark, the Executive Director. “The Corps now has the opportunity to go back and fully consider all the impacts, including subsistence impacts, from this project.”

*\* The Nuiqsut plaintiffs can sometimes be difficult to reach. The best time to contact Sam Kunaknana is between 12 and 1 p.m. or after 5 p.m. Alaska time.*

The Corps originally denied the permit request in 2010 because the proposed project threatened the sensitive and valuable Colville River Delta, suggesting that a roadless project would have fewer environmental impacts. But in 2011, the Corps flip-flopped and said Conoco could build a road and several bridges in the middle of this important subsistence area without revisiting concerns that led the Corps to deny the permit in the first instance.

The lawsuit alleged that the Corps violated the National Environmental Policy Act (“NEPA”) because it failed to consider new information and changes to the CD-5 project. The lawsuit also alleged that the Corps violated the Clean Water Act (“CWA”) because the agency failed to adequately explain the reversal of its decision. The Court agreed with the Nuiqsut plaintiffs that the Corps violated NEPA because the Corps did not adequately explain why it did not prepare a supplemental NEPA analysis. The Court has not yet ruled on whether the Corps complied with the CWA.

*Trustees for Alaska, established in 1974, is Alaska’s homegrown nonprofit public interest environmental law firm. Trustees provides legal counsel and services free of charge to community and citizen groups, Native villages, statewide coalitions, conservation groups, hunting and fishing groups, and individual Alaskans, to protect and sustain Alaska’s lands, waters, wildlife and people.*

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