



TRUSTEES FOR ALASKA  
SUSTAIN | PROTECT | REPRESENT

# ANNUAL REPORT FY15

# LETTER FROM THE EXECUTIVE DIRECTOR

## DEAR SUPPORTERS:

Trustees for Alaska earned major legal victories in Fiscal Year 2015. Among the many victories: wilderness was protected from road development and the illegal use of hovercraft; the public's right to participate in decisions affecting public lands that they rely upon was upheld; the unpermitted dumping of coal into Resurrection Bay was found to be illegal; and efforts by the State of Alaska to do exploratory drilling in the Arctic National Wildlife Refuge was stopped.

Winning our constitutional challenge before the Alaska Supreme Court to require public notice for the exploration activities at the proposed Pebble Mine was a hard-fought highlight. This win is significant for many reasons. It ensures that the people of Bristol Bay have a say in decisions that could devastate their livelihoods and very way of life. It further reinforces every citizen's constitutional right to public notice in similar natural resource decisions. And it ultimately decided that such constitutional challenges do not require plaintiffs to pay attorneys' fees and costs should they lose.

But it also symbolizes the many strengths of Trustees for Alaska. Without the vision and support of our Board of Directors, we would not have had the ability to take on such a large legal

challenge. Without our keen legal team, we would not have brought forth the winning legal arguments. Without our resilience, we would not have sustained our effort over the many years it took to complete the legal process. Without our supporters, we would not have had the significant financial means to go to court to protect Bristol Bay.

We couldn't do what we do without the steadfast support of our donors. It is because you have faith in us and invest your financial support in us that we can provide our legal services where they are needed most, free-of-charge. You are a critical partner of the Trustees for Alaska legal team. You are instrumental to the legal successes that protect and defend Alaska's lands, waters, wildlife, and communities.

Thank you!



Victoria Clark  
Executive Director



## BOARD CHAIR BATON PASSED

Longtime Board Chair Steve Cotton ended his officer role at the end of the fiscal year. Steve joined the Board of Directors in 2005. In 2008, Steve left the Board to become the Acting Executive Director, a role he fulfilled for a year as a volunteer, before returning to serve on the Board of Directors. He became Chair in 2010. It was under his leadership that Trustees for Alaska initiated the Pebble constitutional lawsuit. Steve continues to serve on the Board.

Taking over the reins from Steve is Michelle Meyer who joined the Board in 2011. She is of Tlingit heritage and grew up in Yakutat, Alaska, where she was inspired by her parents and community to live a life of environmental stewardship. Michelle now lives in Washington State but her heart belongs to Alaska.



Stephen E. Cotton  
Board Chair



Michelle Meyer  
Board Member



# PROGRAM HIGHLIGHTS

## CLEAN WATER & AIR

*“As subsistence users of the region, we know that exploration is having a serious impact on land, water, wildlife, and fish. We rely on these resources for survival, yet DNR has never evaluated these impacts or let us participate in the decisions to allow them.”*

*- Kim Williams, Executive Director for Nunamta Aulukestai.*

### Pebble Mine Permits Ruled Unconstitutional

Trustees for Alaska's defense of the public process succeeded when the Alaska Supreme Court ruled that the State of Alaska violated the Alaska Constitution in issuing two decades of permits for the Pebble Project. The permits were issued without public notice or evaluation of whether exploration activities in the Bristol Bay area were in the public interest. The Bristol Bay watershed is the largest wild salmon fishery in the world.

In 2009, Trustees for Alaska challenged the Department of Natural Resources' (DNR) failure to give public notice or provide for comment on behalf of concerned citizens in the Bristol Bay region. The lawsuit challenged the permits based on the resource protections in the Alaska Constitution. Trustees argued that issuance of the permits violated Article VIII because there was no public process.

The Court's decision means that all Alaskans, especially those whose rights and livelihoods are jeopardized by intensive exploration activities like those at Pebble, have the constitutional right to participate in the decisions affecting them.

Pebble drilled more than 1,200 boreholes in the Bristol Bay watershed, some as much as a mile deep, leaving behind casings and grout material. It conducted thousands of seismic explosions, dug dozens of test pits, dispersed drilling fluids onto the tundra, and disposed of drill cuttings and toxic waste in unlined pits. It also incurred numerous fuel spills—all without public notice or comment.

Pebble also made hundreds of helicopter trips that dispersed wildlife that local residents rely on for subsistence.

Trustees for Alaska represented Nunamta Aulukestai, an association of ten village corporations and ten tribes in the Bristol Bay region; former First Lady Bella Hammond; State Constitutional Convention delegate and scholar Vic Fischer; and Bristol Bay residents Ricky Delkittie, Sr. and Violet Willson (now deceased).



# PROGRAM HIGHLIGHTS

## CLIMATE CHANGE

### ***A Cleaner, Healthier Seward***

After over a decade of coal falling from the Seward Coal Loading Facility into Resurrection Bay and six years of litigation, the Ninth Circuit Court of Appeals found that the Seward facility violated the Clean Water Act. Nearly one year later, the facility finally applied for a permit and began making necessary changes to limit the amount of coal falling into the Bay. Settlement negotiations are underway to finally resolve the case. Trustees for Alaska represents Alaska Community Action on Toxics and the Sierra Club.

### ***Mining Challenged in Matanuska Neighborhoods***

Trustees for Alaska filed a lawsuit on behalf of several community groups, including the Castle Mountain Coalition, against the federal Office of Surface Mining Reclamation and Enforcement (OSM). The suit challenges OSM's decision to allow Usibelli Coal Mines to operate under an expired permit. After a decade of no mining activity and a significant influx of people to the Matanuska Valley, a new permit and public process is necessary.

### ***First Private Water Reservation To Be Decided***

For the first time since statehood, DNR is processing applications for instream flow water reservations to private citizens. Trustees for Alaska filed an application on behalf of the Chuitna Citizens Coalition in 2009. After challenging DNR's failure to act on the applications, the court ordered adjudication and is overseeing the process. DNR held a hearing in August 2015 on the applications to secure water rights for part of Middle Creek, a tributary of the Chuitna River and an important salmon spawning and rearing habitat.



# PROGRAM HIGHLIGHTS

## AMERICA'S ARCTIC

### ***Arctic National Wildlife Refuge Protected, Again!***

Trustees for Alaska successfully defended the Arctic National Wildlife Refuge from yet another attempt by the State of Alaska to open the Coastal Plain to oil and gas exploration. The court agreed that the time for exploration passed decades ago under the law. Trustees for Alaska, along with co-counsel, represented nine organizations to achieve this win. The State did not appeal the decision, so it stands.

### ***Wilderness Recommended for the Coastal Plain***

A coalition of conservation groups concerned about the Arctic Refuge, including Trustees for Alaska, spent many years supporting and lobbying for a Wilderness recommendation. This year we got it when President Obama recommended Wilderness designation for most of the Arctic National Wildlife Refuge, including the Coastal Plain. The recommendation was made after the extensive analysis of the Comprehensive Conservation Plan was finalized. It reverses the Reagan-era recommendation to open the entire Coastal Plain to oil and gas development.



# PROGRAM HIGHLIGHTS

## MARINE ECOSYSTEMS

### ***Bristol Bay Protected from Oil and Gas!***

A broad coalition, including Trustees for Alaska, celebrated President Obama's decision to make Bristol Bay off limits to oil and gas development. The President called the area "one of America's greatest natural resources and a massive economic engine" as well as a "beautiful natural wonder." Trustees for Alaska provided legal services for a decade to achieve this permanent protection.

## WILD LANDS AND WILDLIFE

### ***Izembek Waterfowl Habitat Remains Protected***

Trustees for Alaska represents eight clients in a legal fight to protect Izembek National Wildlife Refuge from a land swap and unneeded, expensive and dangerous road proposed through internationally important waterfowl habitat. This year's success stems from a federal judge ruling that the Secretary of the Interior made the correct decision when she rejected the proposed incursion into Wilderness. The decision has been appealed to the Ninth Circuit Court of Appeals.

### ***Waters in National Lands Protected***

Trustees for Alaska filed an *amicus curiae*, or friend of the court, brief on behalf of the National Parks Conservation Association defending the National Park Service's authority over navigable waters within its boundaries. Two separate cases by hunters illegally using hovercraft within Yukon-Charley Rivers National Preserve lost their appeals to the U.S. Court of Appeals for the Ninth Circuit and upheld the Park Service's authority.



# THE NEXT GENERATION

## SUMMER 2016 INTERNS

Each year interns arrive to spend their summer with Trustees for Alaska. They conduct legal research, draft pleadings, participate in client meetings, and assist with litigation. Interns provide critical legal support to Trustees while they gain valuable on-the-ground legal experience for their future careers.



### ***Kat Fiedler***

My summer internship with Trustees for Alaska has been invaluable. I developed legal skills and a better understanding of our legal and regulatory system regarding numerous environmental issues. At the same time, I also gained a better understanding of our role as (future) public interest environmental attorneys and how we fit into the many different efforts and avenues to protect the environment.

***Kat Fiedler, Pace Law School***



### ***Nicole Budine***

Interning with Trustees for Alaska was a fantastic and rewarding experience. During my time at Trustees, I worked with impressive and enthusiastic attorneys and staff members on a variety of environmental issues impacting Alaska. My work at Trustees ranged from drafting memos and sections of comments to researching potential mining projects.

***Nicole Budine, University of Oregon***



### ***Michael Harvey***

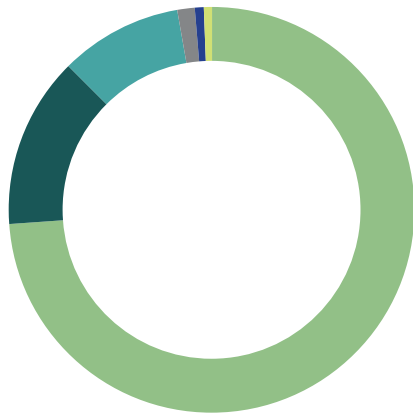
I had the opportunity to work on a variety of projects, exposing me to the tremendous breadth and depth of legal issues that go into public interest environmental advocacy. The people at Trustees are not only wonderful to work with, but are also excellent attorneys who truly cared about contributing to my professional development.

***Michael Harvey, University of Washington Law School***

# FINANCIALS

2015

## REVENUE



Grants 73%	\$751,448
Individuals 15%	\$154,889
In-kind Revenue 9%	\$96,299
Interest <1%	\$3,134
Other <1%	\$7,335
Colleen Burgh Fund for Science and the Law 1%	\$13,325
<b>Total:</b>	<b>\$1,026,430</b>

## EXPENSES



America's Arctic 19%	\$212,451
Clean Air & Water 20%	\$216,972
Climate Change 30%	\$335,592
Marine Ecosystems 2%	\$26,477
Wild Lands & Wildlife 6%	\$70,674
Administration 9%	\$102,157
Fundraising 12%	\$136,062
<b>Total:</b>	<b>\$1,100,385</b>

## STATEMENTS OF FINANCIAL POSITION

September 30th

### ASSETS

Current Assets:

Cash and cash equivalents

\$ 628,384

\$ 293,117

Receivables:

Foundation grants

73,748

70,000

Other receivables

5,422

11,222

Prepaid expenses

19,828

20,729

**Total Current Assets**

727,382

395,068

Property and equipment

43,557

106,117

Less accumulated depreciation

(30,485)

(87,915)

Property and Equipment, Net

13,072

18,202

**Total Assets**

**\$ 740,454**

**\$ 413,270**

### LIABILITIES AND NET ASSETS

Current Liabilities:

Accounts payable

\$ 7,850

\$ 8,318

Accrued payroll liabilities and leave

23,586

25,119

Current portion, capital lease payable

4,454

4,280

**Total Current Liabilities**

35,890

37,717

Long Term Liabilities - capital lease payable, net of current position

5,426

9,880

**Total Liabilities**

**\$ 41,316**

**\$ 47,597**

### NET ASSETS

Unrestricted:

Designated by the board for operations

150,000

153,405

Undesignated

112,326

-

Temporarily restricted

436,812

212,268

**Total Net Assets**

**\$ 699,138**

**\$ 365,673**

**Total Liabilities and Net Assets**

**\$ 740,454**

**\$ 413,270**





# IN GRATITUDE

## THANK YOU

*Thank you to all the generous individuals and foundations that make our work to defend Alaska's lands, waters, wildlife, and people possible.*

### FY15 FOUNDATIONS

444S Foundation  
Alaska Conservation Foundation  
The Brainerd Foundation  
Brenden Mann Foundation  
Bullitt Foundation  
Campion Foundation  
Eaglemere Foundation  
Endurance Fund

Giles W. & Elise G. Mead Foundation  
Gordon and Betty Moore Foundation  
The Harder Foundation  
The Leighty Foundation  
The Merlin Foundation  
George H. and Jane A. Mifflin Memorial Fund  
New-Land Foundation  
Norcross Wildlife Foundation, Inc.

Patagonia, Inc.  
Pew Charitable Trusts  
True North Foundation  
West Wind Foundation  
William B. Wiener, Jr. Foundation  
Wilburforce Foundation

# CLIENTS & PARTNER ORGANIZATIONS

**Trustees for Alaska works alongside many organizations in defense of Alaska's most valuable assets—its natural heritage. We never charge for our legal services. Groups that we represented and helped Trustees make a difference in FY15 include:**

Alaska Center for the Environment/Alaska  
Conservation Voters  
Alaska Community Action on Toxics  
Alaska Marine Conservation Council  
Alaska Quiet Rights Coalition  
Alaska Wilderness League  
Alaska Wildlife Alliance  
Alaskans for Wildlife  
Alaskans for Energy Freedom  
Ambler Traditional Council  
American Rivers  
Audubon Alaska  
Brooks Range Council  
Castle Mountain Coalition  
Center for Biological Diversity  
Chitna Citizens Coalition  
Conservation Lands Foundation  
Cook Inletkeeper  
Copper Country Alliance

Curyung Tribal Council (IRA)  
Defenders of Wildlife  
Denali Citizens Council  
Earth Island Institute  
Earthworks  
Ekwok Tribal Council (IRA)  
Eyak Preservation Council  
Friends of Alaska National Wildlife Refuges  
Gwich'in Steering Committee  
The Humane Society  
Kachemak Bay Conservation Society  
Koliganek Village Council (IRA)  
National Audubon Society  
National Parks Conservation Association  
National Wildlife Refuge Association  
Native Village of Nuiqsut (IRA)  
Natural Resources Defense Council  
Northern Alaska Environmental Center  
Nunamta Aulukestai

The Pew Charitable Trusts  
REDOIL (Resisting Environmental  
Destruction on Indigenous Lands)  
Resurrection Bay Conservation Alliance  
Residents of Nuiqsut  
Salmon State  
Sierra Club  
Southeast Alaska Conservation Council  
The Wilderness Society  
Third-parties subpoenaed in the Pebble v.  
EPA litigation  
Trout Unlimited  
Wild Salmon Center  
Wilderness Watch





Victoria Clark *Executive Director*



Valerie Brown *Legal Director*



Lisa Oakley *Development Director*



Brian Litmans  
*Senior Staff Attorney*



Brook Brisson  
*Staff Attorney*



Michelle Sinnott  
*Staff Attorney*



Susanne Bostrom *Staff Attorney*



Katie Strong  
*Staff Attorney*



Brittany Hales *Office and Communications Manager*



Jean Clarkin *Paralegal*

## FY16 BOARD OF DIRECTORS

Stephen E. Cotton, *Board Chair*  
Chase Hensel, Ph.D., *Vice Chair*  
Jerry Liboff, *Treasurer*  
Robert Childers, *Secretary*  
Robert Armstrong  
Susan Hackley  
Michelle Meyer

Robert H. Nathan  
M. James Spitzer, Jr.  
Peg Tileston

## FY16 STAFF

Victoria Clark, *Executive Director*  
Valerie Brown, *Legal Director*  
Lisa Oakley, *Development Director*

Brian Litmans, *Senior Staff Attorney*  
Brook Brisson, *Staff Attorney*  
Katie Strong, *Staff Attorney*  
Susanne Bostrom, *Staff Attorney*  
Michelle Sinnott, *Staff Attorney*  
Jean Clarkin, *Paralegal*  
Brittany Hales, *Office and Communications Manager*

To see a list of our current Board and their bios, go to [www.trustees.org/board-of-trustees/](http://www.trustees.org/board-of-trustees/); for staff, go to [www.trustees.org/our-team/](http://www.trustees.org/our-team/)



# TRUSTEES FOR ALASKA

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## MISSION STATEMENT

Trustees for Alaska, a nonprofit public interest law firm, works to protect and sustain Alaska's natural environment on behalf of Native villages, community groups, and local and national conservation groups by providing legal services, policy advice, and strategic counsel free of charge.

## TRUSTEES FOR ALASKA

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*Trustees for Alaska is a 501(c)3 nonprofit organization. Contributions are tax-deductible to the extent allowed by law. Tax ID: 92-6010379*

*Trustees for Alaska thanks the talented photographers that contributed their images for this report:*

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