

**For Immediate Release:**

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**Bristol Bay Residents Likely to Appeal Pebble Decision**

Anchorage, Alaska—Plaintiffs in a lawsuit challenging exploration activities related to the Pebble Mine are considering taking their case to the Alaska Supreme Court, after an Anchorage superior court judge yesterday denied their claims in the two-year-old case.

A Bristol Bay Alaska Native organization and several individuals, including former Alaska First Lady Bella Hammond and Alaska Constitutional Convention delegate Victor Fischer sued the Alaska Department of Natural Resources, charging that the State had violated the Alaska Constitution by allowing Pebble exploration to go on for two decades with no analysis of impacts to resources and no public notice.

Superior Court Judge Eric A. Aarseth held that the Alaska Constitution does not require the State to provide public notice or issue a best interest finding prior to allowing this intensive use of State resources.

“We respect the superior court, but we are disappointed with the decision and think the court has simply misread the Constitutional requirements,” said Bobby Andrew, spokesman for Nunamta Aulukestai, the lead plaintiff. “This is a case of first impression, and the Alaska Supreme Court has the final say on our claims. We believe that we will ultimately prevail, because the Supreme Court has recognized the importance of our natural resources to subsistence, commercial and recreational users, and that the State is duty-bound to analyze and conserve those resources.”

During a ten-day trial last December, the plaintiffs introduced multiple witnesses and hundreds of exhibits demonstrating the harm to the resources in the region from Pebble’s exploration. Plaintiffs asserted that DNR has violated multiple sections of Article VIII of the Alaska Constitution in repeatedly issuing exploration permits without public notice and without – in advance - analyzing whether exploration or the mine itself are in the public interest.

The superior court held that the permits “did not trigger any constitutional requirement for public notice or that the State conduct a best interest finding before they issued the permits.”

The suit asked the court for a declaration that DNR had a constitutional responsibility to assess the potential environmental impacts before allowing exploration on State land and to provide the public with the opportunity to comment on the potential impacts. The plaintiffs did not seek monetary damages.

“No amount of compensation will restore the land, wildlife and waters at the Pebble Project area to what they were before mining exploration started,” said Nondalton resident Ricky Delkittie, a plaintiff in the case.

“People in the Bristol Bay region have for years wanted the chance to voice their concerns about Pebble to State regulators,” said Trustees for Alaska Legal Director Victoria Clark. “They want a rational, science-based look at the totality of the impacts, including impacts at the exploration stage before – not after – damage has been done.” Plaintiffs have indicated that they are likely to appeal this matter to the Alaska Supreme Court for a final decision.

Public interest law firm Trustees for Alaska filed the civil action on behalf of Nunamta Aulukestai, an organization comprising nine Native village corporations, including Ekwook, Koliganek, New Stuyahok, Clarks Point, Aleknagik, Togiak, Manakotak, Levelock and Dillingham. Joining in the suit as co-plaintiffs were Nondalton resident Ricky Delkittie, Sr., Naknek resident Violet Willson, former Alaska First Lady Bella Hammond, and former Alaska legislator and Alaska Constitutional Convention delegate Victor Fischer. Pebble Limited Partnership intervened as a defendant.

For more information, downloadable photos and maps, and copies of legal documents, go to: [www.trustees.org](http://www.trustees.org)

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