



A Nonprofit Public Interest Law Firm Providing Counsel to Protect and Sustain Alaska's Environment

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## Letter from Executive Director

Hello, I'm Trish Rolfe, Trustees for Alaska's new Executive Director. As a 28-year Alaska resident, I have a deep passion for protecting Alaska's natural environment. I also have over 8 years' experience working on Alaska's environmental issues. Prior to joining Trustees for Alaska, I worked as the Sierra Club Alaska Field Manager, and before that as the Associate Director of the Alaska Conservation Alliance. I have worked closely with Trustees for Alaska on a number of issues, including the campaign

## Dear Friend,

One of the hallmarks of Trustees for Alaska is our capacity ~ honed over the course of 35+ years on the front-lines of environmental advocacy ~ to respond to a wide range of threats from one end of this vast state to the other. We are unique in our ability to provide free legal representation on so many environmental issues. Please read on to learn more about our current work.

## Case Presses on to Protect Bristol Bay from Pebble's Mining Exploration

Trustees for Alaska's lawsuit challenging the constitutionality of the Pebble Mine Project exploration and water use permits, which were issued without public participation or an analysis that the uses and impacts are in the best interest of the state, has cleared its first hurdle in court. On November 27, 2009, the court denied the State of Alaska's motion to dismiss the case, allowing the court to decide whether the State can continue to ignore the public's interest in sustaining the rich salmon, wildlife, and subsistence resources of Bristol Bay that are negatively affected by mining exploration activities.



Filed on July 29, 2009, on behalf of Nunamta Aulukestai, a consortium of eight village corporations in the Bristol Bay Region; Rick Delkittie, Sr. of Nondolton; Violet Willson of Naknek; former Alaska First Lady, Bella Hammond; and Alaska Constitutional Convention delegate, Victor Fischer, the lawsuit is the first direct attempt to block exploration at the Pebble Project. The ongoing exploration activities include: (1) drilling hundreds of boreholes up to 7,000 feet deep; (2) disposal of toxic drilling muds and waters into unlined pits and onto the tundra in a region where there are complex hydrogeologic connections between surface and

against the Western Arctic Coal Project and protecting the Arctic National Wildlife Refuge.

As we move into the next year, Trustees for Alaska is now well positioned to take on new challenges and successfully implement a set of vital and far-reaching initiatives which put us at the forefront of the most critical environmental issues facing Alaska, including global warming and the proposed Pebble Mine. We will continue to keep you informed as these important issues move forward.

Sincerely,

Trish Rolfe  
Executive Director

### Support Trustees Now

[Click here](#) to make your 2009 end-of-year gift online to Trustees for Alaska via our secure website -- every bit will help Trustees for Alaska fight and win Alaska's tough conservation battles in the coming year!

Give the gift that keeps on giving and join our monthly giving program, the easy way to support Trustees for Alaska. No more reminders. No more checks. You set the amount and your contribution will automatically be charged to your credit card. It's that easy!

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groundwater; (3) multiple helicopter trips per day transporting workers and equipment; (4) blasting for seismic testing that can be heard in the village of Nondolton ten miles away; (5) use of hundreds of thousands of gallons of water from ponds and streams; and (6) a "temporary" camp that initially had to be removed shortly after a summer season, but has been in place for five years.

In its November 27th decision, the court also denied a motion for a preliminary injunction to stop the exploration activities at the Pebble Project while the case proceeds. While we are disappointed with that decision, Trustees for Alaska has filed a Petition for Review requesting the Alaska Supreme Court to evaluate that decision.

In October, Trustees for Alaska also filed a temporary restraining order to halt the amendment of Pebble Limited Partnership's (PLP) exploration permit and two new water use permits PLP was seeking that would have allowed it to take water from the South Fork of the Kuktuli River. If the amendment and new water use permits were issued, PLP could have moved exploration activities from northwest of Frying Pan Lake to South of Frying Pan Lake, an area that had not been explored before. Because of Trustees for Alaska's actions, the court stopped the activities for a few days to hold a hearing on the matter which led PLP to finish existing activities and close up operations earlier than planned, by the end of October, an initial victory in protecting Kuktuli River salmon.

## Finally . . .Critical Habitat Proposed for the Cook Inlet Beluga Whale



Over a year later, the National Marine Fisheries Service (NMFS) proposed more than 3,000 square miles as critical habitat for the imperiled Cook Inlet beluga whale. The proposal comes over a

year after a petition filed by Trustees for Alaska and various local and national groups led to the whale being listed as endangered under the Endangered Species Act (ESA).

Trustees for Alaska has worked for over a decade to achieve protection for the Cook Inlet beluga whale and is pleased that NMFS based its recommendation on good science and proposes to designate as critical habitat both the summer and winter ranges of the whale. Inclusion of these areas as critical habitat will help to preserve and restore the beluga whale to a healthy population.

The Cook Inlet beluga whale is a genetically distinct and geographically isolated population whose numbers have plummeted

in recent decades. The most recent survey estimated the Cook Inlet beluga whale's population at 321 whales, down from an estimated population of approximately 1,300 whales in the 1980s, and a significant decrease from the 2008 estimate of 375 whales.

While unregulated harvest is believed to have caused the original decline of the Cook Inlet beluga whale, the population has failed to rebound as expected since hunting was curtailed in 1999, indicating that other factors are likely interfering with the white whale's recovery.

Cook Inlet is the most populated watershed in Alaska and there is significant offshore oil and gas development in beluga habitat. Because of the beluga's endangered listing, other development projects in and around Cook Inlet will require heightened attention. Such projects include sewage discharges from the Point Woronzof Wastewater Treatment Plant, coal strip mining, the port facility and transportation infrastructure for the proposed Chuitna mine, polluted storm water runoff and noise. Trustees for Alaska is actively working on these identified development projects that may threaten the endangered, white whale.

## **Seward Residents Want to be Free from Dirty Coal Dust**

### *Railroad, Aurora Energy Get One More Chance to Clean up their Act*

At the end of October, Trustees for Alaska, on behalf of Alaska Center for the Environment, Alaska Community Action on Toxics, and the Alaska Chapter of the Sierra Club, put Alaska Railroad Corporation and Aurora Energy Services on notice that the companies must control the coal at the Seward coal loading facility. The groups sent a 60-day notice of intent to file suit over unpermitted discharges of coal into Resurrection Bay in violation of the Clean Water Act. Ongoing dumping of coal debris into Resurrection Bay and uncontrolled blowing coal dust impacts water quality in the Bay and the health of local residents, and threatens the tourism industry Seward supports.



"Coal dust mitigation has been an ongoing issue since the conception of this facility," said Diane Dubuc of Alaska Saltwater Charters. "Local boat owners have spent hours on our coal dust remediation efforts."

Plumes of coal dust develop above ships and fall into the Bay from the chutes transporting coal to the vessels. Coal is also falling off the conveyor belt that extends over Resurrection Bay. But the

pollution doesn't stop there. Due to failing control measures, coal dust blowing from the facility's two giant coal stockpiles coast not just the water, but also charter boats and other vessels in the Bay. In dry and windy conditions, the dust can even invade public health facilities, schools and closed and locked cars.

"The problem of coal dust in Seward is a public health concern. Chronic inhalation of coal dust is associated with pulmonary disease, bronchitis, decreased pulmonary function, and emphysema," said Pam Miller, executive director of Alaska Community Action on Toxics. "Inhalation of coal dust can permanently damage lung tissue. Children, people with chronic illnesses, and the elderly are particularly vulnerable. Putting Seward's residents at risk from coal in our air and water is unacceptable, especially when it can be prevented."

"With so many other threats jeopardizing the health of our oceans, we simply cannot afford to have pollutants such as coal discharging into Resurrection Bay," said Toby Smith, executive director of Alaska Center for the Environment. "Our 6,000 members are concerned about the impacts that our marine ecosystem face, and hope that the railroad will take the appropriate steps necessary to address this problem."

"The 60-day notice gives the Alaska Railroad and Aurora Energy, an opportunity to obtain the proper permits and take measures to curtail these unpermitted discharges of coal from the facility," said Brian Litmans, attorney at Trustees for Alaska. "It also gives agency regulators the opportunity to weigh in on the legal issues and undertake enforcement."

The 60-day notice period ends at the beginning of January 2010 at which time the groups will evaluate the response of the Alaska Railroad and Aurora Energy to decide whether to file the case in court.

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