



# TRUSTEES FOR ALASKA

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## Legal Brief

## June 2013

Greetings,

I want to personally thank you for your tremendous support of Trustees for Alaska by sharing the latest edition of our electronic newsletter, *Legal Brief*.

As you read on you will meet our Summer 2013 Legal Interns. Once again, we are fortunate to attract such an amazing group of bright and eager youth who are up to the task of joining us on the frontlines of protecting Alaska's diverse ecosystem.

You will also read about our latest, and I may add, successful battle. I am so pleased to report that our persistence has paid off. The Supreme Court determined that the State of Alaska must consider all environmental impacts of oil and gas projects.

As Trustees for Alaska prepares to celebrate its 40th anniversary next year, we continue to address the issues related to restoring and protecting Alaska.

As always, we offer many ways to give. In addition to making a one-time gift, you can increase the value of your gift by joining our monthly giving program. By choosing the monthly giving option you will reduce mail costs so more of your gift goes directly to protecting the environmental and social health of Alaska. Both options are available on our website [www.trustees.org](http://www.trustees.org) — click on Donate Now — it's now easier than ever!

Trustees for Alaska is the only Alaska-based non-profit public interest law firm providing legal counsel to protect and sustain Alaska's natural environment. We provide legal counsel to diverse constituencies on the major environmental policy issues facing Alaska.

Our work is far from over -- and relies on donations from foundations and individuals who care about protecting Alaska's special places. Support us today! Your contribution of \$50, \$75 or \$100 is an investment in Alaska's future.

I can assure you that we will use your dollars wisely — right here in Alaska — to fight for the protection of the resources that are a part of every American's natural heritage. That's our promise to you!

Sincerely,

Trish Rolfe  
Executive Director

### Trustees for Alaska Welcomes Summer 2013 Interns



Interns: Elizabeth Hope, Amanda Rogerson, Ryan Shannon, Krisztina Nadasdy, and Emily Migliaccio. Photo (c) Suzanne Bostrom.

#### Elizabeth Hope

Elizabeth is from Columbia, South Carolina, where she grew up with a love of sports. She is particularly passionate about skiing and spent many vacations in the mountains of Colorado. Distraught by the grim reality that the highest peak in South Carolina is Sassafras Mountain — elevation 3,554 feet — Elizabeth came to Alaska where anything below 10,000 feet is considered a speed bump. Unfortunately, ski season in Alaska is over; however, she is excited to hike and camp as much as possible throughout the course of the summer.

Currently, Elizabeth attends the University of Oregon School of Law, where she enjoys studying water law, forest law, and sports law. In the future she hopes to work at a public interest environmental law firm or for a professional sports team, in particular, the Boston Red Sox.

In addition to Elizabeth's many skills, she is able to accomplish within 24 hours what most people would only be able to accomplish over multiple days, such as reading 1,000 page novels about boy wizards and watching entire seasons of *Arrested Development*.

by *Krisztina Nadasdy*

#### Emily Migliaccio

Emily originally hails from Barrington, Rhode Island, which is neither a road nor an island, it's a state. She attended Boston College as an undergraduate and currently attends Vermont Law School. Her main areas of interest at Vermont Law School are ocean and coastal law, focusing on ocean management, international environmental law, and water law.

Last summer, she moved west to work for the Minnesota Center for Environmental Advocacy (MCEA). While it was her first time away from the East Coast, with her really cool twin sister, she had a great time and was looking forward to exploring more. Aside from the experience of living in a new place, MCEA exposed her to a range of different environmental issues including sulfide and coal mining.

After surviving law school Emily hopes to work for an environmental, legal non-profit. Eventually, she hopes to follow her lifelong passion to work with turtles. Although she has loved the time she spent in Minnesota and her time here in Alaska, she hopes to return to the East Coast to be near friends, family, and the Atlantic Ocean.

Outside her legal interests, Emily enjoys competitive and leisurely sailing, swimming, yoga, hiking, and everything to do with turtles. Sometimes she even swims with turtles or sees them while sailing and hiking near the ocean.

by *Ryan Shannon*

#### Krisztina Nadasdy

Krisztina hails from Columbus, Ohio, but was born in Hungary. She completed her B.A. at Ohio State University, where she majored in International Studies and German. Thereafter, she spent a year working on farms in Europe and living in Berlin as an international student in order to obtain free public transport and entry to museums, before deciding that law school was a more prudent option.

Krisztina is currently a rising third-year law student at Boston College Law School. There, she has focused her studies on land use, mining and wildlife. She has also written both a Note and Comment on the Migratory Bird Treaty Act for the Environmental Affairs Law Review. She decided to come to Alaska for the summer in order to gain exposure to the many environmental issues at play in the state. She hopes to someday work as an attorney for a public interest, environmental law firm.

(con't column 2)

### Alaska Supreme Court Says Constitution Requires Consideration of All Impacts of Oil and Gas Projects



In March, the Alaska Supreme Court ruled that the Alaska Constitution requires the State of Alaska's Department of Natural Resources (DNR) to consider all of the impacts from oil and gas development projects before it issues permits for exploration and development.

"This decision confirms that the Alaska Constitution requires consideration of natural resources and the public interest during the life of projects, not just at the beginning," stated Brook Brisson, Trustees for Alaska's Staff Attorney. "It means that the State cannot continue to limit the public's review and knowledge about the long-term impacts of projects."

Trustees for Alaska filed the constitutional lawsuit on behalf of various Alaska Native and conservation groups to challenge a Best Interest Finding for the Beaufort Sea Area-wide Lease Sale. In its opinion, the Court stated that "the State is constitutionally required to consider the cumulative impacts at later phases of an oil and gas project."

Under DNR's current piecemeal review of oil and gas, DNR looks only at the impacts of oil and gas leasing when the lease is issued and fails to meaningfully consider the impacts of exploration or development. The Supreme Court's ruling confirms that this practice is unconstitutional, and that the Alaska Constitution requires consideration of all impacts, including those to subsistence resources, fish, wildlife, and our lands and waters, as a fundamental requirement.

"The Inupiat rely on the subsistence resources of the Beaufort Sea to live. Now, before giving permits to corporations to explore and drill, DNR will have to look at what the impacts are, including the cumulative impacts, and include the public in deciding if it's the right thing to do," said Robert Thompson, Chairman of Resisting Environmental Destruction on Indigenous Lands (REDOIL), Inupiat and Kaktovik resident.

"This is a good decision for the people like me who rely on these resources and are concerned about the further expansion of development in the Arctic."

Trustees for Alaska will continue its work representing conservation groups to safeguard the public interest pursuant to Article VIII of the Alaska Constitution. Trustees for Alaska will also continue to monitor offshore oil and gas development in state waters to defend this constitutional win.

by *Brook Brisson, Staff Attorney*

To read the full Court opinion, please visit our website at [www.trustees.org](http://www.trustees.org)

Polar bear photo (c) USFWS

(Intern Intros con't from column 1)

In her free time, Krisztina enjoys traveling, dancing, swimming, pottery, being outside, and adopting short-term hobbies indicative of the region in which she happens to be living. Her recent short-term hobbies include learning to play the mandolin, while spending summer in West Virginia, and longboarding, after a short stint in Colorado where the sport is popular.

Now that she's in Alaska, dog mushing seems like a logical new hobby but the snow-free summer months are serving as an impediment. Thus, she is thinking about developing a new sport, mushboarding, by attaching her longboard to the dog team she will likely soon acquire. If you would like to get to know Krisztina, and learn more about mushboarding, you can do so in English, German, or Hungarian.

by *Amanda Rogerson*

#### Amanda Rogerson

Although born and raised in the small, far-northern California town of Blue Lake — population 1,200 — Amanda found her way to Alaska, eager to get out into the wild. In fact, Amanda enjoys experiencing new places — she has moved eight times since graduating from high school, to places including Costa Rica, Wales, Kentucky, and Oregon.

Amanda studied Politics and Art History at Whitman College in Walla Walla, WA and later earned her Master's in Global Politics and Intercultural Studies at the University of Wales. There, she explored her interest in American Indian history and law by writing her thesis on the evolution of gaming on American Indian reservations. She is now focused on the intersection between American Indian law and natural resources law at the University of Oregon School of Law, where she is a rising third-year law student. Amanda is currently enjoying her time cycling and hiking in the last great frontier.

by *Emily Migliaccio*

#### Ryan Shannon

Ryan has lived in many places, but he considers Chicago to be his hometown. He just survived his first year at Lewis & Clark Law School. After graduating from UC, Santa Cruz in 2010 with a double major in Politics and Philosophy, he spent his time thinking deeply and occasionally watching LARPing (Live Action Role Playing; like video games but in real life. I know it makes no sense) from his classroom window.

Ryan has also attended, in reverse chronological order, St. Ignatius College Prep, Houser Junior High, Blythe Elementary, Bryant Elementary, ELC, and the YMCA. His environmental interests include chuckling at the legal reasoning in Endangered Species Act orders and the Clean Water Act.

Ryan decided to come to Alaska because it is now the 48<sup>th</sup> state in the U.S. that he has visited; only Maine and Hawai'i remain. He hopes to be a public interest environmental lawyer focusing on litigation one day. His hobbies are rock climbing, backpacking, ultimate Frisbee, and yoga. Ryan's family and friends have spent \$3,600 on plane tickets alone to visit him in Alaska this summer.

by *Elizabeth Hope*

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Visit [www.trustees.org](http://www.trustees.org) and Click on Donate Now!

**Thank You!**

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