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alaska report

SIERRA CLUB ALASKA CHAPTER
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Revising the Chugach National Forest Plan

It's time to get a good plan!

The Chugach National Forest is revising its 2002 Land Management Plan, and the U.S. Forest Service asked for public comment through June 15, 2015. Comments will still be accepted after the official ending of this comment period, but later comments may not be given full consideration and will not provide the commenter standing for administrative review. The Alaska Chapter plans to submit organizational comments by June 15.

The revised plan will guide management of the Chugach over the coming 15 years or more, so it's important we get it right--now.

At 5.4 million acres, the Chugach is the nation's second largest and most northerly national forest. It comprises three large geographic areas--stretching west from the Copper River Delta, across Prince William Sound, and over the northeastern Kenai Peninsula. It includes spectacular, rugged, scenic, wildlife rich country, and, as Woody Guthrie put it, "This land belongs to you and me."

The formal revision process began in 2012 and consists of three phases—[which roughly can be described as preliminaries, getting to the plan itself, and afterwards—checking up and monitoring]. Plan revision actions will be proposed and public scoping take place in the fall of 2015. Scoping involves seeking public input before the actual plan is prepared, on which issues need to be covered. The revised plan is expected to be in place by 2017.

Featured in this issue

photo: Marla McPherson

Wild Chugach! Mike O'Meara and Joel Cooper take a break on a hike to Fresno Creek Source, Kenai Peninsula, Chugach National Forest

Phase One, assessment of existing conditions and trends within the Chugach, has been completed. The information gathered during the assessment will help determine if and how the plan needs changing. This assessment and other relevant documents are available at http://www.fs.usda.gov/detail/chugach/home/?cid=STELPRDB5408185 on the Forest Service website, including an interactive map allowing Phase Two comments to be made with a visual geographic reference.

Phase Two started this spring with a series of April and May public meetings held in various communities in and around Chugach National Forest. Several objectives are identified by the Forest Service for its phase two:

- Identify preliminary needs to change the forest plan;
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Chugach Forest Plan

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- Develop a proposed revised plan and alternative(s);
- Consider the environmental effects of the proposed plan and alternatives;
- Compile and publish Environmental Impact Statement (EIS);
- Provide for public review of and comment on the proposed revised plan and EIS;
- Provide for public objection before a proposed plan is chosen;
- Approve final plan.

The agency's invitation to comment focuses on three documents: Preliminary Need to Change the Forest Plan, Wild & Scenic River Evaluation, and Wilderness Area Inventory and Evaluation. These are prominently featured on the Forest Service "revisions" webpages. This has some conservationists concerned that the revision process may be used as an opportunity to reduce the Wilderness Area Inventory and pare down Wild and Scenic River Evaluation.

The Forest Service has indicated that major changes to the 2002 plan are unlikely. However, this time around the Chugach is planning under a new formal rule, adopted by the Forest Service in 2012, which does change some of the traditional "methodology". So a change in the way the plan is organized is to be expected.

Phase Three is a little murky. The Forest Service writes that, "The monitoring phase involves continuous observation and collection of information for the planning cycle that is used to test relevant assumptions, track relevant conditions over time, and measure management effectiveness. Evaluations of plan monitoring results may trigger the need to adjust or change current plan direction." Got that? It seems they plan to keep looking for information while they "test drive" the final plan and tweak as needed. (The new planning rule has a more "adaptive" process of altering management as conditions change; the agency is "rehearsing" how to make it happen.)

We will follow this process as it continues to unfold and provide updates in future issues of **Sierra Borealis**.

Wilderness and Wild & Scenic River evaluations

The Forest Service is basing its evaluation of roadless areas that may be considered for wilderness status on its previous plan, from 2002, for which they identified and inventoried 16 roadless areas. They state that 99 percent of the Chugach – or 5,367,280 acres – is included in this inventory. The 16 areas included are Resurrection, Boston Bar, Johnson Pass, Kenai Lake, and Kenai Mountains (on Kenai Peninsula); Nellie Juan, Prince William Sound Islands, College Fiord, Fidalgo-Gravina, Montague Island, and Hinchinbrook-Hawkins Island (in Prince William Sound); and Copper River Wetlands, Sheridan Glacier, Bering Lake, and Tasnuna River, (in Copper River Delta).

Commenters should point out the need for the Forest Service to consider all roadless lands and to remember that expanding recreational use and increasing urbanization cry out for some wild and undeveloped areas easy for people to reach within a day from the urban areas. Irreversible recent trends, such as increases in large-scale industrial tourism, and expansion of recreational snowmachining and four-wheeler use call for restoring a balance to keep as much nature wild and undeveloped as possible. To guard strong and healthy commercial fishing for our future, salmon habitat must be protected permanently. Other productive areas of the forest must be protected as wilderness to insure wildlife thrive and support wildlife viewing and sustainable tourism.

What we would like to see result from the Wilderness evaluation process and the revised plan is a formal wilderness recommendation from the U.S. Forest Service for the Nellie Juan-College Fjord Wilderness Study Area. This huge, 2.1.million-acre legislated Wilderness Study Area (WSA) covering the majority of Prince William Sound is a gem in the Chugach Forest that merits protection for future generations.

A Forest Service recommendation for wilderness for all of the WSA would correct its flawed 2002 Wilderness recommendation, which failed to recommend important parts of the WSA for wilderness. Particularly disturbing omissions were Knight Island, Glacier Island, Nellie Juan Lake, and the upper Columbia Glacier basin; these places are remarkable for their wilderness character and definitely should be recommended as wilderness in the new revision.

And the new plan should reinforce the Forest Service's obligation to manage this legislated study area (WSA) protectively to keep it eligible *as wilderness* until Congress acts. (**Sierra Borealis**, March 2014, Sept, Dec 2013.)

Chugach background: More than seven million visitors enjoy the Chugach Forest each year, and their activities, from kayaking to fishing to hiking to skiing, pump millions of dollars into Alaska's economy. The Chugach supports some of the richest salmon runs on the planet, including the prized Copper River red salmon. High mountains, majestic glaciers, an inland waterway dotted with islands – the wild Chugach has it all. ❖

-- by Mike O'Meara

photo: Rebecca Dameron

Wild Chugach! Spectacular Prince William Sound is ideal for kayaking

Shell No! *Campaign to stop Arctic Offshore Drilling*

On Saturday, May 16, 2015, thousands of people in Seattle, Washington, turned out for a peaceful demonstration to call on the Obama administration to hear their protest against Shell's Arctic drilling. In this "Paddle in Seattle," several hundred "kayaktivists" paddled in the Puget Sound, and several thousands more marched through the streets to demand that the Obama administration cancel the conditional approval granted for Shell to drill in the Arctic this year.

photo: Alli Harvey

"Paddle in Seattle" draws thousands of Shell protesters

Shell Oil has long been attempting to drill in America's Arctic ocean but has failed at its previous attempts. In 2012, one of Shell's rigs, called the Kulluk, famously ran aground near Alaska's Kodiak Island. Around the same time, routine testing of a vessel that would be used in the event of an oil spill resulted in the gear being "crushed like a beer can", according to federal regulators. This failure took place offshore in the Pacific Northwest--balmy waters compared to Alaska's notoriously harsh and unpredictable Arctic, where swells can reach up to fifty feet. The Environmental Protection Agency also issued fines of $1.1 million to Shell Oil Company for Clean Air Act violations by its Kulluk drill unit and Noble Discoverer drillship; and on December 8, 2014, Shell contractor Noble Drilling LLC, the operator of Shell's Arctic drill ships Noble Discoverer and Kulluk, agreed to plead guilty to eight felony offenses and pay $12.2 million dollars in fines due to environmental and safety violations on its vessels.

Shell didn't drill that year or in 2013. Yet, now in 2015 they are apparently being given the green light only two short years after their disastrous previous attempt.

So far, the Department of the Interior and the Obama Administration is rubber-stamping Shell's plans and permits to drill this summer of 2015. The remaining permits Shell needs in order to actually drill relate to critical issues: for example, should Shell be allowed to injure or kill endangered marine mammals like walrus and whales as they drill for dirty fuels; and, is Shell's oil spill response plan effective enough to avert a disaster?

Shell's response plan is being kept secret by Shell and the Department of the Interior, sparking criticism and demands to see the plan.

During a press conference at Camp David in mid-May, President Obama defended to reporters the direction of his Administration to approve Shell's drilling plans. "I believe that we are going to have to transition off of fossil fuels as a planet in order to prevent climate change…I think it is important to also recognize that this is going to be a transition process…In the meantime, we are going to continue to use fossil fuels, and when it can be done safely, and appropriately, U.S. production of oil and natural gas is important."

President Obama needs to hear from us that drilling for oil in America's Arctic Ocean cannot be done either safely or appropriately. Shell's track record alone demonstrates this. In addition, the Bureau of Ocean and Energy Management (BOEM), a federal agency, predicts a 75 percent chance of a major oil spill should drilling occur in the Arctic. With the nearest cleanup equipment 1,000 miles away, and the drilling window so short due to Arctic Alaska's brief ice-free summers, how would Shell clean up in the event of a spill? It seems that a scenario of damaging spills is inevitable should Shell be allowed to move forward.

It is this fear that led to the SHELL_NO event in Seattle, to protest the arrival of Shell's drilling rig in the city. As if a 75 percent chance of an oil spill isn't enough, moving forward with drilling in the Arctic Ocean brings a 100 percent chance of added climate disruption. The people of Seattle know this: that's why they turned out in droves on May 16.

This Seattle protest was led by indigenous representatives from communities in the desert Southwest, Pacific Northwest, and of course Alaska.

Mae Hank, Inupiat grandmother and activist from the community of Point Hope along the Chukchi Sea, said: "The Arctic Ocean is where our food comes from. Can we drill in your vegetable garden? Can we drill in the pasture where your cows eat? Oh, and by the way we have a 75% chance of an oil spill where your veggies grow and where your cows eat grass? No! You are talking about our livelihood; our culture. It's not only the bowhead that feeds us, it's the walrus, the seal, the fish. After all the incidents Shell has had, how can we let them drill in our ocean?"

The crowd cheered when Mae spoke.

There was action in Alaska, too. The next day, Sunday, May 17, more than 50 Alaskans gathered *-- continued page 4*

Youth in Action

A Student SPROG scheduled for Anchorage this summer

Towards the end of this summer, young adults from around Alaska dedicated to making change on the most pressing environmental and social issues in their communities will gather in Anchorage. The reason for this meeting is a new collaboration between the Sierra Student Coalition and Sierra Club partners in this state– the newest extension of the SPROG (short for Summer Program) trainings that the SSC has been successfully running for years.

Many bold and empowered new leaders in the environmental movement have come through SPROG trainings, which teach crucial activism skills. Participants attend sessions on subjects like campaign planning and working with media, as well as gaining powerful education on the principles of anti-oppression. Two of the young Alaskan leaders funded by the Alaska Sierra Club to attend these trainings in years past are now working this summer to prepare a training to broaden the opportunities from such a training to Alaska. By this, they hope to energize more youth environmental organizing in the Last Frontier.

Tristan Glowa of Fairbanks, one of the trainers, recalls that coming face-to-face with the youth environmental movement outside the state was incredibly powerful for him. "I had organized as a youth in high school on environmental issues with Alaska Youth for Environmental Action, but as I graduated, the next step wouldn't have been so clear without all I that learned from my peers at SPROG. Hearing directly from campus organizers really spurred me to work for change as I entered college." Since then, he has been a part of building a movement against climate change and environmental destruction through fossil fuel divestment efforts at Yale.

"Doing work so distanced from my home this year made me realize there was a lot more room for young adult organizing within Alaska to really win the solutions for climate justice that our state needs," Tristan explains. "When I heard that the Sierra Student Coalition was hosting this training, I knew I had to be involved." With firsthand experience making a difference on issues such as stopping Pebble Mine and advocating for air quality regulations in Fairbanks, he knows the impact young adults and students can make on environmental politics.

photo; Sierra Student Coalition

Intense learning at 2014 Southwest SPROG training

Christina Edwin from Anchorage, a trainer of Koyukon Athabascan, Mexican, and European descent, is similarly excited. "I met Tristan through our Pebble Mine campaign, and we went to Southwest SPROG last summer. The tools relayed to us by organizers--such as power mapping, building a base, and channeling racial equity--are the same tools we want to pass on to more youth in Alaska. Through these, we want to engage youth directly in issues that impact them and catalyze them to take action and build a network," she says. "I value responsibility; by stepping into leadership roles, we build

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SHELL NO !

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for a hike along a beach near Point Woronzof, Anchorage, to hear stories of the impact oil extraction has on communities and to talk about the need to work together for a clean energy future. This event was organized by Sierra Club, working with new diverse Alaska partners, including NAACP Anchorage, Pacific Islanders Center of Alaska, Global Block Foundation, Alaska Wilderness League, and Earl Kingik, a Point Hope whaler. The gathering was part of the national "Hands Across the Sand" effort and right on the heels of the "Paddle in Seattle" protest. And exactly five years after the disastrous BP Deepwater Horizon spill--a catastrophe that will forever impact communities along the Gulf of Mexico.

Besse Odom, member of the NAACP Anchorage Youth Council, said, "Like many here in Alaska, my family too was heavily impacted by the previous oil spill that occurred in the gulf. Due to the fact that an overwhelming majority of my extended family members work in the fishing industry, many of them were without a job thus leaving them without pay for months. They were unable to pay the mortgages, the light bills, and even their children's college tuition. The only solution was to find somewhere else to go: somewhere that would guarantee them a stable income and lifestyle. . Many of us don't truly realize what we have until it's jeopardized. Many families here in Alaska, similar to my family, depend on the sea and its resources to thrive. However, with unsafe and irresponsible drilling, many families from Alaska and beyond will be negatively affected, and their way of life will be compromised."

➪ **What you can do:** We cannot stand by and let dirty dangerous, offshore drilling happen in Alaska. But it is perilously close to becoming a reality. Please help convince President Obama to listen to the people and say "***Shell No***" to drilling in the Chukchi Sea. Send your message via e-mail to ***president@whitehouse.gov***; or send a letter to: The White House, 1600 Pennsylvania Ave. NW, Washington, DC 20500, or call White House comment line at (202)456-1111. ❖

-- by Alli Harvey

Pebble Update

Court's broad rulings go beyond Pebble Mine

In two unanimous decisions on May 29, the Alaska Supreme Court ruled in favor of public interest litigants and against the Pebble Limited Partnership. But the implications of the broad ruling go far beyond the proposed Pebble Mine.

This huge open-pit gold and copper mine would be located in the headwaters of Bristol Bay, home to one of the world's greatest remaining salmon runs.

The Supreme Court overturned a 2011 Superior Court decision, now finding with Trustees for Alaska and its public interest litigants that the State Department of Natural Resources violated the State Constitution by granting without public notice exploratory permits which effectively amounted to a land disposal to the Pebble Partnership. Lasting effects of the exploration include 1200 bore holes, miles of well drilling, and toxic waste dumped in unlined pits.

The original lawsuit was brought in 2009 by Bristol Bay village entities and village corporations and by four individuals--former Alaska First Lady Bella Hammond, Alaska Constitutional delegate Victor Fischer, and two Native leaders. The lead plaintiff was Nunamta Aulukestai ("Caretakers of the Land"), a Bristol Bay area Native conservation organization. The State and the Pebble Partnership had sought nearly $1 million in attorneys' fees from the plaintiffs, and also from the Alaska Conservation Foundation, and had been granted broad powers to investigate the plaintiffs' personal financial records looking for possible financial interest. The Sierra Club. although not a party to the original lawsuit, in 2013 entered an *amicus* brief on the issue of attorneys' fees through our attorneys at Earthjustice.

Alaskan public interest litigants' rights upheld

In a separate and again unanimous ruling, the Alaska Supreme Court found that the plaintiffs did not have a direct financial interest and therefore were not liable for attorneys' fees, and ruled that that the lower court's discovery order (which would have required Nunamta to disclose membership records and individual plaintiffs to disclose extensive tax and property records) was inappropriate. The court's landmark ruling was broadly protective of Alaskan public interest litigants, removing much of the financial risk these litigants have faced in recent years. The Pebble Limited Partnership, as a commercial rather than a public interest, is potentially liable for attorneys' fees now that it has lost on substance of the case.

Evon Zerbetz © 1996

In a related development on attorneys' fees, immediately ollowing these court rulings, the Governor Bill Walker Administration and the federal Office of Surface Mining agreed with Trustees for Alaska and others, including the Sierra Club, that Alaska's "loser pays" system affecting public interest litigants violates the federal Surface Mining Control and Reclamation Act of 1977. The governor will introduce a bill to the State Legislature to change state law to conform to federal law, protecting public interest litigants in cases involving surface mining laws or regulations.

Pebble Partnership also fighting EPA

The Pebble Partnership currently has two lawsuits against the U.S. Environmental Protection Agency. One suit charges that the EPA acted illegally by proposing restrictions on open pit mega-mines like the proposed Pebble Mine even before the Pebble Partnership has applied for a permit under the Clean Water Act. On the same day that the Alaska Supreme Court issued its two decisions, a three-judge panel of the U.S. Ninth Circuit Court of Appeals upheld a previous judge's ruling that this case is not yet "ripe" because the EPA has not issued a "final agency action." EPA's final action awaits the resolution of Pebble's other lawsuit, which charges that the EPA violated procedures by working too closely with mine opponents. The court recently heard arguments in that case, and on June 4, the Court granted much of EPA's motion to dismiss, but allowed some parts of the case to proceed.

Ownership of the Pebble Limited Partnership has changed over time. It has now returned to being wholly owned by Northern Dynasty Minerals, Limited, which in turn is wholly owned by Hunter Dickinson Corporation, a Canadian company. London-based mining giant Anglo American was formerly a 50 percent owner of Pebble Limited Partnership but withdrew in 2013. Mitsubishi Corporation divested itself of its 9.1 percent ownership in 2011. In April 2014, the remaining "deep-pockets" investor, British-Australian multi-national corporation Rio Tinto, donated its 19.1 percent share to two Alaskan charitable organizations. Hunter Dickinson is not currently investing the funds necessary to proceed with the permitting process, and Pebble seeks other investors.

Stay tuned. (For background, see **Sierra Borealis** March, June, and September 2014, plus earlier articles.) ❖

-- by Pamela Brodie

SPROG coming to Anchorage

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momentum to turn Alaska in a direction that ensures young people have a voice and build power on environmental and social issues that matter for Alaska Native People and all people."

For young adults interested to learn how to make change in their communities, the SPROG application closes **June 25,** so apply today at http://bit.ly/AkSSC ! Or nominate a young leader at http://action.sierraclub.org/nominateAK. ❖

-- by Tristan Glowa and Christina Edwin

Senator Murkowski's Vision . . .

In the current 114th Congress (2015-16), Alaska's senior Senator, Lisa Murkowski, chairs the Senate Energy and Natural Resources Committee. She also chairs the Subcommittee on Interior, Environment, and Related Agencies of the Senate Appropriations Committee, moving into these strategically important posts following the Republican capture of the Senate last November.

What the senior senator has in mind for Alaska's public (federal) lands is found in the bills she is sponsoring, and in a recent You Tube Video, "Landlocked", that also appears on the Energy Committee website. Her 2:24 video tutorial attempts to persuade viewers that the Obama Administration has closed the public lands and the federal outer continental shelf (OCS) to energy production.

In her video, she notes that 61 percent of Alaska's lands are controlled by the federal government—and that "almost none of those lands are truly open to energy production. Instead of allowing Alaskans to responsibly develop the State's vast resource potential, the Obama Administration has converted an additional 12.2 million acres within [Arctic National Wildlife Refuge] into de facto wilderness; withdrawn 9.8 million additional acres in the offshore Arctic; removed roughly half of the National Petroleum Reserve from leasing; planned a 685,000-acre "Area of Critical Environmental Concern" in the Fortymile Mining District; proposed sweeping critical habitat designations; and preemptively targeted potential development on State lands."

Fact vs. Fiction

Her assertions are either wrong or misleading. For example, she claims that "Just about one quarter of one percent" of Alaska's [365 million acres] is in private hands. That's wrong. Land totaling about 45-46 million acres is privately owned by Alaska Natives. In addition, the State regularly sells some of its 103 million acres to individuals who want to try living off the land or develop specific parcels.

Another example: "The Obama Administration has converted an additional 12.2 million acres within [Arctic National Wildlife Refuge] into de facto wilderness." That's misleading. Of the 12.2 million acre area under discussion, 1.5 million acres are in the coastal plain, which Congress, in the Alaska National Interest Lands Conservation Act (ANILCA) of 1980--not the Obama Administration--ordered be managed to maintain its wilderness condition and values pending final disposition by Congress. The remaining 10.7 million acre expanse of mountainous refuge terrain has been managed by the Fish and Wildlife Service since ANILCA to maintain the natural, undeveloped conditions. As this area has no oil and gas potential, it is of no interest to the industry.

Another: "Almost none" of the 61 percent of federally owned lands [about 222 million acres] is "truly open to energy production." In fact, the majority of the 222 million acres of federal land is open to energy production except for approximately 79 million acres of designated wilderness in Alaska's national park, wildlife refuge, and national forest systems. These wilderness areas have little or no known oil, gas, or coal potential.

In the 23 million-acre National Petroleum Reserve-Alaska, where the Bureau of Land Management (BLM) continues to offer oil and gas leases on most of the northern half of the Reserve, two Special Areas in the northern half, covering caribou calving grounds and key marine mammal and waterfowl habitat, are closed to oil and gas leasing. The southern half of the Reserve is off-limits to coal leasing because it contains critically important wildlife habitat, such as the calving grounds of the Western Arctic caribou herd and Colville River bluffs, nest sites for one of the nation's largest concentrations of peregrine falcons.

Yes, the Administration has withdrawn additional areas totalling 9.8 million acres offshore in the Arctic OCS in order to protect critically important habitat for marine wildlife. But the Administration has also recently decided--over the objections of Alaska Native groups and the environmental community--to allow exploration and potential development on millions of more acres in the Chukchi Sea and has given Shell Oil permission to begin exploratory drilling there this summer. (see article p. 3.)

The BLM's "integrated" plan for the National Petroleum Reserve-Alaska (NPR-A) provides for a

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potential pipeline from the Chukchi coast across the Reserve to the existing Trans-Alaska pipeline.

In the Senate

In a recent press conference, Senator Murkowski also attacked the Environmental Protection Agency's new regulations under the Clean Water and Clean Air Acts. Asked by a reporter what she intends to do about the Administration's actions across the board, she said, without going into details, that she has three "tools:" budget, legislative, and litigation.

On the budget, she's referring to appropriations. Cutting off funding is one tool, and the EPA's clean water and air rules are probably in her sights. Her Appropriations Committee membership could lead to similar actions aimed at defunding the Administration 's other Alaska policies that she condemns.

On litigation, the State is currently in court attempting to force the Interior Department to allow oil and gas exploration of the Arctic Refuge coastal plain. Members of Congress rarely launch lawsuits on their own; Senator Murkowski gave no indication of what she intends in this regard.

She has used her legislative tool. Bills she is sponsoring in the current session include:

- S. 1278, to oblige the Interior Secretary to lease Cook Inlet and Beaufort Sea OCS;
- S. 1140 (co-sponsor) to block EPA's Waters of the United States rule;
- S. 631, to exempt national forest system land in Alaska from the Roadless Area Conservation Rule;
- S. 556, Bipartisan Sportsmen's Act of 2015, an NRA initiative;
- S. 494, to open the Arctic Refuge coastal plain to oil and gas leasing;
- S. 437, to require the approval of Congress and the state or territory involved, for terrestrial and marine national monuments proposed by a President under the Antiquities Act.
- S. 872, to authorize the Native residents of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to organize as urban Native corporations and select 23,040 acres each; and
- S. 1395, to reinstate certain mining claims in Alaska. Introduced 5/20/15, no text available yet.

As the first six bills will surely be opposed by the Administration, it is highly unlikely that they will become law in the 114th Congress.

Meanwhile, Senator Murkowski is up for re-election next year, when she may once again face opposition in the Republican primary from the ultra-right of her party. In 2010 she lost in the primary to a Tea Party favorite but won her write-in campaign with 39 percent of the vote.

Her appointment to the Senate in 2002 by her father, former senator and governor Frank Murkowski, did not endear her to those Alaskans who felt and may still feel her ascension was a classic case of nepotism.

Now, as she runs for another six-year term, her video, bills, and public attacks on the Obama Administration's federal land policies and environmental regulations also show her right-wing critics that she is on their side when it comes to battling the federal government and particularly the Obama Administration for what she calls "greater access" to "our" lands. ❖

-- by Jack Hession

Coming soon! Big news for Alaska Chapter Outings--see next issue of Sierra Borealis. Leaders sought.

Pribilof Canyon: *the* Bering Sea coral hot spot

According to Dr. Chris Rooper of the National Oceanic and Atmospheric Administration's Alaska Fisheries Science Center, Pribilof Canyon is confirmed to be the prime area for coral habitat in the Bering Sea, probably containing half of all coral in the eastern Bering Sea. In May, the NOAA scientist presented the latest analysis of new camera-drop research in the canyons and the Green Belt (the shelf break and slope.) Together with the adjacent slope, this area holds 85-90 percent of the corals in the Green Belt. And Pribilof Canyon contains 45 percent of sponge habitat in the Bering Sea.

These results largely confirm early models presented to the North Pacific Fishery Management Council in June 2013. At that point, the Council ibegan to consider protections for important and vulnerable habitat in the Bering Sea canyons, while also urging new research in the area. The canyons have been listed as a high priority research item for the NPFMC since 2006.

Fish have important associations with coral and sponge habitat, and fishing gear is severely impacting the seafloor, which showed evidence of fishing damage.

Because only a small portion of the overall major fisheries catch comes from this area, Pribilof Canyon is likely to be a prime location to conserve coral habitat in the Green Belt without excessive impact on fisheries.

The Bering Sea, between Alaska and Russia, has some of the largest submarine canyons in the world, namely the Bering, Pribilof, Zhemchug, Pervenets and Navarin canyons, on the eastern Bering Sea continental shelf break. Some dub these the "Grand Canyons of the Bering Sea." Pribilof Canyon, along with Bering Canyon, lies just north of the eastern Aleutian Islands. For more information, go to beringseacanyons.org. ❖

-- From Greenpeace

A victory for Seward's Resurrection Bay

Alaska Chapter welcomes Supreme Court Decision

The U.S Supreme Court has declined to hear an appeal made by Aurora Energy Services, LLC, and Alaska Railroad Corporation, making it possible for the companies to be held responsible for spilling coal into Resurrection Bay from their Seward-based loading facility. Aurora and Alaska Railroad filed the appeal after a unanimous September 2014 decision by the Ninth Circuit Court of Appeals, which ruled that Aurora could not use its storm water discharge permit to dump coal into the bay.

Aurora Energy Services and Alaska Railroad Corporation *have dumped coal into Resurrection Bay for decades.*

Russ Maddox, Seward resident and Sierra Club volunteer who has long fought vigorously against coal and coal-dust related environmental and health issues for Seward--and for Alaska generally, commented**:** "It's no surprise that the U.S. Supreme Court declined to hear Aurora Energy and Alaska Railroad's appeal. The Seward export terminal could have resolved these issues years ago simply by installing proper pollution controls. Instead, Aurora and Alaska Railroad have wasted millions of dollars—far more than the controls would have cost in the first place—in a pointless battle to avoid responsibility for dumping coal into Resurrection Bay. Now that they've exhausted their options, we hope the companies will be better neighbors and make smarter investments in Seward's community by cleaning up their mess."

photo: Vicky Hoover

Seward sits perched at the edge of Resurrection Bay

The Seward Coal Export Facility has long allowed coal debris to fall unchecked from the conveyor system directly into Resurrection Bay, polluting the water and violating the Clean Water Act. In addition, coal dust from the facility coats nearby fishing vessels and local neighborhoods, damaging the health of local Alaskans and their resources. (See **Sierra Borealis,** June 2013, June & Sept 2012, March, Sept & Dec 2011.)

Alaska Community Action on Toxics and the Alaska Chapter of the Sierra Club brought the original action to stop decades of coal pollution that have plagued Seward. Last September, the Ninth Circuit reversed a lower court decision and found that Aurora's existing stormwater discharge permit prohibits dumping coal into the bay from the conveyor. The case was sent back to district court for further proceedings, such as ruling on potential penalties, or fees.

Alaska Community Action on Toxics and the Sierra Club will continue supporting efforts that protect Seward's public health and water quality.

The 2009 lawsuit filed by the groups said dust from coal stored in Seward was polluting Resurrection Bay, dust-covered snow was plowed into the water, and coal improperly entered the water by falling from a conveyor belt and other equipment as it was loaded onto ships. Initially, U.S. District Court Judge Tim Burgess rejected all three claims. The plaintiffs appealed only the third point; Burgess had ruled that incidental coal falling from the Seward Coal Loading Facility was allowed under the railroad's permit to discharge storm water. But the 2014 ruling by a three-judge panel of the Ninth Circuit Court of Appeals reversed the District Court decision. The judges said coal was not on a list of substances that could be discharged with storm water.

-- from a Sierra Club press release and an Alaska Dispatch article by Associated Press.

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