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alaska report

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Bristol Bay area takes Alaska spotlight

Proposed Refuge could protect Bristol Bay fish and wildlife

When it comes to fish, one region of Alaska towers above all others: Bristol Bay and its rivers and streams. Bristol Bay is Alaska's most productive commercial red salmon fishery. The Kvichak and Nushagak-Mulchatna River drainages that feed it are home to some of the best and most famous trout and steelhead sport fishing on the planet.

And yet this region's world-class fish and wildlife are not protected from the potential for permanent, catastrophic damage from the massive proposed Pebble Mine (see adjacent article) and other mining claims in the area.

This could change. Alaska State Senator Gary Stevens (R-Kodiak), has introduced Senate Bill 67, to create the **Jay Hammond State Game Refuge**. This would take the

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Pebble Mine proposal update

Throw a pebble into a quiet backwater and you get ripples. Drop a boulder like the Pebble Mine and you make big waves. With claims of \$200 billion in minerals to be gained and fisheries worth \$400 million a year to be lost, the fight over the proposed Pebble mine in the Bristol Bay Mining District is a rising tsunami. It's about more than money. (See **alaska report**, Dec. 2005.)

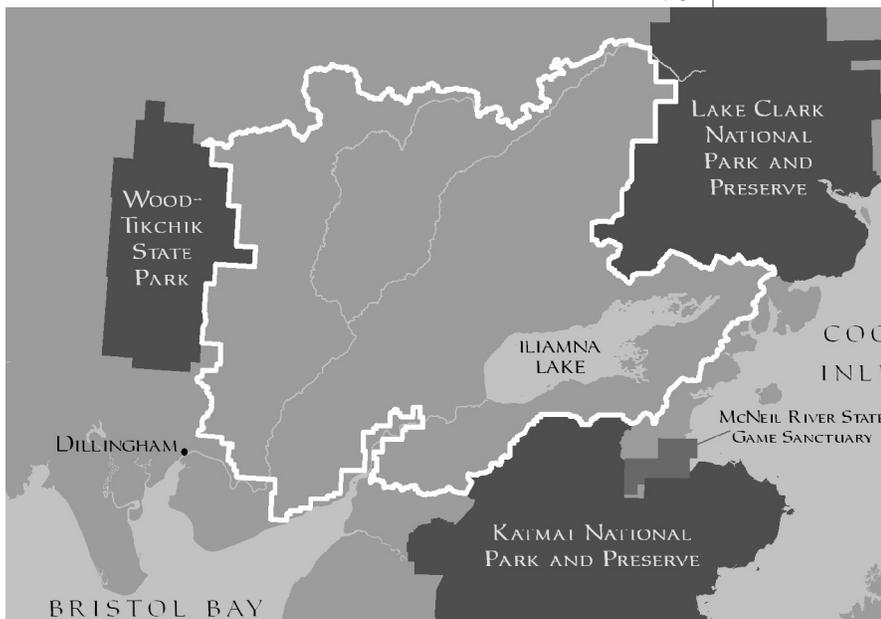
This area encompasses the headwaters and much of the length of the Mulchatna/Nushagak River and Newhalen/Kvichak River drainages. Both river systems feed into Bristol Bay, spawning some of the most productive commercial and sport fisheries in the world. Grand in scale, the scenic

region is peppered with unspoiled lakes in the west and volcanic mountains to the east. It hosts the 120,000-member Mulchatna caribou herd for part of each year and sustains uncounted moose, bear and other wild creatures. Subsistence is central to the lives of indigenous peoples in some 25 communities in the area.

If mining goes forward this will all be changed forever.

The proposed Pebble mine alone will devour an area almost the size of Anchorage, Alaska. Developer Northern Dynasty Mines of Vancouver, British Columbia, predicts it could become the largest open pit mine in North America. Five huge earthen dams would store some 2.5 billion tons of mining waste

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Proposed boundaries of potential Jay Hammond State Game Refuge

Hammond Refuge

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approximately six million acres of state land in the Bristol Bay drainage that are not now in national or state parks and put their management under the jurisdiction of Alaska Department of Fish and Game (instead of the Department of Natural Resources), with the mandate to protect fish and game habitat.

The huge preserve would be named in honor of the late former Governor Jay Hammond, a pro-environmental Republican who served as governor from 1974 to 1982. In his retirement, Hammond lived on an inholding in Lake Clark National Park, near the proposed refuge that would bear his name. Hammond died in 2005, and his family has proposed the creation of this Refuge as the most appropriate tribute. In his last years, he was an outspoken opponent of the proposed Pebble mine. (See **alaska report**, Dec. 2005.)

Senate Bill 67 would:

- protect the “fish and wildlife habitat and populations, including the salmon and trout spawning and rearing habitat, and critical caribou, moose, and brown bear habitat;”
- protect the “public use of fish and wildlife and their habitat, particularly subsistence, commercial, and recreational fishing, hunting, trapping, viewing, and general public recreation...”;
- close the area to future mineral entry (but not to existing rights);
- prohibit the “storage and disposal of industrial waste and the discharge of water that does not meet water quality standards for growth and propagation of fish.”

Although there is considerable support for this bill in the Senate, it had not been heard as of late April, as the Legislature was bogged down in considering the governor’s gas pipeline proposal. Sen. Gary Stevens is majority leader of the coalition of Democrats and Republicans that currently forms the Senate majority.

⇒ **WHAT YOU CAN DO: Help protect Bristol Bay**

salmon habitat: If you live in Alaska, write your State Senator and State Representative and ask them to vote for SB 67. (If your Senator is either Gary Stevens or Johnny Ellis, send a note of thanks for sponsoring SB 67.)

State Capitol, Juneau AK 99801-1182.

Or email: Senator_FirstName_LastName@legis.state.ak.us

Representative_FirstName_LastName@legis.state.ak.us

No matter where you live, write Governor Sarah Palin and ask her to support SB 67 in the Alaska State Legislature.

Governor@gov.state.ak.us or

P.O. Box 110001, Juneau AK 99811-0001. ♦

-- Pamela Brodie

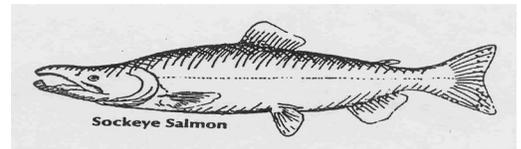
Pebble Mine Update

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under water diverted from local streams. The largest would ultimately be 740 feet tall and 4.3 miles long (larger than Three Gorges Dam in China). Troubling questions remain about where Pebble will get the massive amounts of electricity needed and how the mined ore will get to the coast for export. Infrastructure for both electrical power and ore transport would extend far beyond the basic mine footprint with likely consequences for adjacent national parks. Even brown bears that frequent the famed McNeil River State Game Sanctuary could suffer. One former Alaska Department of Fish and Game official in the Bristol Bay Region has warned that under present state and federal permitting and regulatory practices, large scale mining, “will almost certainly seriously degrade fisheries habitat and fisheries production downstream [in] these drainages.”

Pebble is just the tip of the iceberg.

Pebble itself would be the



first of many mines in a 1000 square mile state mining district. If developed, the regional infrastructure would make existing mining claims in the area (about 1,200, as estimated by Renewable Resources Coalition) economical to be worked. More pits could also pock over two million acres of nearby federal lands if mineral openings proposed by the Bureau of Land Management are approved.

Recent events: where things stand today

Pebble is a moving target. Northern Dynasty’s estimates change frequently. The company now claims the Pebble deposit as the second-largest mineral deposit of the kind (82 million ounces of gold, 67 billion pounds of copper, and 1.6 billion pounds of molybdenum). The original concept for one big hole (2.75 square mile pit, 18 square miles of tailings and waste rock) has expanded into an even bigger combination of open pit for the west prospect and something called *block caving* for the deeper, richer east prospect. Nearly 2,000 pages of plans and permit applications have been submitted to the Alaska Department of Natural Resources, but an overall development plan is not expected until 2008.

Mine opponents won some ground March 9 when the Ninth Circuit Court of Appeals ruled that disposal of mine tailings into a natural lake by the Kensington Mine project violates the Clean Water Act. (See article, p. 6-7.) This decision should preclude such practice at Pebble.

A proposal before the Alaska Board of Fisheries (Proposal 121) aims to establish the

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Alaska Offshore Drilling update -- Beaufort Sea and Bristol Bay

In 2005, Shell Exploration & Production Company purchased 84 offshore leases in Alaska's Beaufort Sea for more than \$44 million. Among the areas leased were

Pebble Mine Update

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state's first Fish Refuge for the waters that would be affected by Pebble. It was well received but has been tabled pending further review.

The Alaska Legislature is considering measures -- relating to Bristol Bay and mining in general. House Bill 134, the Alaska Wild Salmon Protection Act, aims to prevent area waters from being diverted, polluted, or otherwise misused in ways that would harm the fisheries. Senate Bill 67, the Jay Hammond Refuge Act, would protect fish, wildlife, habitat and prohibit new mineral entry. (See article, p. 1-2) HB 74, Mixing Zones, would prohibit pollution of most natural water bodies which support fish populations. The House Ways and Means Committee is reviewing proposed changes to state mining tax law that could make Pebble less tempting to investors.

Opponents and supporters

The Renewable Resources Coalition (primarily commercial, sport, and subsistence fishing interests) is leading the charge against Pebble and the Bristol Bay Mining District. Truth About Pebble, a pro Pebble Mine lobbying group (mining and contracting companies), became active in January 2007. Many other community, fishing, and conservation organizations have taken stands as well, most in opposition. Several public opinion polls have been conducted. Both sides interpret results to suit their own positions. At least seven Bristol Bay tribes, village councils, or other Alaska Native organizations openly favor mine development. Another 16 oppose the mine as do The Citizens of Port Alsworth, the City of Dillingham, the Bristol Bay Economic Development Corporation and Sen. Ted Stevens. Alaska Governor Sarah Palin and the Lake and Peninsula Borough Council are so far undecided.

Mine proponents claim that the permitting process will be fair and rigorous and will protect the environment, fisheries, and traditional uses of the Bristol Bay watershed. Opponents fear that recent changes in Alaska's regulatory regime belie this. Murkowski Administration regulations allowed pollution of salmon streams through "mixing zones", eliminated the Habitat Division of the state's Fish and Game Department (ADF&G), and allowed mining companies to pay for environmental surveys and the salaries of state employees reviewing their permit applications. This continues under the Palin Administration.

In spite of a growing wave of opposition, powerful economic and political forces favor a mining district in the Bristol Bay watershed. To defeat them may well take an effort comparable to the fight to save the Arctic coastal plain. ♦

--Mike O'Meara

(Mike O'Meara is an Alaska Chapter volunteer, living near Homer)

several tracts located just offshore of the coastal plain of the Arctic National Wildlife Refuge.

While Mineral Management Service (MMS), a branch of the Department of the Interior, claimed that Beaufort Sea oil and gas exploration would not have any significant environmental effects, they also warned of the likelihood of a spill. MMS acknowledged that there is no way to adequately respond to a sizeable spill and restore the environment.

On April 16, Sierra Club, together with REDOIL (Resisting Environmental Destruction On Indigenous Lands) and Center for Biological Diversity, filed an administrative appeal in an effort to stop Shell's exploration plan, scheduled to begin in June. Citing the inability to clean an oil spill, the appellants highlighted the plan's potential for devastating subsistence resources, marine mammals, and the area's wilderness values, including the Arctic Coastal Plain.

Shortly thereafter, the Alaska Wilderness League, the Natural Resources Defense Council and Pacific Environment filed a petition in the Ninth Circuit Court of Appeals requesting a review of MMS's decision to approve Shell's offshore drilling plans.

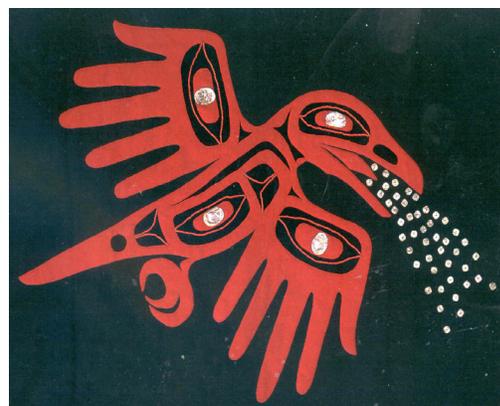
Bristol Bay offshore drilling news

The Beaufort Sea's Arctic waters are not Alaska's only sensitive off-shore area at risk from this Administration's aggressive oil and gas leasing schemes. President George W. Bush lifted the ban on offshore drilling in Bristol Bay, a globally-important marine ecosystem, in January 2007. (See **alaska report**, Jan. 2007). This July, the Minerals Management Service will release a five-year plan that is expected to recommend oil and gas development in Bristol Bay and other areas along our nation's fragile coastlines.

Congress is now poised to come to the rescue: on April 23, Representatives Jay Inslee (D-WA), Wayne Gilchrest (R-MD), and Maurice Hinchey (D-NY) introduced legislation in the U.S. House of Representatives that would permanently prohibit oil and gas leasing in Bristol Bay, Alaska, in the Bering Sea. This is a much-needed, exciting legislative effort.

⇒ **WHAT YOU CAN DO:** Ask your representative to cosponsor the Inslee bill to prohibit oil and gas leasing in Alaska's Bristol Bay. Write or call your representative's local office, or call the U.S. Capitol switchboard at **202-224-3121**.

(Alaska Wilderness League provided information used in this article.)



Arctic Wilderness bill--on a roll for cosponsors

Historic number, HR 39 is back.

The sponsor of the Udall-Eisenhower Arctic Wilderness bill, Rep. Edward Markey, (MA-7) seeks more cosponsors. Please see "What You Can Do" on page 5.

(Note: The bill number, HR 39, has special significance for Alaska activists. During several Congresses this was the House version of the landmark Alaska National Interest Lands Conservation Act of 1980. The same number was subsequently used for the Arctic Wilderness bills from 1987 through 1994. When the Republicans had a majority in Congress from 1995 through 2006, Alaska Rep. Don Young appropriated that number and it was no longer available for wilderness. Now – it's back.)

Cosponsor List, as of April 18 (133):

Ackerman, Gary NY-5	Allen, Thomas ME-1	Andrews, Robert NJ-1
Arcuri, Michael NY-24	Baird, Brian WA-3	Baldwin, Tammy WI-2
Berkley, Shelley NV-1	Berman, Howard CA-28	Bishop, Timothy NY-1
Blumenauer, Earl OR-3	Boucher, Rick VA-9	Braley, Bruce IA-1
Capps, Lois CA-23	Carnahan, Russ MO-3	Castle, Michael DE
Christensen, Donna VI	Clay, Wm. Lacy MO-1	Cohen, Steve TN-9
Conyers, John Jr. MI-14	Courtney, Joe CT-2	Crowley, Joseph NY-7
Cummings, Elijah ND-7	Davis, Danny K IL-7	Davis, Susan CA-53
DeFazio, Peter OR-4	DeGette, Diana CO-1	DeLauro, Rosa CT-3
Doggett, Lloyd TX-25	Doyle, Michael PA-14	Ellison, Keith NY-17
Emanuel, Rahm IL-5	Engel, Eliot NY-17	Eshoo, Anna CA-14
Farr, Sam CA-17	Filner, Bob CA-51	Frank, Barney MA-4
Gilchrest, Wayne MD-1	Grijalva, Raul M. AZ-7	Gutierrez, Luis IL-4
Hall, John J NY-19	Hare, Phil IL-17	Harman, Jane CA-36
Hastings, Alcee FL-23	Hill, Baron IN-9	Hinchey, Maurice NY-22
Hirono, Mazie HI-2	Hodes, Paul NH-2	Holt, Rush NJ-12
Honda, Michael CA-15	Hooey, Darlene OR-5	Inslee, Jay WA-1
Israel, Steve NY-2	Jackson, Jesse Jr. IL-2	Jackson-Lee, Sheila TX-18
Johnson, Eddie Bernice TX-30	Johnson, Hank GA-4	Kaptur, Marcy OH-9
Kennedy, Patrick RI-1	Kildee, Dale MI-5	Kirkpatrick, Carolyn MI-13
Kirk, Mark S IL-10	Kucinich, Dennis OH-10	Langevin, James RI-1
Lantos, Tom CA-12	Lee, Barbara CA-9	Levin, Sander MI-12
Lewis, John GA-5	Lipinski, Daniel IL-3	Lofgren, Zoe CA-16
Lowey, Nita M. NY-18	Lynch, Stephen MA-9	Maloney, Carolyn NY-14
McCarthy, Carolyn, NY-4	McCollum, Betty MN-4	McDermott, Jim WA-7
McGovern, James MA-3	McNulty, Michael NY-21	Meehan, Marty MA-5
Michaud, Michael ME-2	Millender-McDonald, J. CA-37	Miller, Brad NC-13
Miller, George CA-7	Moore, Dennis KS-3	Moore, Gwen WI-4
Moran, James VA-8	Murphy, Christopher CT-5	Murphy, Patrick, PA-8
Nadler, Jerrold NY-8	Napolitano, Grace CA-38	Neal, Richard MA-2
Norton, Eleanor Holmes DC	Olver, John MA-1	Pallone, Frank Jr. NJ-6
Pastor, Ed AZ-4	Payne, Donald NY-10	Perlmutter, Ed CO-7
Price, David NC-4	Ramstad, Jim MN-3	Rothman, Steven NJ-9
Roybal-Allard, L. CA-34	Ryan, Tim OH-17	Sanchez, Linda CA-39
Sanchez, Loretta CA 47	Sarbanes, John MD-3	Schakowsky, Janice IL-9
Schiff, Adam CA-29	Schwartz, Allyson PA-13	Scott, Robert VA-3
Serrano, Jose NY-16	Sestak, Joe PA-7	Shays, Christopher CT-4
Shea-Porter, Carol NH-1	Sires, Albio, NJ-13	Slaughter, Louise NY-28
Smith, Christoher NJ-4	Solis, Hilda CA-32	Spratt, John SC-5
Stark, Fortney 'Pete' CA-13	Tauscher, Ellen CA-10	Tierney, John F. MA-6
Udall, Mark CO-2	Udall, Tom NM-3	Van Holten, Chris MD-8
Wasserman Schultz, D FL-20	Waters, Maxine CA-35	Waxman, Henry CA-30
Weiner, Anthony NY-9	Welch, Peter VT	Wexler, Robert FL-19
Woolsey, Lynn CA-6	Wu, David OR-1	Wynn, Albert R MD-4
Yarmuth, John KY-3		

A Senate companion bill to HR 39 has not yet been introduced. Sen. Joe Lieberman (I-CT) was the sponsor in the last Congress.



Alaska Wilderness Week; DC Update

From March 17 to 21, about 80 volunteers from around the country converged on Washington DC to inform members of Congress and their staffs about Alaska issues, ask for cosponsorship of HR 39, the Udall-Eisenhower Arctic Wilderness Act, urge a mandatory cut in greenhouse gases that contribute to global warming, (specifically to support HR 1590, the Safe Climate Act), and to discuss protective measures for the Tongass National Forest.

Wilderness week featured a massive rally to highlight the urgent need to combat global climate change. On Tuesday, March 20, more than 1,000 concerned citizens from 47 states and parts of Canada joined the visiting

volunteers on the west lawn of the Capitol to hear about the impacts of global warming around the nation and Canada. This *Climate Crisis Action Day* marked the largest U.S. day of action for raising awareness to stop global warming and protect America's Arctic Refuge. Speakers at the event included Senators John Kerry (D-MA), Barbara Boxer (D-CA), and Bernie Sanders (I-VT), and Representatives Ed Markey (D-MA), Mike Honda (D-CA), Jay Inslee (D-WA), and Henry Waxman (D-CA). The crowd also heard Alaska Natives tell about the direct impacts of global warming now being felt in the Arctic. Representatives from the Gwich'in, Inupiat, and Yup'ik tribes all spoke, as did local government officials, youth and student representatives, and scientific and faith community leaders.

Exxpose Exxon Campaign: Just pay up

Sierra Club worked with Alaska Wilderness League, REDOIL, and the Exxpose Exxon Campaign to organize a Hill staff briefing to commemorate the 18th anniversary of the Exxon Valdez oil spill disaster (on March 24.). An alert on the Exxon Valdez anniversary generated thousands of faxes into ExxonMobil and effectively jammed up their fax system for an entire week. The faxes asked ExxonMobil to stop appealing the court decisions and just pay the punitive damages awarded to the fishermen and communities which were impacted by the spill. That oil spill destroyed the livelihood of thousands of Alaskan fishermen and others and decimated the wildlife. As the alert stated, "...after all these years, **Exxon-Mobil still has not paid the punitive damages** it owes to the victims of the spill. ExxonMobil has dragged more than 30,000 people through 13 years of litigation by appealing

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Bird Year: A fossil-fuel free trip “for the birds” and the Arctic Refuge

In September, 2006, Malkolm Boothroyd started sweating through three high school grades in two years. “When the extra schoolwork seemed too much to manage,” he said. “I thought of the payoff, my *Big Year*.”

A Big Year is a 365-day birding marathon across North America. Birders who undertake a Big Year “turn into maniacs” said Mark Obmascik (author of *The Big Year*). Malkolm says that he won’t be an exception – especially since he and his parents Wendy Boothroyd and Ken Madsen plan to travel from their home in Whitehorse, in Canada’s Yukon, for 10,000 miles without using any fossil fuels. (See **alaska report**, June 2006.) As Canadians, they care about protecting the Refuge just across the border; the Porcupine caribou herd spends at least half its time in the Yukon, and

DC Update: Exxpose Exxon

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every guilty verdict it has been given since 1994! During this time, 6,000 people have died waiting for compensation. ”

Bingaman Land Sales Amendment

There is an important effort to prevent the Budget process from being misused to authorize Arctic drilling. (For the past several years, including this year, the Bush Administration has submitted a budget proposal which includes large hypothetical income from selling Arctic drilling leases; that budget was never passed.) Myke Bybee, of Sierra Club’s public lands team in Washington, DC, reports:

“Sen. Jeff Bingaman, chairman of the Senate Energy and Natural Resources Committee, sought to use the upcoming Budget Resolution to change an obscure budgeting rule which determines how the Federal Government calculates the potential value of federal land sales or leases. The Republican Congressional leadership changed the rule in 1995 so that it then allowed Congress to use its scores for potential lease sale values in their budgeting and appropriating calculations. This allowed President Bush to assume billions of dollars of revenue from proposed Arctic drilling in his Budget each year.

Sen. Kent Conrad (D-ND), Chairman of the Senate Budget Committee, agreed to work with Sen. Bingaman and his staff to address the rule change issue without an actual amendment to the Budget, requiring a vote. We are optimistic this effort will ultimately succeed. ”

⇒ WHAT YOU CAN DO for the Arctic:

Contact your Congressional representative. Thank your representative for cosponsoring HR 39, or, if his or her name is not on the list of cosponsors (p 4) please ask that your representative become a cosponsor to this significant wilderness legislation. Call the Capitol switchboard at **(202)224-3121** to be connected to your member’s office. ♦



photo: Ken Madsen

Sandhill crane chick (called a “colt”) in the Arctic Refuge

Canadian Gwich’in people depend on the famed herd for subsistence just as do Alaskans. Canadians realize that this herd and its unspoiled grand habitat of wild land are valuable resources of truly global significance.

“Our trip isn’t a vacation to see as many birds as possible;” said Malkolm. “It’s a conservation project. We hope to inspire people to become active in caring for birds and bird habitat – especially places like the Arctic Refuge.”

Malkolm and his family have worked to protect the Arctic National Wildlife Refuge for nearly a decade. They have taken numerous wilderness trips in the Arctic and have traveled to more than 35 states and provinces with audio-visual presentations--versions of the Caribou Commons show. Their message? The coastal plain of the Arctic Refuge must be permanently protected. They will take the same message south during their Bird Year.

“In September when my friends are going back to school, I’ll be looking for seabirds in California’s Monterey Bay,” said Malkolm. “When they’re writing midterms, I’ll be watching thousands of sandhill cranes in New Mexico – some of them might have been born in the Arctic Refuge.... It won’t all be fun. There will be brutal headwinds, swarms of mosquitoes and dangerous drivers. Despite that, it will be a great trip and I can’t wait until June.”

Malkolm’s Bird Year will begin on the 2007 Summer Solstice. He’ll cycle south from the Yukon to southern California and east to Florida. He’ll finish in June, 2008 in the scorching Texas heat, looking for two threatened bird species – black-capped vireos and golden-cheeked warblers.

“We hope that people will join us to protect birds and the Arctic Refuge,” said Malkolm. “People can go to our website to sponsor us to raise money to protect the Arctic Refuge and other special places – or better still they can do a fossil-fuel free Big Day of their own.”

Malkolm hopes to meet lots of people as he cycles across the continent. And he hopes many more will become involved in activities on the Bird Year website (www.birdyear.com). Please look; it can be fun to help the environment! ♦

-- Malkolm Boothroyd and Ken Madsen

Tongass timber sales withdrawn

On April 4, the U.S. Forest Service agreed to abandon plans to allow nine large timber sales in wild areas of Alaska's Tongass National Forest. The settlement, resulting from a 2005 ruling by the Ninth Circuit Court of Appeals that the Forest Service had grossly overestimated demand for Tongass timber, was a big victory of Sierra Club and its conservation partners. (See **alaska report**, Nov. 2005.)

Mark Rorick, chair of the Sierra Club's Juneau Group, commented, "The settlement means that for now the chain saws will be kept at bay. Millions of Americans have said, again and again, that they want to see the Tongass



Clover Bay floating lodge is located in the heart of the proposed Chomondley timber sale

protected. That's why we fought so hard against these sales. After 50 years of industrial logging these few are some of the best places left and we'll continue to defend them and

all other Tongass roadless areas."

"The court agreed there is no need to log these wild, roadless areas," said Sierra Club staffer Katherine Fuselier. "But we need to protect the Tongass permanently, so that the biggest and greatest of our national forests is not treated as a giveaway to special timber interests."

The timber sales in question included pristine, valued forest areas like Chomondley, Emerald Bay, North Kuiu, and Canal Hoya.

The Ninth Circuit Court of Appeals decision was a ruling on two lawsuits filed in December 2003 and January 2004 by Earthjustice, on behalf of Sierra Club, Natural Resources Defense Council, National Audubon Society, The Wilderness Society, and Center for Biological Diversity.

New Tongass management plan flawed

Although the Forest Service agreed not to go ahead with these nine large sales, the agency is preparing a management plan that, as proposed, would open these areas and more to future road building. (See **alaska report**, Jan. 2007, June 2005.) The agency closed comments on its new plan on April 30. "The Forest Service's draft plan for the Tongass is fatally flawed," Fuselier pointed out. "The Forest Service submitted a new plan that has the same faulty approach as the old one. It leaves too much land open for logging and not enough for community uses like hunting,

"...for now the chain saws will be kept at bay."

ishing, tourism, and recreation."

The Sierra Club seeks to promote a strong and diverse economy that respects the wildlife, recreation opportunities and natural heritage that Alaskans and other citizens value, and to end permanently Congressional handouts for logging on the Tongass National Forest, which have cost taxpayers more than \$1 billion since 1982.

With the goal of ending the subsidies for road construction on the Tongass—construction paid for with taxpayer moneys to allow timber companies easy access to new forested areas of Southeast Alaska's Tongass, there will again this spring be an amendment to the Department of Interior Appropriations bill. Similar to amendments proposed in recent years, this year's amendment would prevent federal funds from being used to construct logging roads on the Tongass. (See **alaska report**, June 2006, June 2005, July 2004.)

Court rules Kensington Mine plan violates Clean Water Act

In mid-March the Ninth Circuit Court of Appeals announced it intends to rule in favor of Sierra Club, Southeast Alaska Conservation Council and Lynn Canal Conservation that Coeur Alaska mining company's plan to dump mine wastes into Lower Slate Lake near Juneau was a violation of the Clean Water Act. The court denied a permit application by Coeur Alaska to build a drainage ditch around Lower Slate Lake that would have required substantial additional tree cutting and wetland filling.

The judges stated: "We believe it is appropriate to announce at this time that we intend to reverse the district court, vacate the permits and the Record of Decision authorizing the use of Lower Slate Lake as a disposal facility, and remand to the district court with instructions to enter summary judgment in favor of SEACC. In issuing its permit to Coeur Alaska for the use of Lower Slate Lake as a disposal site, the Corps [of Engineers] violated the Clean Water Act."

While this was not a final decision on the appeal, it was a clear statement from the court as to how it intends to rule.

This announcement and ruling may have national implications. "The ruling should prevent mines across the United States from likewise dumping toxic mine wastes into streams and rivers," said Tom Waldo, attorney for Earthjustice in Juneau. "The Kensington permit was a test case by the Bush Administration to resurrect mining practices from the pick-and-shovel days. The Clean Water Act prohibited such practices, and today the Court confirms that."

Waldo expressed hope that the court ruling would deter such operations elsewhere in Alaska, such as the proposed Pebble Mine in Bristol Bay. (See article, p. 1-2.)

In 1982, the Environmental Protection Agency (EPA) adopted regulations based on the

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Global Warming major focus for Alaska Chapter Earth Day fair

The Sierra Club Alaska Chapter's Knik Group (Anchorage area) celebrated Earth Day by hosting a Smart Energy Solutions Fair. The gala event drew more than 250 people from all over Anchorage, including Anchorage Mayor Mark Begich. As an opening ceremony, Sierra Club Alaska staffers Trish Rolfe and Maryellen Oman presented the Mayor with a certificate proclaiming Anchorage as an official Cool City. Mayor Begich then talked about his signing of the U.S. Mayor's Climate Protection Agreement—a pledge to reduce carbon emissions to 1990 levels by 2020. (See **alaska report**, June 2006.) He described the City's strides to lower its CO2 emissions.

Featured speakers Mary Walker, from Alaska Conservation Solutions, and Kevin Harun, Anchorage Renewable Resource Manager, talked about the serious manifestations of global climate change already felt in Alaska, about renewable energy projects in the state, and out how individual citizens can get involved. Children's activities at the fair ranged from planting seeds to making garbage grabbers to help pick litter around Anchorage. Various booths had

information on planting trees, buying green tags to support renewable energy, and signing a 3-2-1 efficiency pledge.

The Knik Group gave out compact florescent light bulbs as door prizes and encouraged attendees to be a part of Sierra Club's big campaign to fight global warming.

More than 25 volunteers, mostly Sierra Club activists, committed time and energy in promoting this event, including getting school kids to make signs, producing "Smart Energy" t-shirts, and setting up phone banks in the week before to invite members to the event. The Natural Pantry, Anchorage's local natural foods grocery store, donated organic drinks and snacks for the event.

The chapter views every day as Earth Day and will continue its campaign to promote Smart Energy Solutions. Smart Energy Solutions/curbing global warming is now the top Sierra Club national conservation priority campaign. ♦

-- Trish Rolfe



Fighting coal power

Since Alaska, so far north, is already

battling extreme problems caused by global warming, Alaska Chapter activists view their state as the last place where large investments should be made in already outdated, dirty, highly polluting and toxic energy developments—such as new coal-fired power plants. The city of Seward recently fought down one such proposal, thanks in large part to the efforts of Seward Sierra Club volunteer Russ Maddox. In an Opinion piece published April 20 in *Anchorage Daily News*, Maddox gets to the crux:

"...The largest source of man-made mercury emissions is coal-fired power plants, but despite these and other harmful greenhouse gas emissions, coal has become the primary focus for new power generation in our country. Proponents will tell you that coal is abundant and relatively cheap, and they're right -- as long as you don't factor in human health, wildlife and environmental costs, that is....

In March 2006 the EPA issued the Clean Air Mercury Rule, which sets a cap on mercury air emissions for each state. Alaska's cap will be eight pounds annually by 2018. Alaska almost certainly would have exceeded its mercury cap last year if a proposal to build a 20-megawatt, coal-fired power plant in Seward had been successful. Now, two much larger coal plants have been proposed for Southcentral [Alaska]....It doesn't take a mathematician to figure out that Alaska could easily surpass its mercury emissions limit.

Alaska sits at a crossroads: We can either be part of the solution by embracing our renewable energy resources and reducing emissions, or we can be part of the problem and raise emissions by embracing a future in coal." ♦

Kensington Court Ruling

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Clean Water Act that prohibited new gold mines from dumping their tailings into water bodies. "The plain language of the Clean Water Act simply prohibits the discharge that the Corp of Engineers had permitted," Waldo added.

The Sierra Club, SEACC, and Lynn Canal Conservation negotiated with Coeur Alaska for more than three months to try to reach an agreement but were unable to resolve the dispute. They filed a lawsuit in September 2005 as a last resort. (See **alaska report**, Oct. 2006, Oct. 2005.)

The proposed Kensington Gold Mine is located adjacent to Southeast Alaska's Berners Bay, just north of Juneau, in the heart of the Tongass National Forest. Berners Bay and its surroundings comprise one of the Southeast Alaska's richest estuary systems--home to brown and black bears, wolves, moose, humpback whales, harbor seals, and Steller sea lions. Spawning runs of coho and sockeye salmon, Pacific herring, and eulachon (a small energy rich forage fish), attract congregations of up to 100,000 migrating shore birds, bald eagles, humpback whales, and the threatened Southeast Alaskan Steller sea lions.

"Coeur must be held responsible for protecting the spectacular resources of Berners Bay," said Mark Rorick of the Sierra Club's Juneau Group. "With gold prices as high as they are, they can afford to do it right.

The court ruling is a clear victory, but efforts of Coeur to assure that the Kensington Mine can move forward are not over. These efforts may try to bypass the Clean Water Act by alternative methods of tailings disposal as environmentally inappropriate as the mine company's past plans." ♦

Sierra Club has new field representative in Anchorage

Trish Rolfe has just been hired as the new Alaska Senior Regional Representative for the Alaska Field Office. Trish comes to Sierra Club with a wealth of experience, having most recently served as Campaign Director of the Alaska Democratic Coordinated Campaign. Previous to that she was Associate Director for Alaska Conservation Alliance/Voters for several years, and worked for Washington Conservation Voters before that.

She moved to Alaska in 1982, graduated from the University of Alaska, Anchorage, and then went to work in the photography industry in Alaska. Working with photographers around the state gave her the opportunity to see some amazing images of Alaska's wildlife and wildlands. This experience has given her a strong understanding and love for Alaska, its issues, and the many groups working to preserve this superlative legacy of wildlands, wild rivers, and wild critters.

Trish is committed to continuing Sierra Club's successful Arctic campaign, as well as expanding Sierra Club's outreach with fishing and hunting groups, labor, and the Native community. "I'm thrilled to be a part of this



wonderful organization that has such a committed and passionate group of volunteers. I look forward to working with them to protect Alaska's wildlands," said Trish.

Trish Rolfe succeeds Betsy Goll, (see **alaska report**, Dec. 2004) who served as the Sierra Club's regional representative in Anchorage from February 2002 through most of 2006. Betsy now works for the Alaska Wilderness League in Anchorage on environmental justice issues and also volunteers with the Sierra Club's Alaska Chapter.

Trish can be reached at the Anchorage Field Office, 333 West 4th Ave., Suite 307 Anchorage, AK 99501-2341

907-276-4044. <trish.rolfe@sierraclub.org> ♦

alaska report is now available on the Sierra Club website. Find this issue at <http://www.sierraclub.org/wildlands/alaska-report/0705.pdf>.

We will continue to print and mail two issues out of approximately four a year. The remaining issues will be web issues only; all will be posted on the website.

Let us know if you wish to have only the electronic version and skip the paper. To be notified when a new electronic issue is available, send email to vicky.hoover@sierraclub.org,

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Your help for Alaska's public lands is very valuable !

alaska report

alaska report is the newsletter of the Sierra Club Alaska Task Force, encouraging advocacy on Alaska federal lands issues, particularly as they pertain to the passage and implementation of the Alaska National Interest Lands Conservation Act of 1980.

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ACTION NEEDED:

