



Photo by Peggy Fagerstrom

**DUST**— Dust trails behind a truck on the Nome-Council Highway at the Safety Bridge in this photograph taken in the summer. Camp owners along the highway and other Nome residents have raised concerns about dust being kicked up by the proposed truck haul traffic from Big Hurrah to Rock Creek. A DEC air quality permit pending for Alaska Gold's Rock Creek mine does not address the dust issue on public roads.

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## Nome residents sue Army Corps of Engineers over Rock Creek permit

**By Diana Haecker**

Nome residents, dissatisfied by the lack of a meaningful environmental review in connection with a wetland permit issued for the Rock Creek mine near Nome, filed a civil suit last week at Federal Court in Anchorage.

The defendant is the Army Corps of Engineers. The mine's owner, Alaska Gold, and its Canadian parent company, NovaGold, are not named as defendants.

Trustees for Alaska, a public interest law firm in Anchorage, represents three Nome residents, Sue Steinacher, Austin Ahmasuk and Jana Varrati, as well the Nome-based citizen group "Bering Strait Citizens for Responsible Resource Development," in the lawsuit.

The plaintiffs allege that the Army Corps of Engineers issued a permit for NovaGold's Rock Creek mine and mill project in violation of National Environmental Policy Act procedures, the Clean Water Act and the National Historic

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## DEC air quality permit skirts road dust issue

**By Diana Haecker**

The deadline for the public comment period on the air quality control permit for Alaska Gold's Rock Creek mine and mill complex ended on Monday, November 20, without addressing the air quality issues related to mine truck traffic on public roads.

The permit is required to implement the federal Clean Air Act and is handed out by the Alaska State Department of Environmental Conservation. The permit would allow the gold company construction and operation of the mine and operation of rock crushers at the mine complex.

The permit only addressed air quality issues related to emissions from combustion engines, heating systems, rock crushers and haul traffic at the mine site.

However, the permit does not address fugitive dust created by the proposed truck traffic of ore from

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Photo by Peggy Fagerstrom

**SERVE**— Junior high volleyball player Rachel Stiles showed her graceful serve during last Saturday's final volleyball game of the season at Nome-Beltz High School against the Kotzebue Huskies. (See story inside.)



Photo by Peggy Fagerstrom

**INCREDIBLE HULK** — Stephan Anderson spent last Saturday fishing for tomcod at the Snake River mouth in the Nome harbor. Anderson was going to bring them home to his grandmother.

## Muskoxen managers say increase hunt

**By Sandra L. Medearis**

The number of stocky long-haired animals with the short legs and neck with the big hump hunched over the big head with the curving horns is increasing on the Seward Peninsula. The muskoxen, going home in tourists' cameras and on sleds with subsistence hunters have reached a population of about 2500 according to a state Fish and Game census.

A herd of thinkers representing the best interests of muskoxen as a game resource on the Seward Peninsula gathered in a two-day meeting last week to reach consensus on a new number of muskoxen reasonably necessary for subsistence harvest (in agency jargon, ANS). Biologists from the state Dept. of Fish and Game will forward this number to the state Board of Game to consider in changing hunting rules on the arctic and western regions of the state when it meets in 2007.

The Seward Peninsula Muskoxen Cooperators said the state should increase the current 100 animals (set in 1998) to 240 -260 allowed for the cooking pots based on the increased population.

Federal and state managers with local subsistence use representatives, with census figures and biologists' advice hashed out the common interest Nov. 15 and 16: how

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•**Lawsuit**

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Preservation Act.

“The Corps did not prepare an Environmental Impact Statement to investigate the impacts on human health or the environment, and permitted the destruction of over 400 acres of wetlands without considering alternatives,” explained Trustees lawyer Vicki Clark.

“The Corps violated its mandatory duties under the Clean Water Act, the National Environmental Policy Act, and their implementing regulations by designating wetlands for destruction despite the availability of practicable alternatives with fewer adverse effects on the environment and by failing to analyze reasonable and practicable alternatives that would avoid or minimize wetland destruction,” reads the 28-page complaint document.

“In addition, instead of preparing an Environmental Impact Statement to fully review the environmental impacts from and alternatives to the wetlands destruction, as required by NEPA and its implementing regulations, the Corps prepared only a minimal Environmental Assessment, which failed to comply with the strict requirements of NEPA,” says the complaint.

The plaintiffs say the Corps’ permit is unlawful, should be revoked and ask the court to rule on further action as well as to issue an immediate and permanent injunction “prohibiting AGC from undertaking any construction activities resulting in the discharge of any dredged or fill material into any wetlands associated with the Rock Creek Mine Project until a valid permit is issued,” reads the complaint.

The plaintiffs Austin Ahmasuk, Sue Steinacher and Jana Varrati also challenge the Corps’ failure to consult with local tribes under the National Historic Preservation Act.

“Bering Strait Citizens also challenge, pursuant to the National Historic Preservation Act, the Corps’ failure to consult with Nome Eskimo Community, the Village of Solomon, King Island Native Community, or any other federally-recognized Indian Tribe in the

Nome area, regarding the identification of historic and cultural properties in the area and the potential impacts from the Rock Creek Mine Project,” reads the complaint document.

Clark said the lawsuit also seeks a preliminary injunction to stop construction of the Rock Creek mine and mill complex currently underway until the court makes a decision.

Sue Steinacher said that she felt blind-sided by the permitting process. “The public meeting in June was the first time most of us heard about anything about the mine’s plans for using cyanide, but instead of it being the beginning of a meaningful public process, it was nearly the end.”

A public hearing was held on June 26, a week before the deadline of the public comment period on a myriad of permits involving several Alaska State departments. The deadline for Army Corps of Engineer permit was on July 20.

In an interview with *The Nome Nugget*, Steinacher stressed that her main concern was that the public review process was compromised. “This lawsuit is not about whether or not we’re in favor of the mine,” Steinacher said. “It’s about whether or not the people of Nome deserve an Environmental Impact Statement.”

Steinacher said that an EIS would do a much more thorough analysis of questions the public posed in connection with the mining project and that the public would have more opportunity to provide input.

Steinacher also expressed her concern that the state does not provide the public with balanced information. “One of the first acts of the Murkowski administration was to disband the Habitat Division of Alaska Department of Fish and Game. This eliminated the checks and balances that used to exist between the state department that promotes natural resource development and the state department that protects natural resources,” said Steinacher.

The Alaska Department of



*Photo by Diana Haecker*

**ROCK CREEK MINE—** Construction at the Rock Creek mine and mill site is underway as winter temperatures plunge to the single digits in the Snake River Valley.

Natural Resources permitted the mine’s reclamation plan, a fish habitat permit, six temporary water use permits and reviewed consistency with the Alaska Coastal Management Plan, but did not consult ADF&G on wildlife and habitat issues affected by the mining project. By law, no consultation is required.

Plaintiff Ahmasuk expressed concern about the adverse impacts of the mine on subsistence practices. “Healthy fish and wildlife, such as the salmon and moose and berries with which we fill our freezers, will be impacted by the toxic chemicals generated by the mine,” Ahmasuk said. “An Environmental Impact Statement would give all of us the opportunity to evaluate the risks this mine poses to our community.”

In an interview with *The Nome Nugget*, Ahmasuk said, “When the Corps published their environmental assessment decision they indicated that there was overwhelming

public support for the project based on one meeting and that only one person expressed concerns. If there would’ve been adequate public notice, there would have been public comment generated, as there are public comments now. If they would’ve tested the assumptions in the company-submitted EID, the public would have known more and had something to comment on.”

Ahmasuk said that there are a number of concerns raised regarding the health of the human environment and the natural environment and that these concerns should have triggered an EIS.

In addition, Ahmasuk said the Corps did not consult with local tribes as required by law. “Executive Order 13175 lays out very specifically how tribal consultation has to occur,” Ahmasuk said, “The Corps didn’t follow these steps to create a meaningful dialogue.”

Ahmasuk added that the Corps

came to the wrong conclusion that there was no public concern. He said that his intention with the lawsuit is to address the Corps’ flawed decision making process. “It just didn’t feel right,” said Ahmasuk. “Citizens have every right to question the government’s decisions. I may be wrong, but I have the right to take the issue before a judge in a court of law to decide.”

Jana Varrati is outraged about the lack of an EIS and said, “The Corps’ job is to make sure these projects have adequate environmental analysis, yet it appears the Corps is shirking its responsibility.”

During a road dedication ceremony to officially open the newly built Glacier Creek spur road in July, Governor Frank Murkowski faced a group of Nomeites with protest signs asking for an EIS. The \$8 million road was the first state-sponsored access way to be built and finished.

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