



Photo by Diana Haecker

SEA ICE FORMING— Last week sea ice made its first appearance of the season in front of Nome and Sledge Island, giving gulls a rocky place to rest.

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Alaska Gold intervenes in lawsuit against Army

By Diana Haecker

Citing an interest in the outcome of a civil lawsuit pending against the Army Corps of Engineers over the 404 wetlands permit issued to the Rock Creek mine, Alaska Gold let the Federal District Court in Anchorage know of its intentions to intervene.

"Alaska Gold as the permittee, has a significant and material interest in the permit that is the subject of this action," say court papers. "If the relief sought by the Plaintiffs is granted, Alaska Gold's interest will

unquestionably be severely impaired, and the named Defendants [Army Corps of Engineers] concur that they cannot adequately defend Alaska Gold's interest."

Three Nome residents, Jana Varrati, Sue Steinacher and Austin Ahmasuk, and a watchdog group called "Bering Strait Citizens for Responsible Resource Development," filed a lawsuit against the Army Corps of Engineers on November 8 in the

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City of Nome settles lawsuits over Owens, NPD misconduct

By Diana Haecker

Almost a year after a Kotzebue jury convicted former Nome police officer Matthew Owens of the murder of 19-year-old Sonya Ivanoff, the City of Nome settled the remaining civil lawsuits with three women and a man over acts committed by Owens. According to a source, the four lawsuits were settled for a total of \$270,000.

The lawsuits claimed the City of Nome was negligent in hiring,

supervising and retaining Owens.

"The Nome Police Department knew of reports that Owens cruised the streets of Nome at night in uniform and in his patrol car, picking up young women for unauthorized 'ride-alongs' and making unauthorized sexual advances on them," said a press release from the plaintiff's lawyer, Myron Angstman.

The civil suits were filed in State Court in Nome.

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Photo by Diana Haecker

SKATING FUN — Skating and having fun on the frozen dredge pond at Swanberg Dredge was Autumn Falls with her dog Rembrandt last week. Falls said she grew up skating and took advantage of the smooth surface of the ice to make a few turns with her amazingly sure-footed puppy.

Citizens request elimination of trapping

By Tara McCaw

At Monday's City Council Meeting, Nome citizens Diana Adams, Chrystie Salesky and Charlotte Mattheis requested that the Common Council take action to prevent the snaring and trapping of animals inside city limits. The women shared a recent story about Mattheis' dog getting caught in a snare hidden in brush near a dog mushing trail. Later, in the Councilmen Comments segment of the meeting, Council members Stan Anderson and Mary Knodel requested that the city draft an ordinance ready for first reading at the next City Council meeting concerning trapping.

ing trapping.

Other citizens that spoke during the Citizens Requests and Grievances portion of the meeting included Scot Henderson of Bonanza Fuel, Tim Smith of Nome Fishermen's Association, and Mitch Erickson of the Nome Chamber of Commerce. Henderson distributed a series of comments outlining his argument for why the Common Council should eliminate the Personal Property Tax on Inventory for local businesses. This issue and Henderson's comments will be further addressed at City of Nome working session scheduled for Wednesday, November 29.

Smith requested documents from the city to supplement his request to NSEDC for funding for the Nome Fishermen's Association Hatchery and Salmon Lake Fertilization Project. Erickson spoke briefly of a follow-up to last April's Energy Summit. Former Nomeite Phil Kaluza of Alaska Building Science Network is tentatively scheduled to speak on December 11. Information on the time and place will be coming in the near future.

In terms of unfinished business, two ordinances went through second reading, public hearing and final passage. The first was an ordinance

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Photo by Nancy McGuire

DEAR SANTA — Gabrielle Mosteller, 5, tells Santa Claus what is on her "I've been a good girl wish list." Santa made a special trip from his workshop at the North Pole to visit youngsters at the Nome PreSchool Christmas Crafts Fair in Nome on Saturday.

Wade Hampton voters given erroneous ballots

By Tara McCaw

During the November 7 general election, citizens from eight villages in the Wade Hampton Census Area voted on the retention of judges who are not in their judicial district. Ballots in the recent election did not reflect the changes made by a 2002 Alaska State Legislature House Bill that officially changed the boundaries of the 4th and 2nd judicial districts. Since Statehood, Wade Hampton was included in the Second Judicial District with Nome. After the passing of the 2002 bill, the new boundaries moved Wade Hampton to the 4th Judicial District,

which includes Bethel.

In the 2006 election, Judge Ben Esch and Judge Richard Erlich, both of the Second Judicial District, were on ballots in Alakanuk, Chevak, Emmonak, Mountain Village, Pilot Station, St. Mary's, Scammon Bay and Kotlik. This gave voters from these villages the opportunity to have a say in the retention of these two judges who they will never see in court. The Wade Hampton voters did not have the opportunity to vote for or against judges from the 4th Judicial District who will actually serve them.

In 2002, Representative Mary

Kapsner of the Alaska State Legislature sponsored a cleanup bill to realign state judicial districts. Before 2002, the majority of people in the Wade Hampton Census Area, located along the coast and Yukon River, were already traveling to Bethel in the Fourth Judicial District for hearings or jury duty, even through this was not their official judicial district. According to Kapsner, Alaska judicial boundaries were not altered over time to reflect changing communication and commerce systems. "Bethel is the trans-

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•Alaska Gold

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Anchorage District Court. The lawsuit alleges that the Army Corps of Engineers issued a permit for Alaska Gold's Rock Creek mine and mill project in violation of National Environmental Policy Act procedures, the Clean Water Act and the National Historic Preservation Act.

The lawsuit seeks to suspend the validity of the 404 wetlands permit until the court determines whether or not the Army Corps of Engineers violated federal laws in giving the green light to Alaska Gold's project. The plaintiff's lawyer, Vicki Clark with the Trustees for Alaska, also sought a preliminary injunction, meaning to halt construction at the mine site until the court has made a ruling.

The intervention document filed by Alaska Gold's lawyer Michael Grisham with Dorsey & Whitney LLP in Anchorage, said that Alaska Gold has already dredged and filled beyond repair the majority of the wetlands at issue.

Vice president of NovaGold Alaska Inc./ Alaska Gold Company, and general manager of the Rock Creek mine, Doug Nicholson argued in an affidavit that Alaska Gold had already invested almost \$64 million in the development and exploration of Rock Creek and Big Hurrah. The affidavit said that Alaska Gold is going to spend an anticipated \$10.4 million in payroll and \$20.6 million in goods and

services.

Regarding employees, Nicholson stated that Alaska Gold had hired 24 people since the permits were issued, bringing up the total number to 31 staff. "Of these are 80 percent local, 50 percent are Native American, and 30 percent are shareholders in the Bering Straits and Sitnasauk Native Corporations." [Sitnasauk misspelled consistently in Alaska Gold's court documents, Ed.]

Nicholson argued that Alaska Gold had spent three years to identify, mitigate and remediate the environmental impacts of the project and that state and federal regulatory bodies were actively involved in the planning process and "not only knew of Alaska Gold's plans but also had input into them."

Mostly, however, Nicholson argues that Alaska Gold has an immense interest in the lawsuit because of money and resources already allocated to the project. According to court papers, Alaska Gold has spent or committed to spend approximately \$52.9 million of a total project capital cost of \$77 million. Construction costs are listed as \$29.3 million.

"The project, which is located on privately-owned land, is a \$77 million investment in the economically deprived Seward Peninsula region," says Alaska Gold's motion. "The project's need for labor and logistical support will thus provide significant employment and business

opportunities to a region plagued by high jobless rates and limited opportunity.

"We were aware that there were some individuals opposed to the project," Nicholson wrote. "If the requested injunction is issued, Alaska Gold will suffer catastrophic business losses, and will need to lay off almost all of the 67 employees under existing or pending contracts, as well as forego hiring the remaining employees."

Asked if the pending lawsuit somehow influences Barrick's interest in NovaGold, Barrick Gold's vice president Vince Borg told *The Nome Nugget*, "This highlights in

our view the risks and uncertainties involved in permitting and constructing mines today. There are inevitably these kind of developments that we do not believe that NovaGold management has accounted for in their aggressive timetables."

•Council

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"Risk Ranking and Risk Reduction Process and the Moonlight Springs Protection Ordinance Database Dated June 26, 2006 as the City of Nome's Best Management Practices for the protection of the municipal water supply in the Moonlight Wells Protection Area.

The second was a resolution certifying that the municipality did suffer significant effects during the program base year from fisheries business activities that occurred within the City of Nome Fisheries Management Area.


The final two resolutions supported the Nome Bypass Improvement Project and the Nome Harbor Project as well as applications to the Denali Commission for funding for those two projects.

The final issue of new business on the agenda was a facility reservation fee waiver for the Mini Convention Center during the Iron Dog on February 14, 2007.

In the City Manager's report, Romenesko reminded the public that there is a "process to the madness" in terms of snow removal: first bus routes are cleared, afterwards snow is removed from one-way streets and two-way streets, and then finally cleanup takes place. He mentioned that there is a city parking issue and reminds citi-

zens to move their cars out of the public right-away to avoid fines. He also thanked the Public Works Committee for putting up the fence around the ice skating rink.

During the Mayor's report, Mayor Denise Michels mentioned that Nome may hold a Inaugural Ball for newly elected Governor Palin. If so, there will be future fund-raising to finance the event, and the Common Council may be asked to wave Nome Recreation Center fees.




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