

Plaintiffs explain reasons for second lawsuit against Corps over Rock Creek permit

Two weeks ago, two Nome residents and a Nome-based citizen group called Bering Strait Citizens for Responsible Resource Development filed a lawsuit in the U.S. district court for the second time, disputing the legal validity of the process that led the United States Army Corps of Engineers to issue and reissue a wetlands permit for NovaGold/Alaska Gold Company's Rock Creek mine project.

Individual plaintiffs Jana Varrati and Sue Steinacher agreed to an interview by *The Nome Nugget* reporter Diana Haecker and explained their reasoning for taking the legal steps against the Corps.

Nome Nugget: *The Army Corps of Engineers reacted to the civil lawsuit filed by you and the Bering Strait Citizens for Responsible Resource Development last November by retracting the permit in question and conducting an internal review. Why are you filing the lawsuit for the second time?*

Sue Steinacher: We are filing the lawsuit again because of the same reasons we filed it in the first place. Little has changed. We, to a certain extent, need to rely on people more knowledgeable than ourselves. Dr. David Chambers reviewed the changes the Corps made in the reissued permit for us. He felt they were not substantial, and that our major issue about the law requiring the Corps to do an Environmental Impact Statement had yet to be addressed.

NN: *Could you remind us of those reasons?*

SS: An EIS would require a greater and more in-depth analysis of potential impacts than the environmental information document that NovaGold produced. There would be a more extensive public process, which would include the opportunity to review, comment and respond on multiple occasions and not just during one very brief window of time. The reason that we have this process is not only so the public has the opportunity to participate, but because all concerns and questions get raised. The company must then address the concerns and have firm and clear mitigation plans in place before permitting. This doesn't necessarily prevent the mine from going in, but it does make it a much better and safer project.

NN: *The Corps' spokespersons have in the past pointed out that there was ample opportunity for the public to be heard, there was a public hearing, a comment period. How do you respond to that?*

SS: I figure that a lot of people

that were prepared to testify at that one public meeting likely had prior knowledge through meetings that were not generally advertised to the general public. Also, Austin Ahmasuk offered extensive testimony at that meeting on the mine's potential impacts to subsistence. I and many others submitted written comments expressing a host of concerns prior to the close of the public comment period, so it is not as if concerns were not expressed. Additionally, prior to the changes Governor Murkowski made to the Habitat Division [formerly part of the Alaska Department of Fish & Game], the local fish and game biologists would have been able to raise questions and concerns and bring it more to the public awareness. But given the way the permitting process in the State was reorganized, the local experts were never contacted at all, and therefore the public never had the benefit of their input.

NN: *What did you comment on?*

SS: In the beginning I knew very, very little of the details and I was simply begging the agencies to do a good job of oversight. As I became more and more informed I started asking questions about cumulative impacts, about acid mine drainage, but even so, to really become knowledgeable and to offer substantive comments, takes many, many weeks of spare time outside of all other full-time commitments.

Jana Varrati: We are lay people. My big issue is the lack of public process. I object to the way it has been handled because from beginning to end, we had only one opportunity to have a public meeting during which we were to be educated by NovaGold or any permitting agency. The initial process was denied to us. As far as I know, every agency has used the same environmental impact document submitted by the contractor to NovaGold to make their findings. We need independent information, gathered and dispensed and thought about and discussed so that we the people who are being impacted can get that information about our environment, our surroundings. We need to know. We have a right to know.

SS: I have now spoken with many people at the Environmental Protection Agency and the US Fish and Wildlife Service who were involved in the permitting of this mine. They explained that there is usually lots of advance discussion and coordination with the Corps, but in this case, they only received notice at the same time as the public notice went out, leaving them little time to respond. They also told me that long-standing policies regarding the EPA's and the Fish and

Wildlife Service's ability to protest the Corps' permitting decision have been undermined by the current federal administration. Everyone I spoke with said that in their experience that a project of this size clearly called for an EIS.

JV: My issue is I believe in process, process, process and that has not happened here. The agencies have not followed the law. They have not done public notice. They have not conducted public hearings and it's wrong. It frustrates me because this is a really big project with a large impact on the community, monetarily or otherwise.

There are issues that need to be discussed by members of that community - the good as well as the

negative.

That has still not happened. Representatives from the City were involved in meetings about this issue and didn't inform us or call a town meeting, let alone a public hearing. Nor did state agencies such as the Large Mining Team. Neither did regional and federal agencies. Every agency has a responsibility and that responsibility does not include rubberstamping the minimal information that is available at the local level.

NN: *NovaGold produced an environmental information document.*

SS: If the Corps were to do an EIS, they could do it in-house or

contract it out just like NovaGold did, but the difference would be that the contractor would answer to the Corps rather than to the business seeking the permit. Additionally, the individual who prepared the information document for NovaGold also appeared to double as a public relations person for NovaGold, which causes some of us concern over the document's neutrality. However, much of the information in that document may be accurate, and could be incorporated into an EIS. But an EIS would require substantially more review and analysis of potential problems, and require that solid mitigation plans be in place prior to permitting. That's

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ROCK CREEK MINE—The Army Corps of Engineers reissued an amended 404 permit to the Rock Creek mine, now challenged in court for the second time.

Photo by Diana Haecker

Do you have children in child care? May 11th is National Child Care Provider Appreciation Day

Show your child's caregiver or teacher that you care about what they do for your child.

A Special THANK YOU to all of the child care providers in Nome and the Bering Strait Region. We appreciate all of the hard work you do.

Sincerely, Kawerak Child Care Services Staff

We must believe the things We teach our children. ~ Woodrow Wilson

Support this year's DAWN Summer Adventure Camp. Come join us at the

"Soup" er Bowl Fundraiser, Friday May 11

6 p.m. — 8 p.m.

Nome Elementary School Dining Commons

Buy a soup bowl (handcrafted and donated by the University of Fairbanks Northwest Campus Pottery Class) that start at \$20. You get a bowl of delicious homemade soup, bread and a beverage with your purchase.

Entertainment provided by
The "Not" Brothers and Sarah Hofstetter

DAWN thanks you for supporting drug-free activities for the youth of Nome.

• **Plaintiffs**

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why an EIS, in the end, makes an industrial project better.

JV: Every big project has a significant impact. It seems to me, the responsible thing to do is to request through the process an EIS to begin with. This would have been all over if any entity, corporate, or state or federal had done that at the beginning.

NN: *Recently, the CEO and president of NovaGold had expressed that the mine's critics had shown no intention to engage in dialogue.*

JV: I have called both Doug Nicholson and Rick van Nieuwenhuysse and never received a call back. I have spoken with John Odden and offered positive suggestions of how they could better approach the community. Odden always said that I should talk to Rick [van Nieuwenhuysse] and Doug [Nicholson], but I got no response. I was trying to be helpful and not critical. No response to even emails. This was before we had to file the lawsuit. It is not appropriate for us as plaintiffs to interact personally with the Gold Company which later signed on as co-defendant, but I did try prior to that.

SS: I would like to make a point clear. People tend to see our suit against the Corps as a suit against the mine. We are suing the government, because we believe the government hasn't done their job correctly. The mine decided to sign on to that suit [as defendants]. We did not sue the mine. The lawsuit is challenging how the government is doing business. Businesses are motivated by their bottom-line, and I understand why the mine is trying to move as fast as they can. However, the government's role is not just to facilitate for industry, but to represent the needs and rights of the people. I feel that both the state and federal government have violated the public trust.

NN: *Let's say that a different project would move in to Nome, like a wind farm or such. Would you equally be challenging the government over an EIS?*

JV: A project is a project. Whether it is building a road, or a pipeline, whether it is excavating for a huge office complex, the process is the process and it has to be followed. Period.

SS: If this community had gone through a truly informed public process, where people had the opportunity and the time to fully understand both the risks and the benefits of the mine, and the majority wanted to support it, I would have stood by that decision – regardless of my personal feelings. During the months this winter that the permit was suspended, the Corps had the opportunity to reopen this to the public and they chose not to. And to me, that feels like they thumbed their nose at the citizens of Nome. There very well could be additional mines coming in here. Do we want to have a voice or not? There are companies that are looking at gold exploration at Dorothy Creek. We're trying to make sure it gets done right the first time since there may be more mines.

NN: *How did this influence your life in Nome, a small community?*

JV: This has only enhanced my life. People call me and come up to me on the street and thank me for speaking to the issue and being willing to be a participant in this lawsuit. They want to speak out, but feel that they would have to experience economical repercussions if they did. I feel strongly enough about this to have my name used. It's only been positive for me.

SS: How do I feel? It isn't always easy or comfortable to meet someone and you don't know how they feel [about the issue]. Sometimes I don't feel like going to the grocery store or the post office because it's not comfortable being in the center of controversy. It has however forced me to become clear with myself. My upbringing taught me to take a stand for social justice. On the one hand I hear that a young friends' father is now working for the mine, and I wonder — if we win, what happens to that family? And then somebody else comes up to me and thanks me for taking a stance. But for all my concerns I haven't suffered any repercussions. Almost everyone I hear from is very supportive of the objective of this suit. And those who question what I'm doing but are willing to engage in a discussion, come away with some new understandings.

NN: *What can you tell us about the BSCR RD membership?*

SS: I have over 40 Nome and village members on my email list, and that's without promoting the organization at all. Some of those wanted to become individual plaintiffs, but there are reasons for keeping the process more streamlined. For now we keep people informed and give them a way to be a part of this without having to put their name out there publicly.

NN: *But Nome's entire history is based on gold mining. Why raise all these concerns now?*

SS: I was prepared to go along with that kind of thinking in the beginning – but then I learned about the differences between placer mining and a large open-pit hard rock mine. I am very well versed in Nome's mining history, and the Rock Creek mine introduces a type of mining at a scale that has not been part of Nome's mining history. We need to know that the government is balancing the rights of the public to live in a safe and healthy environment with proposed industrial developments, regardless of how business may have been done in the past.

NN: *Do you have any last remarks?*

JV: Process, process, process.

SS: I have always been supportive of the small miners in this community – and continue to be. Industrial mining at this scale is something different. In the end, for me, it comes down to role of government and to upholding democracy. I am not filing this lawsuit based on personal emotions.

JV: Neither did I. I believe in enforcing the established process that has been set up by law and regulation. So far, that's been denied us as citizens of Nome.

Iditarod: Brook's dog abuse investigation to continue

ANCHORAGE, Alaska (AP) - An investigation into alleged dog abuse by a musher in this year's Iditarod Trail Sled Dog Race was completed by the time the board of directors met last Friday in Anchorage.

Other than receiving an update from investigators, the board did not plan to take up the matter at the meeting, Iditarod Trail Committee President Richard Burmeister said Thursday.

Iditarod officials are dealing with allegations swirling around musher

Ramy Brooks of Healy that he kicked some of his dogs, hit some with his fists, and struck them with a ski pole when they didn't want to leave the village of Golovin, less than 100 miles from the finish in this year's 1,100-mile race from Anchorage to Nome.

Brooks has admitted to "spanking" his dogs with a wooden trail marker and was disqualified from this year's race.

Race officials now are dealing with the difference between Brooks' account and what three people in

Golovin have told race officials.

The organization's lawyers, Davis Wright Tremaine LLP, are conducting the investigation.

Efforts to conduct the investigation by phone have not been successful as they had hoped, and investigators are planning to travel to Golovin this week to conduct interviews, Burmeister said in a release.

After the investigation is completed, Burmeister said the board would "likely" call a special meeting to consider the matter.

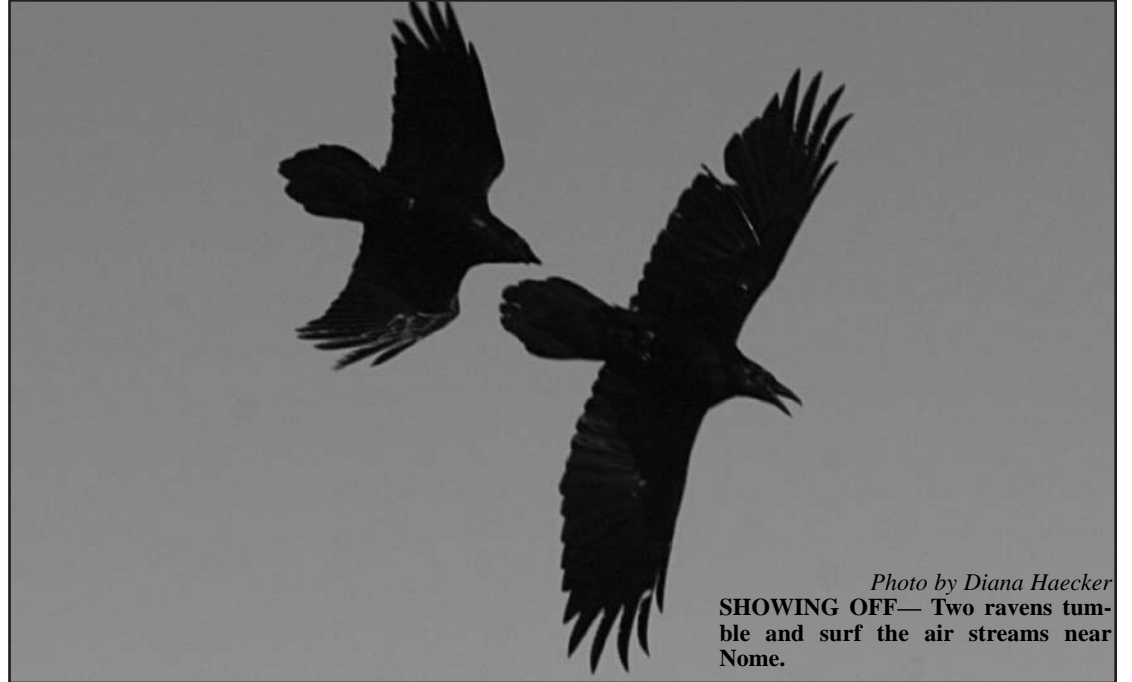


Photo by Diana Haecker
SHOWING OFF— Two ravens tumble and surf the air streams near Nome.

Care about kids and community?

Please join Kawerak, Inc. and the State of AK/DHSS Native Rural Recruitment Team for a meeting to discuss foster provider needs in Nome and the Bering Strait region.

WHEN: Saturday, May 5, 2007
11 a.m. – 5:00 p.m.

WHERE: Nome Mini-Convention Center

WHY: To get your input and direction in local recruiting & needs of foster families for children in Nome & the Bering Strait region

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APPRECIATION
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5:30 P.M. – 7:30 P.M.

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QUESTIONS? Call Kawerak Children & Family Services at 800-478-5153. In Nome, call the Foster Care Recruiter at 443-4372, or the Alternative Care Specialist at 443-4353.

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Among those who have suffered from depression, 40 percent also had problems with alcohol dependence.

Treating both mental health and substance use disorders at the same time increases success.

Treatment Works. Recovery Happens.



A message from the Alaska Mental Health Trust and our partners, the Advisory Board on Alcoholism and Drug Abuse and the Alaska Mental Health Board.

