



Photo by Diana Haecker

DUST IN THE WIND— A car traveling along the Nome-Council Highway and by Fort Davis leaves a long dust cloud trailing behind. A task force from the Agency for Toxic Substances and Disease Registry will be sampling fish hung out to dry at Nuuk to test for contaminants. (See story page 6.)

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Photo courtesy of Katherine Commack

FISH CUTTING CHAMP — 2007 WEIO (defending) Fish Cutting Champion Willa Towarak Eckenweiler of Unalakleet cut her fish in 33.25 seconds; second place Charlie Brower, Barrow cut his fish in 35 seconds; third place Miranda Rexford Brown, Anchorage cut her fish in 57 sec. Willa won in 2006. The record stands for three years in a row. Good job, Willa!

Ninth Circuit denies motion for injunction, grants expedited hearings

By Diana Haecker

A panel of judges with the 9th Circuit Court of Appeals denied the Bering Strait Citizens for Responsible Resource Development, Sue Steinacher and Jana Varrati to halt all construction in connection with destruction of wetlands at the Rock Creek mine site, but granted to expedite the review of their appeal.

The appeal to the Ninth Circuit Court came after U.S. District Court Judge Ralph Beistline dismissed BSC-RRD's lawsuit in June.

The Bering Strait Citizens for Responsible Resource Development, a Nome-based citizen group, and two Nome residents, Sue Steinacher and Jana Varrati, filed a lawsuit in April to contest the validity of the 404 wetlands destruction permit issued to NovaGold/Alaska Gold Company by the Army Corps of Engineers.

The Army Corps of Engineers is the defendant, but Alaska Gold Company intervened and gained status as a co-defendant in the matter.

BSC-RRD's attorneys at the

Trustees for Alaska requested an injunction while the Ninth Circuit Court reviews the appeal.

In a brief document filed by Alaska Gold Company, the AGC opposed the injunction, saying that three quarters of the wetlands in question have been destroyed already. The document addresses the intact wetlands, saying, "In fact, no excavating or filling of previously undisturbed wetlands is scheduled for the next 90 days, allowing ample time for BSC to present its argu-

continued on page 4

Vehicle accident kills one; injures four

Saturday July 28 around 2 p.m. a 2006 red Chevy pickup truck was traveling at a high rate of speed. It was heading east on the Nome-Council Highway. At about the one mile marker near the Stampede Sign the truck went out of control and flipped end over end. There were five occupants in the truck. One, Victor "Kavi" Goldsberry, 31, was thrown from the truck and was pronounced dead at Norton Sound Hospital. The other four occupants:

Darla Longley, 42, her teen-aged daughters Sharina and Trina Larsen, and John Jacob Wellert, 40, suffered serious injuries and were medivaced to Anchorage. Wellert was the only person not thrown from the vehicle.

The truck was registered to Darla and Gary Longley. It is reported that Darla Longley was thought to be driving and speed appears to be a factor. The four-door truck with a sunroof sustained considerable damage to its front and rear. The gravel

continued on page 4

MSHA investigates Rock Creek deaths

By Diana Haecker

Mine Safety and Health Administration investigators continue to look into the circumstances that led to the deaths of two ironworkers at the Rock Creek mine site on July 19. Tyler Kahle, 19, of Tomahawk, Wisconsin and Craig Bagley, 28, of Anchorage died after falling 50 feet when a manlift toppled while they were working at a steel building at the Rock Creek mine.

MSHA spokeswoman Amy Lou-

viere, located in Washington, DC told *The Nome Nugget* that two inspectors — one from Kent, Washington and one technical assistant from the Anchorage MSHA field office — were in Nome until last Thursday, July 26, to conduct on-site investigations. "The inspectors looked at equipment, interviewed the employees and gathered evidence," Louviere said.

The preliminary report stated that the accident occurred at 6 p.m. on

continued on page 4



Photo by Staff Sgt Mac Metcalfe

CAMP BUEHRING, Kuwait- (July 24, 2007) — Alaska Governor Sarah Palin sits next to First Sgt. Dewey Stacey Green of Nome, in an Army dining facility in Kuwait. Palin was in Kuwait visiting members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry and touring base facilities.

•MSHA

continued from page 1

July 19. Tyler Kahle is noted to have died at 7:54 p.m. — a Trooper press release gave the time of death at 7:49 p.m. Craig Bagley's death occurred at 9:09 p.m.

The document says that at the time of the accident 25 mine employees and 60 AMI employees were present at the mine construction site. The report said that the 19-year-old Kahle and the 28-year-old Bagley installed siding and trim work at the time of the accident. The report listed Kahle as having had a total of 44 weeks of work experience, of which he spent 22 weeks and three days on the job at Rock Creek. Bagley was noted to have had three years of experience and had been with AMI for these three years and that he had worked 13 weeks at the mine.

The report described the accident, "Two contractor employees were in a telescopic manlift basket installing steel on a building. The boom was extended approximately 50 feet above ground level when the unit tipped over. The victim was hospitalized and died shortly after the accident."

Investigators also looked at the weather data. According to the National Weather Service, unofficial local records indicate winds recorded at the airport at 5:53 p.m. measured at three knots, from variable directions. It was fairly light winds all day, with an eight-knots wind blowing from the south at four o'clock in the afternoon.

Louviere said that investigators had been out to the mine for its first regular inspection just a few weeks ago. The findings of that first inspection were not immediately available, said Louviere.. "We enforce the law, but the mine operators are in charge of keeping the workers safe," said Louviere.

Alaska Gold Company/NovaGold Resources Inc. vice-president Doug Nicholson said that the site had been turned back to Alaska Gold and AMI when the inspectors left Nome last Thursday. "We started doing work the Saturday after the accident," Nicholson told *The Nome Nugget*. "We hope to be back up to 100 percent this week."

According to Nicholson the workers are doing fine and grief counselors were out at the mine site and available to the crews. "We're trying to put it behind us and get back to work," said Nicholson.

He said that AMI was in touch with Kahle and Bagley's families. Nicholson said that AMI had safety personnel onsite when the accident happened.

The investigators are now assess-

ing the information gathered and will issue a report. Louviere couldn't say when the report would be available.

In the aftermath of the accident, first responders and AGC held a critical incident stress debriefing. "By nature, that's confidential and can't be discussed," said Nome Volunteer Ambulance Chief Charlie Lean. Lean, however, reiterated the need for better communication and more detailed information on emergency calls. "We are looking at more first aid training with the Gold Company, and we are sharing ideas on how to improve communication between their safety staff and the city's fire and ambulance departments," Lean said.

Since the mine is outside of the city limits, the Alaska State Troopers are in charge as the proper law enforcement agency to respond. According to the time line provided by the Nome Police Department, the troopers were notified after ambulance and fire departments were toned out. The troopers were notified at 6:55 p.m.

Sergeant Andrew Merrill said that his agency responds based on trooper protocol. "We secure the scene, evacuate people and we determine what actions need to take place and what agencies or people need to be brought in," Merrill said.

Asked about the protocol in the event of a chemical spill, Merrill said, "We have books in each trooper patrol car with placard identifications and we work closely with the Local Emergency Planning Commission on this."

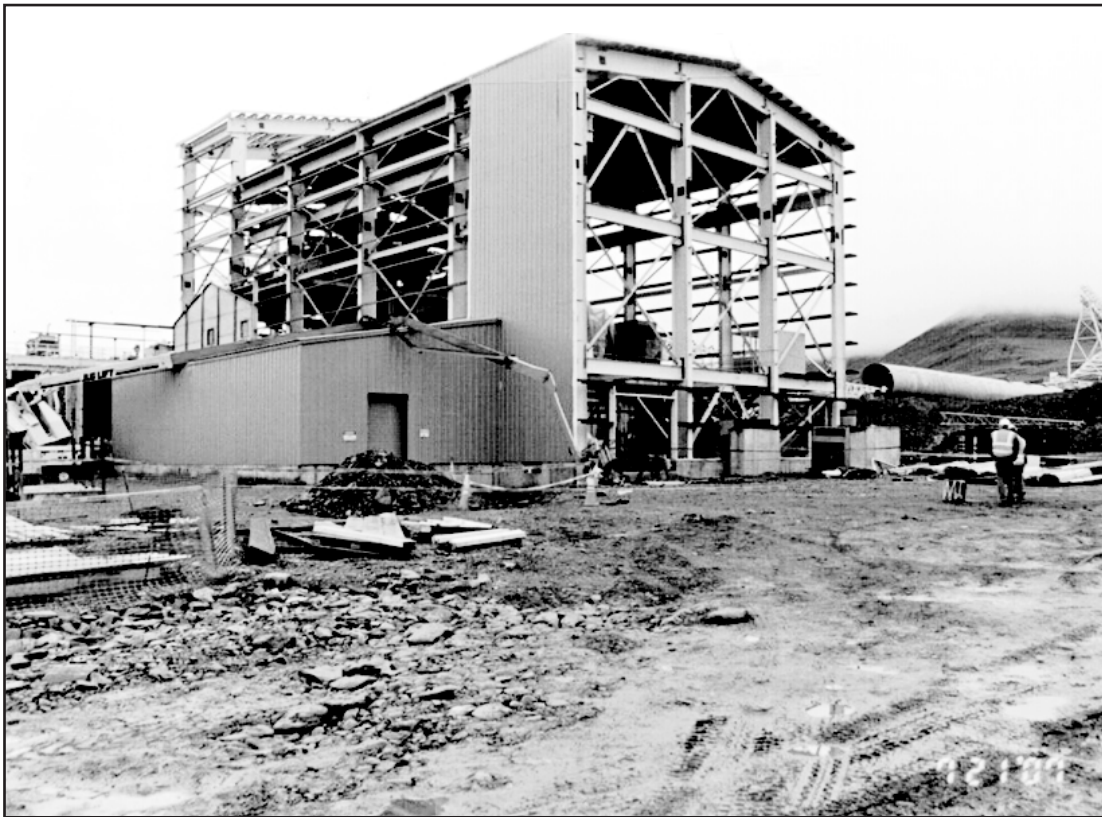
"We don't contain chemical spills, we bring in the right people and agencies to deal with it," Merrill added.

Nome City Manager Randy Romenesko is on his annual leave and could not be reached for comment, and the emergency services administrator position is not currently filled.

Craig Bagley's funeral services took place in Anchorage on July 24.

A wake for Tyler Kahle happened the same day and his funeral took place the following day. Family friend Kent Richert wrote in an email to *The Nome Nugget*, "There were hundreds of people there. The line was out the door all night long. It was a very long day, lots of tears."

ask anyone who may have additional information about the accident to contact NPD at 443-5262.



ACCIDENT SITE — Tyler Kahle and Craig Bagley worked 50 feet up attaching siding to the steel building at the Rock Creek mine when their manlift tipped and fell over the smaller building before the basket hit the ground.

Photo courtesy of DOL, OSHA

•Injunction

continued from page 1

ments to the district court." Alaska Gold Company vice-president Doug Nicholson told *The Nome Nugget* that the voluntary 90-day stay was a construction decision. "Right now, we don't need to work on more wetlands," Nicholson said on Monday.

The brief continues to outline that the project was designed to minimize environmental impacts and to restore historically degraded resources. "The Rock Creek and Big Hurrah claims have been mined since the Nome Gold Rush and a century of industrial mining has left significant environmental scars," reads the introduction to the brief. "Alaska Gold and partners Bering Straits Native Corporation and Sitnasuak Native Corporation are engaged in a \$77,000,000 project to breathe new life into the mining claims, remediate historical environmental harms, and help an economically benighted region." (Editor's note: According to Webster's Dictionary benighted means "in a state of pitiful or contemptible intellectual or moral ignorance, typically owing to a lack of opportunity: They saw themselves as bringers of culture to poor benighted peoples.")

The court document outlines the damage and contamination left by historical mining operations at Rock Creek and Big Hurrah by having left behind contaminated transformers, drums and dredges. Furthermore, the brief tells the judges of the 9th Circuit that, "The public benefits of the Rock Creek project, therefore, include not just the cleanup of the project sites, but also the restoration of salmon habitat in Anvil Creek, and

the construction of floodplain ponds in Glacier Creek to support juvenile coho salmon, which will provide a valuable subsistence and recreational resource for generations to come."

However, it is left unclear how Anvil Creek—located in a different valley miles south of the Rock Creek mining and mill site—is to benefit from restorations. Norton Sound Economic Development Corporation, the region's Community Quota Group, is actively engaged in salmon enhancement projects. NSEDC's biologists, not AGC employees, run salmon enhancement projects, including coho egg releases in Anvil Creek, with permission by AGC to use the land.

Nicholson said that the salmon enhancement is proposed, but no scheduling has taken place yet.

Regarding the ponds in Glacier Creek, installing culverts and the creation of ponds as over-wintering habitat were stipulations to build the road. The new \$8 million road was built under former Governor Frank Murkowski's Roads to Resources program, using state money to build the access road to the Rock Creek mine before it was permitted.

The road was constructed with gravel sold to DOT by AGC. Since wetlands were impacted during road construction, mitigation stipulations included the installation of culverts for fish to travel upstream at Glacier Creek and the creation of over-wintering habitat for salmon and grayling. However, the gravel pits meant for over-wintering fish habitat are not deep enough and are already dried out.

Another part of the brief describes

how AGC has been actively engaged in public outreach saying, "Alaska Gold arranged at its own expense for the local paper to run a weekly article updating the community on the project and providing information on public opportunities to be involved in the permitting process." *The Nome Nugget* ran the weekly "Bucketline" opinion submissions at no charge.

In an affidavit submitted to accompany the brief, Nicholson wrote that AGC suffered additional costs connected to the Army Corps of Engineers' voluntary permit retraction from December 6 until April. Nicholson wrote that the company missed the best construction window to build the tailings impoundment structure. He wrote that the suspension of the permit caused the project completion to be delayed to the fourth quarter of 2007, resulting in the production loss of 23,000 ounces of gold, an equivalent of \$12 million in revenue.

Nicholson said in the affidavit that AGC has hired 39 people, and that their construction contractor AMI employs 118 employees to build the Rock Creek facility.

If faced with a stoppage, Alaska Gold and its contractors will need to lay off almost all of the current 192 direct employees under existing or pending contracts and to forego hiring the remaining 91 employees.

•Fatality

continued from page 1

road has a washboard effect.

The Alaska State Troopers, the Nome Ambulance and Fire Department also responded, and the Nome Police Department thanks them for their assistance. The Nome Police

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