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**Bristol Bay Residents Assert Pebble Exploration
Violates State Constitution**

Exploration permits could be suspended as a result of lawsuit filed today

Anchorage, Alaska—A Bristol Bay Alaska Native organization and several individuals, including former Alaska First Lady Bella Hammond and Alaska Constitutional Convention delegate Victor Fischer, filed a civil suit in Anchorage Superior Court today asserting that the Alaska Department of Natural Resources (DNR) repeatedly violated the Alaska Constitution in granting permits for Pebble mine exploration. The lawsuit asserts that the agency failed to consider the public’s interest in sustaining the region’s rich salmon, wildlife, and subsistence resources, which are negatively affected by exploration activities. Plaintiffs are asking the court to halt exploration until the case is resolved.

“DNR has neglected its legal and moral obligation to protect Bristol Bay’s subsistence resources,” said Bobby Andrew, spokesman for Nunamta Aulukestai, a lead plaintiff. “Current exploration is having a serious impact on water and wildlife, yet the agency continues to rubber stamp permits and ignore the public interest.”

The lawsuit filed today asserts that DNR has violated multiple sections of Article VIII of the Alaska Constitution in repeatedly issuing exploration permits without public notice and without analyzing whether exploration or the mine itself are in the public interest.

Plaintiffs have asked the court for a preliminary injunction prohibiting the State from granting or extending permits for exploration and water use on mining claims held by the Pebble Limited Partnership, effectively stopping further exploration until the court makes a final decision – or until the State Legislature enacts a new regulatory framework for onshore mining exploration. The injunction would not apply to mining activities elsewhere in the state. Plaintiffs have also asked the court to void all exploration permits already issued by DNR to the Pebble Limited Partnership, Pebble East Corp., and Pebble West Corp.

Public interest law firm Trustees for Alaska filed the six-count civil action on behalf of Nunamta Aulukestai, an organization comprising eight Native village corporations, including Ekwok, Koliganek, New Stuyahok, Clarks Point, Aleknagik, Togiak, Manakotak and Dillingham. Joining in the suit as co-plaintiffs are Nondalton resident

Jack Hobson, Nondalton resident Ricky Delkittie, Sr., Naknek resident Violet Willson, former Alaska First Lady Bella Hammond, and former Alaska legislator and Alaska Constitutional Convention delegate Victor Fischer.

Referring to records maintained by DNR and their own observations, Plaintiffs cite extensive adverse impacts to state land and water in the Pebble area resulting from 21 years of exploration activity, including hundreds of boreholes that have been drilled as much as a mile deep, thousands of seismic explosions, dozens of test pits, and numerous fuel spills. The Plaintiffs also cite adverse effects on wildlife populations from hundreds of helicopter flights through areas on which residents depend for subsistence hunting.

In addition, the plaintiffs charge that DNR for 19 years allowed significant withdrawals of water from ponds and streams in the area without even requiring a permit, and then in 2007 – without public notice – issued so-called “temporary” water use permits, allowing pumping, from ponds and fish-sensitive streams without analysis of environmental impacts.

“It is beyond belief to me that a mining effort is happening in this area,” Hammond stated in her declaration that was filed as part of the suit.

The suit does not seek monetary damages.

“This isn’t about money,” said Nondalton resident Jack Hobson. “No amount of compensation will restore the land, wildlife and waters at the Pebble Project area to what they were before mining exploration started.”

Beyond the Pebble Project preliminary injunction, the plaintiffs are also seeking a declaratory judgment that the State of Alaska, through DNR, has violated Article VIII of the Alaska Constitution in administering and managing state lands and waters for upland hardrock mining exploration.

“People in the Bristol Bay region have for years wanted the chance to voice their concerns about Pebble to State regulators,” said Trustees for Alaska Legal Director Victoria Clark. “They want a rational, science-based look at the totality of the impacts, including the exploration impacts and whether the project should even move forward, before – not after – the damage has been done.”

For more information, downloadable photos and maps, and copies of legal documents, go to: www.trustees.org

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