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Villagers side with SEACC on mine suit

Seven Bristol Bay village corporations vote to support Juneau-based group

Due to their fears about open-pit mining near Lake Iliamna, some Bristol Bay Native communities have rallied behind the Southeast Alaska Conservation Council's lawsuit to block the Kensington Mine from dumping its rock waste into a lake.

This week, Dillingham Native leader Bobby Andrew flew from southwestern Alaska to Juneau to explain why seven Bristol Bay village corporations voted to support the Juneau-based group's environmental lawsuit.

"The lawsuit is going to affect the whole state, not just this area," Andrew said Tuesday.

The Kensington lawsuit is widely viewed by state regulators and environmentalists as potentially precedent-setting for mining disposal methods in Alaska and around the country.

State officials, for example, say it may become more difficult to develop Alaska mines if the Kensington permits are ruled illegal.

"If you couldn't put (tailings) in a lake, you probably couldn't put it anywhere (in water). We have to be able to have some level of impact on water resources in order to do any development at all," said Ed Fogels, acting deputy commissioner for the Alaska Department of Natural Resources.

But environmental groups - including SEACC, the Sierra Club, and Haines' Lynn Canal Conservation - contend that the U.S. Army Corps of Engineers violated the Clean Water Act by permitting the Kensington Mine to put pollutants in the lake.

Under federal law, the mine is required to have "zero discharge" of pollutants, according to the groups.

Fogels contends that the tailings are "benign" and that the lake will be restored after the mine closes down.

The parties in the SEACC lawsuit, including the Department of Justice and the state of Alaska, submitted their final arguments in May. U.S. District Judge James Singleton, based in Anchorage, will likely issue a decision this summer.

Whether the Kensington lawsuit has any significance at all for other mines in Alaska depends on the scope of Singleton's ruling, Fogels said.

"The only real worry is that the judge is going to say no mining tailings in any wetlands. Mining would essentially cease in Alaska," Fogels said.

The Pebble deposit's Canadian developer, Northern Dynasty, hasn't yet submitted permit applications, but one of the proposals mentioned so far is to put Pebble Mine tailings in Frying Pan Lake and other lakes. The 14-square-mile Pebble project is believed to be the largest gold deposit, and second-largest copper deposit, in North America.

From Monday to Wednesday, Andrew, president of Aleknagik Natives Limited, Dillingham's Native village corporation, has hot-footed his way around Juneau, trying to explain to Southeast Alaska leaders why he believes the Kensington Mine is a bad precedent for the Pebble venture.

Seven Bristol Bay village corporations, including Andrew's own, say the decision to put Kensington tailings in a lake threatens the subsistence way of life in Alaska, and "thousands of existing Alaskan jobs" that rely on clean water, according to the village corporations' joint resolution signed in March.

Andrew said Tuesday he has scheduled 16 different face-to-face meetings in Juneau, with, for example, leaders of the Juneau Chamber of Commerce, Goldbelt Inc., Juneau's urban Native corporation, and Juneau's legislative delegation.

Some in Juneau said they enjoyed talking to Andrew this week, even if they didn't necessarily agree with his cause.

Andrew said he encountered the most resistance to his views from the Juneau Chamber of Commerce.

"Pebble is vastly different from Kensington, which is 20 years in the making. Pebble is two years away from filing their applications. To link them we don't believe is a fair thing," said Cathie Roemmich, the chamber's chief executive officer.