

# TRUSTEES FOR ALASKA

A Nonprofit Public Interest Law Firm Providing Counsel to Protect and Sustain Alaska's Environment

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## PRESS RELEASE

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## **Villages and Conservation Groups Appeal EPA's Delegation of Clean Water Act Authority to the State**

*Trustees for Alaska Files Challenge in Ninth Circuit Court of Appeals*

Trustees for Alaska, representing Native villages on Bristol Bay and the Lower Kuskowim and several conservation organizations, has filed a legal challenge to the Environmental Protection Agency's decision, announced in October, to give Alaska the authority to issue and enforce permits under the Clean Water Act.

In documents filed in the Ninth Circuit Court of Appeals, Trustees for Alaska indicated that the petitioners will argue that Alaska's enforcement regime fails to measure up to Federal requirements for administering the National Pollutant Discharge Elimination System (NPDES), the centerpiece of the Clean Water Act.

"Alaska doesn't have the expertise or the capacity to carry out the goals of the NPDES program," said Vicki Clark, Legal Director of Trustees for Alaska. "Under the state's enforcement rules, ordinary citizens will have less chance to be heard, the state will have fewer enforcement options than EPA, and Alaska's water quality will suffer."

"Alaska's rules were part of a host of rollbacks by the Frank Murkowski Administration to favor industrial polluters," said Bob Shavelson, Executive Director of Cook Inletkeeper, which is one of the petitioners challenging the delegation. "They invited all the polluters to the table, but refused to allow Alaska Native Tribes and ordinary citizens into the decision-making process. As a result, the state's enforcement program undercuts the rights of Alaskans to ensure clean water and healthy fish habitat."

Native tribes are additionally concerned that handing off Clean Water Act enforcement to the state will diminish the tribes' capacity to influence decisions vital to the survival of Bush villages and subsistence cultures. The state doesn't recognize tribal sovereignty.

"Giving the NPDES program to the State of Alaska is a mistake," said Mike Williams, Chairman of the Alaska Inter-Tribal Council, another of the challengers to the delegation. "The State does not treat Alaska Tribes as governments, which means we have no voice in determining issues. EPA has a government-to-government relationship with the tribal governments, and that means we have a voice in the process."

The challenge was filed on behalf of Akiak Native Community, Nunamta Aulukestai (an association of eight Bristol Bay Native village corporations), Nondalton Tribal Council, Curyung Tribal Council (in Dillingham), Cook Inletkeeper, Alaska Center for the Environment, Alaska Community Action on Toxics, Center for Biological Diversity, and Center for Water Advocacy.

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