

Congress of the United States
Washington, DC 20515

October 7, 2008

Congressional *Amicus* Brief Targets Natives, Promotes Economic Destruction and Joblessness

Dear Colleague:

Recently, you may have seen a Dear Colleague from Congressman Frank Pallone, asking Members to join with him to file an *amicus* brief to the Supreme Court over a case involving the Kensington Gold Mine, a mine located in Southeast Alaska and operated by Coeur Alaska, whose parent company is headquartered in Idaho. The brief is an attempt to further the efforts of a handful of radical environmentalists to stop this particular mine and set a precedent to halt many other mines throughout the United States. **We are writing to urge you not to sign any amicus brief on this matter. Our reasons are outlined below.**

Lost economic opportunity. It is troubling to see anyone trying to kill jobs during this time of economic crisis. Even more astounding is when one Member attempts to kill jobs in someone else's district. The Kensington Mine is extremely important to the local Native people. A key partner in the mine's development is Goldbelt, the local native group which represents the Tlingit people in the Juneau area. Alaska's Tlingits currently have a 62 percent unemployment rate among adult males. The Kensington Project would provide them with some of the best-paying jobs available in the region.

Randy Wanamaker, a Tlingit Indian and registered geologist, told the Senate Energy and Natural Resources Committee in January "...hardrock mining is vital to communities like Juneau because it brings social and economic stability in the form of high-paying jobs and substantial tax revenue that provides opportunities for economic parity for members of minority groups." (*Mining News by Rose Ragsdale*)

In fact, because of the lawsuit-induced delays in the Kensington Project, Coeur Alaska is in the process of cutting existing jobs in Southeast Alaska.

Mr. Pallone is misinformed. The *amicus* brief you've been asked to sign is a product of SEACC, a radical environmental group operating in Alaska. They do not want this critical economic development project – *or any economic development projects in Southeast Alaska* – to proceed, regardless of the fact that 900 environmental studies have been conducted and conclude that the project plan will not lead to any significant, long-term effects on the local environment. They want to undo years of careful analysis and planning for this mine. Moreover, they want to set a precedent to stop mining in other states. Because of SEACC and its allies in the radical environmental movement, the United States is increasing importation of critical metals and minerals to a degree that is approaching that of oil. Does the U.S. need this right now?

The case turns on one of the many permits Coeur Alaska has secured to conduct mining. For more than a century, Congress has authorized the Corps of Engineers to permit the placement of mine tailings in jurisdictional waters. Representative Pallone's letter erroneously states that the Corps has permitted a discharge of thousands of gallons of "wastewater" at this mine. In fact, the Corps, consistent with the law, has permitted the company to discharge benign mine tailings into a small impoundment lake in southeastern Alaska that has almost no recreational value. The "pristine lake" that Mr. Pallone refers to has little to no aquatic life.

The only "wastewater" at issue in this case is water added to those benign mine tailings to make it a slurry that can be transported by a pipeline to impoundment. Prior to any water discharge downstream from the impoundment, the company also properly obtained a 402 permit from the EPA. The Corps and the EPA agreed that the tailings discharge into the impoundment was properly permitted under Section 404 of the Clean Water Act as fill material.

Lower courts upheld the permit but the case has turned into yet another example of judicial overreaching by the Ninth Circuit which, as everyone knows, has the most cases reversed by the Supreme Court of any circuit. The Ninth Circuit decision ignores the structure in the Clean Water Act and responsible implementation over many years by the Corps and EPA. The clear division of authority granted to the two permitting agencies was authorized by Congress upon the enactment of the Clean Water Act itself.

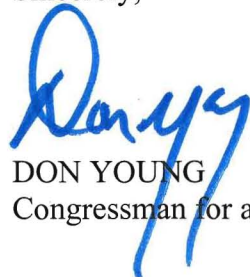
Mining industry at stake. The Ninth Circuit decision would hurt the mining industry nationwide which could result in even more unemployment. The impact would surely result in a much broader adverse impact on communities and citizens who rely on environmentally sound mining practices for their economies.

This mine is a cornerstone for employment in Southeast Alaska and has been a beacon of light for the Alaska Native communities, hardest hit by unemployment there.

Members of Congress should allow the judicial process to work and this Supreme Court appeal to be completed; there is no reason for members of Congress to be supporting environmental activists in this case to the detriment of an industry providing some of the highest-wage jobs of any domestic industry.

We strongly urge our colleagues not to sign an erroneous *amicus* brief to kill good-paying American jobs.

Sincerely,



DON YOUNG
Congressman for all Alaska



BILL SALVI
Member of Congress



MIKE SIMPSON
Member of Congress