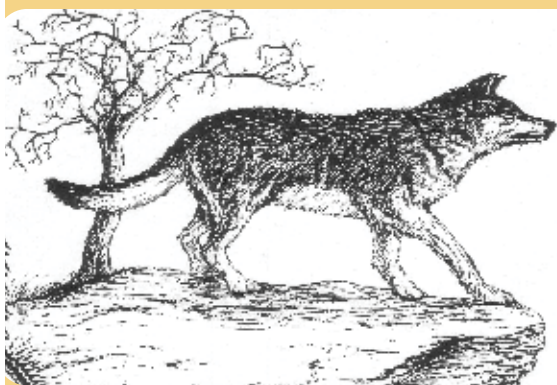
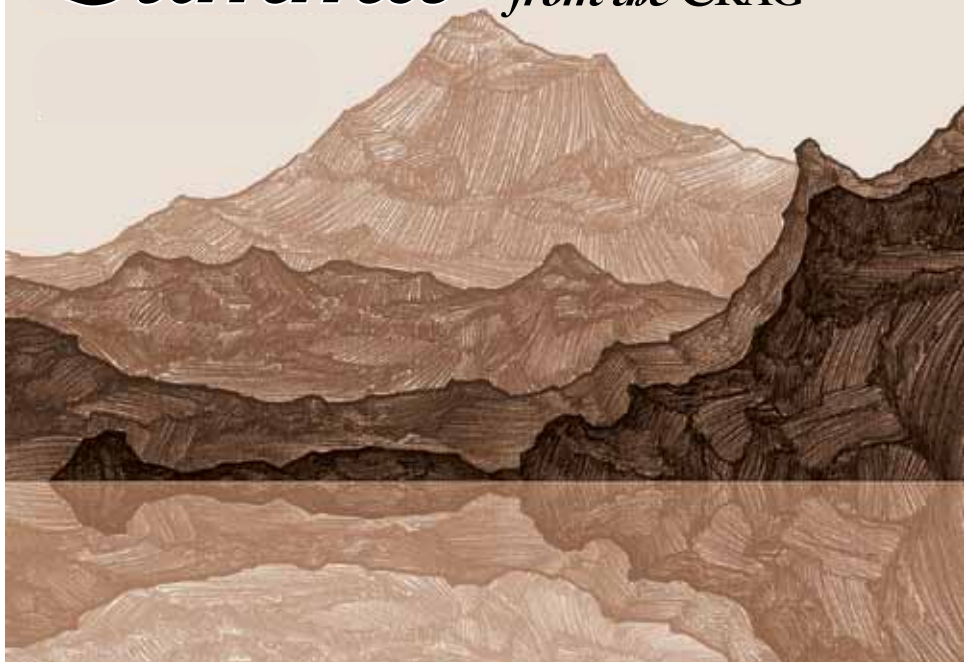


*A
View
of the
Summit* from the CRAG



Wandering Wolf by Asante Riverwind

**Persistence
Pays Off**

**Crag Law Center
Fall 2009**

CRAG CREDITS

Crag has an amazing team of volunteers and supporters that help keep us going! A big thanks to all our volunteers, supporters and staff who contributed immensely to the organization during the recent months:

Artists and Photographers

Astante Riverwind – Summit Artwork
Alberto Rey - Cover design, t-shirt design
Paula Reynolds – Crag Law Center Logo
Diane O’Leary – T-shirt design
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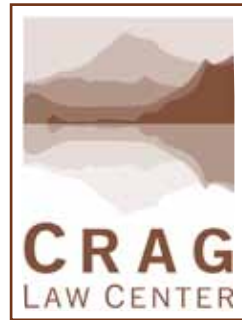
Megan Hooker

Donations & Grants

The McKenzie River Gathering Foundation, Patagonia Portland Store Giving, Deer Creek Foundation, Harder Foundation, Lazar Foundation, Meyer Memorial Trust, Brainerd Foundation, Oak Foundation, Mazamas Conservation Committee, Templeton Foundation and the many individual contributions from people who support our mission.



Wild Shot 2009: "Sierra Waterfall" by Jon Meyers.



Our Mission

Crag is a client-focused law center that supports community efforts to protect and sustain the Pacific Northwest's natural legacy.

health and the future of our State.

There is a major divide between the management of federal versus state and private lands. Most federal lands have systems of reserves for wildlife and protections for other natural resources (such as roadless areas) and are supposed to be managed using scientific principles. Although these protections and their implementation are far from ideal – as evidenced by the Wildcat and Farley logging projects (see page 6) – they at least provide a benchmark to compare management of state and private lands.

State forest management, especially here in Oregon, has a steep slope to climb before it catches up with federal forest management. For example, you may have seen a grouping of tiny trees somewhere in a clearcut in Oregon. Those trees were likely spared the chainsaw because of a mandate under state law to be left for wildlife.

Contrast this approach with the large reserves of older forests that have been set aside on federal lands for fish and wildlife habitat. The divide between state and federal management illustrates that while we have learned a great deal about forest ecosystems through scientific research in recent years, Oregon's state and private land logging rules have not changed to reflect this new knowledge

I first worked on state and private lands forestry issues in college in Colorado. While there, I saw how devastating logging can be to an ecosystem. However, this did little to prepare me for the gut wrenching clearcuts I later saw when I arrived in the Pacific Northwest. Those clearcuts lead me to focus my work on forestry issues. When I left Oregon seven years ago, I was dismayed by the condition of state and private forest management practices. I returned to Portland this spring after working in Washington D.C. as a public interest litigator and while I



Neahkahnie Mountain by Barbara Bond

Wild Shot 2009: Light shines through the Coastal Rainforest at Neahkahnie Mountain reminding us what our state forests can provide for people, wildlife and wild fish.

am thrilled at the opportunity to re-engage on forestry issues with Crag, I am also appalled to have to question whether anything has changed for the better.

Upon learning about the Board of Forestry's recent decision I wondered whether the public will stand by and let the Board trade the long-term health of our forests for the short-term economic gains made from clear cutting. Haven't we already learned that this is no way to manage our forests and watersheds or to leave a legacy for our children? I am hopeful that this decision will finally cause the public to declare that we are not "too damned cheap" to preserve intact forests. The deal is not yet done - Crag and its clients are committed to holding the Board accountable as it tries to further undercut the few remaining protections we have for our State forestlands here in Oregon. If the articles in this edition of the View From the Summit tell us anything, it is this: complacency results in abused ecosystems while persistent advocacy pays off. We hope that this will be true for our work on state and private forests too.

Putting the Civil Rights Act to Work for Environmental Justice

By Chris Winter, Staff Attorney

The Crag Law Center, in partnership with our client the Rosemere Neighborhood Association, recently won an important environmental justice case involving the Civil Rights Act of 1964. Disadvantaged communities all across America have struggled with environmental problems for decades. Pollution is often concentrated in poor communities and communities of color. As far back as 1987, the Commission for Racial Justice, in *Toxic Waste and Race*, found that race was the single best predictor of where toxic waste facilities were located nation-wide. Since that time, the Environmental Justice movement has emerged and matured in an effort to address environmental inequities.

The Civil Rights Act is one of the few laws that relates directly to discriminatory environmental impacts. Title VI provides that no person shall, “on the ground of race, color, or national origin . . . be subjected to discrimination under any program or activity receiving Federal assistance.” Each federal agency that distributes federal funds must pass regulations to implement these anti-discrimination provisions of the Civil Rights Act.

EPA’s rules prohibit the use of federal funds in ways “which have the effect of subjecting individuals to discrimination because of their race, color, [or] national origin.” Any citizen subjected to discrimination can file a complaint with EPA’s Office of Civil Rights (“OCR”), which is supposed to investigate the allegations and potentially pull federal funding.

For years, the Environmental Justice movement hoped that EPA would faithfully enforce the Civil Rights Act. State agencies, for instance, use EPA funding to issue hazardous waste and air pollution permits for industrial facilities that are often located in minority communities. By enforcing the Civil Rights Act, EPA had the opportunity to ensure that our bedrock environmental laws provide equal treatment for all people.

EPA, however, let that laudable vision slip through its fingers for local people like those living in the Rosemere Neighborhood in Vancouver, WA. The story of Rosemere, as told by the Ninth Circuit, documents the unfortunate history of missed opportunities. Instead of investigating civil rights complaints, OCR simply ignored them. Dozens and perhaps hundreds of complaints from all over the country languished at OCR without any substantive response. Citizens that looked to EPA for protection found instead an agency that turned a deaf ear to their concerns and refused to enforce the law.

Rosemere’s story exemplifies these systemic problems. Rosemere has worked for years to address pollution in the City of Vancouver, Washington. In 2003, Rosemere filed a complaint with EPA alleging that Vancouver used funding to improve services such as sewer and stormwater controls in affluent neighborhoods while neglecting minority communities. Vancouver then took the unprecedented step of investigating Rosemere’s internal operations, which was then an officially recognized neighborhood association.



Dvija Bertish and Chris Winter stand outside the federal courthouse in Seattle.

internal operations, which was then an officially recognized neighborhood association.

Vancouver eventually revoked Rosemere's status, changed the name of the neighborhood and recognized a new organization as the neighborhood representative.

In December of 2003 Rosemere filed a second Title VI complaint alleging illegal retaliation by the City. OCR was supposed to accept or reject the complaint for investigation within 20 days, but 18 months went by without any action. Meanwhile Rosemere had been shut out of City-sponsored programs. Crag filed suit in June of 2005 seeking to force OCR to conduct a proper civil rights investigation. EPA then began the investigation and moved to dismiss Rosemere's case as moot. The District Court granted the motion, and Rosemere focused on

ensuring that EPA carried out a fair and complete investigation.

OCR then had six months by law to finish its investigation. By February of 2007, eighteen months after accepting the complaint, OCR still had not completed its work. Crag filed a second suit in an effort to secure a fair resolution of Rosemere's complaint, and OCR again responded only after litigation was filed, issuing its investigative report several weeks later. EPA then moved to dismiss the second lawsuit as moot because it had finally issued a decision approximately three and half years after the original complaint was filed. The District Court granted the motion to dismiss. This time Crag and Rosemere appealed the decision to the Ninth Circuit.

In a strongly worded opinion, the Ninth Circuit reversed the District Court and held that the Rosemere's lawsuit was not moot. Crag demonstrated that Rosemere's experience was part of a pattern of delay dating back to the late 1990s and that OCR had missed its timelines with respect to every single civil rights complaint from 2006 and 2007. Writing for a unanimous panel, Judge Tashima wrote "Rosemere's experience before the EPA appears, sadly and unfortunately, typical of those who appeal to OCR to remedy civil rights violations."

Crag and Rosemere now look forward to prosecuting this case before the District Court and holding EPA accountable for the years of illegal delay. More importantly, however, we hope Lisa Jackson, President Obama's Administrator of EPA, will take real steps towards reforming EPA's Office of Civil Rights and realizing the promise of the Civil Rights Act.

Defending the Blue Mountains in the Face of Climate Change

By Ralph Bloemers, Staff Attorney

The Blue Mountains span across northeastern Oregon, from the roadless peaks in the Penland Lakes area outside of Heppner, to the Strawberry Mountain Wilderness south of Prairie City. These interior forests drain into the Columbia Basin and support native populations of inland trout and salmon. Decades of logging, roadbuilding, and grazing have altered these forests and today there are very few old growth trees or large intact roadless areas left. In the face of climate change, top scientists are telling us to preserve our remaining wild lands for their ability to store carbon and mitigate the impacts of climate change.

In recent decades, the climate has progressively become warmer throughout the western United States. As a result, snowpack melts more quickly, the growing season starts earlier, and vegetation is subjected to longer periods of drought. These trends are likely to accelerate. The Forest Service proposes to restore healthy forests, however local conservation groups continue to find that these plans distort the readily available science on climate change and will likely make things worse.

This summer, I toured through the Blue Mountains to scope out two large “vegetation management” projects conceived by the Forest Service during the Bush administration. The Wildcat Fuels Reduction Project (Wildcat) and the Farley Vegetation Management Project (Farley) propose to commercially log thousands of



Photo by Ralph Bloemers

Slash piles like these on the Mt. Hood National Forest are proposed to be part of the Wildcat and Farley vegetation management projects.

acres on the Umatilla National Forest, claiming it will increase resilience to fire, insect infestation and disease. Dr. Waring, an ecosystem scientist from Oregon State University with expertise in forest ecosystems and Karen Coulter, field coordinator for the Blue Mountains Biodiversity Project joined me on the trip. For two days we carefully checked the agency’s assertions.

Both projects span across large elevation changes and contain different forest types: dry ponderosa pine forests found at lower elevations, and moist mixed conifer forests and cool and moist subalpine forests at higher elevations. The Forest Service proposes to build new roads, pile and burn the resulting slash, and replant the forests primarily with Ponderosa pine trees, even though they do not grow well at higher elevations. Dr. Waring identified significant problems with both projects.

Ground fire historically burned the dry Ponderosa pine forest type every decade, limiting the presence of young trees and species with thin bark. Years of fire suppression activities have allowed small trees to establish, and the Forest Service proposes to remove them. While the proposal to remove some trees may be biologically sound, Dr. Waring found that constructing new roads and burning slash piles will increase erosion and reduce the capacity of the soil to sustain forest health in the future.

The moist mixed conifer forest type is one where snowmelt has historically been adequate to recharge the groundwater and soil fully each spring. These forests burn less frequently and, therefore, are unlikely to have been altered by fire suppression. The Forest Service claims that the projects will reduce fire risk, but ignores the fact that burning slash piles will undercut the ability of the site to recover. In short, the Forest Service greatly overstated the benefits of its proposed management activities, while ignoring the costs of the project on forest recovery.

The sub-alpine forest type consists of Western Larch, sub-alpine lodgepole pine and Englemann spur. These forests rarely burn, but when they do most of the trees are killed. Ponderosa pine is not a major component of this forest type because it is subject to snow breakage and its roots are susceptible to frost. Yet in both Wildcat and Farley, the Forest Service has proposed to thin substantial areas of sub-alpine forests in the name of fire risk reduction and replant them with Ponderosa pine. Dr. Waring found that both projects



Photo by Planet Azul Hydrological Consultants

In both Wildcat and Farley the Forest Service claims it will mitigate the impact of natural fires through logging but it will build large slash piles and burn them, creating hundreds of acres of permanently damaged soils

will create unnatural conditions for this forest type, and he said that there is no scientific reason to thin the forest until the trees are over 100 years old.

The Forest Service has used the need for fire protection in certain lower elevation Ponderosa pine forest types as an excuse to aggressively thin in the moderate- to higher-elevation mixed conifer and subalpine fir forests. In their hunger to get out the cut, the agency has ignored readily available scientific literature which shows that its proposals will result in far more carbon being released into the atmosphere than any fire or insect attack. Western larch and Engelmann spruce may not survive in most of northeastern Oregon by 2030, and the Forest Service is well-advised to consider options that will increase the chances these species will make it.

The Crag Law Center has stepped up to challenge both the Wildcat and the Farley projects for the Blue Mountains Biodiversity Project and the Sierra Club. The goal of these actions is to force the Forest Service to use the best available science to guide its plans to restore forest resilience in the face of climate change.

For further information on these projects, please visit crag.org/forests.

Get Wild with Crag on November 7th!

Over 50 stunning photographs of the places that the Crag Law Center works to protect will be available at Crag's 2nd Wild Shots Photography Auction on Saturday, November 7th.

The event will take place at the Spring-Box Gallery in Portland (2234 NW 24th Ave), which has generously donated their space for the event. Doors open at 6:30 pm. Tickets are \$20 in advance or \$25 at the door. Advance tickets are available at Patagonia Portland and by contacting Megan Hooker at Crag (megan@crag.org; 503-525-2724). If you can't make it but would like to bid on a particular print or make a donation to Crag, please contact us before the show.

Numerous professional and amateur photographers have generously donated their work to support the Crag center, and we invite you to join us and help make the event a great success! Photographers include Larry Olson, Michael Durham, David Jensen, Darryl Lloyd, Michael Halle, Barbara Bond, Jon Meyers, Alberto Rey, Kate McCarthy, Lee Dayfield, Steve Baldwin, Gary Braasch, Ron Cronin, John Waller, Kimberly Warner, Andrew Burdick, Mike Volk, Don Jacob-

"Iris Tenax" by Don Jacobson



son, Gavin Tate, Brian Litmans, Mark Larabee, Josh Muenster, Tim Whitecotton and more! The photos in this article are previews of the evening. For more, visit our website at www.crag.org/support-us/crag-events/wildshots or the Patagonia Portland Store (907 NW Irving), Pro Photo Supply, Hood Outdoor or the Half and Half.

Our supporters have fostered our growth since our founding in 2001, and continue

"Illuminating Paradise" by Michael Halle



Illuminating Paradise and the other *Wild Shots* up for auction can be found on our website and our Facebook page.

to be critical to our success as we support grassroots efforts to sustain the Pacific Northwest's natural legacy. The major sponsor for the event is Chernoff, Vilhouer, McClung and Stenzel, LLP and our supporting sponsors are Kristin Winter with Realty Trust, Scott Jerger with Field Jerger LLP, Pro Photo Supply and Patagonia Portland. Catering and food preparation are kindly being donated by Chuffy's Too'licious.

Coastal Law Project Update — Harbor Hills

By Courtney Johnson, Staff Attorney

The Harbor Hills lie in the far southwestern corner of Oregon, just north of the California border and south of the city of Brookings and the Chetco River. The steep and rugged terrain feeds the aquifer that supplies the unique agricultural area below the hills. The Harbor Bench is nestled between the hills and the Pacific Ocean, and is the source for almost all of the Easter lily bulbs and hydrangea stock in the United States.

Local residents and farmers on the Harbor Bench are very concerned about new development on the Harbor Hills because of the potential for stormwater runoff to cause massive erosion, landslides and groundwater contamination. Increased development in the area also threatens to further decrease low summertime flows on the Chetco River and endanger salmon and steelhead stocks. Through the Coastal Law Project, Crag is working with local residents, the Harbor Community Action Committee and Oregon Shores Conservation Coalition to ensure that the natural environment is protected and that the physical limits of the Harbor Hills are fully considered in planning for future development.

The steepness and dynamic landform of the western slopes of the Harbor Hills makes the area unbuildable. Even so, the area was included in the Brookings Urban Growth Area more than a decade ago.

Since then, Curry County and local cities have been engaged in a long-term planning process. The City of Brookings and Curry County entered into a Joint Management Agreement in 2001, which required coordinated review of land use planning for the area. The city-



Photo by Tom Huxley

The Harbor Hills on the Southern Oregon Coast at the mouth of the Chetco.

county agreement required comprehensive analysis of surface water (runoff) to address impacts to the Harbor Bench aquifer, and prohibited development of the area until regulations controlling development are adopted.

Eight years later, the comprehensive surface water plan and special plan area have yet to be adopted. Instead, the County is moving forward to adopt a controversial mixed use master plan zone. This new zone would allow developers to design their own regulations and standards, which could be less protective of the environment and existing uses than the ordinances that apply to all other developments. It would also allow for both residential and commercial uses in areas that are not suitable for this kind of intense development.

Local residents and farmers are very concerned about the impacts of development on water quality and the area's natural resources and elected officials from the cities in Curry County have raised flags about the County's plan to allow urban-level development on the west slopes.

After years of workshops to refine

Continued on next page

the plan, the new zone was proposed this summer before the Curry County Planning Commission. Local residents and members of the Harbor Community Action Committee have tracked this process since 1999 and worked tirelessly for environmentally responsible development in their area. Since 2005, Crag has supported their efforts and most recently reviewed the proposal for the new zone. On their behalf, the Crag Law Center submitted detailed comments to the Planning Commission advocating for the protection of open spaces and for erosion control and water quality protection measures. We also called for a meaningful public review of the proposed developments. In response, the Planning

Commission held several hearings over the course of the summer, and the content of the new zone has changed greatly as a result of our efforts.

The Planning Commission approved the new zone with some additional changes in late September, and the decision is now before the Curry County Board of Commissioners. At base, the fact remains that the new zone is still not suited to the natural topography of the Harbor Hills. Crag and its clients will continue to monitor this process and advocate for sustainable development that preserves the beauty of the Harbor Hills, protects water quality, and sustains the unique livelihood of the lily farmers on the land below.

Hemlock Dam is Only a Memory

By Amanda Pade, Summer Intern

Deep in the old growth forests of the Gifford Pinchot National Forest, a heavy rain drops water onto the lush canopy. The water drips down from the trees, seeps through the undergrowth and percolates into the headwaters of Trout Creek. Now, for the first time in decades, the crystal clear water flows unobstructed into the Columbia River to greet the returning wild fish.

Earlier this summer, a local work crew with Jim Dean Construction and Forest Service scientists began the Hemlock Dam removal and restoration project on Trout Creek in the headwaters of the Wind River watershed. Hemlock Dam was located just a few miles upstream from Trout Creek's confluence with the Wind River. The Wind River flows through the Gifford Pinchot National Forest in southwest Washington and joins the Columbia River 45 miles east of

Portland.

At the beginning of the 20th century Trout Creek was one of the region's best steelhead rivers and provided up to 40% of the habitat for the Wind River's threatened wild steelhead. In 1935, a 26 foot high concrete arch dam was constructed by the Civilian Conservation Corps under Franklin Delano Roosevelt's New Deal to create hydroelectric power, jobs and economic stimulus in the midst of the Great Depression. The dam was later adapted to provide irrigation water to the Wind River Tree Nursery. Hydropower generation ended in the 1950s and the nursery was closed in 1997, leaving the dam inactive and useless.

The dam impeded fish migration and water quality, threatening steelhead and salmon runs and altering downstream habitats for a wide range of species. The river water was heated to fatally high

temperatures and tons of sediment built up behind the dam, depriving downstream spawning grounds of the larger pebbles that wild fish need to grow and thrive. Now that the work has been completed, wild steelhead can enjoy thirteen miles of high-quality habitat above the old dam site and steelhead populations are projected to increase by up to 66% in the future.

The Forest Service owned and operated the Hemlock Dam and announced in December of 2005 that it planned to dredge the lake and remove the dam. Skamania County opposed the dam removal and filed an appeal. The Gifford Pinchot Task Force, a local conservation and restoration group, retained the Crag Law Center to intervene in the case and Crag helped defend the Forest Service and the Department of Ecology's decision. The key part of the County's lawsuit was successfully dismissed earlier this year and the appeal was defeated.

After this roadblock was addressed, the dam removal proceeded swiftly this summer. The lead on the project, Forest Service hydrologist Bengt Coffin, conducted extensive research, planning and preparations. First, the materials were gathered and the crews were readied. Then, fish screens were installed above the dam and four large pumps were set up to remove and divert the river around the reservoir and below the dam. During the project, the familiar sound of running river came not from the streambed, which had been dewatered, but from the massive black pipes that were threaded through the woods, along the road and around the dam site. With the water diversion



Photo by Sam Drevo

Workers restore the channel after removing the dam and the sediment that piled up behind it.

in place, fish biologists then removed all remaining fish in the dam removal area using the process of electro-fishing. Averaging thirty volunteers per day from a wide array of organizations like USGS, Yakama Nation and the Washington Fish and Wildlife Service, the fish removal effort lasted four days and relocated stranded fish to safer waters above and below Hemlock dam.

With these preparations completed, construction crews notched the dam in late June, dredged sediment throughout July and then removed the dam on August 3rd. The crews have rebuilt over two thousand feet of channel, using trees, tree roots and river rock to reinforce banks and emulate the natural flood plain re-established through historic photos and surveying.

As river restoration campaigns gain traction all over the Pacific Northwest, the Hemlock Dam removal process serves as an important example of the collaborative efforts needed to create free flowing rivers that benefit fish restoration, ecosystem recovery and recreational use.

Amanda Pade is a senior at Duke University. She contributed to a documentary film on the river restoration projects due

Filbert Farm Party a Great Success!

By Megan Hooker, Paralegal/Office Manager

On July 25th, Aaron Matusick and Sandy Riedman hosted the 4th annual Old Filbert Farm Benefit Party. About 200 people came to the party and enjoyed the amazing food and music. In addition to raising money for Crag's work, the Filbert provides a great opportunity for staff, clients and supporters to come together.

Dinner featured Greek food from Alexis, lamb and turkey from Gartner's Meats, veggies from Justy's Produce, blueberries from Sun Gold Farm, and tasty treats from VooDoo Doughnuts. We washed this fabulous feast down with locally brewed beer from Lucky Lab, soda



Photo by Chris Winter

Supporters enjoy this summer's Filbert Farm Benefit Party.

from Hot Lips and Tazo Tea, and danced to live reggae music by Nuborn Tribe. Patagonia and others donated items for our raffle, which also gave our supporters a sneak peek of things to come during our Wild Shots Photography Auction, taking place on Saturday, November 7. We appreciate seeing everyone who came out for the event—don't miss it next year!

Federal Giving Matching Grant

If you can't make it to Wildshots but still want to support Crag's work, there are several additional opportunities for you to contribute. This year Crag is participating in the 2009 Pacific Northwest Combined Federal Giving Campaign. If you are a federal employee and participate in your employer's annual giving campaign, please use organization number 16072 to donate to Crag.

We have received a matching grant from The Brainerd Foundation. Brainerd has long supported our work on protecting Oregon's farm and forestlands. Brainerd will match each dollar that you give, up to \$10,000 before December 31st! Make your donation using our secure online system or send your contribution in the mail to 917 SW Oak, Suite 417, Portland, OR 97205. Thank you for your support!

Crag World Headquarters Packed in Summer '09

By Megan Hooker, Paralegal/Office Manager

Crag supporters often express amazement at how much we get done with our lean staff of attorneys. The secret is that we teach law students how to practice law as they help us with substantive pieces of our cases, and we take on undergraduates to help with our outreach. This summer, we doubled our staff size, filling every nook and cranny with a student volunteer. Everyone benefits - the students help us provide legal services to our clients and we train them through hands on experience as they launch their future careers.

This summer we hosted five amazing students from across the country. We had two undergraduates, Amanda Pade from Duke University and David Kinsella from University of Portland; and three law students: Naomi Rowden from University of Oregon, Jennifer O'Brien from Lewis & Clark, and Veronica Warnock from Vermont Law School.

Amanda helped Crag with outreach and education. She wrote blogs for our website, put together our summer Cairn and helped us prepare for the Filbert Farm Party and the Wild & Scenic Film Festival in Hood River. She also worked on a film documenting the removal of Hemlock Dam from Trout Creek, a tributary of the Wind River in Washington. Amanda is finishing her major in Political Science and History and a minor in Environmental Policy. She plans to attend law school in the future.

David helped interview and solicit top authors to contribute to a book about the lessons learned from Measures 37 and 49. David also helped secure sponsors for the Wild & Scenic Film Festival. He graduated last spring from the University of Portland with a major in biology and minors in economics and philosophy, and is now in his

first year of law school at Stanford.

Jennifer is a 2nd year law student at Northwestern School of Law at Lewis & Clark College. She obtained a stipend from the Public Interest Law Project to work with us this summer. She worked with Staff Attorney Ralph Bloemers on a variety of cases dealing with the fallout of Measure 37, assisted with our work on public lands and made a valuable contribution to help with our Filbert Farm Party in July.

Veronica completed her undergraduate work at Evergreen State College in Olympia, Washington and has a strong connection to the Pacific Northwest. Veronica worked with Staff Attorney Courtney Johnson on water rights issues along the Oregon Coast. Formerly a land use planner, Veronica's time at Crag showed her that she wants to be a "real" attorney! She is a 3rd year law student at Vermont Law School.

Naomi came to us through Equal Justice Works, an organization that helps lawyers and law students work in the public interest. Naomi is passionate about tribal issues and worked with Staff Attorney Chris Winter this summer on our cases involving the Inupiat Eskimo. Naomi completed her 2nd year of law school last spring, and began work this fall on a concurrent master's program in Conflict and Dispute Resolution.

In addition to all their hard work in the office, our summer 2009 interns had the chance to get out in the field, visiting Trout Creek before Hemlock dam was removed, hiking Mount Hood with Kate McCarthy, and attending several hearings and court proceedings around the state. We hope that these amazing individuals will carry their experiences with Crag forward as their careers develop. We know we will see great things from them in the future!

The Beaufort Sea – Safe for Now

By Tanya Sanerib, Staff Attorney

In May, Shell Offshore Inc.'s 2007-09 plan to look for oil and gas in the offshore waters of the Beaufort Sea along the North Slope of Alaska was finally put to bed. Crag has represented the North Slope Borough and the Alaska Eskimo Whaling Commission in a challenge to this plan since 2007. After we obtained two stays of the plan from the Ninth Circuit Court of Appeals and a favorable court decision on the merits (that was later withdrawn), Shell decided to withdraw its exploration plan. It was a great victory for our clients because the exploration plan included operations that were to take place close to their subsistence hunting grounds, threatening to harm the marine environment and their subsistence way of life.

In general, exploration plans are the third step in a four step process that occurs as the government plans for offshore oil and gas drilling under the Outer Continental Shelf Lands Act. Exploration plans represent where the rubber hits the road – they contain details about where, when, and how an oil company will explore the area for hydrocarbons. This is the time when the company mobilizes their fleet of ships and drills wells, and when the ecosystem and local communities are impacted.

While we exposed the flaws in Shell's previous plan, our work is just beginning. As native governments in Alaska are busy passing resolutions against irresponsible offshore oil and gas activities in Arctic waters, Shell has released two new exploration plans for 2010 – one for Camden Bay in the Beaufort Sea and the other in the Chukchi Sea – and the company is busy trying to ram the new



MMS Kids Corner file photo

Shell proposes to run seismic tests, place drill rigs and disturb the subsistence fishing grounds used by the Inupiat for millenia.

plans through the federal permitting process. The potential impacts from Shell's proposed activities to the Inupiat people's subsistence way of life are immense. These activities produce underwater noise that deflects marine mammals from their migrations, and can disrupt feeding and resting patterns. The exploration plans also include the discharge of hundreds of thousands of gallons of pollution into pristine Arctic waters and significant air pollution that threatens to degrade air quality. Looming over all of these threats is the risk of a catastrophic oil spill and the fact that industry has no proven technology to clean up spilled oil in the broken ice environment of the Arctic.

It is likely that Shell's new exploration plans are just the tip of the iceberg as we expect to see more from other companies in the future. We are committed to working with the communities of the North Slope in an effort to protect their ability to feed themselves, maintain their culture, and enjoy a clean and safe environment in the face of offshore drilling.

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Wild Shot 2009: "Sierra Waterfall" by Jon Meyers.



Our Mission

Crag is a client-focused law center that supports community efforts to protect and sustain the Pacific Northwest's natural legacy.

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°Join us for Wild Shot 2009 on November 7th at the Spring Box Gallery.

°November 10th – Crag is co-sponsoring Andrew Revkin, a talk with one of the world's leading environmental reporters with the New York Times. Contact us for tickets or visit our Events page for more information.



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