

**Alaska Community Action on Toxics
Chickaloon Tribe
Cook Inlet Keeper
Military Toxics Project**

For immediate release
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**PLAINTIFF GROUPS REACH CRITICAL AGREEMENT WITH DEPARTMENT OF DEFENSE
TO PROTECT LANDS AND WATERS AT FORT RICHARDSON, ALASKA**

Anchorage, AK. After two years of intense negotiations with the Department of Defense (DoD), Plaintiff groups today announced an agreement that will provide significant protections to water quality, fish, wildlife, and human health at Fort Richardson in Alaska.

In April 2002, Alaska Community Action on Toxics, the Chickaloon Village Traditional Council, Cook Inlet Keeper, and Military Toxics Project sued the U.S. Department of Defense over its bombing activities at Eagle River Flats that harm water quality and pose a toxic and safety hazard to local Indigenous subsistence users and nearby residents. Despite the presence of 10,000 pieces of unexploded ordnance (UXO) in Eagle River Flats on Fort Richardson, the Army refused to address the dangers posed by the presence of UXO. The Army's discharges of munitions into the Eagle River Flats release harmful chemicals such as RDX, 2,4-DNT, heavy metals, and other high explosive and propellant compounds. In 1994, the Environmental Protection Agency (EPA) placed Fort Richardson on the national "Superfund" list of the most polluted sites in the nation.

Pentagon officials have used the Plaintiffs' legal action to argue for military exemptions from environmental and public health laws in their testimony before Congress.

"We are happy to finally be able to correct the Pentagon's mischaracterization of our claim," stated Janet Daniels, of the Chickaloon Tribe. "We never wanted to go to court; it was our very last resort. Ten years of the Army's refusal to acknowledge the problem, and ten years of the state's and EPA's refusal to act to protect our health left us no choice but to seek justice through the courts. Let's be clear: the Army forced us to go to court by poisoning our lands and waters, endangering our health and our way of life, and refusing to acknowledge or fix the problem."

Key provisions of the agreement between the Plaintiff groups and the Department of Defense filed in court today include:

- Monitoring the health and behavior of beluga whales in and around Eagle River Flats;
- Additional protection to ensure that beluga whales are not harmed by military activities;
- Water quality monitoring for toxic chemicals associated with military munitions firing;
- Provisions for enhanced community right-to-know and documentation about military munitions firing activities at Fort Richardson and chemical constituents of munitions;
- Restrictions on munitions firing activities to protect migratory birds;
- Prompt cleanup of munitions that fall outside the immediate impact area of Eagle River Flats;
- Feasibility study to determine potential for substitution of safer munitions in order to minimize environmental impacts;

- The Army will obtain a Clean Water Act permit for its munitions discharges;
- The Army will initiate Government-to-Government consultations with Upper Cook Inlet Tribes;
- Provisions to allow the Plaintiffs to engage independent experts to study the environmental impacts of the bombing and to recommend measures to avoid those impacts.

“We are pleased this agreement recognizes the importance of the depleted Cook Inlet beluga whale,” stated Bob Shavelson, Executive Director of Cook Inlet Keeper. “Homeland security starts at home, and this settlement takes steps to ensure that our beluga whale survives for generations to come.”

"No federal agency should be above the law, especially the laws that protect the public's health and safety," said Tara Thornton, Executive Director of the Military Toxics Project. "This lawsuit and our successful settlement was never about training, it was about people in the United States living near military installations deserving equal protection under the law. Our settlement proves that protection of the environment and military readiness are not mutually exclusive."

"It doesn't matter if you are Native or non-Native, military or civilian. Everyone has a right to clean air, clean water, and uncontaminated food," stated Janet Daniels.

"This settlement will protect the environment against future degradation from the Army's bombing practice at Eagle River Flats without restricting military training," said Scott Allen, the Plaintiffs' attorney from Cox and Moyer in San Francisco. "The agreement is a true win-win situation for both sides," Allen said.

"This agreement shows that the military can comply with environmental laws and doesn't need extra exemptions," stated Becca Bernard, Legal Director of the Alaska-based public interest law firm, Trustees for Alaska, which also represented the Plaintiffs.

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Documents available on Alaska Community Action on Toxics' web site at www.akaction.org or upon request: 1) Agreement between Plaintiffs and Department of Defense October 27, 2004; 2) Complaint filed with the U.S. District Court of Alaska, June 2002; 3) Map of Fort Richardson; 4) Chronology; 5) Fact Sheet about Military Exemptions and List of Organizations Opposed to Military Exemptions.

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