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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ORUTSARARMIUT NATIVE
COUNCIL, *et al.*,

Plaintiffs,

vs.

UNITED STATES ARMY CORPS OF
ENGINEERS, *et al.*,

Defendants,

and

DONLIN GOLD, LLC, *et al.*,

Intervenor-Defendants

Case No. 3:23-cv-00071-SLG

**ALASKA CONGRESSIONAL DELEGATION’S MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF INTERVENOR-DEFENDANTS
DONLIN GOLD, LLC AND CALISTA CORPORATION**

United States Senator Lisa Murkowski, United States Senator Dan Sullivan, and United States Representative Mary Sattler Peltola (collectively, “the Alaska Congressional Delegation”) respectfully move for leave to file the accompanying *amicus curiae* brief in

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support of Intervenor-Defendants Donlin Gold, LLC and Calista Corporation. Undersigned counsel contacted counsel for Plaintiffs and Defendants seeking consent to participate as amicus. Counsel for Plaintiffs and the United States represented that they had no position. Counsel for the State of Alaska, Donlin Gold, LLC and Calista Corporation consented. Accordingly, the Alaska Congressional Delegation respectfully submits this motion pursuant to Fed. R. App. P. 29(a)(3). This motion is timely under Fed. R. App. P. 29(a)(6) because it is filed no later than seven days after the principal briefs of the Intervenor-Defendants being supported.

STATEMENT OF INTEREST OF *AMICUS CURIAE*

The Alaska Congressional Delegation is a bipartisan coalition of all persons elected by the people of Alaska to represent their interests in Congress. As representatives of all Alaskans, the Alaska Congressional Delegation has an inherent interest in litigation regarding matters of public policy affecting the State of Alaska, and here, they have a strong interest in providing briefing on the enormous public benefits at stake in the Donlin Mine Project. Moreover, as Alaska's federal elected officials, the Alaska Congressional Delegation has a solemn and abiding interest in ensuring the promises of the Alaska Statehood Act (Statehood Act) and the Alaska Native Claims Settlement Act (ANCSA) are properly carried out and fulfilled.

DESIRABILITY OF AMICUS BRIEF

At issue is whether the Donlin Mine Project was properly approved and permitted in the Joint Record of Decision issued by the United States Army Corps of Engineers and

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the United States Bureau of Land Management (part of the United States Department of the Interior). Also at issue is the fate of one of the most important and necessary economic development projects in Alaska. This court will benefit from the Alaska Congressional Delegation's unique perspective on the myriad economic benefits that the Donlin Mine Project would bring to: (1) the Yukon-Kuskokwim Delta, one of the most impoverished regions in Alaska; (2) the State of Alaska as a whole; and (3) Alaska Native Corporation shareholders statewide through ANCSA's revenue sharing mechanisms. Preventing the responsible development of the Donlin Mine Project and its associated infrastructure would undermine the Statehood Act's key goal of Alaskan economic self-sufficiency and would prevent one of Alaska's largest ANCSA regional corporations from developing the natural resources granted to it by Congress for the express purpose of resource development.

CONCLUSION

Because of the importance of the Donlin Mine Project to the people of the State of Alaska, the Alaska Congressional Delegation respectfully requests leave to file the attached *amicus curiae* brief in support of Intervenor-Defendants Donlin Gold, LLC and Calista Corporation.

ASHBURN & MASON, P.C.

DATED: April 23, 2024

By: s/Matthew T. Findley
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CERTIFICATE OF SERVICE

ALASKA CONGRESSIONAL DELEGATION'S MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF ISO
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I HEREBY CERTIFY that on April 23, 2024 a copy of the foregoing was served electronically through the CM/ECF system on all registered case users.

ASHBURN & MASON, P.C.

By: s/Maarit Cain
Maarit Cain