

Sheppard Mullin Urges Supreme Court to Deny Alaska's Request to Challenge EPA's Clean Water Act Veto

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Sheppard Mullin filed an *amicus* brief on behalf of Trout Unlimited urging the U.S. Supreme Court to decline to exercise jurisdiction over the state of Alaska's request to lodge an original action challenging the U.S. Environmental Protection Agency's Clean Water Act veto that effectively killed a controversial mine in the state.

Alaska's proposed complaint targets the U.S. EPA's exercise of its authority under the Clean Water Act to veto the development of Alaska's Pebble Mine, which holds significant deposits of copper and other minerals near the headwaters of the Bristol Bay watershed. Alaska asserts that the EPA's veto violated a land swap agreement and the state's sovereign and other development rights.

In urging the Supreme Court to deny Alaska's request to overturn the veto, Trout Unlimited argued that the proposed Pebble Mine risked destroying one of the Earth's most diverse and productive subsistence, commercial and recreational salmon fisheries, and that Alaska is seeking to escalate its disagreement with a federal agency decision into a novel, procedurally improper and premature original action. The state has another more traditional forum to challenge the EPA's veto, and the Supreme Court shouldn't squander its limited resources by allowing Alaska's case to move forward, Trout Unlimited argued.

Sheppard Mullin partner Paul Werner, lead counsel for Trout Unlimited, commented that "allowing Alaska to convert its run-of-the-mill challenge to the EPA's obviously correct decision to prevent a massive mine from destroying a highly-productive natural wonder into an original action would be a premature, pointless, and unconstitutional waste of the Court's scarce resources given Alaska itself has not authorized any mining in Bristol Bay, and may never."

Trout Unlimited is the nation's largest sporting organization dedicated to cold-water conservation.

The case is *State of Alaska v. United States of America et al.*, case number 220157.

[Click here to read Trout Unlimited's amicus brief.](#)

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