

SJR

25

IDENTIFICATION:

BILL NUMBER: SJR 25

BILL NAME: Requesting that Birch Creek & Beaver Creek be removed from designation as wild rivers.

SPONSOR(S): Resources Committee

RELATED BILLS PENDING:

DATE INTRODUCED: 4-18-83

HJR 43

REFERRALS: Resources

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

5512 25
MAR 31 1983

TED STEVENS, ALASKA
LDWELL P. WEICKER, JR., CONN.
JAMES A. MC CLURE, IDAHO
PAUL LAXALT, NEV.
JAKE GARN, UTAH
THAD COCHRAN, MISS.
MARK ANDREWS, N. DAK.
JAMES ABONOR, S. DAK.
ROBERT W. KASTEN, JR., WIS.
ALFONSE M. D'AMATO, N.Y.
MACK MATTINGLY, GA.
WARREN RUDMAN, N.H.
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JOHN C. STENNIS, MISS.
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WALTER D. HUDDLESTON, KY.
QUENTIN N. BURDICK, N. DAK.
PATRICK J. LEAHY, VT.
JIM SASSER, TENN.
DENNIS DE CONCINI, ARIZ.
DALE BUMPER, ARK.

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

J. KEITH KENNEDY, STAFF DIRECTOR
FRANCIS J. SULLIVAN, MINORITY STAFF DIRECTOR

March 25, 1983

The Honorable Norman C. Gorsuch
Attorney General
State of Alaska
Department of Law
Pouch K
Juneau, Alaska 99811


Dear Norm:

I am writing to report to you regarding a frequent complaint I am hearing from members of the mining community regarding State water quality standards in the Birch Creek region. As you know, the Circle mining district and particularly Birch Creek represents roughly \$250 million worth of mining trade for Alaska.

The complaint has been reported to us by members of the mining community, Federal administrators and local communities in the region. The thrust of the question is whether State water quality standards are being arbitrarily applied in this region so as to preclude further mining. I recognize the State must establish legitimate protection for discharge and turbidity in the region. However, I am told by EPA officials and others that no miners in this region can meet such high standards. EPA will be forced to close down mines soon if the State and Federal agencies don't move to find a reasonable resolution to this question. I stand ready to work with you at the federal level. I appreciate your attention to this very important matter.

With best wishes,

Cordially,


TED STEVENS

✓cc: The Honorable Bettye Fahrenkamp

10: TUT FOUR NOT 531265
To Senator Fahrenkamp
From: Kristi Byrd
Re: Birch Creek

April 21, 1983

The Honorable Bettye Fahrenkamp
Alaska State Senator
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

This letter offers a solution to the on-going Birch Creek National Wild River debate. It may provide the State of Alaska an avenue less complicated and obstructed than the one now being pursued by the BLM and various state agencies in regards to almost certain legal battles over RS 2477 trails, instream flows, subsistence, mining law, clean water act and a host of other laws and regulations that apply or are being promulgated for that particular river when the river management plans are finalized.

As you know ANILCA established the upper portion of Birch Creek as a component of the National Wild and Scenic River system to be administered by the Secretary of the Interior through the BLM. ANILCA also mandated detailed development and management plans be completed by December 2, 1983.

The Wild and Scenic Rivers Act declared it a policy of the United States that "selected rivers of the nation, with their immediate environments possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." By classifying Birch Creek as "wild" Congress mandated it be managed to be free of impoundments and generally inaccessible except by trail, with watersheds or shorelines primitive and waters unpolluted representing vestiges of primitive America.

The Draft Management Plan for this river states "although most of the placer mining activity is located outside the river corridor water effluents from placer mining operations have caused the otherwise clear waters of Birch Creek to become turbid for the river's entire flow of 344 miles to the Yukon River. The effect of the turbid water upon fisheries and other biological resources is not precisely known but is generally believed to be causing an adverse impact. Scenic values normally associated with a wild river are impaired by the occurrence of turbid water, and the poor water visibility has caused safety problems as recreationists are unable to observe rocks and other hazards in the water.

Page 6

The Honorable Bettye Fahrenkamp

Page 2

April 21, 1983

The Circle Mining District is the most active mining district in Alaska and most of the mining operations in that area discharge into the Birch Creek or a tributary to it. Mining has taken place in that area since 1892 and I imagine it will continue until the reserves are depleted which is some years down the road. It does not have waters unpolluted but Congress has mandated it be managed as such. Birch Creek itself was a major access route for mining operations and some questions have arisen regarding its status as a possible RS 2477 trail.

As the management plan states in regards to the turbidity question "poor water visibility has caused safety problems for recreationists." These concerns and issues can be addressed by reasonable men and women seeking reasonable solutions when the most basic question of "should the Birch Creek have been classified a Wild River in the first place?", has been answered. It seems the various mandates and time limits imposed on those decision makers to comply with ANILCA has caused some errors in judgement and that the possibility exists that in this instance those decision makers may have been wrong.

As I stated earlier in this letter, I have a solution to offer which may be more acceptable to the general public than fighting over this river's designation into the next century.

The Chatanika River possesses outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, is free of impoundments, somewhat more accessible than the Birch Creek with watersheds or shorelines primitive and waters unpolluted. The scenic values normally associated with a wild river are not impaired by the occurrence of turbid water. The Chatanika River is a clear flowing stream and one of the Interior's highly used recreational streams and the good water visibility existing in the Chatanika River does not cause safety problems as recreationists are able to observe rocks and other hazards in the water.

Visitors who expect to find a truly wild river when they come to Alaska will be pleasantly surprised by the quality both scenic and otherwise of the Chatanika River and cannot be blamed for feeling somewhat cheated by the status of the Birch Creek as a wild river when in actuality it is not and hasn't been since 1891. I suggest we explore the possibility of trading the Birch Creek and Chatanika River in terms of classification of a wild river status.

Thank you for your consideration in this matter.

Sincerely,


John Reeves

cc: Kristi Byrd

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DIVISION OF PLANNING AND PROGRAMMING, INTERIOR REGION

55225
Bill Sheffield, Governor

University Plaza - West, Suite D
600 University Avenue
Fairbanks, Alaska 99701
(907) 479-4281
MAY 5 1983

May 5, 1983

Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

RE: Revised Statute (RS) 2477 at Birch Creek

Your letter of April 12, 1983, to Commissioner Casey has been referred to this office for review. Previously, we received and responded to Tri-Con Mining Inc.'s letter of March 15, 1983 and Mr. Ohman's letter of March 15, 1983.

Our response to both of these letters was:

"Our Department has been working with the Circle Miners Association and legislative offices representing that area. Using their information and input, the DOT&PF has been assisted in prioritizing that area's roads within our budget constraints.

At this time there seems to be some concern as to the length of the RS 2477 which runs along Birch Creek and the validity of the right-of-way beyond a certain point. Also, the area's inclusion in the Birch Creek Wild River corridor further complicates the matter.

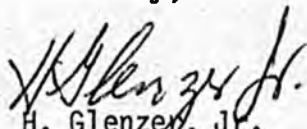
Your request will be considered with the other roads in the upper Steese Highway area for inclusion in our region's needs assessment. Frankly, however, departmental budget constraints, coupled with the priority we have placed on upgrading this region's major highways make it doubtful that this work can be funded by DOT&PF in the near future. In previous years, appropriations for improvements to Circle Mining area roads were initiated by the legislature."

Since there are conflicting interpretations of the laws governing RS 2477 roads and trails, the validity of this right-of-way along Birch Creek is still questionable. Our regional staff will be meeting with BLM soon to discuss this and similar RS 2477 rights-of-way and to determine what course

of action the Department of Transportation and Public Facilities can pursue to better define these rights-of-way and to establish a valid claim to them. It may be some time before the status of the various RS 2477's is known. We will continue, however, to make every effort to insure that existing public access to resource development areas adjacent to Interior Region highways is protected and that the need for future access is properly identified in the BLM's land management plans.

If we can be of further help in this matter, please let us know.

Sincerely,


H. Glenzer, Jr.
Deputy Commissioner

HG:DP:jap

cc: Daniel A. Casey, Commissioner, Headquarters
Emil Notti, Legislative Assistant, Office of the Governor
David W. Truax, Planner, Planning & Programming, Interior Region
Wayne Weeks, Manager, Unit Support, Headquarters

MAY 9 - 1983

May 4, 1983

The Honorable Bettye Fahrenkamp
Senator For the State of Alaska
Pouch V, State Capitol
Juneau, Alaska 99311

RE: Request To Department of Transportation and Public Facilities For
Upgrading Of RS2477 Pioneer Road Birch Creek

Dear Bettye:


Thank you very much for your attention to the above matter. We appreciate your help.

Hopefully funds will be set aside for the future upgrading of the old RS2477 route down the Birch Creek corridor.

As you know the Birch Creek area is heavily mineralized. I feel it holds much promise for continued mining and future development if mining is allowed to progress.

Your efforts in protecting the rights of Alaska and it's constituents is well recognized and will bring dividends to all in the years to come.

Sincerely yours,


Roger C. Burggraf
Agent
Tri-Con Mining Inc.

RCB/kc

Tanana Chiefs Conference, Inc.

FEB 24 1983

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Phone (907) 452-8251
February 18, 1983

RECEIVED

FEB 22 1983

DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Mr. John Spencer
Regional Administrator
1200 Sixth Avenue
Seattle, WA 98101

Re: Resolutions Concerning Water Quality in Birch Creek

Dear Mr. Spencer,

Enclosed is Resolution 82-28 of the Tanana Chiefs Conference, Inc. It speaks to the continuing problem of damage to water quality in Birch Creek in Interior Alaska caused by improper methods of handling mining wastewater.

The damage is caused by seasonal placer mining operations within the upper portion of the drainage. Some mines still operate without the required settling ponds, and many of them are now operating with the settling ponds according to recent information from the Alaska Department of Environmental Conservation.

The residents of Birch Creek Village continue to find that the quality of the water during the mining season is unacceptable for use, such as for drinking purposes (currently Birch Creek is the direct source of the community's drinking water.)

Residents must dip the water and then let it stand until the turbidity settles out somewhat for summertime use. There is uncertainty over the possible presence of arsenic and heavy metals in this drinking water.

Other uses of the water and environs by area residents of Birch Creek Village and Circle are also adversely affected by the deterioration in the quality of this once clearwater stream.

We wish to emphasize to you that residents of Birch Creek who directly use Birch Creek for personal consumption and for other purposes continue to have their interests damaged by the condition of the water.

APPENDIX A
TANANA CHIEFS CONFERENCE, INC.

Environmental Effects of Mining Operations
on Birch Creek
Resolution No. 82-28

- WHEREAS: Birch Creek is important to the residents living near or around the river; and
- WHEREAS: there are mining operations upriver from the residents living and using the river in a traditional manner; and
- WHEREAS: the methods the mining operations utilize dirties and clouds the river; and
- WHEREAS: this hampers the traditional practices of those living downriver; and
- WHEREAS: the methods of the mining operations damages the environmental, aesthetic, and ecological characteristics of the river; and now,

THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors direct the staff of Tanana Chiefs Conference to inform the appropriate State, Federal and private agencies of the detrimental methods of mining operations used on Birch Creek.

Submitted by: Theresa McCall

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 18, 1982 at Fairbanks, Alaska.

Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

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applies to 49 states and one-quarter of Alaska, and quite clearly violates the terms of the constitution, and, accordingly, should be found invalid," Williams said.

The arguments of both men were interrupted often by the justices, including one question from Justice Byron White which referred to the political clout of the Alaska delegation.

"Why did Congress do this," White wondered, "surely it was not because Alaska out-lobbied the rest of the country."

"I wouldn't rule that out," Williams replied.

"There are some powerful senators

60-year-old trade I have allowed foreign cargo between A Sound.

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members, two members of the Pollution Control Commission and three members of the public would serve on the committee.

The plan would include a cancellation provision if a more desirable method of attainment is found or if attainment is reached and can be maintained without inspection.

Also, the plan would require an annual report evaluating effectiveness to the assembly and a provision to stop the program at the end of 1990 unless reauthorized by the assembly.

The assembly will also decide whether to purchase new boilers for Denali Elementary School or seek a hookup with the city's district hot water system.

The assembly will also consider:

- An ordinance requiring businesses which sell liquor to obtain conditional use permits when opening up in new locations;

- An ordinance allowing office buildings in residential office zones to install one sign up to 20 square feet. Currently signs must be no more than six square feet;

- Appropriating \$46,037 to develop a comprehensive trail plan program.

ENTION MINERS

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ernor's office effort will probably be more informational than pressure-oriented, at least for now.

The export of Alaska oil is currently prohibited primarily by two laws: the Export Administration Act and federal legislation on the

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Natural Resources
Esther Wunnicke a
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Change in status of two rivers argued in Juneau

News-Miner Bureau

JUNEAU—Changing the federal status of two rivers north of Fairbanks could mean \$30 million worth of economic activity to the Interior.

But it could also mean discolored, silty water, an end of fishing along the rivers and the curtailment of float trips and other recreational activity.

That was the gist of debate Wednesday in a legislative committee over a measure that asks the federal government to change the designation of the Birch and Beaver Creeks.

Birch Creek runs along the Steese Highway northeast of Fairbanks while Beaver Creek is directly north of town in the White Mountains. Birch is the site of perhaps 50 placer mines, according to state officials.

Both rivers were designated "wild rivers" in the 1980 Alaska lands bill, a classification which limits travel, makes it difficult to start new mines and limits other types of activities.

The Senate Resources Committee, at the request of Fairbanks North Star Borough officials, introduced a resolution asking Congress to remove that designation, effectively amending the lands act.

Although the chances of that are slim, admitted panel chairman Sen. Bettye Fahrenkamp, D-Fairbanks, the committee still passed the resolution Thursday with little debate.

However, that action came only after an environmental lobbyist said the change could curtail both fishing and canoe and kayak use along the rivers.

Fairbanksan Brian Alien, a volunteer with the Alaska Environmental Lobby, said miners are not now prohibited from the river although they must comply with strict state standards. He said the solution lies in enforcing water quality standards and not in changing the rivers' designation.

Bill Zybach, an aide to North Star Borough Mayor Bill Allen, said mining along the rivers is an economic shot in the arm to the borough. He called it "inappropriate" to designate the rivers initially and urged that be changed.



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Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

April 26, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

Subject: SJR 25, Birch and Beaver Creek Wild Rivers

The 1980 Alaska National Interest Lands Conservation Act (ANILCA) designated a number of rivers in Alaska as "wild rivers" under the National Wild and Scenic Rivers System. Included in these designations were Beaver Creek and Birch Creek which are located north of Fairbanks.

At the time of study of these rivers little placer gold mining was occurring in the region due primarily to low gold prices. However, the Circle gold district which both the rivers are located in was one of the first placer districts in Alaska and was among the leading producers of gold over much of the past century (dating back to 1890). With the resurgence of gold prices dramatic increases in placer mining activity have occurred on many of the tributary streams to both Beaver and Birch Creek. Consequently, many problems and conflicts are currently taking place centering on water quality, access, navigability determinations of the waters involved and other users of the river areas. Most of these problems are directly related to the wild river designations which have caused intensified management efforts and stricter environmental standards and regulations to be applied.

In an effort to recognize the multiple use values of these river areas, particularly mineral values and activities, the resolution would ask Congress to amend ANILCA to delete wild river designation of the two rivers.

THE 1980 ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT (ANILCA) DESIGNATED A NUMBER OF RIVERS IN ALASKA AS "WILD RIVERS" UNDER THE NATIONAL WILD AND SCENIC RIVERS SYSTEM. INCLUDED IN THERE DESIGNATIONS WERE BEAVER CREEK AND BIRCH CREEK WHICH ARE LOCATED NORTH OF FAIRBANKS.

AT THE TIME OF STUDY OF THESE RIVERS LITTLE PLACER GOLD MINING WAS OCCURRING IN THE REGION DUE PRIMARILY TO LOW GOLD PRICES. HOWEVER THE CIRCLE GOLD DISTRICT WHICH BOTH THE RIVERS ARE LOCATED IN WAS AMONG THE LEADING PRODUCERS OF GOLD OVER MUST OF THE PAST CENTURY. WITH THE RESURGE OF GOLD PRICES DRAMATIC INCREASES IN PLACER MINING ACTIVITY HAVE OCCURRED IN THE AREA. CONSEQUENTLY, MANY PROBLEMS AND CONFLICTS HAVE ARISEN, CENTERING ON WATER QUALITY, ACCESS, NAVIGABILITY DETERMINATIONS OF THE WATERS, AND WITH OTHER USERS OF THE RIVER AREAS. MOST OF THESE PROBLEMS ARE RELATED TO THE WILD RIVER DESIGNATIONS WHICH HAVE CAUSED INTENSIFIED MANAGEMENT EFFORTS AND STRICTER ENVIRONMENTAL STANDARDS AND REGULATIONS.

IN AN EFFORT TO RECOGNIZE THE MULTIPLE USE VALUES OF THESE RIVER AREAS, THE RESOLUTION WOULD ASK CONGRESS TO AMEND ANILCA TO DELETE THE WILD RIVER DESIGNATION OF BIRCH AND BEAVER CREEKS.

SJR-25



Citizens' Advisory Commission on Federal Areas

515 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012

March 4, 1983



MAR 14 1983

DRAFT

Carl D. Johnson
District Manager
Fairbanks District Office
Bureau of Land Management
P.O. Box 1150
Fairbanks, Alaska 99707

Dear Carl:

We are enclosing the Commission comments on the Draft River Management Plan for the Birch Creek National Wild River. These comments represent the issues which are of primary concern to the Commission and the different user groups which will be affected by the management plan.

On an overall basis, the draft management plan is written with an unconcealed bias against placer mining operations. There are many editorial comments contained in different sections of the plan which have no place in a document designed to establish management prescriptions.

The plan fails to take into consideration the considerable economic impacts on Fairbanks and the Central area if mining activity in the Birch Creek watershed is unduly restricted or curtailed. This information was not analyzed in the Environmental Impact Statement and appears nowhere in the draft river plan. Such an impact should be considered before the final river plan is developed.

On the attached pages we have identified five issues which we feel are extremely important and which are discussed at length. Following this discussion are specific comments relating to the plan.

To this point the people in your office have been extremely helpful in providing us with the information we needed to develop this commentary. It has been very useful for the staff to be able to meet with BLM personnel and discuss the issues face to face. We look forward to continuing this working relationship in developing the final plan for the Birch Creek Wild River.

Sincerely,

Bettye Fahrenkamp, Chairman
Alaska State Senator

BIRCH CREEK WILD RIVER DRAFT MANAGEMENT PLAN

GENERAL DISCUSSION

1. BOUNDARY DETERMINATION
2. NAVIGABILITY
3. ACCESS
4. VIEWSHEDS
5. WATER QUALITY

1. Boundary determination. The draft plan states the boundary of Birch Creek Wild River will be located within Section 25, Township 7N, Range 10E, Fairbanks meridian. Section 603, paragraph 46 of ANILCA states that the segment of Birch Creek which will be designated a wild river begins on the south side of the Steese Highway, but mentions no specific section, nor does any piece of legislative history.

The Final Environmental Impact Statement for the proposed Birch Creek National Wild River prepared by the Department of the Interior in 1974, stated the proposed corridor was to begin in the vicinity of the confluence of North Fork Creek and Birch Creek. This point is located at approximately river mile 5 in the Draft River Plan. This administrative addition of five miles to the wild river segment of Birch Creek adds over 3,000 acres to the river corridor. Persons originally responsible for studying the location of the boundary state conclusively there was never any intention of extending the river corridor to Butte Creek.

To further augment this position, page 9 of the Draft River Plan states that placer mining activity has made it difficult and often impossible to float the first 3 miles of the river. This activity would indicate that most of the first 5 miles of the proposed river corridor do not meet the criteria for designation as a wild river. It further states that most float trips begin at river mile 5, the originally proposed beginning of the wild river segment.

The discretionary power which BLM has used to move the river endpoint five miles, should be used to move that boundary back to the confluence of the North Fork Creek and Birch Creek. This action would simplify management of the wild river and its corridor and help avoid any potential conflicts between recreational boaters and placer mining operations.

2. Navigability.

The State has asserted that all waters in Alaska are navigable while federal agencies ignore this argument. There is much available material and historical references to prove that Birch Creek is, and has been, a corridor of commerce in fact, and as such, is a corridor of commerce in

law. While it remains the responsibility of the Department of Natural Resources and the Department of Law to formally assert the navigability claim, it is essential that this fact be considered in the draft plan.

3. Access. Access to valid mining claims and along existing RS 2477 rights-of-way must be insured. ANILCA guarantees access to inholdings and valid mining claims (Sec. 1110).

In addition, the Senate Committee on Energy and Natural Resources Report 96-413, contained in the legislative history of ANILCA, states:

"In Administering wild and scenic rivers in Alaska, the Committee expects the appropriate Secretary to carefully consider access needs in terms of the special authority granted him in Title XI of the Committee amendment. Holders of mining claims, for example, may need access up and down proposed wild and scenic rivers or study rivers in connection with various mining activities. Likewise, inholders should not be denied reasonable access to their inholdings as a result of wild and scenic river designator."

Existing State rights-of-way within or through the corridor should be recognized. In the Final EIS the State of Alaska submitted comments which dealt with existing rights-of-way along a number of surface transportation routes and along protracted section lines. The response from BLM indicated that these rights are recognized. Recognition of these rights should be included in the appropriate section of the river plan.

In addition, BLM should work with individual miners while preparing the management plan so that they can be assured of the access which is currently only given lip service. In working with the mining and environmental communities on specific cases, some of the problems which currently exist in the plan could be resolved. From a claim owner's point of view, specific actions are more palatable than "reasonable guarantees".

4. Viewsheds. The concept of viewsheds is one which is becoming more popular in the planning field. However, we can find no statutory authority in the Wild and Scenic Rivers Act, or in the Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System Under Section 2, PL 90-542, dated September 7, 1982 for the creation of viewsheds in the Draft River Plan. ANILCA specifically restricts the wild and scenic river corridors to "not more than" 640 acres per mile. The four to eight mile boundary as discussed in the plan certainly exceeds this statutory limit. The provision for viewsheds should be eliminated in the draft river plan. Any viewshed for the river corridor beyond the 640 acre limitation which contains federal lands should be contained in the management plan for the Steese National Conservation Area.

5. Water Quality. The issue which is most frustrating to each side of the management issue is turbidity. The miners see it as an unattainable standard which costs them hours, dollars, and perhaps at some point, their mines. The recreationists perceive turbidity as evidence that miners do not care about the environment and as an esthetic negative. The challenge will be to develop new technology which will enable the miner to continue his livelihood while the recreationists enjoy the river. It is no secret that this problem may be the most difficult to solve.

At this time, the technology which would stop turbidity is either non-existent or cost prohibitive. The Commission recommends that efforts be made by federal agencies and State agencies to coordinate efforts to develop the necessary technology. It is necessary that the Plan clearly recognizes the lack of technology, the soil conditions and the efforts of the mining community to control this problem.

SPECIFIC COMMENTS

INTRODUCTION

Descriptions contained in Part I need to be re-written to include more complete information on soils, geologic, and historic data. The information must be verified for accuracy. Several errors already exist. The section must be written in a less negative fashion. State management responsibilities must be recognized.

The section on geological and mineral resources contains only two paragraphs on the resources of the river corridor. The first paragraph deals only superficially with the mineral resources while the second paragraph is primarily a commentary on the adverse effects of placer mining on the river. This is out of place in a section which is supposed to deal with resource description. Editorial comments should be omitted or reserved for more appropriate sections. Please note, too, that Harrison Creek is not in the headwaters of Birch Creek. It enters the river at River Mile 59.

Page 10 has a statement which says the effect of turbid water on biological resources is not precisely known, but is generally believed to be having an adverse impact. Page 21 has a statement that "degraded water quality caused by vehicle use and mining operations impairs the biological productivity of the river environment, harming the fishery and other aquatic wildlife." If turbidity and water quality are conclusively demonstrated to adversely affect biological resources on the river, this should be consistently stated. If, on the other hand, there is no conclusive proof available to indicate that they do adversely affect biological resources, this fact should be consistently stated.

Management Considerations

Item 4--Water Quality. This section contains conflicting statements. The section on minerals management states that most placer mining operations affecting the river corridor are properly located and are operating in compliance with State and federal regulations for resource protection. The section on water quality makes the statement that many placer mining operations within the watershed make little or no effort to limit effluent discharge in the tributaries of Birch Creek. Meetings with miners operating in the area indicate that most are making every effort to comply with existing water quality standards. Again, these conflicting statements should be reconciled.

The statement that implementation of water quality standards may increase costs or time to develop mining claims should be changed to state that costs will definitely increase.

Item 5--Water Rights. Water rights are not an issue. The State retains jurisdiction over water rights. This section appears to be put in just so there could be a place to say later that reservation of current water levels would be sought for the river.

Item 7--Visitor Management. What are "on-site management controls"?

Item 9--Biotic Resources. Care must be taken to identify the differences between managing endangered species which have been identified and those which are only "believed" to exist.

Management Actions

This section will require considerable revision before these management practices can be implemented. While the separate issues are outlined in each management action, there is little or no discussion or description on how they will be implemented. Reference to the statutory authorities for management are helpful, but a detailed description of the guidelines contained within the statutes is necessary in the river plan.

As a general comment, each management action should include the statement that it applies to the river corridor and not to surrounding or adjacent private, State or native lands. Many of the management actions are also stated in a very negative manner. By a simple rewording, negative reactions to them would be lessened or eliminated.

Action for Issue 1--Surface Transportation.

This management action must contain provisions which will accommodate guaranteed rights of access.

Action 1.3. Restrictions for vehicular movement should be contained in individual mining plans of operation.

Action for Issue 3-Minerals Management.

No management action affecting mineral development within the river corridor should extend beyond the boundaries of the corridor. Plans of operation for mining claims within the river corridor must not contain restrictions which are unreasonable or which will make operation of those claims economically unfeasible. Care must be taken that recreational gold-panning not take place on private lands or on valid claims.

Action for Issue 6-Facility Management.

Action 6.3: Change "may" to "shall".

Action for Issue 8-Non-Federal Land.

There is no need to acquire additional lands or interests in lands for any reason, since there are no private, native or State owned lands located within the corridor. Actions 8.1 and 8.2 should be eliminated. The Commission does not support acquisition of any lands, particularly through condemnation proceedings.

Action for Issue 9-Biotic Resources.

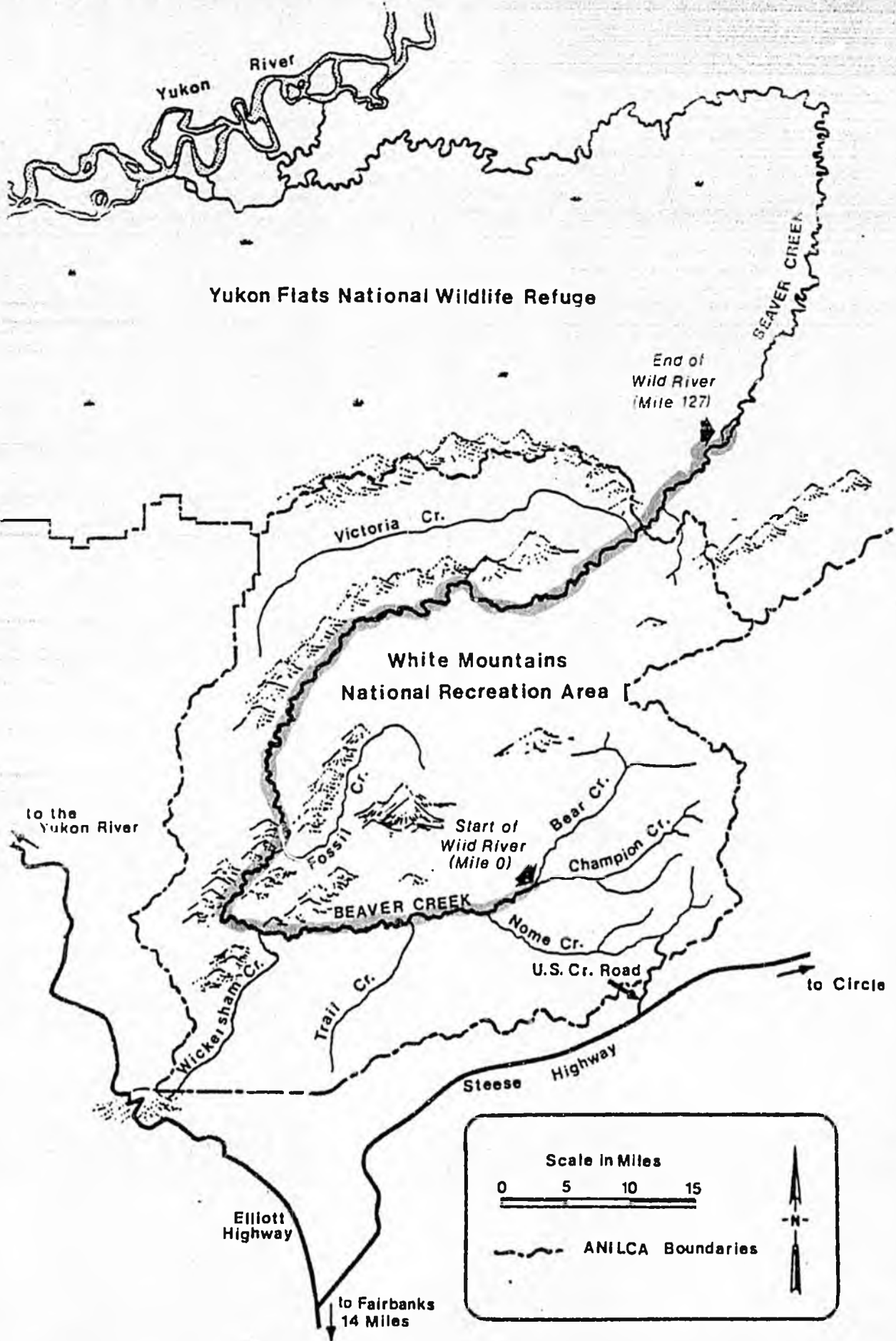
This section should not be limited to biotic resources within the river corridor. An inventory should be prepared for all natural resources within the corridor.

Action for Issue 11-Subsistence.

It has already been stated that there is no subsistence activity occurring within the corridor. There is no need to establish a management action.

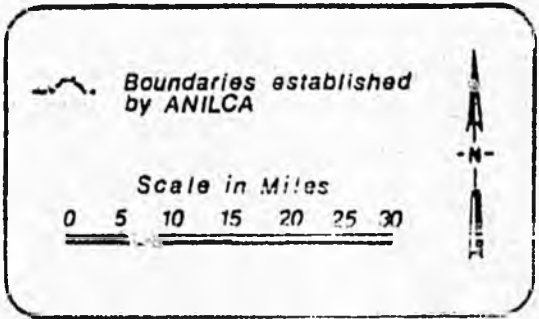
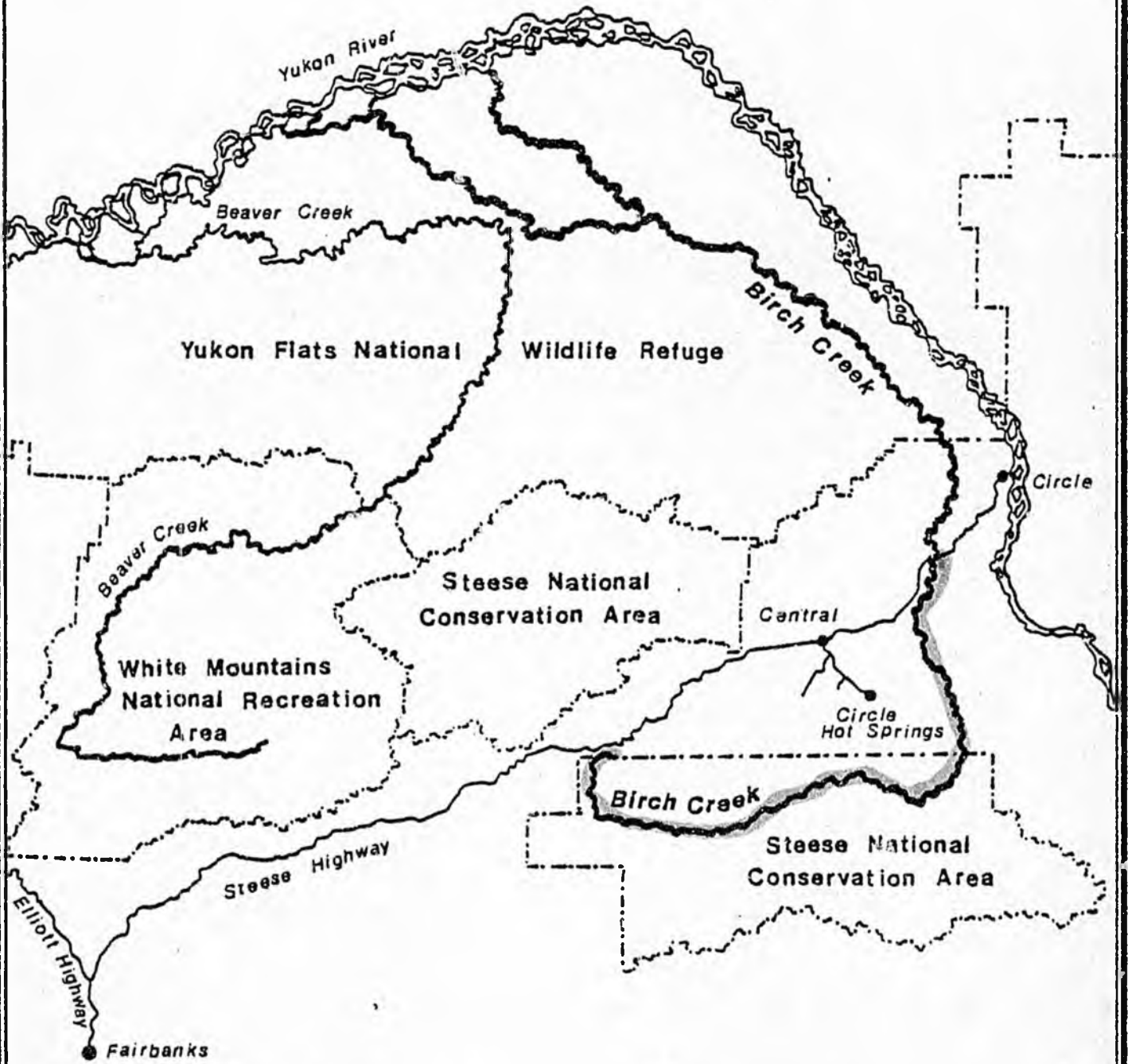
Beaver Creek National Wild River

Area Map



Birch Creek National Wild River

Regional Map



Alaska State Legislature

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ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
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Senate

Committee on Resources

MINUTES

April 27, 1983
3:07 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair
Senator Ziegler, Vice Chair
Senator Eliason

Senator V. Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

- SJR 25 Requesting that Birch Creek and Beaver Creek be removed from designation as wild rivers.
- SJR 5 Relating to revenue sharing from Outer Continental Shelf oil and gas development.
- HB 314 An Act making a special appropriation to the Legislative Affairs Agency for operation of the Joint Oil and Gas Committee; and providing for an effective date.

SJR 25

Bill Zyback, Fairbanks North Star Borough, supported the resolution, saying it is important to the overall economic development program for Interior Alaska.

Phil Holdsworth, Alaska Miners Association, supported the resolution. He said that Department of Environmental Conservation and the Environmental Protection Agency are currently looking at reclassifying streams, so the resolution is timely.

Brian Allen, Alaska Environmental Lobby, opposed the resolution, saying the streams are close to Fairbanks and provide a great deal of recreational activity. He was concerned about water quality in the streams.

Senator Ziegler moved to report the resolution out of committee with individual recommendations. The motion passed without objection.

SJR 5

Senator Ferguson recommended acceptance of the proposed committee substitute. He felt the resolution would help our Congressional delegation in their work to provide revenue sharing for communities involved in coastal zone management.

Senator Fahrenkamp explained Congressional action and how funding amounts are determined. There was discussion of the bill and the program. Senator Sturgulewski proposed an amendment to clarify the intent of the bill.

Senator Eliason moved to adopt the committee substitute, to include the amendment proposed by Senator Sturgulewski. The motion passed without objection.

Kurt Fredriksson, Office of Coastal Management, supported the bill. He clarified funding formulas and the status of the Congressional bills. He said the US Departments of Interior and Commerce are recommending passage of the program, and offered to provide additional information to the committee.

Senator Eliason moved to report Resources Committee Substitute for SJR 5 out of committee with individual recommendations. The motion passed without objection.

HB 314

Jim Palmer, Joint Oil & Gas Committee Aide, explained what the bill would fund.

Senator Mulcahy moved that Resources Committee Substitute for HB 314 be reported out of committee with individual recommendations. The motion passed without objection.

The meeting adjourned at 3:40 p.m.