

HJR

29

BRISTOL BAY DRIFTNETTERS' ASSOCIATION

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(907)562-2161, Ext. 742

FOR IMMEDIATE RELEASE--exclusive to the Baytimes

Juneau, Alaska

April 2, 1987

Bristol Bay Driftnetter's Association announced today that it has been notified by Senator Ted Stevens that the National Park Service is proceeding with plans for removal of the fish ladder around Brooks Falls during 1987.

Brooks River is located in Katmai National Park about 45 miles east of King Salmon. The falls is a well-known tourist attraction where Alaskan brown bear may be observed fishing for red salmon as they attempt to leap the obstruction. The ladder was completed in 1950 by the U.S. Fish and Wildlife Service with the permission of the Park Service. Alaska Fish and Game officials have estimated that one-half of all red salmon successfully passing the falls utilize the ladder.

In recent years the immediate area has been designated as "wilderness", and NPS planners see the ladder as an "unnatural intrusion". Intervention by Alaska's congressional delegation and the State administration successfully forestalled removal in 1986.

BDDA Executive Director Dean Paddock today advised the Baytimes that the Association has been in close contact with Governor Cooper's office and those of Congressman Young and Senator Murkowski, as well as that of Senator Stevens. "Bristol Bay fishermen and residents can be very pleased with the support which we are receiving in our fight to prevent the removal", he stated. "The attitude of the Park Service people that the ladder must go is something that I simply can't understand. It has made a real contribution for 37 years now. With a little cooperation, it can continue to do so far into the future. Everybody--commercial fishermen, sportsmen, subsistence users all profit by it. It's not hurting anything. You can stand on the viewing platform and not even know it's there."

The struggle to keep the ladder, however, promises to be difficult. The NPS staff reportedly has the support of high-ranking Department of the Interior officials including Assistant Secretary for Fish and Wildlife and Parks William Horn. To demonstrate the widespread concern for retention of the ladder local state legislators Senator Fred Zharoff (D., Kodiak) and Rep. Adelheit Herrmann (D., Naknek) both plan to introduce resolutions in their respective bodies of the legislature this week. Stated Zharoff, "It is the only fish enhancement device in the Bay. To remove it would be foolish".

Representative Herrmann called attention to the fact that to insist on removal of the ladder while allowing the large public viewing stand on the site to remain is "the height of inconsistency". The Park Service field station and the famous Brooks River lodge, both large installations, are also located close by, as is the road leading from Brooks Camp to the Valley of 10,000 Smokes. All of the foregoing are seen by most observers as being inconsistent with the wilderness designation.



**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HJR29	SPONSOR Herrmann, Hanley, Menard, Zawacki
DEPARTMENT POSITION Department strongly supports this Resolution; additional amendments suggested.			
PREPARED BY Habitat Division	DATE	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 4/15/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL National Park Service (NPS)	CONSTITUENT GROUP(S) AFFECTED BY BILL Bristol Bay Commercial, Recreational, and Subsistence fishermen
ORGANIZATIONAL SUPPORT FOR BILL See second page	ORGANIZATIONAL OPPOSITION TO BILL National Park Service

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT The NPS wants to remove a 37-year-old concrete fish ladder located at Brooks River Falls in Katmai National Park and Preserve (KNPPr). The NPS feels that the ladder is not compatible with their management of KNPPr. The state, other federal and local agencies and fishing groups in Bristol Bay have opposed removal of the ladder on the grounds that it may negatively impact the fish run, the ecosystem in KNPPr, and the economy of Bristol Bay. The Alaska Department of Fish and Game (ADF&G) denied a Title 16 permit to NPS in continued on page 2

ANALYSIS OF BILL/PROGRAM EFFECTS

AMENDMENTS PROPOSED

Proposed additions are underlined
Proposed deletions are bracketed

Page 3, Line 10. ...important commercial, recreational and subsistence fishery and the regional salmon-based ecosystem [wildlife resource protection].

continued on page 2

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS
(Supplemental Sheet)
Page 2 of 2

Department
Fish and Game

Sponsors
Herrmann, Hanley,
Menard, Zawacki

Bill Number
HJR29

ORGANIZATIONAL SUPPORT FOR RESOLUTION

Bristol Bay Coastal Resource Service Area
Bristol Bay Driftnetters Association
National Marine Fisheries Service
Alaska Department of Fish and Game
Bristol Bay Native Corporation
Alaska Peninsula Corporation

BACKGROUND/LEGISLATIVE INTENT CONTINUED

1985 to remove the ladder. The NPS is continuing to pursue the removal through federal channels and has received endorsement from Assistant Secretary of the Interior, Bill Horn. The Alaska Congressional Delegation, notably Senator Stevens and Congressman Young, have initiated inquiries into NPS funding for the project.

The Alaska Legislature would join other state, federal, and local agencies and Native and fishing interest groups in opposing the removal of the fish ladder. This joint resolution is non-binding but may prompt the Department of Interior to reexamine its own motives and costs for removing the ladder. The bill may help to resolve the issue in a manner favorable to the state.

AMENDMENTS PROPOSED CONTINUED

Page 3, Line 11, Insert. Be it further resolved that the Secretary of the Interior is respectively requested to direct the National Park Service to remove the boards that are blocking the outlet to the ladder and to prepare a Memorandum of Understanding (MOU) with the Alaska Department of Fish and Game (ADF&G) that will allow ADF&G to maintain and operate the ladder in a manner consistent with its historical use and with current uses of the area.

BILL ANALYSIS
(Supplemental Sheet)
Page 2 of 2

Department
Fish and Game

Sponsors
Herrmann, Hanley,
Menard, Zawacki

Bill Number
HJR29

ORGANIZATIONAL SUPPORT FOR RESOLUTION

Bristol Bay Coastal Resource Service Area
Bristol Bay Driftnetters Association
National Marine Fisheries Service
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BACKGROUND/LEGISLATIVE INTENT CONTINUED

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**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HJR 29
Publish Date: _____

Revision Date: _____
Title: Brooks River Falls Fish Ladder

Agency Affected: Fish and Game
BRU: _____

Sponsor: Herrmann, Hanley, Menard, Zawacki
Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce H. Baker, Acting Director Phone: 465-4105
Division: Habitat Date: _____

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HJR 29
Publish Date : 4-8-87

Revision Date: _____

Agency Affected: None

Title: Relating to the Brooks River
Falls fish ladder

BRU: _____

Sponsor: Herrmann, Et. Al.

Components : _____

Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by : House Resources Committee

Phone : 465-4942

Division : _____

Date : April 14, 1987

Approved by Commissioner : _____

Date : _____

Agency : _____

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

PRESS RELEASE

April 24, 1987

Contact: Rona Sorensen
465-4942

Representative Adelheid Herrmann's House Joint Resolution 29 relating to the Brooks Fall Fish Ladder passed the House unanimously today!

HJR 29 requests Secretary of the Interior Hodel, to intervene and reverse the decision of the National Park Service to remove the Brooks River Falls fish ladder located in Katmai National Park.

"The fish ladder at the Brooks River Falls is the single fishery enhancement device in Bristol Bay, and so it's quite apparent how this ladder is of vital importance to us," stated Herrmann. The ladder was constructed in 1949 by the U.S. Fish and Wildlife Service, for the purpose of providing salmon with easier access to spawning habitat above the falls.

The Park Service's decision to remove the ladder has been opposed by the National Marine Fisheries Service, Bristol Bay fishing groups, the Alaska Department of Fish and Game, and the State of Alaska.

Representative Herrmann (D-Naknek) added, "our own biologists have looked at this issue carefully and refuted every argument made by the Park Service for removing the ladder. I think anyone looking at the record of the Park Service's determination will agree not only with the findings of the state that support retaining the fish ladder, but would be glad to give their full support to this resolution."

REP. HERRMANN - FLOOR SPEECH FOR HJR 29 - 4/24/87

Mr. Speaker, I am here today on behalf of Resources Co-chair Herrmann to ask for unanimous support of the House on HJR 29.

HJR 29 requests the Secretary of the Interior to intervene and revise the decision of the National Park Service to remove the Brooks River Falls fish ladder located in Katmai National Park.

The Park Services decision to remove the ladder has been opposed by the National Marine Fisheries Service, Bristol Bay fishing groups, the Alaska Department of Fish and Game, and the State of Alaska.

The ladder was constructed in 1949 by the U.S. Fish and Wildlife Service, for the purpose of providing salmon with easier access to spawning habitat above the falls. Our own Department of Fish and Game has estimated that the fish ladder allows as much as 50% of the salmon in the area to use the ladder to ascend the falls. The ladder helps them to reach their spawning grounds under all flow conditions.

Our own biologists have looked at this issue carefully and refuted every argument made by the Park Service for removing the ladder. I think anyone looking at the record of the Park Service's determination will agree not only with the findings of the state that support retaining the fish ladder, but will be glad to give their vote in support of this resolution.

Mister Speaker, I ask you to join me in sending a clear message to Secretary of the Interior Hodel to intervene and reverse the Park Service's decision by voting in favor of HJR 29.

Thank you.

C4FF
FY7

For example, the Park Service has argued that the ladder allows exotic species of fish to enter the upper Brooks River Ecosystem. What I would like to know is how this can be a problem when our own biologists can't even find any evidence of exotic species in the area.

Upon further examination the logic of their decision seems even less credible. They have argued that the ladder causes bank erosion and degrades the scenic quality of the falls. There is no evidence of massive erosion from the ladder, despite the presence of the ladder in the area for forty years. Only a minute portion of the corner of the ladder is noticeable. The photographs I am circulating illustrate this point. With regards to the scenic quality, in testimony before the House Resources Committee a visitor to the park noted that what is ugly is not the ladder but the Park Service's viewing stand.

What the Park Service fails to note is that a fish bypass benefits the fishery resource and makes a significant contribution to sockeye salmon production. Retention of the ladder plays an important role in carrying out the states mandates for managing fisheries resources.

Was this area originally in the Park or
was it added by ANILCA? If it was in
the Park originally, ANILCA doesn't matter
as much as the original bill or executive order.

Memorandum from John Katz, March 4-87

LADDER MAINTENANCE COSTS:

Annual maintenance costs for the fish ladder are estimated to be less than 1% of the annual ex-vessel value $\$ (134,000)$. ~~on~~ ^{on} 15,000 Sockeye Salmon

approximately $\$ 1,340^{00}$ for maintenance costs.
(maximum estimate) \nearrow correction - Kim Sundberg quoted $\$ 1,000$ ^{ADFE 6} annual mainten. cost.
(primarily travel to the ladder)

ex-vessel value doesn't include the added value accrued from processing and retailing commercially caught salmon, or the economic and biological contributions that these salmon make to subsistence, tourism, and to the overall Katmai National Park and Preserve (~~the~~ KNPP) ecosystem.

According to Bruce Baker, Habitat Co., ADFE 6 maintenance of the ladder is way less than 1% of ex-vessel value. Actual work to maintain ladder would include a couple of ~~less~~ hours to go in and clean away debris. Removal of the ladder is not a budget issue, it's a park policy issue.

Original sponsors: Herrmann, Menard,
Hanley, et al.

1 IF THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 29 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the Brooks River Falls fish
6 ladder.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the National Park Service has recently stated that it will
9 remove the fish ladder at Brooks Falls on the Brooks River in Katmai Na-
10 tional Park; and

11 WHEREAS the fish ladder was installed at the falls in 1949 in response
12 to the concerns of fisheries biologists who had recognized as early as the
13 1970's that a ladder was necessary to allow more sockeye salmon to migrate
14 above the falls, and that it would allow pink, coho, and chum salmon access
15 to the area above the falls; and

16 WHEREAS the partially successful attempt to construct a bypass of the
17 falls in 1920 and the later construction of the present fish ladder were
18 done with the knowledge and support of the appropriate national fisheries
19 management and National Park Service personnel; and

20 WHEREAS on-site observers estimate that in recent years approximately
21 one-half of the sockeye salmon that spawn above the falls use the fish
22 ladder to get there; and

23 WHEREAS the Alaska Department of Fish and Game and National Marine
24 Fisheries Service biologists who have firsthand knowledge of the Brooks
25 River system feel that the removal of the ladder will ultimately prove
26 detrimental to the fishery resources of the river; and

27 WHEREAS the National Park Service is removing the fish ladder on the
28 basis that the ladder

29 (1) is insignificant to the production of sockeye salmon;

1 (2) is inconsistent with National Park Service management objec-
2 tives and federal mandates;

3 (3) allows exotic species and races of fish to enter the upper
4 Brooks River ecosystem; and

5 (4) causes bank erosion and degrades the scenic quality of the
6 Brooks River Falls; and

7 WHEREAS the State of Alaska has refuted each of these points and has
8 presented its evidence and arguments to the Department of the Interior to
9 no avail; and

10 WHEREAS fisheries biologists of the State of Alaska and the National
11 Marine Fisheries Service believe that the ladder makes a significant con-
12 tribution to sockeye salmon production, and they presented the scientific
13 data to back up that belief; and

14 WHEREAS the State of Alaska has found no provisions in the Alaska
15 National Interest Lands Conservation Act or in the legislative history of
16 that Act that compel the National Park Service to remove the fish ladder;
17 and

18 WHEREAS a careful review of historic species lists for fish, wildlife,
19 and aquatic organisms upstream and downstream of the ladder does not pro-
20 vide an indication that exotic or nonindigenous species, disease vectors,
21 or gene pools have entered the upper Brooks River drainage by way of the
22 ladder; and

23 WHEREAS on-site inspection of the area by State of Alaska personnel
24 has found no riverbank erosion caused by or in the area of the fish ladder;
25 and

26 WHEREAS most people who visit the falls are not even aware that the
27 ladder exists because of the heavy brush and vegetation that have grown
28 around the ladder since 1949; and

29 WHEREAS it seems inconsistent for the National Park Service to say

1 that the ladder is incompatible with the wilderness qualities of Katmai
2 National Park when the service itself installed a viewer platform by the
3 falls, accessed by a well traveled trail from a commercial lodge and the
4 National Park Service headquarters, and from which there is a road into the
5 heart of the beautiful Valley of 10,000 Smokes;

6 BE IT RESOLVED by the Alaska State Legislature that the Secretary of
7 the Interior is respectfully requested to intervene in the decision of the
8 National Park Service to remove the Brooks River Falls fish ladder in
9 Katmai National Park and reverse that decision in the best interests of an
10 important commercial, recreational, and subsistence fishery and the region-
11 al salmon-based ecosystem; and be it

12 FURTHER RESOLVED that the Secretary of the Interior is respectfully
13 requested to direct the National Park Service to remove the boards that are
14 blocking the outlet to the ladder and to prepare a Memorandum of Under-
15 standing that will allow the Alaska Department of Fish and Game to maintain
16 and operate the ladder in a manner consistent with its historical use and
17 with current uses of the area.

18 COPIES of this resolution shall be sent to the Honorable Ronald
19 Reagan, President of the United States; to the Honorable Donald P. Hodel,
20 Secretary of the Interior; and to the Honorable Ted Stevens and the Honor-
21 able Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
22 Representative, members of the Alaska delegation in Congress.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Resources 4-15-87 8:30a.m.



MAR 19 1987

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
WASHINGTON, D.C.

March 4, 1987

MEMORANDUM

TO: THE HONORABLE TED STEVENS, U.S. Senate
THE HONORABLE FRANK MURKOWSKI, U.S. Senate
THE HONORABLE DON YOUNG, U.S. House of Reps

FROM: JOHN W. KATZ, Director of State/Federal Relations
and Special Counsel to the Governor

SUBJECT: BROOKS RIVER FISH LADDER

The State of Alaska has reviewed Assistant Secretary of the Interior Bill Horn's October 10, 1986 letter (enclosure 1) responding to objections expressed by you, the National Marine Fisheries Service (NMFS), Bristol Bay fishing groups, and the Alaska Department of Fish and Game (ADF&G) concerning the National Park Service (NPS) plans to remove the Brooks River fish ladder.

The state is disappointed that Assistant Secretary Horn is continuing to support removal of the ladder and is basing his decision upon the NPS's opinion that the ladder: (1) is insignificant to the production of sockeye salmon; (2) is inconsistent with NPS management objectives and federal mandates; (3) allows exotic species and races of fish to enter the upper Brooks River ecosystem; and (4) causes bank erosion and degrades the scenic quality of the Brooks River falls. We believe the NPS arguments for removal of the ladder are not supported by the available facts, and would like to respond to each of these points.

First, the state believes that the ladder makes a significant contribution to sockeye salmon production. Fishery biologists with the ADF&G and NMFS feel that the ladder is important because it provides salmon with easier access to spawning habitat above the falls. The need to provide safe and reliable fish passage around the Brooks River falls was recognized by fisheries biologists as early as the 1920s when attempts were made to construct a bypass around the falls. This need was finally met when the present fish ladder was constructed in 1949. Since that time, the ladder

The Hon. Ted Stevens
The Hon. Frank Murkowski
The Hon. Don Young

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March 4, 1987

has ensured that salmon can continue to get over the falls to spawning grounds under all flow conditions.

In 1985, approximately 31,000 sockeye salmon escaped to spawn in Brooks River, Brooks Lake, and its tributaries above the falls. This represents about 1.6 percent of the 1985 sockeye salmon escapement in the Naknek River system. In recent years, counts indicate that approximately one-half of the sockeye salmon in the upper Brooks River/Lake use the ladder to gain access to spawning habitat (the other one-half jump the falls). It is significant that even though the ladder comprises only a small portion of the falls area and is not fully functional, about 50 percent of the salmon apparently use the ladder to ascend the falls.

In recent years, it is estimated that salmon using the ladder contributed approximately \$134,000 annually to the Bristol Bay sockeye salmon fishery (see enclosure 2). In contrast, the anticipated annual maintenance costs for the fish ladder are estimated to be less than 1 percent of this annual ex-vessel value. It is also important to recognize that this ex-vessel value does not include the added value accrued from processing and retailing commercially caught salmon or the economic and biological contributions that these salmon make to subsistence, tourism, and to the overall Katmai National Park and Preserve (KNPPR) ecosystem.

Maximum
10% of
134,000
ex vessel
value =
\$1,340

Second, the state believes that the ladder is consistent with the administrative and legislated requirements of NPS management of KNPPR and with the Alaska National Interest Lands Conservation Act (ANILCA). The state has found no provisions in ANILCA that compel the NPS to remove the ladder. The ANILCA simply requires that populations of fish and wildlife in areas designated as national parks be maintained in a natural and healthy condition which is defined as "a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems."

The NPS relies heavily upon a quote from Senate Report 96-413, p. 171, concerning manipulation of habitat to support its claim that the ladder is inconsistent with ANILCA. However, examination of this portion of Senate Report 96-413 (enclosure 3) shows the quote is taken out of context from the record concerning subsistence uses within national parks, monuments, preserves, and recreational areas. Clearly, Congress did not direct the NPS to remove the Brooks River fish ladder when it discussed guidelines for maintaining subsistence uses within national park system units.

The Hon. Ted Stevens
The Hon. Frank Murkowski
The Hon. Don Young

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March 4, 1987

Third, the NPS presents no scientific evidence to support its concern that the Brooks River ladder is allowing exotic species to enter the upper Brooks River system. A careful review of historic species lists for fish, wildlife, and aquatic organisms upstream and downstream of the ladder does not provide any indication that any exotic or unnatural species, disease vectors, or gene pools have entered the upper Brooks River drainage by way of the ladder.

Fourth, the contention that removal of the ladder is required to stop the erosion of the riverbank of the Brooks Falls area is without factual basis. The enclosed photo (Photo 1) taken in 1985 shows the "erosion" to which the NPS refers. As you can see, there is no significant erosion of the riverbank, only a breach in the ladder. We have been told that by a number of people that this breach was initiated by an NPS employee to allow salmon to escape from the fish ladder after KNPPR personnel placed boards across the outlet to block fish passage in 1979.

This eroded slot has provided the only way for fish to use the ladder since 1979. There is no major erosion as claimed. If NPS decides to retain the ladder, ADF&G would agree to repair the eroded slot and to restore the conventional outlet to the ladder by removing the boards.

Finally, the ladder has had no significant effect on the scenic quality of the area as claimed. The enclosed Photo 2 shows the view of the falls and ladder that park visitors see from the viewing platform. As you can tell from the photograph, it is difficult, if not impossible, to see the ladder from the platform. Most people who visit the falls are not aware that the ladder exists. Heavy brush and vegetation have grown around the ladder since 1950, and obscure it from all but the most observant visitors. However, the NPS plans for removal of the ladder could cause a noticeable visual impact which would persist until the natural vegetation becomes reestablished.

In summary, the state does not believe the NPS has presented any justifiable reason for removal of the Brooks River fish ladder and objects to the NPS's intention to remove it. We think the ladder can be maintained and operated in conformance with protection of the natural ecosystem and in a manner consistent with NPS mandates. The ADF&G has agreed to assume responsibility for the operation and maintenance of the ladder if NPS will cooperate. Any assistance you can offer in resolving this matter would be greatly appreciated.

Attachments
Photos
cc: Bill Horn

ENCLOSURE 1



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 10 1985

Honorable Ted Stevens
United States Senate
Washington, D.C. 20510

Dear Senator Stevens:

Thank you for your letter of June 12, 1985, concerning the Brooks Falls fish ladder in Katmai National Park. We have delayed responding to your inquiry, while the National Park Service (NPS) put together detailed responses to a number of issues related to the fish ladder. For your information, I am enclosing a copy of the materials prepared by the Service.

We are well aware of the opposition to the NPS proposal to remove the fish ladder expressed by the Alaska Department of Fish and Game (ADF&G), the National Marine Fisheries Service (NMFS), and the Bristol Bay fishing group. Nevertheless, I am persuaded that the fish ladder makes no appreciable contribution to the production of sockeye salmon in Bristol Bay and that removal of the ladder will have an insignificant effect on the regional fishery economy.

Under the constitution, laws, and regulations of the State of Alaska, ADF&G is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the State's fish and wildlife resources. Within NPS areas, however, State management of fish and wildlife resources must be consistent with the provisions of the Alaska National Interest Lands Conservation Act and other Federal laws and regulations. Maintenance of the ladder is considered to be incompatible with the legal requirements of NPS management and with the purposes for which Katmai was established. Moreover, removal of the Brooks Falls fish ladder will enable the NPS to stop the erosion to the riverbank that is occurring at the upper end of the ladder and also will improve the scenic quality of the Brooks Falls area.

The dewatering and filling in of the fish ladder and the improvement of road access to the Three Forks Overlook and the Valley of the Ten Thousand Smokes are very different projects for different purposes. I strongly support the concept of providing a more dependable means for visitors to reach the overlook during periods of high water, whether by a footbridge or some other kind of crossing. The Federal Highway Administration has

Honorable Ted Stevens

2

been working with the NPS to develop alternative methods and costs for transporting visitors across the drainages in this area. This report is in the final stages of preparation. We will be happy to provide you with more information on this project when the report is completed.

I would be pleased to respond to any additional questions you might have on the Brooks Falls fish ladder or on land access to the Valley of the Ten Thousand Smokes.

Sincerely,

/s/ William P. Horn

Assistant Secretary for Fish
and Wildlife and Parks

Enclosures 2

POSITION SUMMARY
BROOKS FALLS FISH LADDER
(See Environmental Assessment for Further Details.)

1. Proposed Action:

ADFG: Remove flashboards partially blocking upper end of fish ladder; repair eroded slot; provide regular maintenance of ladder.

NPS: Phase 1 - Construct cofferdam; repair eroded riverbank and dewater fish ladder to verify river hydrology. Phase 2 - Remove visible, above-ground level concrete and, using this and other material, fill in the fishway and restore landscape and riverbank to most natural condition feasible.

2. Effect of the Ladder on Biotic Resources:

ADFG: The ladder allows core sockeye salmon to migrate above Brooks Falls, and the fish are in better spawning condition because of reduced stress. It allows access above the falls for coho and pink salmon that previously could not get over the falls. It provides better fish access above the falls during low-water conditions and an alternative route which serves as a safeguard against a possible future seismic event which could block fish migration over the falls.

NPS: Dewatering and filling in of the fishway will benefit the full spectrum of aquatic species native to the Brooks Lake drainage through the restoration of natural biotic associations. The cumulative biological effect would be to restore the natural abundance, behavior, diversity, and ecological integrity of aquatic species and subspecies within the Brooks River and Brooks Lake drainage. Aquatic species and subspecies native to the Brooks Lake drainage and upper Brooks River are potentially subject to predation, unnatural gene pool changes, and competition by other fish species and subspecies that can be unnaturally introduced via the ladder. Existence of a functional fish ladder alters the natural selection effects of the falls for all fish species and subspecies including salmon, grayling, and lamprey eel. There is no evidence, scientific or otherwise, that the ladder has increased the number of sockeye salmon passing the falls and/or enhanced the salmon productivity of the Brooks Lake drainage - in fact, considerably greater numbers of sockeye salmon were counted ascending the falls naturally and entering Brooks Lake before the ladder was constructed. It is unlikely that the falls present even a minor barrier to coho salmon migrations. No year has yet been recorded in which low water levels have impeded passage of

salmon over the falls. If a year were to occur in which few fish were able to surmount the falls, the multiple age classes of returning salmon would facilitate natural recovery of the stock. A seismic event that would alter the falls to the point where salmon could not pass upstream is extremely unlikely and, if it occurred, it would probably render the fish ladder impassable as well.

3. Potential "Harm" Done to Salmon Populations:

ADF&G: Removal of the Brooks River fish ladder could or would "harm" salmon populations.

NPS: Unharmad salmon populations existed for thousands of years prior to construction of the Brooks River fish ladder in 1949-1950.

4. Effect of Ladder Removal on Production of Sockeye Salmon in Bristol Bay and on Fishery Economy of Bristol Bay:

ADF&G: No position stated to date.

NPS: Even under a very worst case scenario, removal of the Brooks Falls fish ladder would have virtually unmeasurable and, therefore, insignificant effects on the production of sockeye salmon in Bristol Bay and virtually unmeasurable and, therefore, insignificant effects on the fishery economy of Bristol Bay. This is because the number of salmon that would be potentially influenced by the proposal (whether positively, negatively, or neutrally) is proportionately inconsequential in comparison to average annual salmon runs in Bristol Bay.

5. Management of Anadromous Fish Streams:

ADF&G: The Commissioner of the ADF&G is charged to "manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the State . . ." (Alaska Statute (AS) 16.05.020). AS 16.05.840 requires that "every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided . . . with a . . . fishway and a device for efficient passage of downstream migrants." AS 16.05.870 requires that "if a person or governmental agency desires to construct a hydraulic project, or use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream, . . . the person or governmental agency shall notify the Commissioner of this intention . . ." and secure approval.

NPS: Dewatering and filling in of the ladder is consistent with improving the condition of fish species since it will prevent the future establishment of non-native species and sub-species above the falls, restore the natural selection efforts of the falls and, to the extent possible, restore natural biotic associations within the Brooks Lake drainage. The Commissioner's responsibility to "extend" fish and game species is inconsistent with the purposes for which Katmai was established (ANILCA, 1980, and Senate Report 96-413, pg. 171). AS 16.05.840 does not apply since Brooks Falls is not a "dam or other obstruction built by any person." AS 16.05.870 does not apply because the NPS does not propose "to construct a hydraulic project or use, divert, obstruct, pollute, or change the natural flow or bed" of any water body. On the contrary, the action proposed by the NPS is to restore the natural flow of the river, which is consistent with AS 16.05.870.

6. Length of Time that the Ladder has Existed:

ADF&G: A fish ladder has existed for 35 years, and some form of man-made fish by-pass has existed for up to 65 years.

NPS: The number of years that the ladder or bypass has been in place does not alter its incompatibility with congressionally mandated park purposes (ANILCA, 1980, and Senate Report 96-413, pg. 171).

7. Coastal Zone Management:

ADF&G: Closure of the fish ladder would be inconsistent with the Alaska Coastal Management Program (ACMP). It would not maintain or enhance aquatic habitats of the river. Removal of the ladder carries a significant risk of leading to a decline in productivity of salmon in the Brooks Lake drainage.

NPS: The ACMP standard is met by either maintenance or enhancement of the aquatic habitat. As a result of covering the ladder, which is a man-made artificial structure that was cut into the bank of the river, the aquatic habitat of the river would revert from an altered condition to a protected, maintained, and more natural condition, consistent with the letter and the intent of the ACMP. Data do not indicate that the falls is a significant hindrance to salmon migration or production. Artificially increasing productivity of fish and wildlife in park areas to achieve maximum utilization of natural resources is not an objective of NPS management (Senate Report 96-413, pg. 171).

8. Erosion of the Riverbank and Condition of the Fish Ladder:

ADFG: The ladder is functional and should be restored and reopened. The eroded slot can easily be repaired, and maintenance of the ladder should be carried out annually.

NPS: Erosion of the riverbank at the head of the ladder is diverting flow from the falls into the ladder. The erosion must be arrested and repaired. The NPS has no legal authority or responsibility to repair, restore, or reopen the ladder. In fact, such an action, if taken, would be contrary to congressionally mandated park management objectives (ANILCA, 1980, and Senate Report 96-513, page 171).

The above ADFG positions are derived from letters and memoranda written by employees of the State of Alaska concerning the Brooks Falls fish ladder and the NPS proposal to remove it.

NPS COMMENTS ON NMFS AND ADF&G REVIEWS OF BROOKS
FALLS FISH LADDER ENVIRONMENTAL ASSESSMENT

NPS Memo from William Heard to George Snyder

1. Page 1, Para. 1, Lines 5-7. If no compelling evidence exists, scientific or otherwise, that the ladder has had a significant impact on any fish populations or fish production upstream or downstream from the falls since it was installed in 1949-1950, then it would seem that there is no compelling evidence to support the biological arguments presented for retention and restoration of the ladder.
2. Page 1, Para. 1, Lines 7-11. Contrary to the cited original purpose of the ladder, no such extreme low flow conditions have ever been observed or recorded since the establishment of Katmai National Monument (now Park and Preserve) in 1918.
3. Page 1, Para. 2, Line 5. There is no scientific evidence to support the argument that the fish ladder is not doing any harm. However, the potential for unnatural ladder-induced changes in park ecosystem dynamics is supported in the scientific literature.
4. Page 1, Para. 3. We agree that the text on Page 37 may erroneously suggest that some or many coho salmon are unable to leap Brooks Falls. Line 3 will be changed to read: "any salmon that may be unable to jump Brooks Falls would remain below the falls."
5. Page 2, Para. 2. The points are well taken. Upon reviewing page 37, paragraph 2 of the Environmental Assessment, we realize that we have inadvertently incorporated some vague and inaccurate statements concerning natural ecosystem dynamics, the leaping abilities of coho salmon, and the present status of non-anadromous fish species and subspecies within the Brooks Lake drainage. The entire paragraph is being rewritten as follows:

"Implementation of the recommended alternative will be an affirmative effort to restore the natural abundance, behavior, diversity and ecological integrity of aquatic species and subspecies within the Brooks River and Brooks Lake drainage. Any salmon that may be unable to jump Brooks Falls would remain below the falls. However, any non-anadromous aquatic species or subspecies that may have become established within the Brooks Lake drainage as a result of the fish ladder could continue to be present."

We also intend to rewrite several paragraphs on page 25 and possibly add several additional paragraphs to more clearly describe and analyze present and potential biological effects of the fish ladder on natural biotic associations of native species and subspecies. The analysis will also include statements concerning the present status of non-anadromous fish species and subspecies in Brooks River and within the Brooks Lake drainage.

Another planned addition is the inclusion of a new evaluation factor entitled Salmon Production and Bristol Bay Fishery Economy in Table 1, pages 26-30.

NMFS Memo from K. Koski to George Snyder

- 1. As you know, there is a longstanding historical practice to permit fishing in all park areas in accordance with applicable State and Federal laws and regulations.

Memo from Ted Merrell, NMFS, to Carl Burger, USFWS

- 1. Mr. Merrell's comments are not about the Environmental Analysis. Instead, they constitute a formal review of two very early drafts of NPS-funded reports prepared by the USFWS. Both reports are directly related to the Brooks River fish ladder and all of Mr. Merrell's comments have been addressed or incorporated in later versions of the reports.

We note Mr. Merrell's statement on Page 1, Para. 1, Lines 3-8:

"The reports are well written and I have no disagreement with your conclusions that removal or renovation of the fish ladder would be unlikely to have any significant impact one way or the other on fish passage or production of sockeye from the Brooks system, and that the Brooks River stock is genetically the same above and below the falls but different than Brooks Lake tributary stocks." (Emphasis added)

Letter from ADPSC to NPS

- 1. Page 1, Para. 1. The discussion in the Environmental Assessment on page 19 concerning the number of salmon which used the ladder versus jumping the falls draws no conclusions concerning the ladder's "importance." It simply reports comparative counts in different years under different conditions. No conclusions are possible, and none were stated in the Environmental Assessment. However, we disagree that the "importance" of the fish ladder would be revealed if comparative counts were conducted after removing all barriers and cleaning all debris out of the ladder. We suggest that the more important biological and/or economic question is: Does a fully functional fish ladder in operation at Brooks Falls significantly increase the production of sockeye salmon in Bristol Bay and significantly affect the fishery economy of Bristol Bay? Considering the available evidence, we believe not.
- 2. Page 1, Para. 2. The discussion on page 23 makes no conjectures concerning the significance, biological effects or importance of the fish ladder. It simply summarizes available fishery statistics and the opinions of two investigators concerning the utility of available

weir count information. The single conjecture (by the authors of the Environmental Assessment) found in this section entitled Numbers of Sockeye Salmon is actually found on page 24, paragraph 1, last sentence. It reads as follows:

"Most importantly, these records suggest that although the ladder probably was not impossible for the decline, neither did it mitigate a decline in the Brooks drainage which reflected the area-wide decline."

The comments about the difficulties inherent in comparing different types of salmon counts and the significance of different harvest levels are noted and appreciated. However, we believe use of all available data appropriate if one is attempting an assessment of the contribution of the Brook River fish ladder to the productivity of Brooks Lake salmon runs.

3. Page 1, Para. 3. The Environmental Assessment on page 25 does not "indicate that the fish ladder has allowed predatory Dolly Varden, rainbow trout, and sculpin to enter Brooks Lake and prey on Sockeye salmon." No such statement is made on page 25. However, we agree that the purpose, intent, and content of paragraph 2, page 25, is ambiguous.

Similar problems of ambiguity may also be present in at least two other paragraphs under the Environmental Assessment section entitled Biotic Associations. We intend to rewrite all three paragraphs and possibly add several additional paragraphs to more clearly describe and analyze present and potential biological effects of the fish ladder on natural biotic associations of native species and subspecies. The analysis will also include statements concerning the present status of non-anadromous fish species and subspecies in Brooks River and within the Brooks Lake drainage.

Similar ambiguities were noted by NMFS in their comments, notably on page 37, paragraph 2, of the Environmental Assessment in which we inadvertently interpreted some vague and inaccurate statements concerning natural ecosystem dynamics, the leaping abilities of coho salmon, and the present status of non-anadromous fish species and subspecies within the Brooks Lake drainage. The entire paragraph is being rewritten as described earlier.

4. Page 2, Para. 2. We have provided the requested documents to individual biologists of ADFG in the past and would be pleased to provide additional copies to the Commissioner's Office of ADFG as an attachment to a future public review draft of the Environmental Assessment.

5. Page 2, Para. 3. The stated argument is as follows:

"... unless NPS has scientifically supportable information that the fish ladder is interfering with the environmental integrity of the Brooks River system, there is no biological reason to pursue the removal of the fish ladder at this time."

Our response to this argument is as follows:

Unless ADPAC has scientifically supportable information that the 36-year operation of the fish ladder at Brooks Falls has significantly increased or will significantly increase the production of sockeye salmon in Bristol Bay and significantly assist the fishery economy of Bristol Bay, there is no biological or economic reason to resist dewatering and filling in of the fish ladder in order to restore the natural abundance, behavior, diversity, and ecological integrity of aquatic species and subspecies within the Brooks River and Brooks Lake drainage.

The NPS has no legal authority or responsibility to repair, restore, or reopen the fish ladder. In fact, such an action, if taken, would be contrary to congressionally mandated park management objectives (ANILCA, 1980, and Senate Report 96-413, page 171).

We agree that increased emphasis needs to be placed upon public interpretation of the natural ecosystem dynamics of salmon within Katmai National Park and Preserve. However, we disagree that the fish ladder would be an appropriate choice as a focus for this interpretive theme as our interpretation program would, of necessity, explore ecosystem management concepts differing substantially from those represented by the fish ladder.

Enclosure 2

Estimated Annual Value of Sockeye Salmon Using Brooks River
Fish Ladder to Bristol Bay Commercial Fishermen

$$\begin{aligned} \text{S value to fishermen} &= (\text{number of spawners}) \\ &\quad \times (\text{average return per spawner}) \\ &\quad \times (\text{exploitation rate}) \\ &\quad \times (\text{ex-vessel price per fish}) \\ &= 15,000^{1/} \times 2.56^{2/} \times 0.5^{3/} \times \$7.00^{4/} \\ &= \$134,400 \end{aligned}$$

1/ Approximate number of sockeye salmon using fish ladder in 1985.

2/ The average return per spawner is based upon 26 years of data for the Naknek River system.

3/ The exploitation rate is based upon 1985 catch and escapement data for the Naknek River system.

4/ The ex-vessel price per fish is an average based upon prices paid in Naknek during the last three years.

decisions in close consultation with the State of Alaska and affected communities and local rural residents.

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreational Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained. The National Park Service recognizes, and the Committee agrees, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. The Committee expects the National Park Service to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within National Park Service units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years. Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park System units.

Several of the new park units established by this legislation, most notably the Gates of the Arctic, Wrangell-St. Elias, the Denali additions, and Lake Clark, encompass some of the most magnificent, remote and untouched mountain terrain in North America. Within these units, whole mountain ranges intersect in a spectacular jumble of unclimbed, uncharted peaks, with rugged spires, great glaciers and snow fields and deep, glacier-carved gorges. These features offer unparalleled opportunities for the whole range of climbing and mountaineering activities, from short day hikes and overnight trips to long treks and major expeditions in truly rugged and remote terrain. The Committee expects that future management of these areas for such purposes will allow such recreational uses with minimal formal regulatory requirements, and with recognition of the desire of such users for solitude, self-reliance and freedom of movement. These uses and management practices, must be accomplished in a manner consistent with the purposes for which the areas are established and within the limits of sound management principles, including providing for visitor and resource protection.

Section 204: Native selections

Section 204 provides that valid Native selections or nominations of lands within the boundaries of the Wrangell-St. Elias National Park and Preserve are recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and title IX of this bill. The Committee has determined that the fairest and most equitable means of resolving the dual withdrawal status of lands withdrawn both for Native selection under section 11 and for possible inclusion in one of the conservation systems pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act is to recognize and honor valid Native selections in the dual-withdrawn

HOUSE COMMITTEE REPORT

(9)

Date referred: 4/8/87

FURTHER REFERRALS:

DATE: April 15, 1987

The Resources Committee has considered HJR 29

Relating to the Brooks River Falls fish ladder.

RECOMMENDS:

- replace with CSHJR 9 (HJR) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

 Chairman's signature

From: Representative Adelheid Herrmann
Date: April 15, 1987
Subject: Summary of HJR 29; relating to the Brooks
River Falls fish ladder in Katmai
National Park

The National Park Service plans to remove the fish ladder at Brooks Falls on the Brooks River in Katmai National Park. The decision has been opposed by the National Marine Fisheries Service, Bristol Bay fishing groups, the Alaska Department of Fish and Game, and the State of Alaska. HJR 29 requests the Secretary of the Interior to intervene and reverse the Park Service's decision to remove the ladder.

The Brooks River is about one and a half miles long, and through it the Brooks Lake drains into the Naknek Lake. The Brooks Falls, where the fish ladder is located, is about halfway in the length of the Brooks River.

The falls has long been regarded as a partial block to the migration of sockeye salmon to the spawning area above the falls, and some form of man-made assistance for a fish passage around the falls has been attempted since the early 1920s. In the mid 1930s a channel was blasted through the rock on one side of the falls, where the ladder is now located, in an effort to make it easier for salmon to reach the spawning area. Discussion then began about laddering the falls. The laddering project was halted in the 1940s during World War II, but became a priority in 1949 and was completed by the U.S. Fish and Wildlife Service in 1950. The Alaska Department of Fish and Game has estimated that 50% of the salmon use the ladder to ascend the falls.

The National Park Service's decision to remove the fish ladder is based on its opinion that the ladder is insignificant to the production of sockeye salmon; causes bank erosion and degrades the scenic quality of the falls; is inconsistent with NPS management objectives and federal mandates; and allows exotic species of fish to enter the upper Brooks River ecosystem.

The opinion of the National Park Service has been refuted by the Alaska Department of Fish and Game and by the State of Alaska.

According to the Alaska Department of Fish and Game, the fish ladder successfully passes fish over the falls; a fish bypass benefits the fishery resource; the fish ladder provides an efficient and unobstructed alternative route to fish migration over the falls; and the removal of the ladder is inconsistent with the Alaska Coastal Management Program, the Bristol Bay Borough Coastal Management Program, and the

statutory mandates of the Department.

According to the State of Alaska, the fish ladder makes a significant contribution to sockeye salmon production by providing safe and reliable fish passage around the falls; there is no significant erosion of the riverbank in the falls area; the ladder is consistent with the administrative and legislated requirements of NPS management of KNPPr and with the Alaska National Interest Lands Conservation Act; and the NPS has not presented scientific evidence to support its concern that the fish ladder allows exotic species to enter the upper Brooks River ecosystem. Regarding erosion, the State believes there is a breach in the ladder, possibly initiated by an NPS employee to allow salmon to escape from the ladder after KNPPr personnel placed boards across the outlet to block fish passage in 1979. The eroded slot has provided the single outlet for fish to use the ladder.

Regarding scenic quality --- it's not really visible ---

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HJR 29
Publish Date : 4-8-87

Revision Date: _____

Agency Affected : None

Title : Relating to the Brooks River
Falls fish ladder

BRU: _____

Sponsor : Herrmann, Et. Al.

Components : _____

Requestor : House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by : House Resources Committee
Division : _____

Phone : 465-4942
Date : April 14, 1987

Approved by Commissioner : _____
Agency : _____

Date : _____

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Introduced: 4/8/87
Referred: Resources

1 IN THE HOUSE

BY HERRMANN, MENARD, HANLEY
AND ZAWACKI

2 HOUSE JOINT RESOLUTION NO. 29

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the Brooks River Falls fish
6 ladder.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the National Park Service has recently stated that it will
9 remove the fish ladder at Brooks Falls on the Brooks River in Katmai Na-
10 tional Park; and

11 WHEREAS the fish ladder was installed at the falls in 1949 in response
12 to the concerns of fisheries biologists who had recognized as early as the
13 1920's that a ladder was necessary to allow more sockeye salmon to migrate
14 above the falls, and that it would allow pink, coho, and chum salmon access
15 to the area above the falls;-and

16 WHEREAS the partially successful attempt to construct a bypass of the
17 falls in 1920 and the later construction of the present fish ladder were
18 done with the knowledge and support of the appropriate national fisheries
19 management and National Park Service personnel; and

20 WHEREAS on-site observers estimate that in recent years approximately
21 one-half of the sockeye salmon that spawn above the falls use the fish
22 ladder to get there; and

23 WHEREAS the Alaska Department of Fish and Game and National Marine
24 Fisheries Service biologists who have firsthand knowledge of the Brooks
25 River system feel that the removal of the ladder will ultimately prove
26 detrimental to the fishery resources of the river; and

27 WHEREAS the National Park Service is removing the fish ladder on the
28 basis that the ladder

29 (1) is insignificant to the production of sockeye salmon;

1 that the ladder is incompatible with the wilderness qualities of Katmai
2 National Park when the service itself installed a viewer platform by the
3 falls, accessed by a well traveled trail from a commercial lodge and the
4 National Park Service headquarters, and from which there is a road into the
5 heart of the beautiful Valley of 10,000 Smokes;

6 BE IT RESOLVED by the Alaska State Legislature that the Secretary of
7 the Interior is respectfully requested to intervene in the decision of the
8 National Park Service to remove the Brooks River Falls fish ladder in
9 Katmai National Park and reverse that decision in the best interests of an
10 important subsistence fishery and wildlife resource protection.

11 COPIES of this resolution shall be sent to the Honorable Ronald
12 Reagan, President of the United States; to the Honorable Donald P. Hodel,
13 Secretary of the Interior; and to the Honorable Ted Stevens and the Honor-
14 able Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
15 Representative, members of the Alaska delegation in Congress.

ATTACHMENT 1

Detailed Rationale for Decision

by the Alaska Department of Fish and Game to Deny Approval
for Removal of the Brooks River Fish Ladder

The decision by the Alaska Department of Fish and Game (ADF&G) to deny approval to the National Park Service (NPS) to remove the Brooks River fish ladder is based upon the following factors:

1. Documentation provided to ADF&G in support of the NPS proposal does not justify removal of the fish ladder because: (a) the fish ladder is functioning and successfully passes fish over the falls, (b) some form of man-made fish bypass has existed at this location for up to 65 years and a fish ladder has existed for 35 years, (c) professional fisheries biologists with NMFS and ADF&G agree that a fish bypass benefits the fishery resource, and (d) the fish ladder provides an alternative route to ensure efficient and unobstructed fish migration over the falls;
2. Removal of the fish ladder is inconsistent with the Alaska Coastal Management Program (ACMP) and the Bristol Bay Borough Coastal Management Program (BBBCMP); and
3. Removal of the fish ladder is inconsistent with the statutory mandates of the Department of Fish and Game.

Additional information on each of these factors follows:

1. The documentation NPS provided to ADF&G does not support removal of the fish ladder. ADF&G staff reviewed USFWS reports, provided by the NPS, supporting the proposal to remove the fish ladder, and contacted the biologists who were involved in the construction and operation of the fish ladder. We found that additional information exists which indicates that the fish ladder may be much more important in establishing and maintaining upriver salmon runs than the USFWS report indicates, and which should be considered by the NPS as part of the reevaluation of the proposal. This includes:

- A. The fish ladder is functional. The fish ladder continues to pass salmon and other fish despite NPS efforts to obstruct the upper end in 1979. Burger et al. (1985), in one of the USF&WS reports to the NPS, incorrectly stated that the ladder was made inoperative in the early 1970s. The eroded (or man-made) gap at the upper end has continued to keep the ladder functioning and poses no immediate threat to the stability of the bank or ladder. This area can easily be repaired when the boards blocking the open end of the ladder are removed. With minimal repair and annual maintenance, the fish ladder should continue to function for decades.
- B. A fish bypass has been in existence at the falls since 1920. The Brooks River Falls fish bypass was conceived of and partially constructed in 1920 by Dennis Winn of the Bureau of Fisheries and A.T. Loeff of the College of Fisheries, University of Washington. This information was obtained from a Bureau of Fisheries publication entitled Alaska Fishery and Fur-Seal Industries 1920 and was not included in the historical documentation that NPS provided to us. These men, with the help of a small crew, cut a 10 by 15 foot slot into the side of the falls, presumably the site of the existing ladder, and later widened the slot using dynamite in 1921. The work was done to alleviate what they felt was an obstruction to fish migration during low water levels at the falls. A portion of their account follows:

Kidawik Creek [Brooks River] is an ideal salmon stream with fine spawning bottom its entire length of about 2 miles. It connects Naknek Lake with Toms Lake [Brooks Lake] which is 12 by 4 miles in extent, the greater portion being clear and suitable for spawning grounds. About midway between the two lakes there is a waterfall from 5 to 6 feet high, over which it would be impossible for fish to ascend during low-water stage. It is a stone shelf of volcanic formation extending clear across the river, and, having no powder, we felt that a cut could be made with steel bars, etc. We therefore secured several stone-cutting gads, a steel bar, top maul, hammer and pick, and, after diverting the flow of water near one side of the stream, a cut was made 10 feet in width, sloping back

about 15 feet, through which the fish could easily pass.

We have to conclude that the bypass (and later the ladder) were constructed to alleviate a problem with fish passage that early fishery biologists observed or felt would occur during low water conditions. We understand from a personal conversation with Mr. George Eicher, who was director of Bristol Bay fisheries management for the Bureau of Commercial Fisheries (BCF) from 1947-1955, that the present day ladder was originally conceived of in 1938 by Mr. George Keles who was then the BCF director of Bristol Bay fisheries management. Mr. Eicher stated that both the planning and construction were done with the concurrence of Mr. Al Kuehl, the NPS Regional Director in San Francisco. Only the disruptions caused by World War II prevented the ladder from being built prior to 1949. Mr. Eicher believes that the ladder should be left in place and maintained for the following reasons:

- i. the ladder allows access above the falls for pink and socke salmon which previously could not get over the falls,
 - ii. the ladder allows more sockeyes to migrate above the falls and the fish are in better spawning condition because of reduced stress, and
 - iii. the ladder allows fish access above the falls during low-water conditions.
- C. ADF&G and NMFS biologists believe that the fish bypass benefits the fish resource. None of the fishery biologists in ADF&G and NMFS who have firsthand knowledge of Brooks River system feel that removal of the fish ladder will be beneficial to the fishery resources. Many of the biologists feel that removal of the ladder could ultimately prove detrimental to the resource.
- D. The fish ladder provides an alternative route over the falls. During the July 1985 inspection by ADF&G, salmon were only successfully passing the falls through one location in one small area near the center of the falls and within the fish ladder. The one location where fish could jump the falls appeared to be defined by a narrow slit in the rock face and a deep plunge pool below.

Should the plunge pool fill in or the slot change, perhaps as the result of erosion, deposition, seismic event, etc., the falls could become impassable to salmon. The ladder provides a valuable safeguard against changes which may block fish migration in the future; an event that would cause significant impacts to the fishery resource, to the productivity of Brooks Lake, and to wildlife such as bears, wolves, fox, eagles, waterfowl, etc., that depend upon the annual return of salmon to waters above the falls.

2. Removal of the fish ladder is inconsistent with the Alaska Coastal Management Program and the Bristol Bay Borough Coastal Management Program. The Brooks River is located within the coastal zone of Alaska. Removal of the fish ladder with its associated effects upon regional fisheries is likely to have a direct and significant effect upon the coastal zone of the Bristol Bay Borough. Projects such as the removal of the fish ladder with its associated impacts on fish and wildlife directly affect Alaska's coastal zone and are subject to review for consistency with the ACMP and the BBBCMP.

Standard 6 AAC 90.130(b) of the ACMP states:

The habitats contained in (a) of this section [including rivers, streams and lakes] must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.

Our finding is that removal of the fish ladder will not maintain or enhance the biological, physical, and chemical characteristics of the Brooks River which contribute to its capacity to support living resources.

Uses and activities in the coastal area which will not conform to the standards contained in (b) and (c) of this section may be allowed by the district or appropriate state agency if the following are established:

- (1) there is a significant public need for the proposed use or activity;
- (2) there is no feasible prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

- (3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.

Significant public need has not been demonstrated for removal of the fish ladder, therefore the project is not consistent with 5 AAC 80.110.

General Policy No. 4 of the BBSCMP states:

Maintenance and enhancement of fisheries shall be given priority consideration in reviewing proposals which might adversely impact fisheries habitat, migratory routes and harvest of fish or shellfish species. Alternate designs shall be seriously considered for such proposals, if such potential adverse impacts are significant. Shorelines having banks, beaches, and beds critical to the fisheries resource base shall be maintained in a productive natural condition.

Given that removal of the fish ladder carries a significant risk that this action could lead to future declines in the productivity of fish and wildlife in the Brooks River, Brooks Lake and tributaries above the falls, the project is inconsistent with the ACMP and the BBSCMP. Projects that are inconsistent with the ACMP cannot be approved by ADF&G. Furthermore, federal coastal management regulations 15 CFR 930.30 - 930.33 require any "federal activity involving the planning, construction, modification, or removal of public works facilities or other structures affecting the coastal zone of states with approved management programs to be fully consistent with such programs unless compliance is prohibited based upon the requirement of existing law applicable to the federal agency's operations."

3. Removal of the fish ladder is contrary to Alaska Statutes. AS 16.05.036 charges the Commissioner of the Department of Fish and Game to among other things, "manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state." Moreover, AS 16.05.840 requires:

If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical

and effective manner in the place, form and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it.

AS 16.05.370(b) and (d) further require:

If a person or governmental agency desires to construct a hydraulic project, or use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream, or to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed of a specified river, lake, or stream, the person or governmental agency shall notify the commissioner of this intention before the beginning of the construction or use.

The commissioner shall approve the proposed construction, work, or use in writing unless the commissioner finds the plans and specifications insufficient for the proper protection of fish and game. Upon a finding that the plans and specifications are insufficient for the proper protection of fish and game, the commissioner shall notify the person or governmental agency which submitted the plans and specifications of that finding by first class mail.

This letter and attached rationale constitute a finding by ADF&G that plans and specifications for removal of the Brooks River fish ladder are insufficient for the proper protection of fish and game.

THE EFFECTS OF LADDERING A FALLS IN A SALMON STREAM

George J. Eicher, Jr.

It is seldom possible to obtain an accurate measurement of the effects of ladders in assisting fish over obstructions in streams because facilities are not available to obtain complete counts of these fish, or records of counts before laddering are not available. In the case of a ladder built at the falls on Brooks River in the Bristol Bay district of western Alaska, however, a counting weir had existed a short distance above the falls providing records of salmon counts over a nine-year period previous to that affected by the ladder. These combined with counts of six ensuing years provide a record of some interest.

Brooks River, also known as Kidwik Creek, is a stream of approximately one and a half miles in length and 250 c.f.s. flow draining Brooks Lake into Naknek Lake. Midway in its length is a falls of approximately seven feet in height caused by a fault transverseing the stream. Figure 1 shows a vertical aerial view of the stream. Figure 2 shows the falls with the fish ladder installed. Under normal conditions the falls have not been a block to red salmon, Oncorhynchus nerka, the principal species spawning in the area. During seasons of low water, however, it was observed that many died unspanned below the falls, presumably because of damage caused in attempting to negotiate them. The U. S. Fish and Wildlife Service decided to alleviate such mortality by laddering.

In the season of 1949 work was commenced, and a seven-step ladder was completed midway during the 1950 run. This was constructed by blasting a trough in the rock at one side of the falls and keying concrete weirs into

this. Figure 3 shows the dry ladder. It proved quite efficient in operation, the fish passing over with little apparent effort. Figure 4 shows the ladder in operation. The ladder was opened to use too late in 1950 to affect the main part of the red salmon run, however, it was ready by the time most coho salmon, O. klsutch, ordinarily reach this point, the latter species being a later-spawning fish.

The counting weir, or fence, has been annually built by the U. S. Fish and Wildlife Service across the outlet of Brooks Lake since 1940 with the exception of 1943. Figure 5 shows an aerial view of the weir. While it has been primarily operated to record the escapement of red salmon into Brooks Lake, records have also been kept of other species. Table 1 shows the counts of the various species in the years covered. In addition to those species previously mentioned, chum salmon, O. keta, pink salmon, O. gorbuscha, king salmon, O. tshawytscha, and rainbow trout, Salmo gairdnerii, pass through the weir in the numbers indicated. Figure 6 graphically shows the occurrence of these fish in the years involved.

The average runs of the various species in the nine years prior to ladder operation were: reds - 197,058, pinks - 2.6, chums - 1.6, coho - 0.8, kings - 4.6 and rainbow trout - 52.6. In the six years since opening of the ladder in 1950, the averages have been: reds - 56,087, pinks - 23.5, chums - 9.8, coho - 37.8, kings 5.3 and rainbow trout - 47.2. The histogram of Figure 7 shows the comparative levels of each species.

The red salmon is the principal species of Bristol Bay, and it seems likely that the downward trend noted may be due to operation of the fishery

or is due to causes other than the ladder, since the majority of runs of this species in Bristol Bay have experienced similar declines in this period. It is too early to judge if the ladder will enhance survival of red broods. The average age composition of the Brooks Lake red salmon escapements in the past nine years has included 3.5% four years, 37.9% five years, 54.7% six years and 3.9% seven years.

No noticeable effect by the ladder on the runs of king salmon or rainbow trout is in evidence. It seems likely that these negotiated the falls without too much difficulty. In the case of the other three species, however, a decided increase is apparent. Pinks and chum showed an immediate increase in the year that the ladder was first opened, with pinks reaching a peak previously unattained in 1953. Chums and chum peaked in 1954.

There has been ample time for the first pinks passing the ladder in 1950 to reproduce themselves, since they are universally two-year fish, and the progeny of the 1950 brood would return in 1952. Assuming that the young return to the parental spawning grounds, there could be a buildup of pinks in the area, although this could be tempered by the fact that the species does not normally travel this far from salt water to spawn.

Chum salmon showed little increase in 1950, the year the ladder was opened. Chums, however, are a fairly early spawning species, occurring about the same time as reds. At the time of opening the ladder on August 7, 1950, it seems likely that most of the chum run would have been over. In 1954, the largest chum count on record into Brooks Lake was 95% complete by that date. It may seem surprising that the chums, a normally larger species than reds, should have had more trouble negotiating the falls. However, an idea

of possible explanation is the fact that chums are nearly all in spawning colors and much more advanced in this respect at Brooks River than the reds, which are still bright and green at that point. It is normally the case that the fresher fish have more vigor than those approaching spawning maturity.

It is indeed surprising that coho salmon apparently were largely unable to leap the falls, particularly in view of the fact that they, like reds, are fresh, green, and in good condition at this point. These fish are, over most of their range, larger than red salmon and quite vigorous, although in this latitude they are smaller than normal being little larger than reds, a 50-fish sample at Brooks weir in 1955 averaging 58.8 cm. in total length as against 55.3 cm. for a red sample of the same size in 1955. This is possible due to the fact that growth conditions are poorer in the colder water than farther south, and while the reds compensate for this by spending more years in the ocean, no available coho age composition records for the area show any deviation from the normal ocean age, that is, one year at sea, although a greater period of freshwater life is indicated. Many coho in this latitude apparently migrate in their third or fourth year, whereas those in Canada, Washington and Oregon almost all migrate in their second year. Of 34 coho sampled in the 1955 Brooks weir escapement, 91.2% were four years old and the remainder five years. The two coho peaks of Figure 6 occurring in 1950 and 1954 fit a four-year periodicity.

TABLE 1.- Counts of Fish at Brooks Lake Weir

	Red	King	Coum	Pink	Coho	Rainbow	Removal Date
1940	97,126	11	0	8	0	64	9-14
1	125,912	2	1	1	0	61	8-19
2	300,899	3	0	8	0	60	8-16
3	Weir Not Installed						
4	277,827	5	8	3	0	100	9-6
5	181,317	4	4	1	1	47	8-31
6	125,114	2	1	0	0	46	8-25
7	87,354	0	0	2	1	98	8-25
8	71,327	0	0	0	3	27	8-22
9	51,021	7	0	0	2	70	8-15
	fish ladder installed						
1950	55,094	7	1	20	21	45	8-25
1	52,029	11	11	12	3	11	8-16
2	42,811	7	9	9	4	23	8-16
3	81,502	0	11	57	3	104	8-17
4	61,505	4	22	41	135	62	8-22
5	34,818	3	5	2	58	38	9-1



Fig. 1 Vertical aerial view of Brooks River from 10,000 feet altitude. Brooks Lake is above and Naknek Lake below.

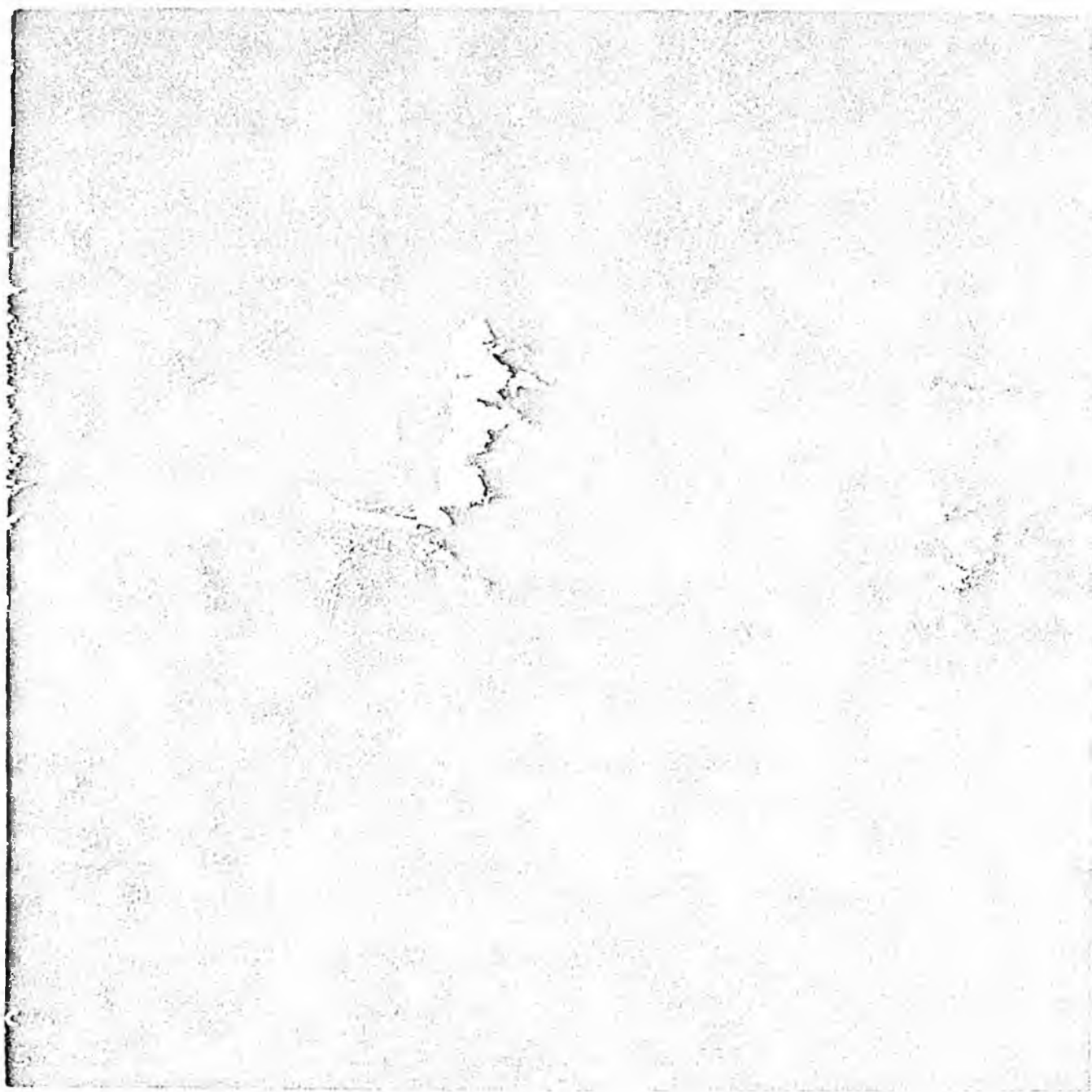


Fig. 2 Vertical aerial view of Brooks Falls with fish ladder installed— from 1000 foot altitude



Fig. 3 Dry fish ladder immediately prior to opening to fish use.

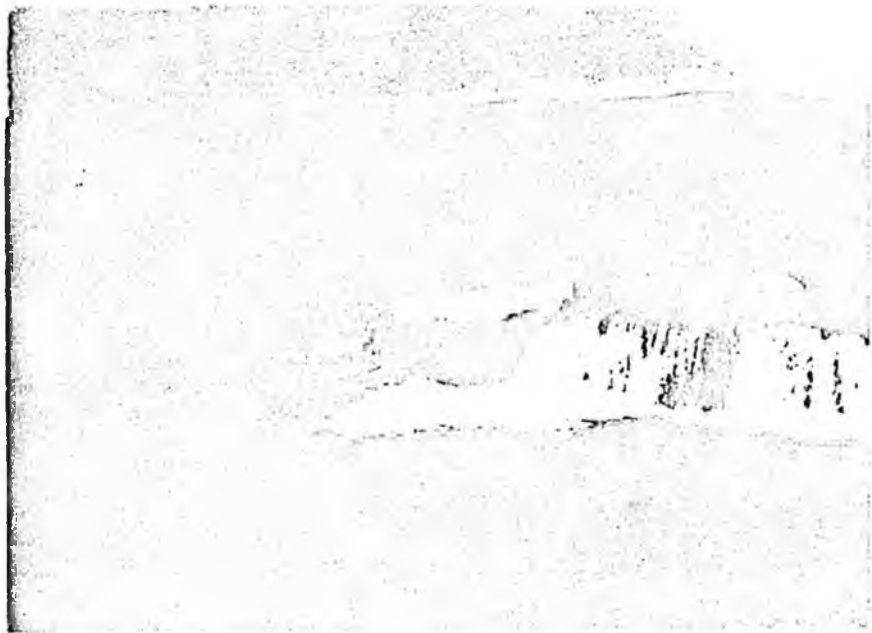


Fig. 4 Fish ladder in operation

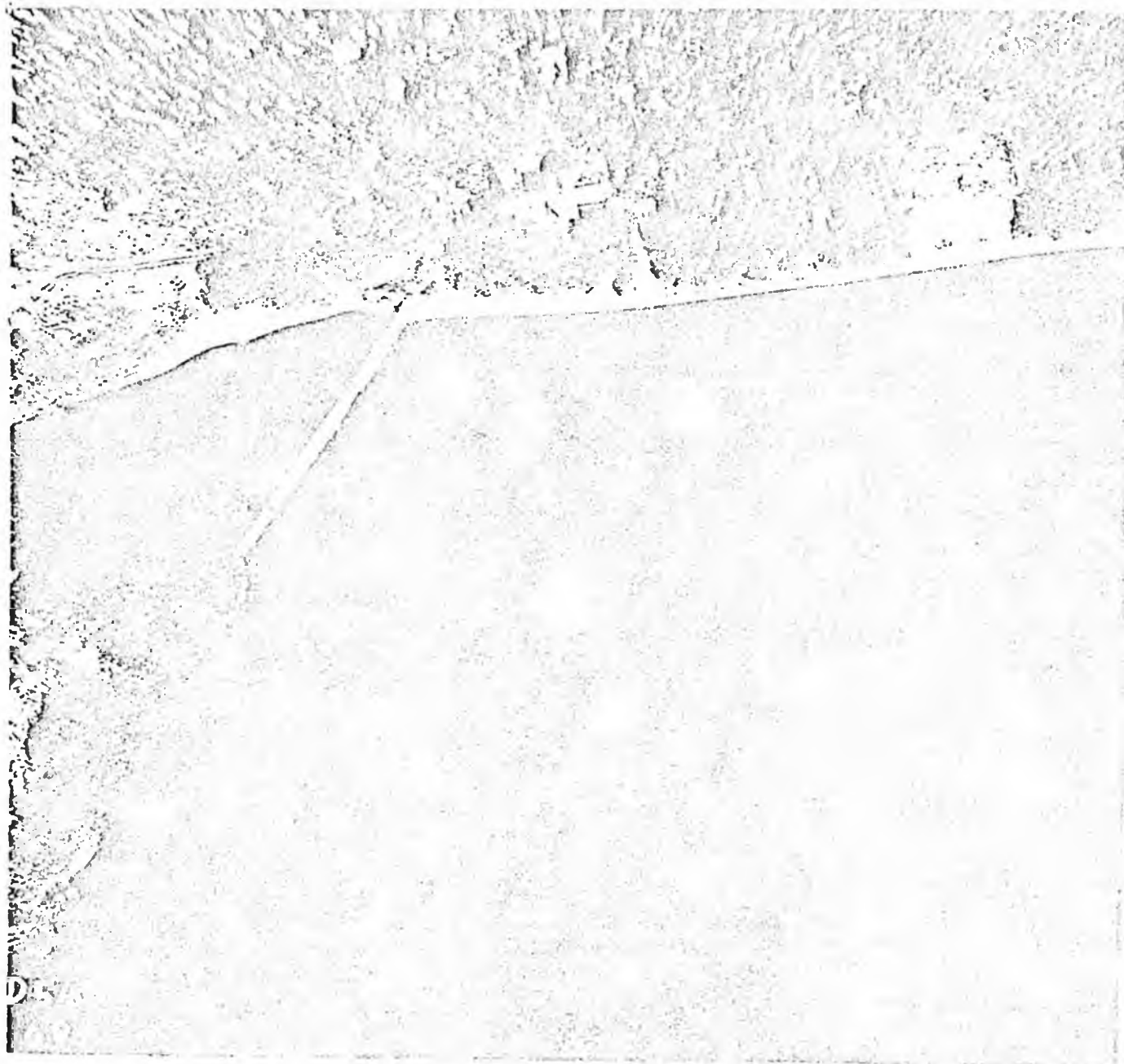


Fig. 5 Vertical aerial view of weir at outlet of Brooks Lake from 1000 foot altitude. Salmon may be seen in spawning array below the weir and in schools in the lake above.

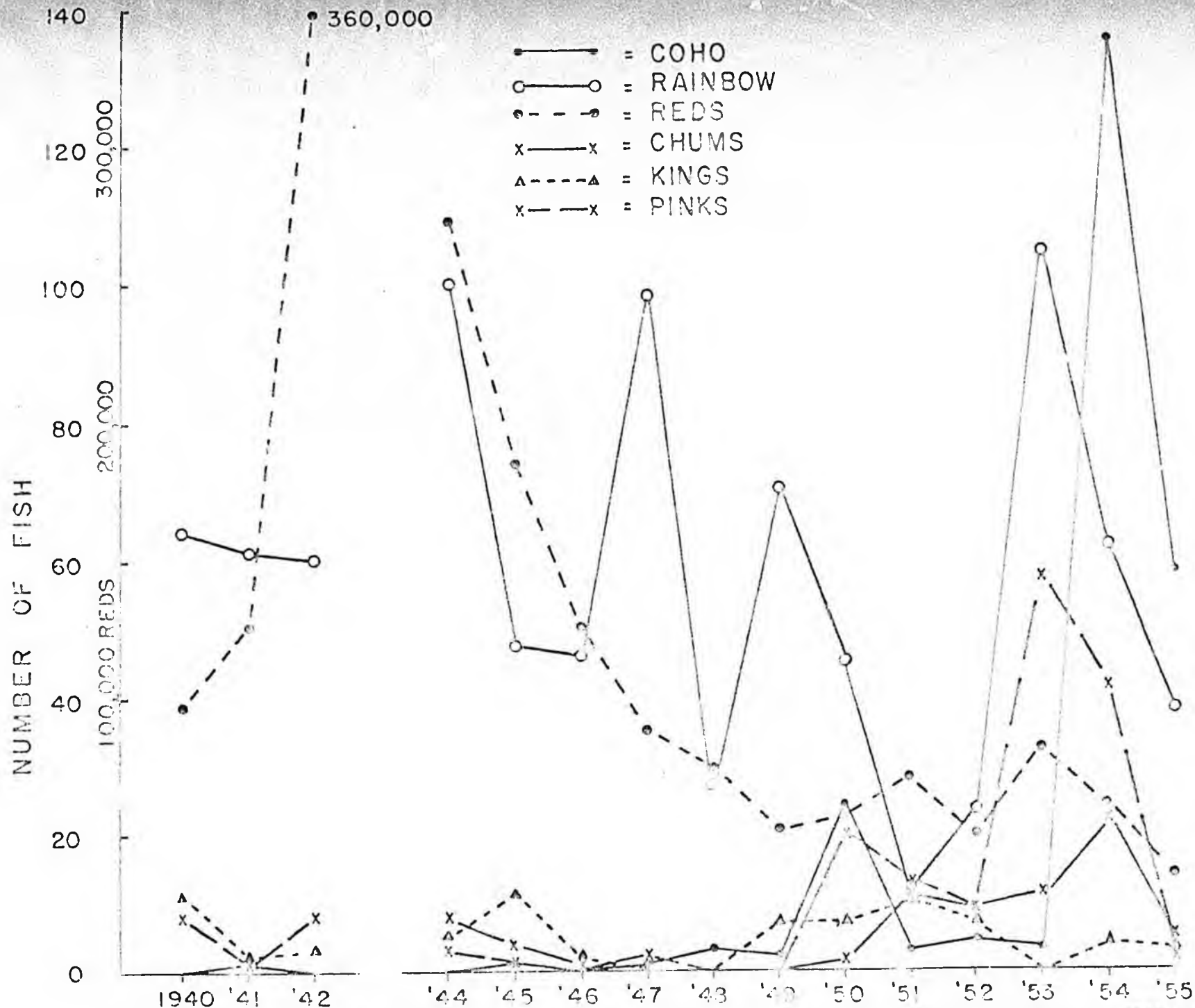
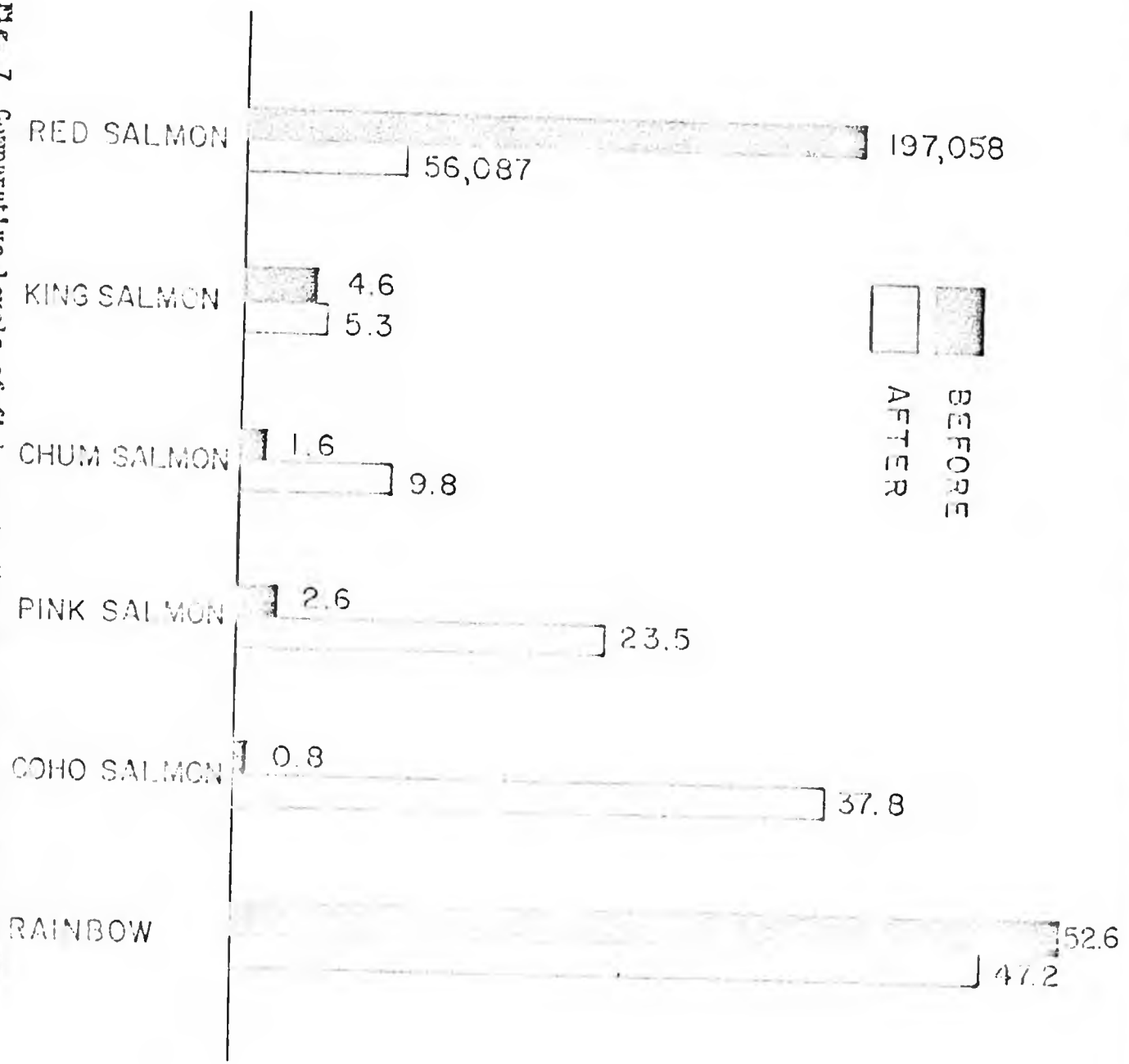


Fig. 6 Counts of rainbow trout and five species of Pacific salmon through Brooks Lake year—1940-1955. Weir not installed in 1943. Red salmon counts reproduced on scale 1/2500 that of other fish.

FIG. 7 Comparative levels of fish counts through Brooks Lake weir before and after installation of ladder at falls.



MAR 26 1987

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GEORGE J. EICHER
PRESIDENT

March 21, 1987

Dean Paddock
PO Box 020312
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Dear Dean:

It was a pleasure talking to you on the phone and learning of the latest developments with respect to the Brooks Falls fish ladder. Enclosed is a copy of the manuscript I put together in 1956 on the subject. It is interesting because it shows a pronounced increase in three of the five species of salmon using the ladder. It does not show much for sockeye primarily because the commercial fishery on this species was so intense that year to year changes in regulations and other factors affecting discrete populations such as the Brooks River race tend to mask out such changes. In view of the pronounced increases in the other three species, it seems safe to assume that a salutary effect must have also occurred with respect to sockeye, given the other data gleaned from years of observation. We had long noted such things as the fact that, in average years, about one fish (sockeye) in five made it over the falls. Of course we didn't know if each fish made it on its fifth try or the exact mechanism of this frequency. We did note that in low-water years, the success ratio was materially lower. We also had no way of measuring the effect that multiple unsuccessful leaps and collisions with rocks in these attempts had on later spawning success, sex ratios on the spawning grounds or other factors bearing on population changes. It seems certain that after a certain number of unsuccessful attempts, the fish lacked reserve energy to continue.

When we opened the ladder for the first time in 1950, an immediate surge of several hundred fish pushed up through. These were mostly individuals that had been unable to negotiate the falls, as evidenced by the fact that they had changed color. Before the ladder, only bright sockeye made it over the falls. It seems certain that the falls were at least a partial block to sockeye. Of course it could be argued that this tended to breed a race of good leapers, which could be countered by the obvious rebuttal that in the 17 years since, the leaping ability may have been bred out, and that closing the ladder now would result in heavy losses of those not equipped by heredity to make this leap.

Of course the lengthy holdup at the falls before the ladder provided bear an exceptionally heavy concentration in which to fish. From what I have seen in television sequences and in a visit I made in 1965, brown bear have greatly increased in the area since I worked there. I don't know the reason unless it is because they have become less fearsome of humans.

I understand that some Park Service employees now contend that the ladder was constructed without knowledge or consent of that agency. This is simply untrue. At the time of ladder construction, this was a National Monument, with less attention to such details as would be held true under Park status. Until about 1940, this area was out of the Monument boundary. The falls had long been regarded as a partial block to sockeye salmon, and in the mid 1930's a channel was blasted at the right bank of the falls through the rock at the location of the present ladder by the then Bureau of Fisheries warden. Predictably, it was of no value in passage of fish. When George B. Kelez, the first director of the Bristol Bay salmon research group, made exploratory inspections of Bristol Bay spawning areas in 1938, the Brooks Falls problem was pointed out to him by Fred Lucas, the warden at that time. In 1939, my first year in the area, as an assistant to Kelez, he held preliminary discussions with the Regional Director of the Park Service in San Francisco on the subject of laddering the falls. Kelez was a stickler for government protocol.

In 1940, a Park Service representative, Victor Cahalane, accompanied by another biologist (I believe it was Leo Crouch) made a visit to the Naknek Lake and Katmai Monument area. This was in August after the fishing season. Lucas and Kelez took the two Park Service people up through the Naknek Rapids in Patrol Boat No. 7 of the Bureau of Fisheries. Although their principal destination was the Valley of 10,000 Smokes, Lucas and Kelez took Cahalane to Brooks River and Brooks Falls enroute, pointing out where the intended ladder was to be constructed. Cahalane took Kodachrome pictures of the area and of sockeye salmon on the Italian fish drying racks on the right bank of Brooks River at the mouth.

In 1941, the San Francisco Regional Director of the Park Service (I believe it was Al Kuehl [sp?]), visited the area by air and landed at Brooks Lake to inspect the laboratory we were constructing at the time and discuss the proposed fish ladder. Kelez and I went with him to the falls. Both the ladder and laboratory were subjects of correspondence between Kelez and Kuehl in this period of years. I had much of this correspondence in my files until I left the Fish and Wildlife Service in 1956. World War II halted construction of the ladder and most of that on the laboratory. When I returned to head the Bristol Bay Investigation in 1947 under Kelez, who then headed all Alaska research for the Fish and Wildlife Service, one of the immediate priorities assigned me was, in addition to completion of the laboratory, design and construction of the ladder. In 1948, the Regional Director of the Park Service (I believe it was Al Kuehl, again) flew in to the area with Kelez to inspect the laboratory work and the fish ladder plans which were then being finalized by two FWS engineers brought in from Seattle. I accompanied Kelez and Kuehl to the falls, where discussions included suggestions by Kuehl for making the ladder as unobtrusive as possible through disposal of soil in a nearby natural pit and hiding the ladder weirs under water by using the old blasted channel as a flume to hold them. His suggestions were followed.

I hired four men in 1949 specifically to work exclusively on construction of the ladder. They virtually completed it in that year leaving minor details to be finished in 1950. On July 28, 1950, the last concrete was

poured in the no. 7 weir, and on August 7 the ladder was opened and immediately used by a large school of sockeye salmon which had been unable to negotiate the falls. This was the year that Northern Consolidated Airlines opened its fishing camp on the left bank of Brooks River at the mouth. Two Park Service employees built a cabin nearby with our help. I remember that one of them was a Willie Nancarrow. They observed our work on the ladder completion, but we gathered that they did not approve of it.

I apologize for the quality of the manuscript on the ladder, which is from a carbon copy. The photographs did not copy too well. I am also including a historical piece I did for the then BCF, at its request, in 1967 which you may find of interest. Should you have any questions on any of the foregoing, please let me know.

Sincerely,



George J. Eicher