

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1251 SCOMM 48: HOUSE SPEC. COMMITTEE ON FISHERIES 1985-86

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

TANANA CHIEFS CONFERENCE, INC.

Birch Creek Water Quality

Resolution No. 84-26

- WHEREAS: the communities of Birch Creek, Circle, and other area residents utilize and depend upon the lands and waters of the lower Birch Creek watershed for harvest of renewable resources including fish and game; and
- WHEREAS: such local residents utilize Birch Creek as a primary source of drinking water as well as a source of water for washing, cooking, and laundry; and
- WHEREAS: the water quality of Birch Creek is in deplorable condition during summer months due to severe pollution caused by heavy placer mining activity in the upper Birch Creek watershed; and
- WHEREAS: the regulations of the State of Alaska designed to protect the water quality are grossly violated on Birch Creek due to placer mining activity; and
- WHEREAS: the State of Alaska continues to not enforce its water quality standards on Birch Creek; and
- WHEREAS: the degradation of water quality in Birch Creek is resulting in damage to associated fish and wildlife habitats and diminished opportunities of local residents to harvest such resources; and
- WHEREAS: the lack of enforcement of its water quality regulations and prevention of management of fish resources on any stream represents significant mismanagement of both the water and the fisheries resources of the State of Alaska; and
- WHEREAS: the development and use of water recycling and other new technologies should provide needed answers to allow placer mining to continue in a way that prevents pollution of placering streams such as Birch Creek;
- THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference, Inc. Board of Directors request that the State of Alaska and the U.S. Environmental Protection Agency enforce all state and federal water quality regulations and laws in Birch Creek and in other watersheds of Alaska, and

BE IT FURTHER RESOLVED that the State of Alaska, the Alaska State legislature and the Federal Government take all possible steps to clean up the dirty water caused by placer mining activities on the Birch Creek and other watersheds through development of appropriate technologies, and that placer miners receive direction and assistance to bring such technologies successfully into use in the field.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 15, 1984 at Fairbanks, Alaska.

Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

BERING SEA FISHERMEN'S ASSOCIATION
RESOLUTION NUMBER 5

WHEREAS the Bering Sea Fishermen's Association represents over 1600 commercial salmon and herring fishermen in western Alaska and,

WHEREAS the rapid expansion of the placer mining industry in interior and western Alaska has resulted in a loss of fish populations, spawning and rearing habitat and the deterioration of water quality necessary for continued fish production and,

WHEREAS the Alaska Legislature has shown a reluctance to fund resource agency attempts to regulate, control, monitor and enforce the placer mining industry's activities and,

NOW THEREFORE BE IT RESOLVED that the Bering Sea Fishermen's Association request the Alaska Legislature to appropriate the funds necessary to regulate, control, monitor and enforce placer mining activities and,

BE IT FURTHER RESOLVED that the Association request the Alaska Legislature to adopt legislation that will strengthen current water quality standards to ensure the long-term and continuing production of viable fish populations.

Motion Passed this 31 day of August 1984 in Anchorage, Alaska



HENRY IVANOFF
PRESIDENT - BERING SEA FISHERMEN'S ASSOCIATION

UNITED VILLAGES OF NELSON ISLAND AND VICINITY
RESOLUTION # 84-08-01

WHEREAS THE UNITED VILLAGES OF NELSON ISLAND AND VICINITY represents the villages of this area in the Yukon-Kuskokwim Delta of southwestern Alaska; and

WHEREAS in recent years, village fishermen have been able to harvest salmon from the Kuskokwim and Yukon rivers migrating pass the island depending upon wind direction to supplement the marine mammal and herring subsistence diet of our villages; and

WHEREAS the expansion of the placer mining industry on both the Yukon and Kuskokwim Rivers, the lack of monitoring and enforcement of water quality standards by State and Federal agencies, and the concern by villages located on both rivers that their salmon fisheries will be threatened by these activities;

NOW THEREFORE BE IT RESOLVED BY THE UNITED VILLAGES OF NELSON ISLAND AND VICINITY that the Governor and area legislators take steps to make placer miners obey the same environmental laws that commercial fishermen and subsistence harvesters must follow to conserve all resources; and

BE IT FURTHER RESOLVED that the Governor and area legislators take steps to secure funds to allow State resource agencies to monitor and when necessary enforce State water quality laws if violated by placer miners to protect clean streams and our salmon resources.

MOTIONED AND PASSED THIS 26th DAY OF AUGUST, 1984

Michael Albert
CHAIRMAN

RESOLUTION OF KOKECHIK CORPORATION

RESOLUTION # 84-37-02

WHEREAS THE KOKECHIK CORPORATION represents the commercial herring and subsistence fishermen of the three villages of Hocper Bay, Chevak, and Scammon Bay, and

WHEREAS salmon are important to the limited entry permit holders in several of our villages and to all of our villagers for subsistence, and

WHEREAS State biologist believe without verification that migrating salmon taken by our villages are Yukon stock, and where

WHEREAS the expansion of placer mining activity in the Yukon River's tributaries, and the lack of monitoring and enforcement by state and Federal resource agencies to protect water quality necessary for salmon reproduction;

NOW THEREFORE BE IT RESOLVED BY THE KOKECHIK CORPORATION that the State of Alaska and the Federal EPA takes all necessary steps to enforce water quality laws through monitoring placer mining operations, and if necessary enforce these regulations to get miner compliance; and

BE IT FURTHER RESOLVED that the Governor and area legislators secure adequate funding for DEC and ADFG to carry out the monitoring and enforcement of stream water quality to protect successful salmon reproduction.

NOTIONED AND PASSED THIS 27th DAY OF AUGUST, 1984

Joseph V. Banzil
CHAIRMAN

RURAL ALASKA RESOURCES ASSOCIATION

P.O. Box 3-3908

Anchorage, AK 99501

RESOLUTION NO. 84 - 4

ENTITLED: RELIEF FROM PLACER MINING DAMAGE TO WATERSHEDS

WHEREAS, serious water quality problems exist on a number of streams in Alaska due to illegal waste water discharges from placer mining operations; and

WHEREAS, such water quality problems created by placer mining discharges are damaging the water resources, the associated environments and the fisheries and other village resources which are supported by these waters; and

WHEREAS, such water quality problems created by placer mining discharge are currently threatening and possibly damaging the health and the general economic well-being of local residents who live downstream and who utilize the water, the associated environments and the harvestable renewable resources supported by such environments; and

WHEREAS, fisheries management in particular is made difficult or impossible by the clouded condition of water in streams which support fish but which are subject to siltation and turbidity caused by placer discharges upstream; and

WHEREAS, the State of Alaska and the U.S. Environmental Protection Agency have not enforced the water quality laws and regulations which are very frequently violated in placer mining activities; and

WHEREAS, the U.S. Environmental Protection Agency, in proposing Best Available Technology for the placer industry, has proposed weakening standards including for suspended particles and for arsenic; and

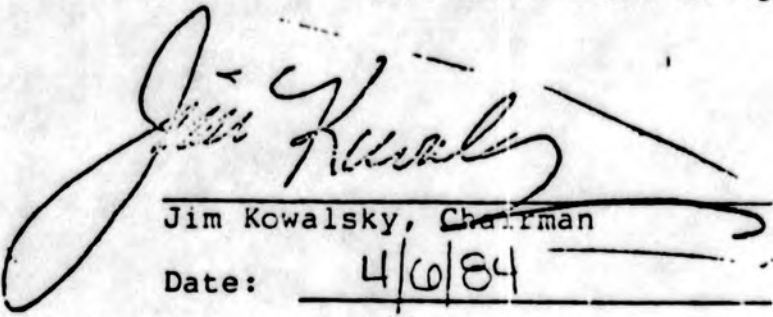
WHEREAS, the communities of Tuluksak, Birch Creek, Minto and Rampart are among the communities who have registered complaints about damage to waterways caused by upstream placer mining;

BE IT HEREBY RESOLVED, that the Rural Alaska Resources Association urges the State of Alaska to reject the weakened water quality standards as a part of Best Available Technology; and

BE IT FURTHER RESOLVED, that the Rural Alaska Resources Association urges the Alaska State Legislature, the State of Alaska and the U.S. Environmental Protection Agency to take all possible measures to assist the placer mining industry to develop technology and economic solutions which will allow the industry to operate with clean discharges of waste water; and

BE IT FURTHER RESOLVED, that the Rural Alaska Resources Association urges that the State of Alaska and the U.S. Environmental Protection Agency vigorously pursue the cleaning up of placering streams through enforcement of existing laws and regulations; and

BE IT STILL FURTHER RESOLVED, that Rural Alaska Resources Association supports the efforts of the community of Tuluksak to delay the permit to dredge requested by Northland Gold Dredging.



Jim Kowalsky, Chairman

Date:

4/6/84

MEMORANDUM

RE: Enforcement of the State Water Quality Standards
FROM: Paula Cullenberg, Tanana Chiefs Conference, Inc.
DATE: January 22, 1985

* * * * *

The intent of this memo is to document the urgent need for increased funding for monitoring and enforcement of water quality in the state's river and streams as impacted by placer mining. Tanana Chiefs Conference, Inc. feels that the health and continued economic survival (referring to both the commercial and subsistence economy) of Alaska's rural residents is dependent on the protection of clean water. Placer miners, who illegally discharge mud, silt, and toxic chemicals such as mercury and arsenic into the streams are going virtually unregulated, since enforcement of the State Water Quality Standards is minimal at best. That water quality in Alaska has not improved since the standards were adopted in 1972 is indicative that they have never been adequately enforced.

This lack of enforcement has hurt all rural Alaskans who drink, cook with, and wash with the waters flowing downstream from the mines or who depend either as a food source or as a commercial venture, on fish and wildlife, who use the streams as habitat or spawning sites. Tanana Chiefs Conference, Inc. in the past three years has received numerous complaints from rural residents of dirty water hurting their livelihoods, including residents of Tanana, Rampart, Minto and Birch Creek and Circle. Residents of Minto have noted that Minto Flats, a major hunting, fishing and trapping area has been filling up with silt and mud; the Tolovana River, the Chatanika River and the Goldstream River, all heavily mined streams flow into Minto Flats. The village of Tuliaksak, downstream from the Northland Gold Dredge has experienced turbid water for the last 3 years; Fish and Game was unable to make any escapement counts in 1983. The Hogatza River, one of the most productive spawning grounds of Yukon summer chums, has had severe water quality problems when only several of the 51 active mining claims were operating (see enclosed). Turbidity levels in the normally clear streams have reached 1200 NTU's - the State Water Quality Standard for fish protection (supported by a draft Fish and Game report) is 25 NTU's. This last example indicates that water quality is a statewide concern, since summer chums are a mainstay for rural Alaskans living along the entire reach of the Yukon River down to the Bering Sea. A list of fish producing streams that have been adversely impacted by placer mining are enclosed.

Responsibility for protection of water quality and fish and wildlife habitat is held by the Department of Environmental Conservation, the Department of Fish and Game and the Environmental Protection Agency. In 1984, approximately 500 placer miners were in operation in the State. All miners are required to apply for a Tri-Agency permit (DEC, DNR, and F&G) and a National Pollution Discharge Elimination System Permit (NPDES) from the EPA. These permits stipulate certain water quality standards or habitat protection stipulations that a mining operation is required to meet to remain within the law.

EPA enforces miners primarily for lack of discharge permits and if they are meeting the settleable solids limit of .7 m./l. Five miners are now being brought before Federal Court for lack of permits. In addition, EPA issued "309 Compliance Orders", an administrative order, that is reviewed and signed during the winter. It basically notifies the mines that they must "comply immediately" with the requirements. In 1984, EPA issued 7-12 Compliance Orders to miners that were operating without settling ponds. EPA has never taken a miner to court for anything other than lack of a discharge permit.

Enforcement by State agencies (F&G and DEC) was directed in 1984 by the Interagency Placer Mining Guidelines. The guidelines specified 15 "priority streams" significant for drinking water and fisheries, to be the focus of the State's enforcement efforts. The procedure is to issue Notice of Violations followed by return visits to measure the increase in compliance. Continued failure to comply or attempt to comply with stipulations may result in court action.

ADF&G, Habitat Division is empowered to enforce its "Habitat Protection Permit." Any mining operation that may impact an anadromous fish stream must receive this permit. This permit stipulates certain habitat protection measures. Unfortunately, all permits issued are based solely on the statutory language (Title 16) since Fish and Game has never promulgated regulations to interpret the statutes. Thus, enforcement of the permits is extremely difficult since it is easy to argue that the stipulations placed on the mines are arbitrary and have no regulatory backing. The Division staff does do compliance investigations and gives miners NOV's. In 1984, the Habitat Division visited approximately 50 of the mines that were permitted by Fish and Game. About 5-7 were cited for non-compliance with the Habitat Protection Permit. Only violations on priority streams were cited. Return visits were made to several of the mines cited. No legal action has ever resulted from Fish and Game compliance investigations.

Since Title 16 regulations do not exist, the only enforceable regulations that placer miners must meet are the State Water Quality Standards. This means that the primary agency responsible for enforcement of the mining industry is DEC. DEC enforces the settleable solids and turbidity standards. The State standard for turbidity is 5 NTU's for all waters in the State except the Chena River which is 25 NTU's.

It is generally accepted that a majority of the mining industry is not in compliance with the standards. In fact, there are still miners who do not apply for the required permits or who operate settling ponds. Both Fish and Game and DEC employees note that "essentially any mine we go to, we could issue a NOV to."

Yet DEC is generally understaffed to perform an adequate number of field inspections. Water samples are taken only at operations that are active during the visit. From the enclosed table, it is clear that for the past four years, less than 10% of the 500 + mines have water samples taken from them by field officers each year. With less than 50% of the mines from 1981-1983 meeting the settleable solids standard, and less than 10% meeting the turbidity standard, the number of field inspections must increase to expect any improvement.

The number of NOV's issued is equally small. Whether or not an NOV is given to a miner is primarily a judgment call by the field officer and does not correspond to any clear, consistent policy. This is confusing to both the mining industry and the general public.

The lack of adequate enforcement results from: 1) inadequate staffing, 2) lack of Title 16 habitat regulations, and 3) lack of coordination and direction of the enforcement effort.

For example, Rampart complained to Tanana Chiefs Conference about muddy water in Minook Creek in 1984 for the third year in a row; Minook Creek is Rampart's drinking water source. TCC passed the complaint along to DEC. DEC responded by saying that Minook Creek was not a priority stream and so they could not respond to the complaint. The Habitat Division and EPA did eventually visit Rampart, spoke to the village residents, and visited 6 mines upriver. Despite the fact that two miners were operating and were in violation; one miner was operating at 1,000 NTU's; no NOV's were given, due to a "misunderstanding as to whether NOV's should be given on nonpriority streams." TCC was notified of the visit and told that "no further action was anticipated." Rampart residents continue to drink dirty water.

This example illustrates all three of the above mentioned flaws in the current state enforcement policy. It sends a message to the mining industry that they will probably not be cited; and, if cited, they will probably not be taken to court. Adequate, consistent field presence by enforcement personnel is vital to encouraging serious attempts at compliance by the placer mining industry. One State employee has stated that 70 enforcement personnel would be necessary to provide adequate protection of clean water. TCC does not consider it a radical stance to advocate a gradual move toward clean water in the State.

Requirements necessary to achieve eventual compliance with the State Water Quality Standards include:

- 1) Increase in enforcement personnel at DEC; i.e., 4 more full-time enforcement personnel specifically for placer mining operations. Adequate funding to support these positions is necessary. (See attached Fiscal Note).
- 2) Technical and/or monetary assistance to the mining industry enabling them to construct recycling systems leading to zero discharge.
- 3) Establishment of Title 16 regulations by the Habitat Division, essential before the Habitat Division has real enforcement powers.
- 4) Directed Attorney General time with definite goals of being available for prosecuting x number of placer miners per year. (See attached Fiscal Note).
- 5) A goal of visiting 50% of the placer mines in operation each season, and a directed timetable for eventual compliance with all the water quality standards including turbidity with a set goal of reducing the number of violations each year and of meeting the standards within a number of years.

The first and third of these goals can be directly achieved by the Legislature. The other two goals may be mandated by the Legislature. DEC needs to clearly understand that one goal of the Legislature is a move in a positive direction toward protection of clean water.

enclosure

PLACER MINING DEC ENFORCEMENT
(Northern Regional Office & Forty Mile District)

	<u>1984</u>	<u>1983</u>	<u>1982</u>	<u>1981</u>
# Mines	500 ⁽¹⁾ (40-50) ⁽²⁾	450	500	500
# Inspections (# Mines)	[58(10)]	175(63)	230(NA) (48(22))	100(62)
# Compliance Inspections	(20) (at 10 mines)	40	NA(11)	32
# Mines Inspected	(20%)	9%	NA(20%)	6%
# Mines meeting EPA Settleable Solids Standard	(16)	19	NA(6)	13
% of mines meeting settleable solids standard	(80%) ⁽³⁾	47%	NA(55%)	(40%)
# mines meeting turbidity standard	(1)	3	NA(1)	2 (met 25 NTU's)
% mines meeting turbidity standard	(5%)	8%	NA(9%)	7%
# NOV's given out	4(2)	6	11(1)	NA
# Litigations	1	0	(1)	0
# Complaints of dirty water	(10+)	56	14+	41

- (1) The State processed almost 800 applications to placer mine for gold. Many were not active; over 150 were recreational.
- (2) Data compiled only for the Fortymile area to date for 1984. Numbers in parentheses are only from Fortymile area.
- (3) The major increase in the percentage of mines meeting EPA's settleable solids limit is due in a large part to the increase in the standard. The 1984 Settleable Solids Standard was .7 ml/l; 1983, 1982, 1981 the standard was .2 ml/l.
- (4) Data available for the Fortymile area only.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NORTHERN REGIONAL OFFICE/PLACER MINING SECTION
1983 FIELD SEASON

	DATE	DRAINAGE	DESCRIPTION OF OPERATION	U/D TURBIDITY	SETTLABLE SOLIDS	% RECYCLE AND # PONDS
ions	5-18	Hbks	None	Not Operating	-	No recycle, 1 pond
1	5-18	Hbks	Faith	Not Operating	-	No recycle, 2 ponds
	5-18	Hbks	Faith	Not Operating	-	No recycle, 1 pond
tain	5-18	Hbks	Deep	Not Operating	-	No recycle, 3 ponds
	5-18	Circle	Eagle	Not Operating	4/70	No Trace
	5-18	Circle	Porcupine	Not Operating	-	No recycle, 1 pond
1	5-19	Circle	Porcupine	Not Operating	-	No recycle, 1 pond
	5-19	Circle	Bonanza	Not Operating	-	No recycle, 1 pond
	5-19	Circle	Porcupine	Not Operating	-	No recycle, 1 pond
	5-19	Circle	Mammoth	Not Operating	-	No recycle, 2 ponds
	5-19	Circle	Mammoth	Not Operating	-	No recycle, 2 ponds
	5-19	Circle	Harrison	Not Operating	-	No recycle, 2 ponds
	5-19	Circle	Harrison	Not Operating	-	No recycle, No ponds
	5-19	Circle	Mammoth	Not Operating	-	No recycle, 3 ponds
	5-19	Circle	Golddust	Not Operating	650	3.6 ml/1
	5-19	Circle	Golddust	Not Operating	-	No recycle, 4 ponds
	5-20	Circle	Birch	Not Operating	2100	4 ml/1
	5-20	Circle	Butte	Not Operating	80 NTUs	<.1
0.	5-24	Hbks	Engineer	Not Operating	35 NTUs	Trace
h	5-24	Hbks	Faith	Not Operating	-	No recycle, 3 ponds
	5-24	Hbks	Deep	Not Operating	-	No recycle, 2 ponds
	5-24	Hbks	Faith	Not Operating	-	No recycle, 1 pond
ryant	6-8	Wiseman	Musco	Stripping	-	No recycle, 3 ponds
	6-14	Hbks	Faith	Stripping	-	No recycle, 2 ponds
0.	6-20	Hbks	Engineer	Operating	1/4200/1800 (above-1/4 mile-1/2 mile)	No recycle, 3 ponds
ers	6-21	Hbks	Ester	Not Operating	-	100% recycle, 3 ponds
	6-23	Hbks	Louis	Operating	4/No-Discharge	100% recycle, 3 ponds
ining	6-27	Hbks	Sumner	Operating	2/2400	8.4 ml/1 - verbal warnings

R	DATE	DISTRICT	DRAINAGE	OPERATION	TURBIDITY	SOLIDS	RECYCLE AND PONDS
Sons	6-27	Hbks	None	Operating	13/1600	1.4 ml/l-	No recycle, 1 pond
				Install additional ponds - verbal warning			
Oil	6-28	Livengood	Wilbur	Not Operating	-	-	No recycle, 4 ponds
	6-29	Hbks	Cleary	Hydrock	-	-	Hydrock Operation
	6-29	Hbks	Fish	Operating	1/220	<.1 ml/l	No recycle, 8 ponds
Sons	7-11	Hbks	None	Operating	6/1060	.3 ml/l	No recycle, 3 ponds
Mining	7-11	Hbks	Sumner	Pulled Out	-	-	Pulled Out
Int Ventures	7-12	Livengood	Livengood	Operating	zero discharge	zero discharge	Total recycle, 2 ponds
Comery	7-12	Livengood	Livengood	Not Operating	-	-	Total recycle, 3 ponds
Flinger	7-12	Livengood	Livengood	Not Operating	-	-	Setting up
	7-20	Hbks	Gilmore	Operating	4/1800	<.1	Total recycle, 6 ponds
	7-21	Hbks	Fairbanks	Operating	2/1400	2 ml/l-	100% recycle, 3 ponds
						upgrade ponds	
in	7-25	Hbks	Fish	Operating	12/210	<.1 ml/l	No recycle, 8 ponds
in	7-28	Richardson	Caribou	Not Operating	-	-	Setting Up
	8-2	Hbks	Gilmore	Operating	1/1600	<.1	Total recycle, 6 ponds
ok	8-2	Hbks	Fairbanks	Not Operating	-	-	Total recycle, 3 ponds
Nelson	8-17	Hbks	Hope	Operating	3.7/93	No Trace	No recycle, 6 ponds
Minerals	8-23	Livengood	Livengood	Not Operating	11/560	1.2 ml/l verbal warning	Constructing 3 ponds
O./Patton	8/4-8/24	Attached					
	9-20	Hbks	Deep	Operating	.6/600	<.1 ml/l issued NOV	No recycle, 1 pond
	9-20	Hbks	Faith	Operating	60/55	<.1 ml/l issued NOV	No recycle, 3 ponds
sh	9-20	Hbks	Faith	Operating	4/500	.2 ml/l issued NOV	No recycle, 2 ponds
Nelson	9-20	Hbks	Hope	Pulled Out	-	issued NOV	No recycle, 6 ponds

A partial selected list of streams which, in recent times, have water quality problems related to placer mining, and which contain or support fish:

In the Kantishna, all of Bear Paw drainage except for extreme upper headwaters including these creeks:

Glacier Creek
Caribou Creek
Moose Creek
Eureka Creek
Spruce Creek
Chena River in east or (middle) fork
Portion of South Fork of Koyukuk River
Hogatza River
Chatanika River
Birch Creek
Tolovana River near Minto
Minook Creek near Rampart
American Creek and Fish Lake near Tanana
Tuluksak River in the Y-K Delta
Salmon River in Goodnews Bay Area (Platinum Placer Dredge)
Lower Snake River (Nome area)
George River west of McGrath
Smoke River

Tuluksak City Council
General Delivery
Tuluksak, Alaska 99679
695-6212

Tulkisarmyte IRA Council
General Delivery
Tuluksak, Alaska 99679
695-6313

Rep. Peter Goll
Pouch V
Juneau, Alaska 99811

#2
December 28, 1984

Tuluksak is fighting the mining company (Northland Gold) for Two years. We have find our how dangerous the mining company is dumping pollution into our river and don't want them to operate anymore.

We met with Governor Sheffield, State and Federal Agencies trying to get our message across not to issue the permit to the mining company. The Elders in Tuluksak and the surrounding villages know our environment. They also know what happens to the environment every season, the change it does. Of all the meeting we had with them and all the money we spend traveling to Anchorage and Juneau, State and Federal Agencies gave the permit to the mining company. Subsistence is so important to us it is our only way to survive in the village. To survive we need our environment to gather the food we eat and the clothes we wear from hunting furbearing animals. We are being threaten by the mining company, who is destroying the land and water, which we depend on to survive.

Tuluksak City Council and Tulkisarmute IRA Council on behalf of the people of Tuluksak is asking for your help in looking into this matter and find a way to stop the mining company to operate. Our land and water is so important to us.

We will appreciate your interest and help. Our people and our environment is so important than a piece of gold.

Tuluksak City Council Signiture,

Joe Demantle Sr.
Joe Demantle Sr., Mayor

John Peter
John Peter, Vice Mayor

Sammy Peter
Sammy Peter, Secretary

Joshua Phillip
Joshua Phillip, Treasure

John M. Alexie
John M. Alexie, Member

Noah Andrew
Noah Andrew, Member

Carl Napoak Sr.
Carl Napoak Sr., Member

Tulkisarmute IRA Council Signiture,

John Napoka Jr.
John Napoka Jr., Chairman

Andrew B. Alexie
Andrew B. Alexie, Vice Chairman

Anna Phillip
Anna Phillip, Secretary

Jack M. Kinegak
Jack Kinegak, Treasure

Joe Demantle Jr.
Joe Demantle Jr., Member

Fred Napoka
Fred Napoka, Member

Peter Waskie
Peter Waskie, Member

Alaska mayor fights to save her people's past, present

by Paul Dean
Los Angeles Times

LOS ANGELES — On one hand, Anna Phillip believes she cannot lose. Consider the rights and emotions here. They are, she said, the very stuff of today's public mood and conscience.

Phillip, a 27-year-old Eskimo and the young mayor of an ancient village, is fighting a big-city mining company. Its dredging for gold, she contends, has fed arsenic and mercury into an Alaskan river. That in turn, she charges, is poisoning her tiny Tuluksak, sickening its people, halting salmon breeding, killing berries . . . and maybe, one day, if continued, the contamination could throttle the village.

So she came here last month to gain support for her village's environmental battle and for her other battle — to preserve Eskimo culture.

"Eskimos have lived off the land for centuries. If it is destroyed we cannot get it back. If the river dies, so will Tuluksak, where 70 percent of the people follow a subsistence lifestyle . . . People are more important than gold so we're going to fight it until we win. Period." The mining, she emphasizes, will end. Period.

Period? Could be, concedes Chuck Hawley, one of four partners of Northland Gold Dredging Ltd. of Anchorage that mines the Tuluksak River 30 miles upstream from Tuluksak village.

And after three years of protest, examination and litigation, Hawley well recognizes the odds facing any company tangling with people fighting to save their native culture, environment and the ecology.

"We can't win the PR (public relations) battle," he said, "but if we win the legal one we might be able to go ahead. On the merits of the issue, we can't lose. But what do we do about the politics involved?"

Hawley agreed, with resignation, that all victories and sympathies to date have gone to Anna Phillip and her village. Last year, legalities stemming from the Eskimo protest delayed Northland until it was too late to exercise a 1984



Anna Phillip
A fighting mayor

mining operation. Permits for 1985 have been obtained but are frozen by appeals from Phillip's attorneys. If the situation is not resolved before February, Hawley said, another mining season will be lost.

"And if it's not resolved within a couple of years, we're dead," he said. "In effect, we are closed down now and will have to line up a different batch of investors. The others (investors) were tired of seeing their money going out on nothing."

On the other hand, Anna Phillip knows she cannot win it all. She will eventually be defeated in her second fight, a tussle for what little is left of the Eskimo past. "It is these things," she said. She tapped the big, square, buttoned, digital, stainless steel watch on her wrist. "It is calculator watches, designer jeans, television and villagers who don't visit anymore because they're too busy watching 'Dallas' and 'Dynasty'."

Life in Tuluksak, she said, has become a scramble of two cultures. And the white man's products and services have changed the Eskimo. "I don't want to see an Eskimo village as a museum or an Eskimo as something out of history. I want us to live, to be known, to contribute as a culture."

"It is sad. Deep down I know I cannot stop it . . . but I can maybe slow this change and work to keep

the best of our old ways."

Industry first, culture second. Salvation from the former, of course, will mean some preservation of the latter. With mining gone and the river intact, hunting and fishing and salmonberry ice cream will remain as a tradition with the Yupik Eskimos of Tuluksak.

And with both motives inseparable, Anna Phillip came to Los Angeles.

As an Eskimo traditionalist, she spoke to the annual conference of the National Association for the Education of Young Children. Her presentation described Yaariuta, or mud drawings, a form of storytelling that still exists among Eskimo youngsters.

As Mayor Anna Phillip of Tuluksak, she scouted platforms, funds and support to continue her village council's siege of Northland Dredging.

Tuluksak, which is in western Alaska, 50 miles northeast of Bethel, once was a winter camp for the

nomadic Yupik. In spring, they rested and prepared for the year at one place. In summer, they fished from another. In winter, they returned to Tuluksak to hunt moose and trap beaver and muskrat.

But Europeans came and brought rifles that killed more easily and more often than the spear. Eskimos sold to fur traders or were recruited by whalers and began seeing the difference between income and subsistence.

Plank homes of a town replaced the sod houses of a camp. The population steadied at 350.

Anna Phillip was born in Tuluksak as the middle youngster of nine brothers and sisters. Father taught her brothers how to trap, fish and survive alone off the land. Mother taught the sisters how to gut and dry salmon and make Eskimo ice cream from sugar and berries — but with Crisco and Wesson oil replacing the seal oil she had once used.

In Bethel, at high school, Anna Phillip noticed other intrusions. She was forgetting or misusing words in her native Yupik. At Seattle Pacific University, in her first year of psychology, the erosion became visible. She started wearing Calvin Klein jeans.

"I even started thinking in English and wanted to do all these modernized things . . . buying a calculator watch and a Minolta camera. That's when I felt the urge to go back to the village."

Phillip went back to Tuluksak, was elected to the City Council at the age of 23. In 1982, villagers began complaining that their river was running muddy.

"When they drank it, they got sick," Phillip said. "Stomachache, sore throat, fevers. At first we thought it might be the flu. Then the water was tested, found to be polluted and we were told not to drink from the river."

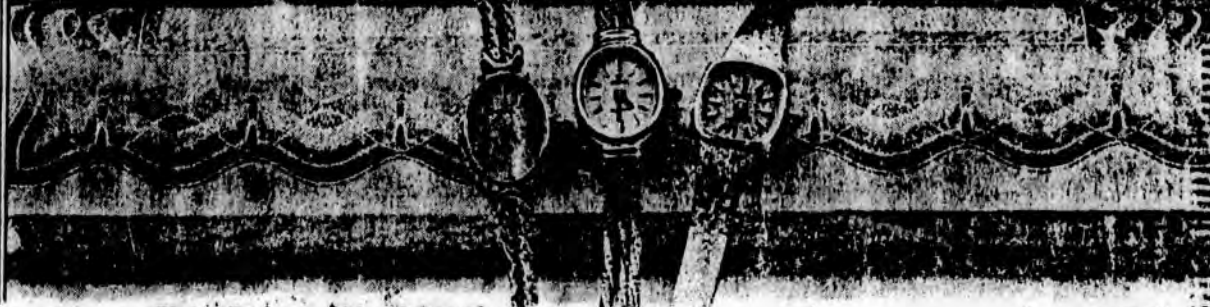
Until then, she continued, moose came to the river to drink. Their numbers became smaller. The number of salmon swimming upstream to spawn, she said, dropped off.

Northland, its upstream dredging creating visible pollution, was accused. It denied all charges. The battle was on.

A new mining operation for Northland was announced, one including a 6,000-foot diversion of the Tuluksak. It was agreed to by the company and federal and state governments. The village, it was stated, would be shielded by 47 pages of provisions aimed at preserving water quality and salmon habitat.

The compromise measure, however, brought no endorsement from Tuluksak, which filed an appeal that has blocked Northland's permit from the Bureau of Land Management.

QUICK CLAIM THESE 14K GOLD WATCHES FOR UNDER \$800.



as much!

#3

EXECUTIVE SUMMARY

Turbidity is an optical property of water, wherein suspended sediments and other material in the water scatter and absorb light. Turbidity measurements can be used to estimate both the penetration of light into a body of water and the concentration of suspended material in water. The value of water quality standards based upon specific turbidity criteria has been questioned, and the Alaska State Water Quality Standards (18 AAC 70) are currently being reevaluated. This paper attempts to outline relationships between turbidity and a suite of parameters that are most relevant to sustained increases of turbidity in clear-water systems. Specifically, examples from recent studies performed in Alaska, and elsewhere, provide ample illustration that turbidity criteria can be used as reasonable and effective water quality standards which, if implemented, can prevent or ameliorate the following adverse effects caused by suspended sediments in water:

1. Extinction of light in lakes and streams
2. Reduction or loss of primary (plant) production in lakes and streams
3. Reduction or loss of secondary (zooplankton and aquatic insect) production in lakes and streams
4. Reduction or loss of fish production in lakes and streams
5. Reduction in recreational fishing use of streams
6. Reduction in efficiency of fishery management techniques

Furthermore, because turbidity can be directly related to the concentration of suspended sediments in water, with adequate data predictive relationships between turbidity and suspended sediment concentration can be developed. This type of relationship can allow for the use of turbidity standards to address and regulate the direct physical effects of suspended material on aquatic life, which have also been described in available literature.

Productivity in Lakes

Studies conducted by the Alaska Department of Fish and Game (Koenings 1984) on the production of sockeye salmon in lakes provide the following information on clear and naturally turbid (glacial) lakes, i.e. lakes ranging in turbidity from approximately 0 nephelometric turbidity units (NTU) to an average of approximately 52 NTU:

1. Increases in turbidity from 0-1 NTU to approximately 10 NTU cause a dramatic reduction in the depth to which one percent of available surface light penetrates into water. Such compensation depths for clear-water lakes were measured at approximately 16-17 meters, while compensation depths for lakes with turbidity of between 2-10 NTU were measured at only 2-6 meters. The compensation depth for a lake averaging 52 NTU occurred at less than 1 meter. A 5 NTU increase of turbidity can reduce the productive volume of a clear-water lake by approximately 75 percent.
2. Abundance of zooplankton in naturally turbid lakes was observed to be lower than that in clear-water lakes. Moreover, abundance of preferred food items (Cladocera) for juvenile sockeye salmon was observed to be dramatically reduced in turbid lakes.
3. Production of juvenile sockeye salmon and returns of adult sockeye salmon were observed to be lower in turbid lake systems than in clear-water lake systems.

A study conducted by R&M Consultants (1982b) also compares the extinction of light and turbidity in a glacial lake. The results describe a similar dramatic reduction in light penetration with small increases of turbidity above 0-1 NTU.

Productivity in Streams

Studies conducted by the University of Alaska-Fairbanks (LaPerriere et al. 1983, Van Nieuwenhuysse 1983, LaPerriere 1984, Simmons 1984, Wagener 1984) describe the following set of adverse effects associated with human-induced turbidity and sedimentation in clear-water streams:

1. Light penetration is reduced by turbidity, and light extinction is directly related to turbidity.
2. Primary production in streams is reduced or eliminated by turbidity. Calculations derived in this report using equations relating turbidity, light availability, and primary productivity indicate that a turbidity of 5 NTU may reduce primary production in a normally clear-water stream 0.5 meters (1.5 feet) deep by approximately 13 percent; a 25 NTU increase in turbidity over normally clear-water conditions may reduce plant production by 50 percent. These effects may be even more pronounced in deeper streams.

3. Abundance of macroinvertebrates in turbid and sedimented streams is much lower than that in clear-water streams.
4. Abundance of fish (arctic grayling) in turbid and sedimented streams is reduced or eliminated. Also, physiological stress is exhibited by grayling in highly turbid streams.

Observations by the Alaska Department of Fish and Game (Townsend 1983, Ott 1984b) indicate that recreational use of streams for sportfishing is reduced in normally clear-water streams when turbidity increases above 8 NTU, and that aerial survey techniques employed in the management of commercial fisheries are hampered at turbidities of 4-8 NTU and above.

Suspended Sediment Concentration

Turbidity can be directly related to suspended sediment concentration. Therefore turbidity standards can be used to control the direct physical effects of sediment on aquatic life. Using data retrieved from statewide sampling conducted by the U.S. Geological Survey (USGS 1984), we have calculated a general relationship between turbidity and suspended sediment concentration. This relationship indicates that 25 mg per liter is associated with turbidity on the order of 5 NTU and that 100 mg per liter is associated with turbidity on the order of 25 NTU. A regression equation derived by Peratrovich et al. (1982) illustrates a similar relationship for the Susitna River. From recent data compiled from selected streams in interior Alaska (Post 1984, Toland 1984) we have calculated a more specific relationship indicating a one-to-one correspondence between turbidity in NTU and suspended sediment concentration in mg per liter.

Turbidity Standards

Based upon the information summarized in this report, derived from studies conducted in Alaska and elsewhere, the current State Water Quality Standard for turbidity to protect the propagation of fish and wildlife (25 NTU above natural conditions in streams, 5 NTU above natural conditions in lakes) may be sufficient to provide a moderate level of protection for clear-water aquatic habitats. A 25 NTU increase in turbidity in shallow clear-water systems may potentially reduce stream primary productivity by 13 to 50 percent or more, depending on stream depth and ambient water quality, and be associated with an increase in suspended sediment concentration of approximately 25 to 100 mg per liter.

A higher level of protection will require the application of a stricter turbidity standard. The standard presently applied to drinking water is 5 NTU above natural conditions in streams and lakes. A 5 NTU increase in turbidity in clear-water systems may reduce the primary productive volume of lakes by approximately 75 percent, reduce stream productivity by 3 to 13 percent or more, depending on stream depth and ambient water quality, and be associated with an increase in suspended sediment concentration of approximately 5 to 25 mg per liter. The current Interagency Placer Mining Guidelines (State of Alaska 1984) use turbidity of 3 NTU or less as a criterion to specify high priority streams. Application of a 5 NTU above ambient standard would bring total turbidities in these streams to 8 NTU, the level at which recreational fishing may decline and at or above the level at which efficiency of aerial surveys for fishery management are affected.

REQUESTS FOR RELIEF FROM WATER POLLUTION AND FOR ACTION THAT RESULTS
IN CLEAN WATER

*The State should fund more complete and systematic water samples from its streams and rivers, testing settleable solids, turbidity, and metal contents. The results of these tests should be publicized regularly.

*The streams and their tributaries discussed here should be placed on the list of Priority Enforcement Streams. The public should be involved in determining priority enforcement streams and enforcement policies.

*Placer miners that are monitored and found to be breaking the law should be cited. Enforcement must bring relief, and not be merely a suggestion or a piece of paper. Funding should be available to adequately monitor, cite and complete an enforcement action. Full compliance with the standards should be achieved within a fixed date.

*The State should support a loan or grant program requiring a miner to install technology such as recycling that will result in zero discharge or will meet the Water Quality Standards.

*The miners will be asked to submit a list of their priorities for stream reclassification. The streams would be looked at by DEC to see if they fall within the law.

Respectfully submitted by:

Irene Nicholia, Tanana

Turak Newman, Rampart

Andy Jimmie, Minto

Anna Phillip, Tuluksak

Ed Priest, Birch Creek

Ron Silas, Tanana Fish and Game Advisory Committee

MEMORANDUM

State of Alaska

TO: Richard A. Neve'
Commissioner

DATE: March 12, 1984

FILE NO:

TELEPHONE NO: 465-2653

Randy
FROM: Randy Bayliss
Chief
Water Quality Management

SUBJECT: For Your Turbidity
Information

Much has been said about how Alaska's water quality standards compare with those of other states. This table is an incomplete summary of the turbidity standards of various states. The source of information sources was not clear on whether some of the states "cold water fish stream" standards were equivalent to "drinking water standards." When you recall that most settling pond discharges run about 4000 JTU's, the differences between 5, 10, and 25 JTU's are of no consequence.

Water Quality Comparison of State Standards Allowable Turbidity Increases

FOR COLD WATER FISH STREAMS

<u>25 JTU</u>	<u>10 JTU</u>	<u>5 JTU</u>	<u>+10%</u>	<u>Secchi Std or Equivalent</u>	<u>"No substantial increase..."</u>
Alaska	Arizona	Idaho	California	Hawaii - 5%	Louisiana
Iowa	Arkansas	Washington	Nebraska	New Mexico	Maine
Minnesota	Connecticut				New York
	Delaware				Texas
	Indiana				Michigan
<u>50 JTU</u>	Montana				
Alabama	Nevada				
Florida	New Hampshire				
Maryland	North Carolina				
	Oklahoma				
	Rhode Island				
	Utah				
	Vermont				
	Wyoming				

FOR DRINKING WATER SOURCES

<u>5 NTU</u>	<u>1 NTU</u>	<u>No Increase</u>
Alaska	Colorado	Connecticut
Minnesota		Massachusetts
Rhode Island		Vermont

RB/bb

cc: Chris Noah Bill Ross
Keith Kelton John Freshman
Jim Palmer

**ALASKA FEDERATION OF NATIVES, INC.
1984 ANNUAL CONVENTION**

RESOLUTION NO. 84-60

TITLE: ENFORCE WATER QUALITY REGULATIONS

- WHEREAS,** the harvest of fish and wildlife is vital to the continuation of the rural economy of Alaska Natives; and
- WHEREAS,** the streams and rivers of Alaska provide habitat for fish and wildlife; and
- WHEREAS,** rural Alaska Natives also depend on these waters for drinking water, wash water, cooking water, transportation sources and garden irrigation; and
- WHEREAS,** serious water quality problems exist on a number of streams in Alaska due to illegal discharge of mud and silt from placer mining operations, often greatly in excess of State Water Quality standards and federal requirements for clean water; and
- WHEREAS,** fish and wildlife habitat are being damaged by the turbidity and the buildup of silt deposited on the bottom of streams by this discharge; and
- WHEREAS,** the continued decline of Alaska's water quality will severely hurt the economics of rural Alaska Natives residing in downstream communities; and
- WHEREAS,** the State of Alaska and U.S. Environmental Protection Agency have permitted the increasing degradation of Alaska's water quality through lack of proper monitoring and enforcement of state and federal laws and regulations designed to protect water quality for all users,
- NOW THEREFORE BE IT RESOLVED** that the Alaska Federation of Natives demand that the State of Alaska and the U.S. EPA immediately take steps to protect water quality in Alaska by enforcing the State Water Quality standards and the federal requirements for clean water and
- BE IT FURTHER RESOLVED** that the AFN urge the Alaska State Legislature, the Alaska Department of Environmental Conservation, the U.S. Environmental Conservation and the U.S. Environmental Protection Agency to take all possible measures to assist the placer mining industry to develop technology and economic solutions which will allow the industry to operate with clean discharge of waste water, and

RESOLUTION NO. 84-60
page two

BE IT FURTHER RESOLVED that the State of Alaska and the federal government take all necessary actions to clean up and to restore streams currently damaged by illegal discharges of sediment and turbidity and that they take all appropriate action to prevent future damage to these watersheds.

RESOLUTIONS COMMITTEE RECOMMENDATION: DO PASS

CONVENTION ACTION: PASSED





INTERIOR REGIONAL FISH & GAME COUNCIL

c/o ADFAG, DIVISION OF BOARDS, P.O. BOX 3-2000, JUNEAU, ALASKA 99802 PHONE: (907) 465-4110

RESOLUTION 84.5

PROTECT FISH AND GAME HABITAT FROM WATER POLLUTION

ADVISORY COMMITTEES

Clear/Healy

Delta

Eagle

Fairbanks

Jalena

Grayling/Anvik/Shageluk/Holy Cross

Koyukuk

McGrath

Ruby

Tanana

Upper Tanana/40-Mile

Yukon Flats

Whereas, The Interior Regional Council represents thousands of subsistence fishermen in the Alaska Interior, and is empowered to make recommendations to the Alaska Boards of Fisheries and Game regarding protection of subsistence users; and

Whereas, The annual harvest and continued strength the salmon and other anadromous fish runs and the annual harvest of wildlife is vital to the rural communities and livelihood of the subsistence users of this region; and

Whereas, The streams and rivers provide essential habitat for fish and wildlife; and

Whereas, Fish and wildlife habitat is being damaged by turbidity, sediments, and silt being illegally discharged into many streams and rivers, often greatly in excess of State Water Quality Standards and Federal Requirements for clean water; and

Whereas, The State of Alaska, Department of Environmental Protection Agency have permitted this increasing degradation of Alaska's water quality through lack of proper monitoring and enforcement;

Be It Therefore Resolved, that the Interior Regional Council urges the Governor, State Legislature, and DEC to take seriously its responsibility to protect water quality for the residents of Alaska by actively enforcing the State Water Quality Standards and adequately funding these enforcement efforts; and

Be It Further Resolved, that the policy of the State Legislature and Governor gives priority to the protection of renewable resources over non renewable resources in user conflicts.

Resolution 84-

Enforce Water Quality Laws and Regulations

- WHEREAS:** Communities represented by the Tanana Fish and Game Advisory Committee depend upon the harvest of fish and game as the main part of their economy;
- WHEREAS:** fish and wildlife habitat in the areas of these communities is being damaged by mud and turbidity illegally discharged into streams in these areas;
- WHEREAS:** the harvest of fish and furbearers has been damaged by the discharges of mud and silt;
- WHEREAS:** productivity of fish is harmed by turbidity and by silt deposited on the bottoms of streams;
- WHEREAS:** the State of Alaska and the U.S. Environmental Protection Agency have not taken prompt and sufficient action to enforce state and federal laws and regulations designed to protect the water quality of Interior Alaska anadromous fish streams;

BE IT RESOLVED, that the Tanana Fish and Game Advisory Committee hereby requests that the State of Alaska Department of Fish and Game, the Alaska Department of Environmental Conservation and the U.S. Environmental Agency immediately take steps to enforce applicable laws and regulations designed to protect water quality in Interior Alaska's streams; and

BE IT FURTHER RESOLVED, that the Tanana Fish and Game Advisory Committee hereby also requests that the aforementioned agencies begin the task of cleaning up the following streams:

Minook Creek
Goldstream Creek
Chatanika River
Tolovana River


Chairman

TANANA FISH & GAME ADVISORY COMMITTEE

FISH LAKE & AMERICAN CREEK

POLLUTION

DIVISION OF CONSERVATION

WHEREAS:

The residents of Tanana make substantial use of the water of the American Creek and Fish Lake; and

WHEREAS:

These residents have harvested fish and game resources from American Creek and it's associated environments including Fish Lake; and

WHEREAS:

The waters and associated environment of American Creek and Fish Lake have become muddy and polluted during the placer mining season due to mining activities taking place in the headwaters of Fish Lake; and

WHEREAS:

This muddy water has damaged the habitats of water animals, fish and water fowl; and

WHEREAS:

Harvests of game and fish resource has been damaged due to degraded water quality; and

WHEREAS:

Residents of Tanana depend upon fish and game harvests as a major element in the economy of their communities;

THEREFORE BE IT RESOLVED that the Tanana Fish & Game Advisory Committee asks that the State of Alaska and the U.S. Environmental Protection Agency take all necessary steps to enforce the State and Federal water quality standards, laws and regulations on Fish Lake and American Creek.

BE IT FURTHER RESOLVED that the Tanana Fish & Game Advisory Committee urges the Governor and the Alaska State Legislature to make funds and expertise available to develop proper technology which will permit placer mining to continue in a way which results in no discharge of muddy or polluted placer water back into Fish Lake and American Creek.

CHAIRMAN

Lester Erhart

**NUSHAGAK
FISH AND GAME ADVISORY COMMITTEE RESOLUTION
ENFORCE STATE WATER QUALITY STANDARDS**

- WHEREAS**, the Nushagak Fish and Game Advisory Committee represents hundreds of commercial and subsistence fishermen in the Bristol Bay region; and
- WHEREAS**, the annual harvest and continued strength of salmon runs is vital to the economy and livelihood of these fishermen; and
- WHEREAS**, placer mining on the rivers and tributaries of salmon spawning streams often illegally discharges mud and silt into these waterways, killing fish and destroying their habitat; and
- WHEREAS**, the State of Alaska and the U.S. Environmental Protection Agency is allowing this illegal destruction of salmon habitat by inadequately monitoring and enforcing the State Water Quality Standards and Federal requirements for clean water;
- BE IT THEREFORE RESOLVED**, that the Nushagak Fish and Game Advisory Committee urges the Alaska Department of Environmental Conservation and the U.S. EPA to take all necessary steps to protect the salmon resources of the State by monitoring and enforcing the State Water Quality Standards, and that the Governor and Legislature see that such enforcement is adequately funded: and
- BE IT FURTHER RESOLVED**, that the Governor and area legislators create a State policy that clearly gives renewable resources priority over nonrenewable resources and ensures the protection of our salmon stocks.

Date

Leon Braswell, Chairman
Nushagak Fish and Game Advisory
Committee

TANANA CHIEFS CONFERENCE, INC.

Birch Creek Water Quality

Resolution No. 84-26

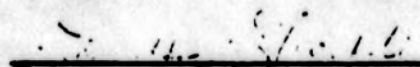
- WHEREAS:** the communities of Birch Creek, Circle, and other area residents utilize and depend upon the lands and waters of the lower Birch Creek watershed for harvest of renewable resources including fish and game; and
- WHEREAS:** such local residents utilize Birch Creek as a primary source of drinking water as well as a source of water for washing, cooking, and laundry; and
- WHEREAS:** the water quality of Birch Creek is in deplorable condition during summer months due to severe pollution caused by heavy placer mining activity in the upper Birch Creek watershed; and
- WHEREAS:** the regulations of the State of Alaska designed to protect the water quality are grossly violated on Birch Creek due to placer mining activity; and
- WHEREAS:** the State of Alaska continues to not enforce its water quality standards on Birch Creek; and
- WHEREAS:** the degradation of water quality in Birch Creek is resulting in damage to associated fish and wildlife habitats and diminished opportunities of local residents to harvest such resources; and
- WHEREAS:** the lack of enforcement of its water quality regulations and prevention of management of fish resources on any stream represents significant mismanagement of both the water and the fisheries resources of the State of Alaska; and
- WHEREAS:** the development and use of water recycling and other new technologies should provide needed answers to allow placer mining to continue in a way that prevents pollution of placering streams such as Birch Creek;

THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference, Inc. Board of Directors request that the State of Alaska and the U.S. Environmental Protection Agency enforce all state and federal water quality regulations and laws in Birch Creek and in other watersheds of Alaska, and

BE IT FURTHER RESOLVED that the State of Alaska, the Alaska State legislature and the Federal Government take all possible steps to clean up the dirty water caused by placer mining activities on the Birch Creek and other watersheds through development of appropriate technologies, and that placer miners receive direction and assistance to bring such technologies successfully into use in the field.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 15, 1984 at Fairbanks, Alaska.



Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

RURAL ALASKA RESOURCES ASSOCIATION

P.O. Box 3-3908

Anchorage, AK 99501

RESOLUTION NO. 84 - 4

ENTITLED: RELIEF FROM PLACER MINING DAMAGE TO WATERSHEDS

WHEREAS, serious water quality problems exist on a number of streams in Alaska due to illegal waste water discharges from placer mining operations; and

WHEREAS, such water quality problems created by placer mining discharges are damaging the water resources, the associated environments and the fisheries and other village resources which are supported by these waters; and

WHEREAS, such water quality problems created by placer mining discharge are currently threatening and possibly damaging the health and the general economic well-being of local residents who live downstream and who utilize the water, the associated environments and the harvestable renewable resources supported by such environments; and

WHEREAS, fisheries management in particular is made difficult or impossible by the clouded condition of water in streams which support fish but which are subject to siltation and turbidity caused by placer discharges upstream; and

WHEREAS, the State of Alaska and the U.S. Environmental Protection Agency have not enforced the water quality laws and regulations which are very frequently violated in placer mining activities; and

WHEREAS, the U.S. Environmental Protection Agency, in proposing Best Available Technology for the placer industry, has proposed weakening standards including for suspended particles and for arsenic; and

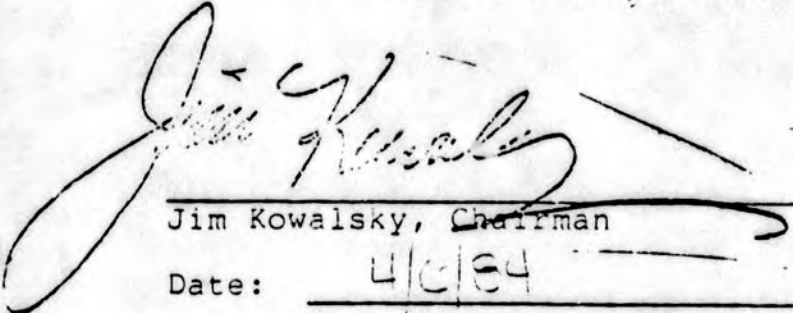
WHEREAS, the communities of Tuluksak, Birch Creek, Minto and Rampart are among the communities who have registered complaints about damage to waterways caused by upstream placer mining;

BE IT HEREBY RESOLVED, that the Rural Alaska Resources Association urges the State of Alaska to reject the weakened water quality standards as a part of Best Available Technology; and

BE IT FURTHER RESOLVED, that the Rural Alaska Resources Association urges the Alaska State Legislature, the State of Alaska and the U.S. Environmental Protection Agency to take all possible measures to assist the placer mining industry to develop technology and economic solutions which will allow the industry to operate with clean discharges of waste water; and

BE IT FURTHER RESOLVED, that the Rural Alaska Resources Association urges that the State of Alaska and the U.S. Environmental Protection Agency vigorously pursue the cleaning up of placering streams through enforcement of existing laws and regulations; and

BE IT STILL FURTHER RESOLVED, that Rural Alaska Resources Association supports the efforts of the community of Tuluksak to delay the permit to dredge requested by Northland Gold Dredging.



Jim Kowalsky, Chairman

Date: 4/6/84

MIDDLE YUKON FISH & GAME ADVISORY COMMITTEE

RESOLUTION 84-2

- WHEREAS: both the Hogatza River and the streams draining into it, located on BLM land, support a large portion of the Yukon summer chum run; and
- WHEREAS: these streams produce a major portion of the summer chum salmon which are harvested for subsistence and commercial use by downstream residents of the Yukon River drainage; and
- WHEREAS: the production of such summer chum salmon makes up a major element in the economy of downstream communities on the Yukon River; and
- WHEREAS: the 51 active placer mining claims located on these streams are currently discharging or have in the past discharged high levels of sediment and turbidity into these streams, often greatly in excess of state water quality standards and in excess of federal requirements for clean water; and
- WHEREAS: sediment and turbidity in these streams damage fisheries habitat and hamper the production of fish; and
- WHEREAS: over time, the destruction of fisheries habitat in one stream, after another will directly adversely affect the economy of downstream communities; and
- WHEREAS: the Central Yukon Plan has the opportunity to regulate or restrict such placer mining activity;
- BE IT HEREBY RESOLVED that the Middle Yukon Fish and Game Advisory Committee (otherwise known as the Galena Fish and Game Advisory Committee) recommends that the Bureau of Land Management in its Central Yukon Plan, close the Hogatza River and the streams draining into it to all future mineral exploration and development; and
- BE IT FURTHER RESOLVED that the Bureau of Land Management in its Central Yukon Plan establish the Hogatza River and the streams draining into it as Areas of Critical Environmental Concern (ACEC); and
- BE IT FURTHER RESOLVED that within the Area of Critical Concern, all existing miners be required to meet state water quality standards and submit annual preseason plans of operation to the BLM.

W. D. / [Signature]
Chairman

10-20
Date

TANANA CHIEFS CONFERENCE, INC.

Tolovana Pollution

Resolution No. 84-13

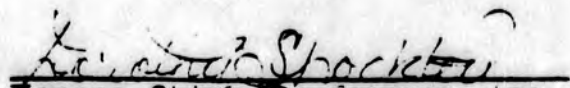
- WHEREAS: The residents of communities of Minto and Nenana make substantial use of the water of the Tolovana River, including the Upper Tolovana River, and its associated environments in the Minto Flats; and
- WHEREAS: These residents have harvested fish and game resources from the Tolovana River and its associated environments including the Upper Tolovana River; and
- WHEREAS: The waters and associated environment of the Tolovana River have become muddy and polluted during the placer mining season due to mining activities taking place in the headwaters of the Tolovana River; and
- WHEREAS: This muddy water has damaged the habitats of water animals, fish and water fowl; and
- WHEREAS: Harvests of game and fish resources has been damaged due to degraded water quality; and
- WHEREAS: Residents of Minto and Nenana depend upon fish and game harvests as a major element in the economy of their communities;

THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference, Inc. Board of Directors asks that the State of Alaska and the U.S. Environmental Protection Agency take all necessary steps to enforce the state and federal water quality standards, laws and regulations on the Tolovana River Drainage.

BE IT FURTHER RESOLVED that the Tanana Chiefs Conference, Inc. Board of Directors urges the Governor and the Alaska State Legislature to make funds and expertise available to develop proper technology which will permit placer mining to continue in a way which results in no discharge of muddy or polluted placer water back into the Tolovana River.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 15, 1984 at Fairbanks, Alaska.


Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

TANANA CHIEFS CONFERENCE, INC.

Clean Up Placer Mining Water on Tolovana River

Resolution No. 83-46

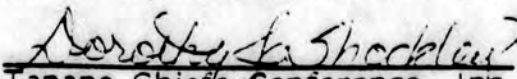
- WHEREAS: the Tolovana River flows from its headwaters through the Minto Flats; and
- WHEREAS: placer mining on the tributaries of the Tolovana River causes the water to be polluted and to be in violation of present State of Alaska Water Quality Standards for Multiple Uses of the water in this river, even with the use of settling ponds at the mine sites; and
- WHEREAS: placer mine settling ponds generally fail to settle out the fine clays and sediments which cause polluted, turbid water to be returned into the originally clean streams; and
- WHEREAS: the Tolovana/Livengood Mining District has petitioned the State of Alaska Department of Environmental Conservation (DEC) to reclassify the Upper Tolovana River so as to remove all of the applicable water quality standards except those standards for industrial use, thus making the Tolovana an industrial river only;
- WHEREAS: the residents of Minto utilize the waters of the Tolovana River and of the Minto Flats generally for multiple purposes, including use of the Tolovana as a prime source of drinking water; and
- WHEREAS: the proposed reclassification of the Tolovana River water to a single use Industrial Stream only will harm and damage the Minto residents and interfere with their multiple uses of this water;

THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors hereby opposes the reclassification of any portion of the Tolovana River to an Industrial Stream;

BE IT FURTHER RESOLVED that the Tanana Chiefs Board of Directors urges that the U.S. Environmental Protection Agency and the DEC require that placer mines operate with totally closed systems and recycle the placer water rather than to return it into the streams as "Best Practicable Technology."

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 17, 1983 at Fairbanks, Alaska.


Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

TANANA CHIEFS CONFERENCE, INC.

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

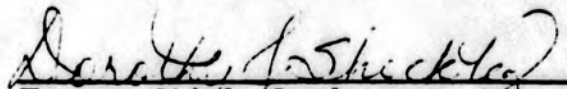
- WHEREAS: Birch Creek is important to the residents living near or around the river; and
- WHEREAS: there are mining operations upriver from the residents living and using the river in a traditional manner; and
- WHEREAS: the methods the mining operations utilize dirties and clouds the river; and
- 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

TANANA CHIEFS CONFERENCE, INC.

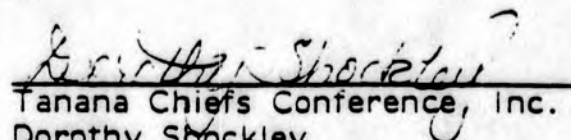
Water Quality in Minook Creek

Resolution No. 84-14

- WHEREAS:** Minook and Little Minook Creeks and associated environments are utilized by residents of Rampart, and of the area generally; and
- WHEREAS:** the water of Minook Creek and Little Minook Creek is the subject of complaints of residents of Rampart due to high levels of turbidity and mud caused by placer mining discharges upstream; and
- WHEREAS:** the State of Alaska has regulations to protect water quality in such clear water streams but is generally reluctant to enforce these regulations; and
- WHEREAS:** the poor water quality interferes with and diminishes the use of Minook Creek and associated environments by the residents of Rampart and the area generally; and
- THEREFORE BE IT RESOLVED** that the Tanana Chiefs Conference, Inc. Board of Directors requests the State of Alaska to enforce present regulations concerning water in Minook Creek and Little Minook Creek, and
- BE IT FURTHER RESOLVED** that the Tanana Chiefs Conference, Inc. Board of Directors urges the Alaska State legislature and the State administration to provide technical and financial assistance to placer miners so as to help them develop, install and utilize new technology which would permit placer mining to take place while achieving clean water in placering streams.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 15, 1984 at Fairbanks, Alaska.


Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

UNITED VILLAGES OF NELSON ISLAND AND VICINITY
RESOLUTION # 84-08-01

WHEREAS THE UNITED VILLAGES OF NELSON ISLAND AND VICINITY represents the villages of this area in the Yukon-Kuskokwim Delta of southwestern Alaska; and

WHEREAS in recent years, village fishermen have been able to harvest salmon from the Kuskokwim and Yukon rivers migrating pass the island depending upon wind direction to supplement the marine mammal and herring subsistence diet of our villages; and

WHEREAS the expansion of the placer mining industry on both the Yukon and Kuskokwim Rivers, the lack of monitoring and enforcement of water quality standards by State and Federal agencies, and the concern by villages located on both rivers that their salmon fisheries will be threatened by these activities;

NOW THEREFORE BE IT RESOLVED BY THE UNITED VILLAGES OF NELSON ISLAND AND VICINITY that the Governor and area legislators take steps to make placer miners obey the same environmental laws that commercial fishermen and subsistence harvesters must follow to conserve all resources; and

BE IT FURTHER RESOLVED that the Governor and area legislators take steps to secure funds to allow State resource agencies to monitor and when necessary enforce State water quality laws if violated by placer miners to protect clean streams and our salmon resources.

MOTIONED AND PASSED THIS 26th DAY OF AUGUST, 1984

Michael Albert
CHAIRMAN

THE LOWER YUKON FISH AND GAME
ADVISORY COMMITTEE

RESOLUTION
#84-08-01

- WHEREAS, The Lower Yukon Fish and Game Advisory Committee represents the fisheries and wildlife interests of the 15 villages of the Lower Yukon area; and
- WHEREAS, The placer mining taking place in the upriver areas of the Yukon River between the Koyukon and the Porcupine has no monitoring or enforcement to protect the streams so important to successful reproduction of salmon; and
- WHEREAS, The fishermen of the Lower Yukon River believe that they should have equal rights as the placer miners, and have their economy protected by the State of Alaska through its equal enforcement of clean water quality laws to prevent spoilage of these spawning rivers by placer mining pollution; and
- WHEREAS, The fishermen are regulated, monitored, and enforced by the State of Alaska, to conserve the resource, yet nothing is done by the State of Alaska, to regulate, monitor, or enforce placer mining;

NOW, THEREFORE, BE IT

- RESOLVED: By the Lower Yukon Fish and Game Advisory Committee that the Governor of the State of Alaska, and the legislators from this area be asked to regulate, monitor, and when necessary enforce clean water quality laws in the placer mining industry; and

BE IT FURTHER

- RESOLVED: That the Governor and the area legislators should seek funds to allow State resource agencies such as Alaska Department of Fish and Game and Alaska Department of Environmental Conservation to monitor the placer mining operations and if pollution occurs, cease the operation before the pollution kills off the salmon fisheries that the area fishermen depend on for their only cash livelihood.

MOTIONED AND PASSED THIS 8-18-84 DAY OF AUGUST, 1984.

/s/ Johnny Thompson
Johnny Thompson, Chairman

Yukon Flats Fish & Game Advisory Committee

Enforce Water Quality Laws and Regulations

- WHEREAS:** Communities represented by the Yukon Flats Fish and Game Advisory Committee depend upon the harvest of fish and game as the main part of their economy;
- WHEREAS:** fish and wildlife habitat in the areas of these communities is being damaged by mud and turbidity illegally discharged into streams in these areas;
- WHEREAS:** the harvest of fish and furbearers has been damaged by the discharges of mud and silt;
- WHEREAS:** productivity of fish is harmed by turbidity and by silt deposited on the bottoms of streams;
- WHEREAS:** the State of Alaska and the U.S. Environmental Protection Agency have not taken prompt and sufficient action to enforce state and federal laws and regulations designed to protect the water quality of Interior Alaska anadromous fish streams;
- BE IT RESOLVED,** that the Yukon Flats Fish and Game Advisory Committee hereby requests that the State of Alaska Department of Fish and Game, the Alaska Department of Environmental Conservation and the U.S. Environmental Agency immediately take steps to enforce applicable laws and regulations designed to protect water quality in Interior Alaska's streams; and
- BE IT FURTHER RESOLVED,** that the Yukon Flats Fish and Game Advisory Committee hereby also requests that the aforementioned agencies begin the task of cleaning up Birch and Beaver Creeks and all other streams in this region damaged by mining impacts.

Chairman

NAKNEK - KVICHAK
FISH AND GAME ADVISORY COMMITTEE RESOLUTION
ENFORCE STATE WATER QUALITY STANDARDS

84-2

Whereas, the Naknek - Kvichak Fish and Game Advisory Committee represents hundreds of commercial and subsistence fishermen in the lower Bristol Bay region; and

Whereas, the annual harvest and continued strength of salmon runs is vital to the the economy and livelihood of these fishermen; and

Whereas, placer mining on the rivers and tributaries of salmon spawning streams often illegally discharges mud and silt into these waterways, killing fish and destroying their habitat; and

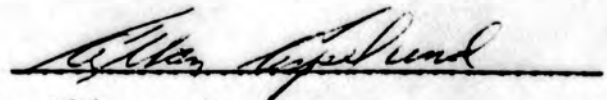
Whereas, the State of Alaska and the U.S. Environmental Protection Agency is allowing this illegal destruction of salmon habitat by inadequately monitoring and enforcing the State Water Quality Standards and federal requirements for clean water:

Be it therefore resolved, that the Naknek - Kvichak Fish and Game Advisory Committee urges the Alaska Department of Environmental Conservation and the U.S. EPA to take all necessary steps to protect the salmon resources of the State by monitoring and enforcing the State Water Quality Standards, and that the Governor and Legislature see that such enforcement is adequately funded; and

Be it further resolved, that the Governor and area legislators create a State policy that clearly gives renewable resources priority over nonrenewable resources and ensures the protection of our salmon stocks.

Oct. 29-84

Date



Alvin Aspeland, Chairman, Naknek - Kvichak
Fish and Game Advisory Committee

LOWER KUSKOKWIM
FISH AND GAME
ADVISORY COMMITTEE

RESOLUTION
#84-08-01

WHEREAS, THE LOWER KUSKOKWIM Fish and Game Advisory Committee represents the fisheries and wildlife interests of the 13 villages of the Lower Kuskokwim area; and

WHEREAS, The placer mining taking place in the areas of the upper Tuluksak River of the Kuskokwim has no monitoring or enforcement to protect the streams so important to successful reproduction of salmon; and

WHEREAS, The fishermen of the Lower Kuskokwim villages believe that they should have equal rights as the placer miners, and have their economy protected by the State of Alaska through its equal enforcement of clean water quality laws to prevent spoilage of these spawning rivers by placer mining pollution; and

WHEREAS, The fishermen are regulated, monitored, and enforced by the State of Alaska, to conserve the resource, yet nothing is done by the State of Alaska, to regulate, monitor, or enforce placer mining;

NOW, THEREFORE, BE IT

RESOLVED: By the Lower Kuskokwim Fish and Game Advisory Committee that the Governor of the State of Alaska, and the legislators from this area be asked to regulate, monitor, and when necessary enforce clean water quality laws in the placer mining industry; and

BE IT FURTHER

RESOLVED: That the Governor and the area legislators should seek funds to allow State resource agencies such as Alaska Department of Fish and Game and Alaska Department of Environmental Conservation to monitor the placer mining operations and if pollution occurs, cease the operation before the pollution kills off the salmon fisheries that the area fishermen depend on for their only cash livelihood.

MOTIONED AND PASSED THIS 24 DAY OF AUGUST, 1984.

/s/ Chuck Chaliak
Chuck Chaliak, Chairman

LOWER KUSKOKWIM
FISH AND GAME
ADVISORY COMMITTEE

RESOLUTION
#84-08-01

WHEREAS, THE LOWER KUSKOKWIM Fish and Game Advisory Committee represents the fisheries and wildlife interests of the 13 villages of the Lower Kuskokwim area; and

WHEREAS, The placer mining taking place in the areas of the upper Tuluksak River of the Kuskokwim has no monitoring or enforcement to protect the streams so important to successful reproduction of salmon; and

WHEREAS, The fishermen of the Lower Kuskokwim village believe that they should have equal rights as the placer miners, and have their economy protected by the State of Alaska through its equal enforcement of clean water quality laws to prevent spoilage of these spawning rivers by placer mining pollution; and

WHEREAS, The fishermen are regulated, monitored, and enforced by the State of Alaska to conserve the resource, yet nothing is done by the State of Alaska, to regulate, monitor, or enforce placer mining;

NOW, THEREFORE, BE IT

RESOLVED: By the Lower Kuskokwim Fish and Game Advisory Committee that the Governor of the State of Alaska, and the legislators from this area be asked to regulate, monitor, and with necessary enforce clean water quality laws in the placer mining industry; and

BE IT FURTHER

RESOLVED: That the Governor and the area legislators should seek laws to allow state resource agencies such as Alaska Department of Fish and Game and Alaska Department of Environmental Conservation to monitor the placer mining operations and if pollution occurs, cease the operation before the pollution kills off the salmon fisheries that the area fishermen depend on for their only cash livelihood.

MOTIONED AND PASSED THIS 24 DAY OF AUGUST, 1984.

/s/ Chuck Chaliak
Chuck Chaliak, Chairman

THE CENTRAL BERING SEA FISH AND GAME
ADVISORY COMMITTEE

RESOLUTION
#84-09-01

WHEREAS, The Central Bering Sea Fish and Game Advisory Committee represents the fisheries and wildlife interests of the 13 villages of the Lower Kuskokwim area; and

WHEREAS, The placer mining taking place in the upriver areas of the Yukon River between Koyukon and the Porcupine, and in the upper Tuluksak River of the Kuskokwim has no monitoring or enforcement to protect the streams so important to successful reproduction of salmon; and

WHEREAS, The fishermen of the Lower Kuskokwim villages believe that they should have equal rights as the placer miners, and have their streams protected by the State of Alaska through its water quality laws to prevent pollution of these spawning rivers by placer mining pollution; and

WHEREAS, The fishermen are regulated, monitored, and enforced by the State of Alaska, but no enforcement is done by the State of Alaska to regulate, monitor, or enforce placer mining;

AND, THEREFORE, BE IT

RESOLVED: By the Central Bering Sea Fish and Game Advisory Committee that the Governor of the State of Alaska, and the legislators from this area be asked to regulate, monitor, and when necessary enforce clean water quality laws in the placer mining industry; and

BE IT FURTHER

RESOLVED: That the Governor and the area legislators should seek funds to allow State resource agencies such as Alaska Department of Fish and Game and Alaska Department of Environmental Conservation to monitor the placer mining operations and if pollution occurs, cease the operation before the pollution kills off the salmon fisheries that the area fishermen depend on for their only cash livelihood.

MOTIONED AND PASSED THIS 21 DAY OF AUGUST, 1984.

Jack U. Williams
Jack U. Williams, Chairman

Resolution 84-
Clean Up Interior Placer Streams

WHEREAS, many clearwater tributary streams of the Yukon River of Interior Alaska support runs of spawning salmon, and

WHEREAS, such streams produce the salmon which are harvested for subsistence and commercial use by downstream residents of the Yukon River drainage; and

WHEREAS, the production of salmon makes up a major element in the economy of downstream communities on the Yukon River; and

WHEREAS, placer mining activity currently is discharging high levels of sediment and turbidity into Interior streams, often greatly in excess of state water quality standards and in excess of federal requirements for clean water; and

WHEREAS, sediment and turbidity in these streams damage fisheries habitat and hamper the production of fish; and

WHEREAS, the State of Alaska and the U.S. Environmental Protection Agency permits the illegal pollution of otherwise clearwater streams through inefficient, inappropriate enforcement of regulations and laws designed to protect water quality; and

WHEREAS, over time, the destruction of fisheries habitat in one stream after another will directly adversely affect the economy of downstream communities,

BE IT HEREBY RESOLVED that the Middle Yukon Fish and Game Advisory Committee (otherwise known as the Galena Fish and Game Advisory Committee) demands that the State of Alaska and the U.S. Environmental Protection Agency properly and totally meet their legal commitments and requirements to promptly enforce water quality laws and regulations in Interior Alaska placer mining streams, and

BE IT FURTHER RESOLVED that the State of Alaska and the federal government take all necessary actions to clean up and to restore streams presently damaged by illegal discharges of sediment and turbidity and that they take all appropriate action to prevent future damage to these watersheds.

James D. McIntire 11/20
Chairman Date

RESOLUTION OF KOKECHIK CORPORATION

RESOLUTION # 84-37-02

WHEREAS THE KOKECHIK CORPORATION represents the commercial herring and subsistence fishermen of the three villages of Hooper Bay, Chevak, and Scammon Bay, and

WHEREAS salmon are important to the limited entry permit holders in several of our villages and to all of our villagers for subsistence, and

WHEREAS State biologist believe without verification that migrating salmon taken by our villages are Yukon stock, and where

WHEREAS the expansion of placer mining activity in the Yukon River's tributaries, and the lack of monitoring and enforcement by state and Federal resource agencies to protect water quality necessary for salmon reproduction;

NOW THEREFORE BE IT RESOLVED BY THE KOKECHIK CORPORATION that the State of Alaska and the Federal EPA takes all necessary steps to enforce water quality laws through monitoring placer mining operations, and if necessary enforce these regulations to get miner compliance; and

BE IT FURTHER RESOLVED that the Governor and area legislators secure adequate funding for DEC and ADFG to carry out the monitoring and enforcement of stream water quality to protect successful salmon reproduction.

MOTIONED AND PASSED THIS 27th DAY OF AUGUST, 1984

Joseph V. Banzil
CHAIRMAN

1984

BERING SEA FISHERMEN'S ASSOCIATION
RESOLUTION NUMBER 5

WHEREAS the Bering Sea Fishermen's Association represents over 1600 commercial salmon and herring fishermen in western Alaska and,

WHEREAS the rapid expansion of the placer mining industry in interior and western Alaska has resulted in a loss of fish populations, spawning and rearing habitat and the deterioration of water quality necessary for continued fish production and,

WHEREAS the Alaska Legislature has shown a reluctance to fund resource agency attempts to regulate, control, monitor and enforce the placer mining industry's activities and,

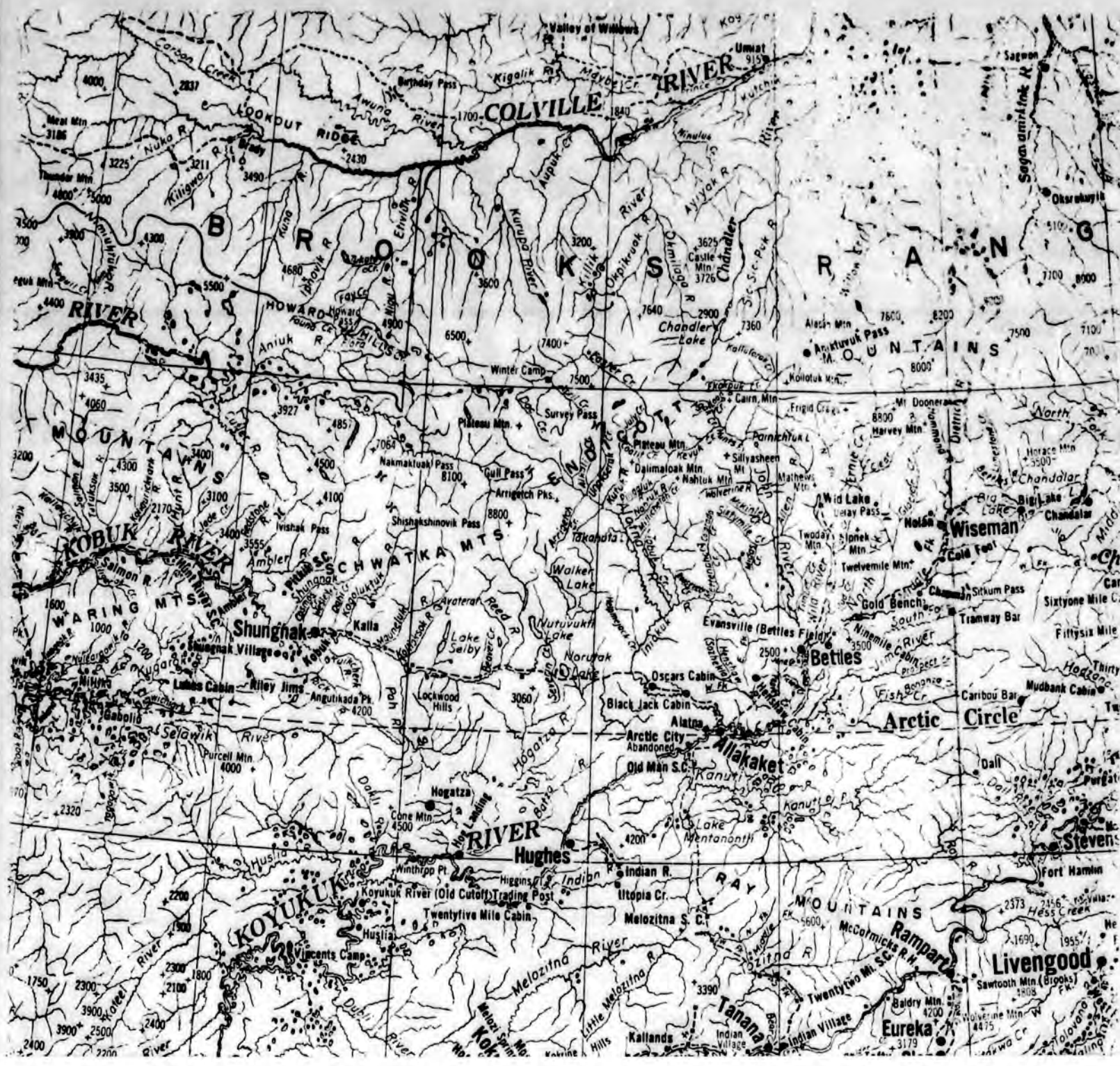
NOW THEREFORE BE IT RESOLVED that the Bering Sea Fishermen's Association request the Alaska Legislature to appropriate the funds necessary to regulate, control, monitor and enforce placer mining activities and,

BE IT FURTHER RESOLVED that the Association request the Alaska Legislature to adopt legislation that will strengthen current water quality standards to ensure the long-term and continuing production of viable fish populations.

Motion Passed this 31 day of August 1984 in Anchorage, Alaska



HENRY IVANOFF
PRESIDENT - BERING SEA FISHERMEN'S ASSOCIATION

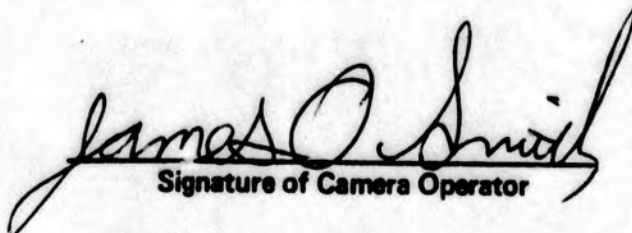


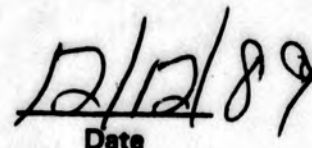


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

SCOMM

#48:13

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Jeanie Henry

11	11	11	11
11	11	11	11

1/29/85, 8:30 am
2/5/85, 8:30 am
2/7/85, 8:30 am



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

A G E N D A

Tuesday, January 29, 1985

8:30-10:00 a.m.

209 Behrends

1. Public Hearing on HB 58 (An Act relating to the Fisheries Business Tax)
2. Discussion of Priorities
3. Confirmations of Ernest Carter to Board of Fisheries and Bruce Twomley to Commercial Fisheries Entry Commission



**ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY**

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

November 15, 1984

MEMORANDUM

TO: Representative Bette Cato
FROM: Sharman Haley
Legislative Analyst
RE: Legislative History of the Raw Fish Tax
Research Request 85-039

The raw fish tax, AS 43.75.010-.140, dates from statehood. The law provides for a tax on raw fish purchases by canneries, cold storages, and other processors. As of 1978, the statute levied a tax of from one to four percent of the purchase price depending on the specific fishery resource and the type of processing facility. Fishermen selling to floating processors outside State jurisdiction were also subject to the tax. Twenty percent of the tax revenues were refunded to the borough and/or first class city in which the facility was located. As you requested, a five-year history of bills affecting the raw fish tax is presented in this memorandum.

1979-1980

Thirteen bills amending the raw fish tax statutes were introduced during the Eleventh Legislature. House Bill 571 and SB 448, identical bills sponsored by Representative Hayes and Senator Kelly respectively, were omnibus tax relief bills suspending the raw fish tax as well as a host of other taxes. These bills saw little legislative action. House Bill 340, introduced by Representative Gardiner, also saw little action. The bill would have tied the reporting and enforcement of regional aquaculture assessments to processor licensing under the raw fish tax statutes. House Bill 227 would have eliminated the distinction between floating and shore-based cold storages, thereby reducing the tax rate on the floating facilities from four percent to one percent. This proposal by Representative Osterback did not move from the House Resources Committee.

House Bill 306, sponsored by the Governor, was a thorough overhaul of the raw fish tax statute. The bill:

- imposed a uniform six percent tax on all processors;
- increased revenue sharing with the local government unit to 33-1/3 percent;

- required that half of the local revenue sharing be spent on docks or other fishery enhancement projects;
- directed an additional 33-1/3 percent of the revenue to the Commercial Fishing and Agriculture Bank; and
- upgraded the bond requirements for salmon exporters.

Bills introduced by Senator Kerttula (SB 132) and Representative Branson (HB 83) also addressed local revenue sharing, raising it to 50 or 60 percent, respectively. The Governor's bill was modified by the Senate Community and Regional Affairs Committee, grafted on to Senator Kerttula's bill number, and enacted into law as Chapter 79 SLA 1979. The legislation deleted all references to "raw fisheries products," replacing the phrase with "fisheries resources." Hence "raw fish tax" is now something of a misnomer; the statutory name is Fisheries Business Tax.

The stated purposes of the act were to:

- 1) insure that the state is able to continue its efforts toward overall fisheries-related development programs by raising additional revenue to pay for its programs;
- 2) make the imposition of the fisheries tax more uniform among fisheries businesses; and
- 3) provide funding for the development of new fisheries.

The tax rates established by Chapter 79 SLA 1979 are as shown in the table below:

	<u>Shore-based Processor</u>	<u>Floating Processor</u>
Canned Salmon	4.5%	5.0%
Developing Commercial Fish Species*	1.0%	3.0%
Other Fisheries Resources	3.0%	5.0%

*Developing commercial fish species are defined in AS 16.05.050(12) as species in a specific region for which the optimum yield harvest has not been reached, a substantial portion of the harvest has been allocated to foreign fishing, or commercial harvest of the species recently developed.

Under Chapter 79, a person who transports or sells a fisheries resource outside the jurisdiction of the State is liable for the tax which would otherwise be paid by the processor.

The legislation provided for 20 percent revenue sharing to local government, and 20 percent to the Commercial Fishing and Agriculture Bank. Second class cities were made eligible for revenue sharing as well as first class cities. The new revenue sharing formula was to begin with calendar year 1980 taxes. The legislation also increased the bonding requirements for salmon exporters to \$50,000. The bond covers not only payment of the tax to the State, but also payment to the fishermen for the salmon.

Three pieces of legislation passed in 1980 made corrective amendments to the 1979 enactment. House Bill 192 (enacted as Chapter 155 SLA 1980) corrected the starting date of the new revenue sharing formula to taxes collected for calendar year 1979. The House Judiciary Committee deleted the penalty provisions from the act so as not to duplicate the criminal code. These repealers were offered in CSHB 354, and later incorporated in SB 313 and enacted as Chapter 143 SLA 1980. The House Judiciary Committee also made a corrective amendment suggested by the code revisor deleting the definition of "year". This correction was incorporated into SB 277 and enacted as Chapter 94, SLA 1980.

A bill which was a forerunner of legislation creating the Alaska Seafood Marketing Institute was passed by the legislature in 1980 but vetoed by the governor. The original version of HB 962 provided processors with a tax credit of up to 15 percent of the fisheries business tax liability for donations to a nonprofit corporation organized to improve the quality of and to develop markets for Alaska seafood. The final version, SCSCSHB 962, established a fisheries business tax grant fund financed by appropriations from the legislature. The bill authorized grants to a nonprofit seafood marketing corporation of up to 15 percent of the fisheries business tax paid by members of the corporation in the preceding year. The governor vetoed the bill due to constitutional problems.

1981-1982

Several amendments to the fisheries business tax statutes were made by the Twelfth Legislature. Senator Eliason introduced SB 200, which would have relieved freezer boats from tax liability if the processors to which they sell were regulated by the statute. His proposal was incorporated into HB 460, which was introduced by the House Resources Committee. House Bill 460 also increased revenue sharing to local governments from 20 to 50 percent of tax revenues starting with tax year 1982. As a transitional measure, revenue sharing was pegged

Representative Cato
November 14, 1984
Page Four

at 30 percent of 1981 fisheries business taxes. After a complicated passage, SCSCSHB 460 (Fin)am S (efd am H) was enacted as Chapter 117 SLA 1981.

Other fisheries business tax legislation considered but not passed by the Twelfth Legislature included HB 422 by Representative Malone. The bill would have shifted the tax liability from fish processors to fish purchasers. Senator Mulcahy also introduced a bill, SB 523, to clarify the language defining "value" as used in calculating tax liability. Some of this clean-up was accomplished in HB 460.

Representatives Zharoff and Bettisworth proposed in HB 103 to repeal the fisheries business tax entirely. This bill saw no action.

1983-1984

Three pieces of legislation offered in the Thirteenth Legislature would have established a fisheries business tax credit program. None of these proposals were enacted. Senator Ferguson proposed (in SB 191) a rate reduction of one-half percent for businesses that also pay the seafood marketing assessment under AS 16.51.120. Senator Mulcahy proposed (in SB 379) to grant up to a 50 percent credit on tax liability for purchases of equipment used in processing a developing commercial fish species. The Senate Resources Committee Substitute for this bill restricted the credit to equipment for processing bottomfish.

Representative Zharoff also sponsored legislation granting a tax credit of up to 50 percent of the fish tax liability. Under his proposal, credits would have included expenditures for improvement of quality control and upgrading or modernization of processing facilities as well as expenditures for equipment used in processing developing commercial species. The House Special Committee on Fisheries' version of HB 518 generalized the credit to apply to any capital expenditure but restricted its application to shore-based canneries and limited the application of credits to no more than five consecutive years. The bill would have required the Department of Revenue to make an annual report to the legislature describing the expenditures for which the credit was granted and the attendant increases in employment or processing capacity. The bill was in House Rules Committee when the legislature adjourned.

* * * * *

I hope that this memorandum has provided you with the information you sought. If you would like more detailed information regarding any of the measures discussed above or if you have any further questions, please don't hesitate to call me.

SH

* DELIVER TO: TCJNU

*
*

* ORIGINAL

* SENT: 01/28/85 TIME: 16:39

* SUBJECT: H. SPEC. COMMITTEE ON FISH.

* PRINT DATE: 01/28/85 TIME: 16:43

*

TO: ALL SITES

SPONSOR: HOUSE SPECIAL COMMITTEE ON
FISHERIES

TYPE: LEGISLATIVE PUBLIC HEARING

SUBJECT: HB 58: FISHERIES BUSINESS TAX

CHAIRING SITE/PERSON: REP. GOLL/JNU

T/C DATE/DAY: 2/5 TUES

TIME: 8:30-9:15 AM

JNU ROOM # BEHREND'S 209

MODE: 4-WIRE

CONTACT/PHONE #: RODGER PAINTER 465-4925 BRIDGE # NA

PARTICIPATING SITES

NORTH SLOPE

ANAKTUVUK PASS
BARROW
KAKTOVIK
POINT HOPE
WAINWRIGHT

INTERIOR

DELTA JUNCTION
FAIRBANKS
FORT YUKON
GALENA
GLENNALLEN

NANA

AMBLER
KOTZEBUE
NOORVIK
SELAWIK

BRISTOL BAY

BETHEL
DILLINGHAM
ST. PAUL
SAND POINT
UNALASKA
TOGIAK
TOKSOOK
NAKNEK
NEWHALEN

SOUTH CENTRAL

ANCHORAGE
* CORDOVA
HOMER
SOLDOTNA
* KODIAK
MAT-SU
* SEWARD
* VALDEZ

NORTON SOUND

GAMBELL
HOOPER BAY
NOME
SAVOONGA
SHISHMAREF
UNALAKLEET

ALL ALASKA

ALL LIO'S

OTHER SITES WELCOME
W/ PRIOR NOTIFICATION

SOUTHEAST

HAINES
HOONAH
** JUNEAU
KETCHIKAN
PETERSBURG
* SITKA
WRANGELL
YAKUTAT

OFFNETS: _____

DATE TAKEN/BY: 1/28, DORIS

JNU TROUBLE #'S

586-1062

NOTE: CORDOVA WILL BE DIALED BY
JUNEAU.

ANC TROUBLE #

465-3836

SPECIAL TROUBLE #

278-9624

PUBLICITY:

XX STANDARD PUBLIC HEARING PROCEDURES

-- SPECIAL INSTRUCTIONS

LOCAL MODERATOR:

START TIME:

END TIME:

** NON-LEG BILLING PH#/ADDRESS

#TESTIFIED: #OBSERVED:

TOTAL:

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 1-28-85

REQUEST

Bill/Resolution No: HB 58
Title: Fisheries Business Tax Credit
Sponsor: Cato & Grussendorf
Requestor: Special Committee on Fish.
Date of Request: January 18, 1985

FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Collection and Management
BRU, Program of Subprogram(s) Affected: Audit Division
Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	2.0	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	3.0	-0-	-0-	-0-	-0-
400 SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	5.0	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	5.0	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	5.0	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Please see attached.

Prepared By: Martin J. Richard
Division: Audit

Phone: 465-2320
Date: January 18, 1985

Approved by Commissioner: [Signature]
Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

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

Analysis for HB 58

Travel \$2.0 - Passage of HB 58 will require the Audit Division to draft regulations and conduct public hearings throughout the state. Our fare and per diem costs are estimated at \$2,000 for travel to Ketchikan, Anchorage and Kodiak by one Audit Division employee.

Contractual Services \$3.0 - Conducting public hearing requires the presence of a court reporter, and advertising in statewide newspapers. In addition, the bill will make it necessary for the Department to revise its tax forms to request additional information from processors, and prepare annual reports to the legislature. Programming and forms design costs are included in this request.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST

Bill/Resolution No: HB 58
Title: Relating to the Fisheries
Business Tax
Sponsor: Cato and Grussendorf
Requestor: House Special Committee
on Fisheries
Date of Request: January 18, 1985

FISCAL DETAIL

Agency Affected: Revenue
Program Category Affected: _____
BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(7000.0)	(7000.0)	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Robert W. Elliott
Division: Research Section

Phone: 465-2173
Date: 1/23/85

Approved by Commissioner: _____
Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

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

**FISCAL NOTE, HB 58
Attachment**

Analysis for HB 58:

The above estimates are derived from the Revenue Sources January, 1985, projections for fisheries business taxes, and provide for tax credits effective in FY 86. The estimates reflect the maximum revenue loss the State would experience if all shore-based fisheries business tax returns applied for a 50 percent tax credit, and were subsequently approved by the department. It should be noted that although the fish processors would be the primary beneficiaries of the tax credit, there exists the possibility in certain cases where, if the processors are given a 50 percent credit and the remaining 50 percent is refunded to local governments per AS 43.75.130, the State could eventually not receive any revenues from those fisheries business taxes.

Estimates are duplicated for FY 87 and not shown beyond since price/catch projections are unknown.

Alaska State Legislature



House of Representatives

REPRESENTATIVE
BETTE CATO

DISTRICT 6
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COMMITTEES

CHAIRMAN

HOUSE TRANSPORTATION

MEMBER

HOUSE COMMUNITY AND
REGIONAL AFFAIRS

MEMORANDUM

January 21, 1985

TO: Representative Peter Goll
Chairman
House Special Committee on Fisheries

FROM: Representative Bette Cato *BC*

SUBJECT: House Bill 58

On the 16th of January, I have introduced House Bill 58, "An Act relating to the fisheries business tax" which has been referred to the Resources Committee.

The purpose of this legislation is to provide an incentive to processors to upgrade the quality of their present facilities and equipment in order to enhance the quality or increase the quantity of Alaska's processed seafood. This would be done by directing the Department of Revenue to credit shore-based processors the state's portion (50%) of the fisheries business tax which must be used by the eligible processors for capital improvements.

The Department of Revenue would promulgate regulations for approving applications from the processors detailing their planned uses of the tax credit, which the Department would have 60 days to approve or disapprove. Further, the Department would prepare a report to the Legislature each regular legislative session describing what the credits were used for, and if possible, how employment and the processing capacity of the fisheries were improved.

The history of this bill is detailed in my request to the House Research Agency number 85-039. The members of the Committee would doubtless find this paper helpful in their deliberations.

The Department of Revenue has kindly made available to me mailing labels of all the processors names in the event that the Committee would like to contact them for possible testimony, and have the list for future reference. The labels are in Representative Shultz' office, and a copy of them could be obtained from there.

PROPOSED COMMITTEE SUBSTITUTE

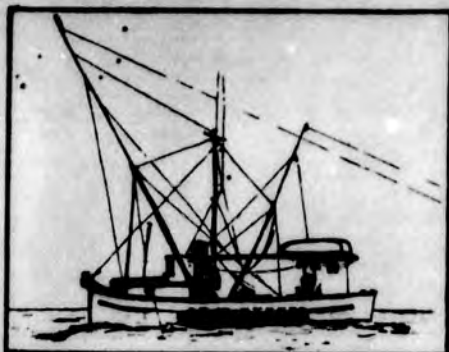
HB 58

Pg 1

21 * Sec. 2. AS 43.75 is amended by adding new sections to read:
22 Sec. 43.75.018 FISHERIES BUSINESS TAX CREDIT. (a) A fisheries
23 business is entitled to a credit of not more than 50 percent of the
24 business tax liability under AS 43.75.015 for eligible capital
expenditures
25 related to increasing production efficiency and capacity,
increasing product diversity, and improving product quality at
(TO) a shore-based fisheries business facility in the state made
26 during the tax year if an application for the credit is approved by
27 the department.

pg 3

8 (9) "eligible capital expenditures" includes the price paid for
the
9 equipment and the costs of improvements made to depreciable property
defined
designated by the Commissioner of Commerce and Economic Development
10 but does not include expenditures that are deducted entirely for
11 federal income tax purposes in the year in which they accrued or were
12 paid.



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1/30/85

HOUSE SPECIAL COMMITTEE ON FISHERIES

TESTIMONY OF THE ALASKA TROLLERS ASSOCIATION ON HOUSE BILL NO. 58

This testimony is submitted in regard to House Bill #58 jointly introduced by Representatives Grussendorf and Cato. Although the intent of the Bill is surely to promote construction of Alaska based facilities in the fish processing sector - a laudable goal - we are concerned about unintended side effects of the Bill.

One of the fastest growing new sectors in the Alaskan fishery is direct marketing of salmon and other species from small catcher/processor boats. Many trollers have for some time frozen their catch onboard and/or direct marketed. These developments have resulted in production of high-quality, high-value Alaskan seafood products which service some of the best markets, and which return "top dollar" to Alaskan fishermen and their communities.

House Bill #58, as written, would discriminate heavily against these producers. Tax, figured on grounds price of their production, would be five percent. No tax credit would be available to offset their capital expenditures for vessel improvements (ie. refrigerator systems, cleaning stations, sanitary systems, etc.) The effective tax on catcher/processors would be more than three times that of shore-based facilities.

We believe that the tax differential between small catcher/processors and on-shore processors should be eliminated. Tax credits should be extended to both types of processors, provided that the catcher/processor or floating processor's vessel is registered in Alaska, and is owned by an individual or company whose principal place of business is in Alaska. If you wish to make a distinction between small catcher/processors and floating processors then perhaps the DEC guideline of five tons round weight per day may suffice. In this way the incentive to growth will be extended to all sectors of the industry.

Earl E. Krygier
Executive Director

January 29, 1985

The Honorable Peter Goll
Pouch V
Juneau, Alaska 99811

Dear Peter:

As you know, I attended part of the hearings on the fisheries tax bill. Upon reflection, I have several concerns with the measure as it stands. Unfortunately, I will be in Sitka at the Board of Fisheries hearings when you next consider the bill, and must rely upon this correspondence to raise my concerns with you.

The tax bill as written, would seem to discriminate against resident, small boat processors. These individuals are already taxed at a higher rate (5%) than shore based processors (3%), most of whom are headquartered out of state. If the measure is not expanded to include this group, the bill would seem directly opposed to the interests of the Alaska economy.

As an example, if I sell a fish to Whitney-Fidalgo at 50¢ pr lb., and earn \$5.00, that amount and some of the wages paid to labor will be retained within the economy of the state. (Please note that many cannery personnel are seasonal residents). If this measure passes, Whitney-Fidalgo would pay the state an effective rate of 1½% tax on the ex-vessel price.

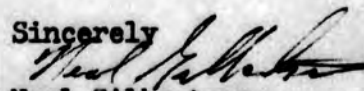
If, on the other hand, I clean the fish, pack it in boxes (purchased locally), rent a truck (locally) and haul it to the airport (where they employ local labor), and finally send it to California where I am paid \$2.00 pr. lb., the \$20 I have earned is retained within the economy of the state, (as well as the wages of the local support group). Yet this process, which would have Alaska retaining a far greater proportion of the value of its fisheries production, is to be taxed at a far greater rate than the process mentioned above.

The capital investment credits, would seem to be a direct subsidy to that segment of the fisheries industry which is based in Seattle. While I won't raise objections to that per se, it seems illogical not to extend the same support to resident floating processors. This is especially true in that quality control begins onboard, and such credits might go a long way towards the financing of chilling systems and the like.

The movement towards small boat processing, was largely forced by the low prices offered by out of state corporations. In that the growth of this sector has been successful, both fishermen and the state have benefited. If the tax bill fails to include this group, the legislature will be supporting a continued paradigm of out of state domination of the fisheries, at the expense of small scale Alaskan enterprise.

Thank you for your consideration of these matters.

Sincerely



Neal Gilbertsen

Box 1066

Juneau, Alaska 99802

Processors Look to 1985

Down So Long It Looks Like Up

FROM THE TUNA COMPANIES in Southern California to the crab plants along the Aleutian Chain, the West Coast seafood processing industry remained mired in a deep slump as 1984 came to a close, and while 1985 held scattered promise, the objective in many players' minds was mere survival.

"My short-term outlook extends to lunch," says one Alaska operator struggling to utilize high fixed-cost plants that once processed large volumes of king crab. "My long-term outlook extends to the weekend. We're shrunk back as tight as we can get."

If the country at large was mildly anxious about a slowdown in what had been vigorous economic growth, the processors were still trying to cope with a decade — the 1980s — that had offered them unrelenting pain.

Said one operator grimly trying to keep his ship afloat, "There's no such thing as making profits anymore," and the comment seemed to typify the plight of the industry as a whole. Resource dislocations, a dollar that discouraged exports while it drew a flood of product into the United States, and a hotly competitive domestic market driven exclusively by price, all figured in the processors' malaise.

■ A small load of crab ready for processing. The shortage of every species of crab has hurt many processors and forced them either to cut back operations or to look at other species.



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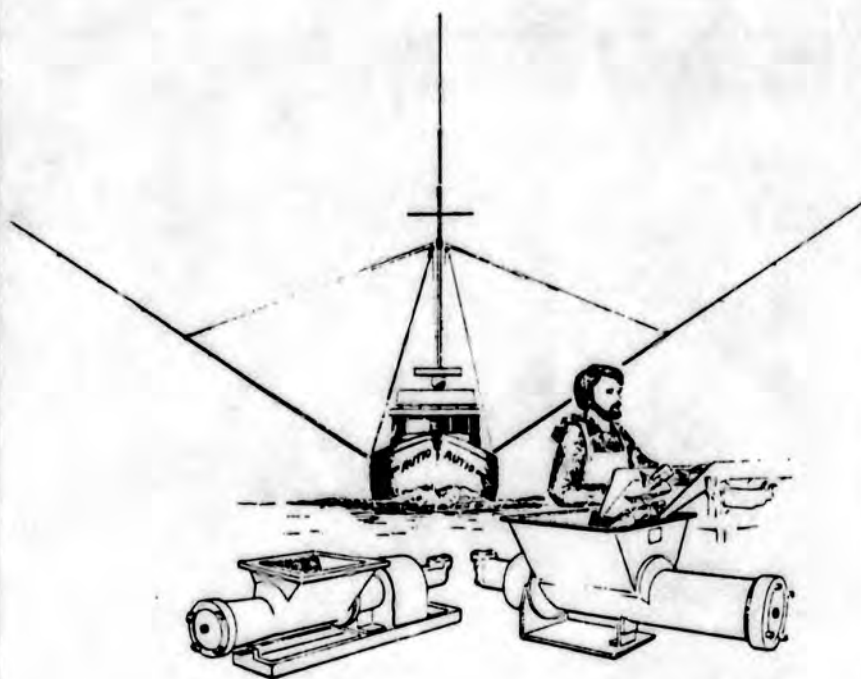
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With traditional strongholds under pressure, says an observer, "everybody's looking for the new niche, but it never appears. That means you've got to do things better just to stay in business, but you reach a point where you can't get any better." Still, he says, if the overall climate has been negative, there are positives worth noting as well. "There is lots of doom and gloom but it's not entirely so, and you've got to paint both sides of the picture."

San Diego Depression

Certainly 1984 yielded no more poignant story than that which occurred in Southern California where the tuna era came perilously close to an end. San Diego may still rank as the world's tuna capital, speculates Bumble Bee's Mike McGowan, but it is a distinction that reflects the past rather than the future. With no more canneries in the border city, fewer boats are coming to call and the tuna trend is inevitably offshore. Where is the next tuna capital, McGowan muses, perhaps Samoa, perhaps Bangkok?

It has been the flood of imported product, primarily from Thailand, that has precipitated the tuna industry's latest crisis, the one that finally overwhelmed the California plants. While most of the domestic industry anxiously sought tariff relief to stem the tide of water-packed product, Bumble Bee took the opposite tack at the behest of parent Castle & Cooke, the international trading firm.

For Castle & Cooke, that the tuna woes came hard on the heels of the Alaska king crab collapse where it had also been a major player, and as the company had closed the doors on its crab subsidiary, it was actively seeking to divest itself of Bumble Bee. Bumble Bee's future remained in doubt, with an internal management group the likely takeover candidate. The company's Hawaii plant had joined the San Diego facility in mothballs, at least temporarily, and processing operations continued only in Puerto Rico.

The San Diego fleet was also riddled with casualties despite the reappearance of an abundant resource in the Eastern Pacific as the world's largest ocean returned to normal in the wake of El Nino.

"I don't know where the industry is going," says McGowan. "I've given up crystal ball gazing."

At Terminal Island, counterpart Ed Ryan, spokesman for Starkist, notes the obvious aftereffects of the tuna industry's failure to obtain tariff relief: the closure of Starkist's mainland facility and the substantial number of

boats going out of business.

"There will be an onslaught of imports after January 1," he predicts, and estimates a final 1984 import total of between 8 million and 8.25 million standard cases, with Thailand accounting for 4 million to 4.5 million. In 1985, he says, "I figure the total will reach 9 million easy."

Ryan sees more pitfalls ahead for the industry in 1985, although he anticipates that his own company will be "somewhat better off because we took the gulp on Terminal Island in '84 and got rid of the dead loss situation."

Right now, he says, the big concern is for the boats, and he cites the possibility of strikes and tie-ups in view of prices driven down by the imports. In the market, however, he predicts strong sales activity with an early lenten season, and with the values that exist.

"There's no question that people are buying a lot of tuna," he says. "Prices of \$.59 and \$.69 a can move a lot of fish."

Santa Barbara Bullishness

Up north in Santa Barbara, Seafood Specialties spokesman Mike Wagner cites a far different experience. "1984 was a good year, an excellent year," he says, and lists three causal factors.

First has been swordfish, with the gillnet fleet "racking them in" and sale prices holding well. And, according to Wagner, the fishermen are "really competitive now in terms of taking care of the fish. The product is gorgeous."

He describes angel shark as the second factor behind his bullishness. After working at it for many years, he says, he's now able to place angel shark all over the country, and this onetime incidental nuisance has become a moneymaker.

The third positive, he says, has been the combination of "lots of little things."

"During the winters of 1982 and 1983, we really got hit hard... we just survived," he says, "but during the winter of 1984, we're pulling out of debt." El Nino brought tropical species with it, he says, fish like yellowfin tuna, yellowtail, opa and luvar. "They've given us something to sell along with the standard snapper, sole and shark."

It's not like life is all roses, however. "My biggest complaint," says Wagner, "is that the industry is really changing fast now and you've got to stay up or you're out of business."

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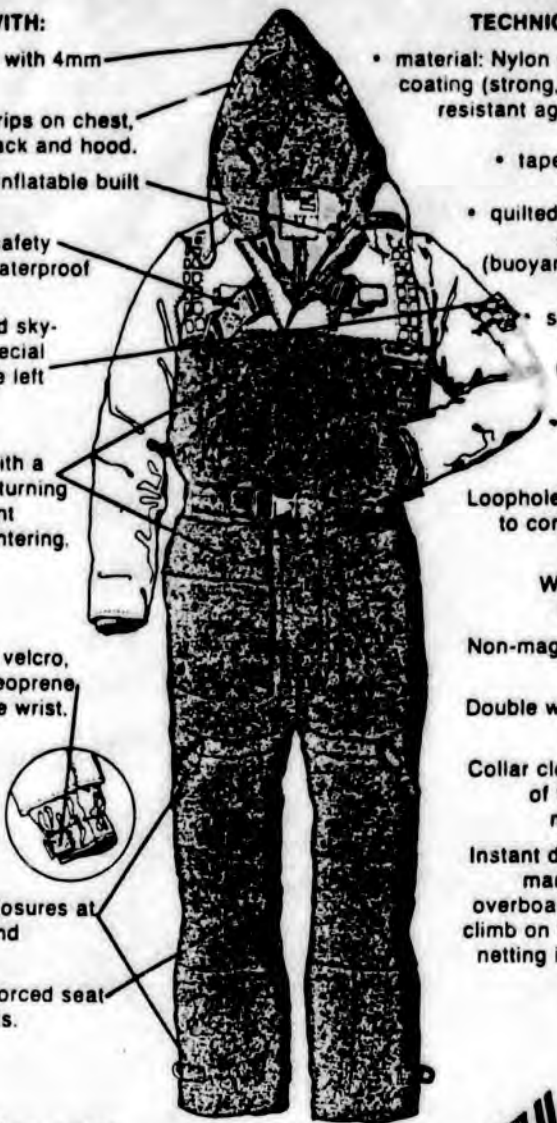
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He cites the appearance of lots of little "peddlar trucks" on the California scene, low overhead operations that outbid the traditional processors for fish, then undersell them in the marketplace. To fight the trend, he says, traditional processors have to get more competitive, but that's "hard to do when you're sitting on facilities that can handle big loads."

"I'm scaling down," he says. "I've had to turn down big loads from guys I want to buy from, but I have to compete with the peddlars."

Another change that has affected the industry is the growing importance of air freight, according to Wagner. The airlines want the business, he says, and they're cheaper than trucks.

"I can ship a container to Seattle [by air] for \$53," he says. "That's a real positive."

Monterey Malaise

The optimism fades to the north. Monterey Seafood's Phil Tringale says simply, "1984 stunk." El Nino devastated the bay's squid resource, and it hasn't come back.

What about the future? The biologists aren't optimistic about next year's squid prospects, says Tringale, and that promises to prolong the pain for Monterey processors and the bay's lampara fleet.

Fortunately, he says, there was a good run of mackerel which went into cans and helped pay the bills, but mackerel "isn't a moneymaker."

What to do when your bread and butter disappears? "We're diversifying," Tringale says.

Santa Rosa Regret

At Point St. George Fisheries in Santa Rosa, Les Amundsen shares the uncharitable view of 1984. "It has been a very poor year so far," he says. "Every fishery has been disappointing."

"In salmon, they wouldn't let us catch or buy when they were there. Shrimp — we got a little production at the end of the year, but the market is terrible because of the Norwegian imports. We don't know if we can move what we put up."

"Bottomfish is the same old story. It's never a moneymaker, it just helps cover overhead." Black cod came on late and turned out to be a good market, he continues, but it started out very poorly.

The Dungeness crab situation was muddled, according to Amundsen. The coast had just settled on a price, but production was spotty and the meat market was weak in view of all the available substitutes — artificial

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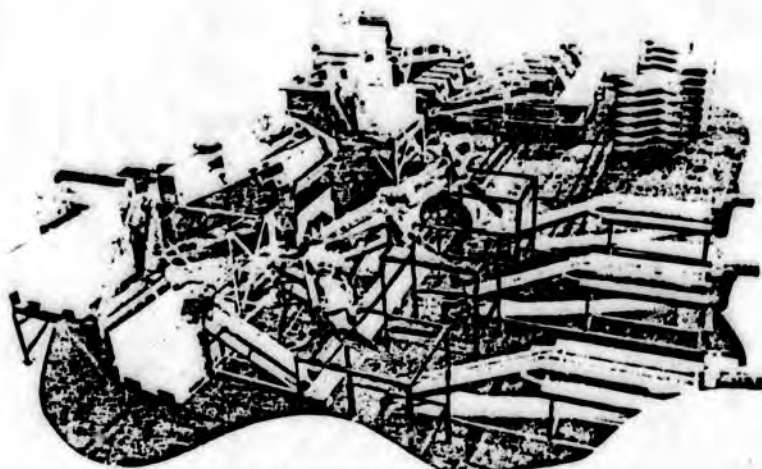
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product, Korean snow crab, Chilean product. The whole-crab market had been firm for both frozen and fresh product, he says, then the Alaskans started trying to move their brine frozen inventories and the market softened.

"It's quite a gamble," he says of the Dungeness season. "The processors are very cautious. There's so many boats and so much gear, it's going to hit us all at once."

Crescent City Survival

In Crescent City, Eureka Fisheries' Ken Butler looks for improved Dungeness production in 1985, but admits that not all fishermen share his view. Few companies are in a position to freeze much crab and gamble on the market, he says, although Eureka will put up frozen product.

"I'm optimistic," he says. "I'd like to think there will be more product although it's just a gut feeling."

He cites an improving picture for groundfish at year end, with an aggressive market "when we have fish." And, the company has maintained its interest in whiting, he says, and has discovered "a little bit more interest, a little bit more excitement" in the market with product moving to the East Coast and the Midwest for the first time.

The big surprise in 1984 was the appearance of more shrimp at the end of the season, according to Butler. "We got a real spurt, and it was nice size, too. We had only 55,000 pounds up to August 26, and we ended up with over 500,000. Of course, we still have the inventory. We can't compete with the Norwegians."

What has to happen for a successful 1985? "I'd like to see the companies make money so the fishermen can make money," Butler says. "We've been hammered for four years."

"I'm as gloomy as the weather right now," he continues, looking out at an inclement California day. That provokes a comment on the approach of Dungeness operations: "This place looks like a little Dutch Harbor now. There are probably over 200 boats here, and 40,000 or 50,000 pots."

Seattle Surprises

In Seattle, Icicle's Mark Sandvik says 1984 "brought some good things, although the overall climate has been negative. We're an export oriented industry, and the strong dollar presents real problems."

Nonetheless, he cites a surprisingly aggressive Japanese presence in 1984,

and a European market that was more active than anticipated. There was big Alaskan salmon production, without correspondingly high yields in British Columbia and along the Lower 48 coast, he says.

"From our standpoint, production went well and sales were better than anticipated volume-wise, although margins were squeezed for us and for the fishermen. There are two ways to go in a climate like this. You can raise prices or squeeze costs, but the strong dollar has taken away the upside, so we're squeezing."

As for 1985, Sandvik doesn't see major changes. "We keep looking for the dollar to weaken, for the king crab to come back and for canned salmon to pick up," he says.

If Sandvik represents the point of view of a big Alaska processor, Ted Otness of Alaska Fresh speaks for a smaller company that was once entirely dependent on crab. "Right now," he says, "my attitude is that the golden nugget won't materialize so we have to be very cautious. We don't have the luxury of being careless. We keep our eyes open for opportunities and try to capitalize when we see them."

"We've gone from a winter company to a summer company. We used to do king crab primarily, but now we're into salmon, halibut, Dungeness and black cod. The crab problems have made us a much broader company. Maybe it's a good thing, and we're in it for the long term."

"Of course, it's no fun. We much more enjoyed being crab processors."

At Seawest Industries of Edmonds, Washington, Darryl Pedersen is a processor for whom the crab collapse has produced an unwelcome degree of financial stress. "The industry hasn't been able to adjust to current economics, especially in shellfish," he says. "Costs are too high, without enough volume. The fishermen are desperate and they have to demand too high a price."

"The processor winds up taking the financial risk up front, which consistently hasn't worked. We speculate and the market continually dies on us. The export opportunities are nil, and not only can't we export but the strong dollar forces others to export from their countries into this one."

What hurts, he says, is having high fixed-cost facilities operating at 20 percent of capacity, when "nobody has been able to cut operating costs by 80 percent." The market has become fractured and values have changed, according to Pedersen, who says, "Price is the only consideration now."

Fishermen and processors are losing money, and the consumer is convinced he's paying too much."

Alaska Alternative

For the operators of catcher-processors, 1984 has been a transition year, according to Trans-Pacific's Mike Nordby. In crab, this mode of operation has largely replaced the shorebased industry in Alaska, and while the production declines have been severe, he says, there is also less competition in the marketplace for the companies whose vessels can pursue the remain-

ing stocks.

And, according to Nordby, there are signs that the main production area of bygone years — Bristol Bay — will again yield a harvestable stock in 1985. In the marketplace, he says, after two years of steady price increases that constricted sales opportunities, prices have fallen sharply as failing shore-based companies have sold off their inventories. That development has its downside, he says, but the upside is increased demand not only at the restaurant level but among supermarkets that turned their backs on



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■ Crates of just-canned salmon. Tuna packers could only wish that their industry was as robust as the salmon industry in 1984.

king crab several years ago.

Throughout this transition period, he says, "catcher-processors have established themselves as the dominant force in production and the most stable force in the market. We've withstood the resource declines, and now we look forward to rebuilding stocks and a market that shows renewed interest in the product."

The growing fleet of catcher-processors also supports the growing production of North Pacific whitefish, and Nordby describes more transitions under way in this segment of the industry. The market has been hit with "tremendous oversupplies" of fillet products, he says, with surging Canadian imports and the strong dollar at work, along with weakness in the European fillet and saltfish markets that has provoked all North Atlantic producers to target upon the U.S. consumer.

On the local scene, he comments, there has been an increase in Alaskan whitefish production as more players have entered the game, along with a



■ Cannery workers pack salmon. The Alaska salmon industry was one bright spot for processors in 1984, and should continue that way in 1985.

decline in Pacific cod abundance that has necessitated a shift in emphasis to Alaskan pollock, a resource that is vast but virtually unknown to the American consumer.

Canadian Calculation

Life is little simpler for Canadian processors today, says Peter Browne of Quality Fish in Vancouver. "Our biggest problem is the strength of the U.S. dollar," he says, with the Canadian dollar pegged to its U.S. counterpart and other currencies weak.

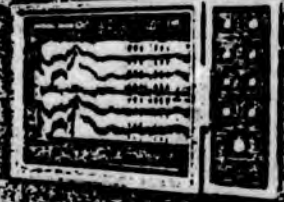
"Our problem is exactly the same as that of U.S. processors," he continues — the difficulty of exporting into Europe, Japan and other countries. "Of course," he says, "in salmon, the U.S. has an advantage because Alaska supplies 50 percent of the world's salmon while we supply 13 percent so their unit costs are lower. As for 1985, I can't speculate on currency values, although I hope the U.S. dollar weakens, and falling interest rates should help."

And so the bright spots are few and far between for processors along the entire coast. The name of the game is to cut costs, diversify and hope, and life can only get better for those who've been able to hang on.

by John Sabella

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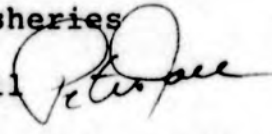
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MEMORANDUM

January 31, 1985

TO: Members
Special Committee on Fisheries

FROM: Representative Peter Goll 
Chairman

SUBJECT: Fisheries Business Tax Revenue Sharing Figures

Attached are the revenue sharing figures for the Fisheries Business Tax requested at the last Fisheries Committee meeting by Representative Jenkins. The revenue sharing with local communities is designed to offset the impact of providing services to processing plants. The tax credits granted by HB 58 would not affect revenue sharing.

Fisheries