

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6043 HOUSE RESOURCES

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THE EXPORT OF ALASKA CRUDE OIL
ITS SIGNIFICANCE FOR
PACIFIC BASIN PETROLEUM TRADE**

by
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prepared for the
**International Association of Energy Economists
Annual Meeting
Tokyo, 4-6 June, 1986**

H J R

10

HOUSE COMMITTEE REPORT

(9)

Date Referred: January 9, 1989

FURTHER REFERRALS:

Date of Committee Action: 1-18-89

The RESOURCES Committee recommends that:

HOUSE JOINT RESOLUTION NO. 10 [SQUID DRIFTNET FISHERY]

Urging monitoring, regulation, and elimination of high seas interception of salmon and steelhead by the squid driftnet fleets of Japan, Taiwan, and Korea

be replaced with CS HJR 10 (Res) the same title
 a new title

have attached amendment(s)

- do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
 zero fiscal note
 zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published:

 zero fiscal notes(s) published:

SIGNING DO PASS:

Cliff Davidson
Sam McManus
Bill Hudis
Bob Moran
Richard Stokes
Bill Harane
Mary Deane
Frank [unclear]

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

W. J. [unclear] NO Res

Cliff Davidson
Chairman's signature

Original sponsors: Ulmer, Swackhammer,
Koponen, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 10 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Urging monitoring, regulation, and
6 elimination of high seas interception of
7 salmon and steelhead by the squid drift-
8 net fleets of Japan, Taiwan, and Korea.

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

10 WHEREAS the commercial and sport fishing industries of the Pacific
11 Coast of the United States contribute billions of dollars to the national
12 economy each year; and

13 WHEREAS salmon and steelhead are the mainstays of the Pacific Coast
14 commercial and sport fishing industries; and

15 WHEREAS the people of Alaska depend upon salmon and steelhead stocks
16 for subsistence and personal use; and

17 WHEREAS salmon and steelhead spend one to four years of their lives in
18 the international waters of the North Pacific Ocean and the Bering Sea; and

19 WHEREAS there is growing evidence that American salmon and steelhead
20 are being harvested illegally in substantial numbers by the squid driftnet
21 fleets of Japan, Taiwan, and South Korea; and

22 WHEREAS the gillnets used by the squid driftnet fleets catch and
23 retain salmon and steelhead and are often 25 to 60 miles long; and

24 WHEREAS the squid driftnet fleets have expanded dramatically in the
25 last decade to more than 700 vessels that use 20,000 miles of gillnet each
26 day; and

27 WHEREAS poor salmon runs in 1988, the increased incidence of net
28 marked salmon and steelhead, and recent reports of large quantities of
29 illegally harvested salmon being sold in Europe and Asia have heightened

1 public concern over high seas interceptions of salmon and steelhead; and

2 WHEREAS the illegal harvest and sale of American salmon by foreign
3 fishing fleets are undercutting international sales of salmon harvested by
4 American fishermen; and

5 WHEREAS the increasing interception of American salmon and steelhead
6 by foreign squid driftnet fleets is having significant adverse economic and
7 social effects on the residents of Alaska, Washington, Oregon, Idaho, and
8 California; and

9 WHEREAS most salmon harvested on the high seas originate in the Soviet
10 Union, Canada, or the United States; and

11 WHEREAS the most effective long-term solution for protection of Ameri-
12 can salmon and steelhead stocks on the high seas is the elimination of high
13 seas interception of these stocks; and

14 WHEREAS the United States and the Soviet Union have both recognized in
15 the U.S.-U.S.S.R. Fisheries Agreement that anadromous species, which in-
16 clude salmon and steelhead, should be harvested only within a nation's
17 200-mile exclusive economic zone; and

18 WHEREAS customary international law prohibits nations from harvesting
19 anadromous species on the high seas unless economic dislocation would
20 result; and

21 WHEREAS the harvest of nonanadromous species can be accomplished with-
22 out the harvest of anadromous species, and the cessation of high seas
23 interception of salmon and steelhead stocks can be accomplished without
causing economic dislocation; and

24 WHEREAS customary international law recognizes that all nations have a
25 duty to cooperate in conserving fish stocks on the high seas, including
26 salmon and steelhead stocks; and

27 WHEREAS there has not been international monitoring of squid driftnet
28 fleets on the high seas or enforcement of the prohibition on harvest of

1 anadromous species on the high seas;

2 RE IT RESOLVED that the Alaska State Legislature respectfully requests
3 the Secretary of Commerce to

4 (1) expeditiously complete a thorough analysis of all available
5 information on salmon and steelhead interception by foreign squid driftnet
6 fleets as required by P.L. 100-202, sec. 4005; and

7 (2) vigorously promote, through the Secretary of State, effec-
8 tive agreements with Japan, Taiwan, and South Korea, and any other nation
9 found to participate in the high seas squid driftnet fishery, for the
10 monitoring of the squid driftnet fleets and for the enforcement of laws and
11 agreements to prevent the illegal retention and sale of salmon and steel-
12 head as authorized under P.L. 100-202, secs. 4004 and 4006; and be it

13 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
14 quests the Secretary of State to pursue negotiations with the Soviet Union
15 and Canada for cooperative enforcement agreements and monitoring programs
16 to eliminate high seas interception of salmon and steelhead; and be it

17 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
18 quests the Congress to

19 (1) specifically earmark appropriations for high seas fisheries
20 patrols by the Coast Guard and for enforcement of laws and agreements
21 prohibiting the harvest and retention of American stocks of salmon and
22 steelhead;

23 (2) amend the Magnuson Fisheries Conservation and Management Act
(16 U.S.C. 1801 - 1882) to ensure that United States jurisdiction over
American anadromous species on the high seas will be effectively asserted
to stop interception of salmon and steelhead on the high seas; and

(3) expand the Pelly Amendment to

(A) provide for sanctions against foreign nations whose
fishermen intercept anadromous species on the high seas or who refuse

1 to cooperate with the United States in developing and enforcing inter-
2 national fishing regulations to prevent interception of anadromous
3 species on the high seas; and

4 (B) include in the sanctions against those nations
5 embargoes on fishery and other products imported from those nations.

6 COPIES of this resolution shall be sent to the Honorable George Bush,
7 President of the United States; the Honorable Dan Quayle, Vice-President of
8 the United States and President of the U.S. Senate; the Honorable James A.
9 Baker, III, U.S. Secretary of State; the Honorable Robert Mosbacher, U.S.
10 Secretary of Commerce; the Honorable Jim Wright, Speaker of the U.S. House
11 of Representatives; the Honorable George Deukmejian, Governor of the State
12 of California; the Honorable Leo T. McCarthy, President of the Senate of
13 the State of California; the Honorable Willie Lewis Brown, Jr., Speaker of
14 the Assembly of the State of California; the Honorable Cecil D. Andrus,
15 Governor of the State of Idaho; the Honorable C. L. Otter, President of the
16 Senate of the State of Idaho; the Honorable Tom Boyd, Speaker of the House
17 of Representatives of the State of Idaho; the Honorable Neil Goldschmidt,
18 Governor of the State of Oregon; the Honorable John Kitzhaber, President of
19 the Senate of the State of Oregon; the Honorable Vera Katz, Speaker of the
20 House of Representatives of the State of Oregon; the Honorable Booth
21 Gardner, Governor of the State of Washington; the Honorable Joel Pritchard,
22 President of the Senate of the State of Washington; the Honorable Joseph E.
23 King, Speaker of the House of Representatives of the State of Washington;
24 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
25 Senators, and the Honorable Don Young, U.S. Representative, members of the
26 Alaska delegation in Congress.

**LAWS AND AGREEMENTS
HIGH SEAS SALMON AND STEELHEAD INTERCEPTION**

The Driftnet Impact, Monitoring and Control Act of 1987

Requires the Secretary of Commerce, through the Secretary of State, to negotiate agreements with Japan, Korea and Taiwan to establish enforcement, monitoring and research programs to eliminate high seas interception of salmon and steelhead. If agreements are not reached by June 1989, the foreign nations can be sanctioned under the Pelly Amendment. It also requires that the Department of Commerce report the results of the negotiations to Congress by December 29, 1988.

The Pelly Amendment

Allows for an embargo of fishery products or the prohibition of fish harvest in U.S. waters.

In April 1988, the President certified Japan under the Pelly Amendment in response to their whaling practices and imposed a 100% prohibition on directed fishing by Japanese fishing fleets.

**The International North Pacific Fisheries Commission - INPFC
US/Canada/Japan**

Governs certain time and area restrictions so as to conserve migrating North American-origin salmon stocks. The most recent meeting was held November 1 - 4 in Tokyo.

Japan has threatened to withdraw from INPFC perhaps without the one year required notice in response to being denied a marine mammal permit in 1988 for their mothership fishery.

**US/USSR Agreement - General International Fishery Agreement
(GIFA)**

Provides the framework for cooperative management of high seas fisheries and expresses mutual interest by both countries in eliminating salmon interception on the high seas.

The first meeting between the two countries occurred recently in October. No specific agreement was reached but the two countries agreed to continue to pursue enforcement and research agreements. Another meeting is scheduled in late December or early January. The Soviets expressed their concern regarding high seas salmon interception and called for a cessation of salmon interception by 1992. They proposed a new organization to regulate high seas capture of salmon similar to the organization that manages the North Atlantic Salmon. The US is still interested in pursuing a joint enforcement management program.

Actions that can be taken to eliminate high seas interception
of North American steelhead and salmon

1. Continue to pursue a joint enforcement agreement with the Soviet Union. Since all salmon caught by the squid fleets are assured to be of US, USSR or Canadian origin, with the possible exception of identifiable Hokkaido hatchery chum, such an agreement would lend itself to tremendous leverage on the high seas fleets.

- The USSR already asserts its jurisdiction over its salmon as shown by their recent seizure of two Taiwanese vessels. They have indicated that they would like to pursue a multilateral enforcement agreement with the US, Canada and possibly Japan and have proposed an organization similar to the one that exists to manage North Atlantic salmon.

2. Amend the Magnuson Act, which is up for reauthorization in 1989, to require the Secretary of Commerce to assert jurisdiction over U.S. salmon and steelhead stocks on the high seas in terms of boarding and seizing vessels found with salmon on board.

- Apparently the Department of Commerce has this authority but has not asserted it.
- A meaningful program would require adequate funding.

3. Continue to pursue monitoring, enforcement, and research agreements with Japan, Korea and Taiwan as required by the Driftnet legislation. If agreements with these squid fishing nations are not reached by June 29, 1989 then the President could enact the Pelly Amendment which would embargo fishery products or prohibit foreign fishing efforts within the 200 mile limit.

4. Expand the sanctions under the Pelly Amendment to include the embargo of non fishery products.

- Senator Stevens tried unsuccessfully to amend the Marine Mammal Protection Act last year to broaden the Pelly Amendment to include non-fishery products. There seems to be a consensus to continue to try to broaden the sanctions.
- In April 1988, the President certified Japan under the Pelly Amendment for their whaling practices and placed a 100% prohibition on their fishing efforts in U.S. managed waters. This action was largely symbolic since the NPMC had already closed U.S. waters to foreign fishing in December 1987.
- Imposing an embargo on fishery products under the Pelly Amendment is not considered an effective negotiating lever with Japan, Korea and Taiwan because they import more fisheries products than they export.

5. The U.S. Coast Guard budget should be increased for the purposes of patrolling high seas fisheries and enforcing the laws and regulations prohibiting the harvest and retention of North American salmon and steelhead.

6. The National Marine Fisheries Service Enforcement Office (NMFS) and the U.S. Customs Service should be adequately funded to discover and prosecute U.S. companies involved in salmon shipping schemes to obscure foreign companies as sources of illegally harvested salmon.

7. Increase appropriations to NMFS to identify origin of high seas salmon and steelhead.

8. High-tech monitoring of foreign fleets including satellite systems and transponders should be negotiated into any fisheries agreement with Japan, Korea or Taiwan. Assistance from the U.S. military should be pursued.

9. The U.S. is considering offering Japan an opportunity to resume a small salmon fishery in the Bering Sea as a lever to obtain their cooperation in reducing and eliminating salmon and steelhead interceptions by their squid fleet.

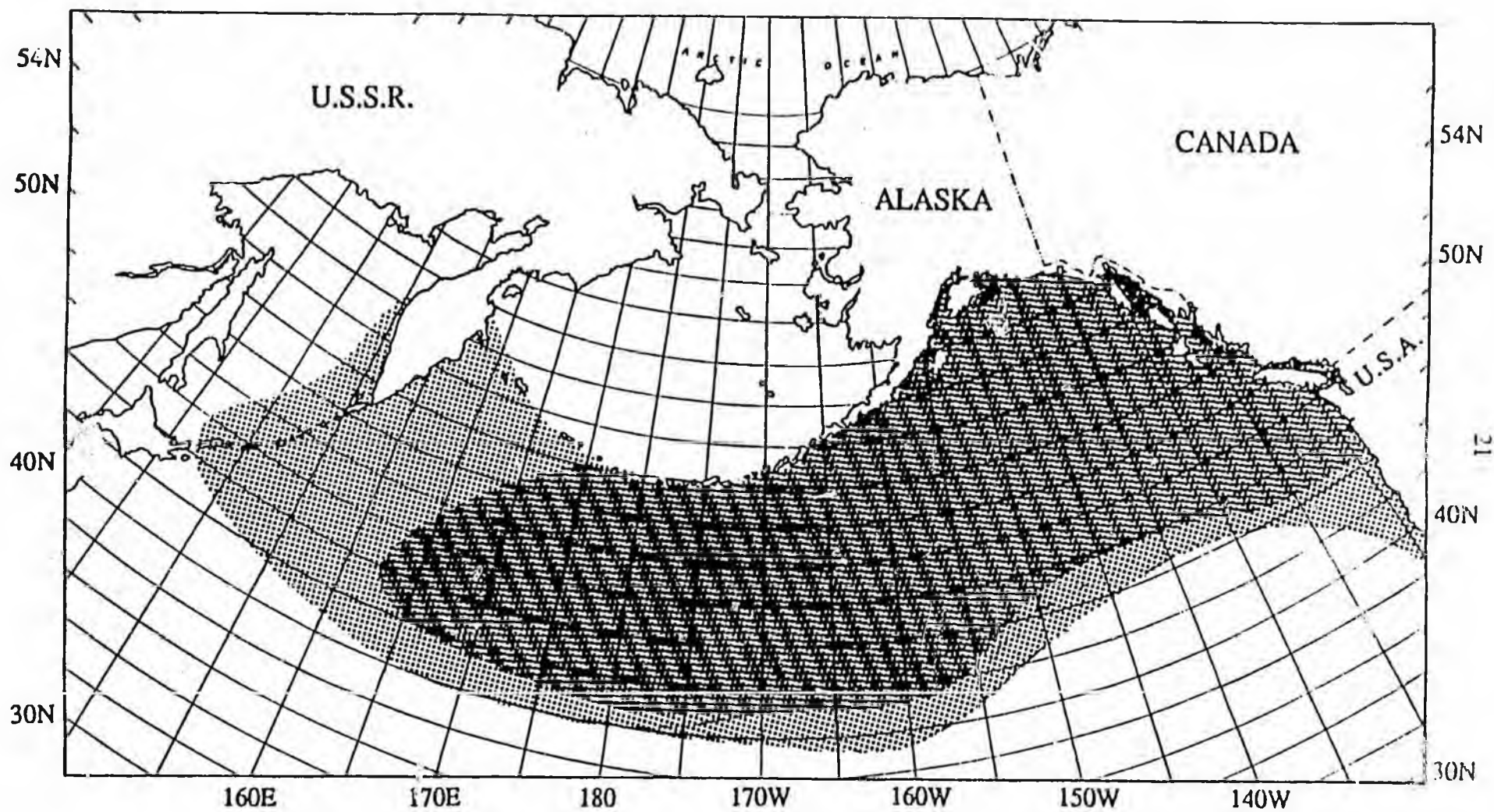


Figure 8. Known distribution of North American steelhead as evidenced by recoveries of marked or tagged fish within the larger distribution of steelhead determined from catch data.

HIGH SEAS SALMON INTERCEPTION
Background Summary

ISSUE

Interception of Alaskan salmon stocks by high seas foreign fishing fleets is having major political and economic impacts on the Alaskan fishing industry. The state can play an important role in resolving this ongoing problem.

BACKGROUND-HISTORY

General

- A. Alaskan salmon migrations-general life history
 - 1. 0-3 years freshwater
 - 2. 1-5 years ocean
 - a. Far ranging ocean migrations
 - b. Susceptible to high seas harvest within and outside U.S. and USSR 200 mile zones
 - c. Order of susceptibility generally: chinook, sockeye, coho, steelhead, chum, pink
- B. Earliest record of interceptions: 1930s Japanese incursions into entrance of Bristol Bay
- C. Development of Japanese high seas salmon fisheries
 - 1. Early Fisheries onshore in Siberia, Kurile Islands
 - 2. Forced offshore in 1920s
 - 3. Cessation of fishing in WWII
 - 4. 1950s strong offshore movement/development
 - a. Total catches as high as 100 million salmon in early 1950s
 - b. Mothership fishery - Northern North Pacific and Bering Seas. 16 motherships, 400 catcher boats peak effort in 1959
 - c. Landbased fishery - North Pacific. 371 independent offshore vessels at peak in 1975
 - d. Vessels fish about ten miles of net per boat

INPFC

- A. International North Pacific Fisheries Convention signed in 1952 - US/Canada/Japan
 - 1. Abstention line (eastern boundary) at 175°W to protect North American salmon (Map A)
 - 2. Consensus required for change

B. 1952 to 1978 minimal change without Japanese concurrence

1. Scientific studies established North American stocks to west of 175°W
2. High seas gillnets dropout rate of 50 percent not reported as catch
3. Harvest of many immature salmon and even matures well short of growth potential
4. Impacts on Alaskan runs may have been as high as 10,000,000 fish per year
5. Primary known impacts on western Alaska coho and chinook, Bristol Bay sockeye and central Alaska chinook
6. In the case of western Alaska coho high seas catch may have exceeded inshore catch in some years

C. 1978 renegotiation

1. Moved Japanese fleets west over 400 miles (Map B)
2. 200 mile limit impetus
3. May have reduced interceptions as much as 70-80 percent. Some inshore runs showed dramatic increases even beyond what would be explained by better survival picture experienced throughout Alaska
4. Continuing impacts - maybe 2,000,000 fish per year
 - a. Western and central Alaska chinook
 - b. Central and western Alaska coho - reduced from prior years
 - c. Bristol Bay sockeye - although greatly reduced from prior years
 - d. Steelhead
 - e. Illegal fishing - landbased, mothership

D. 1986 renegotiation (Map B)

1. Bering Seas (donut) phaseout by 1994
2. Freeze on effort in U.S. EEZ
3. Landbased 1° line movement and enforcement
4. Research and monitoring provisions - mothership observers
5. Provisions for renegotiation
6. Would have reduced remaining interceptions by about 20 percent by 1994 if enforced, but chinook interceptions would be cut by one-half. Actually Soviet quota reductions and current ban on fishing in U.S. EEZ if INPFC guidelines are retained will have reduced remaining interceptions by 80 percent or to about 5 percent of what was occurring pre-1978.

E. Current and future status

1. Marine mammal suit - ban on EEZ fishery
 - a. Japanese threats - INPFC withdrawal (?)
 - b. Alternate fishing areas request
2. MMPA reauthorization
 - a. Request for foreign exemption
 - b. Quid pro quos
 - c. Environmentalist interests - cooperative opportunities
3. Mothership - landbased economic/political situation. Mothership; fishery may be economically defunct but landbased still viable and a strong political force on Japan.

USSR - GOJ Salmon

A. Treaty since 1956, annual negotiations

1. Initially regulated areas, times, gear
2. Evolved to quotas by species by fishery in mid-1970s
3. Banned fishing in USSR 200 mile zone in 1977
4. Bans fishing in some areas outside USSR 200 mile
5. Total quota reduced to only 14.5 million salmon in 1988 compared to longer term historical catches in the 40-to-65-million range
6. Charged Japan for fishing privileges (\$26.8 million in 1988)

B. Current Impacts

1. Quotas are for all salmon - North American and Asian not differentiated
2. Quotas dramatically reduced 1985-1988 to about 20 percent in mothership, 70 percent in landbased
3. Mothership fleet reduced from a high of 16 motherships and 400 catcherboats in 1959 to one mothership and 43 catcherboats in 1988
4. Landbased fleet reduced from 371 offshore vessels in 1975 to 157 in 1988
5. New Joint venture strategies
 - a. Processing for USSR catcherboats
 - b. Hatchery joint construction and harvesting

US/USSR GIFA

- A. Negotiated spring 1988, will be ratified in November

- B. Provides for consultative committee member and alternate each side. Meet at least annually
- C. Article VII deals with salmon
 1. Cooperation in management of high seas fisheries
 2. Agree on undesirability of high seas fisheries
- D. Reciprocal fishing agreements
 1. Paves the way for industry ventures in each others zones
 2. Crab ventures in USSR EEZ being planned
- E. Provides for management cooperation in other high seas fisheries management
 1. Donut
 2. Squid fisheries

Donut Fisheries

- A. Trawl harvests have expanded from nothing to nearly 1,300,000 mt (reported) in last four years
- B. Observed illegal fishing in U.S. EEZ from vessels supposedly operating in international waters of donut. Total catch may be underestimated - little or no monitoring
- C. Observer data on donut trawl very fragmentary
 1. No herring observed
 2. Salmon bycatch rates quite variable. Mainly chinook
 - a. Number of observations minimal
 - b. Expansion of samples to total chinook catch results in 2,000- 20,000/year total in five of six years and 200,000 in 1988 (small sample)
 - c. Impacts could be significant
- D. Sitka multilateral pollock science conference
 1. Inconclusive on donut stock composition as far as any consensus between nations
 2. In our view, data sufficient for management conclusions
 - a. Most probably major stock interactions between U.S. EEZ and donut

- b. Present level of harvests will probably have a negative effect on U.S. fisheries and EEZ pollock stocks
- c. There is a need for more research to better define pollock biomass and stock migrations

Squid Fisheries

- A. Japanese jig fisheries in western North Pacific are longstanding with little interaction with U.S. EEZ resources. Jig fisheries moved offshore in 1974
- B. Japanese gillnet vessels proliferated to around 500 in last ten years largely based on transfers from mothership and landbased fleets as Soviet quotas decreased
 - 1. Korea and Taiwan later entries - 1980 and 1982 respectively
 - 2. Over 700 vessels total with over 10,000 miles of gillnet of a size which will capture salmon
 - 3. Know fishing area larger than the continental U.S. (Map C)
 - 4. Squid catches with drift gillnets average 180,000-260,000 metric tons per year
- C. Japanese management - domestic regulation
 - 1. Area fishing restrictions with western boundary at 145°W and northern boundary movable by month to keep vessels out of colder salmon waters. 46°N is upper boundary
 - 2. Ban on retention or sale of salmon
 - 3. No evidence of significant salmon bycatch or retention
 - a. Little observer data. Plans for expanded coverage cancelled when Japan denied mothership MMPA permit for 1988
 - b. Only fragmentary observations of landings in Japan. No salmon observed
 - c. Many observations of illegal fishing north of boundary even with minimal U.S. observation capability
 - d. Domestic enforcement minimal
- D. Taiwanese management - domestic regulation
 - 1. Under U.S. pressure adopted generally same regulations as Japan
 - 2. No enforcement we are aware of
 - 3. Many indications of illegal salmon catch and sale

- a. Same fleet mounted a directed salmon fishery in Asian waters three and four years ago. Three to four million catch per year. Japanese banned Taiwanese salmon imports
- b. Major Hong Kong/Singapore illegal transshipment through Tacoma to Japan of salmon probably caught by Taiwanese fleets uncovered three years ago, about 4,000,000 pounds were involved, mostly chums
- c. Unspecified origin coho on European market
- d. Very few observations of Taiwanese fishing - fleet operation an unknown

E. Korean management

- 1. No known regulations
- 2. Are cooperating to some degree on observers
- 3. One observer trip recently - no salmon, but significant catches of albacore and billfish

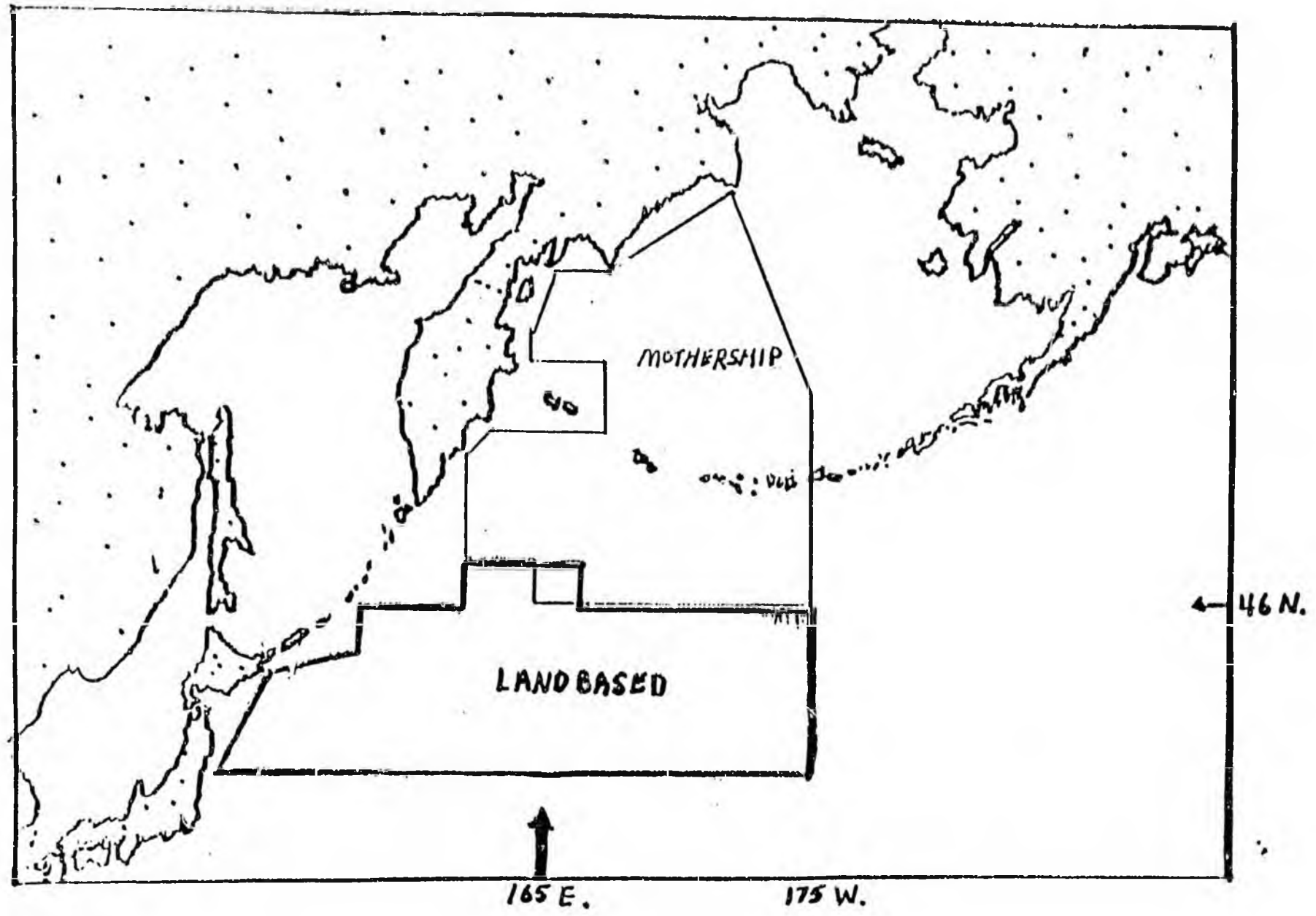
F. Squid - salmon overlaps

- 1. Definitely area of overlap on northern boundary
- 2. Generally Japanese regulations would be acceptable if enforced
- 3. 1988 salmon run problems in some areas of Alaska have heightened interest in interceptions
 - a. Reports of net marked fish in Bristol Bay
 - b. Southeast coho run shortfall
 - c. USCG budget cuts, minimal patrol - feeling that squid fleets could be fishing anywhere

G. Driftnet legislation

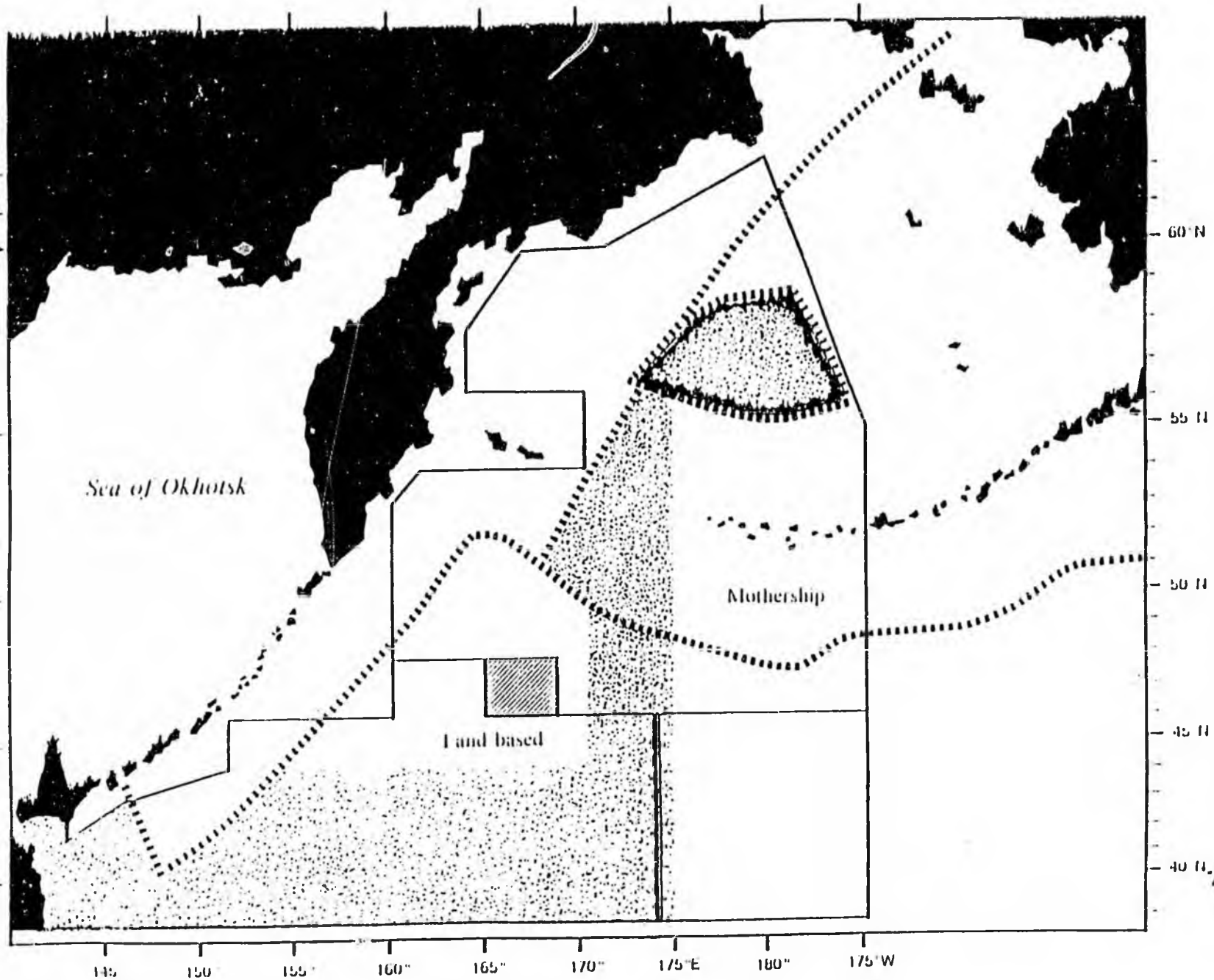
- 1. Passed by Congress last spring. Stevens a prime sponsor
- 2. Requires Secretary of Commerce to negotiate observers, monitoring and research programs by 1989 or foreign nations can be sanctioned under Pelly Amendment
- 3. Talks with Korean and Taiwan scheduled for this fall
- 4. Japanese not indicating interest

Map A Japanese High Seas Salmon Fisheries 1952-1977

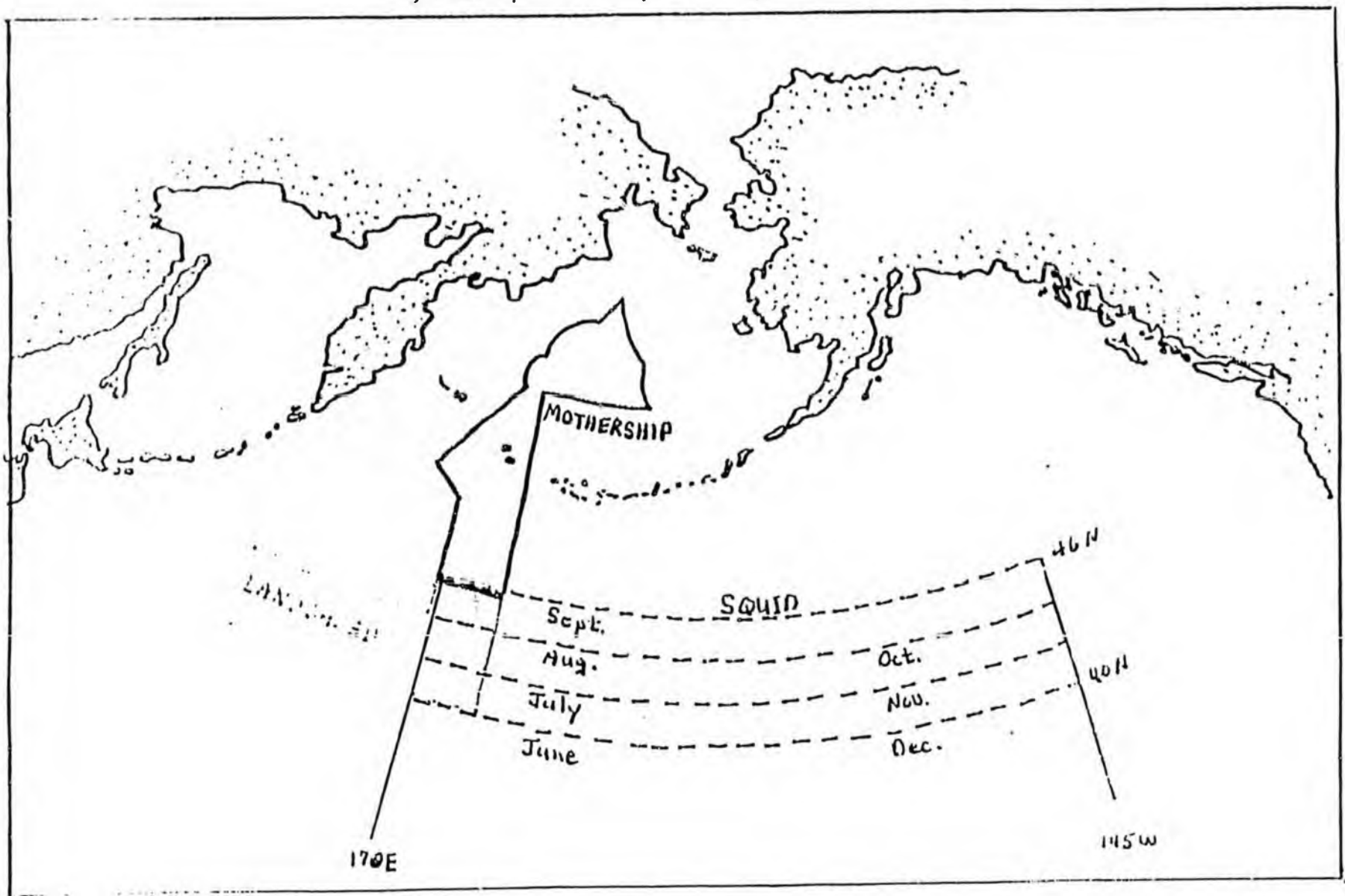


Map B
Japanese High Seas Salmon Fisheries

- Area removed from Japanese salmon fisheries by 1986 agreement
- 200 mile zone
- 1959-1976 Japanese high seas salmon fisheries
- 1978-85 Japanese high seas salmon fisheries



Map C
High Squid Fisheries
Northern, Eastern, and Western
Regulatory Boundary for Japan and Taiwan



Squid Fishery Fact Sheet
High Seas Salmon and Steelhead Interception

The explosion of Japanese, Taiwanese and Korean squid fisheries in the North Pacific has raised an increasing concern that North American salmon and steelhead are being taken in extremely large and damaging quantities. 1988 salmon run shortfalls, evidence of net marked fish, Coast Guard budget cuts and reports of North American salmon being illegally sold in Europe and Asia have caused growing public distress.

The loss of these fish has had a devastating impact on Northwest and Alaska salmon and steelhead runs. Pirated salmon, some of which are laundered through Singapore, have undercut 1988 sales of U.S. salmon abroad.

Estimates by the Pacific Seafood Processors Association place the number of illegally caught immature Pacific salmon around 7 million individual fish. S.E.A.C.C.F.S., an Alaska based organization committed to eliminating high seas salmon interception, has gathered evidence showing that 44 million pounds of salmon originating from the squid fleet has been offered on international markets.

Assuming a mixture of species, the total amount stolen from the U.S. economy could be between 50 - 100 million dollars as a result of high seas salmon and steelhead piracy.

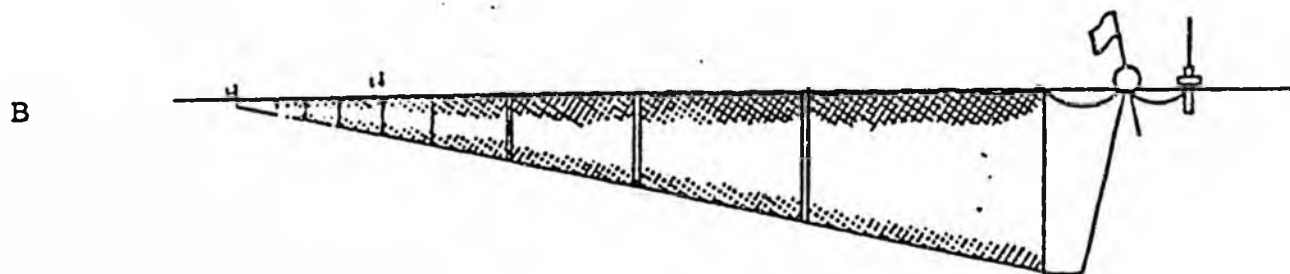
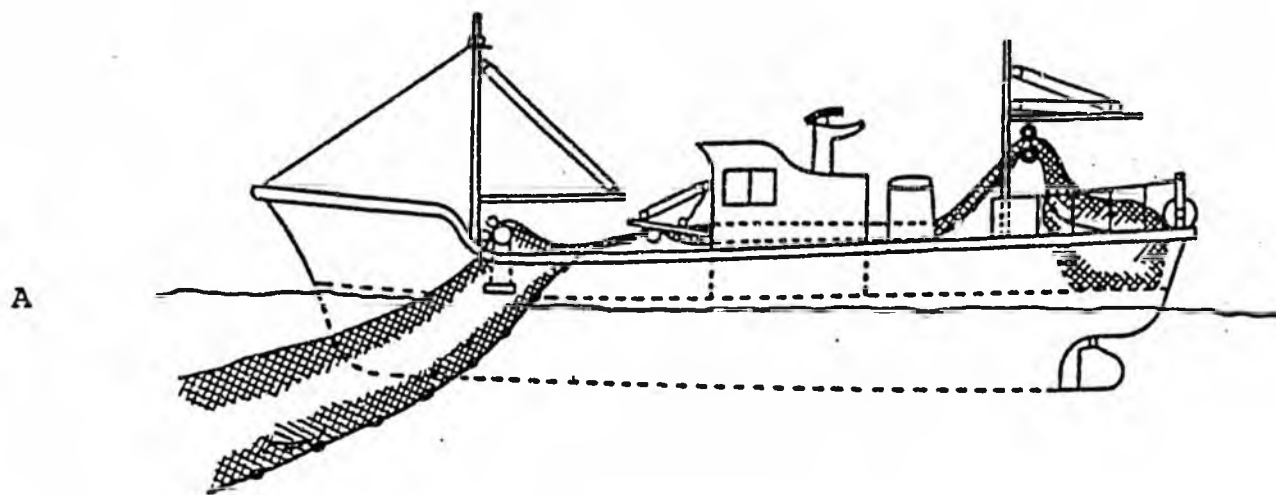
Put in other economic terms it would be similar to the high seas pirating of:

- 26 - 52 shiploads of rice (.75 - 1.4 billion lbs)
- 62 - 124 container ships of potatoes (1.2 - 2.3 billion lbs)
- 14 - 28 ships carrying timber (98 - 196 million bd. ft.)

It is illegal for the squid gillnet fleets to catch or retain salmon and steelhead but their monofilament nets are the same mesh size that are used to catch salmon in legal Japanese salmon fisheries. Over 700 vessels are fishing approximately 20,000 miles of gillnet every day. The length of the nets average around 25 miles but it is known that some are as long as 60 miles.

A - Typical squid driftnet vessel deploying its gear.

B - The deployed driftnet (not to scale).



Currently Japan has 450 squid boats fishing, Korea has 150 boats fishing, and Taiwan has about 90 boats fishing. Their activities are largely unmonitored and where regulations do exist they are not enforced. Japan has modest regulations which Taiwan has generally adopted under U.S. pressure. Korea has none.

The U.S. State Department, National Marine Fishery Service (NMFS) and U.S. Coast Guard are empowered through the Magnuson Act, the Driftnet Act and the Pelly Amendment to assert jurisdiction over salmon and steelhead of U.S. origin and end this piracy. Unfortunately in 1988, NMFS and the Coast Guard had only 1/5 the budget needed to do an adequate job of enforcement and prosecution.

Even the limited enforcement surveillance in 1988 illustrates the extent to which the squid fleets have been observed fishing outside the established boundaries. Court cases are proceeding from the seizure of illegal salmon laundered through Pacific Northwest shipping companies.

The scientific community generally agrees that the Japanese squid driftnet boundaries would be effective most years in limiting salmon catches to fairly low levels if enforced and substantial penalties for violation were instituted. However, cooler ocean temperatures in 1988 extended salmon bearing waters 200 miles into the squid fishing area according to NMFS scientists.

Steelhead are a different matter. Studies show there is unquestionable evidence that migrating North American steelhead travel throughout areas fished by foreign squid and salmon fleets.

Steelhead from as far inland as a Clearwater River hatchery in Idaho and the Methow River in Washington were recovered approximately 5,000 miles from the Columbia River near the squid and Japanese salmon fishery areas. Steelhead tagged on the high seas have been recovered in Oregon and California coastal streams.

INTERCEPTION OF NORTH AMERICAN SALMON AND STEELHEAD BY FOREIGN SQUID FLEETS
BACKGROUND

JAPAN

Squid gillnet fishery 10 years old. Proliferated to around 500 boats after reduced USSR and US salmon quotas forced transfers out of salmon fishery.

Time-area fishing restrictions. Northern boundary movable by month to keep fleet out of colder salmon waters.

Many observations of illegal fishing north of boundary even with minimal U.S. observation capability.

Ban on retention or sale of salmon caught by squid fleet.

No new entrants into fishery allowed.

Catch has to be landed in designated ports in northern Japan.

4 or 7 month permit required. Catch and operation reports required.

No regulations on the length of gillnet.

Very little monitoring or enforcement of regulations.

Little observer data. Plans for expanded coverage cancelled when Japanese mothership fishery denied a Marine Mammal Permit for 1988.

Evidence of Japanese participation in the illicit salmon trade.

TAIWAN

Squid gillnet fishery began in 1982. Approximately 90 vessels.

Adopted generally same regulations as Japan under U.S. pressure.

Harvest of high seas salmon banned and export from Taiwan restricted.

No enforcement.

Many indications of illegal salmon catch and sale.

Same fleet mounted a salmon fishery in Asian waters 3 and 4 years ago.

Japanese banned Taiwanese salmon imports.

Major illegal salmon trade through Singapore/Hong Kong via Tacoma, WA uncovered three years ago.

U.S. alert system established by NMFS and U.S. Customs to prevent import and cover up of Taiwanese caught salmon.

Legal action being taken against U.S. companies that have developed salmon shipping schemes to obscure Taiwan as a source. Recent seizure of two Taiwanese squid boats by Soviets.

Very few observations of Taiwanese fishing - fleet operation unknown.

KOREA

Squid gillnet fishery began in 1980. Approximately 150 licensed vessels.

No regulations or area restrictions.

Fleet instructed to throw back salmon and steelhead.

Cooperating to some degree on observers.

Involvement in illegal salmon fishing and trade suspected.

1988 Sightings

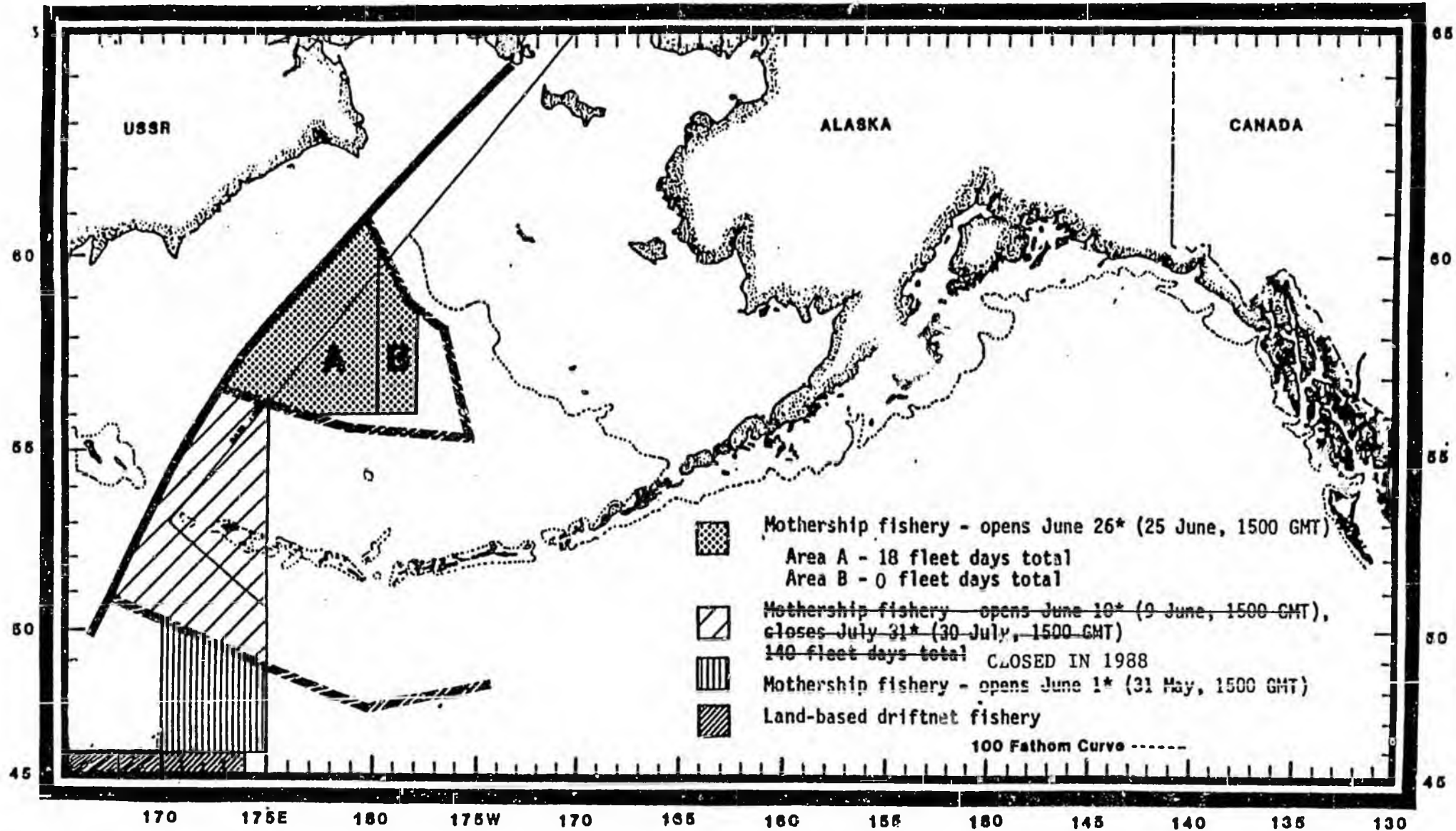
PORTER GILLNET VESSELS SIGHTED OUT OF AREA IN 1988 LIST BY SIGHT DATE															
DATE	TIME	LAT	LONG	AREA	SP	NET	VESSEL NAME	DATE	TIME	LAT	LONG	AREA	SP	NET	VESSEL NAME
6/22/88	2300	4214N	15600E	0		TM	NO. 1 SHI YAI	7/18/88	1140	4114N	15622E	0		JA	CHOKO MARU
6/23/88	0827N	17411E	0			TM	UNIDENTIFIED	7/21/88	0107	4327N	16165E	0		JA	UNIDENTIFIED
7/04/88	1840	4237N	15916E	0		JA	UNIDENTIFIED	7/21/88	2010	4210N	16627E	0		JA	EIHO MARU NO. 38
7/04/88	1901	4214N	15907E	0		JA	UNIDENTIFIED	7/25/88	1543	4143N	15250E	0		JA	HOSHIN MARU NO. 28
7/04/88	1925	4216N	15100E	0		JA	NO. 1 MARU NO. 30	7/28/88	2104	4264N	16517E	0		JA	UNIDENTIFIED
7/04/88	1941	4252N	15116E	0		JA	UNIDENTIFIED	7/28/88	2109	4249N	16523E	0		KS	UNIDENTIFIED
7/04/88	1944	4212N	15116E	0		JA	UNIDENTIFIED	7/28/88	2112	4240N	16517E	0		JA	UNIDENTIFIED
7/04/88	1947	4217N	15121E	0		JA	UNIDENTIFIED	7/28/88	2114	4240N	16517E	0		KS	NO. 207 YOUNG JIN
7/04/88	1957	4212N	15130E	0		JA	UNIDENTIFIED	7/28/88	2117	4233N	16519E	0		JA	CHOKYU MARU NO. 58
7/04/88	2003	4226N	15135E	0		JA	UNIDENTIFIED	7/28/88	2120	4233N	16512E	0		JA	UNIDENTIFIED
7/04/88	2004	4226N	15135E	0		JA	UNIDENTIFIED	7/28/88	2122	4229N	16100E	0		KS	NO. 33 DONG BANG
7/04/88	2024	4221N	15247E	0		JA	UNIDENTIFIED	7/28/88	2123	4226N	16126E	0		JA	UNIDENTIFIED
7/04/88	2031	4223N	15310E	0		JA	UNIDENTIFIED	7/28/88	2129	4204N	16133E	0		KS	NO. 308 KWANG YANG
7/04/88	2042	4212N	15350E	0		JA	UNIDENTIFIED	7/28/88	2231	4237N	16110E	0		JA	OHATO MARU NO. 53
7/04/88	2044	4212N	15350E	0		JA	UNIDENTIFIED								
7/04/88	2047	4206N	15350E	0		JA	UNIDENTIFIED								
7/04/88	2048	4207N	15350E	0		JA	UNIDENTIFIED								
7/15/88	2017	4443N	17410E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	2113	4620N	17115E	0		UN	UNIDENTIFIED	8/15/88	1403	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1505	4217N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1507	4217N	15150E	0		JA	UNIDENTIFIED	8/15/88	1403	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1510	4235N	16100E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1512	4217N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1515	4217N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1516	4217N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1518	4217N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1520	4245N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1522	4245N	15150E	0		JA	UNIDENTIFIED	8/15/88	1402	4440N	16326E	0		UN	UNIDENTIFIED
7/15/88	1523	4245N	15150E	0		JA	UNIDENTIFIED	8/25/88	1509	4413N	15306E	0		UN	UNIDENTIFIED
7/15/88	1524	4245N	15150E	0		JA	UNIDENTIFIED	8/25/88	1503	4411N	15311E	0		UN	UNIDENTIFIED
7/15/88	1525	4245N	15150E	0		JA	UNIDENTIFIED	8/25/88	1506	4407N	15311E	0		UN	UNIDENTIFIED
7/15/88	1526	4245N	15150E	0		JA	UNIDENTIFIED	8/25/88	1504	4407N	15311E	0		UN	UNIDENTIFIED
7/15/88	1527	4245N	15150E	0		JA	UNIDENTIFIED	8/25/88	1509	4403N	15311E	0		UN	UNIDENTIFIED
7/18/88	1516	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1650	4612N	16831E	0		UN	UNIDENTIFIED
7/18/88	1517	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1654	4614N	16831E	0		UN	UNIDENTIFIED
7/18/88	1517	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1657	4618N	16831E	0		UN	UNIDENTIFIED
7/18/88	1518	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1662	4621N	16839E	0		UN	UNIDENTIFIED
7/18/88	1520	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1523	4620N	16931E	0		JA	UNIDENTIFIED
7/18/88	1522	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1525	4620N	16931E	0		JA	UNIDENTIFIED
7/18/88	1523	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1528	4620N	16931E	0		JA	UNIDENTIFIED
7/18/88	1525	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1530	4620N	16931E	0		JA	UNIDENTIFIED
7/18/88	1527	4239N	16110E	0		UN	UNIDENTIFIED	9/03/88	1533	4620N	16931E	0		JA	UNIDENTIFIED
7/18/88	1530	4239N	16110E	0		UN	UNIDENTIFIED								
7/18/88	1531	4239N	16110E	0		UN	UNIDENTIFIED								
7/18/88	1533	4239N	16110E	0		UN	UNIDENTIFIED								
7/18/88	1535	4239N	16110E	0		UN	UNIDENTIFIED								
7/18/88	1537	4239N	16110E	0		UN	UNIDENTIFIED								
7/18/88	1538	4239N	16110E	0		UN	UNIDENTIFIED								
7/18/88	1551	4228N	16047E	0		UN	UNIDENTIFIED								
7/18/88	1553	4228N	16047E	0		UN	UNIDENTIFIED								
7/18/88	1555	4228N	16047E	0		UN	UNIDENTIFIED								
7/18/88	1557	4228N	16047E	0		UN	UNIDENTIFIED								
7/18/88	1559	4228N	16047E	0		UN	UNIDENTIFIED								

- 6 JUL - A TOTAL OF 15 VESSELS SIGHTED BY C130/NMFS, CALL SIGNS BKHP, JKJB, AND JNWO SIGHTED. RYOEI MARU NO. 58 IS JKJB (A LONGLINER FISHING GILLNET). ALL 15 WERE VERIFIED AS JA. 4 FISHING (INCLUDES JKJB AND JNWO).
- 13 JUL - 2 VESSELS SIGHTED BY C130/NMFS. PHOTOGRAPHS TAKEN SHOW VESSEL ON RIGHT DRIFTING WITH JAPANESE CHARACTERS PAINTED OVER SO AS TO MAKE THEM UNREADABLE. VESSEL ON LEFT FISHING HAD NO VISIBLE MARKINGS.
- 16 JUL - A TOTAL OF 13 VESSELS SIGHTED BY C130, 8 OF WHICH WERE FISHING. NO ID, ALL 13 WERE VERIFIED AS JA.
- 18 JUL - A TOTAL OF 19 VESSELS SIGHTED BY C130, NO ID, NATIONALITY NOT POSITIVELY VERIFIED. ALL FISHING.
- 18 JUL - ONE VESSEL SIGHTED BY CGC ACTIVE, CHOKO MARU, POSITIVELY VERIFIED AS JA. FISHING.
- 21 JUL - TWO VESSELS SIGHTED BY CGC, EIHO MARU NO. 38 (ON THE LEFT IN BLUE), THE OTHER NO ID, BOTH POSITIVELY VERIFIED AS JA. BOTH UNDERWAY.
- 25 JUL - THE VESSEL HOSHIN MARU NO. 28 BOARDED BY CGC. NOT OUT OF AREA HOWEVER, SALMON AND FUR SEAL ABOARD.
- 28 JUL - A TOTAL OF 11 VESSELS SIGHTED BY C130/NMFS, 1 BELOW, 6 JA AND 5 KS. 5 WERE FISHING (ALL KS)
- | | | |
|--|--------------------|--------------------|
| | KS | JA |
| | NO. 207 YOUNG JIN | OWATO MARU NO. 53 |
| | NO. 33 DONG BANG | CHOKYU MARU NO. 58 |
| | NO. 31 DONG BANG | UNIDENTIFIED |
| | NO. 308 KWANG YANG | UNIDENTIFIED |
| | UNIDENTIFIED | UNIDENTIFIED |
| | UNIDENTIFIED | UNIDENTIFIED |
- 15 AUG - A TOTAL OF 23 VESSELS SIGHTED BY C130, NO ID, 13 OUT OF AREA, NATIONALITY NOT POSITIVELY VERIFIED. ALL FISHING.
- 3 SEP - A TOTAL OF 9 VESSELS SIGHTED BY C130, NO ID, 5 POSITIVELY VERIFIED AS JA. ALL FISHING.

U.S. Coast Guard Sightings

JAPANESE HIGH SEAS SALMON FISHERY - 1988

as governed by the
International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC)



U.S.-Russia Convention of 1867
 Limit of U.S. Fisheries Conservation Zone

* Japanese Standard Time (-9 GMT)

Prepared by:
NMFS Office of Enforcement
Juneau, Alaska
June 1987

TAB D

STEEHEAD

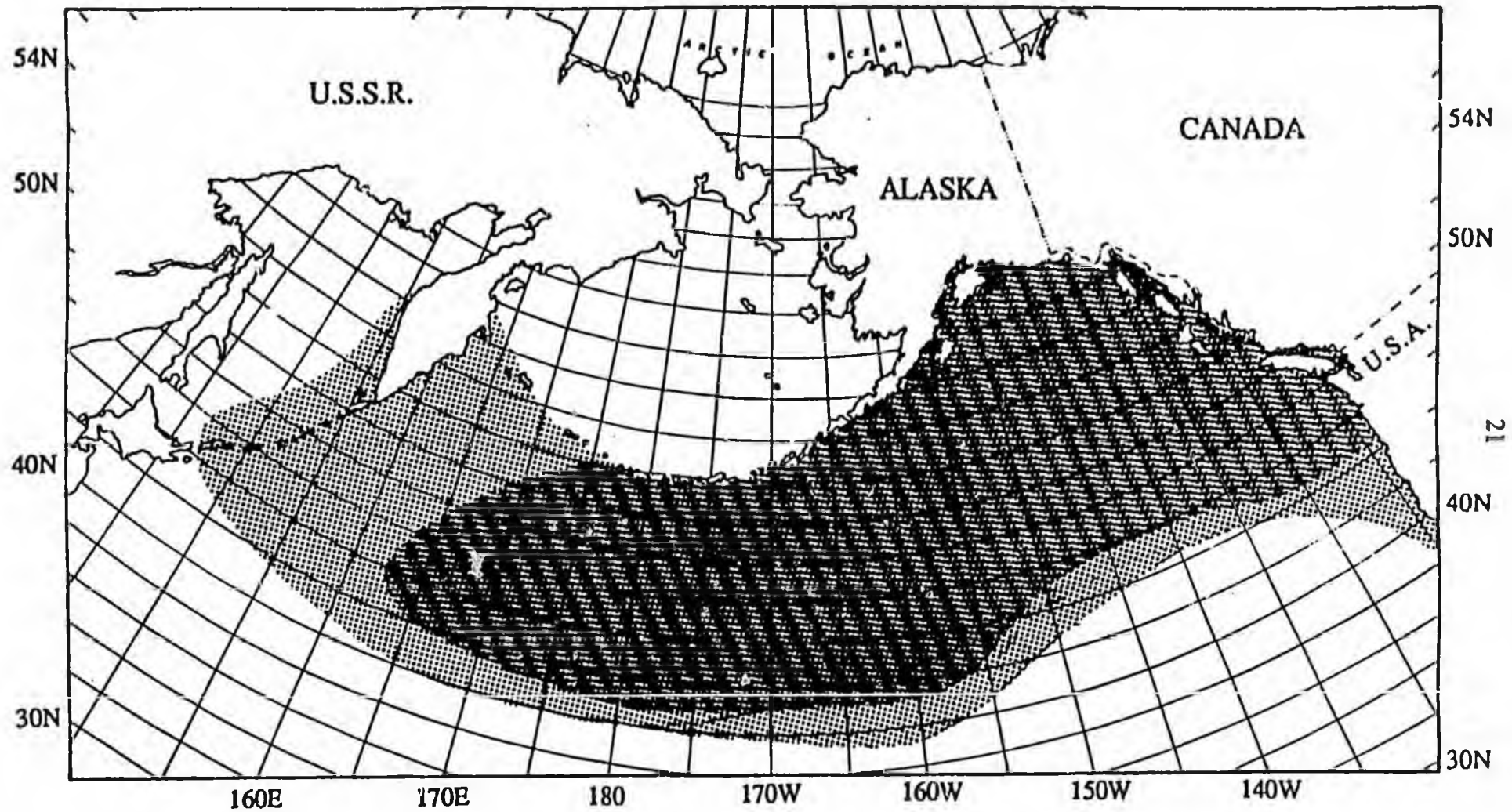


Figure 8. Known distribution of North American steelhead as evidenced by recoveries of marked or tagged fish within the larger distribution of steelhead determined from catch data.

U.S.S.R.

U.S.

Note: Korea does not impose high seas fishing boundaries on its driftnet fleet

JAPAN AND TAIWAN HIGH SEAS SQUID DRIFTNET FISHERY BOUNDARIES

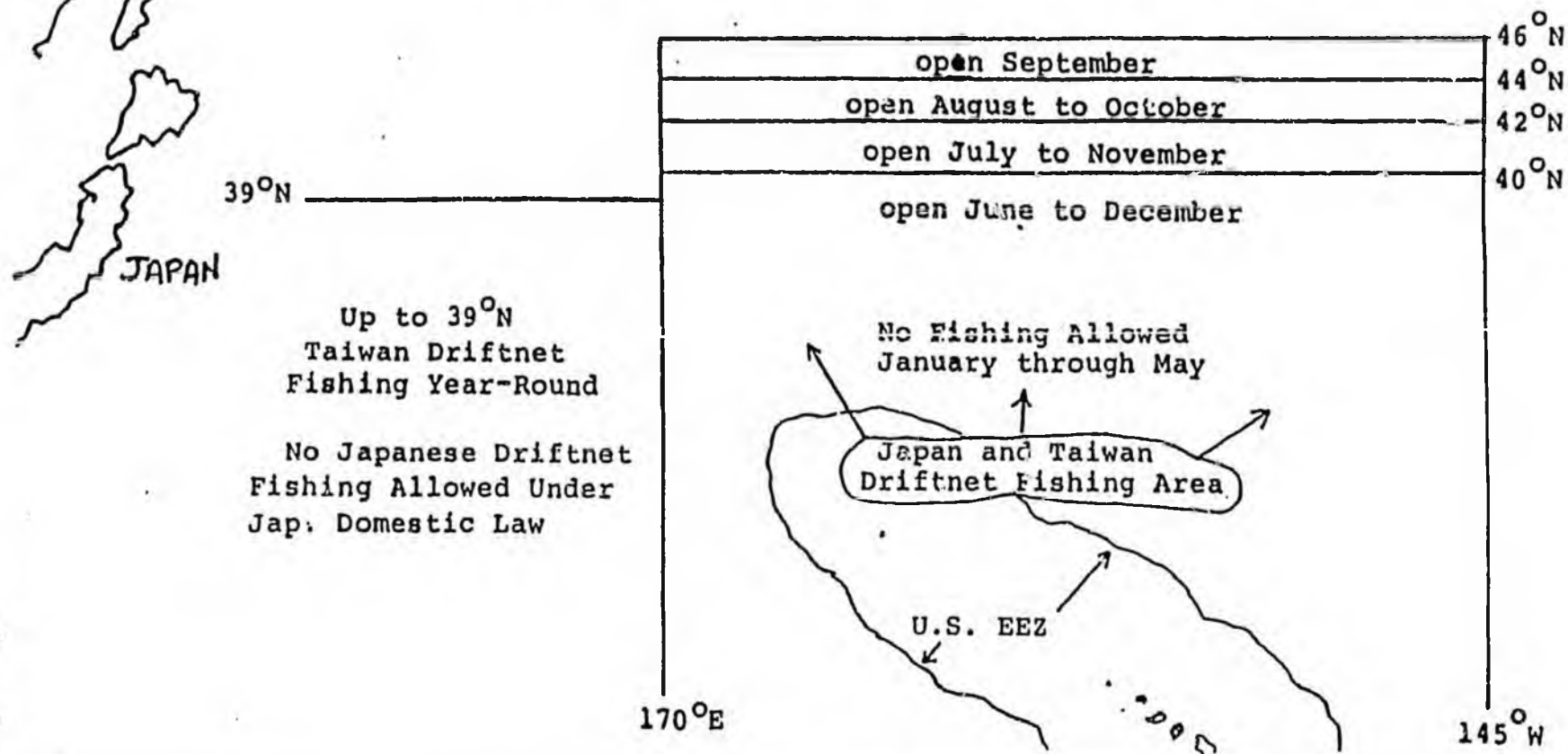


Figure 1.

Salmon analysis supports charge of fish pirating

Juneau Empire 11/3/89

By BILL EBY

MOORE NEWS SERVICE

WASHINGTON - The analysis of a four-pound chum salmon taken from a Singapore warehouse last month supports allegations a decline in U.S. salmon runs are the result of illegal catches of immature salmon on the high seas by foreign vessels, Sen. Frank Murkowski, R-Alaska, said Thursday.

U.S. Embassy personnel obtained the salmon from a Singapore wholesaler while Murkowski was touring Pacific Rim countries seeking support from governments there to put an end to what he has called an "illegal salmon laundering network."

According to a report provided to Murkowski by the National Marine Fisheries Service, the fish analyzed was most likely from the Puget Sound area or the Soviet Union.

High-seas salmon fisheries are illegal except by agreement with the country in which the fish originate, and neither the United States nor the Soviet Union has authorized high-seas fishing for salmon originating from their streams.

Murkowski has alleged that a sophisticated network is in place under which Taiwanese, Japanese and possibly South Korean vessels, under the guise of fishing for squid, are taking salmon illegally on the high seas.

To avoid prosecution under the laws of their own countries that ban the unloading of fish illegally caught, the vessels transfer the salmon to boats that offload the fish at safe ports, such as Hong Kong or Singapore.

From there, said Murkowski, the salmon are either moved directly to market as frozen fish or to another port, such as Bangkok, Thailand, for canning.

"In both cases, their eventual goal is markets in Europe and Australia, where they compete with

legal salmon caught in compliance with international agreements," the Alaska senator said in a statement issued by his office.

In a trip to Bangkok two months ago, Murkowski visited a cannery where large quantities of Pacific salmon obtained in Singapore had been canned this year. Processors in Singapore, however, denied shipping large amounts of salmon to Thailand, prompting Murkowski to ask the U.S. Embassy in Singapore to follow up on his investigation.

In a tour of local cold storage facilities and seafood processors, embassy personnel found a large quantity of salmon at one of the facilities and obtained the chum salmon for analysis.

The age and size, among other characteristics, made it clear the chum salmon was caught on the high seas, the fisheries service reported.

Murkowski said the analysis offers proof of violations of international agreements and principles set out by the Law of the Sea Convention.

"The illegal taking of salmon, said Murkowski, "is leading to a substantial loss of revenue for those fishermen and processors who follow the rules."

The Pacific Seafood Processors Association estimated that 22 million pounds of salmon, valued at about \$18 million, was illegally caught through the first 10 months of 1988.

The Alaska Department of Fish and Game predicted late last month some 19.5 million pink salmon are available for harvest in Southeast Alaska, more than the 11.2 million caught in the region in 1988 but far less than the 80 million pink salmon that had been predicted for 1987.

In recent months, Murkowski and fellow Republican Sen. Ted Stevens have increased efforts to force Pacific Rim governments to curb the al-

Please turn to Salmon, Page 8

Salmon...

Continued from Page 1

leged high-seas fishing violations.

Murkowski visited Taiwan, Japan and South Korea, and said last month that top government officials there were more concerned "for the rights of their fishermen."

But Murkowski said he was less concerned about the rights of any country's fishermen than he was about the possibility "there may not be any fish left if we don't control this situation. And if there aren't any fish left, then no fisherman has rights."

Stevens urged State Department

officials last month to take a tough stand on a Japanese government proposal to convert its mothership salmon fishery to a land-based catcher boat operation, arguing that the conversion will diminish American capabilities to observe Japanese salmon catches.

Because high-seas fisheries operated by the Pacific Rim countries have the potential to take large numbers of non-squid species, including salmon, Congress last year passed legislation requiring agreements to better monitor and control them.

Any country that has not signed such an agreement by June 30 of next year may be subject to trade sanctions.

BUSINESS

U.S. looks for 'laundered' salmon

By LES BLUMENTHAL
The Associated Press

WASHINGTON — The State Department has asked Asian nations to help investigate reports of widespread illegal salmon fishing in the North Pacific, including the possibility the fish are being "laundered" through canning processors in Thailand.

American fishing groups have told the State Department that the Taiwanese, Japanese and perhaps South Koreans are catching the salmon under the guise of fishing for squid. The salmon are unloaded in Singapore, where they are frozen, or in Bangkok, where they are canned and sold on the European market at roughly half the cost of U.S. canned salmon.

"It is very well organized and we believe the Koreans are involved as well," said Barry Collier, president of the Pacific Seafood Pro-

cessors Association. "We believe all three countries are laundering the fish in the same manner."

The Seattle-based processors association estimates that 22 million pounds of salmon, or 6 million to 7 million individual fish worth about \$18 million, have been illegally caught so far this year.

The association, which represents 80 percent of the seafood processors in Alaska and Washington state, fears the illegal catches already are having a "major negative impact" on Northwest and Alaska salmon runs and also are undercutting sales of U.S. canned salmon abroad.

U.S. processors export about \$500 million worth of salmon annually.

"The industry allegations are being taken very seriously by the department and we are investigating them aggressively," Ed Wolfe,

the State Department's ambassador for oceans and fisheries, said Friday.

Wolfe is scheduled to talk with Japanese officials in Tokyo about the reports of illegal salmon fishing next week. In addition, the International North Pacific Fisheries Commission, comprising representatives from the United States, Canada and Japan, meet in Tokyo next week and Wolfe said he expects salmon will be discussed.

The State Department two weeks ago asked the U.S. embassies in Hong Kong, Singapore, Thailand, Japan and South Korea to ask those governments for assistance in the investigation.

The cable to the embassies told the U.S. officials to stress the "serious nature" of the reports of illegal salmon fishing and that if

See Page C-14, SALMON

SALMON: U.S. investigates laundering

Continued from Page C-7

true, they represented a "potential multimillion-dollar loss to the U.S. industry."

The State Department has also asked the American Institute in Taiwan to investigate

contemplated, but added the Soviets were "very concerned" about the North Pacific salmon fishery.

In the early 1980s, American fishermen had complained that Japanese and Taiwanese fishermen were taking large quantities of salmon

FORUM

State fights back against salmon interception

By GOV. STEVE COWPER

Picture in your mind a nearly invisible fishing net drifting five miles long just below the surface on the vast North Pacific. It's intended catch squid — a staple on dinner tables in Taiwan, Hong Kong, Singapore, Korea and Japan.

But the nets are deadly effective against anything they encounter — seals, birds and other fish. The nets kill tens of thousands of marine mammals each year, and millions of seabirds. They are also quite effective in taking salmon and steelhead on their way back to Alaska rivers and streams.

This past summer, some 700 Japanese, South Korean and Taiwanese fishing boats laid out 20,000 miles of monofilament gill nets across the North Pacific each day. There's convincing evidence they caught millions of pounds of Alaska-bound salmon — worth tens of millions of dollars — and damaged thousands of other salmon that managed to strug-



gle free of the huge nets.

This high seas interception of Alaska salmon and steelhead is probably illegal, and it causes considerable harm to Alaskans. Not only do Alaska fishermen lose those fish, but Alaska's coastal communities lose revenues they would otherwise receive through the Alaska fish tax.

Much of the salmon is funneled to European markets, which depresses the price for legally caught Alaska salmon.

For the past two years, this administration has been pushing on several fronts to eliminate the high seas interception of Alaska salmon. A couple of weeks ago, we decided it was time to turn up the heat. This is what we're doing:

- Pushing the federal government

to reduce high seas interceptions. Federal agencies have been slow to flex their muscle, so last month I asked Secretary of State George Shultz to help bring these interceptions to an end and I laid out a detailed strategy on how to do that. I've also asked the governors of other Western states to follow my lead.

- Urging Congress to pass new laws to improve enforcement and extend American jurisdiction. The Magnuson Fisheries Conservation and Management Act, which gives the U.S. jurisdiction over American-origin salmon, is up for reauthorization next year. We may need to strengthen it to get the clout we need to fight interceptions.

- Pursuing an agreement with the Soviet Union for joint management and enforcement of that "donut hole" and high seas salmon fisheries. Such an agreement would be a major step to end high seas salmon interceptions.

- Pushing for regulation of the squid driftnet fishery by Asian countries. These growing fleets are largely unmonitored and regulations, where they exist, are poorly enforced. We need to get the squid fleets out of waters populated by

At a minimum, foreign fishing boats should be equipped with transponders; observer programs should be adopted and prohibitions on the possession and sale of illegally caught salmon must be enforced.

- Collecting better information about catches and the impact of high seas interception on the long-term health of the fishery. There are plenty of allegations about foreign interests dumping salmon on world markets and first-hand reports of net-marked fish, but hard facts are needed.

- Working within existing treaties to monitor and enforce fisheries agreements. Already the International North Pacific Fisheries Con-

vention has reduced the Japanese interceptions by more than 70 percent since 1978 and ordered fleets to stay at least 450 miles Adak. Any new foreign fish agreements should include provisions for the elimination of high salmon interception.

- Participating in scientific conferences aimed at heightening awareness of the problems of high seas interception. We're sending top state fisheries scientists to Taiwan and Japan this month and hope to host a salmon symposium here in Alaska early next year.

High seas interception is not an economic problem for Alaska; it's a moral problem too. It's the goal of this administration to stop it once and for all.

□ Steve Cowper, is governor of Alaska

SEACOPS
700 Water Street, Upper
Ketchikan, AK 99901
(907) 225-8004

SEACOPS POSITION PAPER ON HIGH SEAS SALMON INTERCEPTION

Extremely large quantities of immature Pacific salmon continue to be taken in the high seas gillnet squid fisheries conducted by the Taiwanese, Korean, and Japanese fleets. The squid fisheries are now operating in a large part as a front for the harvest and marketing of these salmon. The loss of these salmon has had a devastating impact on North American salmon resources. These pirated salmon, some of which are laundered through the port of Singapore, have excluded legal U.S. salmon from many Asian and European markets in 1988. For example, the table below highlights the growth in salmon exports from Singapore to France for the period 1983-1987:

Salmon Imports in France (metric tons) -					
Countries	Frozen				
	1983	1984	1985	1986	1987
Japan	42	301	397	115	508
Singapore	0	0	161	864	1846

The National Marine Fisheries Service (NMFS) and U.S. Coast Guard are empowered through the Magnuson Fishery Conservation and Management Act, the Driftnet Surveillance, Management and Control Act, and the Pelly Amendment to the Fishermen's Protective Act to end this piracy. Court cases are proceeding from the seizure of illegal salmon laundered through Puget Sound ports in 1986 yet the same companies continue their activities. We must demand a full scale investigation. Enforcement and prosecution by the NMFS and USCG must receive the highest priority in the federal budget process. In 1988, these agencies had only 1/5th the budget needed to do an adequate job of enforcement. Even the limited enforcement surveillance in 1988 illustrates the extent to which the squid fleets have been observed fishing outside the established boundaries (see accompanying chart).

The squid gillnet fleets are not supposed to catch or retain salmon, but the vessels use monofilament gillnet of the same mesh size as the other high seas salmon-directed fisheries operated by the Japanese in authorized areas. Recently, the cooler salmon-bearing waters have been shown by NMFS scientists to extend 200 miles into the squid fishing area. At least 700-1000 vessels employing over 20,000 miles of gillnet are operating in an uncontrolled manner in the Gulf of Alaska illegally harvesting all the species of salmon destined for North America. This must end; we demand that these squid fisheries cease taking salmon.

The available evidence indicates that 20,000 metric tons (44,000,000 pounds) is a conservative estimate of the small, immature North American salmon illegally harvested by the squid gillnet fleets. This estimate may be extremely low.

One European fish broker wrote, "Many of our customers are buying this sort of salmon and ...all of them are very, very secret about where or from which agent they got this fish (specially in such a year of shortage for Pacific salmon)."

Despite the secrecy, SEACOPS is able to present the following incomplete list of:

International Offerings of Salmon Originating from
High Seas Squid Gillnet Fishing
Through October 11, 1988

(Note: This listing will be updated to over 20,000 tons on the next SEACOPS Position Paper.)

OFFERING COUNTRY	AMOUNT (Metric Tons)	TYPE	DATE	DESTINATION
Taiwan	60		9/16/88	France
Taiwan	60		10/11	France
Taiwan	60			France
Thailand	126		4/08/88	Canned
Taiwan	2500	Coho	9/14/88	Japan
Taiwan	9	Sock	8/02/88	France
Taiwan	9	Chum	8/02/88	France
Taiwan	9	Sock	8/02/88	France
Taiwan	9	Chum	8/02/88	France
Taiwan	9	Sock	8/02/88	France
Taiwan	9	Chum	8/02/88	France
Taiwan	600	Pink	8/02/88	Singapore
Taiwan	300	Pink	9/15/88	Singapore
Taiwan	150	Coho	unkn	France
Taiwan	200	Sock	unkn	France
Taiwan	50	Chum	unkn	France
Taiwan	80	C/Ch/S/P	9/9/88	Unkn
Unkn	17	S/C	9/88	France
Unkn	18	S/Ch/P	9/88	France
Singapore	155	Salmon		
Singapore	1000	Salmon		
Japan	1500	Coho	9/14/88	
Thailand	18	Pink	8/17/88	Australia
Thailand	600		4/29/88	Canned
Taiwan	150	C/Ch/P	9/14/88	
Singapore	160	C/Ch/P	9/16/88	France
TOTAL	10700			

MEMBERSHIP INFORMATION

SEACOPS
700 Water Street, Upper
Ketchikan, AK 99901
(907) 225-8004

Membership Categories

Basic: \$ 25.00
Silver: \$ 100.00
Gold: \$ 500.00
Diamond: \$1000.00

COPIES OF THE FOLLOWING FAX AND TELEX MESSAGES CONCERNING HIGH-SEAS SALMON INTERCEPTION ARE AVAILABLE FROM SEACOPS.

This paragraph is an edited version of two telexes from Taipei, Taiwan, received on August 2 and 3, 1988 by a European fish broker -

"Re: ocean run Pacific salmon. Headed-and-gutted salmon processed on board. Quantity 50 metric tons. Approximate contents: sockeye 25-30 percent, pink 5 percent, coho/chum 65 percent (due to crew not aware difference coho/chum, we can not inform exact breakdown of coho and chum). In general, it is difficult to obtain headed-and-gutted salmon unless contracted in advance, in March of each year."

Next is an edited version of a telex received by a major Southeast Alaska seafood processor on September 28, 1988, from his overseas agent -

"Went to NCS Cold Storage (Singapore) and met Taiwanese principals offering round and headed-and-gutted chums, sockeye, coho and pinks. They claim to have shipped a total of 7500 metric tons so far this year, all from North Pacific waters. They were processing chums today, about 3 to 4 pounds dressed. Earlier this year they sold in Bangkok, Thailand, 600 metric tons of block frozen mixed pinks, cohos and chums. They freely tell you this fish is caught in Alaskan waters by Taiwanese vessels catching 100% illegal salmon (They are allowed 10% incidental but this is a joke, to them.)"

Next is an edited version of a telex sent July 30, 1988 by Patlee Products, Inc, in Taipei, Taiwan -

"Re: Ocean Run Pacific Salmon. From mid-August till end of September we are able to supply frozen on board salmon, both pink and sockeye are available. Minor quantity of chum and coho. Round weights are 1.8 kilograms and up each fish. If headed-and-gutted is available, weights are 1.2 kilograms and up per fish."

The following is more edited information a from Patlee Products telex, sent September 14, 1988 -

"Re: Headed-and-gutted salmon. We are offering you our last parcel. Quantity 150 tons - cohos (40-55%), chum (at least 40%), pink (1-10%). Will arrive Singapore end of September or early October and we can sort/repack to complete shipment within 20 days."

This is an edited version of a fax offering salmon for sale
in France -

"We have available, either now or early November, two
40-foot containers holding 18.261 metric tons each of
headed-and-gutted salmon processed on board. Container "A"
holds 778 cartons (each carton contains net weight 22.73
kilograms); the breakdown is 412 cartons of sockeye and 366
cartons of chum. Container "B" holds 825 cartons; the
breakdown is 462 cartons of sockeye, 354 cartons of chum,
and 9 cartons of pink. Container "A" already on the water
to France on 8th of September. Container "B" will be sailed
to France on 14th/15th from Singapore. You may send a
person to inspect containers. For November, the contents of
salmon will be almost no sockeye. The contents or
percentage of sockeye of above will be substituted by coho."

Next is an edited version of an offering from a French
broker -

"Re: Singapore Frozen Salmon (caught in North Pacific): We
can presently offer you on behalf of our Japanese snipper
and subject to their confirmation as follows - 150 tons
headless coho salmon, 200 tons headless red sockeye (70%
2 to 4 lbs and 30% 4 to 6 lbs), and 50 tons headless
silverbright."

The following is September 14, 1988 inter-office
communication of a major Alaska seafood processor -

"Further to the matter of squid fleet salmon:

1. On 9/3 one of our largest Japanese buyers reported to us
that the Japanese market for coho had been flooded (at least
temporarily) by the arrival of 1500 metric tons of coho from
the Japanese squid fleet. It was reported that the vessels
underwent normal off-loading of squid in Hokaido ports
during the day and unloaded the salmon at night.
2. The Seattle representative of the Japanese company made
direct telephone contact with the All Japan Squid Driftnet
Fisheries Assn. which reluctantly admitted that 1000 metric
tons of coho had already been delivered in Japan and claimed
that this was by-catch from the squid fleet operations.
Some by-catch."

A. W. BRINDLE
H. A. BRINDLE

PROCESSORS OF
CHOICE ALASKA SEAFOOD
SINCE 1912

Wards Cove Packing Company

PHONE (206) 323-3200
TELEX 328759

88 E. HAMLIN STREET
P.O. BOX C-5030
SEATTLE, WA 98105-0030

Day Fax (206) 323-3200 Ext 25E
Night Fax (206) 323-3204

September 23, 1988

Mr. Wayne Lewis
National Marine Fisheries Service
7600 Sand Point Way N.E.
Seattle, WA 98115

Dear Wayne:

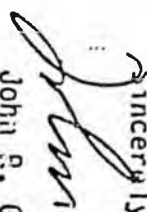
The three cans of salmon packed in Thailand, which you provided to me, were examined by the National Food Processors Assn. Northwest Research Laboratory per their attached examination report. One of our marketing people and myself were also present.

In addition to the report the general consensus of those present was:

1. Cans 2 and 3 were definitely mis-labelled as pinks. There was enough skin in Can 2 to determine positively that it was not a pink salmon and was probably a Coho from the flesh color. Scale size and color of can 3 showed that it was a chum in all probability. Can 1 consisted of small tail pieces with very small vertebrae. There was not enough skin present to determine definitely that it was not a pink but the color and relatively large flesh segments led us to the conclusion that it was an immature chum.
2. Cans 1 and 2 were very soft and had strong oxidized odor and flavor. Can 3 was firm in texture with little odor or flavor. No evidence of decomposition was present in any of the cans but the general quality of all cans was very poor.
3. The poor quality of the pack probably results mainly from the poor quality of the fish in the frozen state before canning. The absence of significant amounts of curd (often present in salmon canned from frozen fish) indicates that the fish had been treated to a strong salt solution prior to canning.

We should be able to obtain additional samples of these packs from France, and other countries by mid-October. Also, we are advising some of our contacts overseas that some of this product may be in violation of labeling laws, etc. in those countries with the idea that they may get the governments in those countries to take some appropriate action.

S.E.A.C.O.P.S.
700 WATER STREET-UPPER
KETCHIKAN, ALASKA 99901
(907) 225-8004

Sincerely,

John R. Gilbert
Operations Manager

empty cans and labels to you in the near future.

1988 Southern Southeast Alaska Pink Salmon Harvest

Alaska Department of Fish and Game (ADFG) one-season estimate -

Harvest - 38 million fish

Escapement - 6 million fish

Actual 1988 pink return -

Harvest - 8 million fish

Escapement - 4.5 million fish.

The ADFG escapement goal for Southern Southeast pinks has been 6,000,000 fish yearly. Actual escapement in recent years has ranged from 9 to 12,000,000 fish.

Ketchikan-based Southern Southeast Regional Aquaculture Association (SSRAA) experienced dismal returns of hatchery-bred cohos. The October, 1988 SSRAA Spawning News reported that fewer than 25,000 of an expected 250,000 cohos returned to the fishermen or the hatchery. General Manager Don Amend said, "It's downright pathetic. We don't know the final number yet, but whatever it is, it's going to be a disaster." Amend also said, "We know we released our fish in good shape and in good numbers; something had to happen in the ocean."

From 1980 to 1986, the ocean survival rate of coho released from the Meek's Bay Hatchery ranged from 7.7 percent to 13.2 percent. The Spawning News reported "the 1986 season saw a record coho harvest....In 1987, the survival rate dropped to 3.7%, the lowest in seven years. But compared with 1988, 3 percent looks almost good. Based on the returns as of September 29, Amend said the survival rate this year was one-half of one percent."

MEMBERSHIP INFORMATION

SEACOPS

700 Water Street, Upper
Ketchikan, AK 99901
(907) 225-8004

Membership Categories

Basic: \$ 25.00
Silver: \$ 100.00
Gold: \$ 500.00
Diamond: \$1000.00

FROM HONOLULU ADVERTISER
10/4/88

Expedition confirms fears that driftnets are 'raping' ocean

By Jim Borg
Advertiser Science Writer

In a stinging indictment of an already-suspect technology, Hawaii-based environmentalists have returned from a month-long expedition in the North Pacific with strong evidence of ocean "rape" by driftnets.

For the past decade or so, pelagic driftnetting has been used increasingly by the red squid fleets of Japan, Taiwan and Korea in the open ocean between Hawaii and Alaska about six months out of the year.

Environmentalists have long suspected that the nets, made of thin monofilament fishing line, are the maritime equivalent of strip mining — catching not only the desired species but virtually everything in their path, including dolphins, whales, marlin, sharks, gooney birds, turtles, seals and tuna.

Now an expedition launched by the environmental group Earthtrust, with backing from the Humane Society of the United States, has confirmed many of those fears. A crew of six

aboard the 40-foot sloop Sea Dragon spent nearly a week following a pair of driftnet fishing boats some 1,600 miles north-northwest of Honolulu.

"They catch everything in the net that isn't big enough to break through," said expedition coordinator Sam LaBudde, a former U.S. government biologist who earlier this year chronicled the slaughter of dolphins by tuna boats using purse seine methods in the eastern tropical Pacific.

By his estimates, based on observations and conversations with the fishing boat's captain, one net, roughly 40 feet deep and 15 miles long, each night caught four to five swordfish or blue marlin, six to eight sharks, one or two gooney birds (Laysan albatross) and "massive quantities of tuna."

Multiply that by 1,000 such boats over a period of several months and the toll on sea life is alarmingly high, said LaBudde.

Many of the billfish were too big to be hauled aboard, so

See Trip, Page A-4

Trip confirms 'rape' of the ocean fears

From Page One

floated away dead, but the remaining fish were kept for the busy Asian markets, except for the sharks, of which only the fins were kept for shark-fin soup, said LaBudde.

No whales and few dolphins were seen — a disappointment for Earthtrust, which had hoped to find evidence that driftnets catch and kill migrating humpbacks. LaBudde attributed the scarcity of the mammals to the expedition's late start in the season and bad weather that kept them from going as far north as planned.

The Earthtrust crew did videotape the heart-rending demise of one dolphin, a so-called common dolphin of the species *Delphinus delphis*, as it drowned in the net.

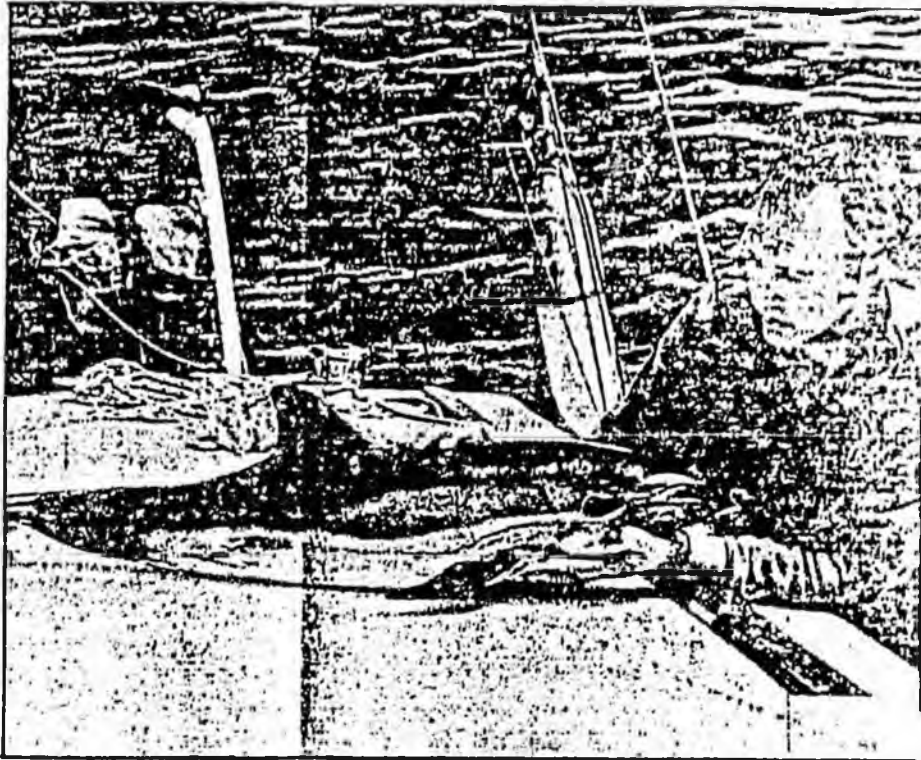
One fishing crew even reported catching a huge leatherback turtle, an extremely endangered species that looks like a dinosaur and can grow up to 10 feet across, said LaBudde.

Perhaps most alarming of the Earthtrust findings is the extent to which sections of nets are lost at sea. One ship captain reported losing half his allotment of 30 miles of netting over the past several months, including one section 5 miles long, complete with trashcan-sized floats and locating transponders, said LaBudde.

"That's one of the big problems with these nets, when they lose it," said LaBudde in an interview in Honolulu yesterday. "It'll sink and the fish will rot, and it'll regain its buoyancy and come back up. At that point, it becomes a ghost net, and it sits out there, going up and down in the water column, fishing, until it washes up on shore somewhere, and it continues to kill and kill and kill."

Pelagic driftnetting, practiced by some 1,000 squid boats in the North Pacific, employs a type of woven "gill net" with squares about 3 inches in diameter. Anything that swims into the nearly-invisible web becomes almost hopelessly entangled, leading critics to compare it with wholesale "rape" of the ocean.

"Even the countries that are



Sea Dragon Captain Robert Young with a dead baby dolphin killed in a driftnet.

using the technology have banned it out of their own 200-mile limits because it just crashes the fisheries," said LaBudde. Last December, Congress authorized \$3 million to study the problem, but LaBudde said the money never was allocated.

Driftnetting, he said, "is a brushfire in a bigger picture, which is just our inability to establish a relationship with our planet that is sustaining. These types of technologies are going to come to an end, if not because we realize they have to end, then by their very nature — that they exhaust the resource itself."

The Sea Dragon, which began its voyage Aug. 31 from Kauai, arrived back on Kauai on Monday and is due to sail into Honolulu Harbor this morning. In addition to LaBudde and Sea Dragon skipper Robert Young,

the crew consists of volunteers Jim Logan, Keith Highley, Lynn Lanier and Jackie Murphy.

The expedition was supported by the Animal Welfare Institute, the Animal Protection Institute and the Humane Society of the United States.

The photographic record of driftnet catches was accomplished despite engine trouble that plagued the voyage from the first week. To get the underwater videos, a feat that Earthtrust president Don White extolls as "heroic," LaBudde and other scuba divers risked becoming ensnared in the nets themselves.

The Sea Dragon succeeded in making radio contact with one of two squid fishing boats working just north of the 42nd parallel. Through an interpreter, the crew told the fishing boat captain they were a freelance video crew looking for whales.

After the captain informed them they were too late in the season to find whales, LaBudde and colleagues turned their attention to the driftnet operation. Half out of monotony-breaking amusement, the fishing crew welcomed them aboard, LaBudde said.

According to the squid boat captain, whose name and nationality LaBudde wants to protect, the spring months bring herds of dolphin into the fleet's fishing grounds, where they wreak minor havoc on the nets in their struggle to survive.

"He also said they don't kill as many as they used to, which to me is an indication there aren't as many left to kill," said LaBudde. While still offering rich bounty for Asian fleets, the North Pacific "will become more of a desert if this is allowed to continue," LaBudde said.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 488-3718

To: Legislative Legal Services

From: Lourene Miovski, staff attorney
Rep. Cliff Davidson, Co-Chair,
House Natural Resources Committee

Date: January 17, 1989

Re: HJR 10

Please make a committee substitute with the following amendments to HJR 10:

On page 1, after line 14, insert the following:

" Whereas the people of the State of Alaska depend upon salmon and steelhead stocks for subsistence and personal use; and"

On page 1, line 19, before "Korea" insert "South"

On page 1, line 21, after "25" insert "to 60"

On page 1, delete lines 25 and 26

On page 2, after line 13, insert the following:

" Whereas the United States and the Soviet Union have both recognized in the U.S.-U.S.S.R. Fisheries Agreement that anadromous species, which include salmon and steelhead stocks, should be harvested only within a nation's 200-mile exclusive economic zone; and

Whereas customary international law prohibits nations from harvesting anadromous species on the high seas unless economic dislocation would result; and

Whereas the harvest of non-anadromous species can be accomplished without the harvest of anadromous species, and the cessation of high seas interception of salmon and steelhead stocks can be accomplished without causing economic dislocation; and

Whereas customary international law recognizes that all nations have a duty to cooperate in conserving fish stocks on the high seas, including salmon and steelhead stocks; and

Whereas there has been no international monitoring of driftnet fleets on the high seas or enforcement of the provision on harvest of anadromous species on the high seas

On page 2, line 16, "through" should be "thorough"

On page 2, line 20, before "Korea" insert "South" and after "Korea" insert ", and any other nation found to participate in the high seas driftnet fishery"

On page 3, line 2, delete "increase" and insert "specifically earmark"

On page 3, line 6, after "to" delete "assert jurisdiction over American salmon and steelhead stocks on the high seas" and insert "ensure that United States jurisdiction over American anadromous species on the high seas will be effectively asserted to stop interception of salmon and steelhead on the high seas"

On page 3, delete existing lines 8 through 12 and insert "expand the Pelly Amendment to provide for sanctions against foreign nations whose fishermen intercept anadromous species on the high seas or who refuse to cooperate with the United States in developing and enforcing international fishing regulations to prevent interception of anadromous species on the high seas, and to include in the sanctions against those nations embargoes on fishery and other products imported from those nations."

On page 3, line 13, after "to" insert "the Honorable George Bush, President of the United States;"

On page 3, line 17, delete "and"

On page 3, line 19, after "Congress" insert "; and the Governors, Senate Presidents, and the House Speakers of the States of Washington, Oregon, Idaho, and California"

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Whereas there has been no international monitoring of squid driftnet fleets on the high seas or enforcement of the prohibition on harvest of anadromous species on the high seas;"

On page 2, line 16, "through" should be "thorough"

On page 2, line 20, before "Korea" insert "South" and after "Korea" insert ", and any other nation found to participate in the high seas driftnet fishery"

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6-0225E✓
Utermohle
1/18/89

Original sponsors: Ulmer, Swackhammer,
Koponen, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 10 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Urging monitoring, regulation, and
6 elimination of high seas interception of
7 salmon and steelhead by the squid drift-
8 net fleets of Japan, Taiwan, and Korea.

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

10 WHEREAS the commercial and sport fishing industries of the Pacific
11 Coast of the United States contribute billions of dollars to the national
12 economy each year; and

13 WHEREAS salmon and steelhead are the mainstays of the Pacific Coast
14 commercial and sport fishing industries; and

15 WHEREAS the people of Alaska depend upon salmon and steelhead stocks
16 for subsistence and personal use; and

17 WHEREAS salmon and steelhead spend one to four years of their lives in
18 the international waters of the North Pacific Ocean and the Bering Sea; and

19 WHEREAS there is growing evidence that American salmon and steelhead
20 are being harvested illegally in substantial numbers by the squid driftnet
21 fleets of Japan, Taiwan, and South Korea; and

22 WHEREAS the gillnets used by the squid driftnet fleets catch and
23 retain salmon and steelhead and are often 25 to 60 miles long; and

24 WHEREAS the squid driftnet fleets have expanded dramatically in the
25 last decade to more than 700 vessels that use 20,000 miles of gillnet each
26 day; and

27 WHEREAS poor salmon runs in 1988, the increased incidence of net
28 marked salmon and steelhead, and recent reports of large quantities of
29 illegally harvested salmon being sold in Europe and Asia have heightened

1 public concern over high seas interceptions of salmon and steelhead; and

2 WHEREAS the illegal harvest and sale of American salmon by foreign
3 fishing fleets are undercutting international sales of salmon harvested by
4 American fishermen; and

5 WHEREAS the increasing interception of American salmon and steelhead
6 by foreign squid driftnet fleets is having significant adverse economic and
7 social effects on the residents of Alaska, Washington, Oregon, Idaho, and
8 California; and

9 WHEREAS most salmon harvested on the high seas originate in the Soviet
10 Union, Canada, or the United States; and

11 WHEREAS the most effective long-term solution for protection of Ameri-
12 can salmon and steelhead stocks on the high seas is the elimination of high
13 seas interception of these stocks; and

14 WHEREAS the United States and the Soviet Union have both recognized in
15 the U.S.-U.S.S.R. Fisheries Agreement that anadromous species, which in-
16 clude salmon and steelhead, should be harvested only within a nation's
17 200-mile exclusive economic zone; and

18 WHEREAS customary international law prohibits nations from harvesting
19 anadromous species on the high seas unless economic dislocation would
20 result; and

21 WHEREAS the harvest of nonanadromous species can be accomplished with-
22 out the harvest of anadromous species, and the cessation of high seas
23 interception of salmon and steelhead stocks can be accomplished without
24 causing economic dislocation; and

25 WHEREAS customary international law recognizes that all nations have a
26 duty to cooperate in conserving fish stocks on the high seas, including
27 salmon and steelhead stocks; and

28 WHEREAS there has not been international monitoring of squid driftnet
29 fleets on the high seas or enforcement of the prohibition on harvest of

1 anadromous species on the high seas;

2 BE IT RESOLVED that the Alaska State Legislature respectfully requests
3 the Secretary of Commerce to

4 (1) expeditiously complete a thorough analysis of all available
5 information on salmon and steelhead interception by foreign squid driftnet
6 fleets as required by P.L. 100-202, sec. 4005; and

7 (2) vigorously promote, through the Secretary of State, effec-
8 tive agreements with Japan, Taiwan, and South Korea, and any other nation
9 found to participate in the high seas squid driftnet fishery, for the
10 monitoring of the squid driftnet fleets and for the enforcement of laws and
11 agreements to prevent the illegal retention and sale of salmon and steel-
12 head as authorized under P.L. 100-202, secs. 4004 and 4006; and be it

13 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
14 quests the Secretary of State to pursue negotiations with the Soviet Union
15 and Canada for cooperative enforcement agreements and monitoring programs
16 to eliminate high seas interception of salmon and steelhead; and be it

17 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
18 quests the Congress to

19 (1) specifically earmark appropriations for high seas fisheries
20 patrols by the Coast Guard and for enforcement of laws and agreements
21 prohibiting the harvest and retention of American stocks of salmon and
22 steelhead;

23 (2) amend the Magnuson Fisheries Conservation and Management Act
24 (16 U.S.C. 1801 - 1882) to ensure that United States jurisdiction over
25 American anadromous species on the high seas will be effectively asserted
26 to stop interception of salmon and steelhead on the high seas; and

27 (3) expand the Pelly Amendment to

28 (A) provide for sanctions against foreign nations whose
29 fishermen intercept anadromous species on the high seas or who refuse

1 to cooperate with the United States in developing and enforcing inter-
2 national fishing regulations to prevent interception of anadromous
3 species on the high seas; and

4 (B) include in the sanctions against those nations
5 embargoes on fishery and other products imported from those nations.

6 COPIES of this resolution shall be sent to the Honorable George Bush,
7 President of the United States; the Honorable Dan Quayle, Vice-President of
8 the United States and President of the U.S. Senate; the Honorable James A.
9 Baker, III, U.S. Secretary of State; the Honorable Robert Mosbacher, U.S.
10 Secretary of Commerce; the Honorable Jim Wright, Speaker of the U.S. House
11 of Representatives; the Honorable George Deukmejian, Governor of the State
12 of California; the Honorable Leo T. McCarthy, President of the Senate of
13 the State of California; the Honorable Willie Lewis Brown, Jr., Speaker of
14 the Assembly of the State of California; the Honorable Cecil D. Andrus,
15 Governor of the State of Idaho; the Honorable C. L. Otter, President of the
16 Senate of the State of Idaho; the Honorable Tom Boyd, Speaker of the House
17 of Representatives of the State of Idaho; the Honorable Neil Goldschmidt,
18 Governor of the State of Oregon; the Honorable John Kitzhaber, President of
19 the Senate of the State of Oregon; the Honorable Vera Katz, Speaker of the
20 House of Representatives of the State of Oregon; the Honorable Booth
21 Gardner, Governor of the State of Washington; the Honorable Joel Pritchard,
22 President of the Senate of the State of Washington; the Honorable Joseph E.
23 King, Speaker of the House of Representatives of the State of Washington;
24 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
25 Senators, and the Honorable Don Young, U.S. Representative, members of the
26 Alaska delegation in Congress.
27
28
29

HJR 10--PROPOSED AMENDMENT

Page 3, line 5:

(2) amend the Magnuson Fisheries Conservation and Management Act (16 U.S.C. 1801-1882) to [ASSERT] assure that our jurisdiction over American salmon and steelhead stocks on the high seas will be effectively asserted to stop interception: and



700 Water Street—Upper
Ketchikan, Alaska 99901
Telephone (907) 225-8004

Juneau S.E.A.C.O.P.S. steering committee
Brad Weinlaeder - chairman
Larry Cotter
Geron Bruce
Laurie Adams

To: House Resources Committee
Re: HJR 10

1988 was supposed to be a very good year for salmon in Alaska. But 75% of the salmon expected didn't arrive in Southeastern waters. They ended up in Asian markets.

The missing fish would have brought approximately \$100,000,000 to Southeast Alaska. This was an economic disaster.

During the past 10 years an unregulated high seas squid gillnet fishery has developed. Approximately 1,500 Japanese, Korean and Taiwanese ships deploy 25 to 40-mile-long nets daily. Each day 30,000 miles of gillnet strain the top 25 to 40 feet of ocean.

These nets catch more than squid. They catch salmon, tuna, marine mammals, and sea birds. Nets get torn apart and lost during rough weather and are discarded when worn. These nets continue to fish as they drift. This fishery is an environmental as well as an economic disaster.

Hard data is difficult to find as these fleets fish in a furtive manner. Evidence trickles in as immature salmon enter world markets.

Seacops was formed to combat this problem. We realize that this problem has no easy solution. We anticipate that the ultimate solution will require coordinated action on many levels, both private and governmental. At Seacops we intend to encourage action on all levels. The purpose of Seacops is to:

- Create a broad base of individuals and organizations concerned about these issues.
- Work with other organizations in a complimentary fashion.
- Gather and distribute evidence about the problem
- Direct energy and resources toward saving our salmon.

Seacops currently has representatives of environmental, fishing and processing organizations. This issue has the ability to unite many different groups in a common endeavor.

Seacops feels that this resolution is an important step along the path of resolving this problem. We would appreciate a swift and supportive vote on this resolution.

H J R

14

HOUSE COMMITTEE REPORT

(9)

Date Referred: January 18, 1989

FURTHER REFERRALS: HESS

Date of Committee Action: 2-21-89

The RESOURCES Committee recommends that:

HOUSE JOINT RESOLUTION NO. 14 [SOLID WASTE MANAGEMENT IN THE ARCTIC]
Relating to solid waste management in remote and isolated Arctic communities.

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

Curt W. Wicks
Clyde Davidson
Mike Swaney
Richard (Steve) D.
Walt Burnace
Ben S. King

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Curt W. Wicks
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Solid Waste Management in the Arctic
Sponsor: _____
Requestor: House Resources Committee

Agency Affected: BNIK DEC
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-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-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-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 : (Attach a separate page if necessary)

Prepared by: House Resources Committee (pm) Phone: 465-4494
 Division: representative Curt Menard, Chairman Date: 2/21/89
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impact Agency(ies)



Member
Finance Committee

Alaska State Legislature

REPRESENTATIVE DICK SHULTZ

P.O. Box V
Juneau, Alaska 99801
(907) 465-4940
Home: P.O. Box 487
Tok, Alaska 99780

MEMORANDUM

TO: MEMBERS HOUSE RESOURCES COMMITTEE
FROM: REP. DICK SHULTZ *DS*
DATE: FEBRUARY 21, 1989
RE: HJR 14

I have introduced this resolution to lend support for DEC in helping to solve the solid waste problems facing Alaska.

If the proposed federal regulations go into effect as written, it will cause great hardship on landfill managers in Alaska. In our smaller rural areas there are few if any alternatives available for waste disposal.

What that means is existing dumps are our only solution until they are phased out and replaced with practical, economically viable alternatives. Until that time, we can not afford to stand by and let EPA eliminate our landfills.

Dec is working to put into place programs geared to individual needs and resources. These programs will work over time and time is what this Resolution is asking EPA for.

The request is based on Alaska being somewhat unique with many remote communities. Heavy duty big brother enforcement will only backfire and cost the state more in the long run while causing more widespread damage to the environment.

Any support for this important message to EPA will be most sincerely appreciated.



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

AEL ISSUE PAPER - HJR 14 SOLID WASTE MANAGEMENT IN THE ARCTIC

The Alaska Environmental Lobby is in general agreement with the concept of House Joint Resolution 14, but believes that it should create a greater impetus to search for solutions than it does at present.

While we appreciate the Environmental Protection Agency's motives in closing all solid waste facilities that do not meet regulatory requirements, we also realize that severe environmental and logistical constraints limit the development and operation of disposal facilities in much of rural Alaska. There are no easy answers in finding a new place to dump villages' trash. The EPA should be flexible in managing solid waste disposal in the state's small, remote communities. Too frequently, the closure or absence of a landfill in rural communities has meant that, for lack of a better alternative, garbage is thrown into the nearest convenient spot or left to wash away. Obviously, this is not the answer.

We agree that state agencies and villages need more time to develop a long-term approach to solid waste management than the few months allowed under the EPA's current agenda. Still, a complete exemption from EPA's rules -as requested in HJR 14- does not give either the state or villages the incentive to aggressively pursue solutions. We suggest that a temporary exemption, requiring continuing state review of alternative solutions, would prevent random and disorganized disposal and encourage communities to seek answers.

In addition, we are unclear about the definition of "remote and isolated communities." These are relative terms and do not necessarily prevent a community from meeting EPA standards; for example, Nome and Quinhagak are in very different situations and have varying resources with which to attack the solid waste problem, yet both may be considered remote and isolated.

With these few changes, the Alaska Environmental Lobby would speak strongly in favor of HJR 14. We are interested in the state's agenda and strategy for grappling with the waste management problem, any potential for funding, and who will be affected by these actions.

House Resources Committee
February 21, 1989
Karen Wood and Larry Landry

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER SIERRA CLUB • JUNEAU GROUP SIERRA CLUB • SITKA GROUP SIERRA CLUB
KNIK GROUP SIERRA CLUB • DENALI GROUP SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE
SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
KNIK KANGERS AND KAYAKERS

HJR

17

MEMORANDUM

State of Alaska

DEPARTMENT OF LAW/CIVIL DIVISION

TO Neil Johannsen
DNR, DPOR
Anchorage

DATE February 3, 1988

FILE NO 661-88-0234

TELEPHONE NO 276-3550

THRU

SUBJECT Use of Chugach State Park
lands by the U.S. Army



FROM Michael J. Frank
Assistant Attorney General
Natural Resources Section

By memorandum dated December 18, 1987, you have asked our office to advise the Department of Natural Resources ("DNR"), Division of Parks and Outdoor Recreation with respect to a United States Department of the Army proposal to use Chugach State Park ("CSP") lands. Under the Army's proposal, attached at exhibit A, the Army would rehabilitate the road adjacent to Eklutna Lake in exchange for which DNR would give the Army permission to thereafter use the road and lands at the south end of Eklutna Lake, and the Eklutna Glacier, for military training exercises.

In our opinion it would be improper for you to allow the use of CSP lands and waters for military training exercises as proposed in exhibit A.

The lands the Army wants to use for training include those in sections 18 and 19 of T 14 N R 3 E, Seward Meridian (which are lands near Eklutna Glacier's snout), and apparently those in sections 30 and 31 of T 14 N, R 3 E, Seward Meridian (which includes the lower part of the glacier near a mountaineering hut known as Pilcher's Perch). The state selected all the foregoing lands in May, 1966 under the Statehood Act's land grant provisions, just four years prior to CSP's creation in ch. 112 SLA 1970. Ch. 112 SLA 1970 is now codified at AS 41.21.120 - 41.21.125.

When CSP was created in 1970, much of the 495,000 acres designated as park were still in selected status, i.e., had not been patented or tentatively approved to the state. Of the lands involved in the Army's proposal, only sections of 30 and 31 have been tentatively approved to the state. They were

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tentatively approved in 1979. 1/ The balance of the lands remain in selected status. Of course, whether in selected or tentatively approved status, all CSP lands must be managed consistently with the purposes for which the Legislature created the park; those purposes are identified in AS 41.21.120 - 41.21.121.

CSP lands also must be managed in a manner to insure that the state complies with the obligations it undertook in the North Anchorage Land Agreement ("NALA"), a March 15, 1982 2/ agreement between the state, the Municipality of Anchorage, and Eklutna, Inc. This agreement resolved conflicting land claims and certain land management problems in CSP. The agreement was authorized under section 1425(b) of ANILCA, 3/ and has various

1/ Most "tentative approvals" preexisting 1980 were confirmed to the state in section 906 of the Alaska National Interests Lands Conservation Act of December, 1980 ("ANILCA"), 43 U.S.C. 1601 note.

2/ The agreement was signed by DNR Commissioner Esther Wunnicke in March 1983.

3/ That sections reads in part:

The Secretary shall accept relinquishments and make conveyances of selections in accordance with the specific terms, conditions, covenants, reservations, and other restrictions set forth in any agreement respecting the lands described in subparagraph (1) below, executed by the State of Alaska, by the Municipality of Anchorage, and by Eklutna, Incorporated, and hereafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary, the execution and implementation of which agreement are hereby authorized as to those duties and obligations of the United States, the States of Alaska, the Municipality of Anchorage, and Eklutna, Incorporated, which arise under Federal law....

43 U.S.C § 1601 note.

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provisions, discussed in detail later in this opinion, relevant to the Army's proposal.

In addition to complying with AS 41.21.120 - 41.21.121 and with the NALA, DNR must also adhere to the terms of the CSP Master Plan 4/ when managing CSP lands and waters. The plan's provisions applicable to the Army's proposal will also be discussed in more detail below.

First, however, some history. As the Army's proposal at exhibit A indicates, the Eklutna Glacier was used for Army training prior to 1978. The Army's use of the area was not with

4/ The Master Plan was adopted in 1979, and was amended in 1987. 1981 Inf. Op. Att'y Gen. (Jan 16; A66-269-81), advised that while the Master Plan "does not bind the actions of the division (of parks and outdoor recreation) as a statute or regulation would, it may not be ignored." Id. at 2-3. While we agree with the opinion's statement that the plan may not be ignored, we also believe that the plan is binding on DNR in essentially the same way as a regulation. This is so because of the broad definition of "regulation" in AS 44.62.640. Under AS 44.62.640(a)(3) "regulation" includes any "standard of general application...adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it...." The plan, while not a regulation in the sense that it contains rules enforceable against members of the public using CSP, is a regulation in the sense that it establishes "standard(s) of general application" for management of CSP which are enforceable by members of the public against DNR, should DNR ignore the standards in managing the park. Cf. Kenai Penin. Fisherman's Co-op. Ass'n v. State, 628 P.2d 897, 904-06 (Alaska 1981) (comprehensive management policy and specific policy option establishing priorities of use between commercial and recreational fishermen in Cook Inlet were "regulations" that had to be adopted pursuant to AS 44.62). It is well settled, of course, that state agencies are obligated to follow their own regulations. U.S. v. RCA Alaska Communications, Inc. 597 P.2d 489 (Alaska 1979). Thus, DNR must adhere to its park plans. This assumes, of course, that DNR adopted the plans after adequate public notice and opportunity to comment, like any "regulation" adopted under AS 44.62.180 - 44.62.290 and published in the Alaska Administrative Code.

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state permission, however. At the time the area was co-managed by the United States Department of the Interior, Bureau of Land Management ("BLM") and DNR's Division of Parks under an agreement called "Cooperative Recreation Management Agreement Between The Bureau Of Land Management And the State of Alaska, Division of Parks" dated May 23, 1972. See agreement attached at exhibit B. The agreement recognized that the state had not yet received tentative approval to many of the lands the legislature placed in CSP, and that some CSP lands were within Alaska Native Claims Settlement Act ("ANCSA"), 43 U.S.C 1601 et seq., land withdrawals. The agreement gave authority to DNR to manage agreement designated lands "for public recreation" while they remained in selected status. However, BLM took the position that it retained federal permitting authority under the agreement. Thus, in 1975 BLM issued the Army a Special Land-Use Permit which allowed "military maneuvers" in the Eklutna Lake and Eklutna Glacier areas of CSP. See documents attached at exhibit C.

"Military maneuvers" continued in the area until 1979, when the road around Eklutna Lake to Eklutna Glacier was washed out in a number of places, and was subsequently closed to vehicular travel. Apparently the Army was not particularly interested in repairing the road. Also, in September 1979 the state received tentative approval to sections 30 and 31 (the lower Eklutna Glacier area). Given the Division of Parks' concerns about the BLM's 1975 permit, perhaps the Army assumed it would not receive permission from the Division of Parks to continue its maneuvers even if it was interested in repairing the road. In any event, the Army discontinued its use of the area, 5/ while on occasion expressing interest in renewing its training there.

5/ The Eklutna Lake area had in the meantime become a very popular recreation destination:

Eklutna River drainage is one of the most heavily used areas of the park. Between July 1, 1977 and June 30, 1978, approximately 35,000 visitors were counted. Visitor statistics also indicate that 42 percent of those visitors stayed overnight at one of the Eklutna Lake campgrounds. One of the main attractions is the opportunity to observe wildlife. It is currently the one officially designated area of the park for wildlife

(Footnote Continued)

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A decision on the Army's recent proposal to renew its use of CSP lands and waters is controlled by AS 41.21.120 - 41.21.121:

The purpose of AS 41.21.120 - 41.21.125 is to restrict state-owned land and water described in AS 41.21.121 to use as a state park....AS 41.21.120 - 41.21.125 are intended to provide for the closing of the described land and water to multiple purpose use in conformity with AS 38.05.300 and its subsequent designation as a special purpose site in accordance with art. VIII, sec. 7 of the Constitution of the State of Alaska.

* * *

(Footnote Continued)

viewing. A 9 mile (14.5 kilometer) road maintained by the Department of Transportation and Public Facilities beginning at mile 26.5 of the Glenn Highway leads to the lake. During the summer, vehicles can continue around the lake for approximately 10 miles (16 kilometers) to within 1/2 mile (8 kilometers) of the Eklutna Glacier, one of the park's major valley glaciers. The lake is occasionally used by boaters even though alternating water levels (often exposing extensive mud flats) and frequent strong winds make boating difficult.

A total of 33 campsites exist in campgrounds located at both ends of the lake. Four picnic sites are also interspersed. At the present a small gravel landing strip at the northwest shore, and another near the southeast end of the lake provide access for small aircraft. Twelve trails lead from the basin, totalling 88 miles (141 kilometers) of trail. Many of these trails are considered very rugged and only people in excellent physical condition who are thoroughly equipped and knowledgeable in backcountry travel should attempt them. Glacier hiking is another popular activity which should be entered into cautiously and only by those properly equipped and experienced.

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The park is established to protect and supply a satisfactory water supply for the use of the people, to provide recreational opportunities for the people by providing areas for specified uses and constructing the necessary facilities in those areas, to protect areas of unique and exceptional scenic value, to provide areas for the public display of local wildlife and to protect the existing wilderness characteristics of the easterly interior area. The eastern area of the park shall be operated as a wilderness area, the central area as a scenic area, and the periphery areas as recreational areas. The land and water designated as the Chugach State Park and reserved from all uses incompatible with its primary function as a state park is that within the following described parcels excluding valid entries.

AS 41.21.120, 6/ 41.21.121. On their face these statutes clearly do not allow use of CSP lands and waters for military training exercises. 7/ Our review of the legislative history of

6/ Art. VIII, sec. 7 of the Alaska Const., referenced in AS 41.21.120, grants the Legislature authority to reserve "sites...and areas of natural beauty or of historic, cultural, recreational, or scientific value" from the public domain and to "provide for their administration and preservation for the use, enjoyment, and welfare of the people."

7/ AS 41.21.123 instructs the DNR Commissioner to adopt regulations for CSP which designate incompatible uses, and which prohibit or restrict these uses. Regulations specific to CSP are at 20 AAC 010 et seq., and general park use permit regulations are at 11 AAC 18 et seq. Obviously, DNR's failure to designate a use as one "incompatible" in CSP does not necessarily mean that the use is compatible, since the only uses that may be permitted in the park are those that are consistent with AS 41.21.120 - 41.21.121s' purposes. Put another way, DNR may not grant a park use permit under 11 AAC 18 to allow a use that would otherwise be inconsistent with the purposes for which CSP was created. 1980 Inf. Op. Att'y Gen. (July 10; A66-307-80)(new mining claims in CSP at issue). See also, Kelly v. Zamarello, 486 P.2d 906, 911 (Alaska 1971) and AS 44.62.030 (no regulation is valid unless

(Footnote Continued)

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ch. 112 SLA 1970 reveals nothing which would suggest that the Legislature contemplated that the purposes which it detailed in AS 41.21.120 - 41.21.121 -- despite their obvious literal meaning -- had other, hidden meanings.

The CSP Master Plan, developed after an extensive public hearing process begun in 1977, also clearly does not allow use of CSP lands and waters for military training exercises. The plan delineates what are the permissible uses in the entire park, none of which include military training exercises. See CSP Master Plan, at 31-39, 73, and 80. Indeed, the plan places the lands involved in the Army's proposal in either the "natural environment" zone or "wilderness" zone, ^{8/} both zones in which the uses permitted are the most limited ones allowed in the park, and where military training exercises would be the most inconsistent with the goals of the plan. Id. at 26-29.

Finally, the NALA does not allow DNR to approve the Army's proposal without Eklutna, Inc.'s consent. Of the lands identified above, sections 18 and 19 are listed in Exhibit C to the NALA. Exhibit C lands were placed in NALA's land bank. NALA, I-C-(1), at 10. The state agreed to manage land bank lands through the Division of Parks, and to manage them "as part of the Chugach State Park pursuant to the provisions of state law concerning the Park." Id., IV-L, at 25. This restriction is supplemented with the additional NALA imposed restrictions that DNR "shall not permit discharge of firearms on the land" and "may not grant incompatible use permits as defined by 11 AAC 18.010 in 1981 without the prior consent of Eklutna." NALA, IV-L(2)(a) and (c). Consequently, even if there were no statutory or Master Plan roadblocks to approval of the Army's proposal, DNR would not

(Footnote Continued)

consistent with the statute under which it is promulgated). Language in 11 AAC 18.010(11) suggests that DNR could allow the use of a park otherwise inconsistent with the statutory purposes of the park, through the issuance of a permit under 11 AAC 18.010. This language is inconsistent with a correct interpretation of the law, and therefore should be amended or deleted from the regulation.

^{8/} The plan's wilderness zone classification is derivative of the mandate in AS 41.21.121 that the eastern area of the park be preserved as a wilderness.

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have authority to approve the proposal without Eklutna, Inc.'s consent. 9/

To summarize, it would be inconsistent with AS 41.21.120 - 41.21.121 and the CSP Master Plan for you to allow military training exercises as proposed in exhibit A in CSP generally, and in the Eklutna area in particular. Also, independent constraints in the NALA would bear on any such approval, even if statutory and plan changes were made which would otherwise allow such uses in the future.

9/ We have not reviewed the legal description of the lands through which the old road runs around Eklutna Lake to see if they are also listed as Exhibit C lands under the NALA. If they are Exhibit C lands, an additional NALA restriction might well apply with respect to the Army's proposed road repair work. That restriction indicates that if the Division of Parks needs to clear more than one-half acre of land for a project which is not contemplated by the CSP Master Plan (as it existed in March 1982), then it "must obtain the prior consent of Eklutna (Inc.)." NALA, IV-L-(2)(b), at 25.

Nor have we determined whether or not monies from the federal land and water conservation fund have been spent for projects on any of the lands involved in the Army's proposal. If fund monies were accepted and used by the state for development of projects on the lands (such as for the creation of picnic areas, parking lots, and so forth), the fund statutes prohibit, as a matter of federal law, the improved project lands from being used for other than "public outdoor recreation use(s)," which obviously would preclude military training exercises. See 16 U.S.C. 4601-8(1) and (3).

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A few final comments. Our construction of the CSP statutes and Master Plan does not mean that you must refuse to accept donated construction work or other services if it is offered by a branch of the military service; it only means that you may not agree to allow a use incompatible with CSP's statutory purposes in order to receive a donation of work or services useful to the park. Nor does our conclusion prevent you from granting a military unit park use permits in every set of conceivable circumstances. For example, a permit to allow a small, unarmed group of soldiers to use Eklutna Glacier for crevasse rescue training might well be granted, if it would be granted to a private group under similar circumstances. In other words, each permit application, and each use, must be judged on its own set of facts in light of what the Legislature intended in AS 41.21.120 - 41.21.121.

If you have any further questions, please let me know.

cc: Pete Panarese,
CSP Superintendent

William Garry
CSP Superintendent Emeritus

MJF/rlr
MF2:a:CH.MJF
Encl:

STATEMENT BY
COLONEL TED MEDLEY
GARRISON COMMANDER, 6TH INFANTRY DIVISION (LIGHT) AND
U. S. ARMY, ALASKA
BEFORE THE
ALASKA STATE HOUSE RESOURCES COMMITTEE
16 FEBRUARY 1989

Statement of
Colonel Ted Medley
Garrison Commander, 6th Infantry Division (Light)
and U. S. Army Garrison, Alaska

Co-chairman and members of the Resource Committee, I am Colonel Ted Medley, Garrison Commander for the Sixth Infantry Division Light and U-S Army Garrison, Alaska. I am most pleased to have the opportunity to present some information on a critical need of our Army here in Alaska.

The primary function of the garrison -- of which I am the commander -- is to support the division, which is the actual fighting force designed to defend this state or deploy worldwide as needed. The garrison provides such support as food, clothing, housing, equipment, recreational facilities and training areas for the division.

Until last summer the garrison had not been able to provide one specific type of training area -- that of a glacier. Although the Army in Alaska is fortunate to have a good deal of good training land here -- something a little more than one-point-five million acres -- regrettably it does not include sufficient access to glaciers.

This shortcoming has resulted in impeding the division's overall readiness, hindering the unit's ability to operate on -- or more realistically, across, a glacier. While we don't expect to have to wage a major battle on a glacier, glaciers can be natural route of movement for military forces, much as Portage Glacier, south of Anchorage, was a route for aspiring gold miners to reach the interior some 90 years ago.

Consequently, it is only prudent that we resolve this shortcoming and ensure our soldiers receive the basics in glacier training. We need to train them in the techniques of traversing the ice while wearing crampons and skis, in the use of ice axes and ropes, in crevasse recovery and in rappelling and climbing on rock outcroppings on the sides of the glacier where available.

In doing this training we need to be careful. We are always under public scrutiny. We need to be cost effective, in terms of getting the most training in the least amount of time and while spending the least amount of taxpayers' dollars. We have a "no growth" 89 budget and yet can no longer ignore the fact that we must get glacier training for our soldiers. The National Command Authority has increased our mission with worldwide deployability and yet our financial and personal resources have decreased.

We have solved much of our glacier problem with our recently acquired opportunity to train at Spencer Glacier. Under the agreement with the Alaska Railroad, we send 10 company-sized units, of 100 to 140 soldiers, from Portage to a drop off point fairly near the glacier and return for free. But we still have transportation costs for travel from Fort Richardson to Portage and back and the total travel time is considerable. Resupply and backhauling of trash and waste are added expenses.

We have also looked at other glaciers -- such as Skookum, Hunter Creek, Knik and Matanuska, for example -- but they are not without major accessibility and suitability problems. Let's review these:

- KNIK GLACIER - Training here would require soldiers to go in by air or by boat. That cost would be prohibitive with transportation at roughly \$10,000 per company. By foot, it is too long a hike. There is no way to backhaul trash and waste except by air or jet boat.

- HUNTER CREEK GLACIER - Accessible, realistically, only by air. The trail is long, difficult and dangerous. The identified bivouac area is a long way from the glacier. All resupply and backhaul of trash and waste would have to be by air. But helicopter use is prohibited here, since this glacier is in the park.

- MATANUSKA GLACIER - Accessibility is a problem. After a 100-mile bus trip, we would still need clearance through five landowners -- the Alaska USA Federal Credit Union, Cook Inlet Region Incorporated and three private landowners. Rock and glacier training could not be conducted within close proximity to each other. Soldiers would have to be trucked to a rock face (as yet unidentified) for mountain skills. It is a long trip for back hauling trash and MEDEVAC by air would be a minimum of two hours round trip.

- SKOOKUM GLACIER - Accessibility to Skookum is similar to the situation at Spencer. Access is by rail only at \$3,500 per company, which is the per company cost at Spencer for anything over 10 companies. Walking the tracks is unsafe and is not authorized by the railroad. The glacier is very narrow, steep and undesirable for training and was recently described by one mountaineering authority in Anchorage, as a "dark hole." Trash removal would have to be by air or rail.

So we are back to Eklutna Glacier. Eklutna is convenient and also economically feasible. It is close enough to Ft Richardson that we can resupply our soldiers and backhaul our trash and waste by vehicle rather than use air. If required, MEDEVAC is available and soldiers can be taken to Elmendorf Air Force Base, which is only a short distance away. Eklutna offers superior terrain for training in mountain and glacier skills, and training can be done concurrently, which is important to us from the standpoint of efficiency.

With that in mind I would like to address the concerns of some of our critics:

- It has been said that soldiers will pollute the glacier and consequently Eklutna Lake, source of the Anchorage water supply.

I say to you, the Army of the 80s is an environmentally aware institution. For 10 years we have backhauled not only trash but human waste from our field training areas. We've even had calls and letters from people thanking us for cleaning up the Glenn Highway from Muldoon to the weigh station.

- Second, dog mushers are afraid that their teams will run into our soldiers as the troops hike to and from the glacier.

Frankly, although they shouldn't run into soldiers any more than they'd run into cross country skiers or any other group, it is really a moot point. We will hardly ever be there in the winter time. Individual skills in glacier training are done primarily in the summer. In the winter we are doing large unit maneuvers on Army land in the interior.

- Critics say the sight of soldiers has a "chilling effect."

To that I would offer, maybe they would rather have a close-up look at the red five-pointed star on Soviet uniforms than the red six-pointed star of the U-S Sixth Division. Will you also be intimidated by our soldiers who will march in the Rondy parade Saturday?

- Some are worried about pickup trucks taking supplies in and hauling trash and waste out along the lake trail.

I am aware of the size of the road leading to the glacier and assure you every safety measure will be taken. When we were developing our company training plan, and the environmental assessments, we worked very closely with the State Park personnel, with public safety and environmental impact in mind. Based upon state and public input, we have done everything possible to minimize or alleviate potential problem areas, yet still meet our training requirements.

- Some critics feel we should only be allowed to train 35-40 soldiers at a time at Eklutna.

I would say it is important that people understand that we must train as a company. Training time is extremely limited. It takes three times as long to train by 35- man platoon as by 120-man company. The net effect is, instead of asking to train at Eklutna periodically, we would need to request training there every week.

- It has been stated that Army training on the glacier is not compatible with the enabling legislation of the Chugach State Park, which is to protect the water supply and create public recreational opportunities.

I've already addressed some of our environmental procedures. But further, we will not have open fires. We won't cut trees or harass game. Road improvements will be minimal and we will backhaul all trash and waste at a time of day agreeable to the state. The Alaska Waste Water Utility has reviewed our Environmental Assessments and states, in a letter dated 13 December 1988 that they had no objection. Quoting from their letter, "AWWU does not believe that the use of Eklutna Lake/Glacier by the U.S. Army as described in the plans poses any major or significant threat to the quality of Eklutna Lake Water." Concerning public recreation, our proposed training is the same as what many people go to the glacier for -- to develop technical skills in crossing the ice. UAA instructors -- who are some of our ardent critics -- take their classes there for the same type of training.

In summary, what we are hearing from most of our critics, focuses upon the compatibility issue. My understanding is that the park is in the public domain, for use by the public, according to park guidelines.

We have an immediate requirement to train 15 companies on glaciers this summer. Spencer, as indicated earlier, can support a majority of this requirement. However, being able to train at Eklutna allows us to satisfy our training requirements, economically provides us the flexibility to train two companies simultaneously, and minimizes the impact on any single glacier.

We have already stated that our soldiers would abide by all park rules, more so in the environmental protection area than many other park users.

Soldiers are part of the public. They are not to be culled out as some separate and second class citizens. They are your sons and daughters. They put their pants on one leg at a time as do the rest of the park users.

The glacier is not an exclusive use area, good for some groups but not for others who want to do the same things there. There are approximately 495,000 acres within Chugach State Park. The Army is requesting to use 5 to 10 of these acres on a periodic basis. What I suggest, as did several citizens at the public hearing in Anchorage on January 31st, is that we sit down together and work out a mutually agreeable solution.

TRANSPORTATION & ACCESS FEE COST COMPARISON FOR GLACIER TRAINING

	<u>MATANUSKA</u>	<u>KNIK</u>	<u>EKLUTNA</u>	<u>VALDEZ*</u>	<u>GULKANA*</u>	<u>SPENCER</u>
<u>SURFACE</u>						
<u>TRANSPORTATION</u>						
3 each 44 Pax Buses						
1 each Silver Side						
Round Trip	\$ 722		\$ 425	\$2,784 (\$1,990)	\$2,744 (\$1,960)	\$453 ¹
<u>AIRCRAFT</u>		\$ 9,798 ³				
<u>TRANSPORTATION</u>						
<u>ACCESS FEE</u>	\$5,250		\$ 500			
<u>TOTAL</u>						
Each Event	\$5,972	\$ 9,798	\$ 475	\$2,786	\$2,744	\$453
Annual (10 Trips)	\$59,720	\$97,980	\$4,750	\$27,860	\$27,440	\$4,530 ²

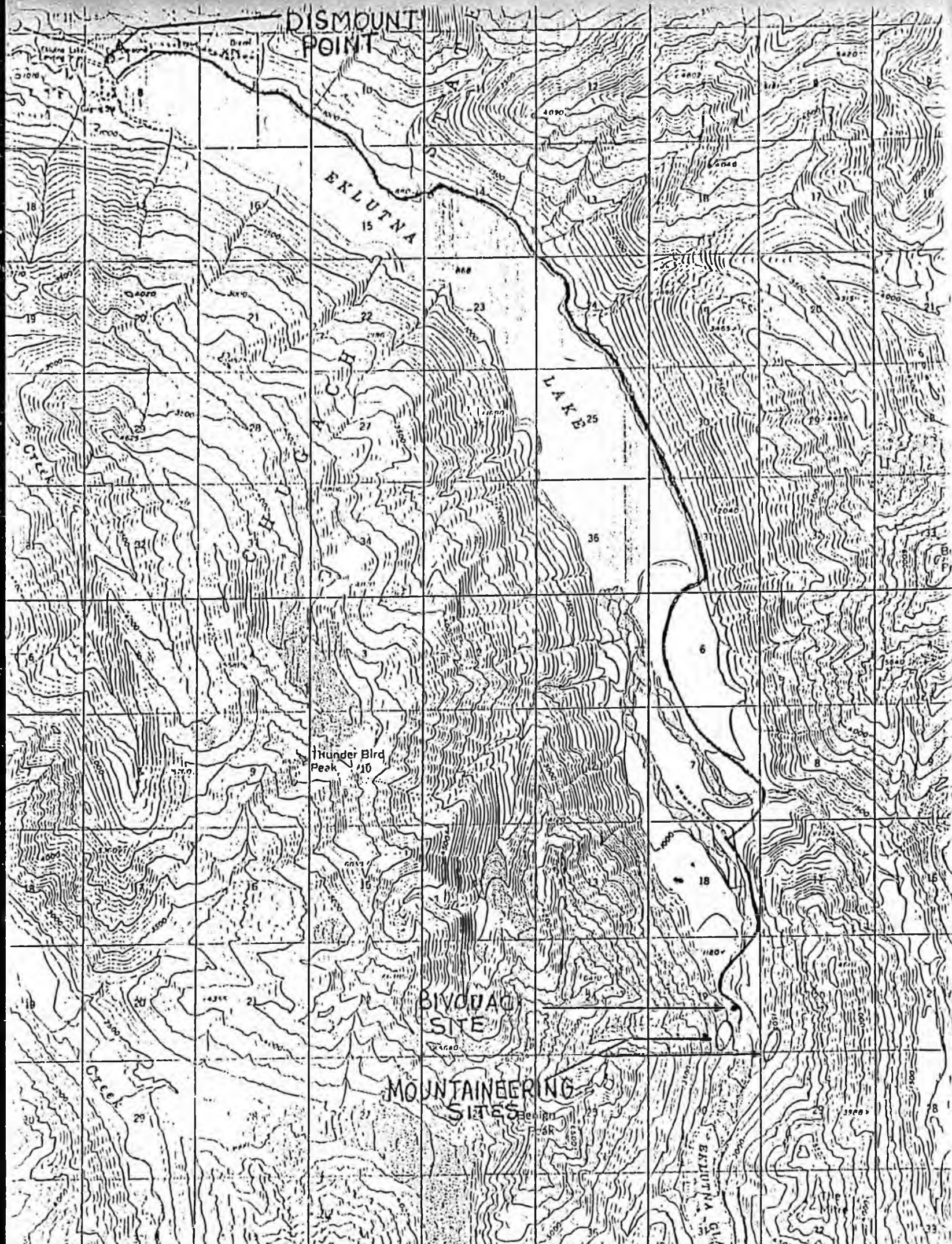
*Access currently limited to groups not larger than 100 individuals.

Figures in parentheses are for transportation of 100 personnel. Figures above parentheses are based on 140 personnel for across-the-board comparison.

¹Cost of bus transportation to Portage for one company.

²Cost reflects bus transportation only relevant to the 10 trips per calendar year allowed through the agreement with Alaska Railroad Corp. Additional trips may be obtained at an additional \$3,500 per iteration (rail portion only).

³Air costs from Fort Richardson computed on the following: \$140/hr (UH-1 w/6 pers) x 23.33 (sorties required for 140 soldiers) x 1.5 hrs (flight time per sortie, RT) x 2 (insertion and extraction) = 9,798.6.



Testimony to the
House Resources Committee
Regarding
Permit for Military Exercises in Chugach State Park
by
Mark Skok, Chair
Chugach State Park Citizens' Advisory Board

Thank you for providing the time to testify on this issue.

Before I begin, a few words about my background. I am a small business owner, and am a member of:

- A. The Anchorage Chamber of Commerce
- B. The Alaska State Chamber of Commerce
- C. An active participant with the Resource Development Council's International Trade Committee

However, I am here today as chair of the Chugach State Park Citizens' Advisory Board. I want to reiterate our board position regarding this issue:

- A. The board fully supports the Army's training mission in Alaska. We encourage the state government to fully accommodate the Army's need for glacier training. As advisory board chair, and as a mountaineer quite familiar with Eklutna and other glaciers, I am prepared to work with the legislature, administration and the Army to be sure troops obtain the glacier training they require.

Incidentally, I also have some background in working with the military. As a former reporter for The Anchorage Times, I covered military issues for two years, and am a veteran of several exercises, including BrimFrost '81.

While president of the Mountaineering Club of Alaska, I trained two F-15 pilots in the basics of ice climbing. And, I have practiced search and rescue techniques with active duty soldiers and Air Force officers in Chugach State Park.

So, contrary to statements in the Anchorage Times, the military has the same rights to use Chugach State Park as anyone else.

- B. The issue before us is one of numbers. At our December meeting the board determined that large-scale military exercises are an inappropriate use of the park.
- C. There are many good reasons for not allowing large-scale military exercises in Chugach State Park, some of which I will cover shortly.

However, what carried the advisory board's decision is this: Other excellent glaciers are readily available to the Army in Chugach National Forest. The Army already is using Spencer Glacier in Chugach National Forest. It's simply a matter of chartering Alaska Railroad motor cars and going straight from Fort Richardson to that glacier.

The cost, according to Army testimony at our December advisory board meeting, is \$10 per soldier more than the expected cost of transporting troops to Eklutna. Military and state staff time already spent wrangling over this issue likely has cost more than the difference between Eklutna and Spencer. We're talking no more than \$20 or \$30,000 for a season's training.

Whatever the cost is, it's minimal compared to the cost of tangling ourselves in this controversy.

Considering that high-quality options are available to the Army, I'm surprised and disappointed that the Anchorage Chamber and the Alaska legislature have chosen an additional, and totally unnecessary, path of controversy.

Already the Anchorage Chamber is embroiled in a bitter dispute between the mayor and the assembly. As legislators, you are embroiled in controversies centering on balancing the state budget.

Frankly, as a businessman, I resent having to dedicate so much time to such a senseless matter. And I resent seeing my legislature distracted from serious priorities. Finally, I resent the divisiveness and the anger already generated by this issue. I remind you that the Army won't bear the costs of settling this controversy. Alaskans will.

Let me ask chamber leaders and legislators: Do you now want to deal with another major divisive issue? For a moment let's ignore whether large-scale military exercises are appropriate for the park. Let's simply recognize that this is a major controversy, one that carries with it tremendous costs in terms of time, energy and money.

Already the Army, civic groups, legislature, AG's office, Division of Parks, Commissioner of Natural Resources and concerned citizens have dedicated significant amounts of time and energy to this issue. Now, let's just look at pending financial costs should your resolution carry:

- A. If the Division of Parks is forced to issue a permit to the Army, the Alaska Center for the Environment will sue. Defending that lawsuit will be costly.

However, because the state agrees that the military's proposed use of Eklutna Glacier is illegal, it's unlikely the governor will make this demand. So,

Rep. Cotten has expressed a willingness to seek legislation that would change the statutory authority of the park to accommodate the military's desired use. Such an act would inflame every environmental group in the state.

Essentially, we would have a return to the D2 era. Do you remember D2? Do you remember the agony our Congressional delegation went through to achieve consensus on those lands issues? Do we really need to go back there?

- B. Other costs: The Division of Parks receives Federal Land and Water Conservation Funds to operate Chugach State Park as a low environmental impact unit. There is a high likelihood those funds would be cut off.
- C. Chugach State Park staff would have to be increased to handle the drastically changed use pattern.
- D. And, there's the cost to our visitor industry. The Army plans to stage its Eklutna operation at one of the state's most beautiful and popular campgrounds.

The Eklutna Lake Campground accommodates some 200 people a day throughout the spring, summer and fall. If you were a visitor from Kansas, enjoying the wilderness experience of a lifetime, would you want to be disturbed by a company of soldiers carrying rifles?

Wouldn't you have second thoughts about a state that treats its recreational parks as military reservations?

What kind of word-of-mouth advertising would this sour experience generate?

I have explored a few of the problems associated with granting the Army a permit for large-scale military exercises in Chugach State Park.

And, I have suggested an alternative for the Army. Now, I offer the House Resources Committee a positive leadership role. Rather than become a catalyst for controversy, help generate consensus. Develop an alternative resolution that recognizes the Army's training needs, as well as the recreational and wilderness values of our spectacular state park system.

Conclude your alternative resolution with an endorsement for the administration's efforts to work with the Army to fully accommodate military training requirements, while preserving the integrity of our park.

Right now we're on a path that will make losers of all of us. Let's change direction, and create a win for everybody.

Thank you for your time.



Alaska Environmental Lobby, Inc.

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907-586-2345

ISSUE PAPER: HJR 17 - ARMY TRAINING IN EKLUTNA GLACIER AREA

The Alaska Environmental Lobby strongly opposes HJR 17. There are severe conflicts with large-scale military training activity on the Eklutna Glacier in Chugach State Park, and good alternative sites are readily available. This problem is easily solved.

USE CONFLICTS: Chugach State Park has become a much-needed place for escapees from our state's largest urban area to seek peace, quiet, relaxation, and recreation. To allow it to fill that function, while being close and accessible to so many people, restrictions on use have proven necessary. Foremost among those are limitations on large groups, unduly obtrusive activities, motor vehicles, and activities which damage the land. In most parks, group sizes of over 6 to 8 people are discouraged in the backcountry; commercial wilderness guides are commonly restricted to a maximum group size of 12 or fewer. Groups of 100 to 140 people are simply not allowed under any circumstances. The Eklutna Valley is a relatively narrow, confined space where large groups will inevitably impinge on all other users. Large encampments, antennas, increased vehicle traffic, trampling, and the general commotion of so many active people will be inescapable. The proposed training is so clearly incompatible in a popular family recreation area that the Attorney General's office has issued an opinion that it appears to be illegal.

ALTERNATE SITES: Alaska has no shortage of glaciers; Eklutna is NOT the only suitable one. The Army currently uses the Spencer Glacier near Portage. It is accessible by rail and a short walk and has virtually no conflicting use. In the same area, and easily within walking distance of the rails, are the Skookum, Bartlett, and Trail Glaciers. Other than the annual ski train to the latter two, there is almost no conflicting use on any of these. In the other direction, the Matanuska Glacier, easily accessible by road, is developed and heavily used by visitors and glacier travel classes, and is big enough to spare a corner for Army use without squeezing others. For longer training exercises, many less-accessible glaciers such as the large ones in the Knik River drainage are close by. And the Army has extensive and well-used glacier training areas at the Northern Warfare Training Center, in the Alaska Range near Fort Greely.

prepared by Bill Glude,
February 16, 1989



Alaska Center for the Environment

700 H Street, Suite 4 • Anchorage, Alaska 99501 • (907) 274-3621

January 5, 1988

Director of Engineering & Housing
Attention: AFVR-DE
Fort Richardson, AK 99505

Re: Military Training Inside Chugach State Park

Dear Sirs:

The following are the comments of the Alaska Center for the Environment on the army's proposal (including its two EA's and FONSI's) to use the Eklutna Lake and Glacier area inside Chugach State Park for the military training of 100-140 soldiers seven to twelve times a year. Our comments are briefer than they might have been for several reasons. First of all, we have had to address this issue far too many times over the past several years and will only be repeating ourselves. We sincerely regret the fact that the State Division of Parks continues to mislead the military and burden the public by failing to muster the political will to tell the army that the proposed training is an illegal and inappropriate use of some of Alaska's most beautiful and treasured state park lands. Second, we will shortly have to state our position once again before the ultimate decision-maker, the Division of Parks. Finally, we believe that the use of the park for military training by virtually any number of soldiers is illegal, and that the details of the proposal briefly addressed below are largely irrelevant (please refer to the appeal dated July 6, 1988, filed by Tom Meacham on behalf of the Alaska Center for the Environment and the Friends of Chugach State Park, which we hereby incorporate by reference into these comments).

1. Legality. Chugach State Park was established to protect and provide a water supply, to provide recreational opportunities, to protect areas of unique and exceptional scenic value, to provide areas for wildlife viewing, and to protect the existing wilderness characteristics of the easterly interior area. Military training is not one of the purposes for which the park was established and it is inconsistent and incompatible with those purposes. Allowing military training in the park would be illegal.

2. Impacts on the Recreational and Scenic Resources. These two resources are closely tied. Part of the recreational experience is the enjoyment of the scenic resource. The following would impact one or both of those resources:

a. Group Size and Total Number of Individuals.

Virtually never does a group of even 40 individuals, let alone 100-140, use the park except at designated, improved campgrounds. Large groups are incompatible with the quality of

in the area in the past is irrelevant; past practices don't alter the fact that military training in the park is illegal and inappropriate. Finally, increased motorized access is a major issue. An improved road would increase the pressure on the Division of Parks to increase motorized access, which would adversely impact designated wilderness not just on the glacier but in the East Fork; by failing to make a quick and definitive decision on the present question the Division has clearly demonstrated that it is unable to stand up to political pressures. (See also our discussion under "Road Improvements" below).

I. Human Waste. The aesthetic and health impacts of human wastes on glaciers have been demonstrated in many locales in recent years (for example the popular West Buttress route on Denali). We think it is highly improbable that soldiers will in fact use their collapsible camp toilets on the glacier and the mountain.

J. Direct Interference. It is unreasonable to expect recreationists who are using the park for the purposes for which it was established to "reroute around training units on the glacier" (Training EA, p.14).

3. Road Improvements. As we mentioned earlier, allowing ATV's to use the road was and continues to be a controversial decision. Many people would like to see not increased motorized access, to which road improvements would almost certainly lead, but decreased motorized access. Additionally, many people are pleased, from an aesthetic standpoint, to see that shrubs are encroaching on the road and creating a more trail-like atmosphere. Finally, the mouths of most valleys in the park are accessible by auto. The East Fork is an exception and for that reason it is one of the park's wildest. It is consistent with balanced park management to at the very least maintain the status quo in order to protect the wild character and the opportunities for solitude in that valley; the existing access is more than adequate.

4. Alternatives. (Training EA, p.16.). The military, again somewhat arrogantly, seems unwilling to recognize the special nature of those lands, like state parks, which have been specially designated, set aside, and protected by the legislature. Alternatives to training inside one of Alaska's most beautiful and valuable state parks are available. The Spencer Glacier is presently being used. There is no indication that the Matanuska Glacier will not be made available. These two glaciers, or others on unreserved, preferably federal (BLM) land would seem to be entirely adequate to provide variability of terrain, although what that means in the context of glacier training and why it is necessary have not been explained. The need for the military, absent an emergency, to "train several companies on separate glaciers at the same time" has not been demonstrated and we doubt that it can be. Finally, for a five day training program, travelling to glaciers that are farther away than the ones listed (Knik, Colony, Lake George) would not seem to be infeasible.

5. NEPA Compliance. We do not understand why training and

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



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