Fishing Industry, Southwestern Alaska Communities

Environmentalist Target Fishery

By Janis Hair

Place for new shelter seen along Richardson

Practices Act continue to change?
Site-specific criteria is a win-win situation for Anchorage

An important regulatory issue that will likely spark the interest of many is the renewal of EPA's wastewater discharge permit for the Municipality of Anchorage's (MOA) sewage treatment plant at Point Woronzof.

The Alaska Department of Environmental Conservation (ADEC) is proposing to adopt site-specific water quality criteria for upper Cook Inlet's unique circumstances. Cook Inlet receives large quantities of glacial till from various rivers and streams and is subject to extremely forceful tides. These factors combine to produce naturally high levels of metals and turbidity. Therefore, test results using the total recoverable method usually exceed the state's water quality standards.

Cook Inlet's naturally high levels of particulate metals do not cause toxicity nor are they bio-available. Fish and whale tissue samples are low in metals including mercury and extensive monitoring has demonstrated no effect on the environment from the treatment plant's discharge.

MOA has proposed criteria be developed based on dissolved metals rather than total recoverable metals. The EPA has determined testing for dissolved metals provides a better measure of metals available to aquatic life.

The alternative to adopting site-specific criteria is construction of a very expensive wastewater treatment facility, perhaps costing as much as $500 million, leading to a possible three-fold increase in Anchorage sewage rates. The minimal environmental benefits of such a facility are far outweighed by the extreme economic costs.

RDC has long advocated for reasonable water quality regulations based on sound science and has closely tracked this issue. ADEC has the regulatory flexibility to provide site-specific criteria when natural conditions alone produce non-compliance with state water quality standards. The wastewater treatment facility in upper Cook Inlet presents just such a scenario.

RDC commends the ADEC for the careful and extensive work that has gone into the proposed site-specific criteria that presents a win-win situation for the environment and the residents of Anchorage. The next step is EPA renewal.

We will continue to update Resource Review readers as the development of this issue unfolds.

Hearing on Pogo prospect draws support

Teck Resources, Inc., recently applied for the necessary permits for an advanced exploration program at the Pogo gold prospect near Delta Junction. Preliminary information suggests that a gold resource of 5.2 million ounces exists at Pogo. The method of mining this deposit would be underground with a surface footprint much smaller than many open pit mines.

The tunnel would provide access to the deposit in order to obtain the information needed to determine the economic viability of the project, the extent of mineralization, practicality of potential mining methods and mine design. Teck's advanced exploration proposal requests approval for a five-year exploration program, including surface exploration drilling and underground activities. If early exploration results prove feasible, Teck may begin design and submit a permit application for a full scale mine before the proposed five-year permit ends.

A hard rock mine and mill at Pogo would create approximately 350 construction and 250 permanent year-round jobs during its operational life.

At a public hearing in Fairbanks on January 29, RDC testified in support of a site-specific criterion for Total Dissolved Solids (TDS) of 650 mg/L, which reflects the natural background condition for TDS levels in the groundwater at the site.

Senator Jerry Mackie, sponsor of the bill, says the legislation is "a cooperative step forward in the protection and wise utilization of our resources."
Open house highlights Carbon Mountain

Open houses were held last month in Cordova and Anchorage to provide local residents with new information on a proposed access road to Chugach Alaska Corporation’s timber resources in the Carbon Mountain area.

CAC and its contractor, Konkor Forest Products, are in the early stages of planning for an access road into Carbon Mountain, located 60 miles east of Cordova and 20 miles north of the Gulf of Alaska. The tract encompasses 73,000 acres, 8,000 acres of which are currently accessible to the property as the only forest road in the region, the Copper River Valley, and the least obstructed access point, which is the Cordova Anchorage open house. Many residents in Cordova look forward to the new jobs and economic benefits the road project and subsequent timber harvesting will bring. Others supported provisions that allow for public use of the right-of-way.

A host of federal and state agencies have regulatory oversight of the project.

Last month a new state legislature opened in Juneau and Governor Tony Knowles unveiled priorities for his second four-year term in the traditional state-of-the-state address. A top priority of the Governor and the Legislature is getting a handle on Alaska’s serious fiscal situation. A solution to Alaska’s budget problems is perhaps one of the greatest responsibilities the Governor and any Legislature will ever face.

With record low oil prices, Alaska is confronted with one of its most serious fiscal challenges over — a $1 billion budget deficit projected in each of the next three years. During this period, the state’s cash reserves outside of the Permanent Fund will be exhausted unless significant actions are taken this spring to head off disaster. These actions will require tough decisions from our elected leaders in Juneau. Some of these decisions will be unpopular, and leadership and unity will be required to meet the challenges. Sooner the better because the situation is grave and cannot wait until the teneous, closing hours of the session.

Slumping oil prices and a weak Asian economy have hit Alaska hard. Both BP and ARCO have substantially cut spending and more than a thousand Alaskans who either work directly for an oil corporation or in the support industry have lost or will soon be losing their jobs.

Unfortunately, the recent financial straits are not confined to oil. The timber and fishing industries are in the tank, both hit hard by weak Asian markets. Timber production is down by 70 percent or more in some areas, budgets have been drastically cut and industry employment has fallen to all-time lows. Meanwhile, the mining industry, which has shown record growth and production over the last several years, is now struggling to cope with low commodity prices across the board.

While Alaska’s economy may be more diversified today compared to the mid-1980s when low oil prices sparked a statewide recession, the full effects of the current downturn have yet to hit the general economy. However, in keeping the big picture in mind, Alaska has a lot going for it. In fact, some argue Alaska is rich, not poor. After all, how many states have a $25 billion savings account and billions in reserve accounts?

RDC objects to changes in Bering Sea pollock fishery

In a recent letter to the National Marine Fisheries Service (NMFS), RDC objected to new restrictions on the pollock fishery that will impact the economic engine of many communities.

“Some of the measures being implemented by NMFS could significantly impact our economy without demonstrating benefit to the Steller sea lion,” RDC noted. The Steller sea lion population, which has been depleted to what has caused that decline remains unknown.
ESA litigation forces new action to protect Steller sea lions

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The fact they both occurred in similar space and time. Lacking sound scientific justification but under legal pressure, NMFS unilaterally instituted a series of 10 and 20 nautical mile pollock "trawl exclusion" zones to protect sea lion rookery areas in the Gulf of Alaska and Bering Sea/Aleutian Islands, respectfully. Alaska's commercial fishermen and coastal communities had no alternative but to comply with the new measures, hoping it would be enough. It was, but the respite was short-lived.

The mid-1990s was marked by a period of relative calm regarding commercial fishing and sea lions. The NPFMC and NMFS continued to successfully manage the pollock fishery, the U.S. Coast Guard enforced the new trawl exclusion zones, and NMFS saw fit not to increase sea lion protection with further restrictions on the fishery. The agency went on record in a 1998 report to the U.S. Congress indicating that additional protective measures would not be considered until the current period of relative calm regarding impacts of commercial trawling. The absence of independent scientific peer review requirements injected a level of dysfunction into the ESA process. In this situation, NMFS was completely free to determine internally what impact the fishery was having on sea lions, what constituted the best available information, and what management measures were necessary to mitigate the impacts of pollock trawling. The agency then appeared in court to defend its position that the additional measures would be sufficient to address the problem. In ESA cases, the courts generally defer to agency expertise on these matters.

Ironically, Alaska's commercial fishing industry and fishing-based coastal communities, which depend on a healthy ecosystem and are actively working to seek independent science-based answers to sea lion questions, stand to lose the most in this process.

This is precisely how the process has played out in southwest Alaska. The environmental industry once again forced a federal agency into premature action through ESA litigation. In this instance, the additional measures would be sufficient to address the problem. In ESA cases, the courts generally defer to agency expertise on these matters. It is only when the agency's position under tremendous time constraint — the first wave of SSL protective measures had not yet been implemented, increased and federal funding for sea lion research/recovery was never secured by the agency, and conflicting scientific hypotheses/data now existed which undermined the agency's linchpin argument that fishing was the problem. Despite scientifically viable alternative hypotheses, NMFS marine mammal scientists took a hardline position — that pollock trawling was the sole cause of the problem. NMFS, being both the acting and "offending" federal agency, was in a position of consulting with itself on the issue and could therefore reject other explanations without validation.

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Direct correlation between fishing and sea lion decline, the agency had no choice but to reverse its position of the last several years and issue a determination that commercial pollock trawling was now jeopardizing sea lion existence/recovery. The agency internally fast-tracked a series of mitigation measures even more restrictive than the first set implemented during 1991-93. The new measures for the GOA include over 40 new trawl exclusion zones. Starting in 1999, pollock trawling is completely prohibited in the Aleutian Islands region, and the fishing season opening dates will be changed. The majority of traditional commercial fishing grounds will now be trawl exclusion zones, and the percentage of pollock that can be taken by trawling from sea lion critical habitat will be reduced to 50 percent, down from current levels of 70 percent. These changes will whipaw the shore-based workforce, cost the industry in excess of $100 million annually, and put fishermen at increased risk as they are forced further offshore seeking alternative fishing areas.

On December 18, 1998, District Court Judge Zilly issued a stay to permit Alaska's pollock trawl fishery to open on January 20, 1999 under the agency's mitigation plan. Not surprising to anyone, the AOC and Greenpeace have vowed to file an injunction to stop Alaska's pollock fishery. A final ruling is expected in February 1999. The big winner in the final analysis will be the group that never had anything at stake to begin with — the environmental industry will tout the sea lion "victory" to raise more money from well-intentioned folks who just don't seem to realize the sawbuck they gave Greenpeace last year was used to put an Alaskan fisherman out of business this year. This will make trouble for a Maine lobster man next year and a Gulf of Mexico red snapper fisherman in the next millennium.

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