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PA rule
Rule change would allow agency to consider marine disposal for mine tailings

The U.S. Environmental Protection Agency has released a draft rule which, if it becomes final, would allow the federal agency to consider allowing the developers of the A-J mine near Juneau to dispose of mine tailings in Stephens Passage, where the Taku Glacier naturally deposits tons of ground rock. If the draft rule becomes final, the A-J project would be released from the zero-discharge requirement of the EPA’s New Source Performance Standards, which prohibit the disposal of tailings in marine waters. The new rule would allow EPA to compare the environmental consequences of submarine tailings disposal to those of on-land disposal options.

“It is important to note that the proposed change to the existing federal rule will not give the A-J a permit for tailings disposal,” said Cliff Davis, Vice President, Alaska Projects, Echo Bay Mines Alaska. “It would simply allow EPA to consider additional types of tailings disposal alternatives through a Supplemental Environmental Impact Statement (SEIS).”

In order for the submarine disposal (Continued to page 3)
Report on impaired water bodies holds serious implications for Alaska communities, industries

Earlier this year the Alaska Department of Environmental Conservation (DEC) released for public comment the draft 1996 Section 303(d) Water Quality Assessment Report. The report is conducted every two years and must be approved by EPA.

The report addressed complex sub-projects which hold serious implications for Alaska industry and communities. DEC has taken an active role in working with state and federal regula-tors to communicate the concerns of Alaska’s regulated communities. The report, for Alaska's industry and communities, will mean that the public and the regulated community, should there be a clear screening process to eliminate mistakes from the beginning. Many of the waters now named are arguably listed. Others are delineated inappropriately huge and vague, e.g., all Kenai Peninsula and North Slope wetlands.

One written anecdote, coupled with lack of data is enough to get a waterbody listed, yet it takes testing and evidence with credible documenta-tion to get a waterbody off the list. This is inappropriate methodology and over-reaches any scientific standards, much less the "reasonable person" test.

- Expand and simplify "de-listing" criteria

At present, there are only three ways (or criteria) for de-listing and they are not very precise.

- One requires waterbody assess-ments which call for total maximum daily load analyses (TMDLs). Additionally, the EPA-approved waterbody re-covery plan must be implemented and underway. The second criteria allows certified sewage lagoons to get off the list and the last requires "credible docu-mentation that State Water Quality Stan-dards have been met."

In a state as enormous as Alaska, getting a waterbody de-listed promises to be a regulatory "make-work" program for consultants and lawyers, cost-ing the regulated industries is enough to get in those areas first.

- RDC noted that vast areas of Alaska lack water quality data. DEC pointed out that data is needed in certain priority areas and scarce state resources should be spent in those areas first. RDC strongly ob-jected to any assumption that lack of data could imply waterbodies are "sus-pected of being affected by pollutants," impaired or threatened. RDC recom-mends that DEC:

- Require stricter qualifications and better evidence to get a waterbody listed on any list.

- Improper listing as "suspect, impaired or threatened” will create

Impaired waters ...

(Continued from page 3)

- Costly and time-consuming. Unfortunately, neither have produced many positive re-sults for Alaska yet.

- Delete Appendix I (1996 Alaska Surface Water Quality Guidelines and being Affected by Pollutants from Point and Nonpoint Sources) from the 303(d) report.

- There is no statutory mandate or au-thority for a "suspect" list and it should not have been created as part of the draft report. The list certainly should get appear in DEC’s Final 305(b) Report to EPA. Since it is outside of the scope of the 305(b) report, DEC refrains from comments on specific waterbodies on this list, but urges its mem-bers to be ever vigilant of this opportunity.

- If DEC is somehow compelled to com-pile such a list, it should be done in-state, accompanied by time for reasonable scoping with affected parties involved, better data and better resources provided by which to analyze available data.

- Delete any waterbody on the lists if the reason for listing is the presence of cross-infrastructure

- Road construction, land development and shoreline modification are not listed as pollutants under the Clean Water Act. There is no logic or evidence to show that the mere presence of roads, gravel pads and facil-ities, for instance, creates "persistent exceedences" of state water quality stan-dards to surface waters. Neither do modifi-cations to habitat automatically equate to destruction of habitat or waters. In many known cases, modifications can be shown to have beneficial effects.

RDC commends DEC staff for its work, but concerns and questions still remain.

Forest Practices Act

(Continued from page 6)

- Provide a very small increment of habitat protection for a very large loss of value to private landowners.

ADF&G claimed in its report that private land is not receiving adequate inspec-tions. Records, however, show ADFG con-ducted 242 inspections in 1995. ADFG claims no monitoring is being done, yet DNR, DEC and the forest industry through the Forestry/Fisheries Working Group have done extensive and comprehensive moni-toring on the effectiveness of the FPA for over four years with very few elevations.

RDC is concerned that the Forest Practices Act has been watered-down. ADFG warned that the evolving process of change "has the very real possibility of having tre-mendous consequences" on the industry’s ability to profitably harvest timber in Alaska.

Reserve development in the Arctic requires one eye on politics, the other focused on the long view

I want to commend the many Alaskans who have participated in the ANWR effort during the past year. The outlook for ANWR legislation may not seem as promising as it did a few months ago, but I don’t believe we should feel discouraged. The broad coalition of business, labor, government and citizens from all walks of life who joined forces to promote Coastal Plain development has accomplished great things. We cooperated in one of the most organized and intensive campaigns ever instigated by Alaskans. We achieved the issue by educating members of Congress and enlisting the support of organizations throughout the nation. It was a monumental effort of which we can all be proud. And it made a difference. Congress approved an ANWR measure for the first time ever. We also established an impressive base of support among a variety of interest groups. That foundation will not crumble as long as we maintain our contacts with those whose support we worked so hard to gain. And after the election, our prospects may look very different. So there are reasons to feel encouraged about the future of resource development on the North Slope. It simply requires that we keep our eyes on politics of the moment and the other focused on the long view.

That is our approach at the North Slope Borough. We believe that safe ANWR development will ultimately occur. And when it does, we want to be ready. That’s why we have instituted educational and training programs that will yield a work force prepared for the future. Our School-to-work program orients high school kids to the jobs...

I’ve always believed in being careful instead of fearless. We can move forward with care, and in the case of ANWR, I believe we will.” – Mayor George Ahmaogak, Sr.
Salvage timber sales (Continued from page 5)

Industry disputes ADF&G report calling for stronger FPA

(Continued from page 5)

EPA may expand options for tailings disposal at A-J

(Continued from page 5)

“We see these reports as a first step in the start of a dialogue to integrate the differing perspectives on FPA issues within the administration,” Davis said in a letter to RDC. “It would be irresponsible to propose statutory or regulatory amendments to the FPA without a rigorous public review and commenting arguments the act is not adequately protecting forest habitat and water quality.”

This year’s annual reports on the act by ADF&G, DNR and DEC marked the first time the resource agencies have significantly diverged in their respective assessments on how well the FPA is working. Each agency has been given responsibility in their area of expertise to provide views on the FPA.

RDC charged that the report contains questionable findings, leaving out important information and failing to differentiate between opinion and fact.

One key principal of the act, RDC noted, was that any successful system must be based on shared risk and incentives for both timber owners and regulators. Yet in its report, ADF&G wants a protection standard of basically zero risk to fish habitat or water quality.

The 1989 FPA report states that “neither fish nor timber should bear an inordinate share of the burden, that a balanced must be found.” The FPA report also stated that “no private landowner should have to bear an unusually large burden.”

ADF&G would like to double the size of buffer zones along rivers and streams, but such a move would only

Echo Bay submits 300-page permit application for A-J

(Continued from page 1)

The Alaska-Juneau gold mine's surface facilities will occupy less than 20 acres on an old industrial site at the base of Mt. Roberts, on the right side of photo. Surface impact is equivalent to the development of a single retail department store.

Submarine disposal of tailings was noted in early drafts of an Environmental Impact Statement as being the most environmentally-sound method of tailings disposal, but EPA ruled that marine disposal could not be considered as a possible option because of federal rules.

Tailing is the leftover materials — rock, sand and gravel — from which gold ore is extracted during the mining process.

In December 1994, the EPA completed a 300-page technical assistance report (TAR). The EPA report was designed to assist the U.S. Corps of Engineers in deciding what requirements the Corps would need to include in the permit issued to allow construction of the Sheep Creek tailings pond.

The EPA reached several conclusions in the TAR, principally that the tailings disposal pond at Sheep Creek would not allow federal water quality standards to be met when water was released from the pond into Gastineau Channel. Echo Bay disagreed with EPA's findings, but followed with a proposal to completely eliminate the use of cyanide at the A-J in favor of implementing gravity recovery methods similar to those used during the early operation of the mine. Using this method, a concentrate would be formed which could be shipped out to the international market for final processing. These new plans, however, were not evaluated as part of the TAR process.

In the TAR, the EPA turned down Echo Bay's proposal to put a tailings impoundment at Sheep Creek, but the agency determined that the assumption in federal rules applying to tailings disposal ponds may not accurately fit the unique climatic and surface conditions that exist in Southeast Alaska and the situation at the A-J mine.

(Continued from page 6)
Assault
Forestry

Fire Draws Decision

forest Services

back proposed savings

Forest Service

scales

Debate heats up over planned cuts in staffing

The agency’s proposal to cut 1,000 positions could result in shorter seasons for road

construction and maintenance and less patrolling of remote areas.

The proposal has sparked concerns about the potential impact on forest management and
care. Opponents argue that the cuts could undermine efforts to protect biodiversity and

safeguard ecological health.

Supporters, however, say the savings are necessary to address financial challenges faced

by the agency.

The decision is expected to be announced soon.