

Presented by: Mayor Botelho  
Introduced: 12/05/2005  
Drafted by: J.W. Hartle

## RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2338

### **A Resolution Regarding the Alaska Department of Environmental Conservation's Proposed Regulations Relating to Water Quality Standards - Mixing Zones.**

WHEREAS, the Alaska Department of Environmental Conservation (ADEC) has proposed new regulations that retain the existing general prohibition on mixing zones in fish spawning areas, but allow for exemptions from the prohibition under certain conditions; and

WHEREAS, a mixing zone area occurs where wastewater discharge mixes with a water body; and

WHEREAS, mixing zones may create pollution levels that fail to meet the goals of the Clean Water Act; and

WHEREAS, the current state water quality regulations, which became effective in November 1997, contain a prohibition on mixing zones in anadromous (migrating) or resident fish spawning areas; and

WHEREAS, ADEC proposed new regulations in 2004 that would have removed the current prohibition on mixing zones in such areas; and

WHEREAS, on October 24, 2004, the Assembly adopted Resolution 2287 expressing its opposition to ADEC's 2004 proposal; and

WHEREAS, in response to extensive public comments, ADEC withdrew the 2004 proposal and drafted a new 2005 proposal on mixing zones, which is now open for public comment until December 19<sup>th</sup>; and

WHEREAS, ADEC is holding only one public hearing on these controversial proposed mixing zone regulations, scheduled to take place in Anchorage on December 5<sup>th</sup>; and

WHEREAS, the City and Borough of Juneau by letter dated November 17, 2005, requested that ADEC hold a public hearing in Juneau following the Juneau workshop on November 30<sup>th</sup>, given the historic interest Juneau's residents have shown in these regulations; and

WHEREAS, Alaska wild salmon are renowned worldwide for being a pure and wholesome food; and

WHEREAS, farmed salmon have created significant social and economic dislocation for Alaska fishers; and

WHEREAS, many Alaska salmon marketing efforts hinge on consumer preference for fish raised in pure mountain streams and harvested in pristine waters isolated from human impact; and

WHEREAS, under the 2005 proposed regulations, ADEC may authorize a mixing zone in a spawning area if a permit applicant makes one of three showings: (1) that wastewater discharges will be timed to avoid spawning and will not adversely affect the capability of the area to support future spawning, incubation, and rearing; or (2) that wastewater discharges will not contain pollutants that will affect present and future spawning, incubation, and rearing; or (3) the applicant submits a mitigation plan which demonstrates that discharge effects will be mitigated and the plan has been approved by the Department of Natural Resources or the Department of Fish & Game; and

WHEREAS, the notice to Alaskans sent out by ADEC on October 17<sup>th</sup> with the proposed regulations states that "[w]hile anadromous waters must be protected, there is no absolute prohibition in state statute on the use of, or construction in, rivers, lakes, and streams important to spawning, rearing, or migration of anadromous fish"; and

WHEREAS, the Assembly is concerned that the 2005 proposed mixing zone regulations, combined with ADEC's policy statements on this subject, will result in an increase in wastewater discharge pollution in salmon streams; and

WHEREAS, salmon health, salmon habitat, and salmon marketing may suffer under ADEC's 2005 proposal.

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NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1.** That the Assembly hereby expresses its opposition to the Alaska Department of Environmental Conservation's proposed 2005 water quality - mixing zone regulations because implementation of the regulations would allow for increased pollution in salmon spawning areas.

**Section 2.** That the Assembly requests that the Alaska Department of Environmental Conservation schedule a public hearing in Juneau on the proposed regulations at the earliest opportunity and, if necessary, extend the public comment period to accommodate the public hearing.


**Section 3.** That copies of this resolution shall be provided to Governor Frank Murkowski; Kurt Fredriksson, Commissioner of the Alaska Department of Environmental Conservation; Senator Kim Elton; and Representatives Beth Kerttula and Bruce Weyhrauch.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 12<sup>th</sup> day of December, 2005.

  
Bruce Botelho, Mayor

Attest:

  
Laurie J. Sica, Clerk