



NEWS RELEASE

Alaska Department of Environmental Conservation
410 Willoughby Ave., Suite 303, Juneau, AK 99801-1795
Phone: (907) 465-5009 Fax: (907) 465-5070

Contact: Lynn Kent, Director, Division of Water, 907-465-5135

FOR IMMEDIATE RELEASE

DEC adopts mixing zone regulations

Regulation retains current prohibition in salmon spawning areas

January 13, 2006—Juneau—The Department of Environmental Conservation (DEC) has adopted changes to the mixing zone provision of the Alaska Water Quality standards regulation. The regulations have been under review since October 2005 when a proposed amendment went to the public for comment.

The adopted regulations retain the prohibition currently in place for mixing zones in salmon spawning areas.

“Alaska’s salmon will continue to receive the same water quality protections they have in the past,” said DEC Commissioner Kurt Fredriksson. “While I believe our original proposal was rational and based on sound science, I respect the viewpoint that successfully marketing Alaska’s salmon depends not only on the reality of clean water, but the perception of clean water.”

While the adopted regulation prohibits mixing zones in both salmon and non-salmon spawning areas, they provide for a narrow range of exceptions for the non-salmon species. Under the exceptions for the non-salmon spawning areas, mixing zones can be allowed when water quality protects present and future spawning, incubation and rearing, or when the Department of Fish and Game (DFG) or Department of Natural Resource (DNR) approves the mixing zone under their mitigation regulations.

“We received a number of comments suggesting that DEC needs to defer to the DFG and DNR fisheries biologists when it comes to questions of mixing zones in spawning areas,” Fredriksson said. “While that has been standard practice, the regulations make the practice a requirement of state law.”

The new regulations also include an exception to the prohibition on mixing zones in situations where salmon and other fish start spawning in an area after the mixing zone has been authorized. According to Commissioner Fredriksson, “This will allow us to address the situations like Valdez where a mixing zone was authorized in a non-spawning area and fish started spawning there later. Communities and companies shouldn’t lose their mixing zones because fish start spawning in them.”

The final regulations are a result of a careful review of public and agency comment on the October 2005 proposal and extensive discussions between DEC, DNR and DFG. According to DFG Commissioner McKie Campbell, "We appreciate the extent to which DEC sought our expertise and involved us in the process. The final regulations truly reflect a consensus of the three agencies as to the best possible mixing zone policy from all of our perspectives." DNR Commissioner Mike Menge added, "DNR also appreciates being involved. This policy is important to my agency for a number of reasons. DNR's investment in the final regulation was time well spent."

The Department of Law will review the regulations, which will then be filed by the Lt. Governor.

"I am confident the adopted mixing zone regulations provide the necessary protections to ensure Alaska's water quality will serve the many different uses of current and future Alaskans," Fredriksson said.

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