

Larry Hartig
Commissioner

P.O. Box 111800
Juneau, AK 99011-1800

www.dec.alaska.gov



Lynda Giguere
Information Officer

907.465.5009
cell: 907.321.5491

lynda.giguere@alaska.gov

Press Release

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE

August 21, 2007

Contact: Daniel L. Cheyette, Assistant Attorney General, (907) 269-6250
Jim Bowden, Environmental Crimes Unit, (907) 451-2148
Mark Fink, Department of Fish and Game, (907) 267-2338

State and Fairweather Marine Resolve Water Quality Violations

Anchorage-- The State of Alaska, Office of Special Prosecutions and Fairweather Marine LLC recently agreed to resolve water quality and critical habitat area violations that occurred in Kachemak Bay over Memorial Day weekend 2006. The violations stem from a sandblasting incident involving the M/V Arctic Wolf; a 135' shallow draft landing ship owned by Fairweather Marine. During the spring of 2006, Fairweather Marine hired independent contractor Terrill Maxwell, d/b/a Repair, Sweep and Coat, to sandblast and repaint the deck of the Arctic Wolf. Maxwell and Raymond Dawson, who was then, but is no longer, the captain of the Arctic Wolf, piloted the Arctic Wolf onto the mudflats adjacent to Chugachik Island in Kachemak Bay. Without the knowledge of Fairweather Marine's management, Dawson allowed Maxwell and his crew to sandblast the deck of the ship during low tide while the ship was beached. The work dispersed paint and sandblast grit onto the mudflats.

Witnesses reported these activities to the Coast Guard who halted the sandblasting. Tests of grit and paint samples indicated significant levels of chromium, cobalt, copper, lead, zinc and nickel among other metals had been deposited onto the mudflats and into the waters of Kachemak Bay. These deposits violated Alaska's water quality standards.

All of Kachemak Bay is designated a critical habitat, specially recognized and protected as providing important fish and wildlife habitat. The Alaska Department of Fish and Game (ADFG) restricts potentially destructive activities, such as sandblasting, in critical habitat areas without a special area permit.

Fairweather Marine has accepted legal responsibility for Dawson's actions and has promptly and cooperatively negotiated a civil settlement with the State. In this settlement, Fairweather Marine agreed to pay a \$12,500 civil fine to the ADFG Fish and Game Fund, and to contribute \$10,000 to Cook Inlet Keeper, Inc. and \$5,000 to the Western States Project – a regional association that sponsors training programs for environmental regulators. Fairweather Marine also agreed to the imposition of a \$50,000 suspended civil fine and to reimburse the Alaska Department of Environmental Conservation (ADEC) and ADFG for the costs these agencies spent in responding to the incident. The suspended civil fine could be imposed by a judge if, during the next three years, the company commits additional violations of the State's environmental laws or regulations.

The payment to the Fish and Game Fund will be used to fund further sampling and testing of shellfish near Chugachik Island. The contribution to Cook Inlet Keeper will be used to create and install critical habitat area signs for often-used areas of Kachemak Bay. These commitments fully resolve Fairweather Marine's liability to the State of Alaska for the sandblasting incident.

The State recently filed criminal charges against Maxwell for his violations of the State's water quality laws and critical habitat area regulations. All of the charges are class A misdemeanors that are punishable by a fine of up to \$10,000 and imprisonment of up to one year. Maxwell's arraignment is scheduled for today in Homer District Court.

-###-

Note: There are numerous critical habitat areas around the state. In addition to Kachemak Bay, critical habitat areas also exist at Point Moller, Port Heiden, Cinder River, Egegik, Pilot Point, Kalgin Island, Fox River Flats, Chilkat River, Clam Gulch, Copper River Delta, Anchor River and Fritz Creek, Dude Creek, Tugidak Island, Willow Mountain, Redoubt Bay and Homer Airport.

Examples of activities requiring a Special Area permit include, but are not limited to, such things as construction or placement of structures; damaging or clearing vegetation; detonation of explosives (other than firearms); surface or shoreline altering activities; natural resource development or energy exploration; off-road use of wheeled or tracked equipment; boat storage; waste disposal; grazing or animal husbandry,

and; any other activity that is likely to have a significant effect on vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitat, or which disturbs fish or wildlife. Regulations pertaining to land and water use activities within the Special Areas are found in the Alaska Administrative Code at Title 5, Chapter 95, Articles 3 through 8.

Anyone wishing to undertake any activities in these areas should first contact ADFG Division of Sport Fish at (907) 267-2342 in Anchorage, (907) 459-7363 in Fairbanks and (907) 465-4346 in Juneau to determine whether a special use permit is required. For more information on Alaska's refuges, sanctuaries and critical habitat areas, visit <http://www.wildlife.alaska.gov/index.cfm?adfg=refuge.main>