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CERTIFIED

December 11, 1990

Mr. Wayne Browning
Browning Timber
P.O. Box 3389
Valdez, Alaska 99686

Dear Mr. Browning:

Re: Notice of Violation - Two Moon Bay (SC 88-001)
~~(Stream Numbers 221-40-10730 & 221-40-10730-2025)~~

The Alaska Department of Fish and Game (ADF&G) has conducted two site inspections of slides which occurred in late October during road construction activities at Two Moon Bay. The slides resulted in pollution of two streams designated as important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a), in violation of AS 16.05.870(b). The ADF&G was notified of the slides on October 26, 1990. Staff inspected the damaged areas on October 30, 1990, and again on November 20, 1990, with representatives of Browning Timber Company, Citifor, the Alaska Department of Environmental Conservation, the Alaska Department of Natural Resources/Division of Forestry, and the Environmental Protection Agency.

During the first inspection on October 30, 1990, sediment laden runoff from the slides was observed entering two cataloged anadromous fish streams (Stream Numbers 221-40-10730, at the head of Two Moon Bay; and 221-40-10730-2025, a tributary to that stream) and a sediment plume could be seen in marine waters of Two Moon Bay. At that time, field personnel from Browning Timber were directed to place filter fabric at the toe of slides, remove as much of the slide material as possible, and take all necessary steps to ensure that similar events would not occur in the future. Mr. Jack Wagoner indicated that Browning Timber would comply with the ADF&G directives. He also stated that Browning would modify its road construction practices and prepare written instructions for equipment operators to follow if "blue clay" is encountered during future construction.

Mr. Wayne Browning

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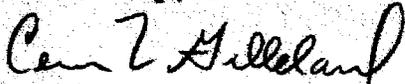
During the second site inspection on November 20, 1990, fine sediments from the slides were still suspended in the water column, although no visible plume was observed in Two Moon Bay.

As a result of the ADF&G's investigation of this incident we have concluded that:

1. Browning Timber Company violated AS 16.05.870(b).
2. Browning Timber Company has been responsive to the directives given by ADF&G staff to clean up and prevent further sedimentation of the streams identified above.
3. Browning Timber Company has, or is in the process of, revising its road construction practices to avoid future similar incidents.
4. No further action is required by Browning Timber Company at this time.

The actions taken by Browning Timber Company appear sufficient, at this time, to stop further degradation of the affected anadromous fish bearing waters. However, future inspections by the ADF&G may reveal that additional remedial actions are required. You or your field representative will be notified if additional remedial action is required. We appreciate your cooperation.

Sincerely,



Cevin L. Gilleland
Habitat Biologist
Region II
Habitat Division
(Phone 267-3284)

cc: M. Maricle, ADNR/DOF
J. Tonkin, ADEC
C. Propes, Propes & Associates
R. Vanderpool, FWP