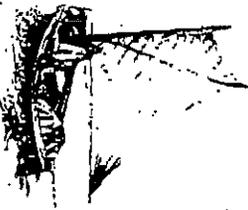


■ IN THE DARK The power will be out during the between 1:30 p.m. from mile 7 on the Lake Hood Alaskan North and South Shore.

■ STINKY PROBLEM City Council grapples with setting fees for dumping garbage. Page 3

■ Calendar..... page 6
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 ■ Crime..... page 7

The Bristol Bay Times



"Spawned Weekly in Southwest Alaska"

Serving Dillingham, Naknek, King Salmon and surrounding villages

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Vol. 18 No. 24

Thursday, June 11, 1998

Subdivision raises land use issues

By Andrew deValpine

BayTimes staff

Close by where the Jovithla River meets the Kushagak, a Chugiak developer has laid out an 80-acre subdivision and air strip; 80 acres are for sale, divided into sixty-three lots in all.

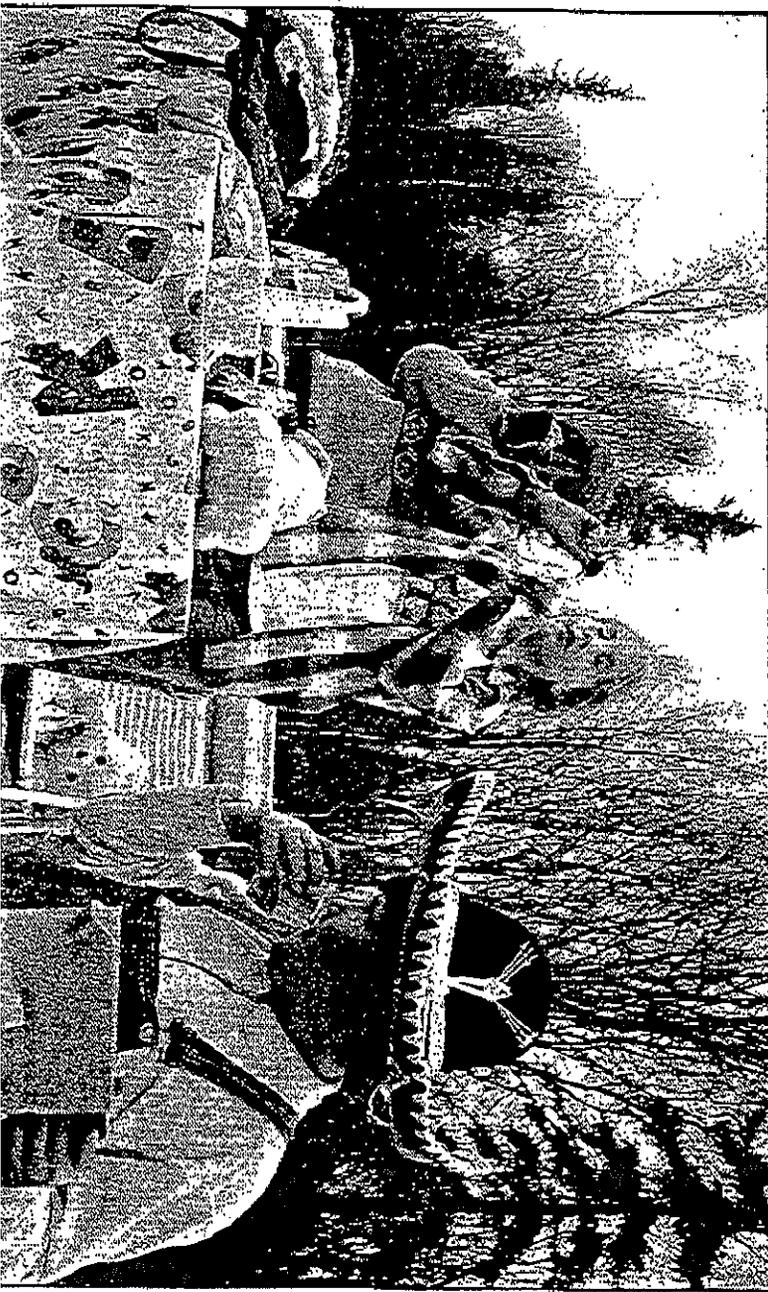
Prices range from \$14,500 to \$39,500, depending on location. Burt Bonhof is the developer, and he's named it Kushagak Shores Subdivision.

"We think it's the saddest-looking thing on the Kushagak," said Chogging Ltd., Land Manager Russell Nelson. "He has this thing he calls an airstrip and it's just a mudhole. He cut trees bulldozed theundra back."

"It makes me sick. But what do you do? It's like me asking you 'you can't put a driveway on your land. My recommendation is to put up a fence around his land, fence off our land.'"

Promotional material for the subdivision mentions

Lemonade, Inc.



*Bristol Bay Times
June 11, 1998
top of page 1*

Editor's note: All individuals listed below are presumed innocent until proven guilty in court of law. All information in this section was taken directly from reports from the Troopers, Togiak Police and Bristol Bay Borough Police and from District Court records.

- Charges**
- **May 30**
 - William Tikum, 29, was charged with assault in the fourth degree.
 - Lester Moore, 33, was charged with criminal trespass in the second degree.
 - Jacob Bayavok, 41, was charged with criminal trespass in the second degree.
 - Ewan Pelluska, 49, was charged with criminal trespass in the second degree.
 - Olaf Johnson, 54, was charged with criminal trespass in the second degree.
 - June 4
 - Vernon Konutpook, 27, was charged with two counts of assault in the fourth degree.
 - Ewan Waskey, 54, was charged with criminal trespass in the second degree.
 - Warren Antione, 19, was charged

- with criminal trespass in the first degree and theft in the fourth degree.
- June 5
- Thomas Hiratuka, 39, was charged with driving while intoxicated.
- June 6
- Nels Anderson III, 32, was charged with driving while intoxicated.
- Ewan Waskey, 54, was charged with making a false report.

- June 1
- Peter Bucknelra, 53, had a charge of disorderly conduct dismissed by the prosecuting attorney.
- Bertha Olsen pleaded no contest to three counts of a violation of compulsory attendance statute. She was fined \$150.
- Sandra Olsen Johansen pleaded no contest to four counts of a violation of compulsory attendance statute. She was fined \$200.
- Andy Olsen pleaded no contest to four counts of a violation of compulsory attendance statute. He was fined \$200.
- Mike Walbot, 55, was found guilty of assault in the fourth degree. He was sentenced to 300 days in jail with 270 suspended. He was placed on probation for three years. He must attend up to 60 days in residential alcohol treatment. He shall possess or consume no alcohol for one year.
- Dominic Lee, 33, pleaded guilty to failing to display registration on a vessel. He was fined \$100.
- John Hansen, 41, pleaded guilty to no valid crew license while commercial fishing. He was fined \$200.

Bristol Bay June 1, June 4, June 5, page 20

Cleanup

From page 1

It began major development until they received a federal grant in 1992. Funded with \$30,000 from the Defense Minerals Exploration Administration Grant — a pilot program spurred by mercury's wartime uses — they extracted 22 quarts of liquid mercury from chinabar ore.

Fish totes full of mercury-laden soil still sit beside the Wood River, where the contractor left them in 1994, because the BLM said it didn't have the money to move them. This summer the cleanup should be complete, but just how it will be finished and who will pay are still unanswered.

State and federal agencies have conflicted over proper cleanup procedures and the federal government repeatedly ignored requests of state regulators and U.S. congressional delegation for more information.

Wren has until Sept. 5 to pay or go to court. She claims that BLM violated clean-up procedures. She has enlisted the aid of state con-

"Obviously in hindsight it would have been better to not stack any three high," Alcorn said. But Alcorn said his recent inspection detected no leaks because of the plastic liners within the totes.

Eileen Olson was the DEC site project manager in 1992 and 1993 when DEC first notified BLM it was in violation. She also questions aspects of the cleanup.

"The fact is that not much really was done," said Olson, referring to a lack of plans to move the totes.

Alcorn says the totes should have been moved within the first year, but the agency didn't have the \$1.3 million it would cost.

"We've been looking the last couple of years for other options," he said.

Their (DEC's) contention is that there are some very low levels of mercury in the soil and that too much soil was excavated," Alcorn said. "Our contractor at the time felt that it was a necessary amount of soil. That contractor is not with us anymore. I can't really say what was right or not right at that time." Olson said she is not so much concerned with the amount excavated as much as with the soil not

covered to prevent runoff.

"They set a cleanup level that we didn't review or approve of — 100 parts per million — as opposed to maybe 20 parts per million, which our regulations would allow," she said.

Some time after 1993, BLM quit communicating with DEC and did the clean-up without DEC approval or input, Olson said.

"They no longer included us in the process. We felt there wasn't enough cooperation; we didn't get an opportunity to review the site plan," she said.

"To date, BLM has never determined the regulatory status of the site soils. You can't make a decision on getting rid of it unless you know what it is," Olson said. DEC sent a letter to the EPA May 15 this year requesting such a determination.

BLM withheld site plans for four years, Olson said, forcing her to file a Freedom of Information Act Request this January. It was granted.

"BLM said they hand-delivered their (cleanup and assessment) plans," Olson said. "Our files indicate we weren't given any plans."

• Moving the totes to a special processing facility in the Lower 48. Moving all the totes would cost \$1.3 million, but after sampling each tote, only those with high levels of mercury would be shipped out.

• Encapsulating the totes in a special plastic liner and burying them on top of Marsh Mountain near existing tailings.

• Putting low-level contamination in the local landfills. Contamination probably couldn't be put in landfills until Dillingham's new one is built next year. DEC said existing Dillingham and Aleknagik landfills lack proper permitting because they don't have liners.

Most likely, Alcorn said, some combination of the options will be pursued. But first, all the soil in the totes will have to be sampled.

As for who is liable for the cleanup, Wren disputes the notion that her father or his estate is, because her father was never specifically notified.

As far as DEC is concerned, BLM is the responsible party. "State law establishes strict liability if you own the property or

"I'm just doing my best to jump out of their frying pan as often as they put me in it."

Tookie Wren

"They (BLM) didn't tell us anything," Tookie Wren said. "They came in behind Dad's back. He was a construction worker with equipment; he could have done it much cheaper." By Wren's estimates, more than \$380,000 cheaper.

"A lot of the work that was done and still needs to be done is physical," Olson said. She said the Wrens would only need a qualified person to sample soil, assess the site and put together paperwork.

"A lot of money in remote projects goes into mobilization and keeping a crew out there," Olson said. "Expenses tend to skyrocket in places like that."

Last Wednesday, BLM representatives declined a request by Congressman Don Young's office to turn over documents that account for their expenses because

Grant, Drew

From: Patrick-Riley, Kent
Sent: Wednesday, June 10, 1998 3:42 PM
To: Grant, Drew; Decker, Eric
Cc: Olson, Eileen; See, Marianne; Mawson, Simon; Hock, Jeff
Subject: FW: Red Top Update, Wood River

Since about 1992 DEC has been aware of high mercury levels at a retort site (a barrel heats up cinnabar ore, mercury vaporizes, goes up a condensation tube, and then rolls down to collection area and into a flask; was in operation only during the 1950's) about 30 feet from the Wood River a couple miles downstream from Aleknagik (for community profile see: http://www.comregaf.state.ak.us/CF_CIS.cfm) and about 15 miles upstream of Dillingham. The Wood River is in an area valued for commercial and sportfish opportunities.

CS (Eileen Olson) has been working with BLM to clean up the site. I discussed the site with her before composing this email). In the past BLM dug up a lot of soil and stored it in 180 fish totes, which now are in the water from flooding in the area. In sampling done 4 years ago by a contractor for BLM, Eileen indicated that some very low levels of mercury were found in the sediments, she doesn't believe they are natural in origin, but didn't believe they posed a water quality problem. Eileen said that they took one sample from groundwater a couple feet below the site and had detectable mercury levels, but below MCLs. Groundwater samples taken from soils between the site and the Wood River came up non-detect. Note the contractor's report generated some QA concerns from BLM and the dept (the contractor was Quest Environmental).

Right now, DEC is trying to get BLM to isolate or remove the totes from the floodplain and also isolate some stockpiled soils (a total of about 180 fish totes and a 10 cubic yard stockpile, which four years ago was heavily contaminated by petroleum and may have mercury in it)

As I find out more info from CS, I will keep you informed. As this has been a somewhat longstanding problem, I recommend you open a file on this site for potential inclusion on 303 and 305 lists, but I would not recommend any further action until we have more info from CS. I will keep you informed as I learn more.

Eileen has some much more graphic photos showing the problem. She's aware that I'm sending this to you and to SPS staff.

Kent

Forwarded below is a short description, and some photos.

From: Klein, Ron
To: Patrick-Riley, Kent
Subject: FW: Red Top Update
Date: Wednesday, June 10, 1998 1:08PM

FYI

From: Schmidt, Grechen

To: Frechione, Jim; Klein, Ron; Johnson, Lawrence; Fredriksson, Kurt

Cc: Olson, Eileen; Orlean, Howard

Subject: Red Top Update

Date: Tuesday, June 09, 1998 4:12PM

Here's the latest update and photos from yesterday.



UPDATE69.DOC



FISH1_2.JPG



FISHCOMP.JPG

Grechen

INTERNAL INFORMATION ONLY

**Red Top Mercury Retort---Aleknagik, Alaska
Status Report June 9, 1998 (updated from May 29, 1998)**

On June 4, 1998 BLM met with DEC and agreed to conduct the necessary work to remove the totes from the flood plain, conduct sampling to determine the level of contamination in the totes and the stockpile. BLM indicated after the meeting that funding will be authorized.

Meanwhile, water is continuing to rise in the Wood River and lakes. On June 8, 1998 DEC received additional photos which showed the totes are under deeper water. (Photos attached) BLM is indicating that they can not do anything as local equipment operators will not rent equipment to them and the water is too high.

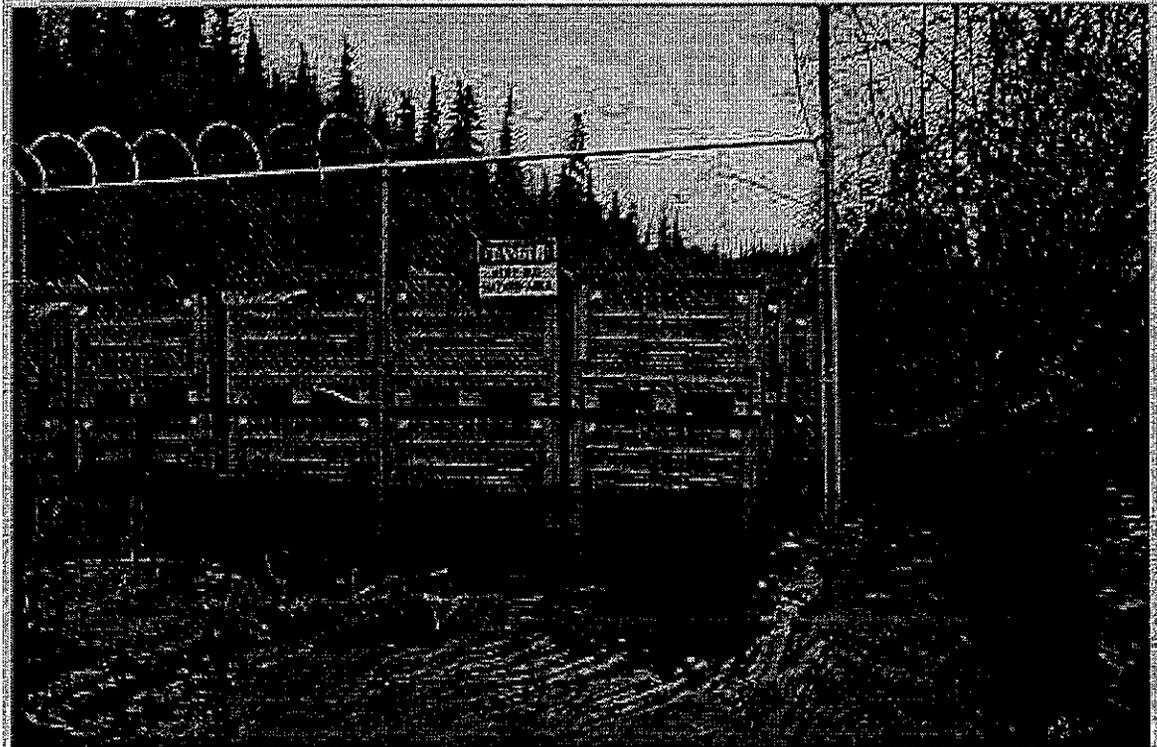
On June 9, 1998, DEC issued a Notice of Intent to File Suit Against BLM for failure properly addressed the situation at Red Top. BLM and DEC staff are currently participating an informational meeting with the City Council and interested residents about the situation. Courtesy calls were made to Department of Justice and BLM's Anchorage Field Office.

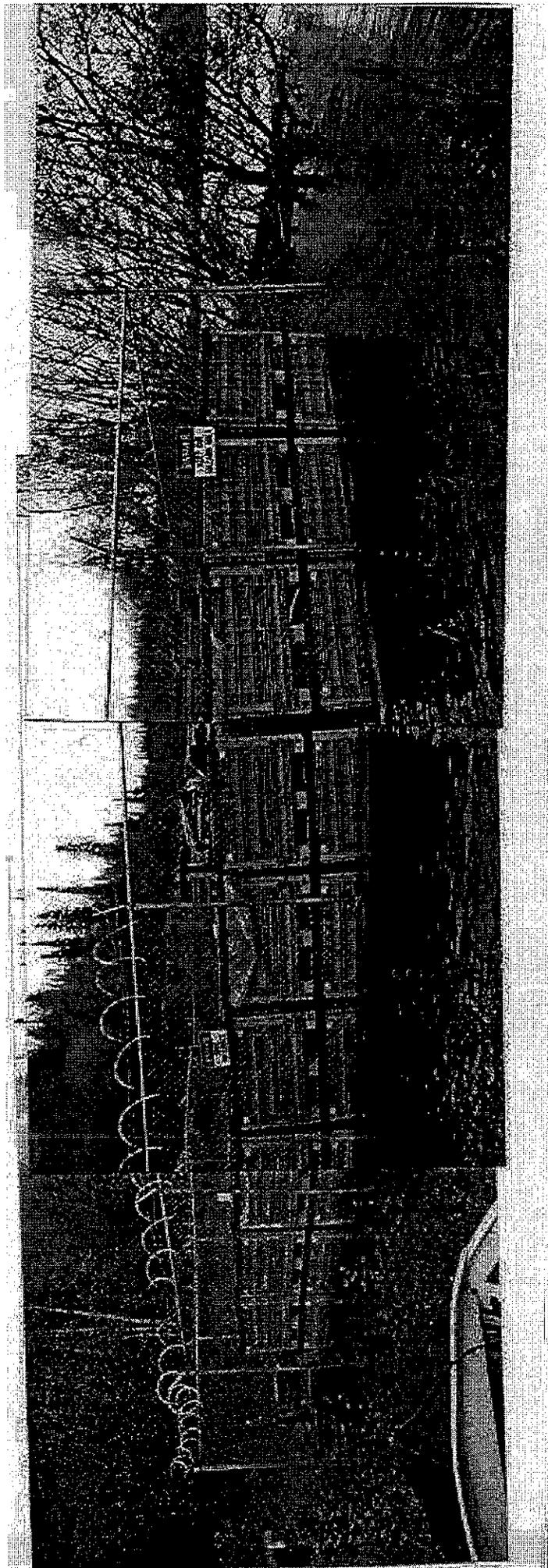
EPA has been contacted for technical assistance in developing alternatives to protect the totes from further flooding and preparation for removal once the water recedes. A meeting with BLM and EPA is scheduled for 2:00 p.m., June 10, 1998 at the Anchorage DEC Office.

Contacts for the site:

Ron Klein (907) 269-7664

Grechen Schmidt (907)269-3084





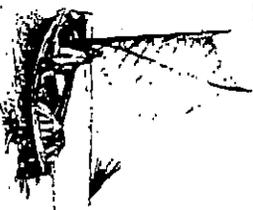
IN THE DARK: The power will be out June 12 between 1:55 p.m. from Mills 7 on the Lake Rd. to Alexander, North and South Shore.

STINKY PROBLEM: City Council studies with setting fees for dumping garbage. Page 3

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June 16, 1998
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The Bristol Bay Times



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Vol. 18 No. 24

Thursday, June 11, 1998

Subdivision raises land use issues

by Andrew deValpine
BayTimes staff

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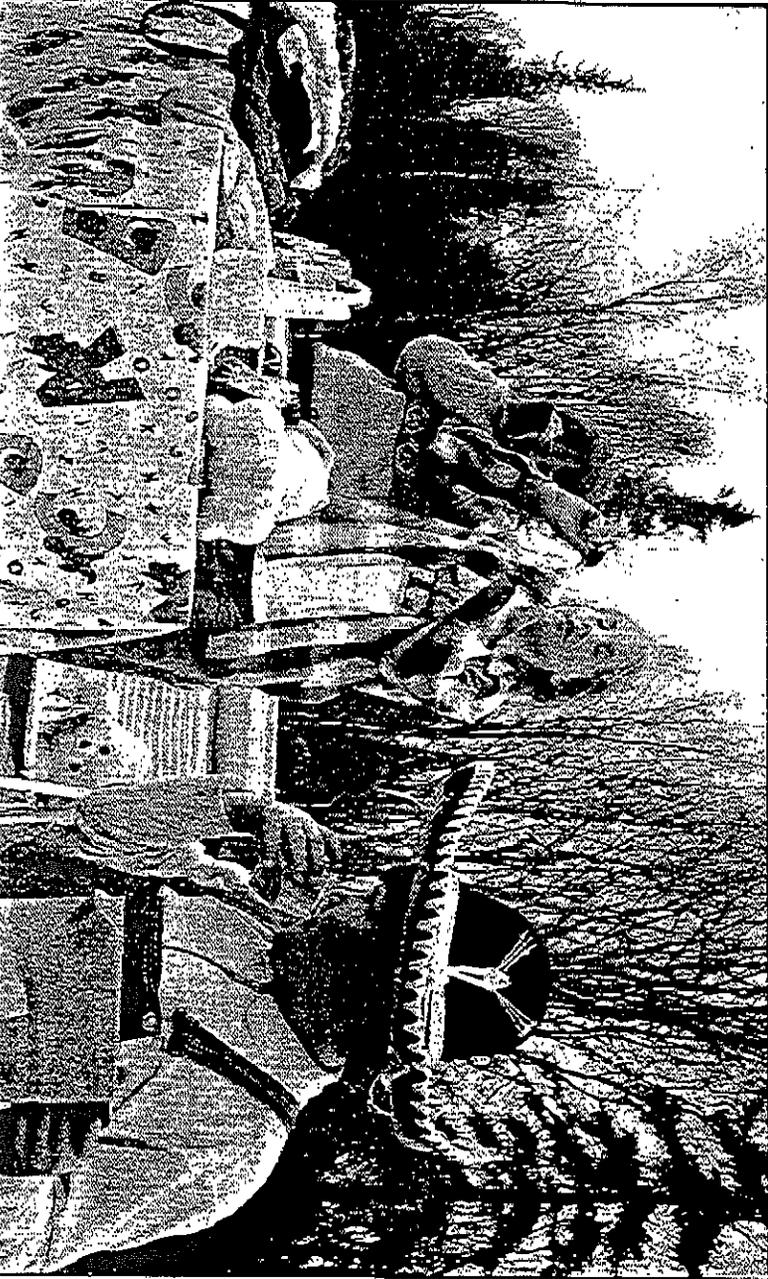
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Grant, Drew

From: Patrick-Riley, Kent
Sent: Thursday, June 11, 1998 9:44 AM
To: Grant, Drew; Decker, Eric; Hock, Jeff
Subject: RE: Red Top Update, Wood River

FYI - a copy of email I sent to Simon Mawson in response to his suggestion for coordinating with local community near this site.

Also, as you probably know, the standards for mercury are extremely low - in the parts for trillion - mercury is very insoluble but if there is a lot (magnitudes more than appears at this site) that gets into the water it can cause notorious problems (Minihaha (sp?) disease, Great Lakes problems, etc.). EPA recently (within the last couple months) proposed (in the Register) a new method for detecting mercury at very low levels (200 times lower than previous methods).

Kent

Eileen has already been working with the City of Aleknagik, the Aleknagik Traditional Council and the Bristol Bay Native Association, EPA, etc. She attended a BLM-sponsored public meeting in Aleknagik on June 9, which had good turnout. Some of the people are concerned about the fishery and human health risks. Eileen has been urging BLM to hold another meeting within a month to keep people informed and answer some of the health questions they were not able to fully address at the last meeting.

Eileen is supposed to get daily status reports from BLM that she can forward if interested.

Kent

From: Mawson, Simon
To: Patrick-Riley, Kent
Subject: RE: Red Top Update, Wood River
Date: Thursday, June 11, 1998 7:59AM

Thanks for copying me. i would recommend that you also send this information to Sue Flinsberg with the bristol Bay native Association in Dillingham. I don't have her phone number off the top of my head, but can get it for you unless you would use directory assistance.

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To: Grant, Drew; Decker, Eric
Cc: Olson, Eileen; See, Marianne; Mawson, Simon; Hock, Jeff
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<<File Attachment: UPDATE69.DOC>><<File Attachment: FISH1_2.JPG>><<File Attachment:
FISHCOMP.JPG>>

Grechen

Grant, Drew

From: Patrick-Riley, Kent
Sent: Monday, June 29, 1998 3:19 PM
To: Grant, Drew
Cc: Hock, Jeff
Subject: FW: Issues for week ending June 26th

Red Top update

From: **Olson, Eileen**

To: Patrick-Riley, Kent; Mawson, Simon
Cc: Olson, Eileen
Subject: FW: Issues for week ending June 26th
Date: Monday, June 29, 1998 2:57PM

See Red Top site below

Bureau of Land Management (BLM) RED TOP MERCURY RETORT SITE (near Aleknagik on the Wood River) (Olson):

BLM completed its stabilization effort at the site early the week of June 15th, and sampled soils in the accessible (top layer) fish totes the previous week. A fenced enclosure containing mercury contaminated soils stored in stacked fish totes and other mercury contaminated media has been flooded for several weeks. It appears that floodwaters have dropped and that flooding may now only be periodic, coincident with high tides. Stabilization entailed sandbagging the upstream side of the fenced area and encircling the contents of the fenced area with reinforced visqueen to prevent continued flow-through of flood waters.

On Tuesday June 30th BLM's contractor will sample the sediments and water within and outside of the plastic enclosed area for mercury, and will sample the sediments adjacent to stockpiled petroleum contaminated soils for mercury and petroleum hydrocarbon compounds. CSRP received a plan for the sampling on June 24th and on the 25th issued a review letter which stated that the Department had no objection to the planned work. BLM is developing a Task Order to implement Phase 2, sampling of the remaining totes. According to BLM plans will be sent to ADEC and EPA prior to implementation.

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Grant, Drew

From: Patrick-Riley, Kent
Sent: Tuesday, June 23, 1998 9:34 AM
To: Grant, Drew
Cc: Hock, Jeff; Braley, Susan
Subject: FW: Issues for week ending June 18, 1998

FYI. Info on Red Top site adjacent to Wood River.

From: Olson, Eileen
To: Patrick-Riley, Kent
Cc: Olson, Eileen
Subject: FW: Issues for week ending June 18, 1998
Date: Tuesday, June 23, 1998 9:20AM

From: Olson, Eileen
To: Lott, Elaine
Cc: Olson, Eileen; Frechione, Jim; Klein, Ron
Subject: Issues for week ending June 18, 1998
Date: Monday, June 22, 1998 10:40AM

Bureau of Land Management (BLM) RED TOP MERCURY RETORT SITE (near Aleknagik on the Wood River) (Olson):

BLM completed its stabilization effort at the site early in the week. Adequate communication of site activities was provided to CSRP on June 17th, when CSRP was briefed by BLM staff Harrison Griffin. It was not clear from earlier reports what was being done at the site. Griffin had been on site for several days during which BLM's contractor created a sandbag diversion wall on the upstream side of the containment area. The purpose of the wall is to minimize current through the fenced area. According to Griffin, the fish totes and other mercury contaminated media were encircled with reinforced visqueen inside of the containment area. The visqueen was weighted with sand bags at the ground surface. Stockpiled soils contaminated with petroleum and potentially by mercury were covered with an impermeable cover as requested by the Department.

BLM provided a CSRP received daily reports on the status of the flooded containment area for mercury contaminated media through Thursday June 17th, when BLM informed DEC that no additional daily reports would be sent unless there was activity at the site. On June 18th CSRP sent a letter requesting that daily reports be continued as long as BLM is receiving flood water level information from local residents. BLM's consultant, Harding Lawson, sampled soils in the top level of fish totes, which were accessible, and sampled the stockpiled soils.

On June 18th BLM provided a draft schedule to the Department which outlines options and time frames for addressing mercury contaminated soils stored at the site. CSRP is reviewing the schedule and options.

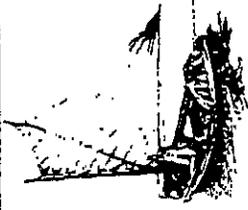
A second follow-up article on Red Top appeared in the June 18th issue of the Bristol Bay Times. A Dillingham radio station contacted the Department regarding the "Notice of Intent to Sue" which the State has filed against BLM.

VICTORY Judge rules in favor of Jackson McCormick
Page 3

OR ELSE State files intent to sue militia against feds
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The Bristol Bay Times



"Spawned Weekly in Southwest Alaska"

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Vol. 18 No. 25 Thursday, June 18, 1998

Nushagak River to get management preference

By Andrew deValpine
BayTimes staff

Making sure the Nushagak River gets its share of fish is going to take priority in this season's sockeye fishery. With the Wood River's run projected to be three times higher than the Nushagak's, the Wood River Special Harvest Area will likely get more fishing time and be opened earlier to help the balance.

That's what Alaska Department of Fish and Game area fisheries biologist Jim Browning told an assembly of fishermen at a special informative meeting last week in Dillingham. He said he would have opened Wood River sooner than July 6 last year, but getting the emergency order approved postponed it.

Since 1991 the Nushagak's run of sockeye has steadily declined in comparison to the Wood River's escapement. Before 1991 the two systems produced roughly equal runs. This year's forecast has three times as many fish returning to the Wood River than

Trolling for tourists



Kenneth A. Howe/BayTimes photo

Terry Johnson heads to the beach at Right Hand Point in his Zodiac to pick up a group of tourists. They arrive by float plane and were to head to Round Island the next day.

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Johnson works to build tourism industry

By Kenneth A. Howe
BayTimes staff
Salmon season is near, making the Bel Canto something of an oddity in the Dillingham boat harbor — it's longer than 32 feet and has no fishing gear. In his second year as an eco-tourism operator, Bel Canto captain Terry Johnson harvests tourists.
To Johnson, eco-tourism is an educational, non-consumptive viewing of nature and culture. This is a fledgling industry in the Bristol Bay region and his 50-foot charter boat arouses interest. While Johnson prepared his boat for two months of cruising throughout the bay, a fisherman strolled up and asked, "You want to sell your boat?" Out at sea the next couple of days, curious tenders and barges call him on their VHF.
"A lot of people have been in the fishing industry for 30

See Tourism, page 2

Nushagak king opener nets 10,000 fish

BayTimes staff
Nushagak chinook numbers have been on the increase while Togiak's kings are still in decline, according to Alaska Fish and Game biologists. Nushagak fishermen were given a six-hour chinook opening Monday morning and brought in up to 10,000 fish, according to preliminary estimates.
Fish and Game Area Fisheries Biologist Jim Browning said 197 boats participated and that deliveries averaged 30 fish. He gave the opening based on strong sonar counts, which at 3,200 fish Saturday were ahead of schedule. Subsistence nets along Scandinavian and Kanakanak beaches have been catching more sticks and logs mates.
Biologists predicted a total chinook run of 159,000 fish, which is greater than the last 10-year mean of 142,000, according to figures provided by Beverly Cross, the department's research project leader. The projected harvest — both commercial and

See Kings, page 3

Missing Togiak man found

The Associated Press
ANCHORAGE — The Alaska State Troopers on June 11 rescued a Togiak man reported missing the night before.
Delbert Loquasak, 22, was found shortly after 11 a.m. on a beach about 30 miles west of Togiak.
The search began after Loquasak left the Togiak cannery in a small 18-foot skiff June 10 without any survival gear.
Coast Guard officials said Loquasak was apparently despondent over the death of his brother earlier this year. He was taken to the Togiak clinic for evaluation.

Rychnovsky to challenge Moses

BayTimes staff
Agnes Rychnovsky of Newhalen recently announced she will challenge incumbent Carl Moses for the District 40 seat in the Alaska House of Representatives. Both are Democrats.
Rychnovsky's platform includes reliable funding for quality education, improving access to health care, job-creation and economic development, she

See Race, page 2

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June 18, 1991
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See Priority, page 24

Cinnabar cleanup too costly, former BLM official says

By Kenneth A. Howe
BayTimes staff
Cleaning up the Red Top Refort site — known locally as Cinnabar — should have been a small project, according to a former Bureau of Land Management official who originally oversaw the project.
Instead, it grew into a fast-track and expensive clean-up that initially skirted environmental assessment requirements, ripped up the land, and resulted in at least two lawsuits with another possibly on the way.
And the material — mercury-contaminated soil — still hasn't been removed.

See Costly, page 15

Heavy rains have Lake Aleknagik on the rise

BayTimes staff
It's raining, it's pouring — it's flooding. Spring rainfall, at more than double the average, has flooded cabins and alarmed Aleknagik residents.
A shade more than three inches of rain — 3.05 — fell in May compared, to an average of 1.34 inches for the region, according to the National Weather Service in King Salmon. As of June 10, 1.36 inches has fallen compared to a June average of 1.58 inches.
Cabins surrounding the lake have been reported as flooded, some as deep as three feet.
A rising Lake-Aleknagik has flooded the community parking lot and is threatening lake-front homes.
Gusty Chylythook said he might do some beach-combing since the rising waters have engulfed steam baths and drying racks. "In 1977 it was two feet higher," he said. "I drove my skiff to my front door."
Wassilik Ilutik remembers it slightly differently. "I've lived here 60 years and it's the first time I've seen it up this high," he said.
The flooding is forcing people to relocate their cars and personal possessions. Ilutik said he had to move his satellite dish to prevent it from getting submerged. "I'm still getting a really good picture," he said.
National Weather Service meteorologists warn that there is still much snow left to melt in the mountains.
"My fish racks are almost underwater," Ilutik said. "I'm getting a little worried; it's getting near the houses."
When Chylythook called Tuesday morning he said the water had receded slightly. "The flow of water is being kept up with the outflow of the river," he said.

Costly ...

From page 1

Former Red Top site manager and BLM employee Mac Wheeler said last week he thought the lawsuit holding Tookie Wren responsible for clean-up costs was wasteful.

"I don't think it's (the lawsuit) fair whatsoever," Wheeler said. "It may be legal, but it's shameful. The country went to people like Wren, gave them money, and promoted the search for strategic minerals."

The exploratory mining was funded with \$30,000 by a Defense Minerals Exploration Grant — a pilot program spurred by mercury's wartime uses.

Wheeler managed Red Top in 1992 and 1993 when it was first brought to BLM's attention.

"Originally it was my project," he said. "I envisioned a small site-assessment and doing something sensible."

Instead, BLM made an assessment and immediately excavated soil, deeming it an emergency response. Wheeler decried what he felt were skyrocketing costs and was soon transferred to another project.

"I was basically booted off the job because I felt the costs were too high," he said. Wheeler estimated \$40,000 would have been adequate; final assessment costs were almost double that.

Wayne Svejnoha, BLM state office hazardous materials coordinator who was Wheeler's manager at the time, said the BLM wanted to act immediately to prevent mercury from contaminating the river. It did not wait for an environmental assessment because, under an emergency action, BLM didn't need one, Svejnoha said.

cooperative agreement with Mr. Wren ...

The BLM removed Wheeler from the project about the same time Olson said BLM quit cooperating on the project. That lack of cooperation eventually led DEC to file a Freedom of Information Act request in January of this year.

"Even as a BLM employee we couldn't get information," Wheeler said. "There was a real smokescreen around it."

As a result of the lack of cooperation between BLM and DEC, there is disagreement over past cleanup methods and overall efficiency. The issue of soil sampling has resurfaced because BLM is resampling the totes and DEC contends that they wouldn't have needed to re-sample them if it was done right the first time.

"Right now sampling of the totes is being done for disposal of the material," Svejnoha said. "If we wind up sending it to a landfill or for treatment and disposal in the Lower 48 we must provide additional samples to that facility before they will accept it. There are liability concerns and considerations occurring."

Olson disagreed with the liability justification. If the totes were properly sampled the first time they would not need to be sampled again, she said.

"(Originally) they needed to know what was going in them and they should have taken great pains to document what soil went in what totes," Olson said.

This isn't the first time Wheeler has wanted answers on the Red Top cleanup. The last time he did, soon after he retired in 1995, he was sued by BLM's cleanup contractors for libel, slander and tortious interference of contract. The lawsuit was based on two letters he wrote to BLM requesting docu-

Lawsuit could be pending, state tells feds

Bristol Bay Times

By Kenneth A. Howa

The feud between government officials over cleanup of the Red Top Mine will stir intensifying fire, with the state filed a notice-like lawsuit in the United States.

The notice of intent to sue, which was sent for among other Secretary of the Interior Bruce Babbitt and Attorney General Dan Reno, allow the Alaska Department of Environmental Conservation up in 60 days to sue.

Citing statutes such as the Clean Water Act, DEC is demanding that the Federal Bureau of Land Management (BLM) releasing mercury contaminated soil stored on the banks of the Wood River. DEC filed notice shortly after learning that the fish totes that houses the contaminated soil were flooded by the Wood River.

BLM Site Manager Eileen Olson said the notice is primarily a tool to speed the cleanup process. The fish totes have sat for four years while BLM said it was researching removal options.

Wheeler (intent to sue) will be filed by mid-July, don't know she said.

BLM National said the agency was still reviewing the notice. She has any (transaction) at this point in time, said Wayne Svejnoha, BLM state office hazardous materials coordinator, who has been involved with Red Top since the beginning. "We'll have to look at the information that provided and evaluate it accordingly."

On July 13, contractors wrapped the totes in a special stabilizing sand they will deliver the river, said BLM Environmental Specialist Mike Alcorn.

This was about three feet deep, prevented BLM from fishing heavy equipment to move the fish totes off the flood plain onto high ground. BLM has also considered moving the totes off to a bay, but decided that someone might break

Wheeler then demanded payment of his attorney fees. He won but BLM's contractor then declared bankruptcy. Consequently, he pursued BLM. Act request Wheeler filed.

After two years in court, in which the contractor called six witnesses, one of whom was Svejnoha and all of whom were BLM employees at some time, the judge ruled in Wheeler's favor, calling the lawsuit, "vexatious and in bad faith" and "meant as retaliation to quiet him."

"It's pretty discouraging to look at how things have happened," Wheeler said. "The bottom line is that they (BLM) wasted a lot of money. (Regarding) the Tookie Wren thing, I'm embarrassed to say I worked for BLM."

INTERNAL INFORMATION ONLY

**Red Top Mercury Retort---Aleknagik, Alaska
Status Report June 9, 1998 (updated from May 29, 1998)**

On June 4, 1998 BLM met with DEC and agreed to conduct the necessary work to remove the totes from the flood plain, conduct sampling to determine the level of contamination in the totes and the stockpile. BLM indicated after the meeting that funding will be authorized.

Meanwhile, water is continuing to rise in the ~~Wood River~~ and lakes. On June 8, 1998 DEC received additional photos which showed the totes are under deeper water. (Photos attached) BLM is indicating that they can not do anything as local equipment operators will not rent equipment to them and the water is too high.

On June 9, 1998, DEC issued a Notice of Intent to File Suit Against BLM for failure properly address the situation at Red Top. BLM and DEC staff are currently participating an informational meeting with the City Council and interested residents about the situation. Courtesy calls were made to Department of Justice and BLM's Anchorage Field Office.

EPA has been contacted for technical assistance in developing alternatives to protect the totes from further flooding and preparation for removal once the water recedes. A meeting with BLM and EPA is scheduled for 2:00 p.m., June 10, 1998 at the Anchorage DEC Office.

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