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REGIONAL OFFICE

NATIONAL

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ALASKA DEPT. OF
FISH & GAME

September 23, 1983

Mr. Joel S. Ramstad, President
Yukon Mining Co.
Box 1454
Anchorage, AK 99510

Dear Mr. Ramstad:

RE: Alaska Statutes 16.05.870(a) Designation of Lower Golden Creek in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes.

Thank you for your July 28, 1983, letter in which you take exception to this Department's designation of lower Golden Creek as important for anadromous fish. Each of your points, as I understand them, is indicated below along with our explanation.

1. You wish to know the basis for our reclassifying lower Golden Creek from a stream supporting resident fish to one important for anadromous fish, and why our permit responses have varied.

The Commercial Fisheries Division of this Department conducted aerial surveys for salmon on Illinois and its Golden Creek tributaries on July 12 and July 29, 1960. King salmon were observed in Illinois Creek on the second survey. Although spawning king salmon were not observed in Golden Creek, the survey biologist noted that the quality of fish habitat in Golden Creek appeared suitable for use by rearing king salmon. King salmon rear in fresh water one to two years before they migrate to sea, and during this period these fry and fingerling fish are distributed throughout the spawning stream and its tributaries.

Illinois Creek was initially listed in the October 1973 edition of our Catalog. An upper limit was not included in 1973 because tributaries were considered as integral elements of the listed stream. Pursuant to a 1980 amendment to AS 16.05.870 we now designate the upper limits of the waters which are important to anadromous fish. Therefore, the 1973 Catalog designation which included only Illinois Creek was amended to reflect upper limits to habitat, including the rearing habitat in lower Golden Creek.

CD. Mackey
11/27/83

Although our Commercial Fisheries Division biologists have not netted or trapped Illinois or Golden Creeks for rearing salmon, the observed high quality habitat and its proximity to spawning king salmon indicated to them that rearing fish utilize at least the areas included in our current Catalog and probably more. Our designation was made on the basis of this professional judgment. The Department was conservative to the extent that it identified only this prime habitat, thereby preventing over-extension of the statutory protection.

Your 1982 mining permit for Golden Creek was written to address the resident fish stream section where you indicated mining was to occur. Your application for this season (PLA 28303) described an exploration program without indicating where the activity would be conducted. Since your lower claims are within the designated anadromous fish area, our permit was written to include possible exploration activities (drilling) within those claims.

2. You have never observed salmon in Golden or Illinois Creeks near the mouth of Golden Creek.

It is not unusual for the rearing salmon that are referenced in the Catalog to be overlooked. Rearing king salmon range from one to three inches in length and they seek cover under rocks, overhanging brush, logs and in deep pools when startled. If you have observed minnows in Golden Creek, they could have been king salmon fry (fish of the year) or fingerlings (year-old fish).

3. You believe that both upper and lower Golden Creek freeze to the bottom and glaciering occurs in many areas; these factors are detrimental to salmon spawning and rearing.

We concur that where streams and their bottoms freeze solidly, fish and their eggs do not survive. However, the glaciering indicates that a winter flow is present in Golden Creek and water flow through the interstices of the gravel substrate likely occurs. The source(s) of water which cause glaciering are areas commonly utilized by anadromous fish for overwintering and even for spawning. However, our designation is based only upon a conservative estimate of rearing habitat during the summer months.

4. Classification of lower Golden Creek as one important for anadromous fish and the permit restrictions placed on activities there will make it difficult to mine.

We appreciate your approach to identifying the gold bearing zones in your claims by prior drilling as this effort will minimize the

amount of earth moving activity necessary for you to mine your claims. We will work positively with you to develop a mutually acceptable mining plan for your lower claims.

Thank you again for expressing interest in our anadromous fish protection program.

Sincerely,



Dennis D. Kelso
Deputy Commissioner

DDK:BB:SG:rnr

bcc: G. VanHyhe - Sport Fish, Fairbanks
F. Andersen - Comm. Fish, Fairbanks
R. Reed - Habitat, Juneau
File: J. Raymond - F.R.E.D., Fairbanks
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