

Dorothee confirms the infected fish could be raised to maturity and then sold on the open salmon market because the virus is not a health risk to humans. The IHN virus attacks fish blood, causing cells to die. It is usually fatal to wild fish.

"We want to be right on top of any spread or risk of spreading infection, however, quarantine is working at the moment," she said.

A public report on the IHN outbreak is expected within one month.

## FISHERMEN COLLECT FRASER SPILL SUIT SETTLED

Fraser Surrey Docks and 871 Fraser River gillnet fishermen have reached an out-of-court settlement in their dispute, with \$1.5 million going to the fishermen. The landmark court case has stretched over the past three years and ranks as the largest and most complex pollution lawsuit in Canadian history.

The suit was launched over lost fishing time and lost fishing income that resulted when the federal government took emergency action and closed the Fraser sockeye fishery on August 18, 1989. Earlier that day, at 10:00 a.m., a highway tanker carrying 5,000 gallons of TCMTB (a toxic fungicide used to treat green export lumber) arrived at the Fraser Surrey Docks near Annville. The chemical was pumped from the delivery truck to a deteriorated storage tanker on site. At approximately 12:05 p.m., when the storage tanker was nearly full, a corroded support leg buckled and the tanker rolled to the outside of the facility striking a roof support beam. The tanker split open allowing the TCMTB to pour onto an asphalt lot, run down an open storm sewer and spill directly into the Fraser River. At 9:00 p.m. that evening, then-fisheries minister Tom Siddon ordered the river closed to fishing because of the danger of catching TCMTB-tainted fish. At the time, about 1,000 vessels were assembled in the river for a scheduled fishery on stocks of Horsefly River sockeye. This planned opening was cancelled and many fishermen left the area or tied up their boats.

A day later, the DFO determined that the chemical had been flushed out of the river and the minister declared a make-up fishery for August 20. Unfortunately, the peak of the run had passed. Pacific Salmon Commission figures would show that 95,400 fewer fish (worth an estimated \$1.1 million) were caught on August 20 than had been predicted for August 19. No other makeup fisheries were given that year on the river.

The following September, Fraser Surrey Docks pleaded guilty to charges of polluting laid under the *Fisheries Act* and received a \$14,000 fine. At this point, affected fishermen undertook their own action, both to seek compensation for their fishing losses, and out of concern that the low fine would seem to make a pollution conviction an acceptable cost of doing business in an environmentally risky manner.

The court battle which ensued, hinged on several points of law and by this autumn, both plaintiffs and defendants estimated they were still facing five years of court room battles over legal and damage issues. As well, each side had already spent considerable sums of money up to this point. Last month, in an effort to reach a negotiated settlement, the Supreme Court delayed the trial for two weeks and ordered both sides to hold a three-day settlement conference. The conference started on November 2, 1992 and ended in a deadlock on November 4th with both sides still one half million dollars apart: the defendants offering \$1.3 million and the plaintiffs seeking \$1.8 million. On Thursday, November 12, just as trial was set to resume, the parties came to an agreement, with the fishermen accepting \$1.5 million for their damages.

Each of the 871 fishermen will receive approximately \$950.00, of

which \$200.00 was paid in December 1991 when Fraser Surrey Docks settled pursuant to the *Company Creditors Arrangement Act*. Fishermen are expected to receive their \$750.00 balance payments before Christmas.

## THE HARD WAY

Alaskans can take a pretty tough stand on illegal salmon buying, especially when it involves their most prestigious fish. This season, one Washington state buyer got to learn this the hard way.

The Yukon River, which begins near Whitehorse and empties into the Bering Sea north of Bristol Bay, is home to what is by all accounts the most highly prized salmon in the world — Yukon River chinooks. Their extremely high oil content and unique flavour make them the "king of kings" in Japan, where the biggest, fattest, number one Yukon chinooks have been known to fetch US\$60.00 per pound on the open market.

Historically, only about 100,000 of these fish are commercially harvested during the short three-week season, all by local, mostly native fishermen gillnetting near the estuary in simple 20-foot skiffs. Most chinooks heading up the Yukon end up smoked, dried and preserved by Alaskans participating in the extensive subsistence fisheries along the river.

When the Yukon chinooks are running, competition among buyers for a slice of the 100,000-piece commercial catch can get pretty fierce, and the temptation to buy fish intended for personal consumption can prove overwhelming. This summer, Bellingham buyer George Schenk succumbed to that temptation and he's now sitting in stir paying the price.

In August, he pleaded no contest in Alaska's Emmonak district court to buying subsistence salmon intended only for personal use, failing to record salmon purchases, and submitting false reports to the Alaska department of Fish and Game. He was originally fined one million dollars and sentenced to six months in jail. But, when he couldn't pay, the fine was lowered to US\$100,000 and his multimillion-dollar processing company was taken away. His operation included the 200-foot processing barge **Fort Yukon**, three 100-foot barges, and 14 tenders — all valued at US\$4.5 million. In addition, he has agreed never to buy fish in Alaska again — after he gets out of jail, that is. *Source: Seafood Leader.*

## SURVEY SUGGESTS FRASER STURGEON IN DANGER

Preliminary results from a survey of White Sturgeon in the lower Fraser River this summer seem to confirm that B.C.'s largest fish is in decline.

For some years there has been increasing concern about the sturgeon's chances of survival in the Fraser River. The white sturgeon is long-lived but slow to mature, and this, combined with its popularity as a game fish because of its large size and tasty flesh may well be significantly reducing the population.

The recent population survey was conducted by a team of researchers from Malaspina College's Fisheries and Aquaculture department in Nanaimo, and funded by the Ministry of Environment's Habitat Conservation Fund and The Green Plan.

Of the 693 fish netted and tagged in a test area near Mission, the majority were found to be one to two year-old fish, less than 40 centimetres in length. No large or mature fish were caught.

By contrast, the last survey taken in the same area in 1985-86 found most of the catch were larger fish between three and nine years old.