

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

January 16, 2001

1:10 p.m.

MEMBERS PRESENT

Representative Vic Kohring, Chair
Representative Scott Ogan
Representative Drew Scalzi
Representative Peggy Wilson
Representative Mary Kapsner
Representative Albert Kookesh

MEMBERS ABSENT

Representative Beverly Masek, Vice Chair

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 6

Relating to opposition to the inclusion of national forests in Alaska within President Clinton's Roadless Area Conservation rule and supporting the overturning of this inclusion by litigation, by congressional action, or by action of President-elect Bush.

- MOVED OUT OF COMMITTEE HJR 6 with an amendment attached

PREVIOUS ACTION

BILL: HJR 6

SHORT TITLE:ROADLESS POLICY

SPONSOR(S): WILSON

Jrn-Date	Jrn-Page		Action
01/10/01	0044	(H)	READ THE FIRST TIME - REFERRALS
01/10/01	0044	(H)	TRA, RES
01/10/01	0044	(H)	REFERRED TO TRANSPORTATION
01/16/01		(H)	TRA AT 01:00 PM CAPITOL 17

WITNESS REGISTER

SUSAN SCHRADER, Lobbyist
Alaska Conservation Voters

P.O. Box 22151
Juneau, Alaska 99802
POSITION STATEMENT: Spoke in opposition to HJR 6.

KATYA KIRSCH, Executive Director
Southeast Alaska Conservation Council (SEACC)
419 6th Street, Suite 328
Juneau, Alaska 99801
POSITION STATEMENT: Spoke in opposition to HJR 6.

SENATOR ROBIN TAYLOR
Alaska State Legislature
Capitol Building, Room 30
Juneau, Alaska 99801
POSITION STATEMENT: Spoke in support of HJR 6.

ACTION NARRATIVE

TAPE 01-1, SIDE A
Number 0003

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CHAIRMAN VIC KOHRING called the House Transportation Standing Committee meeting to order at 1:10 p.m. Members present at the call to order were Representatives Kohring, Ogan, Wilson, Kapsner, and Kookesh. Representative Scalzi joined the meeting as it was in progress.

HJR 6-ROADLESS POLICY

Number 0127

CHAIRMAN KOHRING announced that the only resolution to be considered would be HOUSE JOINT RESOLUTION NO. 6, Relating to opposition to the inclusion of national forests in Alaska within President Clinton's Roadless Area Conservation rule and supporting the overturning of this inclusion by litigation, by congressional action, or by action of President-elect Bush.

Number 0187

REPRESENTATIVE WILSON, sponsor of HJR 6, explained that the resolution opposes the Clinton Administration's decision on the so-called roadless policy. She went on to say:

On January 5, 2001, President Clinton announced the

final Record of Decision for this policy. The reason we are so concerned about this is because it includes the Tongass and Chugach National Forests.

The presidential action really is an affront to all Alaskans because it continues the history of breaking promises to us [Alaskans] regarding land management.

It is a blatant disregard of the process that had been agreed to all along. Countless hours, over 11 years ... there has been 13 million dollars already spent on trying to keep in compliance with different things and to make revisions to the Tongass Land Management Plan. The Chugach Forest study has been underway for three years, there again an investment of time, money, and resources; and now, after all of the work has been done-it's just totally disregarded.

It [the roadless policy] violates the "no more" clause of the Alaska National Interest Lands Conservation Act (ANILCA) and approximately 15 million acres of new de facto wilderness in Alaska. This will affect the lives of many Alaskans, probably all indirectly, especially in the areas of Southeast Alaska and the Chugach. They are definitely going to feel it in direct ways and many times.

I just ask that we work together to support the overturning of this "roadless policy" inclusion by litigation, congressional action or by action to President [elect] Bush.

REPRESENTATIVE WILSON directed the attention of those present to the resolution packet that included maps of the Tongass and Chugach National Forests as well as letters from the Chugach Alaska Corporation, the president and chief executive officer (CEO) of SeaAlaska Corporation, and the Alaska Forest Association.

CHAIRMAN KOHRING asked for testimony from the audience.

Number 0479

SUSAN SCHRADER, Lobbyist, Alaska Conservation Voters, stated that the Alaska Conservation Voters and the sister organization,

the Alaska Conservation Alliance, are nonprofit organizations serving as umbrella groups for 44 different Alaskan conservation groups. The 44 member organizations and businesses represent over 21,000 registered Alaskan voters, many of whom use the Tongass and the Chugach National Forests for a variety of reasons.

MS. SCHRADER told the committee that they [the organizations that she represents] have supported President Clinton's work on the existing roadless proposal and policy. She was present last year at some of the discussions on HJR 54 [a similar resolution to HJR 6].

MS. SCHRADER addressed some of the concerns about HJR 6 by explained that the roadless policy and the way in which it was adopted do not violate public process. The decision went through the National Environmental Policy Act of 1969 (NEPA) process over an 18-month period. Hearings were held throughout the country at over 600 different sites. In Alaska, over 1,000 Alaskans testified and attended hearings. The communities where hearings were held in Alaska include Anchorage, Girdwood, Seward, Cordova, Sitka, Ketchikan, Juneau, Yakutat, Kake, Tenakee, Hoonah, Petersburg, Thorne Bay, Craig, Angoon, Gustavus, and Wrangell. Seventeen different communities in Alaska had public hearings on the roadless policy. Over 62 percent of the folks that testified in the 17 communities supported the policy and the inclusion of the Tongass and the Chugach National Forests.

MS. SCHRADER said the policy does not violate the "no more" clause of ANILCA. She said she thought that the issue might have to be settled in the court system. She added that the policy does not create new parks, refuges, and wilderness areas, whether they are considered "de facto" wilderness.

Number 0663

MS. SCHRADER stated that the policy is a management tool for the United States Department of Agriculture Forest Service (Forest Service) for protecting "multiple use" in our national forest. Protecting roadless areas would protect some communities' water supplies. Some community watersheds are in roadless areas that will be protected by this policy. It will help maintain water quality for the fishing industry and will help preserve habitat for wildlife that both subsistence and recreation hunters depend

on.

MS. SCHRADER explained that this policy does nothing to existing roads on Forest Service land other than provide more money for their maintenance. She went on to say:

The Forest Service has done studies. [There were] many, many failing culverts. If the Forest Service is not having to administer new road construction, there will be additional money for upgrading, protecting, repairing culverts, and continuing to provide access that the existing roads already allow for Alaskans.

In many ways this is a better deal for Alaskans because existing roads will have more maintenance money.

MS. SCHRADER stated that the roadless policy does not mean the end of the timber industry in Alaska. There are probably close to ten billion board feet of timber in the Tongass National Forest that are accessible by the existing road system. We have over 4,600 miles of road in the Tongass. The existing road system provides access to plenty of timber to support a modestly sized industry in the Tongass.

MS. SCHRADER said that the Chugach [National Forest] has never had a large commercial timber industry; the existing road system will continue to allow the residents in the smaller communities their ability to access the timber that they need for personal use.

MS. SCHRADER suggested that Alaskans look at Washington State to see how to benefit from the roadless policy. There has been collateral damage that came with extensive road building including landslides, damage to salmon streams, problems with game poaching, and an increased risk of human-caused fires.

Number 0857

MS. SCHRADER said that the roadless policy will give Alaskans an opportunity to do things differently here from what has been done on other national forests, particularly the ones in the Pacific Northwest. The policy will allow for better management of the Tongass and the Chugach to benefit all users: subsistence, recreational, and commercial. She urged people to

take a critical look at the policy and talk to the Forest Service and people in Washington State. Seek to understand their experiences with salmon habitat and how to avoid some of those problems due to [the development of] roads, particularly in the Tongass.

REPRESENTATIVE OGAN asked Ms. Schrader about her statement to the committee, that [President Clinton's] roadless policy does not violate public process. Representative Ogan said:

How [can] one man, a president, with one signature, implementing such a broad sweeping policy that changes the whole focus of the national forest, be anything but an autocratic ramrod of his personal philosophy [and he asked] what type of public process the people had with the president of the United States.

MS. SCHRADER responded by saying that the decision [to support the roadless policy] went through a NEPA process. This process included scoping comments and a draft environmental impact statement comment period; both had public comment periods during the time when the 600 hearings were heard. It went through a final environmental impact statement and a Record of Decision was issued. She went on to say:

This was not-and please, someone can correct me if I am wrong-this was not simply as [has] been described as a federal fiat, an executive order. This was a decision made through the NEPA process, such as all of our timber sales go through, and many of the environmental decisions-"they" go through a full NEPA process.

MS. SCHRADER informed the committee that the position paper she submitted earlier lists the number of hearings [held] around the country and in Alaska. She said that it does not just represent President Clinton's personal philosophy but the opinions, the wishes, and the desires of many Americans and Alaskans; it is soundly based in scientific evidence that suggests that keeping large land tracts roadless is the best way to protect the ecosystem.

REPRESENTATIVE OGAN stated that he holds Ms. Schrader's type of organization responsible for the destruction of the forest, especially in the Lower 48. He said that more timber has died

due to beetle kill because our forests aren't allowed to burn anymore. He said that the forests need to be managed by harvest or they become overripe; in the last ten years, more timber has probably been wasted than could have been saved.

REPRESENTATIVE OGAN said that not having access to the forests will hurt the ecosystem and the health of the forest more in the long run, than will responsible management. He said that he could tell, when flying over a tract of land, which is Forest Service lease land because of the sustained yield management principles that they use.

REPRESENTATIVE KOOKESH said that he thought maybe it was forgotten that there are people living in the areas that would be affected by the roadless policy.

REPRESENTATIVE KOOKESH used Angoon as an example of a community faced with [loss of] beneficial development due to the roadless policy. He stated that Angoon is surrounded by a national monument and has the opportunity to put in a hydroelectric project three miles from Angoon that would require a road. This roadless policy would end the dream of having low-cost electricity.

MS. SCHRADER responded that she did not feel that the roadless policy was meant to prohibit advantageous development for a small community [like Angoon].

MS. SCHRADER said that by not having a road, and by not logging or being threatened by potential logging sales, it helps maintain the water quality for small communities. She used Washington State as an example of where there are problems with salmon habitat due to road development. She said that there will be specific instances [as in Angoon] where this policy would make positive developments more difficult, but in looking at history, there are considerable benefits to leaving large tracts of land without road access.

MS. SCHRADER said that flying over the Tongass 300 years ago, relatively healthy ecosystems would have been seen. She stated that Mother Nature does a pretty good job of maintaining the balance necessary without human interference.

MS. SCHRADER mentioned that there are few instances where humans have interfered as massively as has been done on some of the

national forests. Washington [State] is an example of where there has been an improvement upon what Mother Nature has been able to do. She stated that she disagreed with Representative Ogan.

REPRESENTATIVE KOOKESH followed up on the community water supply. He stated that it is hard to protect the water supply when there isn't one. He said that there are three communities in his district that are looking for a new water supply and intend to put a new one in. He stated that there are no exceptions [which would] allow for the hydroelectric [project] to go forward, or new water supplies to be found and utilized because of the roadless policy. He said that he thought that they [the community of Angoon] would have to resort to litigation unless this is resolved before that time. He said that the only way to get President Clinton's attention right now is to do what [Tony Knowles] the governor of Alaska has done to be supportive of that [Angoon's situation].

REPRESENTATIVE KOOKESH said that there are at least three other communities with similar situations [to Angoon's]. He used the example of road development in "lower Southeast", outlined in the southeast transportation plan, that may not be able to be built now [due to the roadless policy].

MS. SCHRADER, in reply to questions about her background, stated that she has been in Juneau for ten years and is employed by both the Alaska Conservation Alliance and the Alaska Conservation Voters, two separate organizations. She has worked on conservation issues during the past ten years and is originally from the Pacific Northwest-Puget Sound Area.

REPRESENTATIVE OGAN, going back to a previous point about the condition of the forests 300 years ago, stated that there wasn't anything done to stop forest fires, a natural occurrence that created forest health. Forest management began to stop forest fires which is when the natural system got out of kilter and why it requires good forest management. If burning does not happen, then the forests needs to be cleared through logging.

Number 1479

KATYKA KIRSCH, Executive Director, Southeast Alaska Conservation Council (SEACC), had the following testimony in support of the roadless policy.

We are a coalition of 18 volunteer conservation groups in 14 communities throughout Southeast Alaska, from Yakutat to Ketchikan. I have lived in Southeast Alaska for 26 years, in Haines much of the time, Juneau, and Wrangell. During this quarter of a century I have seen a lot of changes. I've seen many thousands of acres of clearcuts, and in this last decade I've seen a much more diversified economy, including a huge growth in the tourism and recreation industries as well as new high-tech businesses, more sports fishing as well as a continuation of commercial fishing, and much more.

It is time to stop looking backwards to recreate an economy that chews through our landscape for the gain of just one industry sector. Southeast Alaska's largest industries depend on a healthy Tongass National Forest. While employment in the timber industry continues to decline, there have been a lot of increases in many other areas including tourism, recreation, construction, trade, health care, and other parts of the service sector that continue to march forward. We need you to have the wisdom to look forward, instead of trying to continue the economy of past years.

SEACC strongly supports the immediate inclusion of the Tongass National Forest in the Forest Service roadless area conservation plan. This decision is not about closing down any of the nearly 5,000 miles of roads that currently exist on the Tongass National Forest. It is about managing these valuable wild lands for multiple uses, such as hunting, fishing, subsistence, recreation, and tourism.

Southeast Alaskans depend upon these roadless areas for food, recreation, and income. For example, the policy protects Farragut Bay, which is in the Port Houghton area. Petersburg fishermen are concerned about negative impacts to important king salmon trolling areas and crab grounds in this water body that would be impacted if there was logging in that area.

The Forest Service and the administration listened to what the people said. It is time for you to listen also. The fact that the majority of Alaskans, millions of Americans, the scientific community support full and immediate protection of Tongass roadless areas cannot be overlooked by those who may challenge this decision.

The Forest Service held 617 public hearings-17 in Alaska-that were attended by over 39,000 Americans. There were more than 1.6 million comments received; the vast majority of those supported inclusion of the Tongass and the Chugach in the final rule.

Estimates based on eyewitness accounts show that nearly 75 percent of the citizens who testified at public hearings in Southeast Alaska's four largest communities (Juneau, Ketchikan, Sitka, and Petersburg) supported including the Tongass in the roadless policy. In Ketchikan, which has been very pro-timber for the past five decades, more than 40 percent of the citizens publicly testified supporting including the Tongass in the roadless policy. In 13 hearings held across the region in Southeast, roughly 60 percent of the Southeast Alaskans testified in support of protecting all Tongass roadless areas from commercial logging and road building. This outpouring of local citizen support for applying the roadless policy on the Tongass illustrates that Southeast Alaskans reject the assumption that the recently revised Tongass plan, by itself, will ensure the long-term integrity of our nation's largest forest. It also reveals a desire for the Tongass to be treated just like any other national forest.

MS. KIRSCH continued:

In fact, the best rationale for including the Tongass in the national roadless policy immediately was the very product of implementing the Tongass Land Management Plan (TLMP). As required by TLMP, the Forest Service and other federal and state agencies evaluated the ability of existing forest roads to meet TLMP standards for fish passage. The results of this inter-agency effort are shocking and show the legacy

of damage caused by road building on salmon and trout habitat. According to the Tongass Road Condition Survey Report, released by the Alaska Department of Fish & Game (ADF&G) in June 2000, two-thirds of the culverts crossing salmon streams are providing inadequate fish passage; and 85 percent of culverts crossing trout streams in Southeast are providing inadequate fish passage.

Out of an estimated \$20 million dollar backlog to fix the nearly 1000 culverts that block safe fish passage, the Forest Service has been budgeting only about a half million dollars per year to fix these failing roads. At this rate, it would take 40 years to fix current fish passage problems on the Tongass. Instead of this resolution, the Alaska legislature should call for sufficient federal funding to fix these culverts-providing jobs for Southeast Alaskans and safe passage for wild salmon so important to our commercial, sports fishermen, recreation, and tourism. The Forest Service needs to use its shrinking budget to maintain its existing road network instead of punching new roads and clearcuts into roadless areas.

As a last note, it appears that HJR 6 was hastily written. There are several errors in the "whereas" sections. For example, the resolution claims that "the forest products industry contributes significant revenue to local communities through the 25 percent revenue sharing provisions of federal law." However, a new federal law (P.L. 106-393) that was passed last year and guarantees stable payments for roads and schools to local forest communities; according to that formula provided under that statute, local governments would get an annual payment equivalent to the average payment of their three highest years of timber receipts over the past 15 years. A reduction, if any, in timber receipts on the Tongass from immediate inclusion in the roadless policy will not reduce the amount of money from Southeast Alaska communities that they will be receiving for roads and schools.

Please look forward and not backward. Please do not support this resolution. Instead, support fixing the culverts which are impeding safe fish passage now,

providing jobs for Alaskans who fix them, and the fishing and recreation industries which will thrive along with wild salmon, wildlife, and wild roadless forests. I thank you.

Number 1777

MS. SHRADER clarified for the record that in her previous testimony she meant to say that 60 percent of the Southeast residents who testified [testified in favor of the policy], not 60 percent of the Southeast residents.

Number 1801

SENATOR ROBIN TAYLOR, Alaska State Legislature, stated that they [SEACC] had never filed suit to enjoin any of the clearcut logging done by the Native community, which involves thousands of acres. He said that the largest clearcuts allowed by the Forest Service in the past 12 years had not exceeded 40 acres; yet they [SEACC] filed lawsuits on each one of those.

SENATOR TAYLOR said to Ms. Kirsch:

Maybe you could explain to this committee, because I am very curious about it, the duplicity and the hypocrisy within that statement. You file on every single Forest Service job, every single contract that comes up. You participate, you file, you protest. But when it comes to thousands of acres of clearcuts in Southeast Alaska, not managed under the same environmental constraints as the Forest Service was, you never filed once. Please explain that to the committee, why that happened.

MS. KIRSCH said that private land issues are a whole other venue; with private land there is more entitlement to do anything, so they have, for the most part, left it alone.

SENATOR TAYLOR recalled that Ms. Kirsch had said that 40 percent of those citizens of Ketchikan who testified had testified in favor of the roadless policy. Senator Taylor said that he was present [in Ketchikan], and 90 percent of that 40 percent started their testimony by saying:

I live on the East Coast, or I live in Wisconsin, or I

live someplace; I go to an East Coast college and I'm up here guiding people on kayak tours. I've been asked to come in because I heard this was going on, and that's why I am here to support it.

SENATOR TAYLOR said that the majority of these people had been in Alaska less than two months, guiding ecotourists, brought in and paid for by the very same people that pay Ms. Kirsch's salary. They were not citizens of Ketchikan, and he wanted to make sure that people were not misinformed by her testimony. He went on to mention that the majority of those people were not even registered to vote in Alaska.

MS. KIRSCH pointed out to Senator Taylor that it [the Tongass] is a national forest. She reiterated that 40 percent of those who spoke in Ketchikan did speak in favor of the roadless policy. She said that she could not speak to the residency [of those who testified].

SENATOR TAYLOR clarified that he believed that those people who testified had every right as U.S. citizens to talk about their national forest. He reiterated his earlier comments about misleading testimony by Ms. Kirsch.

MS. KIRSCH said that she had understood that there were a variety of folks in Ketchikan, all citizens of this nation, and that this national forest belongs to all.

Number 2017

SENATOR TAYLOR applauded Representative Wilson, sponsor of HJR 6, for bringing this resolution forward. He stated that the backbone of Southeast Alaska has been broken; the future hangs in the balance. He asked if the communities of Southeast Alaska would continue to turn into isolated, small, Martha's Vineyards for wealthy Californians, here in the summer and gone in the winter.

SENATOR TAYLOR talked about the ecology 300 years ago and stated that our forefathers cut down every tree they could get their hands on to allow light to hit the ground to grow crops, to raise a cattle. Today, farming on clearcut land with road access allows the U.S. to feed the world at a tremendous rate.

SENATOR TAYLOR mentioned China and the Amazon Basin as examples

of areas where people are struggling with access to land and its effects on their ability to survive. People are trying to get into our country because our forefathers, in the last 300 years, built roads and railroads. The economy in the Lower 48 runs on roads. He asked, "And Alaska is somehow suppose to remain this isolated, roadless park?"

Number 2227

SENATOR TAYLOR asked what multiple use there will be in a de facto wilderness area. He said that it [the roadless policy] would change the land management policy of the entire Southeast Island Archipelago so that it is only available to an elite few.

SENATOR TAYLOR said that "our own people" are using a multiple-use forest created by the Forest Service over the last 70 years. There is the ability to hunt, fish, and recreate because there is access. "It" also provides for roads for commerce, and for an ambulance if the weather is so bad that a plane cannot fly in.

Number 2305

SENATOR TAYLOR stated that it is interesting that the testifiers have said that there are 4,500 miles of road on the Tongass, yet none of those roads connect up. He used the example of Kake and its proximity to Petersburg. He pointed out that the last half-mile of road between the two communities has not been completed. He talked about the difficulties in leaving an isolated community to get medical attention, and having to wait for the ferry.

SENATOR TAYLOR said that the two people who testified [from SEACC and the Alaska Conservation Voters] head up organizations that have, for 20 years, fought the connection of that road [Kake and Petersburg]. These organizations fought the connection of the road to allow the people up north to get to a hospital. That battle was fought in Congress, and the road never got built. He went on to say:

To allow this type of myopic thinking to go on in the land management policies of Southeast will do nothing more than to continue the destruction of the Southeast economy as we know it.

Number 2357

SENATOR TAYLOR talked about halibut caught in Southeast Alaska but sold in Prince Rupert and Haines because the price per pound is higher due to the availability of transportation via trucks and railway. Because the fish is sold elsewhere, the towns of Ketchikan, Petersburg, and Wrangell do not get the 3 percent fish tax that the state imposes to support communities; processing jobs are also lost.

SENATOR TAYLOR said that [SEACC and Alaska Conservation Voters] are fighting this. He asked people to think about where the Lower 48 would be today if it had been constrained by the same type of policies. Travel would have been stifled and people would have never left the East Coast. He stated that this is what "they" are trying to do to this economy.

SENATOR TAYLOR said that he did not think that "they" really care about the environment or have some altruistic reason. Every time they shut down a mill in Washington [State] or Oregon, the need for fiber is still there, and the work goes to the fertile triangle, Brazil, where there are no constraints.

TAPE 01-1, SIDE B
Number 2452

SENATOR TAYLOR said that "they knew" that as they destroyed the "smoke stack industries" and the extract resource industries of the U.S., they would force that same industry out of the U.S. and into Third World Nations, over which they would have no control. He said that "they" are not protesting there [overseas], since there is no one to pay them and it does not make national news.

SENATOR TAYLOR stated that Alaska has 66 of these organizations in the state, groups like the Sierra Club; 90 percent of their funding comes from outside of the state.

SENATOR TAYLOR applauded Representative Wilson for bringing this up again [the information included in HJR 6]. He stated that it is important for the district and the sponsor has his complete support.

Number 2351

REPRESENTATIVE WILSON directed the attention of the committee to a typing error on page 2, line 25 of HJR 6. She recommended amending HJR 6 to read, "than 50,000,000 board feet" instead of "than 5,000,000 board feet".

CHAIRMAN KOHRING approved the amendment.

REPRESENTATIVE WILSON verified for Chairman Kohring that this was the only place in the legislation where the error had occurred.

CHAIRMAN KOHRING asked for additional comments on the legislation.

REPRESENTATIVE OGAN made a motion to move HJR 6, with the amendment attached, out of committee with individual recommendations and a zero fiscal note; he asked for unanimous consent.

Number 2294

CHAIRMAN KOHRING asked if there were objections, and hearing none, announced that HJR 6, with the amendment attached, was moved out of the House Transportation Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:58 p.m.

