

ALASKA STATE LEGISLATURE
SENATE RESOURCES COMMITTEE

February 9, 2001
3:43 p.m.

MEMBERS PRESENT

Senator John Torgerson, Chair
Senator Rick Halford
Senator Pete Kelly
Senator Kim Elton
Senator Georgianna Lincoln

MEMBERS ABSENT

Senator Drue Pearce, Vice Chair
Senator Robin Taylor

COMMITTEE CALENDAR

Status Briefing: Donald H. Carlson et al. vs. State of Alaska
Commercial Fisheries Entry Commission by:

Mr. Steve White, Assistant Attorney General
Mr. Brad Pierce, Economist, Office of the Governor

CS FOR HOUSE JOINT RESOLUTION NO. 6(RES)

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

MOVED SCS CSHJR 6 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

HJR 6 - No previous action to consider.

WITNESS REGISTER

Representative Peggy Wilson
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Sponsor of HJR 6.

Ms. Rachel Moreland
Alaska Forest Association
111 Stedman St., Ste 200

Ketchikan AK 99901
POSITION STATEMENT: Supported HJR 6.

Mr. Dick Coose
P.O. Box 9533
Ketchikan AK 99901
POSITION STATEMENT: Supported HJR 6.

Mr. Joe Sebastian
Prince of Wales Island, Alaska
POSITION STATEMENT: Opposed HJR 6.

Ms. Corrie Bosman
P.O. Box 6157
Sitka AK 99835
POSITION STATEMENT: Opposed HJR 6.

Mr. Don Mueller
Old Harbor Books
P.O. Box 1042
Sitka AK 99835
POSITION STATEMENT: Opposed HJR 6.

Mr. Mark Rorick
Sierra Club
1055 Mendenhall Peninsula Blvd. Rd.
Juneau AK 99801
POSITION STATEMENT: Opposed HJR 6.

Mr. Jan Konigsberg
Alaska Salmonid Biodiversity Program
Trout Unlimited
7511 Labrador Circle
Juneau AK 99801
POSITION STATEMENT: Opposed HJR 6.

Mr. Pat Veasart, Executive Director
Sitka Conservation Society
P.O. Box 6193
Sitka AK 99835
POSITION STATEMENT: Opposed HJR 6.

Ms. Katya Kirsch, Executive Director
Southeast Alaska Conservation Council (SEACC)
419 Sixth St, #329
Juneau AK 99802
POSITION STATEMENT: Opposed HJR 6.

Ms. Sue Schrader
Alaska Conservation Voters
P.O. Box 22151

Juneau AK 99802

POSITION STATEMENT: Opposed HJR 6.

Mr. Darrell Thomas
Aide to Senator Taylor
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Supported HJR 6.

ACTION NARRATIVE

TAPE 01-10, SIDE A

Number 001

CHAIRMAN JOHN TORGERSON called the Senate Resources Committee meeting to order at 3:43 p.m. and said they would hear an overview of the Carlson case dealing with the differential between the license fees for residents and non-residents.

MR. STEVE WHITE, Assistant Attorney General, said the lawsuit originally filed in 1982 by six non-resident commercial fishermen who claimed that the state's fees it charges for non-resident limited entry permits and commercial fishing crew member licenses violate two clauses of the federal Constitution. The statute that's being challenged has been a state policy since 1978. It requires that the Entry Commission charge non-residents three times what they charge a resident for the same permit. The permits have to reflect the different rates of economic return for the different fisheries and there are five different ranges of limited entry permit fees. They range from the least valuable \$50 resident/\$150 non-resident up to \$250/\$750.

The other statute at issue is the one that charges non-resident crew members \$65 more than resident crew members. That is not as significant in terms of economic implications as the limited entry permits, Mr. White said. The legal issue before the courts is how much more can the state charge non-resident commercial fishermen than resident.

MR. WHITE said that the case became a class action lawsuit of about 11,000 non-resident commercial fishermen. About seven years after the case was first filed, the state won summary judgment at the trial court. Superior Court Judge Hunt held that the state's fee schedules were constitutional.

MR. WHITE said that the two provisions of the U.S. Constitution that are being challenged are the Commerce Clause, which generally states that the states cannot interfere with interstate commerce

and the second, more important one is called the Privileges and Immunities Clause which generally only applies to situations where both residents and non-residents are pursuing important constitutional rights like the right to pursue a vocation. He explained that this means that states have to treat residents and non-residents substantially equal. However, there are some ways states can charge non-residents a little bit more.

MR. WHITE explained after the state won the first round, it was appealed to the Alaska Supreme Court in 1990 and the trial court decision was sent back with ways to determine how much more a non-resident can be charged. The Court said they have to be treated with substantial equality except that the state can take into consideration the expenditures it makes for services it provides like commercial fishing management services. The state can take into account the amount that's paid for those services by residents through taxes that only residents pay. The Supreme Court said that Alaskans don't pay any broad based taxes to support state services. However it does contribute the residents' oil revenues into the state budget and pays for all the services including commercial fisheries. The Supreme Court rationalized that the state could take into account the oil revenues that pay for commercial fisheries and allocate those to the residents and through a formula, the state could determine how much to charge a non-resident.

MR. WHITE said the case went back to Trial Court and the formula was litigated for five more years and had no precedent. In 1995, they won summary judgment before Trial Court (before Judge Michalski). This was again appealed to the Alaska Supreme Court which again reversed the Trial Court saying that their formula was how much the state could charge non-residents.

The formula says that the maximum permissible fee for a non-resident permit or license is the same fee as a resident permit or license and in addition a "surcharge" could be added based upon the following: Take the amount the state spends on commercial fisheries each year and divide it by the Alaska population and that is the number that each Alaskan contributes to commercial fisheries each year from the budget. Then, if you put in a factor, which is a percentage of the state budget from oil revenues ratcheting that down to just the amount the residents pay for the services that non-residents don't pay, you then come up with the number which is the maximum amount of the difference that can be charged a non-resident for that year from that charged to a resident.

MR. WHITE explained that the third handout is a description of the lawsuit and included an example. The Supreme Court held that the Commerce Clause does not apply to this case; only the Privileges

and Immunities clause applies. The class attempted to have that decision reviewed by the U.S. Supreme Court which did not take it up.

The problem with the state's calculation in 1996 is a factor using the number of commercial fishermen in the state as a divisor. The Supreme Court said no, that they had to use the entire population of the state theorizing that everyone in the state contributes something towards commercial fisheries management from their oil revenues. The Supreme Court said to go back and put a different number in and that's what they have been litigating ever since 1996.

Since then, they have been litigating in two different areas, Mr. White said. One is if there are refunds due to non-residents, how would they deal with them. Would they have to pay prejudgment interest, for example? The Superior Court ruled that they have to do that. The state will appeal that issue to the Alaska Supreme Court the next time.

The state also argued that the class action is not an appropriate vehicle for this kind of lawsuit and the Superior Court held that it was. The state argued other legal issues dealing with refunds which they will appeal, also.

MR. WHITE said that another thing they have been litigating which culminated in the trial last summer in Anchorage before Judge Michalski is what expenditures the state can include in that budget over the past 19 years. The Department of Law came up with six different categories of expenditures and presented those to the Court through various expert economists and tried to identify as many expenditures that are reasonably related to commercial fisheries management. The first category was the operating budget costs to the state including things like salaries. The second category was an overhead factor which includes support services like secretaries. The Superior Court ruled those were appropriate costs. The Court rejected the other four categories which involved things like the state's capital budget expenditures supporting commercial fisheries, harbors, and hatcheries (amortized). A calculation done at the University of Alaska Anchorage projected what the loss of population would be if the commercial fisheries industry was not present in Alaska. They determined about 9 - 10 percent of the population would probably not be here. The state took that factor and applied it to all the general infrastructure costs to the state like roads, hospitals, highways, etc. and theorized that if the commercial fishing industry were not here, then they wouldn't have those costs. The Trial Court would not let them include those costs, either.

Another category that the Court rejected was the hatchery loan subsidy that the state provides to hatcheries at a below-market rate. Another category was the opportunity cost to the fish. The state did not take the common property resource and give it to the fishermen to extract the value and how much is that value and the cost to the state.

The Superior Court rejected four of the six categories, but allowed the state's argument based on a figure he pointed out on their presentation. The state ran the figures for FY 96 as a sample and, had the Superior Court allowed all those cost categories, the permissible differential would have been \$570. "Because the Superior Court knocked out four of the six, the permissible differential for that year was only \$155."

MR. WHITE said the state took that \$155 differential and calculated how much would be owed for that one year, plus interest. The total was \$1.4 million. Since then, he has been trying to move the case through the Trial Court to get a final judgment so that he could take it up to the Alaska Supreme Court and appeal all the issues that were found against the state (budget, interest, and class action qualification issues).

A final judgment from the Trial Court includes a calculation of the total principal and interest that the state owes for all 19 years. He anticipated those figures would be ready by mid-March. The Court will enter a final judgment and then be set to appeal. The law requires the state to notify as many non-residents as they can and tell them they may have a refund due and get current addresses.

MR. WHITE said the appeal would probably happen this summer and they will then do a briefing and the Supreme Court will have the case in the fall ready for a decision. When the Superior Court announces the final judgment, there will be a figure of around \$30 million and there will be press coverage. He assured the committee that wasn't the final figure and that it just sets the stage for appeal. He felt they could reduce the figure significantly and predicted they would know in another year.

Number 1100

CHAIRMAN TORGERSON asked if the 11,000 class action members included crew member licenses.

MR. WHITE answered that was just limited entry permit holders. It probably won't affect crew member licenses.

CHAIRMAN TORGERSON asked if he understood correctly that Mr. White was not going to recommend making any payments off the lower court ruling because he would appeal right away and there wouldn't be any payments due this fiscal year.

MR. WHITE said that was right.

CHAIRMAN TORGERSON asked if he felt confident about the higher court accepting the hatchery and capital budgets or at least some of the four issues being overturned.

MR. WHITE replied that he thought they could make a really good case that the capital expenditures clearly support and benefit commercial fisheries - over 90 percent of hatchery fish are caught by commercial fishermen. He felt confident about the capital expenditures. The overhead cost factor based on population decrease depends on expert witnesses and the other side had an expert economist from Florida who said if the state didn't manage commercial fisheries, the federal government would; so there would still be commercial fisheries. He felt pretty comfortable about hatchery loan subsidies. The last one, "the opportunity cost is a pretty esoteric economic theory that may or may not..."

CHAIRMAN TORGERSON said he thought harbors was a good one.

MR. WHITE agreed and said they have figures on how many slips in each harbor on an average are occupied by commercial fishing vessels. If you take the cost of the harbor and take that percentage, you can assume that portion of the harbor expenses supports the industry.

CHAIRMAN TORGERSON asked if they are deducting federal funds from these figures.

MR. WHITE answered that they are including all funds.

MR. BRAD PIERCE, Economist, said they are using total funds and all money that's appropriated by the legislature.

SENATOR HALFORD pointed out that the core money is not run through the state budget.

SENATOR ELTON said, "It's an interesting proposition we have here. If we spent more money to fix up our harbors and ports, we'd have a better defense in court."

CHAIRMAN TORGERSON asked if they are recommending any statute changes at this time.

MR. WHITE answered that he thought an appropriate change would be to amend the statute that provides the three to one ratio, because the Supreme Court has said it's a dollar amount that's based upon the formula and the amount varies from year to year. He said the formula is not being challenged at this time and flows from a U.S. Supreme Court decision.

CHAIRMAN TORGERSON asked if we are using the proper formula now.

MR. WHITE answered that the three to one puts the state in the position of having to do refunds based upon the factors the Superior Court gave them which varies from year to year.

CHAIRMAN TORGERSON asked if it would have to be adjusted every year.

MR. WHITE said he didn't think it would have to be a yearly adjustment if regulation could set the fees for a few years.

SENATOR LINCOLN asked if he was suggesting there should be a specific amount or can they say "shall not exceed a blank amount."

MR. WHITE recommended that Limited Entry and ADF&G can charge non-residents an additional amount or surcharge to the maximum extent established by law and give the agencies the regulatory authority to work the formula on a regular basis and add that amount to the fees and license schedules.

SENATOR HALFORD asked which court changed the denominator in the formula from Alaska fishermen to Alaska population.

MR. WHITE answered the Alaska Supreme Court in 1996.

SENATOR HALFORD said he didn't think that was a reasonable interpretation.

MR. WHITE responded that when they used just fishermen as the divisor, the state won hands down, but when the Supreme court said to use the state's entire population, that reduces the figure.

SENATOR HALFORD asked if anything could be done to rehear that question with new findings at the Supreme Court level.

MR. WHITE answered that the next time this case goes to the Alaska Supreme Court, particularly with the dollar figure attached to it, and they look at what the actual refunds are going to be and that compared to other states we have a low differential, they may

reexamine the whole premise. Their 1996 rationale was tight that that should be the case.

SENATOR HALFORD said he thought it was pretty unreasonable to think that a one-year or one month old child gets the same benefit out of fishery management as a full time commercial fisherman.

SENATOR ELTON said he was bothered that this logic could be applied to a lot of different situations like big game tags or sport fishing licenses. He asked if we are vulnerable elsewhere.

MR. WHITE answered that we aren't vulnerable in licenses and permits and management practices that involve sport hunting and sport fishing, because the Privileges and Immunities Clause only applies where you have a fundamental constitutional right and the Courts have said that applies in this case with a vocation at stake.

SENATOR ELTON asked if this could apply to commercial truck licenses that are crossing the border.

MR. WHITE answered yes and it might also apply to guiding licenses.

CHAIRMAN TORGERSON asked if another action would have to be brought to broaden the issue further.

MR. WHITE answered yes.

SENATOR HALFORD noted that, "It's interesting that a non-resident guide is required to buy a hunting license to be able to guide. A hunting license has an unacceptable differential while the guide license doesn't. But you have to have both licenses to operate. We lost years ago not allowing non-residents at all. So we've lost piece by piece by piece on that."

CHAIRMAN TORGERSON thanked them for joining the committee today and said they would watch the situation closely.

#HJR6

HJR 6-ROADLESS POLICY

CHAIRMAN TORGERSON announced HJR 6 to be up for consideration.

Number 1700

REPRESENTATIVE PEGGY WILSON, sponsor, said HJR 6 opposes the inclusion of Alaska's Tongass and Chugach National Forests in the Roadless Policy and wants to overturn it. The Tongass and the

Chugach Land Management Plans have cost many millions of dollars. The Tongass Land Management Plan (TLMP) has already been in effect for over 11 years costing \$13 million and countless hours. The Chugach took 3 years. They were led to believe the national forests in Alaska wouldn't be included in this program.

MS. RACHEL MORELAND, Alaska Forest Association, said they strongly supported HJR 6.

MR. DICK COOSE, Ketchikan resident, said he has lived in Southeast Alaska for 20 years and has hunted and fished on the Tongass and the roads and clear cuts are very useful for those activities. He is retired from the Forest Service after 34 years of service. He assured them that the Tongass was not as bad off as the preservationists put it.

MR. JOE SEBASTIAN, Prince of Wales Island, said that is the most heavily, densely roaded space anywhere in Alaska outside of downtown Anchorage. He strongly supported the Roadless Policy and the inclusion of the Tongass and the Chugach in it. He also defends the concepts of the Tongass Land Management Plan. "The Roadless Policy embarks on a new era and a new moral consciousness concerning natural tracts of land still left to us and calls a halt to industrial exploitation of nature."

MS. CORRIE BOSMAN, Sitka, opposed HJR 6 and supported the application of the Roadless Policy to the Tongass and the Chugach National Forests. She didn't think the legislature understood the policy after speaking with Representative Wilson who, she thought, was very misinformed. She thought the policy was a complete ban on any new road construction and that's not true. "This policy only applies to areas that are currently inventoried as roadless. There will still be road construction permitted outside of those areas in both the Tongass and the Chugach." She said that people in Sitka and other communities in southeast Alaska who participated in the Management Plan process overwhelmingly showed support for this application to the Tongass. She said, "I am appalled at the way both Governor Knowles and the Forest Service has been handling this. This was lawfully signed into law. It has been disregarded. These are federal lands. They need to be managed on behalf of people here in Alaska, but also all the other people throughout the nation that these lands belong to."

MR. DON MUELLER, Manager, Old Harbor Books, Sitka, said he strongly supported including Alaska in the National Roadless Policy. He thought it was wise for the long-term economics of Southeast Alaska.

Number 2400

MR. MARK RORICK, Sierra Club, said he lived in Juneau for 30 years and didn't think he could change their minds within this forum, but he said there had been much misinformation about the Roadless Area Conservation Rule. He gave an example of the Cholmondeley [east Prince of Wales Island] timber sale, a 35 million board feet timber sale in the Mackenzie roadless area on Prince of Wales Island. Since the EIS came out before the rule, the sale went forward. "It targets the best low elevation, high volume, old growth stands. The sale units followed stream valleys up three of the areas most productive water sheds and constructs 23 miles of road and crosses the stream 63 times. Many of the road segments are steep and prone to land slides. The drinking water supplies of the residents of Sunny Cove, Clover Bay, and Saltree Cove are jeopardized. Two lodge businesses that contribute more than \$2 million per year to the Ketchikan economy are being put at risk."

TAPE 10, SIDE B

MR. RORICK said, "With this sale, the Forest Service has ignored the recommendations of the interagency biologists when establishing the old growth reserves called for by the forest plan[TLMP] and opted for getting the maximum ASQ out at the expense of the areas wildlife."

MR. JAN KONIGSBERG, Alaska Salmonid Biodiversity Program of Trout Unlimited, opposed HJR 6. He said that Trout Unlimited supported the roadless conservation policy. He didn't want to talk them out of the current resolution so much as to oppose its current language. He suggested it be amended in favor of some balance with respect to the system that is already roaded in the National Forest, particularly in the Tongass.

MR. KONIGSBERG said he thought it was the state's responsibility in terms of salmon production to ensure there is good fish habitat. There has been more than 20 years of recognition in the Tongass, in particular, that there is a fish passage problem with the roads and culverts. After more than 40 years of industrial logging, there has been some reduction in fish production. That should really be addressed first. "Support of litigation for new roads seems to me to be a bit one-sided unless there is an equal demand to first fix the old roads. It makes good sense. It's good housekeeping."

MR. KONIGSBERG had draft language he had presented to the committee on this issue.

CHAIRMAN TORGERSON thanked him, but said that he is not in favor of

amending this resolution to talk about something other than what it was designed for. He would support a resolution that told the feds "to clean up their act on areas that you have identified of culverts not letting the fish through and other things. That's just good sound business practice."

MR. PAT VEESART, Executive Director, Sitka Conservation Society, said he was very involved in organizing to build public support for the Roadless Policy. He has had the opportunity of talking to hundreds and hundreds of Alaskans and thousands of visitors to Alaska about the Roadless Policy and was overwhelmed by the level of public support for it. The committee is being asked to pass a resolution that is against the public will he said. The Roadless Administrative Rulemaking process was a highly publicized, very public process that was open to everybody. It was nation-wide with 617 hearings with 39,000 Americans attending those hearings; 1.6 million Americans commented on it. Over a million of those people favored the rule and favored inclusion of the Tongass. It was the largest public process in the USDA history.

After 17 hearings in Alaska, 62 percent of the people who spoke favored the policy, 75 percent in Southeast Alaska's four largest cities favored the policy. Local forest planning is always subject to change in the national policy that is brought about by a change in public attitude about how our national forests are managed. "This process was exemplary and it was open to everyone...It is exactly how policy should be made in a democracy."

MS. KATYA KIRSCH, Executive Director, Southeast Alaska Conservation Council (SEACC), said she has lived in the region for 25 years and has seen a lot of clear cutting. In the last decade, she has seen a much more diverse economy, including a huge growth in tourism, recreation industries, high businesses, fishing, and a lot more. She said, "It's time to stop looking backward to recreate the economy that chews our landscape for the gain of just one industry. Our region's largest industries depend on a healthy Tongass National Forest. While employment in the timber industry has been declining, there have been increases in tourism, recreation, construction, health care, and other parts of the economy...This decision is not about closing down any of the nearly 5,000 miles of road that currently exist on the Tongass. It is about managing those valuable wild lands for multiple use that are now roadless for purposes such as hunting, fishing, subsistence, recreation, and tourism."

MS. KIRSCH commented that 50 percent of the timber from the Chumley sale is going out as round logs, red and yellow cedar, exports. The Finger Mountain timber sale which is in a roadless area near

Tenakee is abounding in spawning salmon, but the reason for that sale is to target on round export of cedar. She asked who is benefiting?

She said according to the Tongass Road Conditions Survey Report released in June 2000, two thirds of the culverts crossing salmon streams provided inadequate fish passage and eighty five percent of the culverts crossing trout streams provided inadequate fish passage. "Out of an estimated \$20 million backlog to fix more than 700 of these culverts that are blocking safe fish passage, the Forest Service has been budgeting only about a half million dollars a year. At this rate it's going to take 40 years to fix current fish passage problems on the Tongass."

MS. KIRSCH said, "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 and sports fishermen."

MS. KIRSCH pointed out several errors in the "Whereas" section of HJR 6. "The resolution claims that the forest products industry contributes significant revenue to the local communities to the 25 percent revenue sharing provision in federal law. However, a new federal law was passed last year that guarantees stable payments for roads and schools to local forest communities. Under the new statute, local governments will receive an annual payment equivalent to the average payment of their three highest years of timber receipts over the past 15 years. Any reduction in timber receipts on the Tongass will not reduce the amount of money Southeast Alaska's communities receive for roads and schools."

MS. SUE SCHRADER, Alaska Conservation Voters, said the vast majority of her members are frequent users of the Tongass and Chugach National Forests for subsistence, recreational and commercial activities. They have supported efforts by the U.S. Forest Service to protect the roadless areas in these forests. She listed the communities where there were hearings: Anchorage, Girdwood, Seward, Cordova, Sitka, Ketchikan, Juneau, Yakutat, Kake, Tenakee, Hoonah, Petersberg, Thorn Bay, Craig, Angoon, Gustavus, and Wrangell. Over 1,000 people attended those hearings and 62 percent testified in support of including the Chugach and the Tongass.

MS. SCHRADER said you could see proof of why so many people are concerned about building roads when looking at Washington state and the collateral damage that roads in their national forests have caused - landslides, damage to salmon streams, problems with game poaching, and increased risks of human caused fires. She concluded

by asking the committee to reconsider her information and not support the resolution.

MR. DARRELL THOMAS, Aide to Senator Taylor, supported HJR 6 saying, "The Southeast timber industry has suffered blow after blow in the past few years dealt by the federal government. These blows were fatal to two pulp mills, both major employers of Southeast Alaska." He said that there are only a couple of saw mills operating today and the loss of jobs has resulted in severe negative economic impacts to much of Southeast Alaska. "The Roadless Area Conservation Rule would deliver the final blow to an entire way of life for thousands of people. Without roads, they have no access to schools, stores, or even medical attention."

CHAIRMAN TORGERSON said he had put together amendment #1 which recognizes the President has taken an action to delay the Roadless Policy for 60 days.

SENATOR HALFORD moved to insert amendment #1 on page 3, line 20. It reads, "and WHEREAS the Alaska State Legislature expresses its appreciation of the recent temporary delay for 60 days of the Roadless Area Conservation Rule;".

SENATOR ELTON asked if the sponsor of the resolution supported the resolution. Representative Wilson said that she didn't have a problem with it.

There were no objections and the amendment was adopted.

SENATOR ELTON moved amendment #2 on page 1, line 8 to delete "the 25 percent". The reason is that last October Congress passed and the President signed an alternative way to the 25 percent process. The alternative ways allow communities in the Tongass to average the high three of the last 15 years receipts. He thought most communities in Southeast Alaska would use that method because it would bring in a lot more money to them. Representative Wilson said she didn't object to the motion. There were no further objections and the amendment was adopted.

SENATOR HALFORD moved to pass SCS CSHJR 6 from committee with individual recommendations.

SENATOR ELTON objected to say that he is very conflicted about this resolution. He does not read the provisions of ANILCA the same way the sponsor does. He said in 1976 as editor of the Juneau Empire, he began writing articles to encourage the process of planning in the Tongass National Forest. Most of the decisions that were made were by politics and not necessarily by good management policy

which bothered him. He said we had come a long way since then. If he had written a way of handling federal management decisions in the Tongass, he would have ended up with a process remarkably similar to the TLMP process. He feels the same now that 150 - 200 million board feet to be cut per year was a good number for the Tongass - a significant drop from the existing cut. They came up with "a process that was a wrenching divisive process that eventually led to the TLMP process and through various amendments to the TLMP process, to a cut figure in the neighborhood of 150 million board feet, right where I wanted to be 10 years ago." He said he is bothered by a process that leads to an executive order by any president that leads us to something that abrogates the TLMP process that was very painful. He didn't know how he was going to vote on this resolution when it reached the floor.

SENATOR ELTON told Chairman Torgerson that he appreciated the way he had run the meeting on this issue that has divided people rather than bringing them together.

There was no further discussion or objection and the bill passed out of committee.

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CHAIRMAN TORGERSON adjourned the meeting at 5:00 p.m.