

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1870 SRES ALPETCO CONTRACT 6/2/81 - APPOINTMENT 6/1/81

positions are expressing their cynicism, their suspicion and speaking very derogatorily about this contract and the company that is trying to take care of it. Some people acting in their private capacity certainly have not behaved as a partner in good faith in this contract. If there is an incentive the State can offer I think it is to argue about contracts before we sign them, but let's support them for a change after we sign them. That's an incentive that doesn't cost us a thing.

Senator Bradley: Madam Chairman, this is directed to Mr. Parker. Mr. Parker with the oil and gas corporate tax made any differences to the success of the contract. (?)

Mr. Parker: I am not familiar with that tax at all. I do not believe it played a part in this project because it does not —.

Madam Chairman: Are there any other questions from members of the Committee?

Rep. Gardiner: Mr. Commissioner, you went through the list of all the people that you have been trying to negotiate with to see if there is any interest in some kind of deal, what terms have you been negotiating with them in terms of a short term, in-value price?

\* Commissioner LeResche: Yes, we offered it for one year that is July 1 through June 31 then it would come back to the State at the time our next solicitation, if there are any contracts resulting from this would take effect July 1, 1982 at the in value price. And our feeling is that in dealing just with these firms that have arguably ancillary relationships and benefits for the State, improves the State's interest in the sale if it goes from Charter back to them. We couldn't argue that that's the case if went to Charter just to somebody else who really doesn't have a relationship with the State. But you should recall the original finding we made that this crude was surplused to instate needs was based on the fact that it would lead to construction of a refinery. Now that that's no longer the case, we can place it with somebody who has a refinery or who supplies products then that enhances the State's interests. So that's why we offered it to only those firms.

Rep. Gardiner: That sort of comes to my second question that we were sort of using the in value price at some kind of measuring stick here that we used for the Alpeteo contract and I guess other times we have used it as a yardstick. I'm wondering if the experience with the Alpeteo contract brings in to question as to whether that how much sense or accuracy that what we are using as an in value price makes the State's trying to sell oil to other people or somebody who contracted trying to market price or not.

\* Commissioner LeResche: It makes every sense from the State's point of view, because we have an obligatory buyer at that price, so that really states in my

view and in the policy and the Administration's view we should never take less than that because we can always get that much from the producers. But as Dudley pointed out partially it does cause a heck of a problem for anyone who wants to buy the stuff and resell it. And in some tight instances for anybody who wants to run it through his refinery. Because the pricing is delayed, because the major producer's sales contract carry a lot more inertia than most crude oil contracts, just watching the in value prices when prices go down theirs stay up, several months beyond the general market going down. When prices go up theirs stay a little lower for a few months. So it is very difficult, and we really acknowledged this from the beginning, for anyone to buy at the best price the producers are getting, sell in a producers market and make money. For resellers the in value price presents a very very great difficulty.

Madam Chairman: Are there any further questions before the members.

Mr. Gardiner: Are there any efforts to renegotiate the contract.

Commissioner LeResche: None whatsoever. Charter did not ask and we certainly did not offer.

Madam Chairman: I want to thank you Zeke and Dudley for coming in and giving us your side of the question. Thank you Commissioner. Are there any further questions?

# APPOINT- MENTS

6-1-81

The Hon. Bettye Farenkamp

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February 26, 1981

ALASKA KING CRAB MARKETING  
AND QUALITY CONTROL BOARD

Phillip Hanson

ALASKA OIL & GAS CONSERVATION COMMISSION

Harry Kugler

The résumés for the above listed individuals will be  
forwarded to you as they are received in this office.

Attachment

**BOARD OF FISHERIES**

(AS 16.05.221(a); 7 members appointed by the governor. The Commissioner of Fish and Game is not a member of the board but shall be ex officio secretary. 3-year terms; legislative confirmation required.

MEMBERS	REPLACING	APPT.	TERM
Mr. Griffin Quinton 1514 Primrose Anchorage, Alaska 99504	Calvin Fair (effective 79/09/01) <i>Reapp</i>	80/07/17	<del>83/07/01</del> 01/31
Mr. Herman Schroeder Box 216 Dillingham, Alaska 99576	<i>Reapt</i>	<del>80/07/17</del> 80/01/19	<del>81/07/01</del> 81/01/31
Mr. James Huntington Box 71 Galena, Alaska 99741		80/07/18	<del>83/07/01</del> 01/31
Mr. Chris Goll, Jr. 6425 Colgate Drive Anchorage, Alaska 99504	<del>Russ Dunn</del> <i>reapt</i>	80/07/18	<del>83/07/01</del> 01/31
Mr. Nick Szabo P.O. Box 1633 Kodiak, Alaska 99615 (Chairman)	Reappointed	80/04/29	82/07/01
Mr. Jim Beaton 415 Rawn Way Juneau, Alaska 99801	<i>reapt</i>	<del>75/08/17</del> 84/01/19	<del>81/07/01</del> 84/01/31
Mr. Gordon Jensen P.O. Box 264 Petersburg, Alaska 99833	<i>reapt</i>	<del>75/08/17</del> 81/01/19	<del>81/07/01</del> 84/01/31
The Honorable Ronald Skoog Commissioner Department of Fish and Game Support Building Juneau, Alaska 99811			

**CONTACT AGENCY:**

Department of Fish and Game  
Office of the Commissioner  
(465-4100)

cc: Commissioner's Office  
Department of Public Safety  
ID #32 (J-31)

BOARD OF GAME

(AS 16.05.221(b)); 7 members appointed by the governor. The Commissioner of Fish and Game is not a member of the board, but shall be ex officio secretary. 3-year terms. Legislative confirmation is required.

MEMBERS	REPLACING	APPT.	TERM
Mr. John Hanson Box 1 Anakanuk, Alaska 99554	<del>Urban Nelson</del> <i>Ret</i> (effective 78/11/00)	<del>78/12/12</del> 81/02/02	<del>81/07/01</del> 84/01/31
Dr. Samuel Harbo, Jr. Box 80522 College, Alaska 99701 (Chairman)	<i>Reapt</i>	80/05/07	82/07/01
Mr. James Rearden Box 313 Homer, Alaska 99603	Reappointed	81/02/02	<del>81/07/01</del> 84/01/31
Mr. Richard Hensel SRA Box 1765-W Anchorage, Alaska 99507	Darrel Farmen	80/07/18	83/07/01
Sidney Huntington Box 27 Galena, Alaska 99741	Reappointed	81/02/02	<del>81/07/01</del> 84/01/31
Clint Buckmaster P.O. Box 1254 Sitka, Alaska 99833		80/07/17	83/07/01
Mr. Joel F. Bennett 114 West 6th Street Juneau, Alaska 99801	<del>Chuck Evans</del> <i>Reapt</i> (effective 78/07/05)	80/07/18	83/07/01

The Honorable Ronald Skoog  
Commissioner  
Department of Fish and Game  
Subport Building  
Juneau, Alaska 99811  
(Ex-Officio/Secretary)

CONTACT AGENCY:  
Department of Fish and Game  
Office of the Commissioner  
465-4110 Nancy  
ID #35 (J-37)

GUIDE LICENSING AND CONTROL BOARD

(AS 08.54.010; 7 members; no more than 3 with guide licenses; 3-year terms or until successor is appointed; serve at the pleasure of the governor; members are confirmed by the Legislature).

MEMBERS	REPLACING	APPT.	TERM
✓ Mr. Glen Gleznzer Box 4-2500 Anchorage, Alaska 99509	Reappointed	81/01/05	83/06/15
✓ Mr. Marcus F. Jensen Box 2220 Juneau, Alaska 99803 (Chairman)	Reappointed	81/01/05	83/06/15
✓ Mr. Donald Harris <i>Box 125</i> McGrath, Alaska 99627	Frank Chapados	79/01/26	81/06/15
✓ Mr. Norman C. Sutliff P.O. Box <del>1157</del> <i>1101</i> Kodiak, Alaska 99615	Reappointed	79/06/21	82/06/15
✓ Mr. Herbert G. "Bud" Wiese 1426 2nd Avenue Fairbanks, Alaska 99701	Charles Keim	80/07/18	82/06/15
✓ Mr. William C. Stroecker P.O. Box 1230 Fairbanks, Alaska 99701	Bud Wiese	79/10/29	82/06/15
✓ Mr. Clark Engle 4129 Lana Court Anchorage, Alaska 99504		78/09/01	81/06/15

CONTACT AGENCY:

Division of Occupational Licensing  
 Department of Commerce and Economic Development  
 Debbie - 465-2542  
 ID #38 (A-1)

ALASKA KING CRAB MARKETING AND QUALITY CONTROL BOARD  
 (AS 18.90.040; 6 members appointed by the governor from a list of  
 persons recommended by the industry and confirmed by the legislature;  
 3-year terms).

MEMBERS	REPLACING	APPT.	TERM
Mr. David M. Woodruff P.O. Box 2274 Kodiak, AK 99615	Lewellyn Swanson	80/12/19	83/08/26
Mr. Phillip Hanson c/o Universal Seafoods Dutch Harbor, Alaska 99685	Reappointed	80/10/17	83/08/26
Mr. Emil Norton P.O. Box 1156 Kodiak, Alaska 99615		75/10/07	81/08/26
Mr. Edwin L. Van Fleet P.O. Box 1848 Kodiak, Alaska 99615	Galovin (effective 79/04/00)	80/01/11	82/08/26
Mr. Charles Knapp Box 2383 Kodiak, Alaska 99615 (Vice Chairman)	Reappointed	80/01/11	81/08/26
Mr. Randolph O. Davis Whitney-Fidalgo Seafoods 4401 W. International Airport Road Anchorage, Alaska 99501		79/01/05	81/08/26

CONTACT AGENCY:

Department of Fish and Game (465-4100)  
 cc: Secretary Pat Szabo  
 Alaska King Crab Marketing and  
 Quality Control Board  
 Dept. of Fish and Game  
 Box 686  
 Kodiak, Alaska 99615 (484-4791)  
 ID #53 (A-18)

ALASKA PIPELINE COMMISSION

(AS 42.06.020) 3 members appointed by the governor and confirmed by the legislature; one 2-year term, one 4-year term, and one 6-year term; members are subject to financial disclosure.

MEMBERS	REPLACING	APPT.	TERM
Ms. Janis C. Williams Box 815 Juneau, Alaska 99802	Ms. Cheri C. Jacobus	80/10/28	82/04/04
Vacant	Harry Donahue	76/07/08	84/04/04
Karen Cory 338 Denali Street Anchorage, Alaska 99501 (Chairman)	Thomas L. Powers	80/06/20	86/04/04

CONTACT AGENCY:

Alaska Pipeline Commission  
338 Denali Street  
Anchorage, Alaska 99501  
(279-0513)  
(E-2)

**ALASKA OIL AND GAS CONSERVATION COMMISSION**

(AS 31.05.005) Composed of three commissioners appointed by the governor and confirmed by legislature in joint session. The governor shall designate one member of the commission as chairman. This member shall serve as chairman for a term of 4 years, but may be appointed for successive terms. Term of each member is 6 years. Quasi-judicial. Financial disclosure. 1 licensed engineer w/educational and professional background in petroleum engineering; 1 geologist w/educational and professional background in petroleum geology; 1 w/no special requirements for such training. Legislative confirmation in joint session.

MEMBERS	REPLACING	APPT.	TERM
Mr. Harry W. Kugler Div. of Oil and Gas Conservation 3001 Porcupine Drive Anchorage, Alaska 99501 (geologist)	Reappointed	80/12/12	86/12/31
Mr. Hoyle H. Hamilton Div. of Oil and Gas Conservation 3001 Porcupine Drive Anchorage, Alaska 99501 (Chairman) (Engineer)			82/12/31
Mr. Lonnie C. Smith Div. of Oil and Gas Conservation 3001 Porcupine Drive Anchorage, Alaska 99501 (Engineer)			84/12/31
ID #69 (A-33)			

BOARD OF VETERINARY EXAMINERS

(AS 08.98.010) 5 members appointed by the governor and confirmed by the legislature; 4-year term; serve at the pleasure of the governor.

MEMBERS	REPLACING	APPT.	TERM
✓ Dr. Clifford D. Lobaugh RR 6, Box 3552 Juneau, Alaska 99803	Anderson	75/08/01	81/01/31
✓ Richard B. Bauder, D.V.M. Box 277 Sitka, Alaska 99835	David Howe	79/10/31	83/01/31
✓ Pamela Ann Tuomi, D.V.M. SRA Box 1404 Anchorage, Alaska 99502 (Chairman)	Berton A. Gore	80/04/01	84/01/31
✓ Wal D. Stuve, M.D. SR 70389 Fairbanks, Alaska		80/07/16	82/01/31
✓ Eddy Froehlich P.O. Box 10849 Anchorage, Alaska 99511 (Public)		80/07/17	84/01/31

CONTACT AGENCY:

Division of Occupational Licensing  
Commerce and Economic Development  
(465-2544-Jennie)  
ID #101 (F-1)

# Alaska State Legislature

BETTYE F. FARENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99801  
(907) 465-3004  
(907) 465-3845

## Senate

### Committee on Resources

May 8, 1981  
1:30 p.m.

Beltz Room  
Room 211 - Capitol

#### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Fischer  
Senator Sturgulewski  
Senator Mulcahy  
Senator Eliason  
Senator Gilman  
Senator Bradley

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#### HEARING:

SSSB 189 An Act relating to outdoor recreational facilities; providing for state historical, recreational, and wilderness trails, waterways, and campsite system.

SJR 37 Relating to the construction of the Bradley Lake hydroelectric project.

Governor's appointments: King Crab Marketing and Quality Control Board; Guide Licensing and Control Board, and Board of Veterinary Examiners.

Special briefing by Hudson Glimp, James Conner, and Tom Wamon of the Win-Rock International Foundation.

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Hudson Glimp, stated that the purpose of their trip to Alaska was to obtain an overview of Alaska agriculture. Since Alaska is 95% dependent upon imported food goods, it needs to become self-sufficient. Alaska can become self-sufficient through research and building the necessary infrastructure. He indicated that there are deficiencies in the state's agriculture research programs.

Tom Wamon, stated Win-Rock can assist Alaska in areas such as developing seed varieties for this climate.

Jim Conner, stated that in order to support a feed grain industry

a market and a port are needed. He indicated that the seed being used at the Delta project is a 40 year old Canadian variety. Through the research of Win-Rock, Universities and Corporations, a better variety should be able to be developed.

Senator Gilman, stated that research is needed, but today the Senate Finance Committee deleted from the budget the funds for the Homer Research Center. He suggested that the Resources Committee send a letter to the Finance Committee asking them to reconsider their action.

The Chairman directed staff to draft such a letter for the Committee members signature. (attached)

Senator Fischer stated the the original bill, SB 189, related only to trails, but after hearings by the Subcommittee on Parks and Trails, the Sponsor Substitute was introduced. SSSB 189 addressed a grants program for the development of local recreation facilities. Senator Fischer recommended that the Committee adopt CSSSB 189, which deletes the grants program.

Senator Fischer put forth the motion to move CSSSB 189, with individual recommendations.

Senator Gilman discussed CSSJR 37. He stated that the Bradley Lake hydroelectric project was the only hydroelectric project that the Corp of Engineers had completed significant work on. To expedite the project, the proposal has been made to have the state take over funding the Corp of Engineers work on the project. The Corps has completed the necessary work which the Federal Energy Regulatory Commission requires for permitting. Senator Stevens discovered that specific legislation would probably be needed to set up this permitting system.

Senator Gilman stated that the Bradley Lake project was a high priority for Alaska's Congressional delegation. Senator Stevens suggested most of the language.

Senator Gilman put forth the motion to move SCSJR 37, with "do pass" recommendation.

Senator Anrenkamp put forth the motion to move the following appointments, with individual recommendations: Ms. Valerie J. Shepard, Board of Veterinary Examiners; Royal J. DeVaney, King Crab Marketing and Quality Control Board; Marcus Jensen, Guide Licensing and Control Board.

The Committee adjourned at 3:04 p.m.

# Alaska State Legislature

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DHAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
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POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3034  
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## Senate

### Committee on Resources

May 8, 1981

Senate Finance Committee  
Juneau, Alaska 99811

Dear Senators:

The Senate Resource Committee would like to request your reconsideration of the budget for the University of Alaska for inclusion of the operating funds for the Homer Research Center at Homer, Alaska.

The University of Alaska is considering closing the Center December 1981 due to a lack of operating funds. This would result in the loss of vital agricultural research and data necessary for the maintenance and expansion of agricultural projects in the state.

The operating budget is broken down into:

Salaries-----	\$155,011.58
Travel-----	3,368.39
Contractual services-----	29,404.20
Supplies-----	30,274.00
Total operating budget-----	\$218,058.17

Your reconsideration on this matter is greatly appreciated.

\_\_\_\_\_  
Senator Fahrenkamp, Chairman

\_\_\_\_\_  
Senator Fischer, Vice Chairman

\_\_\_\_\_  
Senator Bradley

\_\_\_\_\_  
Senator Mulcahy

\_\_\_\_\_  
Senator Gilman

# Alaska State Legislature

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## Senate

### Committee on Resources

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Bettye Fahrenkamp, Chairman  
Senate Resources Committee

DATE: May 8, 1981

RE: Governor's Appointment to the Guide Licensing and Control Board

The Senate Resources Committee has had under consideration the Governor's appointment to the Guide Licensing and Control Board and reports back with the following recommendations:

Marcus Jensen, Juneau, term expiring 6/15/83

MEMBER

RECOMMENDATION

*Bettye Fahrenkamp*  
Senator Fahrenkamp, Chairman

*no objection*

*Vic Fischer*  
Senator Fischer, Vice-Chairman

*approve*

*Brad Bradley*  
Senator Bradley

*No objection*

*Bob Mulcahy*  
Senator Mulcahy

*No Obj*

*ArliSS Sturgulewski*  
Senator Sturgulewski

*no obj*

Senator Eliason

*Don Gilman*  
Senator Gilman

*No objection*

# Alaska State Legislature

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## Senate

### Committee on Resources

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Bettye Fahrenkamp, Chairman  
Senate Resources Committee

DATE: May 8, 1981

RE: Governor's Appointment to the Board of Veterinary  
Examiners

The Senate Resources Committee has had under consideration the Governor's appointment to the Board of Veterinary Examiners and reports back with the following recommendations:

Ms. Valerie J. Shepard, Wasilla, term expiring 1/31/83

#### MEMBER

#### RECOMMENDATION

*Bettye Fahrenkamp*  
Senator Fahrenkamp, Chairman

*no objection*

*V. Fischer*  
Senator Fischer, Vice-Chairman

*approve*

*Brad Bradley*  
Senator Bradley

*No objection*

*Bob Mulcahy*  
Senator Mulcahy

*No obj.*

*Arliss Sturgulewski*  
Senator Sturgulewski

*No obj.*

Senator Eliason

*Don Gilman*  
Senator Gilman

*No objection*

# Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN  
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## Senate

### Committee on Resources

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Bettye Fahrenkamp, Chairman  
Senate Resources Committee

DATE: May 8, 1981

RE: Governor's Appointment to the King Crab Marketing and  
Quality Control Board

The Senate Resources Committee has had under consideration the Governor's appointment to the King Crab Marketing and Quality Control Board and reports back with the following recommendations:

Royal J. DeVaney, Anchorage, term expiring 8/27/82

MEMBER

RECOMMENDATION

*Bettye Fahrenkamp*  
Senator Fahrenkamp, Chairman

*No objection*

*Vic Fischer*  
Senator Fischer, Vice-Chairman

*approve*

*Brad Bradley*  
Senator Bradley

*No objection*

*Bob Mulcahy*  
Senator Mulcahy

*No obj.*

*ArliSS Sturgulewski*  
Senator Sturgulewski

*no obj*

Senator Eltason

*Don Gilman*  
Senator Gilman

*No objection*

R E S U M E

Royal Jack DeVaney  
8310 Blackberry Street  
Anchorage, Alaska 99502

Married  
Four Children, Four Grandchildren  
Social Security #543-32-8647  
Born September 25, 1930  
at Jefferson Oregon

Education: Grade 12, Graduated from Jefferson High School

May 1959 Moved from Lebanon Oregon to Homer Alaska.

1959-1961 Fished commercially in Cook Inlet for Salmon, King Crab, Dungeness Crab, Halibut, and Pot Shrimp.

Sept-Nov 1961 In charge of Plant clean-up, also a working processor on M/V Mercator, a floating processor -- South end of Kodiak Island.

Nov-Dec 1961 Skipped King Crab tender Seldovia to Homer.

Jan-Apr 1962 Worked on Floating Processor M/V Theresa Lee at Adak, Alaska processing King Crab meat.

Apr-June 1962 Commercial fished King Crab in Cook Inlet.

June 1962-May 1965 Plant Superintendent, Pacific Alaskan Seafoods, Homer, Alaska -- Processing King Crab, Dungeness Crab, Halibut, Salmon, and Shrimp.  
Fall 1964 assisted in building a new processing plant and purchased all of the equipment necessary for complete operation.

March 1965-Oct 1966 Plant Superintendent, Ursin Seafoods, Kodiak, Alaska.

Oct 1966-Sept 1967 Plant Superintendent, Washington Fish & Oyster Co. Port Williams, Alaska. Designed and in charge of re-building part of old salmon cannery into a King Crab processing operation -- meat extraction and shell line.

Sept 1967-May 1972 Plant Superintendent, Roxane Fisheries, Inc. Division of Kinneal & Wendt. Canning (hot pack) of King and Tanner Crab, brine frozen King, Tanner, and Dungeness Crab.

May 1972-Apr 1975 Plant Superintendent, Wakefield Seafoods, Inc. Port Lions, Alaska. Processing of King Crab and Tanner Crab. Meat extraction and shell, brine, and blast frozen products. During this time was very active in City activities. Served on Airport Committee, Road Maintenance Committee. Instrumental in helping to get financing for a water system through E.D.A., H.U.D., and F.H.A. Worked with City officials and State of Alaska Marine Highway System in maintaining ferry service to Port Lions and Kodiak. Assisted in trying to find funding and filing of necessary forms for a small boat harbor at Port Lions.

Resume Continued  
Royal Jack DeVaney

Apr 1975-Oct 1975 Assisted management at Seldovia for Wakefield Seafoods after plant burning down at Port Lions.

Oct 1975-June 1979 Plant Manager, Wakefield Seafoods, Inc. and upon acquisition by Amfac Foods d/b/a Pacific Pearl Seafoods in 1976, Plant Manager for Pacific Pearl Seafoods at Captains Bay, Unalaska, Alaska.

March 1977 was advanced to Project Manager in charge of building a new processing facility on the Dutch Harbor side of Unalaska, which included overseeing and approving the structure of new dock, bunkhouse, and design and building and installation of processing equipment. Purchasing of all generators, boilers, and refrigeration equipment plus installation of same. The plant was put into production in February 1978.

October 1977-December 1978 was Mayor of Unalaska.

February 1978-December 1978 Committee member of Planning & Zoning Board, Member Alaska Department of Fish & Game Advisory Board.

Instrumental in starting a medical facility and having a medical doctor start a practice on the Dutch Harbor side of the City of Unalaska.

January 1979 Advanced to Alaskan Operations Manager for Pacific Pearl Seafoods, and opening an office in Anchorage, Alaska.

My job is to direct the operation of the Alaska processing plants, to assure that production and quality requirements are met at the most favorable cost to the company.

Pacific Pearl has seven processing facilities in Alaska (Seldovia, Kodiak, Roxane, Sand Point, Captain's Bay, Dutch Harbor, and a floating processing vessel, the M/V Akutan). The Alaskan Operations Manager directs and supervises the Anchorage, Alaska operations office staff who are responsible for the operations, personnel, and purchasing functions within the Anchorage area, also to coordinate all of these functions between the plants and the Bellevue, Washington office.

## Resume

Valerie Jane Shepard, D.V.M.

### Personal Information:

Age 38, married to Kenneth E. Aadsen, D.V.M.  
One daughter, Tele Lea, age 3  
Co-owner Susitna Valley Veterinary Clinic, Wasilla, Alaska

### Statement:

I am interested in serving on our state Board of Veterinary Examiners. After ten years of research and private practice, I believe it is imperative that client communications, practical applications and academic achievement be closely aligned. These goals are consistent with high standards for veterinary practitioners in the State of Alaska.

### Schooling:

Doctor of Veterinary Medicine, Cornell University, 1970  
Bachelor of Science in Agriculture, Cornell University, 1964

### Experience:

1975 - current: Veterinarian/Owner, Susitna Valley Veterinary Clinic, a rural small animal practice. Animal patients include cats, dogs, chickens, rabbits, sheep and goats. Areas of my special interest are client communications, internal medicine, trauma and soft tissue surgery.

1973-1975: Staff Veterinarian, County Animal Hospital,  
New City, New York

1971-1973: Staff Veterinarian, Colonie Animal Hospital,  
Schenectady, New York

1970-1971: Research Veterinarian, N.Y.S. Department of Health,  
Albany, New York

Professional Organizations: American Animal Hospital Ass'n., American Veterinary Medical Ass'n., Alaska State Veterinary Ass'n., South Central Veterinary Medical Ass'n.

References are available upon request.

RESUMÉ OF MARCUS F. JENSEN  
CHAIRMAN, GUIDE LICENSING & CONTROL BOARD

FAMILY HISTORY: My grandfather, Andrew Jensen, who pioneered in North Dakota, went to Nome from Dawson City by dogsled in 1898. My uncle, Thos. D. Jensen, who followed him, continued working the claim and lived in Nome until the 1940's when he moved to Flat and was active in starting a bank there. He served as Clerk of the Court for Judge Lomen in Nome. He also served in both the Territorial House and Senate from Nome from 1925 through 1928. For many years served on the Alaska Game Commission, as a member from Nome.

MARCUS F. JENSEN, resumé: I have lived in Alaska since 1929. I married a girl born and raised in Douglas. We have one son who lives in Douglas. I served many years on the Douglas City Council, and as mayor of the city also. I also served in both Territorial House and Senate starting in 1949, and in 1961 in the 2nd State Legislature, House of Representatives, for a total of eight years and one additional special session.

I have served as chairman of the Guide Licensing and Control Board since 1973, and never missed a meeting. Many extra hours have been spent keeping the work load current. To organize the staff and get the program started was a real challenge and I was fortunate in having both a good staff and a responsible board to carry the work.

For over 30 years I have guided professionally, both in Southeastern Alaska and in the interior of Alaska with pack horses. The State of Alaska made a film of a packtrain hunt in which I was one of the guides. The film is entitled ALASKA GAME SAFARI, a beautiful film of interior Alaska in the fall, which has been shown in many foreign countries, as well as in the "lower 48". I have never missed a year guiding, and have some hunts for this spring. I have never had a federal or state game violation.

This year I retired from lobbying for the Associated General Contractors and will have plenty of time to serve another term as a public servant.

Marcus F. Jensen

*Marcus F. Jensen*

47-13

MAR 2 1981

MAR 10 1981

# ALATNA/ARRIGITCH

## ADVENTURES

5 March 1981



Senator Betty Fahrenkamp  
Chairman  
Senate Resources Committee  
Pouch V  
Alaska State Legislature  
Juneau, Alaska 99811

Charles J. Keim  
Registered Guide  
and

David R. Brown  
Assistant Guide

Camp Hal Waugh  
Headwaters, Alatna River  
Arctic Alaska

via: 520 Lakeview Trailer Ct.  
Fairbanks, Alaska 99701  
Phone: (907) 452-3073  
or  
331 E. 12th St.  
Port Angeles, WA 98362  
Phone: (206) 457-5756  
(Winters-Keim)

Dear Betty:

As you probably remember, during my quarter-century at the University of Alaska I also served for seven years as the senior member of the Advisory Committee to the Alaska Board of Fish and Game and five years on the Guide Licensing and Control Board, in addition to writing about Alaska's important wildlife resources.

I can openly say that had not Mr. Jensen been chairman of the GL&CB, I would not have accepted my appointment and reappointment. The guide industry was riddled with bandits, irresponsible elements that were destroying the professional standing of this large and hard-working group of Alaskan citizens. Despite magnum loads directed at Mark and the Board, he held to his convictions. He saved the industry.

You probably know that I don't run around praising people right and left. I judge them by their actions and leave it to others to make the same observations and judgments. At this critical time, however, I urge that you give your continued support to this wise, experienced, selfless ALASKAN with total integrity.

As a teacher, you are keenly aware that history usually gives each man and woman their due, but at this critical time, too, we can't wait for history to try to catch up. AS THE GUIDING INDUSTRY READJUSTS TO THE NEW DEMANDS OF THE TIME, WE NEED MARK JENSEN AT THE HELM MORE THAN EVER BEFORE.

Fraternally, *Chuck Keim*  
Charles J. Keim



...for fair chase, shan't mark clientele. Start from Camp Hal Waugh on land we own along the wild and scenic Alatna River deep in the Brooks Range - gateway to the arctic. Hunt grizzly, caribou, Dall sheep, wolves, with weapons or camera. Fish. Float the Alatna to the Arrigitch. Explore!



March 8, 1981

*References*

*MAR 31 1981*

Dear Senator Fahrenkamp:

The recent Guide Board meeting in Juneau, March 3, proved to all who were present that the position the Southeastern guides have taken on unit 4 and the continued joint-use system is valid. It also proved that the Guide Board Chairman's justification for proposing eliminating joint use, subdividing unit 4 into small exclusive areas and establishing a permit system could not be substantiated.

A public announcement by the Governor's office on Jensen's intentions was complicated and clouded by the recent actions taken by the chairman.

1. New regulations were proposed for the guide law that would take away our joint use rights in an area and establish an exclusive area. (change a joint use area to an exclusive)

2. The chairman had proposals sent to the Game Board to subdivide unit 4 into small exclusive areas and establish a permit system. These proposals were sent to the Game Board without any public testimony by any Alaskan guides. The obvious purpose of these actions was to open the door for him to get an area in 4.

This is the type of subversive action that has plagued the SE guides since joint use was started.

These new planned regulation changes, the overwhelming evidence and public testimony against justification and the public information he would no longer pursue an exclusive area in unit 4 prompted a question from one of the guides at the Juneau meeting. Jensen was asked if he was no longer going to pursue getting an exclusive in 4 and if, indeed, was the Southeastern problem with him at an end. We were concerned that when the Board went to Fairbanks where few SE guides would attend, some action would be enacted on Southeastern and we would have the unpleasant situation all over again. We were all aware that Jensen's application for an exclusive was only deferred at the Dec. 80 meeting and were worried that the skeleton would come flying out of the closet when we least expected it. He refused to answer and our impression was that he was going to continue his effort.

The Guide Board meetings these past years have been dominated by the Jensen application. It has cost the State and the SE guides much unnecessary time, energy and money over this inequitable situation.

We think the moment of truth is approaching and that before your committee can consider confirmation that a commitment of some kind should be expressed by the Chairman of the Guide Board to discontinue this path of joint-use disruption in Southeastern Alaska.

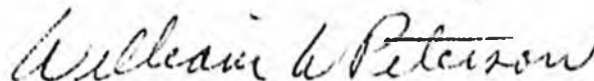
All of us, including Jensen, are qualified by guide law to operate and share the area equally. This is the situation he has been trying to change.

He has not had unanimous approval of his decisions and actions against the SE guides and after the Juneau meeting it was apparent that information the board members had been receiving from the chairman on unit 4 lacked credibility.

The SE guides agree that one of the Guide Board's problems is that there has been no turnover in the leadership of the Board since 1973 and that no State Board can stay healthy with that long of a tenure. Some kind of limit should be implemented in the new guide law.

The Southeastern guides can only hope that after you have reviewed all the evidence and input of past action you will make a decision that will be fair to the area and the people involved.

William W. Peterson



**PETERSON'S**  
GUIDE & CHARTER SERVICE

*Southeastern  
Alaska*



REGISTERED BIG GAME GUIDE

SR Box 2395 Hillside Dr. Anchorage, Alaska 99507

Senator Bettye Fahrenkamp  
Alaska State Legislature  
Pouch V, Juneau, Alaska 99811



THIS INSTRUMENT HAS BEEN FORWARDED  
TO YOU FOR YOUR INFORMATION BY  
*Jim Clark*  
ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

January 13, 1981

Mr. Keith Specking  
Legislative Assistant  
Office of the Governor  
Pouch A  
Juneau, Alaska 99811

Dear Keith:

What would you think of putting a logger on the Fisheries Board when the next vacancy arises? We feel that the Board has demonstrated an unwarranted antagonism and bias toward the timber industry. It is my information for example, that on January 12, 1981 ADF&G personnel appeared before it to discuss how poor forest practices were impacting fisheries. It is my further information that the slides presented as evidence of this were from logging shows 10 years ago.

Keith, the only way that overzealous executive directors and activities of the type I have described above is going to be stopped is by putting someone in a position to blow the whistle. The Forest Practices Board has fisheries and environmental persons on it to do just these things. It is just as reasonable and just as logical (if the Fish & Game Boards are going to get into habitat regulations) to have someone with experience in the timber industry on those Boards to participate in these decisions and at least let the industry know of what is happening.

Yours very truly,

James F. Clark

JFC:sd  
cc: Jim Rymanson  
Don Finney  
Don Bell  
Bob Loescher  
Rosa King



Alaska State Legislature  
Senate

JUNEAU, ALASKA

MEMORANDUM

TO: SENATOR BETTYE FAHRENKAMP, CHAIRMAN  
SENATE RESOURCES COMMITTEE

FROM: JIM PALMER  
SENATE RESOURCES COMMITTEE

RE: RECENT GOVERNOR'S APPOINTMENTS

DATE: JANUARY 20, 1981  
-----

Attached are 2 memorandum from the Secretary of the Senate regarding the Governor's appointments.

According to Alaska Statute 35.080, the President of the Senate assigned these appointments to the Resources Committee for a hearing, report and recommendation. If the House Resource Committee is also assigned the same names, our two committees may meet jointly to consider the appointee's qualifications and may issue separate or joint report and recommendation.

The Legislature must act on these appointments before the end of the session.

What action you you think we should take before this hearing process? Perhaps a couple of ideas might be to contact the appointee in writing asking him or her specific questions that the committee might have or contacting him via telephone to speak to talk about issues that the various boards will be considering.

Let me know your thoughts.



# Alaska State Legislature

Senate

Office of the Secretary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

## M E M O R A N D U M

TO: Senator Fahrenkamp  
Chairman  
Resources Committee

FROM: Peggy Mulligan *P. Mulligan*  
Secretary of the Senate

DATE: January 20, 1981

The President has referred the following Governor's appointments to your committee for your recommendation in accordance with AS 39.05.080:

### BOARD OF FISHERIES

- \*Griffin Quinton, Anchorage, term expiring 7/1/83
- \*James Huntington, Galena, term expiring 7/1/83
- \*Chris Goll, Anchorage, term expiring 7/1/83

### BOARD OF GAME

- Richard Hensel, Anchorage, term expiring 7/1/83
- \*Clint Buckmaster, Sitka, term expiring 7/1/83
- \*Joel Bennett, Juneau, term expiring 7/1/83 *Joel Bennett*

### GUIDE LICENSING AND CONTROL BOARD

- \*Hubert Glensier, Jr., Anchorage, term expiring 6/15/83
- \*Marcus Jensen, Juneau, term expiring 6/15/83
- Herbert Wiese, Fairbanks, term expiring 6/15/82

### ALASKA KING CRAB MARKETING AND QUALITY CONTROL BOARD

- David Woodruff, Kodiak, term expiring 8/26/83
- \*Phillip Hanson, Dutch Harbor, term expiring 8/26/83

Resources Committee  
Page 2

ALASKA OIL AND GAS CONSERVATION COMMISSION

\*Harry Kugler, Anchorage, term expiring 12/31/86

BOARD OF VETERINARY EXAMINERS

Dr. Val D. Stuve, Fairbanks, term expiring 1/31/82  
Dody Froehlich, Anchorage, term expiring 1/31/84

\*reappointments



Official Business

# Alaska State Legislature

Senate  
Office of the Secretary

Pouch V  
State Capitol  
Juneau, Alaska 99811

## M E M O R A N D U M

TO: Senator Fahrenkamp  
Chairman  
Resources Committee

FROM: Peggy Mulligan *Peggy*  
Secretary of the Senate

DATE: January 20, 1981

The President has referred jointly to your committee and the State Affairs Committee the following Governor's appointments for your recommendation in accordance with AS 39.05.080:

### ALASKA PIPELINE COMMISSION

Karen Cory, Anchorage, term expiring 4/4/86  
Janis Williams, Juneau, term expiring 4/4/82

OF COUNSEL  
M. E. MONAGLE

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

ROBERT B. BAKER  
LEROY J. BARKER  
L. Q. BERRY  
C. R. RICH  
WM. RONALD HULEN  
CARL W. WINNER

R. E. ROBERTSON (1885-1961)  
F. O. EASTAUGH  
J. S. BRADLEY  
WILLIAM G. RUDDY  
L. S. JACOBSON  
MICHAEL T. THOMAS  
JAMES F. CLARK  
PAUL M. HOFFMAN  
J. R. TANGEN  
DEBORAH A. HOLBROOK  
D. ELIZABETH CUADRA  
HAROLD E. SNOW, JR.  
PAMELA L. FINLEY

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
POST OFFICE BOX 1211  
JUNEAU, ALASKA 99802

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PHONE (907) 277-6093  
CABLE ROMEA  
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200 NBA BUILDING  
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JUNEAU, ALASKA 99802  
PHONE (907) 586-3340  
CABLE ROMEA  
TELEX: 099-45-376

December 8, 1980

Mr. Keith Specking  
Office of the Governor  
Fouch "A"  
Juneau, Alaska 99811

THIS INSTRUMENT HAS BEEN FORWARDED  
TO YOU FOR YOUR INFORMATION  
*Jim Clark*  
ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

Dear Keith:

Please find enclosed a Memorandum to me from Elizabeth Cuadra of this office. It has become apparent that the Alaska Board of Game and its Executive Director, Greg Cook, have been heavily involved in the controversy surrounding deer habitat management and timber harvesting in Southeast Alaska. The Game Board has endorsed the appeal of the Alaska Lumber & Pulp Co., Inc.'s (ALP) Five Year plan filed by a group of biologists from the Game division of the Alaska Department of Fish and Game (ADF&G) who call themselves the Wildlife Society. It was in this context that I asked Ms. Cuadra to check the Game Board's files. The attached Memorandum reports and documents her findings.

I am sure that you will find ample evidence in this file of the fact that Mr. Greg Cook, Executive Director of the Alaska Fish and Game Board, was the motivating force in first urging the State government to appeal ALP's Five Year Plan and then in seeking ways to circumvent the Governor's decision not to do so. It appears to us that Mr. Cook is now seeking to co-opt ADF&G's Habitat Section's authority with respect to this issue.

Interestingly, Mr. Cook has never contacted anybody in the timber industry about resolving this problem. The industry has not contacted Mr. Cook. We have been working with Dick Logan, Chief of the Habitat Section, because it is he who by law has the authority and responsibility to resolve habitat issues.

Keith, we put this matter into your hands. It is our hope that following any action you may deem it appropriate to take the industry will be in the following position:

Keith Specking  
December 8, 1980  
Page Two

1) we will know whether we are to deal with the habitat section of ADF&G or the Game Board and Mr. Cook with respect to habitat matters;

2) internal governmental arrangements will be made such that once a policy decision has been made by the Governor, other State officials will no longer seek to use their official position to circumvent that decision.

We have faith in your ability to achieve these results and will assist in any possible way.

If there are any questions that I can answer about the material we are forwarding you or any other matters upon which I can be helpful, please don't hesitate to contact me.

Yours very truly,

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY



James F. Clark

JFC:vb

M E M O R A N D U M

TO: Jim Clark

FROM: Liz Cuadra *LC*

RE: Role of Alaska Board of Game and its Executive Director in Administrative Appeal of USFS Approval of ALP 1981-1986 Operating Plan

DATE: December 8, 1980

You inquired about the chain of decisions leading to the Board of Game's role in supporting the appeal of the Alaska Chapter of the Wildlife Society (AWS). After inspecting the pertinent portions of the files of the Board of Game, together with documents we have from the USFS appeal file, I have pieced together the following sequence of events.

- April 1975: Board of Fish and Game (then a single entity) enacted Resolution No. 6, concerning timber cutting in Southeastern Alaska [EXHIBIT 1].
- April 5, 1980: At the spring 1980 meeting of the Board of Game, at the very end of the meeting, Chairman Harbo asked whether there were any other topics the Board members needed to cover. Greg Cook, Executive Director, asked whether the Board wished to give any direction to him regarding the effects of clear cutting on wildlife habitat in Southeastern. Cook noted he had discussed this matter with Lentfer but that he would not proceed without approval from the Board. Board member Bennett asked the Board's approval for him to do some study and analysis on the matter prior to the next Board meeting, concerning what the problems are and what the Board might do. Board members asked what Cook had in mind, and Cook responded with a description of a legal research project. Cook assured the Board members that he would keep them informed on a step-by-step basis and advise of possibilities for involvement, and that he would especially coordinate closely with the Board chairman and with Board members from Southeastern (i.e., Bennett and Buckmaster). In response to Buckmaster's expressed concerns about lack of time during the fishing season, Cook assured Buckmaster that he did not expect anything crucial to arise during the summer, as it would need long term legal research before anything could be recommended to the Board. [For the full text of this

discussion; listen to copy tape, attached hereto as EXHIBIT 2, made from tape recording of Board meeting; Board record tape 53, side B, beginning at record No. 1007.

- April 30, 1980: Cook and Bennett met with Southeastern Regional Game Division personnel to discuss habitat issues. Cook reported that meeting to Chairman Harbo in Cook's memo dated May 5 (EXHIBIT 3) noting that the specific goal would be a critical review of the Southeast Alaska Area Guide by May 20.
- May 9, 1980: Commissioner Skoog's memorandum to Attorney General Av Gross, requesting assistance from the attorney general's office to review staff findings by Cook and the DF&G staff to determine whether an appeal should be filed, and if so, to develop the appeal [EXHIBIT 4].
- May 20, 1980: Memo, Cook to Assistant AG Tillinghast, providing background information prior to a meeting scheduled for May 21, to include biologists from the Department of Fish and Game. [EXHIBIT 5].
- May 23, 1980: Alaska Chapter, Wildlife Society (AWS) files its notice of appeal letter with the U. S. Forest Service.
- May 27, 1980: Status report memo from Cook to the members of the Board of Game, updating them on steps taken in response to the authorization received at the spring 1980 Board of Game meeting concerning habitat protection [EXHIBIT 6]. This memo reports a series of meetings, including one on May 22 at which the question whether the State should file an administrative appeal was discussed. Bob Waldrop (Governor's staff) participated in the May 22 meeting and apparently said that a personal approval from the Governor would be needed before a final decision should be made to file an appeal with the USFS [EXHIBIT 6].

In a postscript to his May 27 memo, Cook reported a decision had been reached: That the State would not file an administrative appeal (based on advice from the attorney general's office), but that instead the State would prepare "a position paper," which after review by the Commissioner would be presented to the Governor and thereafter probably would be distributed to the public.

It appears that the position paper envisioned here is the same as the "issue paper" which was still under review in Commission Skoog's office as late as October 24 (see EXHIBIT 7) and which was finally released and sent to the members of the Board of Game in their packets for the December 1980 meeting (first page attached here as EXHIBIT 8).

- June 16, 1980: In a status update memo to the members of the Board of Game, Cook reported that he had worked with the Alaska Chapter of the Wildlife Society in preparing their appeal materials [EXHIBIT 9]. In a July 10 letter to Professor Wilkinson of the University of Oregon Law School Faculty, Cook notes that he assisted the Wildlife Society in its appeal by writing sections on diversity, protection of wildlife, and the area guide (EXHIBIT 10). [Cook is an alumnus of the University of Oregon Law School and was admitted to the Alaska bar in 1979.]

It is not clear whether Cook, in assisting the AWS with its appeal, was acting in his public capacity as Executive Director of the Board of Game, or was acting in his private capacity as an individual. There are other examples of other individuals fulfilling dual roles in this matter; for example, Lentfer apparently has at least once acted in his private capacity as a member (and past president) of the Alaska Chapter of the Wildlife Society (see EXHIBIT 11).

- July 3, 1980: Cook's status report memo to Chairman Harbo again notes that Cook has been "working with the Alaska Wildlife Society and preparing their formal appeal since the time the State decided not to pursue the matter through the office of the attorney general." [EXHIBIT 12].
- July 8, 1980: Alaska's A-95 coordinator reported "the unified response of the State of Alaska" concerning the final EIS on the ALP five-year operating plan. The State's official comment letter did include concern that the non-renewability of old growth timber (and relation to wildlife habitat) had not been adequately covered in the FEIS. [EXHIBIT 13].
- July 24, 1980: Board of Game's statement of support for AWS appeal distributed to the press [EXHIBIT 14]. It is unclear whether this is also the date this "statement of

support" text was first sent to the USFS for the appeal record; but an August 5 letter to Governor Hammond and others so stated (see EXHIBIT 14).

- July 29, 1980: John Sandor's telegram sent to all members of the Board of Game.
- July 31, 1980: Board of Game's statement of support for AWS appeal sent to Chief Peterson (USFS) and John Sandor (see notations on EXHIBIT 14). It is not clear on whose instructions this action was taken. When I asked Cook about his source of authority for filing with the USFS, he told me there was nothing in writing, and cited the oral approval given him at the spring 1980 Board of Game meeting. (listen to copy tape, EXHIBIT 2).
- August 1, 1980: Cook's memo to Game Board member Dick Hensel (apparently in response to a telephone inquiry) concerning the role of the Board of Game in the AWS appeal. [Exhibit '5].
- August 5, 1980: Record of distribution of a letter and two enclosures to Governor Hammond, Alaska Congressional delegation, and key members of the Legislature. The letter summarized the background of the Board's concern and activity on this subject, and reported that on July 24 the Board of Game had submitted a letter to the Chief of the USFS formally endorsing the AWS's appeal. The transmittal letter to the distribution list enclosed (as that July 24 formal submittal to the USFS) the two and one-half page statement of support signed by Chairman Harbo (previously used as a press release), and also enclosed the July 31 letter from Harbo to Sandor in response to Sandor's telegram of July 29. [See EXHIBIT 16.]
- August 5, 1980: Cook sends Chief Peterson a copy of the July 31 letter from Harbo to Sandor and asks that the letter be placed in the record of the administrative appeal. [EXHIBIT 17].
- August 6, 1980: Cook's letter to Chief Peterson, transmitting a copy of August 18, 1976 testimony by NMFS at Senator Gravel's hearings in Juneau, asking that it be included in the record of the administrative appeal. [EXHIBIT 18].

- August 8 1980: Cook's memo to members of the Board of Game [EXHIBIT 19], reporting his role in a seminar at the NMFS Auke Bay Lab, states "On another front, I filed an appeal of my own with the Forest Service." It is unclear to what action or document "an appeal of my own" refers, and it should be noted that the time for filing administrative appeals in this matter had already run by the end of May.

If Greg Cook had authorization from the Chairman of the Board of Game to involve the Board in the administrative appeal before the Forest Service, I have been unable to find any written record of such authorization. Assuming such authorization exists (e.g., in the form of an unrecorded telephone conversation between Harbo and Cook), the next question is what authority the Board of Game has to involve itself in an administrative appeal before a federal agency, focusing on habitat protection.

The powers of the Boards of Fisheries and Game are limited to promulgating regulations (AS 16.05.241), and those regulations are limited to a specific list of subject areas (for the Board of Game, AS 16.05.255 and .260). The only subparagraph of .255 which concerns any aspect of habitat is AS 16.05.255(7), which allows the Board of Game to make regulations concerning "engaging in biological research, watershed and habitat improvement, and game management, protection, propagation and stocking; ...". Under AS 16.20.240 the Boards can also regulate the taking of fish and game in areas the Legislature has designated as official "critical habitat" areas. It should be noted that the Boards' powers do not even include administrative powers (AS 16.05.241). In contrast to the Boards' extremely limited powers related to habitat, the habitat related authorities of the Department of Fish & Game are relatively broad.

DEC:sd  
Attachments

## RESOLUTION 6

April Meeting, 1975

RELATING TO TIMBER CUTTING IN SOUTHEASTERN ALASKA

WHEREAS, the U.S. Forest Service has entered into contracts with private timber cutting companies for the taking of timber from the Tongass National Forest which comprises the bulk of the Southeastern Alaska wild, and

WHEREAS, the parties proceeded on the basis that there was enough available marketable timber in the Tongass Forest to fulfill these contracts and established three categories of areas for cutting based on the estimate of available timber, and

WHEREAS, since the commencement of these contracts, vast acreages have been withdrawn from the original contract area to satisfy the terms of the Alaska Native Land Claims Settlement and there is question concerning validity of original timber inventories, and

WHEREAS, cutting operations have already been permitted to move from prime contract to contingency areas such as Tenakee Springs, Freshwater Bay, Port Frederick, and Kuiu Island, and

WHEREAS, cutting obligations appear to be leading to the inclusion in this cutting area of Kadashan Bay, an area rich in crab and containing one of the prime salmon spawning streams in Southeastern Alaska which has heretofore been set aside as a vital watershed research area and which, Fish and Game Department biologists believe, will have considerable future value as a research area, and

WHEREAS, it would appear from the recently published Tongass National Forest Land Use Planning Statement (ID # 75012301) that the Forest Service further proposes to allow cutting practices designed to maximize the board footage cut without specific provision for watersheds, fish and wildlife protection or the preservation of existing land; commercial, subsistence and recreational fisheries and other vital water uses, for example:

a. There appears to be no adequate concern or provision for protection of the estuarine and stream communities valuable to salmon, trout; king, tanner and dungeness crab; clams, scallops, herring, cod, halibut and other species. No guarantees are established with regard to broad stream buffers. The effects of toxic leachings from bark and the accumulation of bark mantles on the bottom do not appear to be considered by the Forest Service as detrimental to fish and shellfish habitat. Log dumps, rafting and towing activities may cause the physical interruption of the fisheries.

and wildlife habitat and causes permanent changes to the ecological system.

c. Adequate research on the protection of birds and waterfowl has not been completed, and

WHEREAS, extensive and in depth criticism of the U.S. Forest Service proposal is set forth in the Department of Fish and Game's Memorandum attached hereto and incorporated herein by this reference, which memorandum is hereby endorsed.

NOW THEREFORE the Board of Fish and Game resolves that the Department of Fish and Game should pursue a policy of habitat protection and take such steps as are necessary to require revision of the proposed Land Use Plan (ID # 75012301) insofar as the same threatens irreparable damage to this state's renewable fish and wildlife resources, and

BE IT ALSO RESOLVED that if, on review, it appears inadequate timber sources are available to satisfy the present contract commitments without sacrificing vital fish, wildlife and recreational uses of the State, that the State seek to have the U.S. Forest Service and the contracting parties abrogate or renegotiate their contracts to bring harvest levels into reasonable balance with other valuable renewable resources.

Copies to be sent the U.S. Forest Service, Secretary of Interior, Timber Companies contracting with the U.S. Forest Service in Southeastern Alaska, Director of Sport Fisheries and Wildlife, Secretary of Agriculture, Governor of Alaska and Alaskan Congressional Delegation.

Motion to Adopt: JR  
Second: DF

ADOPTED (Unanimous)

4/22/75 9:40AM

RECORDER LOG

BOARD OF GAME MEETING  
SPRING 1980

Fairbanks, Alaska

*tape  
(EXH. 2)  
omitted from  
this copy.*

Page No.	Side No.	Beginning Record No.	Description
			CB - resolution
	53A	!	Draft res. Advisory Committee funding from Legis. for monies in AC.
			meeting CB/DR
	53B	200	Rearden - Farmer
		98	A. Cook Clear cutting - logging in S.E. - Bennett requests to work on problem before next meeting
		150	Cook - to work with CB & JB on logging -
		290	
		418	Organizing Bd - discussions to area by area instead of species - stay in species by species
		440	Kotzebue problem Greg Cook to visit area.
		480	Game Division report - Sameruelle.
		550	Muskoxen & Mr. Seal -
	54A	000	Henman - Muskoxen -

# MEMORANDUM

# State of Alaska

TO: Dr. Samuel J. Harbo, Jr.  
Chairman  
Alaska Board of Game

DATE: May 5, 1980

FILE NO:

TELEPHONE NO: 465-4110

FROM: Greg Cook *G. Cook*  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

SUBJECT: Wildlife Management Plans  
Clearcut Logging & Game Habitat

## I. Wildlife Management Plans

One topic that was discussed at the Spring 1980 meeting of the Game Board in Fairbanks was Wildlife Management Plans. Due to lack of time, little more than distribution of the written plans took place in Fairbanks. Game Division is anticipating formal adoption of the Plans by the members of the Board in December, 1980.

I suggest that you may want to assign one or two of the plans each to individual Board members for study, review, and comments over the next seven months. By dividing up the work load this way, we should be able to assure that a serious review of the plans is made. Naturally, I stand ready to receive my assignment, too.

## II. Clearcut Logging and Game Habitat

On Thursday, April 30, 1980, Joel Bennett and I met with Southeast Regional Game Division personnel to discuss habitat issues. Our discussion was held as a result of the Game Board's April 1980, directive to me to take a more active role in habitat issues.

We discussed the effect of logging practices in Southeast Alaska on wildlife populations and habitat. At the present time, I am analyzing pertinent Federal and Alaska Statutes that relate to logging. Our specific goal is a critical review of the Southeast Alaska Area Guide by May 20, 1980. That document governs present timber harvest practices in the Tongass National Forest.

I will continue to keep you informed of our activities in this field.

cc: Members, Board of Game  
Ron Somerville  
Jack Lentfer

GFC/ml

TO: Avrum M. Gross  
Attorney General  
Department of Law

DATE: May 9, 1980

FILE NO:

TELEPHONE NO: 465-4100

FROM: Ronald O. Skoog *Ross*  
Commissioner  
Department of Fish and Game

SUBJECT: Review of 1981-86 ALP  
Timber Sale

Members of my staff and Greg Cook, Executive Director for the Boards of Fisheries and Game, have reviewed the Final Environmental Impact Statement recently released by the U.S. Forest Service for the Alaska Lumber and Pulp 1981-86 timber sale operating plan. My staff has reviewed the statement from a wildlife and biological standpoint and Mr. Cook, who is an attorney, has reviewed it and related documents from a legal standpoint. They believe wildlife values will be adversely and permanently affected, that the Final Impact Statement does not adequately respond to State concerns pointed out in the Draft Impact Statement, and that the proposed sale does not comply with Forest Service legislative and policy guidelines.

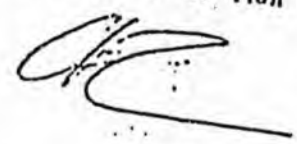
There is provision for appeal and administrative review of the sale, provided a notice of appeal is filed within a 45-day period which ends May 26. I am therefore requesting assistance from your office to review staff findings, to determine if an appeal should be filed, and if so, to develop the appeal. I would suggest an attorney from Juneau since Greg Cook and most of my staff who will be involved are in Juneau. Because a notice of appeal must be filed fairly soon, I would suggest the first meeting of my staff, Greg Cook, and the representative from your office fairly soon, preferably May 12, 13, or 14. In case there is need for direct contact, please call Jack Lentfer or Nate Johnson at 4265 and Greg Cook at 4110.

36 CFR  
211.19

*Jon Tillinghast - June AGO assigned 5/21*

*in Whitehead  
& Kotscher*

BOARDS OF FISHERIES & GAME  
**RECEIVED**  
MAY 14 1980  
DEPARTMENT OF FISH & GAME



TO: Jon Tillinghast  
Assistant Attorney General  
Department of Law

DATE: May 20, 1980

FILE NO:

TELEPHONE NO: 465-4108, 4110

FROM: Gregory F. Cook *G. Cook*  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

SUBJECT:

Logging and Wildlife

This memo is provided for you as information you may read prior to our meeting May 21, 1980. Biologists from the Department of Fish and Game will be present to elaborate on this memo and answer questions at that meeting.

#### THE PROBLEM

Even-age silvicultural techniques have long been controversial. The decision of Izaak Walton League v Butz 522 F 2d 945 (Fourth Circuit, 1975), interpreting the U. S. Forest Service 1897 Organic Act, 16 USC 475, effectively outlawed this method of harvesting timber. After the decision of the court, Congress acted to legislate specific conditions under which clearcut logging would be permissible. (National Forest Management Act of 1976, 16 USC 1600).

The Alaska Board of Game and the Alaska Department of Fish and Game are gravely concerned that the AL&P Timber Operating Plan for the Tongass National Forest provides for clearcutting that will severely damage wildlife resources, especially deer, mountain goat, marten, and eagles, in Southeastern Alaska. Specifically, we believe that the plans for timber harvesting are in direct violation of statute and case law.

#### ARGUMENT SUMMARIZED

1. Diversity of Forests: The National Forest Management Act of 1976, Section 6, mandates retention of diversity of forests. The Act should not be read narrowly to require only diversity of tree species, but should be read in light of its overall purpose. The Act should be read to require preservation of diversity of forest types and ecological communities, i.e., there must be significant areas retained where old growth forest dominates.

By logging on a rotational cycle of 100-120 years, coastal climax old growth forest habitats will disappear, since 400-700 years is required before a forest reaches old growth status. (See "Forest Practices in Alaska" A Position Statement of the Wildlife Society, Alaska Chapter, May, 1979; See also U. S. Code, Cong. and Admin. News, PL 97-583, p. 6695).

2. Sale is Contrary to Southeast Alaska Guide: The proposed sale violates various mandates of the Southeast Alaska Area Guide. By its own language, the Guide is a promise to the public and represents a document on which the public is encouraged to rely when seeking to find how the government intends to manage forest resources (Guide, p 18). The express purpose behind adoption of the Guide by the U. S. Forest Service is to notify the public of planning and management processes as well as inform the public of the U. S. Forest Service intent as to how the resources of the Tongass National Forest will be used. (Guide, p 8). The Guide should be treated as a regulation having the force and effect of law to which the agency must adhere. U. S. v Nixon 413 US 683, 969, (1974) U. S. v Haffner 420 F 2d 809, 812 (USCA, Fourth Circuit, 1970), 83 Harvard Law Review 629,637 (1973) "Violations by Agencies of their own Regulations."

3. Sustained Yield: The Act requires management of renewable resources on a sustained yield basis. (NFM, sections 6, 13). Old growth forest habitat, if properly managed, is a renewable resource within the terms and intent of the Act. However, managed on the basis of harvesting a rotational cycle of 120 years, Southeastern Alaska forest is incapable of reaching "old growth" status. The 120-year rotational cycle violates the principle of sustained yield since it takes 400-700 years for a Tongass forest to reach old growth status.

4. Inadequate Environmental Impact Statement (EIS): The EIS governing the proposed timber sale does not give adequate consideration to the views expressed by the Department of Fish and Game. The EIS is non-responsive to various wildlife concerns raised by the Department. In particular, the EIS does not adequately address the results of clearcut logging and its eventual impacts on wildlife population levels.

cc: Commissioner's Office  
Game Division, ADF&G

TO: Members, Board of Game

DATE: May 27, 1980

FILE NO:

TELEPHONE NO: 465-4110

FROM: Greg Cook *G. Cook*  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and GameSUBJECT: Logging in  
Southeastern Alaska

At the March 1980 Board of Game meeting in Fairbanks, the Board directed me to cooperate with the staff of Game Division for the purpose of encouraging better habitat protection. This memo is to inform the Board of what steps have been taken.

In early May I participated in a meeting here in Juneau at Jack Lentfer's request. The meeting was between Jack Lenter, Regional Supervisor in Juneau, two of his area biologists (John Schoen and Nate Johnson), Joel Bennett, and me. The biologists expressed what they felt were deficiencies in the proposed 1981-1986 Alaska Lumber and Pulp (AL&P) timber operating plan and sale. At that meeting, we assigned ourselves a variety of tasks to be performed over a short period of time. Our deadline was May 26, 1980, since that is the last day on which the U.S. Forest Service will allow an appeal to be filed for all parties who might wish to appeal the decision to proceed with the AL&P sale.

After returning from the Yukon Regional Council at Mountain Village, Game staff, Habitat Protection staff, and I all met again to review our progress and pursue in greater depth the "leads" we were able to discover. Commissioner Skoog requested the Attorney General to assign full time help to us. Working through Rod Pegues, I got an attorney assigned.

We all met again May 22, 1980. Prior to the meeting, I gave the legal research outlined in the accompanying memo of May 20, 1980, to Mr. Tillinghast, our attorney. We discussed pro's and con's of our position dealing with the following parties: DNR, DEC, DDPD, DTPF, CNRA, Mike Whitehead (federal clearinghouse officer) and Bob Waldrop of Governor Hammond's staff. No objections to proceeding with an administrative appeal were voiced by any parties. Waldrop felt that personal approval from the Governor should be obtained before a final decision is made to file an appeal with the U.S. Forest Service. At the present time, we are awaiting the Governor's decision.

Briefly, here is the procedure: If the Governor grants his approval, file an administrative appeal with the U.S. Forest Service. This is not a lawsuit. It will not be heard in a court. The appeal is to the U.S. Forest Service itself, and will be evaluated by the Chief Forester in Washington, D.C. Although court action may follow such an appeal, that is not the same as this initial step.

The appeal will be rather narrow. It will ask primarily for increasing the acreage of critical wildlife habitat that is to be left unharvested.

May 27, 1980

*G. Cook*

Our major legal debility seems to follow from the State's failure to protest at an earlier time. The time when the State should first have screamed is at the time of the Tongass Land Management Plan (TLMP) when lands were classified and designated as to how they would be used (LUD I-IV). Still, we are not completely barred from expressing our dissatisfaction at this time, and the administrative remedies we hope to pursue should be responsive to what the Game Division feels is needed.

John Katz, the State's D-2 lobbyist in Washington, D.C., feels that such an appeal would help the State's position. A demonstration that the Alaska Department of Fish and Game is more concerned with wildlife habitat than the Federal resource managers is, in his opinion, a good thing.

After an appeal is filed, there are 15 days within which time a brief must be filed stating reasons in support of the appeal.

Please contact me if you have further questions. I have kept this note brief and only dealt with the barest outlines of our activity and you are welcome to ask more detailed questions.

Enclosures

cc: Jon Tillinghast  
Ron Somerville

P.S. While writing you this memo, a decision was reached. The State will NOT file an administrative appeal. Jon Tillinghast, Assistant Attorney General, feels that the data presented by the Alaska Department of Fish and Game are insufficient. Additionally, the TLMP specifies a level of allowable cut, and no reasonable alternative existed for the U.S. Forest Service to choose that a) would have provided more protection for wildlife and b) would have stayed within the level that must be harvested.

Finally, Jon felt that the deficiencies of the EIS were not adequate to sustain an appeal. The fact that the EIS did not address the issue of old growth habitat as a nonrenewable resource when harvested on a rotational cycle of 100 years was "too conceptual" to be a winner.

Instead, the State will prepare a position paper. After review by Commissioner Skoog, the paper should be presented to the Governor in approximately three weeks. This paper will present the Alaska Department of Fish and Game's biological concerns with the AL&P sale and timber management practices of the U.S. Forest Service in Southeastern in particular. The paper will probably be distributed to the public and used in D-2 negotiations in Washington, D.C.

One final note: The Audobon Society may file an administrative appeal of their own on this matter along the lines the State had planned to follow.

GFC/ml

TO: Commissioner Skoog  
Department of Fish and Game  
Juneau

DATE: October 24, 1980

FILE NO:

TELEPHONE NO: 465-4110

FROM: Greg Cook *G. Cook*  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

SUBJECT: Clearcut Logging and  
Wildlife Habitat

Several members of the Board of Game, including Sam Harbo, have recently asked me where the Department's paper on clearcut logging and wildlife now stands. As you recall, it was originally anticipated that the Department would present its biological findings on this set of issues approximately one month after our joint meeting with John Sandor and other USFS officials. For a variety of reasons that original target date has been set back. The Game Board is still very anxious to receive a comprehensive statement of the Department's research activities and conclusions regarding the role of old growth forest in maintaining wildlife populations. Please advise me, so that I may inform the Board, how far in advance of the December 2, 1980 Game Board meeting you anticipate being able to provide this information to the Board.

Thank you.

cc: Harbo  
Buckmaster  
Bennett

REPORT TO THE BOARD OF GAME

ON

WILDLIFE AND FOREST PRACTICES

IN SOUTHEAST ALASKA

November, 1980

11/26/80: Greg  
Cook confirmed  
(Falcon w/ Lebedev)  
That this is the  
issue paper ref'd  
in his 8/1/80 memo  
to Dick Hensel.

INTRODUCTION

The present forest management practice of clearcut logging throughout southeast Alaska on a rotational basis of 90-125 years is permanently converting old-growth, uneven-aged forests with high wildlife values to second-growth, even-aged stands of much less value to wildlife. Many species are affected by this conversion of ecosystems, but more data are available for Sitka black-tailed deer than for other species. Recent research suggests that present plans for 90 to 125 year rotational clearcutting will significantly reduce carrying capacity for deer on both public and private lands (Wallmo and Schoen 1980). Other research reveals that old-growth forest is important for some phases of the activities of other wildlife species including bald eagles (Robards and Hodges 1976), mountain goats (Schoen 1979), moose (Doerr et al. 1980), elk (Taber and Raedike 1980), marten (Koehler et al. 1975), brown bears (Mace, in press), Canada geese (Lebeda 1980), and several other birds (Kessler 1979, Luman and Neitro 1980). The structure and physical diversity of old-growth forest is especially important for maintaining diversity of wildlife populations.

The Alaska Department of Fish and Game, through the Commissioner, is charged by State Statute [Sec. 16.05.020(2)] to "manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the State in the interest

TO: Members, Board of Game

DATE: June 16, 1980

FILE NO:

TELEPHONE NO: 465-4110

*Marian*  
FROM: Gregory F. Cook  
*JFC* Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

SUBJECT: Clearcut Logging in Southeast  
Alaska

In April, 1980 the Board of Game directed me to pursue remedies to the problems that clearcut logging in southeast Alaska present to wildlife. In a memo dated May 27, 1980, I described the unsuccessful efforts of ADF&G to convince the Attorney General's Office to appeal the 1981-1986 AL&P timber Operating Plan.

Two private groups did file appeals: the Audubon Society and the Wildlife Society. I worked with the Alaska Chapter of the Wildlife Society in preparing some of their material. Here is the final packet that was submitted by them to the United States Forest Service. Please review our work and send me your comments if you wish.

The next step in the appeal process is review in Washington, D.C. by the Chief of the USFS. His decision may be reviewed by the Secretary of Agriculture within 30 days after being issued. After that, the courts can be the next step, but the courts are a long way away at this time. Hopefully, we will prevail at the administrative level and no further action will be needed.

For the time being, though, the Regional Forester has 30 days in which to prepare a response to the appeals filed by the local groups. We will receive a copy of his statement, and may choose to submit a rebuttal 15 days afterwards. Generally, a decision by the Chief Forester is not made until after an additional 30 day wait from the time the Chief receives the complete record of the appeal. (The complete record is comprised of the appeal, the Regional Forester's reply, the appellant's rebuttal, and additional comments by third parties.) Events can always progress quicker than these deadlines would indicate, too, but it seems likely that the affair will at least take all summer before it is resolved on an administrative level.

I will continue to keep the full Board informed as events occur.

GFC/oo

309.000

July 10, 1980

Charles Wilkinson, Faculty  
University of Oregon School of Law  
Eugene, Oregon 97403

Dear Charles,

Enclosed is a packet of information that should bring you up to date on everything we have been doing up here relative to clearcutting the Tongass. As the memos show, the State of Alaska declined to initiate an administrative appeal of the decision; the ball is now being carried by the Alaska Chapter of the Wildlife Society, a group of professional biologists from both federal and state management agencies. The Board of Game (my bosses) strongly supports the Wildlife Society's appeal, and has had me working closely with them. You may even recognize my stilted style in the language of the appeal as it discusses diversity, protection of wildlife, and the Area Guide.

Thanks again for your swift succor. Hope all is well with you and Annie and you're able to hit the high country this summer. Tam and I just spent some time kayaking around Seymour Canal on Admiralty Island and have more short outings planned. You're all welcome to join us if saltwater holds any lure for you.

Yours for the old growth,

Greg Cook

July 11, 1980

Glenn P. Juday  
Institute of Northern Forestry  
University of Alaska  
Fairbanks, AK 99701

Dear Mr. Juday,

I have just finished reading your article on old growth forests printed in 8 Environmental Law 497 (1978). At the time you delivered the paper that resulted in that article, I was still in Law School at the University of Oregon in Eugene. My reason for writing to you today is to bring you up to date on a clearcutting issue of immediate importance here in Alaska.

As the materials I have enclosed for you indicate, the Alaska Chapter of the Wildlife Society has filed an appeal of the 1981-1986 AL&P Timber Operating Plan. The State of Alaska declined to file an appeal. However, the 7 member Alaska Board of Game strongly supports the appeal and has directed me to work in concert with the Wildlife Society. Much of the appeal revolves around the National Forest Management Act of 1976 requirements of diversity which you discuss at length in your article.

The Wildlife Society has also filed a request with the Forest Service for the opportunity to present oral argument and supplementary documents. As of today, the Forest Service has neither ruled on that request nor issued a formal statement in response to the Society's appeal.

If you wish to receive more information about this appeal, or if you merely wish to discuss the matter in general terms, I would be happy to talk with you at your convenience. In addition, Mr. Jack Lentfer of Juneau, a past President of the Alaska Chapter of the Wildlife Society, would be able to answer most of your questions regarding the Society's involvement in this issue. By copy of this letter, I am informing Dr. Samuel J. Harbo, Jr., Chairman of the Alaska Board of Game, of your general interest in preserving old growth forest as habitat for wildlife.

I hope I have succeeded in sparking your interest in the Wildlife Society's appeal.

Sincerely,

Gregory F. Cook  
Executive Director

*G. Cook*  
cc: Harbo  
Lentfer

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

P.O. Box 2417  
Washington, DC 20013

SEP 13 1980

DEPARTMENTS OF FISHERIES & GAME

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(TM)

AFS-354

RECEIVED

SEP 11 1980



DEPARTMENT OF FISH & GAME

*JC*

Mr. Jack W. Lentfer  
Alaska Chapter  
The Wildlife Society  
4350 Glacier Highway  
Juneau, AK 99801

Dear Mr. Lentfer:

Your August 8 letter deals with the Wildlife Society's appeal of the decision approving the 1981 to 1986 operating plan for the Alaska Lumber and Pulp Company timber sale. The timing of the appeal process and the opportunities for the Wildlife Society's participation were of particular concern to you.

This appeal is taking longer than usual for several reasons. The large number of appellants and intervenors with statements contribute to the time required. In addition, the issues raised by the Wildlife Society and the other parties to the appeal are very complex. We want to handle the appeal as expeditiously as possible, but we also want to thoroughly consider each of the statements presented.

We will respond to your request for oral presentation once the administrative record is prepared. We are gathering material for this record and the Responsive Statement now. The Wildlife Society will be furnished a copy of the Responsive Statement when it is prepared. The Society will have 15 days following the Society's receipt of the statement to file your reply. We want to ensure that the Society, as well as the other parties to the appeal, has a full opportunity to present its position.

*are these  
compatible? If  
USF: needed ext  
MONTHS, what is  
fair for a private  
non-fund party*

I hope this information is of service to you. If you have further questions about this appeal, please let me know.

Sincerely,

*R. Max Peterson*

R. MAX PETERSON  
Chief

*TWS Appeal filed 5/23/80  
Statement of Resp 6/6/80  
USFS response due ~ 7/10/80  
(Req'd by 36 CFR 211.19)*

## MEMORANDUM

State of Alaska

TO: Sam Harbo, Chairman  
Board of Game

DATE: July 3, 1980

FILE NO:

TELEPHONE NO: 465-4110

FROM: <sup>50</sup>Greg Cook  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

SUBJECT: TIMBER SALE

Enclosed is a news article dated July 2, 1980 describing the timber sale planned for the Tongass National Forest and the appeal of the US Forest Service decision to go ahead with the sale. As you recall, I have been working with the Alaska Wildlife Society in preparing their formal appeal since the time the State decided not to pursue the matter through the office of the Attorney General.

Earlier memos to the Board have described the appeal process. I will not repeat the procedures involved. I don't think there is any serious way in which to estimate the odds of succeeding at the administrative level. Other attorneys with significant experience in Forest Service appeals tell me the likelihood of losing at this level is strong. They believe litigation through the courts is probably the only way to achieve the goals of the appeal. Nonetheless, the Wildlife Society intends to exhaust all available administrative remedies before going to court.

Please advise me whether or not you want the July 2, 1980 article to be distributed to local Advisory Committees in Southeastern. I also have some background information which could be sent out if you instruct me to do so. The background materials which I have at this time include 1) the Statement of Reasons supporting the Wildlife Society's appeal (quoted in the enclosed article and mailed to the Board earlier) 2) a Position Paper of the Alaska Wildlife Society discussing clearcutting and wildlife 3) another Juneau Empire newspaper article dated May 9, 1980 describing some of the relationships between clearcutting and logging. I had planned on mailing out the May 9 article earlier, but Skoog requested that I not send it to Advisory Committees. He felt that providing them with the article would be inflammatory and injurious to ADF&G relations with the USFS until he had a chance to meet with John Sandor.

The article dated May 9, 1980 is also enclosed for your evaluation along with a draft cover letter. I look forward to hearing from you soon with your instructions. July 4th-July 7th I will be camping at Seymour Canal, Admiralty Island and will return to the office July 8th.

BOARDS OF FISHERIES & GAME  
**RECEIVED**  
SEP 23 1980  
DEPARTMENT OF FISH & GAME

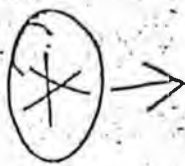
July 8, 1980

Mr. William Gee  
Forest Supervisor  
U.S. Department of Agriculture  
Chatham Area - National Forest  
Post Office Box 1980  
Sitka, Alaska 99835

Subject: ALP TIMBER SALE OPERATING PLAN FEIS  
State I.D. No. FA270-80050603ES

Dear Mr. Gee:

The State of Alaska has completed review of the referenced Final Environmental Impact Statement (FEIS). The FEIS was determined consistent with the Alaska Coastal Management Program (ACMP) in a June 1980 letter to your agency from Frances A. Ulmer of this division.



The State Departments of Commerce and Economic Development, Fish and Game, Natural Resources, Transportation and Public Facilities, and the Office of Coastal Management participated in this review, and this letter represents the unified response of the State of Alaska.

The State appreciates the cooperation which the Forest Service has promoted during this project review. We recognize and appreciate that the Forest Service has responded to many of our concerns expressed during the review of the Draft Environmental Impact Statement (DEIS) on the referenced project. However, we feel that two of the State's concerns have not been adequately addressed in the FEIS:

TIMBER

The State feels that its comments on the non-renewability of old-growth, uneven-aged forests under a 90 to 120 year harvest rotation period were not responded to in sufficient detail. The non-renewability of old-growth timber under a 120-year rotation is well documented by both the Alaska Department of Fish and Game and Forest Service research. The Forest Service, in the FEIS, still maintains that our observation is a theory only and remains to be tested. The State's point is that the presently recognized 90 to 120 year rotation period cannot, by definition, duplicate the combinations of tree species composition, tree age and size distribution, stand density, crown canopy and understory vegetation

typical of many old growth, uneven-aged stands that have taken more than 120 years to develop. Some of these factors can, of course, be replicated within a 120-year period, and research can certainly indicate the degree to which younger, faster grown stands can provide acceptable winter habitat for deer, for example. We believe that this sort of perspective should be evident in a FEIS. It was for this reason that we sent Mr. David Kimbrough a copy of our January 29, 1980 letter to Mr. James Rynearson of Alaska Lumber and Pulp Company. Our letter to Mr. Rynearson clarified our December 30, 1979 remarks on the DEIS and we thought, you too, would find it helpful.

It would be useful to see this topic discussed in the context of the diversity called for in the National Forest Management Act and the regulations to that Act. The importance of a sufficiently diverse forest ecosystem to wildlife is considered a key element in protecting habitat.

#### TRANSPORTATION

In general, the State feels that the FEIS did not address inter-community access and coordination of Forest Service transportation plans with State transportation plans and policies. Future plans for the smaller road systems to be constructed for logging purposes should be discussed with the State prior to maintaining functional road systems after logging operations have ceased in these areas.

Of particular interest to the State are the Forest Service plans to construct a single lane road with turnouts from Hoonah to Mt. Bether against the expressed wishes of the State. We think the Forest Service justification for this decision is less than thorough. A two-lane road would be much more beneficial in meeting local needs.

The Procedures outlined in the FEIS appear adequate to protect cultural resources. We request that copies of cultural resource specialist reports be sent to the State Historic Preservation Officer (SHPO), and that consultation with the SHPO occur prior to major ground disturbing activities.

We want to commend the Forest Service for their coordination with the State regarding consistency with the Alaska Coastal Management Program (ACMP). We look forward to future cooperation in determining which Forest Service area guide policies meet or exceed the standards of ACMP and in identifying any gaps which might occur between Forest Service policies and ACMP standards.

In summary, we are satisfied with the Forest Service response to the State's concerns with the DEIS except for the discussions of timber management strategy and coordination of Forest Service and State transportation plans and policies. We believe it important that these concerns be addressed.

The State looks forward to working toward our mutual goals and to our mutual benefits in resolving these concerns.

Sincerely,

*David W. Haas for*  
Michael Whitehead  
State-Federal Coordinator

cc: John Sandor, USFS  
Elaine Sunde, USFS  
Pete Huberth, AL&P  
Leonard Steinberg, SEACC

bcc: Tom Barnes, OCM  
Bill Ross, OCM  
John Halterman, DPDP  
Bruce Baker, DPDP  
Reed Stoops, DNR  
Mort Cook, DOT/PF  
John Farnan, CED  
Richard Spitler, DCRA  
David Sturdevant, DEC

MW/dh/cg

SENT TO ON JULY 24, 1980:

ALASKA FISHERMAN  
197 S. Franklin St.  
Juneau, AK 99801

KETCHIKAN DAILY NEWS  
P.O. BOX 7900  
Ketchikan, AK 99901

NEW ALASKAN  
Route One, Box 677  
Ketchikan, AK 99901

LYNN CANAL NEWS  
Skagway, AK 99840

PETERSBURG PILOT  
P.O. Box 930  
Petersburg, AK 99833

SITKA SENTINEL  
P.O. Box 799  
Sitka, AK 99835

SOUTHEAST ALASKA EMPIRE  
235 Second St.  
Juneau, AK 99801

SOUTHEASTERN LOG  
P.O. Box 79  
Ketchikan, AK 99901

WRANGELL SENTINEL  
P.O. Box 798  
Wrangell, AK 99929

KODIAK DAILY MIRROR  
P.O. Box 1307  
Kodiak, AK 99615

HOMER WEEKLY NEWS  
Box 254  
Homer, AK 99603

ANCHORAGE DAILY TIMES  
P.O. Box 40  
Anchorage, AK 99510

TUNDRA TIMES  
639 "I" St.  
Anchorage, AK 99501

DAILY NEWS MINOR  
P.O. Box 710  
Fairbanks, AK 99707

CHRISTIAN SCIENCE MONITOR  
625 Market St.  
RM 216  
San Francisco, CAL 94105

THE LOS ANGELES TIMES  
TIMES-MIRROR SQUARE  
Los Angeles, CA 90053

SAN FRANCISCO EXAMINER  
110 5th St.  
San Francisco, CA 94111

PORTLAND OREGONIAN  
1320 SW Broadway  
Portland, OR 97201

WALL STREET JOURNAL  
220 Battery  
San Francisco, CA 94111

ALASKA MAGAZINE  
P.O. BOX 4-EEE  
1689 C St. Suite 250  
Anchorage, AK 99509

ASSOCIATED PRESS  
P.O. Box 2175  
Anchorage, AK 99510  
*Ward T. Sims*

UNITED PRESS INTERNATIONAL  
6th and Wall LSt.  
Seattle, WA 98121  
*Marty Heerwald*

Commissioner's Office 7/25/80

*jack Lentfer 7/31/80*  
*john sandor 7/31/80*  
*max peterson 7/31/80*  
*bill Sheridan 7/31/80*  
*I & E 7/31/80*

The Alaska Board of Game supports the Alaska Chapter of the Wildlife Society in its current appeal of a five-year timber sale plan in Southeast Alaska. The Board, which is responsible for the conservation, management, and development of Alaska's wildlife resources, agrees with the Wildlife Society in its statement that the Forest Service has failed to acknowledge that "uneven-aged, old-growth forest is non-renewable and lost as an ecosystem once the forest is harvested under a cutting plan with a 100-125 year rotational cycle." The Alaska Chapter of the Wildlife Society is a professional organization made up of biologists from State, Federal and private agencies and the University of Alaska.

The main focus of the Game Board's activities is setting regulations to govern use of the State's wildlife resources based on biological input from Department of Fish and Game staff biologists and user input from local fish and game Advisory Committees and private citizens. The seven-member Board, made up of private citizens, feels the protection of wildlife habitat has not received the public attention it deserves.

An animal's habitat is the place it lives and where it can find the food, protective cover and water it needs to survive. Without sufficient habitat, the State's wildlife resources will decline. Hunters and non-hunters will also suffer. Subsistence harvest, which the Legislature has designated a priority use of our resources, may be further restricted as may recreational opportunities for harvesting or observing wildlife.

The Wildlife Society's appeal states that the Forest Service has failed to give adequate consideration to the value of old-growth forest in

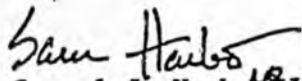
Southeast Alaska as habitat for deer, marten, black and brown bear, mountain goats, land otter, mink, waterfowl, and other species of wildlife. The Board of Game agrees with the Wildlife Society that old-growth forest is critical habitat for many kinds of wildlife.

The Board of Game realizes the complexity of the wildlife/logging problem, particularly in relation to the commitments made by the Forest Service in two existing 50-year timber sale contracts. However, recent field research on the Sitka black-tailed deer has shown that deer populations as well as valuable diversity of habitat decline following clear-cut logging as proposed for Forest Service land in Southeast Alaska. Information exists which shows similar impacts on mountain goats, eagles, and pine marten. Logic dictates that impacts of logging may be similar for both brown and black bear.

The Alaska Board of Game believes that these data and the non-renewable aspects of the old-growth forest ecosystem compel action by the federal government: the existing contracts must be reevaluated as mandated by Section 15 (b) of the National Forest Management Act of 1976. To this end, the Board of Game strongly recommends:

- 1) the 1981-1986 AL&P Timber Operating Plan should not be allowed to proceed until the issues raised in the Alaska Chapter of the Wildlife Society's appeal are answered, and
- 2) an impartial panel of experts should be convened to evaluate the claims made by both the U.S. Forest Service and the Alaska Chapter of the Wildlife Society.

The State of Montana was confronted with a similar forest practices issue in 1970. In the Bitterroot National Forest, wildlife and logging were examined by a panel of wildlife biologists and professional foresters from the University of Montana Schools of Forestry and Wildlife Management. The Board of Game is confident that a similar panel here in Alaska, including state and federal wildlife managers, would benefit our resources and the public who uses them. The Board of Game urges the public to become further informed and involved in this important resource issue.



Dr. Samuel J. Harbo, Jr.

Chairman, Alaska Board of Game

(telephone contact: 465-4108)

# MEMORANDUM

# State of Alaska

TO: Dick Hensel  
SRA Box 1765 W  
Anchorage, Alaska 99507

DATE: August 1, 1980

FILE NO:

TELEPHONE NO: 465-4110

FROM: Greg Cook *G. Cook*  
Executive Director  
Boards of Fisheries & Game

SUBJECT: Role of Alaska Board of  
Game in Wildlife Society's  
Appeal

It was a pleasure getting a chance to talk with you on the phone yesterday. As promised, here are the essential materials regarding the role of the Board of Game in relation to the Alaska Chapter of The Wildlife Society's appeal. You will soon receive a copy of a Position Paper officially stating the position of the Department of Fish and Game on this matter. The paper is currently under review by Commissioner Skoog, but as soon as it has been approved by the Commissioner, a copy will be rushed to you and the other members of the Game Board.

Please do not hesitate to call if you have any further questions, or if you want more detailed information. I have only selected the most important documents; plenty of others are pertinent if you wish to spend the time to become more familiar with them.

I look forward to meeting you soon.

## Enclosures

- April Meeting, 1975: State of Alaska Board of Game, Resolution 6
- May 9, 1980: Review of 1981 Timber Sale
- May 20, 1980: Logging and Wildlife
- May 27, 1980: Logging in Southeastern Alaska
- June 6, 1980: Letter to Max Peterson, Chief U.S. Forest Service
- June 6, 1980: Statement of Reasons for Appeal of 1981-1986 Alaska Lumber and Pulp Timber Sale Operating Plan
- June 12, 1980: Letter to Max Peterson, Chief U.S. Forest Service
- June 16, 1980: Clearcut Logging in Southeast Alaska
- July 15, 1980: Letter to Max Peterson, Chief U.S. Forest Service
- July 24, 1980: Board of Game Support Paper
- July 29, 1980: Juneau Empire Article

cc: Dr. Samuel J. Harbo, Jr.

GC:nb

Governor Hammend

Honorable Don Young

Honorable Ted Stevens

Honorable Mike Gravel

Terry Gardiner

Clem Millon

John Sackett

Bill Sumner

Alvin Osterback

Mike Colletta

Joe Hayes

Nels Anderson

Jalmar Kertulla

Jake Highton

John Katz

Members American Fisheries Society (approx 25)

Pouch A  
Juneau

99811

444 N Capital M  
Suite 345  
WASH DC 20

Honorable Don Young  
House of Reps  
1210 Longworth House Office Bldg.  
Washington D.C. 20515

Honorable Ted Stevens  
US Senate  
260 Russel Bldg.  
Wash, D.C. 20510

Honorable Mike Gravel  
US Senate  
3121 Dirksen Senate Office Bldg.  
Wash D.C. 20510

Terry Gardiner  
Box 6092  
Ketchikan 99901

Alen Thillion  
Box 373  
Homer 99603

John Sackett  
Box 65  
Galena, 99741

8/5/80  
Salt  
letter from gregg  
letter from harbo

2216 Culver Place  
Anch 99503

Alvin Osterback ✓

Box 71  
Sand Point, 99461

Mike Colletta ✓

Box 3188  
Anch. 99501

Joe Hayes ✓  
625 W. 5<sup>th</sup> Ave Suite 1  
Anchorage 99501

Nels Anderson ✓

Box 234  
Dillingham, AK 99576

Jelmar Kerthala ✓

Box 7  
Palmer 99645

Jake Hightan

UFA  
1975 Franklin

Juneau, AK 9980

This letter is to inform you of the status of an important development in southeastern Alaska resource management. On May 23, 1980, the Alaska Chapter of the Wildlife Society filed an administrative appeal of the United States Forest Service decision to proceed with the 1981-1986 AL&P Timber Operating Plan. The Wildlife Society is a professional organization composed of biologists and administrators in fisheries and wildlife. On July 24, 1980 the Alaska Board of Game submitted a letter to the Chief of the United States Forest Service formally endorsing the Society's appeal.

Enclosed with this letter is a copy of the Board's letter to Chief Peterson and a subsequent letter sent to John Sandor, Regional Forester, United States Forest Service in Juneau, Alaska. The letters show that 1) the Alaska Board of Game is not a party to the administrative action in which the Alaska Chapter of the Wildlife Society is appealing the 1981-1986 AL&P Timber Operating Plan, but 2) the Alaska Board of Game supports the Wildlife Society's appeal for specific reasons.

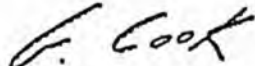
The concern of the Board of Game is not new. In April, 1975 (before creation of a separate Board of Fisheries and Board of Game) the Alaska Board of Fish and Game passed a formal Resolution regarding clearcutting in southeastern Alaska. A major conference on logging and deer was held in Juneau in 1979. Scientists from state and federal agencies throughout the Pacific Northwest participated in that conference, and the results were distributed to each Game Board member. At the March, 1980 regulatory session of the Board of Game, loss of suitable habitat was cited by ADF&G biologists as one of several contributing factors in their advice to the Board to adopt more restrictive seasons and bag limits. Based on this advice, and the advice from Local Fish and Game Advisory Committees, restrictive regulatory measures were adopted by the Board.

Previous letters to you have described the extent to which both the Board of Fisheries and the Board of Game have gone to involve the maximum possible number of citizens in Alaska's fish and game management program. Forest practices as they relate to wildlife habitat is an excellent case in point. Through the Executive Director's Office, the following documents have been provided to each of the thirteen local Advisory Committees in southeastern Alaska:

- a) Proceedings of the Conference on Sitka Black-Tailed Deer held in Juneau
- b) Newspaper articles dated May 9 and July 2, 1980 discussing old growth forest and its value to wildlife
- c) A copy of the Board of Game's letter to Max Petersen, Chief of the United States Forest Service
- d) A copy of the Board of Game's letter to John Sandor, Regional Forester, United States Forest Service

If you need any additional information pertaining to the status of the pending appeal by the Wildlife Society or the position of the Alaska Board of Game, please do not hesitate to contact me or Commissioner Skoog.

Sincerely,

  
Greg Cook  
Executive Director

Enclosures

July 31, 1980

Mr. John Sandor  
United States Forest Service  
P.O. Box 1628  
Juneau, Alaska 99802

Dear Mr. Sandor,

I have received your telegram of July 29, 1980. Your suggestion for making a presentation of facts and opinions by United States Forest Service officials is a sound one. The next meeting of the Board of Game will be held in Anchorage beginning December 2, 1980. Please consider this a formal invitation to your agency to address the full Board at that time. Specific arrangements will be handled through Greg Cook, Executive Director, Boards of Fisheries and Game, in Juneau.

Commissioner Skoog has already offered to arrange an informal meeting in Juneau on August 25, 1980. I look forward to travelling to Juneau for that meeting with you.

Your message of July 29 opened several areas of discussion which I will address briefly now, and which we may choose to examine in detail in December, 1980.

- 1) A key concern of the Alaska Board of Game is that old-growth forest habitat—which is critical to many species of wildlife—is non-renewable and lost as an ecosystem when clearcutting every 100-125 years is allowed. The effect of this rotational cutting cycle will be damaging to wildlife populations and therefore also to Alaskans who use those wildlife resources.
- 2) Much of the acreage which will not be subject to commercial clearcutting is land that is not of critical importance to wildlife. While there is much valuable wildlife habitat on Admiralty Island that will be off-limits to logging, outside Admiralty the wilderness areas tend to be of low value to both wildlife and timbering.

- 3) Lands that are most attractive to commercial logging operations tend to be the same lands that are of critical importance to wildlife. We believe that these critical areas are the ones where the impact of logging should be assessed in greater detail.
- 4) It is true that certain lands have been classed in a designation that does not allow clearcutting during the five years of the 1981-1985 AL&P Plan. Many people do not realize, however, that these protected areas have no security. In other words, we have received no assurance that wildlife habitat on these lands will not be clearcut during the next five year plan. The Board of Game believes that the public interest demands assurance that Alaska's wildlife resources will be permanently protected on lands that are critical habitat. The United States Forest Service's rejection and unilateral reduction of the joint state-federal IDT's (inter-disciplinary team) recommendations for wildlife highlight the need for this assurance.
- 5) The Board of Game is not legally a party to the Alaska Chapter of the Wildlife Society's appeal. The Board is in support of the Society's appeal and has sent a letter to the Chief of the Forest Service for inclusion in the official record of the appeal.

On behalf of the Board of Game, I can assure you that we welcome the opportunity to meet directly with the United States Forest Service to discuss these and other wildlife issues. The fact that forest land which is most important to wildlife is also the land which is most lucrative for timbering makes our meeting important to all Alaskans. We look forward to meeting with you in December, 1980.

Sincerely,



Dr. Samuel J. Harbo, Jr.  
Chairman, Alaska Board of Game

by: Greg Cook  
Executive Director  
Boards of Fisheries and Game  
465-4110

The Alaska Board of Game supports the Alaska Chapter of the Wildlife Society in its current appeal of a five-year timber sale plan in Southeast Alaska. The Board, which is responsible for the conservation, management, and development of Alaska's wildlife resources, agrees with the Wildlife Society in its statement that the Forest Service has failed to acknowledge that "uneven-aged, old-growth forest is non-renewable and lost as an ecosystem once the forest is harvested under a cutting plan with a 100-125 year rotational cycle." The Alaska Chapter of the Wildlife Society is a professional organization made up of biologists from State, Federal and private agencies and the University of Alaska.

The main focus of the Game Board's activities is setting regulations to govern use of the State's wildlife resources based on biological input from Department of Fish and Game staff biologists and user input from local fish and game Advisory Committees and private citizens. The seven-member Board, made up of private citizens, feels the protection of wildlife habitat has not received the public attention it deserves.

An animal's habitat is the place it lives and where it can find the food, protective cover and water it needs to survive. Without sufficient habitat, the State's wildlife resources will decline. Hunters and non-hunters will also suffer. Subsistence harvest, which the Legislature has designated a priority use of our resources, may be further restricted as may recreational opportunities for harvesting or observing wildlife.

The Wildlife Society's appeal states that the Forest Service has failed to give adequate consideration to the value of old-growth forest in

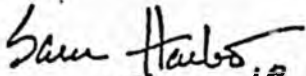
Southeast Alaska as habitat for deer, marten, black and brown bear, mountain goats, land otter, mink, waterfowl, and other species of wildlife. The Board of Game agrees with the Wildlife Society that old-growth forest is critical habitat for many kinds of wildlife.

The Board of Game realizes the complexity of the wildlife/logging problem, particularly in relation to the commitments made by the Forest Service in two existing 50-year timber sale contracts. However, recent field research on the Sitka black-tailed deer has shown that deer populations as well as valuable diversity of habitat decline following clear-cut logging as proposed for Forest Service land in Southeast Alaska. Information exists which shows similar impacts on mountain goats, eagles, and pine marten. Logic dictates that impacts of logging may be similar for both brown and black bear.

The Alaska Board of Game believes that these data and the non-renewable aspects of the old-growth forest ecosystem compel action by the federal government: the two existing contracts must be reevaluated as mandated by Section 15 (b) of the National Forest Management Act of 1976. To this end, the Board of Game strongly recommends:

- 1) the 1981-1986 AL&P Timber Operating Plan should not be allowed to proceed until the issues raised in the Alaska Chapter of the Wildlife Society's appeal are answered, and
- 2) an impartial panel of experts should be convened to evaluate the claims made by both the U.S. Forest Service and the Alaska Chapter of the Wildlife Society.

The State of Montana was confronted with a similar forest practices issue in 1970. In the Bitterroot National Forest, wildlife and logging were examined by a panel of wildlife biologists and professional foresters from the University of Montana Schools of Forestry and Wildlife Management. The Board of Game is confident that a similar panel here in Alaska, including state and federal wildlife managers, would benefit our resources and the public who uses them. The Board of Game urges the public to become further informed and involved in this important resource issue.



Dr. Samuel J. Harbo, Jr.

Chairman, Alaska Board of Game

(telephone contact: 465-4108)

# MEMORANDUM

## State of Alaska

TO:  Max Peterson  
United States Forest Service  
Washington, D.C.

DEPT. \_\_\_\_\_  
DIV. \_\_\_\_\_  
SEC. \_\_\_\_\_

DATE : August 5, 1980

FROM: *GC*  
*GC* Greg Cook  
Executive Director  
Boards of Fisheries and Game

SUBJECT: Harbo's Response

Please include this response letter from Samuel Harbo, Jr., to Mr. John Sandor in the record of the Wildlife Society's administrative Appeal.

Thank you.

July 31, 1980

Mr. John Sandor  
United States Forest Service  
P.O. Box 1628  
Juneau, Alaska 99802

Dear Mr. Sandor,

I have received your telegram of July 29, 1980. Your suggestion for making a presentation of facts and opinions by United States Forest Service officials is a sound one. The next meeting of the Board of Game will be held in Anchorage beginning December 2, 1980. Please consider this a formal invitation to your agency to address the full Board at that time. Specific arrangements will be handled through Greg Cook, Executive Director, Boards of Fisheries and Game, in Juneau.

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July 31, 1980

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Sincerely,



Dr. Samuel J. Harbo, Jr.  
Chairman, Alaska Board of Game

by: Greg Cook  
Executive Director  
Boards of Fisheries and Game  
465-4110

bcc; Board of Game, Skoog, Specking, Somerville, Lentfer, Medred

August 6, 1980

Mr. R. Max Peterson, Chief  
U.S. Forest Service  
P.O. Box 2417  
Washington, D.C. 20013

Dear Mr. Peterson:

Please include this in the U.S. Forest Service record on the Wildlife Society's Appeal of the Alaska Lumber and Pulp 1981-1986 Timber Sale Operating Plan for the Tongass National Forest.

Thank you.

Sincerely,

*F. Cook*

Gregory F. Cook  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

nb

G. Cook

U. S. Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Juneau, Alaska

Senator Gravel's Hearing  
August 18, 1976  
Juneau, Alaska

Senator Gravel, I am Dr. K Koski, Project Leader for Effects of Logging Studies at the Auke Bay Fisheries Laboratory. I am representing Mr. Harry Rietze, Director of the National Marine Fisheries Service for the Alaska Region.

We appreciate the invitation to present our views on logging practices in southeastern Alaska. We have been involved in modest research efforts on this problem periodically since the mid-1950's when large-scale logging began. We are currently cooperating with the Forest Service in interdisciplinary team-surveys and we also are initiating a long-term before and after study on logging effects.

With the present low abundance of Pacific salmon, any degradation of habitat will hinder the restoration of the runs and fishery. Consequently, we feel that strong policies are needed to insure adequate habitat protection in the remaining unlogged watersheds.

We appreciate your time and interest in resolving the disputes on resource allocation in the Tongass National Forest of southeastern Alaska. Our major concern is to maintain the capability of all areas to retain their potential to produce salmon regardless of their designation as wilderness area or not.

Our views on stream protection were also presented in a meeting called by Governor Hammond in April, 1976, to obtain information similar to your request. These views have been put together in the form of a policy statement which I would now like to read.

B. Look

U. S. Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Juneau, Alaska

POLICY STATEMENT OF THE NATIONAL MARINE FISHERIES SERVICE  
FOR PROTECTION OF FISHERIES RESOURCES  
DURING LOGGING OPERATIONS IN ALASKA

This statement describes the need to protect fishery resources and their habitat in marine and freshwater environments during timber harvest operations. It presents the policy of the National Marine Fisheries Service for the protection of fishery resources.

BACKGROUND

The most critical manmade environmental concern facing the fisheries resources inhabiting the streams, lakes, and estuaries of southeastern Alaska is the continued impact of timber harvesting and its associated activities. Logging methods have changed since the early 1950's when large-scale logging first began in southeastern Alaska. Yet biologists from the Alaska Department of Fish and Game and the National Marine Fisheries Service are continuing to observe logging practices which degrade fisheries habitat, even when stream protective guidelines and interdisciplinary team planning are available. Resolution of the conflicts between the users of these two resources is urgent if they are to coexist.

Virtually all logging operations in the Tongass National Forest directly or indirectly have an impact on fish, shellfish, and their food through physical and chemical degradation of their habitats. These impacts can result from (1) removal of vegetation adjacent to the waterways, (2) construction of logging roads, (3) log storage and transfer sites, (4) different methods of logging, and (5) rate of deforestation. The magnitude of these impacts may be subtle or catastrophic and depends to a

large extent on how well the present guidelines for protecting the aquatic environment are adhered to, on the sensitivity of the given locality to disturbance, and on the adaptability and recovery of the various aquatic organisms and their habitat.

Many studies have been made on the effects of timber harvest activities in streams and estuaries. There is considerable evidence to show that sedimentation levels, discharge patterns, nutrient dynamics, and water temperature regimes in streams are altered. Data from both field and laboratory tests have documented the deleterious effects that changes in these parameters can have upon both the aquatic organisms and their habitat. A recent study done by the National Marine Fisheries Service on the effects of log dumping in estuaries has shown that bark accumulation at a single transfer site can impact several acres of estuarine habitat. Species composition of plants and animals was significantly reduced due to the smothering effects of bark deposits. It is suspected that long-term subtle impacts related to changes in energy flow and nutrient cycling may have marked effects on a system following logging. Much of the inconclusiveness of research findings has resulted from the complexity and variability encountered in the aquatic ecosystems, insufficient period of study, and basically inadequate funding. Further comprehensive research is urgently needed.

Streamside vegetation, a major component of fisheries habitat, keeps the extremely important stream-forest interface intact, thus minimizing the direct impact of logging on the stream and the indirect effects on the estuary. Removal of this streamside vegetation can have the most immediate impacts and disturbances on both the spawning and rearing habitats of salmonids through:

1. Loss of overhead and streambank cover
2. Changes in temperature regimes
3. Change in energy-base of streams

4. Changes in trophic composition
5. Increased sedimentation levels
6. Increased debris in streams
7. Loss of streambed and streambank stability.

Some of the most serious conflicts between timber harvesting and fish production occur on the small feeder streams and on the alluvial stream-terrace sites. These smaller streams often produce rearing salmonids in numbers manyfold that of larger streams on an area basis. In addition to the recognized regeneration problems on the alluvial sites, the disturbance to the stream channel and spawning habitat can often be severe due to debris movement and bank erosion.

The most reliable management strategy for resolving the conflict between timber and fisheries is to ensure that the fisheries habitat be protected from insidious long-term deterioration, as well as from the short-term catastrophic damage. Most present-day logging guidelines are sound but their effectiveness is impaired because of insufficient enforcement. Rather than add to an overburdened list of guidelines, a provision guaranteeing habitat protection would be the best investment for sustained production of salmonids. The provision which would best protect the fisheries habitat, as well as the wildlife and recreational values of a watershed, is the streamside management zone (i.e., the coniferous, deciduous, or brush vegetation adjacent to the stream channel).

This zone, often referred to as a buffer strip or leave strip, has been effective in Washington, Oregon, and elsewhere in minimizing the direct impact of logging on the fisheries habitat. Fixed regulations on the width of the streamside management zone are usually not desirable because of the differences between sites and the need for individual evaluation of management strategies. However, in the case of inadequate stream protection, a mandatory zone requirement should be adopted until further

fisheries research can evaluate their effectiveness or provide better criteria for stream protection. It may be necessary in Alaska, where the trees are shallow rooted and subjected to high winds, to have wider zones than are commonly used in Washington and Oregon. To date, so few zones have been left in Alaska that very little can be said about their effective width, their wind-firmness, or the effects of blowdown on the stream environment. The price of salmon habitat protection may very well be the timber within the streamside management zone. If studies reveal that the streamside management zones are not affording the desired protection or that windthrow seriously negates their potential benefits, then timber harvesting could be done in these zones at a later time.

#### STATEMENT OF POLICY

The following policy for protecting fisheries habitat in both the freshwater and marine environments should be required of all timber harvesting operations in Alaska, whether they be state, federally, or privately managed.

#### Freshwater

1. A streamside management zone (leave strip) of permanent, uncut, coniferous forest must be left continuously along both banks of all trunk (first-order) streams and lakes. Its width must not be narrower than that which is determined for wind-firmness by specialists of an interagency team. Specialists may require wider zones for protection of fisheries resources of high biological value. In areas of irregular topographic features (i.e., rock outcroppings, cliffs, etc.) these zones may be reduced in width or length. As an alternative to an interagency team recommendation when such is not available, a fixed minimum width shall be established by the Alaska Department of Fish and Game.

2. A streamside management zone of coniferous forest must be established on both banks of all major tributary (second-order) streams, the width of which shall be based on wind-firmness and fisheries values. In the absence of available data for stand density for wind-firmness and stream protection, selective harvesting of up to 25% of the merchantable timber volume would be permitted upon recommendation of the interagency team. As wind-firm characteristics and effects on fisheries resources are determined through research, this percentage may be modified.

3. A streamside management zone of coniferous forest must be left along both banks of all small perennial and intermittent tributaries (third- and fourth-order streams). Upon recommendations of the interagency team, selective harvesting of up to 50% of the merchantable timber volume would be allowed as long as wind-firmness of the remaining trees is maintained. This percentage may be modified by future research results.

Funding should be provided to form an interagency team of specialists whose main tasks are to make field studies at proposed timber harvest sales, to make management recommendations on fisheries habitat, and to insure that their recommendations are enforced. It is imperative that effective stream protection guidelines be followed so that road construction, stream crossings, etc. do not negate the existence of these zones. The effectiveness of the management zones and the guidelines will still be dependent on stringent enforcement, with severe penalties for abuse.

#### Marine Water

1. Locate log transfer sites along straits and channels or deep bays where currents may be stronger. Avoid locating sites in bays with sills or other natural restrictions to tidal exchange.

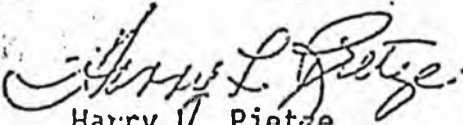
2. Do not locate rafting and storage areas where logs will settle on substrate during low tides.

3. Select sites which have the steepest slopes and the least productive intertidal and subtidal zones. Slopes of 40% or greater are desirable. Avoid areas with aquatic vegetation:

4. Limit the number of sites to one in any given bay.

5. Do not locate sites within 300 feet of mouths of fish streams.

Since bark does disperse to some degree, the above recommendations are designed to facilitate its dispersal. In the event that methods are developed to restrict bark within a small area, new recommendations would be proposed that would seek to minimize bark dispersal. It is recommended that the timber industry consider methods to prevent bark loss, such as debarking logs before they are dumped into estuarine waters, or containing and removing bark deposition from the subtidal zone on a periodic basis.

  
Harry L. Rietze  
Director, Alaska Region

August 18, 1976

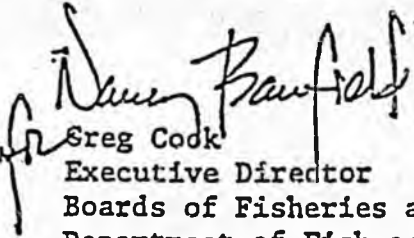
TO: Members, Board of Game

DATE: August 8, 1980.

FILE NO:

TELEPHONE NO: 465-4110

SUBJECT: Seminar/Auke Bay Laboratory

  
FROM: Greg Cook  
Executive Director  
Boards of Fisheries and Game  
Department of Fish and Game

On August 6, 1980, I spoke at a seminar at the Auke Bay Laboratory of the National Marine Fisheries Service. I addressed the group on the topic of the Wildlife Society's appeal of the 1981-1986 Timber Operating Plan, and the support of the Alaska Board of Game for the Society's appeal. In particular, I appealed to them as members of the American Fisheries Society, with this idea in mind: the chances of succeeding in this appeal will be better if there is a "united front" among scientists. In other words, the appeal will have a better chance if there is a consensus of opinion within the Alaskan scientific community that the plans for clearcutting in southeast will be harmful to fish and wildlife populations, and the only individuals who do not share that opinion are essentially United States Forest Service employees. Consequently, I asked the fisheries people attending to consider submitting documents for the record supporting the appeal. The response appeared to be good. As you know, for many years fisheries people have been upset with the practices associated with clearcutting. Whether or not they actually follow through with the work, however, is a matter that remains to be seen. On another front, I filed an appeal of my own with the Forest Service. They have failed to respond to my Freedom of Information Act request for a list of all parties appealing the timber sale. (Their response is 20 days overdue according to the law.)

Commissioner Skoog is still reviewing the ADF&G Issue Paper on the effects of clearcut logging on wildlife. It will be distributed as soon as he okay's the paper.

I will continue to keep the full membership of the Board of Game informed of all developments as soon as they occur. Please continue to contact me with any instructions you wish to give or if you have any questions. I will be on vacation for one week August 11-17 at Turner Lake, up the Taku Inlet.

cc: Jack Lentfer