

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2

4312 SRES SJR 51 - HB 7 1192

Clearcutting replaces diverse, uneven-aged stands having high habitat value, with clearcuts and even-aged second-growth stands of low diversity and low value for many wildlife species. Based on present knowledge, it is not possible to significantly enhance second-growth for wildlife; 200 to 300 years are needed for second-growth to acquire old-growth characteristics naturally. Old-growth is essentially a nonrenewable resource.

The old-growth rain forests of coastal Alaska represent a unique ecosystem of national significance, deserving of careful and far-sighted planning. Adequate and representative old-growth habitat must be maintained to meet present and future demands for wildlife, fisheries, and recreation. Towards that goal, the Alaska Chapter of The Wildlife Society makes the following recommendations on old-growth forest management in coastal Alaska:

1. Management of the Tongass National Forest should comply with the National Forest Management Act (NFMA).

Although the NFMA was passed by Congress in 1976 and the Final Environmental Impact Statement for the Tongass Land Management Plan (TLMP) states, "A revision (of TLMP) will be completed before 1983 to fully implement the requirements of the National Forest Management Act", the provisions of NFMA have not yet been implemented. The NFMA and its Regulations contain important provisions for wildlife and fish resources to achieve full and effective representation in forest planning. These provisions, if applied on the Tongass National Forest now, provide excellent opportunity to serve wildlife and fish planning needs in the revision of TLMP, and in implementation of the revised plan. The Chapter recommends that the Forest Service make full use of provisions contained in the Regulations, so that full compliance with NFMA is achieved as soon as possible.

2. The Forest Service, the Alaska Department of Fish and Game, and other cooperating agencies should identify the levels of fish and wildlife desired by the public.

The Departments of Fish and Game and Natural Resources, the U.S Fish and Wildlife Service, and the Forest Service should develop and implement a process which enables the public to identify desired levels of fish and wildlife populations on specific management areas. Public desires must be reflected in resource allocations.

3. The Forest Service and the Department of Fish and Game should develop an education program to inform the public about the long term consequences for wildlife and fish resulting from harvesting old-growth forests in coastal Alaska.

4. The disproportionate harvest of high-volume, old-growth classes should cease.

To maintain the natural diversity of the coastal forest, the proportional harvest of high volume old-growth stands (greater

than 30 mbf/acre) should not exceed the proportional occurrence of those stands on the forest.

5. A cooperative process should be developed by the appropriate resource agencies to identify specific old-growth stands with exceptional fish and wildlife values and specify management direction, including the option of no harvest, to protect those values.
6. The Forest Service and the Department of Natural Resources should improve the accuracy and availability of timber harvest and resource inventory records for public lands.

The Chapter encourages the Forest Service and Department of Natural Resources to develop applications of existing inventory data, and supplement existing data where needed, to adequately serve planning and management needs of wildlife and fish resources.

7. The planning and decision documents of the Forest Service and Department of Natural Resources should display the cumulative effects of forest management on fish and wildlife resources.

Because the impacts of clearcut logging are cumulative over time, land management plans should explicitly address the resource goals and objectives for a given area over the entire rotation period (100 years). Long-term and cumulative impacts of timber management on fish and wildlife resources should be displayed in 5 year operating plans as well as overall forest planning.

8. The Forest Service should incorporate the special management needs of island wildlife populations in management plans throughout coastal Alaska.

Some species occurring on islands have special biological characteristics, such as restricted gene flow, lower genetic diversity, reduced dispersal and immigration rates, and therefore increased vulnerability to the habitat fragmentation brought on by logging. These problems should receive special consideration in forest planning.

9. The Forest Service and the Department of Natural Resources should assess all effects associated with the development and use of road systems on wildlife and fish.

Building roads in undeveloped areas may reduce the value of those areas for certain wildlife species through habitat degradation and human disturbance. These effects need to be explicitly addressed in the planning process. Management of public access should be an integral part of transportation plans. The input of the general public and resource management agencies should be solicited during the development of region-wide and area-specific transportation plans.

10. The U.S. Forest Service and the Alaska Department of Natural Resources should evaluate the economics of all resource uses.

The economic benefits derived from commercial and sport fishing, guiding, hunting, trapping, viewing, and tourism are not presently included in the economic analyses of timber harvest. A process should be developed to evaluate long-term economic costs and benefits for these resource uses as well as for timber harvest.

The Alaska Chapter of The Wildlife Society wishes to be formally involved in review of management plans for both State and Federal forest lands throughout coastal Alaska to ensure the plans consider wildlife and fish resources equally with other resources and are consistent with the recommendations stated herein.

5/1/86

15

DATE

TELECOPIER MESSAGE

TO: Juneau for Legislators Addressed
FR: Sitka - Chamber of Commerce

SENT BY SITKA, ALASKA LEGISLATIVE INFORMATION OFFICE.

NUMBER OF PAGES INCLUDING THIS ONE: Cover + 3

PLEASE NOTE THAT WE HAVE A XEROX 455 MANUAL TELECOPIER; THIS MACHINE CANNOT RECEIVE/SEND PAGES LARGER THAN 8 1/2" x 11".

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Sens. ~~████████████████████~~
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V. Fischer



GREATER SITKA

Chamber of Commerce, Inc.

May 1, 1986

**TO: ALL MEMBERS OF THE SENATE RESOURCES COMMITTEE
ALL MEMBERS OF THE HOUSE RESOURCES COMMITTEE**

SUBJECT: SOUTHEAST ALASKA TIMBER INDUSTRY

**FROM: GREATER SITKA CHAMBER OF COMMERCE
PAUL M. HARRIS, PRESIDENT**

As you deliberate in regards to the Southeast Alaska Timber Industry, we encourage you to read the attached two information sheets which we have prepared. The Greater Sitka Chamber of Commerce urges your quick passage of the Alaska resolutions, which would tell Congress that any attempt to open ANILCA, create additional wilderness area, decrease the timber harvest or cut the timber supply would substantially damage the area's economy. We believe and support the timber industry to be a very important resource industry to the State of Alaska.

w/attachments (2)

cc: Senator Dick Eliason
Representative Ben Grussendorf



PLEASE TAKE A MOMENT TO READ THE FOLLOWING

THEN WRITE YOUR LETTER TO THE US FOREST SERVICE.
ENCOURAGE YOUR EMPLOYEES TO DO THE SAME. DON'T
DELAY -- DEADLINE IS MAY 9...

In 1979, when the Tongass Land Management Plan and ANILCA were being shaped, many Alaskans warned:

IF YOU CARVE FIVE MILLION ACRES OF WILDERNESS
FROM THE TONGASS, YOU FORCE A CHOICE:

...EITHER logging must move closer to the communities, the boating routes, & local use areas,

...OR the timber industry in Southeast Alaska is dead.

Many, many Alaskans pointed out this problem. The warning was ignored. The decision to create massive remote wilderness areas was made.

AND HERE WE ARE, FACING THE CHOICE.

It's surprising that so many people seem to have forgotten the terms of the ANILCA agreement. Some of them, of course, weren't here six years ago. But others were here and were among the most enthusiastic in supporting -- demanding, in fact -- that these enormous remote wilderness areas be established.

WHEN THEY WERE FINISHED, OVER 50 PERCENT
OF THE TONGASS NATIONAL FOREST WAS IN WILDERNESS
OR OTHER PROTECTED STATUS.

We trust that these folks will take comfort in knowing that there are OVER FIVE MILLION ACRES OF OLD GROWTH, EAGLE NEST TREES, DEER WINTER RANGE, FISH STREAMS, AND SOLITUDE SURROUNDING SITKA. Not a single logger will step a foot on these five million acres -- ever.

And while they take comfort in that, the rest of us MUST concern ourselves with what they left for us. There are some important facts:

1. Timber activity & roading are governed by many environmental laws. Their effectiveness is shown by the abundant game, by the increasing fish harvest, and by the swelling numbers of visitors to our scenic countryside. Multiple use management is working well in those portions of the Tongass where ANILCA permits it to function.
2. Market conditions have improved for the timber industry. With reasonable logging/roading costs, our local industry can survive -- supporting local jobs, the local housing market, local school enrollment, and the local tax base.
3. Timber operations near the community have some positive advantages. Suppliers, transportation providers, & other businesses benefit -- and with that come more jobs & related economic benefits. The road systems will remain -- approximately 160 miles under this plan -- for the use & enjoyment of many sportsmen & recreational users. (And those who don't equate roads with recreation have all of Admiralty, West Chichagof, South Baranof, Endicott, Tracy Arm, Petersburg Creek, Stikine-LeConte, Tebenkof, and a host more pristine wildernesses in which to wander!)

ANILCA was created by environmental groups and congressmen from Utah and Ohio. We wish they'd done it differently. LET'S MAKE THIS DECISION OURSELVES!

IT IS VERY IMPORTANT THAT EACH OF US SPEAKS NOW. LET THE FOREST SERVICE KNOW THAT YOUR SUPPORT IS BEHIND OUR LOCAL MILL AND YOUR FRIENDS & NEIGHBORS DEPENDING UPON THESE JOBS.

REMINDE THE FOREST SERVICE OF THE FACTS ABOVE. REGISTER YOUR SUPPORT FOR ALTERNATIVE H IN THE NEXT 5-YEAR OPERATING PLAN FOR ALASKA PULP.

FEATHER SILVER
OF COMMERCE, INC.
Box 638
Sitka, Alaska 99835

YOUR HELP IS URGENTLY NEEDED BY MAY 9.

WRITE TO:

Mike Johnson
US Forest Service
204 Sigina Way
Sitka, Ak. 99835

The 1986-90 APC environmental statement is very technical & difficult to understand. The Forest Service says they are forced to present the information this way because each & every timber plan is now being challenged in Court!

Following are some straight-forward facts to help you write your letter.

ALTERNATIVE 'H' SHOULD BE ADOPTED, WITH AMENDMENTS
TO IMPROVE IT ECONOMICALLY, BECAUSE:

1. In 1984, APC directly contributed \$20,415,000 to Sitka's economy. This total included a payroll of \$15,896,000 & purchase of over \$1.5 million in power from the City & Borough.
---SITKA URGENTLY NEEDS APC'S CONTRIBUTION TO OUR ECONOMY.
2. In 1984, APC contributed an additional \$13,576,000 to Southeast's economy. This total includes dollars for camp construction, road construction, towing, & purchase of chips.
---APC CONTRIBUTES TO A DIVERSE, STRONG SOUTHEASTERN ECONOMY.
3. Profitability of timber operations began dropping with passage of the Alaska Lands Act in 1980. During 1976-80, APC operated at a Net Profit of \$100.94/MBF and a Net Stumpage of +\$30.33. After wilderness land selections & other prime timber removals, the economics began to drop. The Forest Service proposal for 1986-90 is at a Net LOSS of \$55.06/MBF and a Net Stumpage of -\$114.00.
---ANILCA FUNDS, APPROPRIATED BY CONGRESS, MUST BE USED DURING THIS OPERATING PERIOD FOR ROAD BUILDING, IN ORDER TO MAKE TIMBER OPERATIONS FEASIBLE. THIS WAS THE INTENT OF CONGRESS WITH ANILCA.
4. While asking both Southeast mills to operate at a deficit, the Forest Service proposes to put the Sitka mill at a significant disadvantage. Under LPK's current plan (through February 1989), there is a Net Loss of \$6.46. Contrast this with the -\$55.06 proposed by the agency for Alaska Pulp. The comparable stumpage rates are -\$58.38 for LPK and -\$114.00 for APC.
---THE DRASTIC DEFICIT PROPOSED BY THE FOREST SERVICE MUST BE CORRECTED. 'ALTERNATIVE H', SUPPLEMENTED BY ROAD FUNDING, IS THE FAIREST ALTERNATIVE.
5. Employment at the Sitka mill is now at 373 persons. A total of 215 jobs have been lost since the Alaska Lands bill in 1980.
---THESE JOBS ARE CRITICAL TO SITKA'S CURRENT ECONOMY AND TO SUSTAIN OUR CURRENT POPULATION, UPON WHICH EDUCATIONAL PROGRAMS, HEALTH SERVICES, & OTHER 'QUALITY OF LIFE' FACTORS DEPEND.
6. Both Alaska Pulp and LPK are purchasing pulp wood logs from the Native Corporations as they begin to operate on their private land holdings;
---THE SITKA MILL IS ONE VITAL LINK IN THE DEVELOPING PRIVATE INDUSTRIAL ECONOMY OF SOUTHEAST.
7. Over 75 percent of APC's sales are to Pacific Rim and other foreign nations.
---APC IS HELPING TO REVERSE THE TRADE/DOLLAR FLOW AWAY FROM THE AMERICAN ECONOMY & CONTRIBUTING TO ALASKA'S EFFORT TO DEVELOP PACIFIC RIM TRADE PARTNERSHIPS.
8. Barely 10 percent of the Tongass National Forest is available for timber harvest. Operations in that 10% are governed by a host of

Case of 4/25/86

The following¹⁴ Southeast Alaska communities have passed resolutions opposing the 4.5 billion board feet per decade timber supply goal of ANILCA Section 705(a):

Angoon
Craig
Edna Bay
Elfin Cove
Gustavus Community Association
Hoonah
Hydaburg
Kupreanof
Pelican
Point Baker
Port Alexander
Port Protection
Tenakee Springs
Yakutat

CITY OF HYDABURG

P.O. BOX 49
HYDABURG, ALASKA 99922
(907) 285-3761

RESOLUTION NO. 86-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HYDABURG, ALASKA IN SUPPORT WITH OTHER SOUTHEAST ALASKAN COMMUNITIES OPPOSING THE 4.5 BILLION BOARD FEET PER DECADE ("450") REQUIRED TIMBER CUT ON THE TONGASS NATIONAL FOREST.

WHEREAS, as a bush community, our lives are based on the surrounding fish and wildlife resources; and

WHEREAS, our fish and wildlife resources can be detrimentally effected by this amount of timber cutting; and

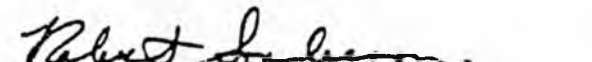
WHEREAS, this level of timber harvest does not allow adequate flexibility in the management of the forest for all multiple uses; and

WHEREAS, the "450" timber cut does not include ongoing timber harvesting on State and private lands and should be reduced to reflect a balance of timber cutting activities amongst the Forest Service, the State of Alaska, and private landowners.

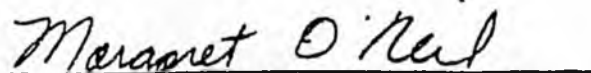
THEREFORE BE IT RESOLVED, that the Council of the City of Hydaburg, in Hydaburg Alaska hereby stands opposed to the 4.5 billion board feet per decade ("450") required timber cut on the Tongass National Forest.

PASSED AND APPROVED THIS fourth day of March, 1986.

CITY OF HYDABURG, ALASKA


Robert Sanderson, Mayor

ATTEST:


Margaret O'Neil, City Clerk

CITY OF PORT ALEXANDER

Box 725 • PORT ALEXANDER, ALASKA 99836

Resolution 84-6

Whereas, as a bush community, our lives are based on the surrounding fish and wildlife resources, and

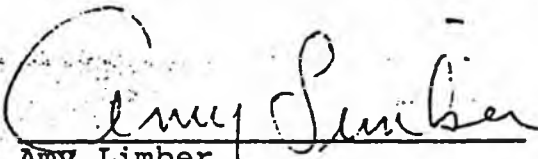
Whereas, biologists have determined that excessive timbering and/or clearcutting can be detrimental to these resources, and

Whereas, the "450 cut" is a political mandate not based on economic principles, as evidences by the millions of dollars lost annually on the Tongass National Forest, and

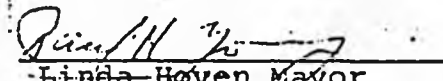
Whereas, this level of timber harvest does not allow flexibility in the management of the forest for all multiple uses,

BE IT RESOLVED that the community of Port Alexander stands opposed to the "450" * timber cut on the Tongass National Forest.

This resolution is hereby adopted by a unanimous vote, this 5th day of October, 1984.



Amy Limber
City Clerk



Linda Hoven Mayor
PAUL YOUNG

* referring to ANILCA legislation that calls for 4.5 billion board feet of timber to be offered for harvest each decade on the Tongass National Forest, with an annual subsidy of 40 million dollars or as much as is necessary to accomplish this legislation.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HOONAH, ALASKA,
IN SUPPORT WITH OTHER SOUTHEASTERN COMMUNITIES OPPOSING
THE 4.5 BILLION BOARD FEET PER DECADE (450) REQUIRED TIMBER CUT,
50 YEAR APC AND LPK CONTRACTS, AND ABUSE OF THE TONGASS TIMBER FUND
ON THE TONGASS NATIONAL FOREST.

- WHEREAS, Hoonah is a rural community, our lives are based on the surrounding fish and wildlife resources; and
- WHEREAS, our fish and wildlife resources will be detrimentally effected by this amount of timber cutting; and
- WHEREAS, this level of timber harvest does not allow adequate flexibility for the long term management of the forest for all multiple uses; and
- WHEREAS, the Timber Supply Fund is currently being used to access high yield stands of timber, which are also critical habitat for fish and wildlife instead of preroad marginal stands of timber to increase their economic viability; and
- WHEREAS, under the current management the "450" cut and 50 year contracts are allowing the Tongass to be hygraded for it's high yield timber, this management is fueled by the wasteful use of the Timber Supply Fund. The loss of these areas of high yield will result in any long term timber industry sustaining itself with timber that is less economically viable; and
- WHEREAS, the "450" cut and 50 year contracts allows for the carry over of timber from one operating period to the ne t, causing severe boom and bust cycles for the communities within the Tongass National Forest; and
- WHEREAS, the "450" cut does not include ongoing timber harvesting on state and private lands and should be reduced to reflect a balance of timber cutting activities amongst the Forest Service, the State of Alaska, and private landowners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoonah, Alaska, that it opposes the 4.5 billion board feet per decade cut, the 50 year contracts, and the abuse of the Timber Supply Fund.

Votes _____ Yea 6 Nay 0

January 14, 1986

ATTEST:

Joyce Mills
Joyce Mills, City Clerk

Miles N. Murphy, Jr.
Miles N. Murphy, Jr., Mayor



City

of

Pelican

BOX 757

PELICAN, ALASKA 99832

PHONE 735-2202

RESOLUTION 1985-4

A RESOLUTION OPPOSING THE "450 CUT"
IN THE TONGASS NATIONAL FOREST

WHEREAS, as a bush community, our lives are based on the surrounding fish and wildlife resources; and,

WHEREAS, biologists have determined that excessive timbering and/or clearcutting can be detrimental to these resources; and,

WHEREAS, the "450 cut" is a political mandate not based on economic principles, as evidenced by the millions of dollars lost annually on the Tongass National Forest; and,

WHEREAS, this level of timber harvest does not allow flexibility in the management of the forest for all multiple uses,

THEREFORE BE IT RESOLVED THAT the Pelican City Council is opposed to the "450 cut"* timber policy on the Tongass National Forest.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF FEBRUARY 1985.

signed: Harry A. Davidson
Harry A. Davidson, Mayor

attest:

Edith M. Carlson
Edith M. Carlson, City Clerk

* referring to ANILCA legislation that calls for 4.5 billion board feet of timber to be offered for harvest each decade on the Tongass National Forest, with an annual subsidy of 40 million dollars or as much as is necessary to accomplish this legislation.

Recd.
7/9/85

CITY OF YAKUTAT, ALASKA

RESOLUTION NO. 85-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YAKUTAT, ALASKA IN SUPPORT WITH OTHER SOUTHEAST ALASKAN COMMUNITIES OPPOSING THE 4.5 BILLION BOARD FEET PER DECADE ("450") REQUIRED TIMBER CUT ON THE TONGASS NATIONAL FOREST.

WHEREAS, as a bush community, our lives are based on the surrounding fish and wildlife resources; and

WHEREAS, our fish and wildlife resources can be detrimentally effected by this amount of timber cutting; and

WHEREAS, this level of timber harvest does not allow adequate flexibility in the management of the forest for all multiple uses; and

WHEREAS, the "450" timber cut does not include ongoing timber harvesting on State and private lands and should be reduced to reflect a balance of timber cutting activities amongst the Forest Service, the State of Alaska, and private landowners.

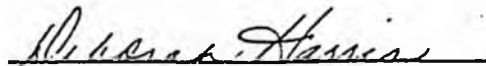
THEREFORE BE IT RESOLVED, that the Common Council of the City of Yakutat hereby stands opposed to the 4.5 billion board feet per decade ("450") required timber cut on the Tongass National Forest.

PASSED AND APPROVED THIS 7TH DAY OF June, 1985.

CITY OF YAKUTAT, ALASKA


MAYOR

ATTEST:


CITY CLERK

Community of Elfin Cove Non-Profit Corporation

POST OFFICE BOX ONE
ELFIN COVE, ALASKA 99825
(907) 697-8131

RECEIVED
MAR 03 1985

CONSERVATION COUNCIL

Whereas, as a bush community, our lives are based on the surrounding fish and wildlife resources, and

Whereas, biologists have determined that excessive timbering and/or clearcutting can be detrimental to these resources, and

Whereas, the "450 cut" is a political mandate not based on economic principles, as evidenced by the millions of dollars lost annually on the Tongass National Forest, and

Whereas, this level of timber harvest does not allow flexibility in the management of the forest for all multiple uses,

BE IT RESOLVED that the Community of Elfin Cove Non-Profit Corporation stands opposed to the "450" timber cut on the Tongass National Forest.

This resolution is hereby adopted by a unanimous vote, this 15th day of February, 1985. The Board of Directors are as follows:

* referring to ANILCA legislation that calls for 4.5 billion board feet of timber to be offered for harvest each decade on the Tongass National Forest, with an annual subsidy of 40 million dollars or as much as is necessary to accomplish this legislation.

Greg Howe
Greg Howe, Chairperson

Louise Mourant
Louise Mourant, Vice-Chair

Nora Ann Johnson
Nora Ann Johnson, Treasurer

Sandy Darnell
Sandy Darnell, Secretary

Paul Johnson
Paul Johnson, Member

Joe Craig
Joe Craig, Member

Mary Jo Lord-Wild
Mary Jo Lord-Wild, Member

COMMUNITY OF PORT PROTECTION

A RESOLUTION OF THE COMMUNITY OF PORT PROTECTION, ALASKA
IN SUPPORT WITH OTHER SOUTHEAST ALASKAN COMMUNITIES OPPOSING
THE 4.5 BILLION BOARD FEET PER DECADE (450) REQUIRED TIMBER
CUT ON THE TONGASS NATIONAL FOREST.

WHEREAS, as a rural "Bush" community our economic and
subsistence well being is dependant on surrounding fish and
wildlife resources; and

WHEREAS, our collective fish and wildlife habitat will
be severly impacted by this excessive harvest; and

WHEREAS, this level of timber harvest does not fairly
consider or allocate for true multiple use placing timber
concerns over community needs; and

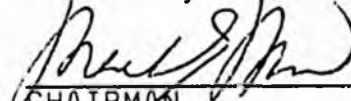
WHEREAS, the 4.5 billion board feet mandate does not
include ongoing harvesting on State, Native Corporation, and
private holdi~~ng~~s and should be reduced to reflect a true balance
of harvest clearcutting occuring between Forest Service, The
State of Alaska, Native Corporations, and private landowners.

WHEREAS, current logging practices stress "high grading"
over fish and wildlife resources and habitat,

Therefore, let it be resolved that the Community Council
of the Village of Port Protection hereby stands opposed to
the 4.5 billion board feet per decade required timber cut
on the Tongass National Forest, and that furthur cutting be
brought in line with similar activities in the Lower 48
and a uniform harvestand cleanup reforestation policy apply.

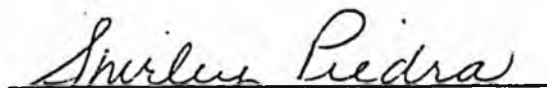
PASSED AND APPROVED THIS 1ST DAY OF NOVEMBER, 1985.

Community of Port Protection, Alaska



CHAIRMAN

ATTEST



Community Secretary

Community of Point BAKER, PRINCE OF WALES IS.

A RESOLUTION OF THE COMMUNITY OF POINT BAKER ALASKA
IN SUPPORT WITH OTHER SOUTHEAST ALASKAN COMMUNITIES OPPOSING
THE 4.5 BILLION BOARD FEET PER DECADE (450) REQUIRED TIMBER
CUT ON THE TONGASS NATIONAL FOREST.

WHEREAS, as a rural "Bush" community our economic and subsistence well being is dependant on surrounding fish and wildlife resources; and

WHEREAS, our collective fish and wildlife habitat will be severely impacted by this excessive harvest; and

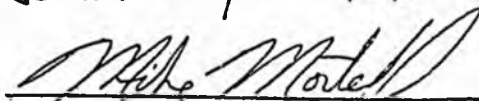
WHEREAS, this level of timber harvest does not fairly consider or allocate for true multiple use placing timber concerns over community needs; and

WHEREAS, the 4.5 billion board feet mandate does not include ongoing harvesting on State, Native Corporation, and private holdings and should be reduced to reflect a true balance of harvest clearcutting occuring between Forest Service, The State of Alaska, Native Corporations, and private landowners.

WHEREAS, current logging practices stress "high grading" over fish and wildlife resources and habitat,

Therefore, let it be resolved that the Community Council of the Village of Point Baker ~~hereby~~ hereby stands opposed to the 4.5 billion board feet per decade required timber cut on the Tongass National Forest, and that further cutting be brought in line with similar activities in the Lower 48 and a uniform harvestand cleanup reforestation policy apply.

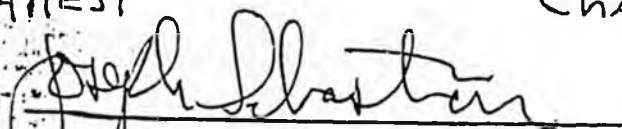
Community of Point BAKER, ALASKA



DEC 3 1985

Chairman Mike Montell
Box 53 Point Baker
99927

Attest


Community SECRETARY

Acting

JOSEPH SEBASTIAN

129 PT BAKER AK 99927

JAN 15 1986

Gustavus Community Association
Box 62
Gustavus, Alaska 99826

TO: Senator Stevens
Senator Murkowski
Representative Young
Representative Sieberling

FROM: President, Gustavus Community Association

SUBJECT: the "450 Timber Cut" on the Tongass National Forest

DATE: January 13, 1986

At the December 12, 1985 general meeting of the Gustavus Community Association, it was resolved to urge your support in removing the "450 timber cut" provision from the Alaska National Interest Land Classification Act, during the upcoming congressional review of this legislation.

Our reasoning is as follows:

Whereas, the livelihoods of Gustavus residents depend heavily on tourism, fishing and subsistence, and

whereas, biologists and others have determined that excessive timbering can be detrimental to these resources, and

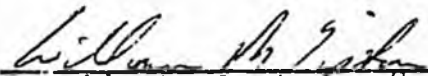
whereas, the "450 timber cut" does not allow enough flexibility in the management of the National Forest for all appropriate uses, and

whereas, this level of harvest is not economically sensible, as shown by the millions of dollars spent to subsidize the forest products industry on the Tongass,

we therefore oppose the "450 timber cut" on the Tongass National forest.

(Information: ANILCA calls for 4.5 billion board feet of timber to be offered for harvest each decade on the Tongass National Forest, with an annual subsidy of up to \$40 million.)

SIGNED:



President, Gustavus Community Association



P.O. Box 23, Craig, Alaska 99921

(907) 826-3275

RESOLUTION NO. 86-04

A RESOLUTION SUPPORTING OTHER SOUTHEASTERN COMMUNITIES
OPPOSING THE 4.5 BILLION BOARD FEET PER DECADE (450)
REQUIRED TIMBER CUT, 50 YEAR APC AND LPK CONTRACTS,
AND ABUSE OF THE TONGASS TIMBER ON THE TONGASS
NATIONAL FOREST

WHEREAS, Craig is a rural community, our lives are based on the surrounding fish and wildlife resources; and

WHEREAS, our fish and wildlife resources will be detrimentally effected by this amount of timber cutting; and

WHEREAS, this level of timber harvest does not allow adequate flexibility for the long term management of the forest for all multiple uses; and

WHEREAS, the Timber Supply fund is currently being used to access high yield stands of timber, which are also critical habitat for fish and wildlife instead of preroad marginal stands of timber to increase their economic viability; and

WHEREAS, under the current management the "450" cut and 50 year contracts are allowing the Tongass to be hygraded for it's high yield timber, this management is fueled by the wasteful use of the Timber Supply Fund. The loss of these areas of high yield will result in any long term timber industry sustaining itself with timber that is less economically viable, and

WHEREAS, the "450" cut and 50 year contracts allows for the carry over of timber from one operating period to the next, causing severe boom and bust cycles for the communities within the Tongass National Forest; and

WHEREAS, the "450" cut does not include ongoing timber harvesting on state and private lands and should be reduced to reflect a balance of timber cutting activities amongst the Forest Service, the State of Alaska, and private landowners.

APPROVED _____

Votes: Yea 5 Nay 2

Mayor

Attest _____
City Clerk

Resolution 86-2

A RESOLUTION BY THE CITY OF KUPREANOF, ALASKA IN SUPPORT WITH OTHER SOUTHEASTERN COMMUNITIES OPPOSING THE 4.5BILLION BOARD FEET PER DECADE (450) REQUIRED TIMBER CUT, 50 YEAR APC AND LPK CONTRACTS, AND ABUSE OF THE TONGASS TIMBER FUND ON THE TONGASS NATIONAL FOREST.

- WHEREAS, Kupreanof is a rural community, our lives are based on the surrounding fish and wildlife resources; and
- WHEREAS, our fish and wildlife resources will be detrimentally effected by this amount of timber cutting; and
- WHEREAS, this level of timber harvest does not allow adequate flexibility for the long term management of the forest for all multiple uses; and
- WHEREAS, the Timber Supply Fund is currently being used to access high yield stands of timber, which are also critical habitat for fish and wildlife instead of preroad marginal stands of timber to increase their economic viability; and
- WHEREAS, under the current management the "450" cut and 50 year contracts are allowing the Tongass to be hygraded for it's high yield timber, this management is fueled by the wasteful use of the Timber Supply Fund. The loss of these areas of high yield will result in any long term timber industry sustaining itself with timber that is less economically viable; and
- WHEREAS, the "450" cut and 50 year contracts allows for the carry over of timber from one operating period to the next, causing severe boom and bust cycles for the communities within the Tongass National Forest; and
- WHEREAS, the "450" cut does not include ongoing timber harvesting on state and private lands and should be reduced to reflect a balance of timber cutting activities amongst the Forest Service, the State of Alaska, and private landowners.

NOW, THEREFORE, BE IT RESOVED BY the City Council of the City of Kupreanof, Alaska, that it opposes the 4.5 Billian board feet per decade cut, the 50 year contracts, and the abuse of the Timber Supply Fund.

Date April 14, 1986

Mayor

Robert T. Beade

City Clerk

Emily W. Merriam

Edna Bay Community
Edna Bay, Alaska

Resolution 85-12:3-3

Whereas, as a bush community, our lives are based on the surrounding fish and wildlife resources, and

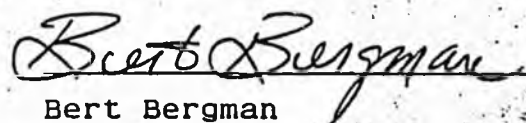
Whereas, biologists have determined that excessive timbering and/or clearcutting can be detrimental to these resources, and

Whereas, the '450 cut' is a political mandate not based on economic principles, as evidenced by the millions of dollars lost annually on the Tongass National Forest, and

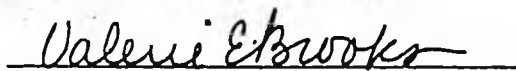
Whereas, this level of timber harvest does not allow flexibility in the management of the forest for all multiple uses,

BE IT RESOLVED that the community of Edna Bay stands opposed to the '450' * timber cut on the Tongass National Forest.

This resolution is hereby adopted by majority vote, this 3rd day of March, 1985.



Bert Bergman
Board President



Valerie Brooks
Secretary

* referring to ANILCA legislation that calls for 4.5 billion board feet of timber to be offered for harvest each decade on the Tongass National Forest, with an annual subsidy of 40 million dollars or as much is necessary to accomplish this legislation.

City of Angoon

P. O. Box 129

Angoon, Alaska 99820

Telephone
(907) 786-3663

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGOON IN OPPOSITION TO THE 4.5 BILLION BOARD FEET PER DECADE ("450") TIMBER CUT ON THE TONGASS NATIONAL FOREST.

RESOLUTION NO. 86-02

WHEREAS, Angoon is a traditionally subsistence-oriented community dependent upon use of area fish and wildlife resources; and

WHEREAS, 450 MMBF per year harvest level has a detrimental effect on existing fish and wildlife levels within the Tongass National Forest; and

WHEREAS, depletion of existing fish and wildlife resources throughout the Tongass National Forest places additional use pressures from other communities on resources available to Angoon; and

WHEREAS, "450" does not reflect ongoing timber harvest on State and private lands; and

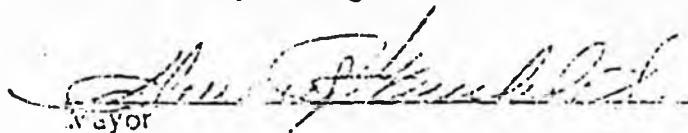
WHEREAS, "450" level of harvest over-supplies the market thus producing current low prices for timber while simultaneously depleting limited Native Corporation resources; and

WHEREAS, any need for "450" level of harvest has never been demonstrated by the timber industry.

THEREFORE BE IT RESOLVED; that the City Council of the City of Angoon, Alaska hereby stands opposed to the 4.5 billion board feet per decade ("450") timber cut on the Tongass National Forest.

Passed at City Council Meeting held on January 21, 1986 by a vote of 6 yeas, 0 nays, 0 absent, 0 abstain.

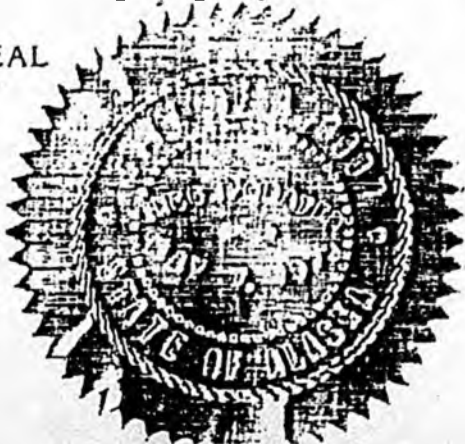
For the City of Angoon


Mayor

ATTEST:

Caroline A. Reed
City Clerk

SEAL



CITY OF TENAKEE SPRINGS

Resolution 85-17

In the Council
July 9, 1985

Introduced by the
Council President

A RESOLUTION OPPOSING THE "450" CUT ON THE TONGASS NATIONAL
FOREST,

WHEREAS, living in a balanced environment possessing a wealth of natural resources insures each individual the choice of how to live. Having that choice is important to the residents of Tenakee Springs; and

WHEREAS, the Tongass National Forest lands form an integral part of our lifestyle in Tenakee Springs. The forest lands and the countless resources they produce affect not only how we live, but also where and why we live in this community; and

WHEREAS, we use a number of forest resources for many purposes in our lives: timber for lumber and heat, wildlife and fish for food, sport, and recreation, furbearers for income, and plants for food; and

WHEREAS, the residents of Tenakee Springs are understandably concerned about the present and future management of Tongass National Forest lands.

1. We want a financially healthy and realistic timber industry. An industry prepared to make a meaningful contribution to the local and regional economy year after year. An industry that accepts the responsibility of sharing the natural resources of the Tongass with other industries and interests.

2. We recognized that old growth forests are a non-renewable resource and provide critical fish and wildlife habitat. We appreciate the necessity of fish and wildlife to the maintenance and enrichment of subsistence and rural lifestyles.

3. We believe it is important to protect salmon streams and crab habitat to sustain the fishing industry in Southeast Alaska.

4. We consider maintaining forest land in its natural state critical to the potential future development of a growing tourism and recreation industry.

5. We understand the significance of wilderness as a generator of clean air and water in our environment; and

WHEREAS, timber management on the Tongass National Forest is governed by a congressional and contractual mandate specifying that 450 mmbf/year be designated for harvest. This 450 cut level was arbitrarily established some years ago as a political carrot and economic enticement to encourage development of a timber industry in Southeast Alaska. At the time it was felt that the timber industry was necessary to help settle and stabilize the area. The 450 cut level is not based on an objective scientific assessment of the sustainable timber harvest level on the Tongass. The 450 cut level does not take into consideration natural fluctuation in the timber market or changes in forest management priorities; and

WHEREAS, the obligatory 450 cut level, which also guarantees a minimum of

\$40 million per year in federal subsidies, insures that commercial timber harvest dominates the present list of forest management priorities. The 450 cut level was established prior to the multiple-use concept of forest management; and

WHEREAS, since the 1971 Alaska Native Claims settlement over 500,000 acres of National Forest Lands have been removed from the base and turned over to Native Corporations. The Forest Service estimates that the Native Corporations now control 20-25% of the commercial timber volume left in the Tongass. The Tongass timber base has been substantially reduced and yet the 450 cut level has remained unchanged; and

WHEREAS, Native Corporations are now cutting more timber annually than originally predicted by the Forest Service. While Native Corporation contracts are accounting for additional jobs in the timber industry, there has been no subsequent adjustment to the 450 cut level on the part of the Forest Service. This situation equates to additional federal subsidy and interference with the timber industry; and

WHEREAS, the high levels of Forest Service subsidies for pulpwood to supply the mills in Sitka and Ketchikan inflate the pulp market to such an extent that Native timber operations cannot always recover costs on the sale of pulpwood. Many trees are left on the ground to rot; and

WHEREAS, the Alaska National Interest Lands Conservation Act (ANILCA) specifies that beginning in December 1985 and every two years thereafter the United States Congress will review the status of the Tongass National Forest. This provides an important opportunity for communities such as Tenakee Springs to provide direct and meaningful input to determine the future management of Tongass National Forest Lands; and

WHEREAS, annual timber harvest levels from the Tongass have consistently run below the 450 cut level in spite of large federal subsidies to the timber industry. This fact clearly demonstrates the economic infeasibility of the 450 cut;

THEREFORE BE IT RESOLVED by the City Council of Tenakee Springs that this community stands opposed to the 450 mmbf per year mandated cut on the Tongass National Forest.

ADOPTED 6:00pm 1 May THIS 9th DAY OF JULY, 1985

Diane Ziel
Diane Ziel
City Council President
ex officio MAYOR

ATTEST:

Janice J. Eagle
Janice J. Eagle
City Clerk

STATEMENT OF JACK W. LENTFER ON HOUSE JOINT RESOLUTION NO. 75
AND SENATE JOINT RESOLUTION NO. 57

My name is Jack Lentfer. I live in Juneau. I am representing myself and the Territorial Sportsmen, an organization of Juneau area residents with interests in fishing, hunting, and wise use of natural resources.

I have been a wildlife biologist in Alaska for 29 years and from 1977 through 1981 was Alaska Department of Fish and Game Southeast Alaska Game Division supervisor. The most important single issue I dealt with in that job was effects of Tongass Forest logging on wildlife. I have worked throughout much of Alaska, and I consider habitat alteration from clearcut logging one of the most serious problems now facing wildlife managers in Alaska.

The Territorial Sportsmen are a long-time Juneau area fishing and hunting organization. They support sound development which enhances the economy of southeast Alaska. Recently they produced a comprehensive report on the effects of logging on wildlife, fisheries, and economics in southeast Alaska. A copy is included in packets which went to committee members.

With regard to House Joint Resolution 75, I fully support the Alaska legislature examining the southeast Alaska logging issue and then informing the public and recommending to Congress. The legislature should consider views of all who have an interest in the Tongass Forest as well as relevant findings of the Alaska Department of Fish and Game.

I would like to highlight a few points from the Territorial Sportsmen's report.

The Tongass Forest makes up 93 percent of southeast Alaska. Four percent has commercially valuable timber (more than 30,000 board feet per acre). This 4 percent is the most valuable for logging and also has the highest fish and wildlife values. Logging is concentrated in the high volume classes; one-half of the highest volume class (50,000 board feet per acre) had been cut by 1981, and under present cutting plans, half of the remainder will be gone within the next 40 years. Because high-volume, old-growth forest is so limited, comparisons of total forest acres logged and left unlogged have little relevance.

After cutting, an area does not again attain old-growth characteristics for several hundred years. Present harvest schedules call for rotational cutting at about 100-year intervals. Thus, once an area is entered into a cutting schedule, old-growth habitat is permanently eliminated.

Sitka black-tailed deer are the most abundant and widely distributed recreational and subsistence hunting species in southeast Alaska. The main factor limiting populations is availability of food in winter. Logging, with its removal of canopy cover of old-growth trees, allows much more snow to

accumulate on the ground and make food unavailable. About 30 years after logging, densely growing second growth shades out understory with its deer forage plants. The Alaska Department of Fish and Game estimates that deer numbers in many popular hunting areas will be reduced 60-80 percent by the end of the first 100-year rotation period. Forest-wide, deer numbers will be reduced by more than 40 percent under present logging plans.

Other wildlife species affected by logging, road-building, and associated activities include brown bear, black bear, mountain goat, moose, marten, mink, river otter, bald eagle, Vancouver Canada goose, and other birds.

Fish, a highly valued commercial and recreational resource, can be adversely affected by logging. With proper safeguards, short-term effects can be minimized. Biologists generally agree, however, that long-term effects of logging on stream habitat and fish populations are unknown.

Shellfish (crabs and clams) can be affected by log dumping and rafting in the biologically rich waters of protected bays. Bark accumulates on the bottom and smothers organisms and depletes oxygen.

Logging can affect a number of guided recreational activities, including hunting, fishing, photography, marine cruising, kayaking, and river rafting. Clearcuts are generally not esthetically compatible with these activities, many of which are contributing significantly to the economy of southeast Alaska. The guided hunting industry brings between \$75,000 and \$1,000,000 into southeast Alaska annually. The largest component is brown bear guiding. Logging has already disturbed enough brown bear areas that guides themselves now believe it necessary to reduce by more than one-half the number eligible to guide on Admiralty, Baranof, and Chicagof islands.

The timber market is presently depressed, and logging on the Tongass Forest is at a reduced level. It should be realized, however, that increased timber harvest on Native lands is compensating economically to some degree. Other activities that will benefit economically and could reduce Tongass timber demands include increased harvest and local processing of timber by small, independent operators, increased tourism, increased mining, maintenance of a viable fishing industry, and maintenance and expansion of various types of guiding.

In conclusion, I would urge the legislature to thoroughly review Tongass Forest management practices and then inform the public of the trade-offs associated with present logging practices and also make appropriate recommendations to Congress.

Thank you.

MEMORANDUM

State of Alaska

TO: Roland Shanks
Special Assistant
Commissioners Office
Fish and Game

DATE: April 28, 1986

FILE NO:

TELEPHONE NO: 465-4265

FROM: Sterling Eide ^{SE}
Regional Supervisor
Region I/Game Division
Juneau

SUBJECT: Impact of 4.5 bill.
Tongass quota on
Deer

The 16.9 million acre Tongass National Forest comprises most (> 90%) of the land base of southeast Alaska. Much of the Tongass is composed of nonforested muskeg, alpine, rock, and ice. Only one third of the Tongass land base is classified as commercial forest land (most of it old-growth forest which is important wildlife and fish habitat, nonrenewable under current management), and of that only 14% is considered by the timber industry as economically valuable timber (those stands with a timber volume of >30,000 board feet per acre).

This same land base (high volume old growth) is the most critical deer habitat during deep snow winters. This land also provides high value wildlife habitat for a variety of other species as well as contributing to overall forest diversity. The result of concentrating the timber harvest on high-volume old growth will be to significantly reduce forest diversity and populations of some important wildlife species, particularly Sitka black-tailed deer.

Most of the timber harvest is currently directed at only 4% of the total land base of the Tongass National Forest. It is significant that there is twice as much high volume timber on lands scheduled for timber harvest as on wilderness lands. Furthermore, the highest volume timber class (>50,000 bf/acre) is 6 times more abundant on lands scheduled for harvest than on wilderness and roadless lands. In fact, in the next 40 years about half of the highest volume timber lands, forest wide, are scheduled for harvest.

Based on Alaska Department of Fish and Game research, deer populations in some important watersheds will be reduced by over 75% as a result of harvesting old growth over the 100 year rotational cycle. In 100 years, it is predicted that deer populations, forest wide, will be reduced by over 40%. The impacts of clearcutting old-growth forest in southeast Alaska are cumulative and long term. Management decisions made today will affect many generations of resource users throughout southeast Alaska.

The Alaska Department of Fish and Game predicts that if the present Tongass Land Use Management Plan is followed, then Sitka black-tailed deer habitat in all habitat types will be reduced forever by at least 42%. Present harvests are about 10-15,000 annually. Nearly all of this harvest is by southeast Alaska residents.

Because most of the communities are located in nonwilderness areas and timber harvests will be done on nonwilderness lands, deer harvests may be reduced even more dramatically than the reduction in deer habitat.

KTN
MAY 7, 86

Editorial

Look in the mirror

The environmental community is testifying this week that Southeastern Alaska is threatened by overharvesting of timber, despite the fact that environmentalists succeeded in 1980 in having 5 million of the Panhandle's 16 million acres put in wilderness.

What they want is to have it all and so will testify at a Congressional hearing this week.

An argument used to drive the timber industry out of this part of Alaska is that the industry is heavily subsidized. Critics of the timber industry point to the guaranteed timber harvest of 4.5 billion board feet over 10 years and to the \$40 million a year the Forest Service is authorized to spend to make timber available that otherwise would be uneconomic to cut. That means roads and the environmentalists want no more roads. They want the long-term sales canceled although those sales make possible private, not government, financing of the timber industry.

Environmentalists also argue that timber harvesting is destroying fish and wildlife. They ignore the fact that the fishing industry has enjoyed record salmon harvests for the past six years, and that the best salmon runs have been in the southern part of the Panhandle where the heaviest timber harvest has been since 1952.

In arguing that the timber industry is heavily subsidized, the environmentalists add up all of the cost of administering the national forest, including recreation programs, administering forest environmental programs and the wilderness areas. Against that they credit the small amount of timber stumpage revenue received. Ignored is the total lack of revenue from wilderness and its users. Their reasoning is that the Forest Service should be a money-making agency with the timber industry as the revenue source.

Completely ignored is that the fishing industry is the most heavily subsidized industry in Alaska. The total budget for the Alaska Department of Fish and Game for fiscal 1984 was \$69.2 million. Tax receipts from the industry — all fish taxes and licenses and marine fuel tax — totaled only \$33.2 million for fiscal 1984, the last year for which figures are available. That income also includes the sport fish and game license receipts. A little \$36 million shortfall.

In addition, the state authorized \$80.3 million in commercial fishing loans and \$34 million in fish enhancement loans in fiscal 1984. Those loans are subsidized because they are too risky for banks (which financed the timber industry) and are at below-market interest rates.

By comparison, the state spends less than \$1 million a year on its timber program. (The Division of Forestry receives \$12 million but most of it goes to forest fire fighting in the northern part of the state.)

For the Wilderness Society, the Sierra Club or Southeastern Alaska Conservation Council to criticize any industry because it's subsidized is outrageous. They live entirely on handouts. They don't get many handouts from Southeastern Alaska. They solicit funds with scare literature ("the bulldozers are poised. . .") to people far away from the affected area, which is unethical.

Before critics of the Forest Service and Alaska timber industry talk of ethics and subsidies, they should look in the mirror.

**A RESOLUTION OF THE
ENDORISING SUPPORT FOR THE TIMBER INDUSTRY AS IT RELATES
TO THE ALASKA NATIONAL INTEREST CONSERVATION ACT**

Whereas, The timber industry in Alaska is a vital industry and a major contributor to the economy of Alaska; and

Whereas, the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 recognized the importance of the timber industry to the State of Alaska; and

Whereas, the Alaska National Interest Lands Conservation Act (ANILCA) set forth within the legislation a timber supply fund and also authorized a timber supply harvest level in order to insure economic stability within the timber industry; and

Whereas, the Alaska National Interest Lands Conservation Act (ANILCA) was a compromise reached in 1980 between those advocating wilderness additions and those supporting a viable timber industry and a renewable resource; and

Whereas, the Alaska National Interest Lands Conservation Act (ANILCA) has already mandated and set aside over fifty percent (50%) of Southeast Alaskan lands as wilderness and roadless areas; and

Whereas, the total acreage of the Tongass National Forest is 16,706,895 acres excluding land in other ownership and, of that total, only 1,749,700 acres are scheduled for harvest over the rotation of 100 years which constitutes only 1/10th of one percent per year or 10 percent over the life of the rotation; and

Whereas, any attempt to open up ANILCA and create additional wilderness areas, decrease the mandated timber harvest level or eliminate the authorized Timber Supply Fund would cause severe detrimental damage to the economy of Southeast Alaska; and

Whereas, Congress is about to begin hearings to consider the Alaska National Interest Conservation Act (ANILCA) and special interest groups are requesting significant changes in ANILCA which may cause severe economic damage to the existing timber industry and, consequently, many communities in Southeast Alaska

NOW THEREFORE THE _____
RESOLVES:

1. The Alaska National Interest Lands Conservation Act (ANILCA) should not be reopened or amended as this action would have the effect of "voiding" the delicate compromise and subsequent legislation passed in 1980.

2. The timber harvest level of 4.5 Billion Board Feet per Decade as mandated by the Alaska National Interest Lands Conservation Act (ANILCA) must be maintained.

3. The Timber Supply Fund as enacted as part of the Alaska National Interest Conservation Act (ANILCA) must be maintained and adequately funded.

4. The land base as made available under the Alaska National Interest Conservation Act (ANILCA) for renewable timber harvest must not be reduced and no further additions to wilderness areas be enacted.

5. Before Congress begins any further consideration of the Alaska National Interest Conservation Act (ANILCA), it is requested that hearings be held within the State of Alaska.

PASSED AND APPROVED by the _____
_____ this _____ day _____, 1986

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SJR 51
 Title : Amendment by Congress of Alaska
National Interest Land Conservation
Act as it relates to public industry
 Sponsor : Resources Committee
 Requestor : Frank Homan/Senate Resources
 Date of Request : April 25, 1986

FISCAL DETAIL

Agency Affected : DC&ED
 BRU : Economic Development
Advocates
 Components : Office of Forest Products

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Thyes Shaub, Director Phone : 465-2094
 Division : Office of Forest Products Date : _____

Approved by Commissioner : *Frank H. Hensbury* Date : 4/28/86
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Amendment #1 for CS SJR 51
Senate Resources Committee
Southeast Alaska Conservation Council

Page 2, Lines 1-4

Delete "and 706 have" from line 1 and replace with "has", Replace "Sections" with "Section"
Delete lines 2 through 4 and replace with:

"and serious doubts remain about the workability of the Forest Service's attempt
in the Tongass Land Management Plan to balance competing uses of the Tongass; and"

Rationale: This amendment encompasses the concerns not only of the timber industry,
but all other participants in the 706(b) review process.

Amendment #2 for CS SJR 51

Page 2, Line 6

Delete line 6 and replace with:

"the results of implementation of ANILCA on the Tongass National Forest;"

Rationale: This amendment is an accurate description of the review process taking place.
Section 706 simply calls for this review process and has nothing to do with the implemen-
tation of Section 705.

Amendment #3 for CS SJR 51

Page 2, Lines 8 & 9

Delete lines 8 through 9 beginning from "so that..." and add the phrase "without
hearings in the state;" after the word "amended"

Rationale: It is in no one's interest to amend ANILCA without a proper hearing process.
(Note: Section 706(b) cannot be amended, it only calls for a review process.)

Amendment #4 for CS SJR 51

Page 2, Lines 11 & 12

Delete these lines

Rationale: 14 communities in Southeast Alaska have passed resolutions opposing the 4.5
billion board feet per decade harvest level because it threatens the fish and wildlife
resources on which their livelihoods depend. Not all of Southeast's communities are
dependent on timber harvest for their economy. Only one community, Petersburg, has gone
on record in support of the "450" and this community has an economy based on both timber
and fishing. This would be a blanket statement that clearly does not represent the expressed
interests of many of Southeast's communities. This statement only represents the interests
of the timber industry which supplied 1800 jobs in Southeast in 1984. Commercial fishing
supplied 2800 jobs, tourism 3200 jobs, federal government 2900 jobs, and state and local
government 9800. This statement rides roughshod over the other industries in Southeast.

Amendment #5 for CS SJR 51

Page 2, Lines 18 & 19

Delete these lines after the word "funded" and up to the ";"

Rationale: This language is unnecessary.

Draft

4/29

Relating to the Alaska National Interest
Lands Conservation Act Section 705 and
706.

BE. IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the timber industry is an important industry
and a major contributor to the economy of the state; and

WHEREAS tourism, ^{Recreation Industries} ~~commerical fishing industries,~~ and ~~subistence way of life~~ are also vital to Southeast Alaska
and major contributors to the state's and region's economy;
and

WHEREAS the passage of the Alaska National Interest
Lands Conservation Act (ANILCA) recognized the importance of
these industries to the state; and

WHEREAS Section 705 and 706 of ANILCA was a compromise
between those advocating wilderness additions and those
supporting a viable timber industry; and

WHEREAS Section 705 provided for a timber supply fund to make timber harvest in marginally economic stands economically feasible; and

WHEREAS Section 706 authorized a timber supply harvest goal of 4.5 billion board feet per decade; and

WHEREAS Congress's objective in Section 705 and 706 was to maintain employment in the dependent timber industry of Southeast Alaska at pre-ANILCA levels, while ensuring that other resource values and public uses would be protected on nonwilderness land in accordance with Federal law and the Tongass Land Management Plan; and

WHEREAS Section 705 and 706 have not been properly implemented; and

WHEREAS the Congress is about to begin oversight hearings to consider Section 705 and 706 of ANILCA;

(BE IT RESOLVED by the Alaska State Legislature that Congress maintain a continued balance between jobs and development, and fish, wildlife, recreation, and wilderness values in Southeast.)

BE IT RESOLVED by the Alaska State Legislature that ANILCA not be amended in a manner that would void the

The provisions of ANILCA

~~delicate compromise and subsequent legislation passed in
1980; and~~

FURTHER BE IT RESOLVED that the timber harvest level of
4.5 billion board feet per decade be managed to maintain a
continued balance between jobs and development, and fish,
wildlife, recreation, and wilderness in Southeast Alaska; .

FURTHER BE IT RESOLVED that the timber supply ^{be} ~~fund~~ as
~~enacted as part of ANILCA be maintained and adequately~~ *funded*
and properly implemented
~~funded;~~ and be it

FURTHER RESOLVED that before Congress begins any
further consideration of ANILCA that hearings be held within
the State of Alaska.

COPIES...

Suggested Amendments to SJR 51:

Relating to Section 706(b) of the Alaska National Interest Lands Conservation Act and urging Congress to hold hearings within the State of Alaska.

Sanna SOAK
6-6942

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the timber, tourism, commercial fishing industries, and subsistence way of life are vital to Southeast Alaska and major contributors to the region's and state's economy; and

WHEREAS the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 recognized the importance of these industries and way of life to the region and the state; and

WHEREAS ANILCA Section 705 provided for a timber supply fund to make timber harvest in marginally economic stands economically feasible to prevent damage to important fish and wildlife habitat and resources upon which non-timber industries and the subsistence way of life depend; and

WHEREAS ANILCA Section 705 authorized a timber supply harvest goal to ensure that an adequate supply of timber was made available to the dependent timber industry; and

WHEREAS ANILCA land designations were crafted to balance the recognized and inherent conflicts between use of fish, wildlife, timber, mineral, and scenic resources upon which the Southeast Alaska's economy depends; and

WHEREAS the Congress is about to begin hearings as mandated by ANILCA to review the status of the Tongass National Forest and the industries dependent upon the forest's resources; and

WHEREAS the status of the Tongass National Forest and decisions affecting its management are of vital importance to the residents and economy of Southeast Alaska and to the State of Alaska;

BE IT RESOLVED by the Alaska State Legislature that ANILCA not be reopened or amended until hearings on the status of the Tongass National Forest have been conducted within the State of Alaska to enable the full participation of affected Southeast Alaska communities, industries, and the State of Alaska.

Draft

4/29

Relating to the Alaska National Interest
Lands Conservation Act Section 705 and
706.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the timber industry is an important industry
and a major contributor to the economy of the state; and

WHEREAS tourism, ^{Recreation Industries} ~~commerical fishing industries, and~~ ~~the~~
~~subsistence way of life~~ are also vital to Southeast Alaska
and major contributors to the state's and region's economy;
and

WHEREAS the passage of the Alaska National Interest
Lands Conservation Act (ANILCA) recognized the importance of
these industries to the state; and

WHEREAS Section 705 and 706 of ANILCA was a compromise
between those advocating wilderness additions, and those
supporting a viable timber industry, and those concerned
about other values within the Tongass National Forest; and

WHEREAS Section 705 provided for a timber supply fund to make timber harvest in marginally economic stands economically feasible; and

WHEREAS Section 706 authorized a timber supply harvest goal of 4.5 billion board feet per decade; and

WHEREAS Congress's objective in Section 705 and 706 was to maintain employment in the dependent timber industry of Southeast Alaska at pre-ANILCA levels, while ensuring that other resource values and public uses would be protected on nonwilderness land in accordance with Federal law and the Tongass Land Management Plan; and

WHEREAS Section 705 and 706 have not been properly implemented, *particularly as a result of the Forest Service's failure to allocate funds in accordance with representations it made to Congress at the time of ANILCA's passage and*
WHEREAS the Congress is about to begin oversight hearings to consider Section 705 and 706 of ANILCA;

(BE IT RESOLVED by the Alaska State Legislature that Congress maintain a continued balance between jobs and development, and fish, wildlife, recreation, and wilderness values in Southeast.)

705 and 706 BE IT RESOLVED by the Alaska State Legislature that Sections 705 and 706 of ANILCA not be amended *so that the delicate compromise crafted by Congress* ~~in a manner that would void the~~ *the Tongass National Forest be maintained.* *balancing values within the*

~~The provisions of ANILCA~~

~~delicate compromise and subsequent legislation passed in 1980; and~~

FURTHER BE IT RESOLVED that the timber harvest level of 4.5 billion board feet ~~per decade be managed to maintain a~~ ^{per decade be maintained;}

FURTHER BE IT RESOLVED that ~~the Forest Service continue to manage the~~ ^{the Forest Service continue to manage the} continued balance between jobs and development, and fish, wildlife, recreation, and wilderness in Southeast Alaska;

FURTHER BE IT RESOLVED that the ^{Tongass} Timber Supply ^{Fund be} fund as enacted as part of ANILCA be maintained and adequately ^{and for the Tongass} funded ~~and adequately implemented~~ ^{and for the Tongass} and spent in accordance with the manner ^{and for the Tongass} which the Forest Service advised Congress it would spend the funds

FURTHER RESOLVED that before Congress begins any further consideration of ANILCA that hearings be held within the State of Alaska.

COPIES...

Tongass National Forest in a manner
in which will maintain the

Introduced: 4/24/86
Referred: Resources

Alaska Rules

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 SENATE JOINT RESOLUTION NO. 51
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 Relating to the Alaska National Interest
6 Lands Conservation Act and endorsing
7 support for the timber industry.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the timber industry is a vital industry in the state and a
10 major contributor to the economy; and

11 WHEREAS the passage of the Alaska National Interest Lands Conservation
12 Act (ANILCA) in 1980 recognized the importance of the timber industry to
13 the state; and

14 WHEREAS ANILCA provided for a timber supply fund and also authorized a
15 timber supply harvest level in order to ensure economic stability within
16 the timber industry; and

17 WHEREAS ANILCA was a compromise reached in 1980 between those advocat-
18 ing wilderness additions and those supporting a viable timber industry and
19 a renewable resource; and

20 WHEREAS ANILCA has already mandated and set aside over 50 percent of
21 Southeastern Alaska land as wilderness and roadless areas; and

22 WHEREAS the total acreage of the Tongass National Forest is 16,706,895
23 acres excluding land in other ownership and, of that total, only 1,749,700
24 acres are scheduled for harvest over the rotation of 100 years which con-
25 stitutes only one-tenth of one percent a year or 10 percent over the life
26 of the rotation; and

27 WHEREAS any attempt to change ANILCA to create additional wilderness
28 areas, ~~and decrease the mandated timber harvest level or eliminate the~~
29 ~~authorized timber supply fund would~~ ^{could} cause ~~severe detrimental~~ damage to the

1 economy of Southeastern Alaska; and

2 ~~WHEREAS the Congress is about to begin hearings to consider ANILCA and~~
3 ~~special interest groups are requesting significant changes in ANILCA that~~
4 ~~may cause severe economic damage to the existing timber industry and,~~
5 ~~consequently, many communities in Southeastern Alaska;~~

6 BE IT RESOLVED by the Alaska State Legislature that ~~ANILCA not be~~
7 ~~reopened or amended as this action would have the effect of voiding the~~
8 ~~delicate compromise and subsequent legislation passed in 1980; and be it~~

9 ~~FURTHER RESOLVED that the timber harvest level of 4.5 billion board~~
10 ~~feet per decade as mandated by ANILCA be maintained; and be it~~

11 ~~FURTHER RESOLVED that~~ the timber supply fund as enacted as part of

12 ANILCA be maintained and adequately funded; and be ~~it~~ made available for all
13 *resource management in the Tongass National Forest*

14 FURTHER RESOLVED that the land base made available under ANILCA for
15 renewable timber harvest not be reduced and no further additions to wilder-
16 ness areas be enacted; and be it

17 FURTHER RESOLVED that before the Congress begins any further consider-
18 ation of ANILCA that hearings be held within the State of Alaska.

19 COPIES of this resolution shall be sent to the Honorable Ronald
20 Reagan, President of the United States; to the Honorable George Bush,
21 Vice-President of the United States and President of the U.S. Senate; to
22 the Honorable Thomas P. "Tip" O'Neill, Jr., Speaker of the U.S. House of
23 Representatives; and to the Honorable Ted Stevens and the Honorable Frank
24 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
members of the Alaska delegation in Congress.

provisions of the Wild and Scenic Rivers Act. The substitute bill adds one river, the Koyuk, to the designated list and two rivers, the Squirrel and the Koyuk, to the list of rivers to be studied.

In recognition of the expansive vistas, unique fish and wildlife resources and ecological systems associated with an riparian corridor to certain rivers in Alaska, all the Alaska lands bills have contained provisions for a wider corridor than the standard of an average of 320 acres per mile used for rivers designated in the "lower 48". The Committee gave the Secretary the authority to establish a river protection zone extending to two miles from the ordinary high water mark on both sides of wild and scenic rivers outside other conservation systems. However, outside a quarter mile corridor, the provisions applying to National Recreation Areas would have applied.

The substitute bill eliminates the river protection zones, but for the Alaska rivers reduces the size of the corridor permitted in the "lower 48" to an average of 640 acres on both sides of the river. Also, the boundaries may not include any lands owned by the State, or a political subdivision of the State, or may the boundary extend around any private lands adjoining the river in such a manner as to surround or effectively surround such private lands. This latter provision guarantees access to these private lands.

ADMINISTRATIVE PROVISIONS

The substitute adopted one other provision found in the Senate Committee bill. Subject to all valid existing rights, all public lands within two miles of rivers being studied by possible addition to the System are withdrawn from entry, sale, State selection or other disposition under the public land laws and from all forms of appropriation under the mining laws and from operation of the general leasing laws. This withdrawal remains in effect for the periods of time provided in the Wild and Scenic Rivers Act.

TITLE VII--WILDERNESS

I. NATIONAL PARKS

(a) Gates of the Arctic: The substitute adds approximately 2.1 million acres of wilderness in the Gates of the Arctic National Park in addition to the 4.8 million acres of wilderness included in the Committee bill.

(b) Noatak: The Noatak Wilderness was included in the substitute by approximately 1,000 acres. This area was designated as an area in the Committee bill and redesignated a preserve in the substitute.

II. WILDLIFE REFUGES

(a) Andrejfsky Wilderness: The Senate Committee bill did not include a wilderness designation in the Yukon Delta National Wildlife Refuge. The substitute designates a 1 million acre wilderness in this region. The wilderness excludes lands that would be conveyed to Native Corporations in the area (i.e. deficiency or other withdrawal under ANCSA).

(b) Arctic Wilderness: The Senate Committee bill did not include a wilderness designation in the Arctic National Wildlife Refuge. The substitute designates an 80 million acre wilderness which encompasses all of the existing portion of the Arctic National Wildlife Refuge except for the coastal area. The area designated wilderness is that portion of the coastal plain between the Aichilik River east to the Canadian border. This segment of the area contains sensitive wildlife habitats and affords representation of the coastal plain in this wilderness unit. The Arctic is superlative in its wilderness. The combination of use by porcupine and America's greatest arctic wildlife against the striking scenic beau-

ty of several arctic life zones and the opportunity for one of this nation's finest wilderness recreation experiences has resulted in this area being described as epitomizing the purposes of the Wilderness Act.

(c) Becharof Wilderness: The Senate Committee bill did not include a wilderness designation in the Becharof National Wildlife Refuge. The substitute establishes a 0.4 million acre wilderness centered on significant brown bear denning and intensive use areas.

This unit encompasses some of the most dense and unusual populations of brown bears in Alaska. Intensive use areas (centered on key salmon spawning streams) and concentrations of dens (in mountainous areas and, uniquely, on islands in Becharof Lake) are key bear use features. Prey populations of moose and caribou also support this dense bear population.

(d) Innoko Wilderness: The Senate Committee bill did not designate wilderness in the Innoko National Wildlife Refuge. The substitute establishes a 1.24 million acre wilderness.

The Innoko Wilderness is located in the southeastern portion of the Innoko National Wildlife Refuge. The Innoko River forms the western boundary and the Iditarod and Yetna Rivers meander through the entire wilderness area.

Because this basin is at or approaching its wildlife carrying capacity, the wilderness designation becomes an appropriate management tool for maintaining the high productivity of the area.

(e) Koyukuk Wilderness: The Senate Committee did not designate wilderness in the Koyukuk National Wildlife Refuge.

The substitute designates a 0.4 million acre wilderness in the west central portion of the Koyukuk National Refuge. This area possesses one of the largest active sand dune areas in Alaska, the Nogahabara Dunes, with its associated transitional plant and animal communities.

(f) Nunivak Wilderness (0.8 million acres): The Senate Committee bill did not designate wilderness in this unit of the Yukon Delta National Wildlife Refuge.

The substitute designates a 0.8 million acre wilderness in the southern portion of Nunivak Island. This unit encompasses sensitive winter habitats used by Alaska's largest muskox population and cliff areas supporting one of the largest seabird nesting colonies in Alaska. Geological features of this unit include the coastal sand dune formations of the island and the Mount Roberts volcanics.

(g) Togiak Wilderness: The Senate Committee did not propose wilderness in the Togiak National Wildlife Refuge.

The substitute designates a 2.3 million acre wilderness in its Togiak Refuge proposal. Occupying a transition zone between interior boreal forests and tundra biomes, this unit is dominated by the Ahklun Mountains, in turn separated by broad valleys, major river drainages and large deep lakes.

In sum, the substitute adds approximately 2.5 million acres of National Park System wilderness to the Committee's total of 29.7 million acres.

The substitute increased the wilderness proposal for Alaska National Wildlife Refuges from the Senate Committee's total of 4.35 million acres to approximately 18.86 million acres.

III. NATIONAL FOREST WILDERNESS

(a) Misty Fjords: The substitute increased the size of the Misty Fjords Monument from 1,433,000 acres in the Committee bill to 2,285,000. All of the Monument is designated as wilderness except for a 149,000 acre exclusion around the Borax mining claims at Quartz Hill.

(b) Admiralty Island: The substitute

designates a 921,000 acre Admiralty Island National Monument. 900,000 acres are designated as wilderness. The Committee bill designated the eastern half of Admiralty Island as wilderness and the western portion as a Special Management Area.

The Special Management Area designations in the Committee bill have been eliminated in the substitute. These lands will be managed under principles of multiple use/sustained yield in accordance with existing laws and regulations.

Fourteen of the finest wilderness areas are established representing a broad spectrum of ecological types in Southeast Alaska. These areas encompass 8.3 million acres--an increase of 1.1 million acres over the Senate Committee bill. Only three areas have been modified from those areas designated as wilderness in the Committee bill. The change in Misty Fjords and Admiralty Island have been mentioned above. The Tracy Arms-Fords Terror Wilderness has been reduced from 678,000 acres to 656,000 acres to conform with the boundary recommended by the Administration and as contained in the Teongas-Roth-McGovern amendments.

Admiralty Island Exchange: In full satisfaction of their land entitlement rights under ANCSA, a settlement for Kootznookoo, Incorporated has been fashioned in the substitute which allows them a timber base for income while protecting their historic and cultural values on Admiralty Island. At the same time, the public's right of access and enjoyment of Mitchell Bay has been assured. This provision was not included in the Committee bill.

The greatest fear regarding the timber industry in southeast was that so much area was placed in wilderness that the cost of maintaining the timber harvest might be beyond budgetary expectations. In view of these fears, Section 703(a) has been modified to ensure the availability of funds. Rather than specify the extra funds needed, a mechanism has been provided whereby the Secretary each year will obtain all of the funds needed. The amendment assures the availability of at least \$40 million. These funds are intended to be spent in the same manner and for the same purposes as those provided in the Committee bill. These include expenditures for stand improvements, the timber road program, and related capital investments but also include the regular costs of sale and road layout and preparation and may include research activities which contribute directly to improved timber utilization and advanced technology. In addition, the amendment provides a decade sale average of 4.8 billion foot board measure so that the States Forest Service can adjust the yearly sale offerings upward or downward in any one year to adjust for annual sale fluctuations to assure the maintenance of a 450 million average annual harvest.

TITLE VIII--SUBSISTENCE MANAGEMENT AND USE

Title VIII retains the intent and, with minor exceptions, the language of the Committee bill concerning subsistence use and management on the public lands. The minor additions to and deletions from the language of Title VIII of the Committee bill are merely technical.

TITLE IX--IMPLEMENTATION OF ANCSA AND THE STATEHOOD ACT

At the request of the Interior Department, and the Alaska Federation of Natives, the substitute deletes Sections 901 and 902 relating to expedited conveyances of native lands. A new section 901 entitled "Submerged Lands Statute of Limitations" is added by the substitute.

This section establishes a statute of limitations for judicial determinations of the navigability of submerged land.

EXHIBIT 5

Act and any other existing law, including this Act with regard to selection and transfer of any federal lands located within conservation system units, national forests, the National Petroleum Reserve-Alaska, or any other lands withdrawn or classified for Federal purposes, including military reservations.

Further, it is clear that Section 906 does not have the effect of enlarging or diminishing the State's entitlement to receive federal lands under the Alaska Statehood Act or any other applicable law. And, it should be stressed, the "future selection applications" which are referred to in subsection (e) of Section 906 will not by themselves give the State any vested rights to public lands which, at the time of the filing of such applications, are not available to the State for valid selections under the Alaska Statehood Act or other applicable law.

In short, these "future selection applications" will have the effect of merely expressing the interest of the State in selecting and receiving the applied for lands, if and when Congress at some future date should decide to make such lands available for selection by the State and provided that the State has not at such later time already received its total entitlement to federal lands.

Title VIII—Subsistence Management and Use, and other subsistence provisions.

Of all the groups in Alaska with a stake in passage of the Alaska National Interest Lands Conservation Act, no group will be more profoundly affected than the Alaska Native residents of the more than two hundred Native villages scattered throughout rural Alaska. The cultural identity of those residents, and the economy of their villages, remain intertwined today, as they have for generations, with the harvest of fish, wildlife and plants for subsistence uses.

With only a few exceptions, the Alaska Native villages to which I am referring are located along the Alaska coastline or upon the shore of one of Alaska's lakes or rivers. The location of these villages is no accident. Prior to the intrusion of western culture into Native Alaska in the late 1800's, most Alaska Natives traveled from hunting camp to fish camp, and fish camp to hunting camp, following the natural cycle of the seasons and the migratory patterns of the fish and wildlife in their area. With the arrival of the missionary and the schoolteacher, more permanent villages were established. Those villages were located in the most advantageous locations from which to subsistence hunt, fish, and gather. Today, the same social, cultural, and economic purpose of these same villages remains. Indeed, the only purpose in an economic sense of almost every Native village is to serve as a staging area from which the residents of the community continue to participate in the subsistence way of life which is central to their cultural identity.

If for any reason, Mr. Speaker, the fish stocks and wildlife populations which are the subject of Alaska Native subsistence uses are significantly reduced, either as the result of the degradation of habitat, the overharvesting of subsistence resources by urban or non-resident sport hunters and fishermen, or a prohibition of subsistence uses of fish and wildlife on portions of the public lands such as national parks and monuments, then the Alaska Native Culture as we know it will simply cease to exist. And the rural Native villages which are the strongholds of that way of life will be abandoned as their residents are unwillingly drawn to Anchorage, Fairbanks, and other urban centers. Indeed, if rural Alaska is to continue to exist, the Alaska Native subsistence way of life and the fish stocks and wildlife populations upon which the continuation of that way of life depends must be adequately protected by the Congress.

Mr. Speaker, in 1971 the Congress passed

the Alaska Native Claims Settlement Act, an historic benchmark in the relationship between the Alaska Native people and the Congress. That legislation authorized the conveyance of forty-four million acres of land, located primarily around the Native villages to which I have referred earlier, to villages and regional corporations established by the Act. At that time the Congress realized, however, that the lands conveyed to Native corporations would be insufficient to adequately protect subsistence resources and provide for subsistence uses. It recognized that the continuation of the Alaska Native subsistence way of life also depended upon the use of Federal and State lands for subsistence uses, and the protection of such uses on those lands as well as on Native lands.

In furtherance of this objective, the Settlement Act bill enacted by the Senate included a provision on subsistence hunting by Alaska Natives. Unfortunately, that provision was not adopted by the Conference Committee, which in its stead substituted the following language in the Report of the Managers: "The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives."

The Conference Committee's recognition of the joint responsibility of the Federal and State governments to protect Alaska Native subsistence activities is consistent with the historic trust responsibility of the Federal government to the Alaska Native people, a responsibility which transcends the termination of aboriginal hunting and fishing rights by the Settlement Act. It also is consistent with the policy adopted by the United States government when it signed the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights in 1977. Article I of both covenants states that "in no case may a people be deprived of its own means of subsistence." And Article XXVII of the International Covenant on Economic, Social and Cultural Rights guarantees that ethnic minorities in the United States, of which the Alaska Native people are a pre-eminent example, shall not be denied the right to enjoy their own culture.

Regrettably, during the time period between the enactment of the Alaska Native Claims Settlement Act and the introduction of H.R. 39 in the 95th Congress, neither the Secretary nor the State of Alaska made sufficient effort to abide by the direction of the Conference Committee. Overwhelming evidence of their failure, or at best their indifference, was thoroughly documented in hearings held by both the House Interior Committee and the Senate Energy and Natural Resources Committee during the 95th Congress, and by the House Interior Committee again last year. I would direct any member of this body interested in a more detailed exposition of the subsistence issue to the hearing records and reports of both of those committees as well as the hearing record and committee reports published by the House Merchant Marine and Fisheries Committee which also was actively involved in the subsistence issue.

Although I have my disagreements with several of the provisions of the version of H.R. 39 passed by the Senate, I am particularly proud of the subsistence language in the bill because it fully reflects the commitment that Congressman Seiberling, Gudger, and I with other members of the Interior Committee, made to the Alaska Native people at the beginning of the 95th Congress. At that time we promised that any legislation enacted into law would recognize the importance of the subsistence way of life to the survival of the Alaska Native people, and would contain management provisions which recognize the responsibility of the Federal

government to protect the opportunity from generation to generation for the continuation of subsistence uses by the Alaska Native people so that Alaska Natives now engaged in subsistence uses, their descendants, and their descendants' descendants, will have the opportunity to determine for themselves their own cultural orientation and the rate and degree of evolution, if any, of their Alaska Native culture.

We made good on that promise by including a detailed subsistence title in the version of H.R. 39 which was passed by the House of Representatives during the 95th Congress. The Senate Energy and Natural Resources Committee rejected the "State subsistence program" requirement of our subsistence title, and adopted a "judicial enforcement" approach in lieu of our "Secretarial action" section to ensure that the State will meet its responsibilities. But with those two relatively minor exceptions, the Committee adopted our subsistence title conceptually intact.

During the 96th Congress, I studied the subsistence provisions of the bill reported the previous Congress by the Senate Energy Committee, and after being certain that with the exception of the "judicial enforcement" provision, the rest of the subsistence title was essentially the title which I and the other members of the Interior Committee had drafted, I included a subsistence title in the Udall-Anderson bill similar to that of the Senate Energy Committee. The bill passed by the Senate and now under consideration by this body, continues the broad consensus on the subsistence issue by again adopting the work of the Senate Energy Committee, which, as I have explained above, in turn was based upon the work of the House Interior Committee.

Consequently, as chairman of the committee which developed the concepts which are the foundation of the subsistence title and other subsistence provisions of the Senate bill, I would like to highlight for the other members of the House, and for the persons in the Department of the Interior and Department of Agriculture who will be charged with responsibility for implementing the subsistence management system established by this legislation, the history of several of the most important ideas developed by the House Interior Committee and retained by the Senate.

Although the Federal and State subsistence management system established in the bill is racially neutral, it is important to recognize that the primary beneficiaries of the subsistence title and the other provisions in the bill relating to subsistence management are the Alaska Native people. Although there are many non-Natives living a subsistence way of life in rural Alaska which may be an important national value, the subsistence title would not be included in the bill if non-Native subsistence activities were the primary focus of concern. Rather, the subsistence title and the other subsistence provisions are included in recognition of the ongoing responsibility of the Congress to protect the opportunity for continued subsistence uses in Alaska by the Alaska Native people, a responsibility consistent with our well recognized constitutional authority to manage Indian affairs.

Early drafts of the subsistence title by the House Interior Committee allocated access to subsistence resources on an ethnic basis, an approach similar in concept to that suggested by the Settlement Act Conference Committee. However, that approach was abandoned in the House after Governor Hammond correctly pointed out that under the Alaska Constitution the State cannot participate in a subsistence management system which would require it to allocate access to subsistence resources on the basis of "Nativeness." The written testimony submitted to the Energy Committee in 1978 by

of Transportation, HUD, DOD, of others—as the lead agency for any required EIS preparation.

The committee bill also includes a provision which could result in allowing the State—through its planning authority—to route transportation systems across conservation system units, even when other feasible alternatives are available. And the rationale for that, I would hope, is not obvious. The amendment replaces the requirement in the bill that any transportation system be on the State's transportation plan before it could be approved.

In cases where there is existing law governing the consideration of transportation system applications, the appeal of a disapproval goes to the President. Under the Senate committee bill, the President has no criteria—other than a vague and overly broad public interest one—on which to base his decision. The amendment adds a requirement for a finding by the President that a right-of-way would be "compatible" with the purposes of the conservation unit, and that there is no "economically feasible and prudent alternative" to such a right-of-way.

These, I think, are criteria that can be understood by all parties. It would provide a certain amount of definitive criteria for those parties that would be applying.

The problem of trespassers on Federal lands is the amendment's last major concern. It erases the distinction found in the committee bill between trespass cabins located within National Parks and those found in other conservation units. This change represents a compromise between the virtual ban on trespass cabins found in the House bill and the liberalized treatment accorded trespassers on non-national park Federal lands by the Senate committee.

It is simply one more example of an attempt to try to find a middle ground between the two positions of the House bill and the Senate version.

The amendment also has minor provisions concerning small hydroelectric dams, potential agricultural uses in conservation units and an exchange of lands within the State of Alaska.

NATIONAL FOREST AMENDMENT

For many, the National forest amendment is the single most important amend to the Energy Committee bill. Nowhere are the deficiencies of the committee bill more vivid and the need for amendment more pressing than in the section dealing with the Tongass National Forest in southeast Alaska. I suspect that this is also the most sensitive issue as viewed by at least one of the Senators from Alaska.

Though the difference in wilderness acreage is relatively small—43 million in the committee bill, and 8.9 million acres in the amendment—the 1.6 million acres involved contain the heavily forested lowland ecosystems where the real wildlife, fishing and recreational values lie, as well as significant timber resources.

The committee bill falls far short of a balanced representative sample of the

Tongass. More importantly, this amendment asks whether America's largest national forest is going to be governed by a professional land management plan, 3 years in the making, or by a concoction of entirely new land classifications, dangerous timber harvest practices based on questionable concerns, and additional decisions by a future Congress.

Our amendment states that the Tongass is too important to serve as a guinea pig for experimental forest management, and would adopt, with only minor modifications, the Tongass land management plan (TLMP) developed by the Forest Service.

Let me say, Mr. President, to anyone listening to this, the spelling of Tongass is T-o-n-g-a-s-s, and I am not mispronouncing my own name.

The committee proposes establishing an entirely new management system, the "special management areas," to deal with the perceived "uncertainties" in the economic findings of the Forest Service. These "uncertainties" include:

Whether the Native timber corporations would cut their timber, how fast, and where it would be sold;

The effect of export of round logs from Native lands on the demand for processed softwood from the National Forest in the Japanese market;

Whether Congress would appropriate the money needed to offset the USFS's increased costs for providing timber sales following reduction in the land base and the reforms in harvest practices required in the National Forest Management Act of 1976.

Although supporters of the committee bill hold out these special management areas as a "have your cake and eat it too" proposition, it is apparent that this untried and uncertain approach just will not work. The committee recognizes that the special management areas have outstanding wilderness values. The committee protects them all right—but only for 10 years. During these 10 years, the Secretary must—he has no discretion—include their timber in calculating the proper sustained yield harvest for the entire forest—the annual allowable cut. Thus, the bill says: These lands are protected now, but when cutting elsewhere in the forest, assume that the lands will be available later—a "now you see it, now you don't" system.

This is anathema to professional foresters, because it subjects the Forest Service to future pressures from an industry operating under the assumption that these lands would be available. Realistically, you would not blame the industry.

The Forest Service's only option is to reduce sales later because the sustainable yield has been exceeded.

This is not the way we manage our forests in Oregon, or Arizona, or New England and it is an unwise policy for our forests in Alaska.

At the end of 10 years, the Secretary must submit to Congress a request for a waiver of the prohibition on timber sales. If at any time—not some 10-year or 8-year average, but any time—the timber supply to industry falls below the

supposedly magical figure of 820 million board feet (mmbf), I do not know where that 820 mmbf has to come from, whether it has to come from the Tongass alone, whether it can come from the Native corporations as well, or from Canada—undoubtedly the courts will have to decide.

But no matter where—if at any time industry is 500 or 815—even though industry cuts only 440 now—the Secretary must send this whole thing back to Congress. I do not think anybody looks forward to a situation where the uncertainties in the law require these issues to be resolved in the court system. Whether you are a preservationist or a developer, that is the least attractive option.

THE TONGASS LAND MANAGEMENT PLAN

Our amendment is rooted in the Tongass land management plan—a 2-year effort by the Forest Service. That plan looked not only at wilderness but at the region's economy, the fishing industry—which we do not bear a great deal about—and its dependence on salmon spawning streams, and the area's magnificent and varied wildlife and scenic resources.

At some point, there will be discussion, although I shall not do it here, as to how important the timber areas are, not only to the timber industry but, because of its integrated economic ecosystem, to the fishing industry which, over the long term, is just as important a renewable resource as timber.

In the last Congress, when I worked on this issue in the House, opponents of a strong wilderness package in southeast Alaska said, "Don't legislate wilderness now. It might create job loss. Wait for the Tongass land plan. Wait to see what the Forest Service recommends."

Well, that is what we have done. For various reasons, we waited. The issue is now before us. Fortunately, the Tongass plan is done. And it shows that will work. It shows that the goals of timber production, fisheries and wildlife protection, and wilderness preservation can be put together in a package like the Tongass-Roth package and there will be no job loss.

Some of the same people who said, "Wait for the plan, wait for the plan," now say, "Ignore the plan; put the decision off until later."

Well, we have already put the decision off until now. We have the information and I suggest that we do it right and we do it right now, instead of creating a whole new system the professionals do not want that will be left to the courts to decipher, and that will be right back here in 10 years for further deliberation.

If we do not intend to follow the plan why did we have it done in the first place? There were simply no other criteria as detailed and as creative as the Tongass land management plan. Those who suggest that we have not had an equal responsibility to show what will be better in terms of their own detailed plan.

What the committee fails to address is that the national forest that produced 820 mmbf no longer exists. It has been

...determined by State and Native selection of... quarter of the Tongass' best... producing land. These selections... been by the Federal Govern... They have been by the States and Native peoples.

The Forest Service tells us in the Tongass land management plan, that the best forest existing today is capable of producing a sustained yield of 450 mmbf and that is what the amendment allows for. The Forest Service tells us that a cut of 520 mmbf would overcut the forest and sacrifice the forest's other values that are the essence of multiple use.

We are going to bear a great deal in the next 2 or 3 days of the difference between 520 million board feet and 450 million board feet. Let me spend a moment on that.

Some people opposing this amendment say that the 450 mmbf production allowed under the TLMP is too low, that industry needs the arbitrary figure of 520 mmbf mandated in the committee bill.

As an illustration, when Senator Stevens from Alaska was referring to the southeast provisions, he indicated that if any amendment passed, we would have a significant cut in jobs in the timber industry. In fact, I believe the figure of 2,000 was used in that discussion. I do not understand why the industry needs 520 million board feet when, in recent years, it has existed quite well—how many? 440 million board feet. So here we have a situation where a proposal is 450 million board feet, which is higher than the yield in the last 5 years, and we are told that if that amendment passes, there will be an immediate cut in jobs. In other words, if we give them a cut higher than what they have been cutting for 5 years, that will result in a job loss. I for one, find that very interesting as an argument.

How can a proposal that allows a cut of 450 million board feet in the Tongass National Forest remove jobs from an industry that cuts 440 there today? The answer, I think, is rather obvious.

Bear in mind that the local industry can—and we fully expect that it will—process additional timber the State and Natives fully expect to cut from their newly acquired chunks of the old Tongass. In essence, what has happened is that we take the original Tongass; we then have the State and Native selections that have taken place. So we are going to have, in essence, the existing cut plus what has been done by these other groups.

The Forest Service estimates the potential yield to equal at least 458 mmbf annually, while Native corporation spokesmen put the figure at 250 mmbf. That production means jobs—contract logging jobs, longshoremen's jobs, and local pulpwood contracts—jobs that are being filled right now, this year.

Our amendment, in effect, replaces the guessing game of the committee bill with the professional analysis of TLMP—which says that the national forest can provide 450 mmbf, that this will be supplemented with what the State and Natives say they plan to harvest,

providing the potential for harvest growth—and designates now those wilderness proposals so obviously deserving that protection.

So, you are going to have an increase in timber production in southeast from the 440 million board feet that has been the number the last 5 years to something between 600 million and 700 million board feet—and we are told we will cut jobs.

The amendment wilderness proposals include the full Admiralty Island National Monument and wilderness—the last remaining large island that has not been extensively clearcut. It is home to more bald eagles than in all of the other States combined, home to the famous Admiralty Island brown bear and home of the one Tlingit village that wishes to retain their traditional cultural values and live a subsistence lifestyle as their ancestors did before them.

As I look at the eagle above the Presiding Officer, I suggest that if we do not start passing some of these amendments, that may be the only place we will be able to see eagles left in the United States.

Our amendment restores a full Misty Fjords National Monument, the largest, most spectacular and diverse of the proposals for protection in southeast Alaska and an area of unparalleled fisheries production. If anyone wants to see what the area looks like, in my office there is a picture of that area. It is just very striking.

And we provide wilderness protection for all but an area of 30,000 acres surrounding the molybdenum claims of U.S. Borax Corp. We provide for guaranteed access and development of the Quartz Hill claims, as does the committee bill, in accordance with an agreement Senator Stevens and I made during Committee deliberations last year, an agreement, I might add, that was favorably received by representatives of U.S. Borax.

At the time of the agreement, Senator Stevens and I agreed that the one element of the agreement which I reserved the right to attempt to amend was the wilderness exclusion around the claims of U.S. Borax.

That was a very heated issue. We spent a lot of time on it in committee. I think what we have come up with is recognition of the rights of U.S. Borax, which wants that mine to be developed. We provide the necessary access to bring that about.

No one, either here, or in the House, or in the administration, seriously questions the right of U.S. Borax to go in and develop its claim. In fact, we would argue it is in the national interest they do exactly that.

Since its creation in 1978, the Misty Fjords National Monument has quickly become a popular attraction for visitors to southeast Alaska and is now visited by special cruise ships and the Alaska State Ferry. As I said, our amendment maintains the full spectrum of Misty Fjords waters and mountains, while explicitly providing for potential development of the molybdenum claims.

The amendment includes the full West Chichagof-Yakohl wilderness proposal,

a smaller but self-contained peninsula of rugged or serene inner waterways, local hunters and fisherman's boats and bitters.

In addition, the amendment wilderness protection for units, Karta River and which are identified by Federal fish and wildlife as habitat with high recreational values as well.

But there is another impetus for full wilderness protection: these proposals now. Unlike Interior Alaska, a land of vast scattered throughout the intensively managed works forest with existing towns scattered throughout the area.

The Forest Service is to manage this land for multiple use, including timber development which will probably be the next decade on common lands outside those designated Congress as wilderness. This should be.

But up to now, there has designated wilderness in the National Forest. The Forest Service recommended a good, balanced to the Congress, if adopted, it protect the gems of the Southeast interfering with other goals. If a this recommendation, or even a special system which assumes areas will be available for development, later, we not only desert our duty responsibly on these recommendations we likely will foreclose our options—right now.

(Mr. BUMPERS assumed the chair.) Mr. TSONGAS. Mr. President: other two amendments we are all to offer under the time agreement with, first, wilderness designation a listing units of the National Wildlife Use System and the National Park System, cosponsored by Senators MURPHY and LEVIN, and, second, the Wildlife Use System amendment which is cosponsored by Senators HART, CRAVENS, CARROLL, RANDOLPH, and CURTIS.

Senators sponsoring those amendments will address those amendments and I will not attempt to do so at this time since they will follow in sequence.

Let me talk to the issue of full Alaska which has been raised by Senators from Alaska and which I think we all have a responsibility to be alive to.

FAITHFUL TO ALASKANS

Underlying all the particular is our commitment to treat Alaska fairly. I am convinced that we have kept that commitment—and that amended legislation will continue this treatment. I totally reject the claim that Congress is in any danger of violating Alaska's rights as a State, breaking the contract made with the people of Alaska when they entered the Union in 1959.

The facts in this case should speak for themselves. When Alaska entered the Union in 1959, the then 200,000 people

Non... here... coin... pass... the... com... will... me... in... ary... to... books... un... is... s... onist... sc...
Non... year... plan... the... try... deal... mon... mag... netic...
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SEC. 1498 INALIK NATIVE CORPORATION LANDS—

(a) Upon the filing of a valid relinquishment by the State of Alaska of its selection of the following described lands, said lands are hereby withdrawn, subject to valid existing rights for a period of one year for selection by the Inalik Native Corporation:

Katlovik River, Meridian

Township 1 south, range 61 west;

Township 1 south, range 62 west;

Township 1 south, range 63 west.

(b) The Inalik Native Corporation is authorized to select the lands described in subsection (a) in partial satisfaction of its entitlement under section 14 of the Alaska Native Claims Settlement Act. The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 12 of the Alaska Native Claims Settlement Act, and shall convey said lands to the Inalik Native Corporation and the Bering Straits Native Corporation pursuant to section 14 of the Alaska Native Claims Settlement Act.

(c) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of the Inalik Native Corporation and Bering Straits Native Corporation under any section of the Alaska Native Claims Settlement Act.

TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

AREAS SUBJECT TO THE NATIONAL NEED RECOMMENDATION PROCESS

SEC. 1501. The process contained in this title shall apply to all public lands within Alaska except for lands within units of the National Park System and the Arctic National Wildlife Range.

RECOMMENDATIONS OF THE PRESIDENT TO CONGRESS

SEC. 1502. (a) RECOMMENDATION.—At any time after the date of enactment of this Act the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 1501. Notice of such transmittal shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation.

(b) **FIXTURES.**—A recommendation may be transmitted to the Congress under subsection (a) if the President finds that, based on the information available to him—

(1) there is an urgent national need for the mineral activity; and

(2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

(c) **REPORT.**—Together with his recommendation, the President shall submit to the Congress—

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969, a statement which complies with the requirements of section 102(2)(C) of such Act. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969, the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

(d) **APPROVAL.**—Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to Congress under subsection (a) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(e) **ONE-HUNDRED-AND-TWENTY-DAY COMPUTATION.**—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die, and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

EDITED CONGRESSIONAL REVIEW

SEC. 1503. (a) RULEMAKING.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by subsection (b) of this section and it supersedes other rules, only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) **RESOLUTION.**—For purposes of this section, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the recommendation of the President for _____ in _____, the first blank space therein to be filled in with appropriate activity, the second blank space therein to be filled in with the name or description of the area of land affected by the activity, and the third blank space therein to be filled with the date on which the President submits his recommendation to the House of Representatives and the Senate. Such resolution may also include material relating to the application and effect of the National Environmental Policy Act of 1969 to the recommendation.

(c) **REVIEW.**—A resolution once introduced with respect to such Presidential recommendation shall be referred to one or more committees (and all resolutions with respect to the same Presidential recommendation shall be referred to the same committee or committees) by the President; or the Senate or the Speaker of the House of Representatives, as the case may be.

(d) **OTHER PROCEEDINGS.**—Except as otherwise provided in this section the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

Mr. TBONGAS. Mr. President, I will simply present a few remarks.

Mr. President, the amendment in the nature of a substitute to the committee substitute to H.R. 39 represents a compromise worked out during many hours of debate and discussions on these issues not only between the principals but also, and in some ways more importantly, between the staffs of the principals.

The situation that we were in on July 22 was not unlike a high stakes, "winner take all" poker game. It was my concern and that of others that that situation

would have led to the defeat of which I do not think would have equitable resolution either for or for those non-Alaskans who earned with conservation.

On that day we embarked on a course of action aimed at trying to provide a balanced way the legitimate numerous interest groups, and I think we have done the best we could to do to all concerned.

While no one interest has achieved that it wanted in the substitute, it is that each side is receiving most important objectives it wished to see. That could only occur because in cases the top priorities of each group do not directly conflict with each other. Here are a few examples in terms of the State of Alaska:

Much of what it wanted in their interest lands is conveyed to it.

In terms of sport hunting, 81.4 per cent of Alaska is open to sport hunting.

The mining community is assured the mining companies in the Arribes at Quartz Hill, and Greens Creek proceed.

The oil industry is allowed to continue seismic surveys on the Arctic wilderness coastal plain.

Ninety-five percent of the land has high or favorable potential is for oil and gas exploration. The other percent will have seismic surveys taken on it.

The timber industry is assured a timber supply adequate to protect it in southeastern Alaska.

The Native communities' subsistence rights are protected, and certain lands are conveyed pursuant to the Alaska Native Claims Settlement Act.

The environmental community is assured that, for the most part, the "jewels" of Alaskan natural beauty will be protected.

I would like to insert, if I might, appreciation for the hard work and credible dedication of the Alaskan Coalition. There are a lot of people who have dedicated themselves for a number of years, at not only below the minimum wage, but at below subsistence wages, to protect the natural beauty of Alaska. I hope that when this bill is finally solved, they will take some comfort and satisfaction in a job well done.

Depending on one's perspective, one can praise or damn the positions reached on the various titles of this compromise. From my vantage point as one of the sponsors of five strengthening amendments to H.R. 39, as reported from the Energy Committee, the compromise is a weakening of our amendments as well as a weakening of the original Thompson-Roth substitute, but a substantial improvement over the reported bill. In fact, if you look at H.R. 39 and S. 9 together, the substitute pretty much is in the middle between those two bills. I did not intend it to work out that way, but, in fact, that is what happened.

Not only did we attempt to strike a balance between the reported bill and amendments but also, in many respects, between the reported bill and that which was given to us by the House.

I would like to point out that our effort of improving the reported bill was enhanced by the success of the chair-

August 18, 1980

leaves approximately 2.7 million acres under BLM management with designation and incorporates the remainder of the national conservation system into refuges or preserves.

FORESTS

The committee bill would create a new national forest in the interior of Alaska. Other versions do not include such designation. The compromise substitute creates the Porcupine Forest.

WILD AND SCENIC RIVERS

The House bill and the Tongass-Roth substitute provide for a 2-mile corridor along wild and scenic rivers in Alaska and a 1-mile corridor withdrawal for these rivers designated for wild and scenic rivers. The compromise provides for the withdrawal during the study but the corridor for those rivers designated as wild and scenic to one-half mile. There has been added to insure that lands are not included within the corridor and that the corridor does not fully block access to private lands along the river. The compromise substitute also designates the Novitna River as a wild and scenic river and adds the Koyuk as study rivers. In addition, the rivers included in the House bill.

SOUTHEASTERN

Provisions deal with essentially the areas in southeast Alaska. The House bill designated some 4.25 million acres of wilderness and an additional 75 million acres of special management areas. The House bill and the Tongass-Roth substitute would designate approximately 6 million acres as wilderness.

The compromise substitute designates approximately 8.3 million acres of wilderness and deletes the special management areas entirely. Section 705(a) of the committee substitute has been modified to insure the availability of at least one acre annually for timber management programs in the Tongass forests. Lands will be available for the regulation of sale and road layout and construction and will also provide money for improvement, the timber road program and related capital investment funds and the increased base on the forest will insure adequate timber supplies will be to the dependent timber industry in southeast Alaska.

This amendment, 14 outstanding areas are established representative spectrum of ecological diversity in southeast Alaska. In addition to 10 million acres of wilderness designated in the committee reported bill, an additional 1.1 million acres has been added. These additions provide protection for all of Admiralty Misty Fjords. Both of these also designated as national refuges to be administered by the Department of Agriculture.

WILDERNESS

The compromise substitute retains the wilderness contained in the committee reported bill. While some of the areas have been incorpo-

rated, the Senate Energy Committee language is virtually intact.

IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATISTICAL ACT

The so-called State conveyance title in the substitute is almost identical to the committee bill. A provision dealing with the submerged lands issue as it relates to native land selections is included as is a provision clarifying the fact that the State cannot make selections of Native "fall-out" lands within conservation system units. Both these changes bring the substitute more in line with the House-passed bill.

WORTH SLOPE STUDY AND OIL AND GAS EXPLORATION PROGRAM

The substitute retains the Senate Energy Committee's language relative to an oil and gas exploration program on the Arctic Coastal Plain in the existing Arctic Wildlife Range. Several changes in the committee's provisions were incorporated regarding the wildlife portion of the Arctic Slope study. The timing of the seismic exploration program and the Secretary's report to the Congress regarding further oil and gas exploration on the plain were also modified slightly. Finally, the substitute proposes to designate some 400,000 acres on the extreme eastern portion of the coastal plain as wilderness.

Taken together, this approach provides adequate protection for the affected wildlife in the area—including the Porcupine caribou herd—while insuring that an assessment of the area's oil and gas potential is undertaken.

TRANSPORTATION

The compromise substitute retains the committee's approach to the development of transportation systems across conservation system units. The role of the Secretary of Transportation is modified to make it clear that he shares decisionmaking responsibility with the affected land manager.

FEDERAL-STATE COOPERATION

In terms of the establishment of an Alaska Land Use Council and the Bristol Bay Cooperative study, the compromise substitute includes the committee reported bill language almost without change.

MANAGEMENT PROVISIONS

Each of the various Alaska lands proposals include a number of special management provisions. In my view, the substitute incorporates the most desirable features of each of the proposals and strikes a reasonable balance among the several versions. For example, the substitute includes language taken from the House-passed bill regarding the preparation of conservation and management plans for refuges and parks. The substitute adopts language taken from Senator Tongass' parks amendment making it clear that core drilling for mineral data is not permitted in national park preserves.

On the other hand, the committee's access provisions with regard to a possible transportation corridor across the so-called boot portion of the Gates of the Arctic are retained as is the committee language regarding the permissibil-

In total, I believe the special management provision package included in the substitute represents an equitable solution.

AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Native conveyance title of the substitute, title 14, is little changed from the committee reported version.

NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROGRAM

The provisions in the committee reported bill regarding the procedures whereby the President can notify the Congress of a national need with regard to mineral extraction, production, and development and trigger an expedited congressional procedure to open certain classes of conservation system units to mineral activities are retained.

Mr. President, for almost 10 years now, Congress has been involved with the Alaska lands issue, trying to find a reasonable balance between preservation and development. Too often the rhetoric on both sides has urged this body to adopt an "all or nothing" strategy. It is time for both sides to step back and reflect on how far we have come together in resolving this issue. It is time for all parties to look at the positive aspects of the work we do today rather than dwell on the negative aspects. It is time for all of us to realize how close we are to resolving this incredibly complex and emotional issue.

Mr. President, I submit that it is time to put the Alaska lands debate behind us. I urge my colleagues to adopt this compromise in the positive spirit in which it is offered.

Mr. President, I ask unanimous consent to have printed in the Record at this point an acreage summary of amendment 1981 as modified.

There being no objection, the acreage summary was ordered to be printed in the Record, as follows:

ACREAGE SUMMARY—AMENDMENT 1981 (AS MODIFIED)

	Committee	House	Substitution
Refuge	42.6	80	84
Park	22.2	27	24.6
Preserve	18	17	19
W.S.A.	2.6	0	0
BLM national conservation			
Great NEA	2.1	0	2.7
National forest additions	0.43	2.74	3.0
Wild and scenic rivers	1.2	1.5	1.3
Total	102.1	128.2	134.1
Wilderness	28.3	67.5	66
National forest wilderness (NF)	4.2	6.0	6.3
National forest special management	1.75	0	0

* Includes wilderness in Southeast.

Mr. HATFIELD, Mr. President, the chairman of the Energy Committee and my colleague from Massachusetts have discussed the major provisions of this complex substitute which is before us today. I am privileged and proud to be associated myself with their remarks. I, too, am convinced that this proposal is a good bill and it is in the public interest. It represents a landmark effort in preservation. It represents additional environmental protection and safeguards

The substitute

Leaders will be meeting to develop
pose to the Senate position. Should
Alaska lands issue come to the Sen-
ator yet another time this year, I
ask and vote for cloture against any
ster brought by any Senator.

ope that an acceptable, truly pro-
p can be enacted in the 98th
m. I will continue to work to
ng this goal. So often Congress
to protect an area after develop-
has already started to take place—
a crisis has arisen. With Alaska,
is a chance to do it right the first
am proud of the role I am taking
is good, strong conservationist bill
balances America's current re-
served with its future needs.
land material.

as who have joined together
Issue will be proud in the future
ding up to the intense pressures
the Tsongas-Roth approach and
dferly supporting the pending
a. Future generations will know
generation met its responsibility
ving the Gates of the Arctic and
y other areas of Alaska re-
or their beauty.

EYENS and Mr. TSONGAS ad-
be Chair.

PRESIDING OFFICER. The Sen-
Massachusetts.

ONGAS. Mr. President, I wish
at although I and Senator
s received perhaps the pub-
s issue, in fact, as anyone who
id in those sessions knows, the
of the environmentalist posi-
t of the Senator from Cali-
hough he will neither be
maligned as I have been. In
is the one who held my feet
and that should be recognized.

NSTON. I thank my colleague
It has been a very great privi-
e with him on this issue.

H. Mr. President, will the
47.

OGAS. Mr. President, I yield
or from Delaware.

L. Mr. President, I am pleased
cipal Republican cosponsor
a lands substitute. As a co-
-the original substitute.
No. 626, I am glad we have
s reach this compromise,
eveloped through the de-
and good faith of all Mem-

nt, I pay my special respect
Senator from Massachu-
eadership he has provided
fruit task.

wise is a delicate balance
legitimate development
res of the great State of
the national wilderness
s belong to all Americans,
s fowl, and the fjords are
nd this bill will protect
ture generations.

te bill has been carefully
ly after long and hard
otiating by all the staff
nvolved. In trying to sat-
the major concerns as
les involved made signif-
s. The greatly discussed
Wildlife Refuge has been

carved back so that the boundary is not
in conflict with seismic oil and gas ex-
ploration. This was done to insure that
the United States can continue in every
way to free itself from the bondage of
foreign oil imports. This is of utmost
concern to every American and is neces-
sary, but it was also done at a high cost—
the cost of relinquishing our last un-
touched Arctic coast from its proposed
wilderness designation.

Wording has been changed so that an-
ticipated transportation and corridor ac-
cess possibilities will not be hampered
or restricted and Alaskans will have the
mobility they desire for the growth and
development of their State resources.

Land classifications in the Gates of
the Arctic have been changed so that
there is one uniform designation cre-
ating a solid park, but providing for
needed access and desired hunting.

In the Southeast especially, hard
fought for areas were conceded. An aver-
age timber cutting level of 480 million
board feet for the Tongass National
Forest was agreed on, following the pro-
fessional guidelines determined by Ton-
gass land management plan. We have
assured that timber jobs will not be lost
in southeast Alaska. Boundaries have
been changed to allow that significant
mining interests at Greens Creek, and
the Borax claim at Quartz Hill are not
detrimentally restricted. Of extreme sig-
nificance is the wilderness and National
monument designations that are main-
tained in the Misty Fjords and enlarged
to contain East Behm.

On Admiralty Island we have kept
900,000 acres of wilderness and main-
tained national monument status, al-
though exclusions for minerals and na-
tive needs were developed. Wilderness
has been proposed for the Coronation,
Mauritella and Warren Islands, South
Baranof, Tebenekof Bay and other areas
for a total of over 4 million acres of wil-
derness. Mr. President, I think this com-
promise is reasonably well balanced, I
think it is responsive to areas of concern
and I think this bill is fair. I urge my
colleagues to join me in support of this
Alaska Lands bill.

The PRESIDING OFFICER. The
Senator from Alaska.

Mr. STEVENS. Mr. President, does any
other Senator seek time on this bill at
this time?

Mr. TSONGAS. Mr. President, if the
Senator will yield, I indicated that I will
yield to Senator GRAY.

Mr. President, as far as I am con-
cerned, after the senior Senator from
Alaska speaks, I will yield time to the
junior Senator. I understand Senator
MATHIAS wishes time.

Mr. STEVENS. Mr. President, I yield
to the Senator from Maryland such time
as he may require.

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Maryland
is recognized.

Mr. MATHIAS. Mr. President, I thank
the distinguished Senator from Alaska
for yielding me time to comment briefly
on the development of the substitute
which has been the result of an enor-
mous amount of effort and work on the
part of Members of the Senate, on the

part of the staff, and not less on the part
of the interested public.

Mr. President, the substitute bill be-
fore the Senate on Alaska national in-
terest lands is a compromise which I be-
lieve all parties can support. It has in-
volved serious give and take by the Sen-
ate Energy and Natural Resources Com-
mittee members as well as proponents
of the Tsongas-Roth substitute.

Neither side is delighted with the out-
come, which leads me to believe that,
indeed, a compromise has been struck.
The important issue now before us is to
come to a decision on Alaska lands. We
have been debating this issue since 1978
and failed to meet our own legislatively
imposed deadline for making this deci-
sion at the end of 1978.

In terms of the parks and preserves
designations contained in the substitute
before us, I am satisfied that the most
serious land-use conflicts have been re-
moved, namely, the committee's willing-
ness to drop "national recreation areas"
from the lexicon of Alaska lands. Those
areas proposed by the committee as "na-
tional recreation areas" have been re-
designated under the substitute as "na-
tional preserves," or "national parks."
The effect of this change to "preserve"
designation is to continue to permit sport
hunting while foreclosing future new
mineral entry in our national parks and
preserves in Alaska.

The heart of the Gates of the Arctic
has been designated as a national park,
one of my principal goals as the sponsor
of the parks and preserves amendment
to the committee bill. And, although a
mandated transportation corridor re-
mains across the so-called "boot" of the
Gates, I continue to believe this was an
illogical designation in light of the trans-
portation title included in the bill. It is
my belief that the transportation corri-
dor will ultimately fall to come into be-
ing, once further economic feasibility and
regional transportation planning have
been conducted.

In the Wrangells-St. Elias National
Park, a reasonable compromise has been
struck between park and preserve desig-
nations, enabling park visitors traveling
by auto to view the area's famed Dall
sheep, bear, moose, and mountain goat
from the road. At the same time, sport
hunters' interests are protected by the
dropping of a "national recreation area"
designation from part of the Wrangells,
which would have introduced new mining
activities incompatible with the area's
native wildlife, particularly the Dall
sheep.

The Federal lands of the lower Norton
River basin have been designated "pre-
serve" in order to protect this interna-
tionally recognized ecosystem.

The other major improvement in the
substitute concerns the protection of
Katmai's brown bear population in a
critical denning and feeding area adja-
cent to the State's McNeil River bear
sanctuary.

So, based on these changes, I am will-
ing to support the substitute now before
the Senate and I urge my colleagues to
join me in making a decision about Fed-
eral intentions in Alaska. It has been said
that compromise is the essence of the

report detailed a number of activities which are incidental to mining or milling purposes. These include, but are not limited to, pumping works, miners' accommodations, mine offices, or shops, ore storage, or waste, and tailings disposal. Additionally, the provisions of section 1110, assuring access to inholdings, will insure that adequate and feasible access for economic and other purposes, is provided to the mineral operation at Orens Creek.

Mr. STEVENS. One of my major concerns involves what happens if we find out that we have created so much wilderness that we cannot maintain the existing job level in the timber industry. Obviously, we do not want to create a situation where jobs are lost while we are trying to get relief from Congress.

Mr. TSONGAS. I fully agree with that. However, the Forest Service already has authority under the National Forest Management Act to depart from sustained yield as measured by nondeclining even flow in certain circumstances. As you know, such a departure allows additional timber to be sold above that which the timber base would otherwise support under nondeclining flow. We contemplate that the Forest Service could use this existing authority to depart from nondeclining even flow while Congress is considering what action to take to prevent a job loss.

Mr. JACKSON. The Senator from Massachusetts is correct. Under the National Forest Management Act, authority already exists to depart from nondeclining even flow, if necessary. Certainly, the departure provision is a tool the Forest Service could use in the Tongass National Forest to prevent job loss. The entire underpinning of our approach is to designate wilderness without job loss. We have designated wilderness. Now we have to carefully monitor the timber supply situation in the Tongass in order to protect jobs.

Mr. STEVENS. One of the major changes between the committee bill and the substitute is with respect to special management areas. As you recall, we had set up a mechanism in section 708(d) whereby the Secretary of Agriculture would make a request for a waiver from the timber sale prohibition in section 708(b) if dependent industry was not receiving a timber supply of 520 Mmbf from all sources. The substitute deletes the mechanism and changes the 520 Mmbf from any source to 4.5 billion board feet per decade from the Tongass National Forest. The key words here are "timber supply." It is my understanding that in order to provide a timber supply of 4.5 billion board feet per decade on the average will have to be offered for sale.

It is my understanding that for the years 1972-79, there was a 17 percent falldown between the programmed harvest and the amount of timber actually harvested. There is no magic in the 17 percent figure. It is simply illustrative of the fact there is a difference between that which is offered for sale and that which industry actually purchases and harvests. There are many reasons for

this: For example, a deficit sale or a sale which is subject to court challenge.

Mr. JACKSON. When we talk about the necessity to maintain a timber supply for the dependent industry at a rate of 4.5 billion board feet per decade we contemplate that there would be sufficient timber offered for sale so that dependent industry can harvest at that rate. If that does not occur, then the matter will be referred to us by the Forest Service which may also make a departure from nondeclining even flow under existing law if needed to protect jobs.

Mr. STEVENS. The Tongass substitute has released some lands which under the Tongass land management plan are carried in LUD I. This is a designation by which the Forest Service recommends to Congress that certain lands be put into wilderness. Karta and the south end of Etolin Island are examples of this. In other cases, such roadless areas under TLMP as Idaho Inlet, Rocky Pass, Duncan Canal, and Yakutat Forelands have been released to multiple use by the substitute. In determining the timber base for the purpose of making the geographic changes from the Energy Committee bill, it was assumed that the timber in all of these areas was available for harvest at a LUD III level. Can you please advise me how this change in the Tongass land management plan is to be made?

Mr. JACKSON. It is my understanding that the Forest Service will modify the existing Tongass land management to carry out the intent of the substitute and make these lands available for multiple use management.

Mr. TSONGAS. While we have made some of the areas which were special management areas in the committee bill part of the timber supply base, if the assumption of TLMP are correct and money is provided for precommercial thinning, et cetera, the Forest Service should be able to avoid harvesting timber on the former SMA's.

Mr. STEVENS. I thank the Senators from Massachusetts and Washington. It is my understanding that these areas will be redesignated as LUD III.

On July 8, 1977, the successor current sponsor of the Alaska Natural Gas Transportation System filed its application with the Department of the Interior for a right-of-way across Federal lands in Alaska. The Presidential decision regarding that System, which established the general route of the pipeline, was transmitted to the Congress in September 1977. On November 9, 1977, Congress expressed its overwhelming support by approving the Presidential decision through a joint resolution, Public Law 95-185, thereby creating certain rights in the project sponsor.

Congress has, since 1977, reiterated its continuing support for the President's decision and the system, and on June 27, 1980, resolved by concurrent resolution:

That it is the sense of the Congress that the System remains an essential part of securing this Nation's energy future and, as such, enjoys the highest level of Congressional support for its expeditious construction and completion.

The route of the approval commences at Prudhoe Bay on the Alyeska oil pipeline south to the Brooks Range through Al to Delta Junction. At Delta Junction the System diverges from the oil pipeline follows the Alaska Highway Fairbanks oil products pipeline to the Alaska/Canada border.

The question is whether the bill is intended to affect the authorized and approved. The standing is that Congress is not intending to affect the rights of the System arising out of Congressionally approved Presidential action of 1977 and that we are not intending to adversely affect the construction and initial operation of the System.

Accordingly, I interpret the previous administrative action as affecting the authority of the Secretary of the Interior with respect to the following enactment of this bill. The Secretary would have, with respect to lands remaining under his administrative jurisdiction, the same as that he had on the date of enactment of Public Law 95-185, to issue an order-of-way, permit, lease, or other action which is necessary or related to construction and initial operation of the System. Let me emphasize that I am referring to lands that may, by actions of this bill, be transferred to Federal ownership.

Is this a correct interpretation? Is the effect that this bill would have on the Alaska Natural Gas Transportation System?

Mr. JACKSON. That is correct.

Mr. STEVENS. The substitute has two specific provisions regarding commercial fishing in parks and reserves. These sections provide that the Secretary may take no action to restrict reasonably the exercise of commercial fishing rights on park and reserve lands except to the extent that the Secretary finds, after public hearings, that such restrictions constitute significant expansion of the use of park land beyond that referred to in the statutory language. The Secretary's authority here is derived from authority and nothing in this section, indeed in the bill, should be construed as authorizing the Secretary to issue Federal permits or licenses in State fishing permits or licenses on park lands or adjacent waters in Alaska.

Mr. JACKSON. The Senator is correct on this matter.

Mr. STEVENS. I would like to raise a point regarding valid existing units are subject to valid existing and use of such rights subject to reasonable regulation, shall be permitted. It is my understanding that valid existing rights do include any valid rights of way or rights of way which were created in the future.

Mr. JACKSON. The Senator is correct. The designation of units in the bill are subject to valid existing and the use thereof, subject to reasonable regulation.

Mr. STEVENS. I would like to raise one question regarding the effect

...gentleman from Arizona
...to work in the next Con-
...try to improve this bill. I am
...on both sides of the aisle and
...there are things that peo-
...differing points of view will
...need to be improved and clari-
...
...I suppose that I have
...time on this particular piece
...more than any other person per-
...the exception of the gentle-
...Alaska (Mr. Young) who rep-
...the area in question. I know the
...rather quite well and have gone
...great detail.
...only say this does represent a
...achievement even though it
...everything we wanted. It will
...case of the national park sys-
...United States, it will add treas-
...new acreage in wilderness, treas-
...new additions to the National
...Refuge System, provide protec-
...the most critical areas in south-
...and in general accomplish
...the aims of the Natives and the
...idents of Alaska in terms of
...the transfer of land to the
...Natives and in protecting the
...subsistence uses to their wild-

□ 1750

...to commend the gentleman
...who has stood strong and
...for strong environmental leg-
...Alaska as well as elsewhere.
...to commend the gentleman
...Alaska (Mr. Young) for being will-
...the disagreements and issues
...this bill, to try to work with
...extent that we could work out
...common consensus.
...that this bill, to the extent that
...in this form, does represent a
...even though it does not
...way toward the objectives that
...different points of view
...appreciate very much having
...opportunity to work on the bill
...to speak on it at this time.

...YOUNG of Alaska. Mr. Speaker,
...time as he may consume to
...man from California (Mr.

...AUSEN asked and was given
...to revise and extend his re-

...AUSEN. Mr. Speaker, I rise to
...myself with the remarks of our
...chairman, the gentleman
...Alaska (Mr. Udall), in suggesting
...House move on this legislation
...it down to the President so
...a signature this year. I
...have been dealing with this now
...years.

...It is important that we have a
...progress in this Congress and,
...this bill represents such

...measure clearly represent the
...14 years of arduous work. Our
...Committee has been through
...the markup and twice we have
...the House floor in the past of
...struggle. These struggles have
...all of us and defined the key
...I believe it is instructive at this

measure has been criticized by both sides
in this controversy. This demonstrates
the compromise nature of the bill, which
despite any deficiencies it may contain,
merits support and passage by this body.

I also recognize that there are deficiencies
in this bill but there is no significant
disagreement regarding 80 percent of its
provisions. Acceptance of this bill will
enable us to put into law the agreements
and permit us to focus on the areas of
disagreement in future Congresses. A no
bill course of action will force us to re-
consider the entire bill. Such reconsid-
eration is clearly counterproductive and
time consuming—it will force us to re-
cross old ground and rehash previously
resolved disputes. We will be much better
advised to invest our time and efforts in
dealing with those areas where signifi-
cant disagreements still exist.

Last, enactment of this measure will
end the uncertainty regarding land
status which has plagued Alaska for the
last 8 years. While land status remains
up in the air and unilateral executive
withdrawals remain in place, the State
will be unable to obtain its Statehood Act
lands, the future of the timber industry
and its employees remains in question
and mineral companies will be unable to
make crucial investment decisions re-
garding development of major mineral
discoveries. Despite the shortcomings in
this bill noted by both sides, the simple
end of uncertainty will eliminate many
problems and permit the State and key
industries to make firm and realistic
plans for the future. The end of uncer-
tainty and inaction is sure to result in
important economic benefits for the peo-
ple of Alaska.

Mr. YOUNG of Alaska. Mr. Speaker,
I yield 1 minute to the gentleman
from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I rise in
support of this compromise. It is states-
manlike, I imagine. It is disappointing.
It is prudent. It has many virtues. And
it lacks many others. But I think it is
wise at this moment to support it, and
we have to accept that which is possible
even if it is not perfect. I congratulate
the chairman. I was a cosponsor of the
Udall-Evans bill. I regret that that is
now before us, but we must accept what
we have.

Thank you.

Mr. YOUNG of Alaska. Mr. Speaker, I
yield 2 minutes to the gentleman from
Idaho (Mr. SYMMS).

(Mr. SYMMS asked and was given
permission to revise and extend his
remarks.)

Mr. SYMMS. Mr. Speaker, I am go-
ing to vote against this bill, I know that
there has been a great deal of hard work
done on this bill in this Congress but I
think we all should recognize that there
was an election taken in Alaska in the
early part of September in which over
50 percent of the people in Alaska, our
49th State voted to reconsider state-
hood. That in itself tells me that the
people of Alaska are not happy with the
land-use policies that are coming out of
Washington, D.C., and that we are not
being sensitive to the needs of Alaska.

I think, furthermore, we need to
recognize that our national minerals

policy is totally inadequate and reaching
a critical point. We are locking up mil-
lions of acres of land in Alaska which
hold minerals vital to this country. Over
70 percent of the most favorable oil and
gas lands in Alaska are now off limits
for exploration.

I think that the wisest course of action
would be to vote this legislation down,
look forward to a new administration
which will be taking office in January of
next year and a new Congress. We will
try to readdress this problem at that
time and pass legislation which will be
more reasonable and which would give
not only the people of Alaska a better
say so in the future of their State, but
also would give this country a respon-
sible, multiple-use concept for those
lands.

For that reason, I would urge all
Members of this Congress to vote against
it. This bill is going to need some severe
and serious amendments in coming Con-
gresses. I think "no" votes registered to-
day will also help those in the future who
are trying to connect the tragic waste of
resources that will take place with the
passage of this bill under the leadership
of Secretary Andrus and President
Carter.

I would ask for a "no" vote on the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I
yield 1 minute to the gentleman from
New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, I raise
no objections to the adoption of the
amendment to H.R. 39. We have given
a great deal of attention to this very
important legislation during the last 4
years and I think the time has come to
move on to the consideration of other
important matters of national interest.

I do not pretend that we have taken
care of all the problems which have been
addressed over the years by adopting this
version of the Alaska National Interest
Lands Conservation Act. However, I hope
that the specific question issue which
are left outstanding can be resolved
through the normal amendment process.

The Committee on Merchant Marine
and Fisheries has jurisdiction over fish-
eries, wildlife, and the National Wildlife
Refuge System throughout the United
States and over those sections of this bill
that relate to these areas. As a member
of the Merchant Marine and Fisheries
Committee, I want to assure my col-
leagues that I will certainly do my ut-
most to see that the fish and wildlife
resources in Alaska are preserved in the
national interest and that any problems
which arise as a result of this extensive
legislation are addressed by our com-
mittee.

Mr. Speaker, I support the passage of
H.R. 39 as amended by the other body
and encourage my colleagues to do the
same.

Mr. YOUNG of Alaska. Mr. Speaker, I
yield 5 minutes to the gentleman from
Delaware (Mr. EVANS).

(Mr. EVANS of Delaware asked and
was given permission to revise and ex-
tend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker,
I thank the gentleman from Alaska who
has always been eminently fair to those

It is likely that an EIS would be... While the Senate bill reduces... in wildlife refuges, lands not designated as wilderness now... for later consideration by...

In addition, the acreage listed for the... Wilderness contains a typograph... The acreage should be one million... (not one million... as explained... of the Congressional Record... Such acreage also... the area to the map. Also, while the... adopted the House wilderness... within Nunivak National Wildlife... the description of the Nunivak Will... is in error. While some 500,000 acres... wilderness area is located on the... portion of the island, as described... Senate (also on page 81112 of the Con... Record of August 19, 1980) the... includes submerged lands (about... wide) around the entire island—except... submerged lands in the immediate... of the village of Mekoryuk land... and rocks, islets, and reefs in ad... water.

Section 704 designates a wilderness study... of federal lands in western... William Sound from Columbia Bay... the Passaic Canal area) and Glacier... Perry, Erther, Culross, Knight, Baln... Harrington and other smaller islands... establishment of this wilderness study... Congress intends that the Forest Ser... special consideration to the out... wilderness values of western Prince... Sound. Review of this area during... of the current Forest Plan un... National Forest Management Act... be adequate to fulfill the intent... section. Congress intends that a sep... be made of the wilderness po... of this area. Neither the National... Timber Utilization Program nor the... Release shall apply to the Chugach

Moreover, most of the Chugach Na... Forest outside the wilderness study... all remain in the "further planning"... 7: Designation of western Prince Will... Sound as a wilderness study area is not... to reflect on the wilderness po... of these other "further planning"... All of these areas deserve to be con... for wilderness designation during de... of the forest plan. By specifically... ting western Prince William Sound for... year wilderness study, the Congress... acknowledged the outstanding wilder... of this particular area with... ending to slight any other areas in

Tongass National Forest
Section 705 of the Senate bill contains im... provisions regarding the annual... from the Secretary of the Treasury... Secretary of Agriculture of substan... to be drawn from the federal re... from oil, gas, coal, timber, and other... resources. Our acceptance of this... of the Senate bill is premised on sev... particular understandings:

It is our understanding that the... be transferred under this section will... against the total natural-resource... which are deposited in the Treasury... to miscellaneous receipts. In... this section of the bill is not in... to require the Secretary of the Treas... charge the amounts to be transferred... the various funds (such as the land... or conservation fund) which are

Second, it is clear that any and all sums... transferred to the Secretary of Agriculture... under section 705 are to be employed by the... recipient Secretary for the purpose of imple... menting the provisions of the Tongass Land... Management Plan in the Tongass National... Forest. Neither section 705 nor any other... section of the Senate bill requires or authorizes... any revisions in the Tongass Land Manage... ment Plan, which will continue in effect... unless and until it is revised at the end of the... initial planning period, in accordance with... the National Forest Management Act and... other applicable law.

Third, it should be noted that section 1321... of the bill specifically limits the ability of the... Secretary of Agriculture (and that of any... other officer of the government) to "enter... into contracts or to make payments or to... expend previously appropriated funds under... this Act" by confining such authority to "the... extent or in such amounts as are provided in... advance in appropriation Acts." This limi... tation of course applies to any of the speci... fied activities which would be carried out in... order to implement section 705.

The guaranteed funding provided by Section... 705 is to implement the timber manage... ment program of the Tongass Land Manage... ment Plan, as it was adopted in April 1979... in order to provide the 480 MMBF annual... average mentioned in subsection (a). This... section is an affirmation of the current... Tongass Land Management Plan, and provide... direction to the Secretary of the Treasury... In keeping with existing National Forest... Management Act provisions, this is not a man... date to produce a specific cut level regardless... of the findings of future land use plans, de... mand for National Forest timber, or the cost... to the taxpayer.

The U.S. Forest Service economists predict... that at the accelerated harvest levels planned... by the Southeast Alaska Native corporations... demand for national forest timber may fall... to 400 mmbf annually by the end of the next... decade, entirely as a result of the dynamics... of the marketplace and regardless of land... use designations. No more national forest... timber should be supplied than can be sold... at fair market value and the goal of the... Forest Service should be to maintain employ... ment, not to maintain an arbitrary cut level... through changes in export restrictions or... other methods. No more timber should be... offered for sale than the Forest Service can... reasonably expect to sell.

As we have learned through our study of... this legislation, the situation in the Tongass... and other national forests is too complex for... broad, simplistic edicts from the Congress... As the drafters of the National Forest... Management Act concluded in 1978, it is essential... to leave flexibility in the system and to... provide for future contingencies through... rational planning. We have reviewed the... current Tongass Land Management Plan... (TLMP) and find it satisfactory. Nothing in... the bill amends the National Forest... Management Act or TLMP. It is also our intent... that TLMP stay unchanged through the first... planning period as mandated by existing law... to allow time for the market and demand... situation to become clear before forcing the... Forest Service to readdress this enormous... management planning task.

It is obvious that there is no danger to... timber industry employment with the... provisions of this section and the advent of large... scale logging on private lands, lands that... were once part of the Tongass. Note that: with... a cut of 400-480 MMBF from the reduced... Tongass land base and 250 MMBF from the... newly acquired Native lands, the total cut... from Southeast Alaska forest lands will be... 650-700 MMBF annually, far more than has... ever been cut before.

spurring industrial growth through convey... ance of Federal lands to private corporations... the cost of providing timber from the re... maining federal lands is increasing. With... conveyance of fully one third of the best re... maining timber stands to Native corpora... tions, and advent of a more enlightened view... of multiple-use as stipulated in the NFMA... the real costs of producing a thousand board... feet of timber from the Tongass has in... creased markedly since 1978. The Tongass... has always been an expensive place to produce... federal timber due to its extreme remoteness... from markets, the lack of existing roads, and... more recently, lack of competition to spur... prices paid for federal timber.

The wise and desperately needed prescrip... tions for true multiple-use outlined in... TLUMP and the reduction in the timber base... from Native selections have forced partial... dependence on timber that is presently cla... ssified as "economically marginal," meaning... that the costs of production, including al... lowance for profit for the timber operators... exceed the value of the product. In order for... this timber to be utilized, roads to access it... must be built, timber stand improvement... techniques must be maximized, and financial... assistance provided to spur purchase of ad... vanced logging equipment. All of these... programs are recommended in TLUMP. We are... not condoning unwarranted or excessive su... bsidization of the two major local timber... companies, but we cannot escape the fact... that additional investments are needed to... implement TLUMP recommendations. It is... our intent to maximize protection to envi... ronmentally sensitive areas, particularly... those with high fish and wildlife values.

The Congress fully intends that the Secre... tary carry out his mandate under Section 6k... of the National Forest Management Act to... identify lands that are not currently suit... able as timber producing areas for economic... reasons. Subsection (d) of Section 705 is... designed to prevent impounding funds which... would be used to implement TLUMP. Our... intent is to encourage retention of old... growth forests for multiple use considera... tions rather than reduce old-growth reten... tion in order to lower costs. The funding... provided by Section 705 is to enable the... Forest Service to adhere to the land use... allocations of the plan and in the process... to protect the non-economic values embod... ied in the plan.

Section 706, the "RARE II Release" section... rules on the legal sufficiency of the... Tongass Land Management Plan's considera... tion of wilderness allocations for the... Tongass. The Forest Service has indeed done... a fine job on the plan as adopted in April... 1979, and the bill's designations fall... completely within the plans recommendations... Therefore, the plan need not and should not... be revised during the initial planning period... ending in 1995. A minor amendment to re... allocate Boundary Spires from Land Use... Designation I and LUD II would be approp... riate, however, as would other minor... amendments.

It is clear that the 480 mmbf sale level... recommended in TLUMP can be reached without... changing any of the land allocations worked... out so meticulously after years of study... through the IDT process.

Section 906 of the Senate bill contains... a number of provisions regarding the land... selection interests of the State of Alaska... Subsection (e), for example, allows the... State (subject to valid existing rights and... Native selection rights) to file "future... selection applications and amendments thereto"... for certain areas which would not otherwise... be eligible for such filings. In accepting... this provision of the Senate bill, it is our... understanding that it is not intended to... grant the State any new rights (under the... Statehood



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James O. Smith
Signature of Camera Operator

11/24/89
Date

HB

7

See also Senate Resources Committee
file on SB70

Henry 12/3/86

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May, 1986

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Jeanie Henry

SENATE RESOURCES COMMITTEE, 2/25/85, 1:35

Offered: 2/26/85
Referred: Finance

FINAL
OVER

Original sponsors: Herrmann, Binkley,
Wallis and Taylor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 7 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the Department of Fish and
8 Game; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 16.05.815(a) is amended to read:

11 (a) Except as provided in (b) of this section, records required
12 by regulations of the department concerning the landings of fish,
13 shellfish or fishery products, and annual statistical reports of
14 buyers and processors required by regulation of the department are
15 confidential and may not be released by the department except that the
16 department may release

17 (1) any of its records and reports to the National Marine
18 Fisheries Service as required for preparation and implementation of
19 the fishery management plans of the North Pacific Fishery Management
20 Council within the fishery conservation zone; however, information
21 released to the National Marine Fisheries Service under this paragraph
22 may not disclose the identity of individual fishermen or their ves-
23 sels;

24 (2) any of its records and reports to the Department of
25 Revenue and to the Commercial Fisheries Entry Commission to assist
26 them in carrying out their statutory responsibilities;

27 (3) records or reports of the total value purchased by each
28 buyer to a municipality that [WHICH] levies and collects a tax on
29 fish, shellfish, or fishery products if the municipality

1 (A) requires records of the landings of fish, shell-
2 fish, or fishery products to be submitted to it for purposes of
3 verification of taxes payable; and

4 (B) maintains the confidentiality of reports and
5 records that [WHICH] it receives under this paragraph;

6 (4) such records and reports as necessary to be in confor-
7 mity with a court order; [OR]

8 (5) on request, the report of a person to the person whose
9 fishing activity is the subject of the report; and

10 (6) fish tickets and fish ticket information to the divi-
11 sion of fish and wildlife protection, Department of Public Safety.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

14

Offered: 2/7/85
Referred: Resources

Original sponsor: Zharoff

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 70 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
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9 fishing activity is the subject of the report; and

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11 sion of fish and wildlife protection, Department of Public Safety.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

14

FEB 21 1995

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CS HB 7 (FIN)

Support

CS HB 7 - "An Act relating to the release of confidential records and reports of the division of fish and wildlife protection."

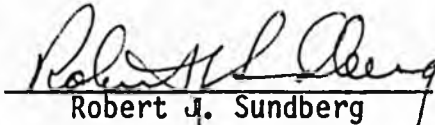
Under the present language in Alaska Statute 16.05.815(a), our Department's Division of Fish & Wildlife Protection is prohibited from viewing fish tickets without first having probable cause, and then obtaining a Court Order. Providing ready access by the Division of Fish & Wildlife Protection to fish tickets is vital to our agency's efforts to effectively enforce the State's limited entry laws.

Our Division of Fish & Wildlife Protection utilizes the information from the fish tickets as evidence to substantiate that a violation of the State's limited entry laws, or other commercial fishing laws or regulations, did in fact take place.

The type of information contained on fish tickets can provide our Fish & Wildlife Protection Troopers with probable cause to believe that a violation of the State's limited entry laws has occurred.

Having ready access to the fish tickets and fish ticket information is absolutely essential if the Division of Fish & Wildlife Protection is to enforce limited entry. Access to fish tickets would: (1) Allow us to determine who were permit holders; (2) allow us to determine who was purchasing fish from non-permit holders; and (3) increase the apprehension of illegal commercial fishermen substantially.

Our Department strongly believes that having ready access to fish tickets and fish ticket information, as provided for in CS HB 7 is critical to our agency's effective enforcement of Alaska's limited entry and commercial fishing laws.


Robert J. Sundberg

BRIEFING FOR THE SENATE RESOURCES COMMITTEE ON THE ALASKA STATE DEPARTMENT OF
NATURAL RESOURCES' SUSITNA AREA PLAN (2/25/85)

After three years of extensive public and agency involvement, the Susitna Area Plan is nearly complete and will be signed by the Commissioner in early March, 1985.

Principal Results of the Susitna Area Plan

Settlement: 700,000 acres of state and 38,000 acres of borough lands designated for settlement. Of this, a net of approximately 130,000 acres of state lands and 7,000 acres of borough lands to be offered to the public over the next 20 years. This represents a gradual decline in annual disposal levels compared to recent years.

Emphasis placed on offering relatively good quality, relatively accessible land while protecting public use areas such as river and lake frontage, trails, woodlots, etc.

State will follow road building requirements of borough subdivision ordinance and attempt to reduce fiscal costs to the borough by concentrating disposals in areas where services and facilities already exist or can be efficiently provided.

Agriculture: Moderate level of agricultural land sales (37,000 acres of state land and 1,300 acres of borough land).

Emphasis on protecting future options to use best agriculture land if past agricultural land sales prove successful.

State should continue to encourage success of existing agricultural activities through loans, marketing assistance, access improvements, etc.

Retained Lands: Forestry, Public Recreation, Habitat, Mining, etc. The majority of state lands in the area will continue to be managed for multiple use in public ownership. This was judged to be the best way to expand and diversify the area's economy (through forestry, tourism, mining, etc.), to provide recreation opportunities and protect environmental quality. The plan includes areawide and site specific guidelines to ensure compatibility between potentially conflicting uses.

Major designations include:

- 680,000 acres where forestry is a primary use (part in areas recommended for state forests)
- Stream corridors, trail corridors and portions of lakeshore property retained in disposal areas
- Primary designations for habitat and public recreation on nearly all public lands
- Special designations for areas of outstanding public value. First priority special designations include 5 recreation rivers (199,000 acres - Alexander Creek, Deshka River, Lake Creek, Talachulitna River, Talkeetna River), the Susitna State Forest (385,000 acres), Lower Susitna-Yentna (54,000 acres) and Nelchina Public Use Areas (1,000,000 acres), Jim-Swan Lakes Recreation Area

Mining: 90% of state land open to mineral entry, including all areas of known or likely commercial mineral values. 100% of area open to oil and gas leasing. Few restrictions placed on mining activities.

Transportation: A package of proposed road and trail improvements associated with the plan will be prepared by DNR, ADF&G and the Mat-Su Borough and used as a basis for annual capital improvement budget requests.

Original sponsors: Herrmann, Binkley,
Wallis and Taylor

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 7 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the Department of Fish and
8 Game; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 16.05.815(a) is amended to read:

11 (a) Except as provided in (b) of this section, records required
12 by regulations of the department concerning the landings of fish,
13 shellfish or fishery products, and annual statistical reports of
14 buyers and processors required by regulation of the department are
15 confidential and may not be released by the department except that the
16 department may release

17 (1) any of its records and reports to the National Marine
18 Fisheries Service as required for preparation and implementation of
19 the fishery management plans of the North Pacific Fishery Management
20 Council within the fishery conservation zone; however, information
21 released to the National Marine Fisheries Service under this paragraph
22 may not disclose the identity of individual fishermen or their ves-
23 sels;

24 (2) any of its records and reports to the Department of
25 Revenue and to the Commercial Fisheries Entry Commission to assist
26 them in carrying out their statutory responsibilities;

27 (3) records or reports of the total value purchased by each
28 buyer to a municipality that [WHICH] levies and collects a tax on
29 fish, shellfish, or fishery products if the municipality

1 (A) requires records of the landings of fish, shell-
2 fish, or fishery products to be submitted to it for purposes of
3 verification of taxes payable; and

4 (B) maintains the confidentiality of reports and
5 records that [WHICH] it receives under this paragraph;

6 (4) such records and reports as necessary to be in confor-
7 mity with a court order; [OR]

8 (5) on request, the report of a person to the person whose
9 fishing activity is the subject of the report; and

10 (6) fish tickets and fish ticket information to the divi-
11 sion of fish and wildlife protection, Department of Public Safety.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).