

SEACC'S SUPPLEMENTAL STATEMENT ON H.R. 1408
THE SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS
U.S. HOUSE OF REPRESENTATIVES' COMMITTEE ON NATURAL RESOURCES
JUNE 9, 2011

SEACC'S Responds to Chairman Don Young's Unfounded Charges

At the May 26, 2011 Hearing, Chairman Young leveled several outrageous charges at the Southeast Alaska Conservation Council (SEACC) that were way off the mark. The Chairman also asked SEACC to submit:

“the total number of appeals and lawsuits your organization has been party to since 1990 in the Tongass . . . I want to show you what you've done over these years, and how you've used the legal system, and how you've destroyed an economy, and how you're trying now to destroy the Native people.”

See Transcript for May 26, 2011 Hearing at 1:02.54 (the archived Hearing Webcast can be accessed at <http://naturalresources.house.gov/Calendar/EventSingle.aspx?EventID=241859>). We respectfully request that our Supplemental Statement and attached materials be entered into the official record of this Subcommittee hearing.

Since leading the push for passage of the Tongass Reform Law, SEACC has taken our responsibility for the successful implementation of reformed management for all multiple uses on the Tongass very seriously. We do not regret our use of the planning, appeal, and legal processes to achieve this objective – an objective shared by many in Southeast Alaska. In response to Chairman Young's request, we carefully reviewed our records and information from the Forest Service to determine, to the best of our ability, that since 1990:

- 157 timber sale projects have undergone public review on the Tongass;
- Of those, SEACC administratively appealed 31 decisions and did not object to the other 126.¹

Of the 31 timber projects decisions SEACC did appeal:

- with respect to six of the decisions, the reviewing officer agreed with SEACC, reversed the decisions and remanded the projects for additional work, or the Forest Service withdrew the appealed decision;
- SEACC and the Forest Service settled 3 of the appeals, all of which SEACC withdrew following settlement;
- 22 of our appeals were denied;
- We challenged 17 of those appeal denials in court² -- won 15, settled 1 and lost 1.

¹ See Attachment A (*Defending the Promise of Tongass Reform*)(June 2011).

² See Attachment B (list of Tongass timber lawsuits in which SEACC was a party since 1990)(June 2011).

In sum, SEACC's record demonstrates that our appeals were firmly grounded in the laws passed by the U.S. Congress to govern Tongass National Forest management, including the Tongass Reform Law. Common attributes associated with the sales we challenged include 1) controversy over the location of the sale in pristine watersheds; 2) effects of logging on fisheries, recreation and tourism values and customary traditional hunting, fishing, and gathering activities; 3) enforcing the Forest Service's legal responsibilities; 4) conflicts with local community uses; and 5) holding Forest Service to highest standards when it makes decisions relating to stewardship of forest resources.

While SEACC did successfully litigate the 1997 Tongass Forest Plan, it is worth noting that it was pro-timber interests, such as the Alaska Forest Association and Southeast Conference, who challenged the 1997 Plan first. For the record, the only lawsuits filed to date challenging the 2008 Tongass Forest Plan Amendment were filed by the Alaska Forest Association and Southeast Conference.

At the May 26, 2011 Hearing, Chairman Young also asserted (hearing transcript at 1:00:00):

"I've been in this business a long time, and I've watched your organization destroy an industry. We passed the Tongass National Plan, and we were told by your group 'peace in the valley, we're going to have small saw mills, we're going to support' -- You've never supported a damn thing. You're the one that's killed the industry, and you have killed the industry, you have done a good job of doing it."

Chairman Young's conclusion that the timber industry is no longer a major economic engine in Southeast Alaska is accurate. It does not follow, however, that SEACC "killed" the Tongass timber industry or that enacting the Sealaska bill will somehow resolve all the economic issues facing Southeast Alaska communities.

The Tongass timber industry is in decline because of permanent and fundamental changes in world timber markets and the insoluble problems associated with high Tongass production costs and far distance from markets. See Alaska Department of Labor and Workforce Development, *Natural Resources Mining and Timber, Alaska Economic Trends*, December 2003 (<http://labor.state.ak.us/trends/dec03.pdf>).

Our salmon forest supports a nearly \$1 billion sustainable fishing industry, which employs nearly 10 times the number of workers as timber. See Trout Unlimited, Alaska Program *Economic Contributions and Impacts of Salmonid Resources in Southeast Alaska* (the full report or executive summary can be found online at <http://www.tu.org/conservation/alaska/tongass>).

Our fish, wildlife, and outdoor recreation opportunities support over a billion dollars in direct, indirect, and induced visitor spending in Southeast Alaska, and provide over 21 percent of the full and part time jobs in Southeast Alaska. See McDowell Group, *Economic Impact of Alaska's Visitor Industry*, Table 9 at p. 20 (March 2010)(online at http://www.dced.state.ak.us/ded/dev/pub/Visitor_Industry_Impacts_3_30.pdf)

The critical foundation of the region's economy is customary and traditional hunting, fishing and gathering; salmon is the primary source of food for rural Southeast Alaskans.

We acknowledge the difficult times and economic desperation that our small communities face but logging watersheds vital for their food gathering make it even more difficult for them. As noted by experts at the Alaska Department of Labor -- "Living in Alaska involves higher costs no matter where you live, but living in rural Alaska increases those costs even more." *See* Alaska Economic Trends at 15 (May 2011)(available at <http://labor.state.ak.us/trends/may11.pdf>).

SEACC Supports Sustainable Solutions

Increasing logging levels on the Tongass isn't a viable long-term solution, but making better use of the small, steady supply that is available should be. SEACC's involvement in the transition to a sustainable timber industry comes from, as described by former SEACC Executive Director Bart Koehler:

"the hope that the future will provide jobs for Southeast Alaskans and sustain a management course where we all respect the forest as a renewable and renewing resource, plus recognize and respect the basic human dignity of all the people who depend on the Tongass for their way of life."

This means that a viable timber industry in Southeast Alaska must be tailored to the region's unique resources. A healthy Tongass maintains strong fish and wildlife populations and economic opportunities for many business owners in Southeast Alaska. Rather than sacrificing the many diverse uses of the forest for the single use of industrial-scale logging, we can have a sustainable timber industry, working side-by-side with strong commercial fishing and tourism industries. A timber, or forest-service industry, that does not sacrifice the unique Southeast Alaska way of life.

Beginning in April 2011, SEACC coordinated and paid for an advertising campaign highlighting local mills in Southeast Alaska, and encouraging Southeast residents to purchase timber products that are cut and processed locally. To date, the ongoing ad campaign has featured three mills-- Larry Jackson's mill in Ketchikan, Mike Allen's mill in Wrangell, and Wes and Sue Tyler's mill in Hoonah. So far, the ad campaign has involved over seven quarter to full page ads in the Juneau Empire, Sitka Sentinel, Capital City Weekly, Petersburg Pilot and Wrangell Sentinel. Related efforts at SEACC designed to boost product sales from local mills include a major role in producing a Small Mill Summit in Wrangell and the drafting of a news article on the region's small mills that was published in the Capital City Weekly in April 2011. *See* Attachment C (April 12, 2011 ad in Juneau Empire on Icy Straits Lumber and Milling of Hoonah); Attachment D (SEACC, *Local mills find a growing market in Southeast Alaska*, Capital City Weekly, April 2011).

As a charter member of the North Prince of Wales Collaborative Stewardship Group, we committed years of hard work and financial resources working with local citizens and Forest Service staff to find real world solutions to the economic and conservation challenges facing small operators on Prince of Wales Island. We strongly support the product of that effort, the

Prince of Wales micro-sale program, because it fosters the transition towards a timber sale program that offers small sales off the existing road system. From 2000 through May 2005, over 100 timber sales were sold under the Microsale Program to at least 30 small operators on Prince of Wales. The resulting on-island processing yields a diversity of products, including boat repair materials, musical instruments, and cedar shingles, flooring, finished lumber, and siding used for local construction. *See Attachment E (SEACC, Alaskan Wood, Alaskan Jobs – The Innovative Microsale Timber Program on Prince of Wales Island (2006)).*

From 2003 until 2007, small mill operators on Prince of Wales Island purchased 7,467.95 MBF of timber from microsales, small sales and salvage sales. They paid \$495,239.00, or \$64.75 per MBF. During the same time period, the Forest Service sold Viking Lumber 84,376 MBF from Prince of Wales Island for \$974,365.00. Viking paid \$11.55 per MBF. In other words, the small mills on Prince of Wales Island generate roughly a third of the total revenue from timber sales on the island but cause less than ten percent of the ecological impact. These figures do not take into account the costs of sale preparation, road construction and maintenance, and any other additional costs incurred by the Forest Service in preparing large sales.

More recently, we have invested our efforts in helping Southeast Alaska move away from its history of conflict and litigation towards collective problem solving and finding solutions to our social, economic, and natural resource challenges. *See e.g., Elizabeth Bluemink, SEACC will not sue over SE timber sale, Juneau Empire (web posted Sept. 29, 2005 at http://www.juneauempire.com/stories/092905/sta_20050929029.shtml).* For over six years, we have participated with a range of other Tongass stakeholders in the Tongass Futures Roundtable, which provides a forum for productive discussions and relationship-building.

We support the Forest Service's Transition Framework for the Tongass and helped design the flagship for the Framework's implementation, the Central Kupreanof Timber Sale. *See Letter from Ketchel, SEACC to Petersburg District Ranger Savage (Oct. 14, 2010)(Attachment F); see also LA Times, Forest Service's new logging approach helps Alaska town, available online at <http://www.latimes.com/news/nationworld/nation/la-na-tongass-logging-20110409,0,5991515.story>.*

We have also participated in the ongoing Staney Community Forest Project. SEACC is proud to have supported the community-based vision developed in this collaborative process. *See Letter from Claus & Lindekugel, SEACC to Cole, Tongass Forest Supervisor (Sept. 22, 2010)(Attachment G).* This project represents a fresh, more collaborative way of integrating resource management and takes a balanced, multi-resource approach to identify, schedule, and implement a range of actions that put people to work in the woods restoring and maintaining forest health. In-stream restoration projects are ongoing right now. SEACC is also participating in a series of public workshops the Forest Service is hosting this summer to explore opportunities to best meet community needs and create local jobs on Prince of Wales Island. *See Juneau Empire, Public Workshops planned on Big Thorne Stewardship Area (April 11, 2011)(available online at <http://juneauempire.com/local/2011-04-10/public-workshops-planned-big-thorne-stewardship-area>.*

SEACC's Community Approach in the 21st Century

Through our community forest and renewable energy programs, SEACC works to maintain and improve the quality of life in Southeast Alaska. Our attention has been particularly focused on several Native villages, where energy costs/cost of living and unemployment are very high. Thus, Chairman Young's assertion that our opposition to H.R. 1408 is an attempt "to destroy Native culture" is wrong-headed. We are proud of our long record of working with Native interests in Southeast Alaska:

In 2008-9 we launched the Hoonah Community Forest project. We facilitated community meetings which ultimately resolved the Iyouktug timber sale to both provide wood for the local mill and address concerns from locals (native and non) about loss of salmon and deer, and need for forest restoration and additional recreational opportunities -- see Attachment H (Letter from Icy Straits Lumber & Milling Co. to Hoonah District Ranger Jennings (Dec. 13, 2010));

In 2008, we started the Kake Community Forest project, which seeks to create sustainable land management in the Kake area through collaborative, community based planning. This project led to the creation of the Kake Community Forest Collaborative, which includes local contractors, representatives from the village's Tribal government, the ANCSA-Village Corporation, city government, Forest Service, The Nature Conservancy, and SEACC. The Collaborative is currently working to create local jobs in forest stewardship and restoration- the first contracts will go out this summer.

In 2009, we partnered with the Organized Village of Kake and Kake Tribal Corporation to put up a wind anemometer near Kake to assess the renewable power generation alternatives (see <http://seacc.org/explore/explore-tongass-videos/dan-lesh-energy-coordinator-visits-kake-wind-anemometer>);

In 2010, we partnered with Central Council of Tlingit and Haida Tribes of Alaska to do an energy retro-fit on a home in Angoon (see *Sustain Angoon* video at <http://seacc.org/issues/clean-energy/sustain-angoon>);

For over six years (2000-2006), SEACC represented a broad coalition of interests, including city government, federally-recognized tribal councils, commercial fishing groups and businesses, conservation organizations, and an array of individuals from the health care field and subsistence users in a successful challenge to the pesticide aerial spraying permit issued by the State of Alaska to Klukwan, Inc. for spraying on Long Island. See *Hydaburg Cooperative Assoc. et al. v. State of Alaska*, No. 1JU-06-835 CI (April 24, 2007). Tribal councils represented included the Hydaburg Cooperative Association, Organized Village of Kasaan, Organized Village of Saxman, Hoonah Indian Association, and Ketchikan Indian Community. We also represented Joe Hotch, a Chilkat Indian Village elder.

From 1999 to 2002, SEACC and the Natural Resource Defense Council (NRDC) jointly represented several parties, including the Organized Village of Kake and Hoonah Indian Association, in successful state and federal challenges to EPA's general permit for log dumps (log transfer facilities). The Tribes' concern was the impact to their traditional harvest of coastal resources, like clams, seaweed, and crab, from the excessive accumulation of bark that fall off the logs. As a result of this effort, we preserved important leverage for the Tribes and other citizens to influence the location and use of log dumps in coastal Alaska to protect water quality and existing uses of these productive coastal waters.

Chairman Young's tirade at the May 26, 2011 Subcommittee Hearing was eerily reminiscent of the conspiracy theories alleged by Alaska's Congressional Delegation and the timber industry back in 1995 as part of an all-out attack during the 104th Congress on the Tongass Timber Reform Act, Pub. L. 101-626, 104 Stat 4426-35 (1990) (hereinafter "Tongass Reform Law").³ When it enacted this landmark legislation, Congress subjected the Tongass to the same laws and market forces as all other National Forests.

To accompany this Supplemental Statement, we have chosen selected historical materials that permit us to defend ourselves, set the record straight, and educate members of the Subcommittee. We respectfully request that these selected materials previously prepared by SEACC for Congress during the 104th Congress be entered into the official record for the May 26, 2011 Subcommittee Hearing on H.R. 1408. These additional materials include:

- The May 18, 1995 Statement of SEACC's Executive Director Bart Koehler, exhibits accompanying that statement, and SEACC's June 1, 1995 Supplemental Statement, including *The Rest of the Story*. See Attachments I & J. We entered these statements into the legislative record for the May 18, 1995 Oversight Hearing before the U.S. Senate Energy and Natural Resources Committee.
- Our statement on H.R. 3659, a bill introduced in 1996 by Chairman Young that would have extended Ketchikan Pulp Company's 50-year contract on the Tongass. See Attachment K. Like the others, this last attack on the Tongass Reform Law failed. As a result, Ketchikan Pulp's owner, Louisiana Pacific Corporation, negotiated a settlement and contract termination agreement with the federal government.

These historical records demonstrate that:

- While both Senator Frank Murkowski and Senator Ted Stevens voted for the Senate version of the Tongass Reform Law and did not object to the final conference compromise, actions by both Senators subverted the letter and spirit of the Tongass Reform Law – to put all forest resources on the Tongass on an equal footing;

³ In total, beginning in the fall of 1994 until the end of 1996, the Alaska Delegation held 15 hearings on 17 pieces of legislation aimed at rolling back the Tongass Reform Law, increasing clearcutting, and giving away the Tongass.

- Alaska Pulp Corporation (APC) and Ketchikan Pulp Company (KPC) filed contract damage claims and lawsuits;
- APC and KPC's closure of their mills in Sitka, Wrangell, and Ketchikan were heartless business decisions unrelated to any actions restricting timber supply;
- SEACC participated with good faith diligence in the public processes related to forest and timber sale planning to insure that logging are done in a manner consistent with sustaining the commercial fishing, hunting, tourism, recreation, and subsistence interests of local communities.
- We joined with the Forest Service to defeat the Alaska Forest Association's invalid legal claim that Tongass Reform Law required the Forest Service to meet market demand for timber regardless of the adverse impact to Tongass resources and resource users.
- There was (and is) no economic crisis on the Tongass.

Thank you very much for including SEACC's Supplemental Statement (with attachments) into the hearing record for H.R. 1408.

Best Regards,



Buck Lindekugel
SEACC Grassroots Attorney



Bob Claus
Forest Program Director

Attachments to SEACC's Supplemental Statement on H.R. 1408

Attachment A -- *Defending the Promise of Tongass Reform*(June 2011).

Attachment B -- list of Tongass timber lawsuits in which SEACC was a party since 1990)(June 2011).

Attachment C1 -- April 12, 2011 ad in Juneau Empire on Icy Straits Lumber and Milling of Hoonah.

Attachment C2 – May 5, 2011 ad in Wrangell Sentinel on Mike Allen Enterprizes of Wrangell

Attachment D -- SEACC, *Local mills find a growing market in Southeast Alaska*, Capital City Weekly, April 2011).

Attachment E -- SEACC, *Alaskan Wood, Alaskan Jobs – The Innovative Microsale Timber Program on Prince of Wales Island* (2006).

Attachment F – Letter from Ketchel, SEACC to Savage, USFS (Oct. 14, 2010).

Attachment G -- Claus & Lindekugel, SEACC to Cole, Tongass Forest Supervisor (Sept. 22, 2010).

Attachment H -- Letter from Icy Straits Lumber & Milling Co. to Hoonah District Ranger Jennings (Dec. 13, 2010).

Attachment I – May 18, 1995 Statement of SEACC's Executive Director Bart Koehler (with exhibits).

Attachment J – SEACC's June 1, 1995 Supplemental Statement, the *Rest of the Story*.

Attachment K – SEACC Statement on H.R. 3659 (KPC Contract Extension).