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# Myths and Misinformation Going on the Offensive

Resource Development Council Annual Conference November 18, 2009 Eric Fjelstad Perkins Coie LLP

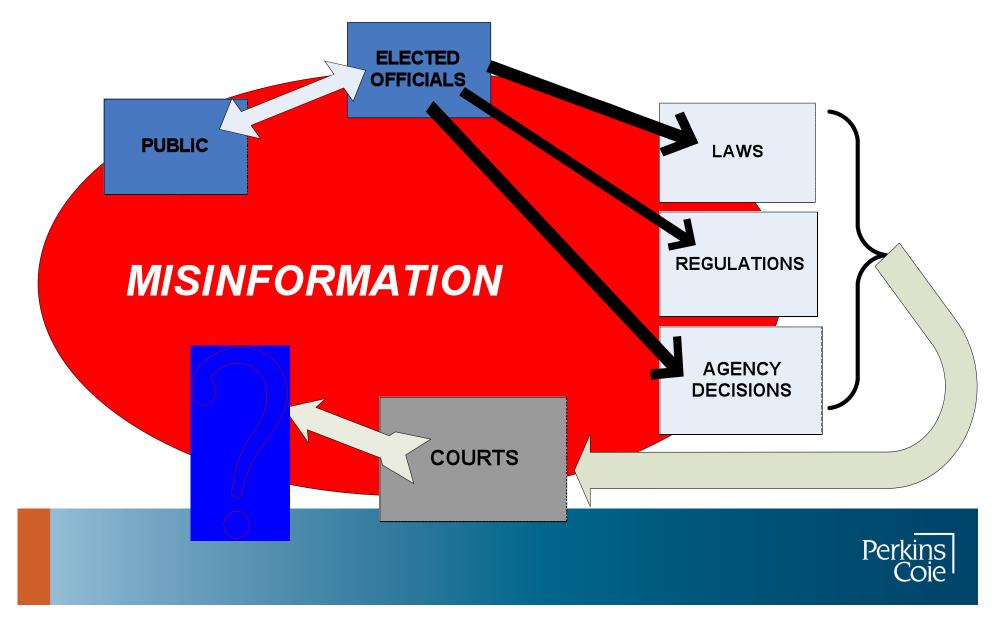
# **Misinformation – it is everywhere!**

"There are no standards governing mining around streams."

"Oil development will harm caribou."



#### The Role of Information in Decision-making



### Impact of Misinformation on Development of Alaska Resources

#### Access to Resources

Withdrawals and protected areas

#### Impact on Economics

- Taxes
- "Environmental" and Operational Standards

## Project Approvals

- Agencies
- Courts



# **Case Study in Misinformation** Decline of the Tongass Timber Industry

- Overview of the industry
  - 2 pulp mills
  - 5 major sawmills
  - Contract loggers, tug & barge, helicopter support, etc.



# **Tongass Case Study** Misinformation

- Logging harms the environment
- Roads are bad
- Old growth is good (second growth is bad)
- Old growth is nearly gone
- The timber program is losing money



# **Tongass Case Study** Impacts of Misinformation

- Access to Resources
  - Tongass National Forest
    - 16.8 Million acres
    - 9.9 Million forested acres
  - By Mid 1990s only 700,000 acres open for timber harvest. 90+% of forested land closed.
- Economics
  - Uneconomic sales
  - Inability to invest



## **Tongass Case Study** Impacts of Misinformation

Decision-making by the Courts



Judge Ron Gould writing for the majority: "There can be no serious argument	Judge Andrew Kleinfeld writing for the dissent: "The Roadless Rule does not
that restrictions on human intervention in these wilderness areas will not result in immeasurable benefits from a conservationist standpoint [W]here the purpose of the challenged action is to benefit the environment, the public's interest in preserving precious, unreplenishable resources must be taken into account in balancing the hardships."	preserve the status quo. It changes it, massively, for two percent of the entire land area of the United States. And by increasing the risk of forest fires, it threatens additional land and people, such as the Kootenai Tribe and the people of Idaho who brought this suit. What we have here is a case where the agency attempted a massive management change for two percent of the nation's land on the eve of an election"



## Tongass Case Study Lessons Learned

- Access to Resources: Compromise was not a successful strategy
- Federal decision-making and the challenges it raises
- "Too big to fail"?

