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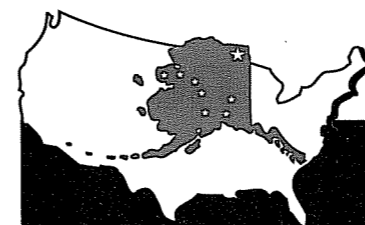
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## Resource Review

November 1994 A monthly publication of the Resource Development Council, Inc.

### More access restrictions for public lands **Helicopter access to federal lands in question**

*Most of Alaska is inaccessible by highway, leaving air access as the only viable means to reach the state's remote wilderness. The senior citizen and physically-challenged visitor to Alaska may not have the ability to hike into the backcountry, but should have opportunity to access the abundant scenic beauty that exists beyond the limited highway network. By eliminating air access, the dream of many visitors and residents to see Alaska's great wonders would be out of reach.*

- See story, pages 4-6

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# RDC, State seek withdrawal of new RS 2477 access regulations

The Resource Development Council has joined the Alaska Miners Association and the State of Alaska in urging the U.S. Department of the Interior to withdraw newly-proposed rules which would severely limit the availability and usefulness of existing RS 2477 rights-of-way in Alaska.

RS 2477 remains one of the most useful access tools for Alaskans to cross federal lands, which comprise approximately 60 percent of the state's land mass. With the exception of the Trans-Alaska Pipeline corridor, it is impossible to cross the state from north to south or east to west without crossing federal lands.

In a letter to Interior Secretary Bruce Babbitt, RDC emphasized that continued public access to and across federal

land is essential for Alaska. Because Alaska is a young state, formal recognition of many access routes has not yet occurred.

Options to acquire rights-of-way in mostly-roadless Alaska are scarce. Easements reserved under Sec. 17(b) of the Alaska Native Claims Settlement Act are limited and the right of way provisions in Title XI of the Alaska National Interest Lands Conservation Act (ANILCA) are so cumbersome they have not often been successfully used to establish rights-of-way.

Hundreds of RS 2477 trails with great historical and local value have been used across the 49th state to provide access between communities and to access recreation sites, mining claims and important resource deposits. Present usage on these trails can vary from hiking to a modern thoroughfare, but the availability and usage of many of these trails would be severely limited by the proposed rules.

With finalization of the draft regulations, RDC warns that one more important method of access would be lost. RDC noted Congress granted RS 2477

rights-of-way to the people so that federal lands could be accessed and crossed. Now the Department of the Interior is seeking to limit their availability and usefulness.

Here are some major objections RDC expressed to Babbitt on the proposed regulations:

- *The proposed regulations would severely limit the availability and usefulness of existing RS 2477 rights-of-way in Alaska.* RS 2477 remains one of the most useful access tools for Alaskans to cross federal lands, as historically done.

- *The proposed regulations require a high level of development to modern standards.* Current federal policy and existing case law recognize a wide variety of historic construction methods as adequate for establishing RS 2477 rights. The proposed regulations with a modern standards requirement are inconsistent with the way rights-of-way were created and used.

- *The proposed rules rewrite history and retroactively impose limits on* (Continued to page 6)

The Resource Development Council (RDC) is Alaska's largest privately funded nonprofit economic development organization working to develop Alaska's natural resources in an orderly manner and to create a broad-based, diversified economy while protecting and enhancing the environment.

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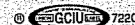
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**Resource Review** is the official monthly publication of the Resource Development Council. RDC is located at 121 W. Fireweed, Suite 250, Anchorage, AK 99503, (907) 276-0700. Fax: 276-3887

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Writer & Editor  
 Carl Portman



Hundreds of local trails with great historical significance and local value have been used to access rural communities, recreation sites, mining claims and important resource deposits in Alaska, where the modern road system is extremely limited.

# Beetle consumes 1.5 million acres, State responds with five-year harvest plan

## Preservationists file suit in court to stop timber sales

The spruce bark beetle may have consumed more than 1.5 million acres of timber across Southcentral Alaska this past summer, according to Terry Brady, a private forestry consultant. Over two billion board feet of timber was infested by the beetle, an economic loss of more than \$700 million. That's more than value of all Alaska salmon delivered to fish processors in 1993.

The beetle infestation is continuing to spread rapidly through Southcentral and Interior forests. Between 1991 and 1993 some 1.33 billion board feet of timber was infested on state-owned lands, more than the 1.04 billion board feet of timber harvested from state lands since Alaska became a state in 1959. In recent years, more timber has been killed by the beetle than has been lost to forest fires or logging under the 50-year contracts in the Tongass National Forest.

Infested forest acreage more than quadrupled between 1990 and 1993, increasing from about 200,000 acres to about 835,000 acres in 1993, according to the U.S. Forest Service.

Yet the state and federal governments have spent only about \$1 million to address the infestation. Most of the funds have been spent on public meetings, monitoring and campground mitigation.

Meanwhile, Trustees for Alaska and other environmental groups have filed suit to challenge the state's five-year logging plan for the Kenai Peninsula. The plan would put up for sale each year about 4,000 acres of beetle-damaged timber on the Kenai Peninsula, a minuscule amount when compared to the annual loss of acreage to the bug.

The environmental groups were unsuccessful in convincing the courts to approve an injunction on the first of the Kenai tracts the state has put up for sale. Those tracts total about 1,140 acres of more than 2 million acres of state land in the Kenai Peninsula Borough.

The Division's five-year plan requires loggers to follow the strict guidelines of the Alaska Forest Prac-

tices Act. Streamside buffers will be required and all work must be done on snow trails rather than on new roads. Reforestation is mandated in all harvest areas.

The Kenai spruce beetle infestation is the largest in America. It got out of hand because so much of the forest is over-aged, a direct result of fire suppression and a lack of timber harvesting. Recreation and other human activities may have caused local forest distress, which helped set the stage for the infestation.

Foresters warn that large areas of the Kenai Peninsula may revert to grasslands if the harvest and reforestation program is blocked. They also warn that forests across Southcentral, the Copper River basin and the Tanana and Yukon basins are in decline.

Thousands of jobs could be created across Alaska harvesting infested timber and replanting forests, according to state and industry officials. Forester Brady noted that sound forest practices, such as those found in Sweden and Finland, could nearly double the standing volume of timber in Alaska over a 100-year period.

# New RS 2477 rules draw opposition

(Continued from page 6)

- *The proposed regulations would impose new restrictions and new laws not passed by Congress or established through interpretation by the courts.* In this regard, the proposed regulations are in conflict with current law and congressional intent.

In its comments to Babbitt, the State of Alaska noted it has operated in good faith with previous federal administrations to establish an acceptable policy to guide the identification and management of RS 2477 rights-of-way. "The proposed rules ignore all previous concessions by the State and impose a one-sided view point on these very im-

portant access rights," said Harry Noah, Commissioner of the Alaska Department of Natural Resources. "This is wrong and unfair."

Commissioner Mike Barton of the Alaska Department of Transportation disagreed with Interior that limited usage and strict control of RS 2477 will provide for better management of federal lands.

"RS 2477 provides for very basic access," Barton said. "Most routes will not be developed into modern highways, but will continue to be used as they have in the past. Many are seasonal. Some may not be used

at all or may be developed only for a hiking trail. They do not threaten land or resources. Current law recognizes that an RS 2477 is an easement that cannot unnecessarily impact surrounding land."

RS 2477 often provides the only established access to a site, Barton emphasized. "To retain them is to retain the option of access; to lose them would be to eliminate access."

RDC and the Alaska Miners Association generated a substantial flow of letters to Interior opposing the new regulations. Both organizations circulated action alerts to their members on the issue.

# RDC defends helicopter access rights in Tongass

(Continued from page 5)

of the question under consideration is the "effects of helicopter landings for access in Wilderness areas by the general public." Any attempts to limit traditional access elsewhere in the Tongass should be struck from this document.

**Discuss social and economic benefits of helicopter landings in the remote and inaccessible Tongass.** For instance, consider what the proposed decrease of helicopter landings will have on recreation options and economic sectors, including physically-challenged sight-seers and cruise ship visitors which are limited for time and by season.

**Include a full range of possible alternatives, including status quo.** At the very least, the full historic complement of sites (approx. 400) in all 17 areas of historic use must be one alternative in the DEIS in order to meet ANILCA mandates. RDC believes the number of and/or frequency of landings authorized per year should be based on historical use in addition to the need for expansion.

**Improve criteria by which 359 of the 400 historic sites were discarded.**

The "in-or-out" aspect of the initial criteria application resulted in a huge number of sites being excluded inappropriately. Alternative access should not determine limits to traditional use.

**Helicopters should not be singled out to address concerns about congestion.** Fair and safe measures should be extended to all aircraft and gear-type.

Meanwhile, the U.S. Department of the Interior recently released an Advanced Notice of Proposed Rulemaking to restrict fixed-wing and helicopter flights over national parks and other federal lands. And the U.S. Fish and Wildlife Service is working on new regulations which would ban private fixed-wing aircraft from large areas of the Kodiak National Wildlife Refuge by banning upland landings. The regulations could set a precedent for establishing restrictions in other wildlife refuges in Alaska. RDC is closely monitoring the situation and has met with the Interior officials on the issue.



Helicopter logging occurs in hard to reach areas of the Tongass. (PhotobyCarlPortman)

## RDC, State oppose new RS 2477 rules

(Continued from page 2)

the means of travel that would qualify as a method of creating an RS 2477. Current federal policy and case law recognize that usage over time by all means of travel, including foot and pack animal, establishes RS 2477 rights for the public. Historic and existing methods of travel must continue to qualify as an RS 2477 because of the unique circumstances in Alaska. Most of the state is still inaccessible by road, as it was in 1866. Historic rural access corridors should be preserved, both summer and winter routes.

• *The proposed regulations retroactively limit valid rights without compensation or offering a viable alternative.* When Congress repealed RS 2477 in 1976, it retained valid existing rights. Current federal law recognizes these rights. Moreover, the proposed regulations would establish an arbitrary deadline for asserting RS 2477 rights, despite the fact that neither Congress nor current federal policy puts a time limit on the acceptance of an RS 2477.

(Continued to page 7)



Helicopters leave virtually no footprint when landing in remote roadless areas. Since most of Alaska is roadless, helicopters and fixed-wing aircraft are essential for access. Above, RDC board members survey a beach in Prince William Sound with Exxon's Mike Barker, far left.



## Thoughts from the President by David J. Parish

### Alaska is biggest spender on environment

Most Americans view Alaska as a land of unspoiled beauty, a frontier where people live on the edge of the last great wilderness. So it's not surprising that leading national environmental groups, fueled with contributions from millions of Americans, have targeted Alaska as the top priority in their preservation agendas. These groups have been most successful in drawing a picture of a fragile Alaska threatened by timber harvesters, miners, oil and gas producers, hordes of tourists and commercial fishermen. Predictably, a well-meaning, but misguided public has responded generously to the call to save Alaska from Alaskans.

Obviously, the call to save the environment is big industry. Together, environmental groups spent more than a half billion dollars last year, of which a significant portion was used to challenge development in Alaska.

Yet it may come as a surprise to most Americans that Alaska has given more to the conservation movement than any other state. This great northern state accounts for 70 percent of all national park lands, 90 percent of the nation's wildlife refuge lands and 62 percent of all federally-designated Wilderness — enough to fill the entire state of Utah. And despite the fact that Alaska's economy is almost entirely fueled by extractive resource industries, less than one percent of the state's 170 million acres of wetlands have been developed.

No other state comes close to matching Alaska's conservation record,

### Western states: big spenders on environment

Rank	State	Per Capita Expenditure	Rank	State	Percentage of State Budget
1	Alaska	\$520	1	Alaska	5.8%
2	Wyoming	221	2	Wyoming	5.5
4	Idaho	81	3	Idaho	3.6
6	Washington	78	4	Colorado	3.2
7	Montana	72	8	Montana	2.4
8	California	68	9	California	2.4
9	Colorado	68	10	Oregon	2.3
11	Oregon	61	14	Utah	1.8
17	Nevada	46	20	Nevada	1.6
19	Utah	44	21	Washington	1.6
24	New Mexico	36	30	New Mexico	1.2
26	Hawaii	34	43	Hawaii	0.8
49	Arizona	16	47	Arizona	0.7

Source: Resource Guide to State Environmental Management, Third Edition



nor does any state, including environmentally-aware Oregon and California, top Alaska in per capita expenditures on environmental programs or the percentage of state budgets spent on the environment.

According to the Resource Guide to State Environmental Management, Alaska ranked number one in spending \$520 per resident on the environment. The 5.8 percent of the state budget allocated to environmental programs was the highest of all 50 states.

California, a seat of environmental activism, ranked eighth in environmental per capita spending at \$68 per resident on environmental measures. In terms of the percentage of state budgets spent on the environment, California placed ninth at 2.4 percent.

Oregon ranked eleventh in terms of per capita spending and tenth when it came to allocating a percentage of its budget to the environment.

Overall, the nation's 50 states spent over \$9 billion on the environment.



# Air access, overflights in question

The Resource Development Council and the Alaska Visitors Association have joined forces in opposing a U.S. Forest Service proposal to eliminate 90 percent of the historically used helicopter landing areas in the Tongass National Forest.

The Forest Service is conducting public meetings and accepting comments on a scoping document pertaining to helicopter landings in wilderness areas of the Tongass. The document and subsequent public comments will provide a foundation for an upcoming Environmental Impact Statement (EIS).

Most Alaska wilderness lands and conservation system units are inaccessible by road or water. While there may be a few that can experience these parks, monuments and refuges by foot, for a vast majority, flightseeing is virtually the only means to access wilderness areas. For that reason among others, flightseeing has become a standard part of an Alaskan vacation.

In Southeast Alaska, flightseeing, both fixed wing and helicopter, has been a major tour product since the



Flightseeing excursions over Denali National Park are popular with visitors and local residents who have no other means of accessing the rugged Denali Wilderness. (Photo courtesy Alaska Helicopters, Inc.)

1950s. According to the Alaska Visitors Association (AVA), it also happens to have the highest ranking of experiences among visitors. AVA reported that the most recent Alaska visitor statistics show that in 1993, 60 percent or 503,000 summer visitors visited Southeast Alaska — 72 percent of these travelers purchased an optional day tour, which included helicopter flightseeing.

As the fastest growing industry in the state, tourism contributes \$1.3 billion to the economy and directly employs 27,000 Alaskans. It is an industry that relies extensively on land management decisions which provide access to the wilderness.

"We do not believe the public interests are best served by these restrictive measures," said Karen Cowart,

Executive Director of the Alaska Visitors Association. "We see no evidence for change in the way the Forest Service permits, administers and monitors helicopter landings in wilderness areas of the Tongass."

Cowart said it may be time to consider increasing permits issued to flightseeing helicopter companies. "Ultimately, this would afford a greater number of America's people a better understanding of public trust lands — which we assume is a major goal of the Forest Service as a caretaker."

In the scoping document, the Forest Service suggests eliminating 359 sites — 90 percent of the traditional landing sites that have long been accessible to visitors and industry alike. Such flight restrictions would severely impact not only Southeast Alaska, but



As in Southeast Alaska, helicopter flightseeing is very popular among visitors and is considered a top visitor experience by tourists. An Era Aviation helicopter pictured above provides visitors a commanding view of Knik Glacier, 50 miles northeast of Anchorage. Helicopter landings are prohibited in Chugach State Park, immediately east of the city. (Photo courtesy Era Aviation, Inc.)

the Alaska economy as a whole.

In defending helicopter landing rights, RDC pointed out that according to the law, traditional use must be allowed wherever there was traditional use. RDC believes the actual number of landings allowed should be based on actual impacts on the resources, not by some arbitrary frequency. Moreover, RDC believes alternative access should have nothing to do with determining limits to traditional use, in this case, helicopter landings.

RDC emphasized that helicopter landings provide access to wilderness areas with no detrimental "footprint" to the surrounding environment.

"Helicopter landings do not jeopardize the wilderness resource for future generations, but they do allow this generation to experience it," said Becky Gay, RDC's Executive Director, in lengthy technical comments on the issue. "Years of helicopter use have left wilderness areas in their natural condition because not much landing development is needed."

All resource industries depend somewhat on helicopters for safety and access, in particular tourism, mining and timber. The Tongass, however, has been progressively put off-limits to traditional multiple uses such as logging and mining, and helicopter access has developed as an environmentally-

sound trade-off for roads.

The USFS proposed action places a high value on wilderness resources, as does the tourism industry which is seeking to provide access for the growing visitor market.

"By limiting helicopter access, the Forest Service is basically eliminating access except to all but the most hardy souls, agency personnel and the occasional spartan eco-tourist," Gay said. "It



Helicopters are used extensively in timber, mining and oil industry operations since most of Alaska remains in a roadless state. (Photo courtesy Era Aviation, Inc.)

is obvious that Alaska wilderness is incredibly remote and difficult to access, but it is almost impossible in the virtually roadless Southeast Alaska to even view it from afar due to its treacherous and steep terrain, covered in thick forests or huge glaciers and ice fields."

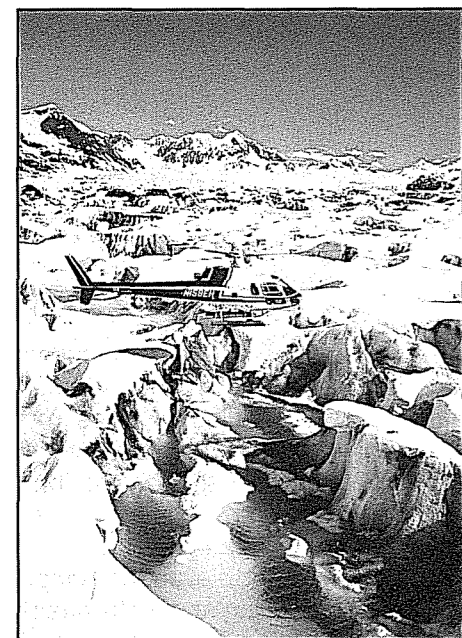
The Forest Service's proposed action of banning landings in 12 of 19 areas at this early stage of the scoping process is seen by RDC and others as a heavy-handed move by the federal government. Not only will it probably bias future response to the upcoming DEIS, RDC warned, a likely scenario of eroding even such slim access appears to be in the making.

The Forest Service has not considered the impact of what the proposed decrease in helicopter landing will have on recreation options and economic sectors. There is no discussion on new opportunities, increased frequencies of landings or new sites of interest to the public.

"If the Forest Service can include such vague aspects such as the effects of helicopters on 'yet undiscovered cultural resources,' surely it should be also looking at future demand for access to wilderness sites," said Gay.

Recommendations for the DEIS: **De-facto non-Wilderness should not be discussed in DEIS.** The scope

(Continued to page 6)



Helicopter overflights expose visitors to some of Alaska's most rugged terrain. (Photo courtesy Era Aviation, Inc.)