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

The Resource Development Council (RDC) has joined the Alaska Miners Association in requesting 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 federal lands is essential for Alaska. Because Alaska is a young state, formal recognition of many access routes has not yet occurred.

The proposed regulations rewrite history and retroactively impose limits on existing 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 is a more detailed list of the regulations proposed by the Department of the Interior:

- **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 existing 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.

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 lost to forest fires or logging. A 50-year spraying program and estimated 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 Practices Act. Streamside buffers will be required and all wood 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 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’s logging, timber harvesting and reforestation industries, 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

The proposed regulations would impose new restrictions and new laws not passed by Congress or established through 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.

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In its comments to Babbitt, the State of Alaska noted it has operated in good faith with previous federal administration 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 important access rights," said Harry Noah, Commissioner of the Alaska Department of Natural Resources.

Commissioner Mike Barton of the Alaska Department of Transportation disagreed with Interior that limited usage and strict control of RS 2477 would 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 un-necessarily 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

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

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 member survey a beach in Prince William Sound with Exxon's Mike Barker, far left.

Helicopter logging occurs in hard to reach areas of the Tongass. (Photo by Carl Porterman)

RDC, State oppose new RS 2477 rules

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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 of 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.

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Alaska is biggest spender on environment

Most Americans view Alaska as a land of undisputed 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 generally 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 billion dollars last year, of which more than half was spent on the environment. Most environmental 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 generally to the call to save Alaska from Alaskans.

Western states: big spenders on environment

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California, a seat of environmental activism, ranked eighth in per capita expenditures on environmental programs. In terms of the percentage of state budget spent on the environment, California placed tenth. However, 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 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 Americana'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 has not considered the impact not only of flying over wilderness areas, but is also 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 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 DEIS, RDC warned, a likely scenario of ending 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

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