

March 15, 2010

The Honorable Nick J. Rahall II
Chairman, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20215

Re: Testimony on H.R. 2099

Dear Chairman Rahall:

Thank you for inviting me to testify at the March 17, 2010 hearing before the U.S. House Committee on Natural Resources on H.R. 2099, the "Southeast Alaska Native Land Entitlement Finalization Act." I am not here representing any organization or special interest group; I'm testifying as someone who lives in a place that will be forever changed if this bill passes. My voice is for the people whose way of life will never be the same if this bill passes.

I have been here before testifying in opposition to an earlier version of this bill in 2007. Although Sealaska attempted to satisfy our concerns by making revisions to the bill, the fundamental reasons for our opposition have not changed. Privatizing public land on north Prince of Wales (POW) and Kosciusko Islands which is currently managed for multiple uses so that Sealaska Corporation can intensively clearcut the forest will harm the economy and way of life of existing communities. The communities that I represent have maintained a stable and sustainable economy based on commercial fishing and subsistence. Adding to these sectors of our local economy is a growing visitor industry and small scale sawmilling. These activities all depend on old-growth forest.

If the land surrounding our villages is given to Sealaska Corporation, there is no doubt in our minds what will happen to us. The intent of Sealaska's timber policy is to rapidly exploit all of the old-growth timber on their lands. Such management practices will turn a complex and diverse old-growth forest into a managed tree plantation.

The clearcut logging will be regulated under the Alaska Forest Practices Act which does not protect old-growth dependent wildlife species, nor provide adequate protection for salmon habitat. Federal regulation not only requires well distributed old growth reserves to maintain viable wildlife populations, and better protection for salmon streams, but more importantly, federal law guarantees that citizens have a voice in how our land is managed. Under the National Environmental Policy Act (NEPA), the public enjoys the opportunity to review and comment on proposed logging sales prepared on the Tongass

National Forest. Title VIII of Alaska National Interest Lands Conservation Act (ANILCA) established regional advisory councils to provide a meaningful way for rural subsistence users to have a say in fish and wildlife management decisions on federal public lands. These opportunities to become informed and participate in federal decision-making are extremely important to our communities. The loss of any say about how the land surrounding us will be used is a focus of opposition to this bill.

Recent scientific assessments (Albert and Schoen 2007a, Albert 2010) show that the old-growth forest that Sealaska is seeking for economic development is some of the most biologically important forest in all of Southeastern Alaska. This is true even after significant logging has taken place. What makes these areas so productive also makes them more vulnerable to damage from intensive clearcut logging.

The geology of this particular stretch of forest is limestone substrate known as karst. Karst topography is protected with special guidelines for logging on federal lands partly because there have been significant paleontologic and archeological finds in caves which could be ruined by logging operations, and partly because the soil nutrients are vulnerable to depletion by leaching through the porous limestone in a temperate rainforest. The high biological value of these watersheds is the reason why there is a high amount of use by people from throughout the region for all manner of activities, including subsistence, recreation, both personal and commercial, and small scale timber harvest. Sealaska's intensive logging of these lands would eliminate these old-growth dependent activities, and jeopardize the ability of this land to be productive in the future. Regardless of whether or not Sealaska allows present uses on these lands to continue, the ability of the forest to provide for future uses would be in serious doubt.

Many of my neighbors on the island are concerned about the proposed native future sites. These small parcel selections scattered throughout the Tongass National Forest are a new concept. The purpose of this category of selection is to provide opportunity for Sealaska to develop tourism and energy related businesses to help diversify their economic portfolio. One of the most important uses of the forest for everyone who lives on the Tongass is the opportunity to get away to a secluded place and enjoy the natural surroundings. There are also numerous small businesses that provide this same experience to people from outside. Sealaska has selected sites that are popular destinations; the commercial development of these sites will diminish the enjoyment of all who now use them, and will be harmful to existing small businesses. Granting Sealaska these proposed sites is extremely controversial across Southeast Alaska.

It has been 39 years since passage of ANCSA, and there have been many changes on the islands where the economic enterprise land selections are located. In 1971 the two 50 year pulp contracts granting Ketchikan Pulp Company (KPC) and Alaska Pulp Corporation (APC) almost free reign over timber resources on the Tongass were in place. All of the very best timberlands had already been targeted for logging. There was no legal requirement to protect fish and wildlife habitat. The present communities on Prince of Wales and Kosciusko Islands of Thorne Bay, Coffman Cove, Whale Pass, Naukati, Edna Bay, and Hollis were all company owned logging camps. The KPC and

ALP long-term contracts were a major factor in deciding where the newly formed native corporations would select land. Congress decided it was best for the Native corporations in Southeast Alaska to select land around the villages so that there would be local control of the resources, and the economic benefits would be localized.

All residents of POW and Kosciusko share the legacy of the pulp contracts, whether it was the highgrading of the best timber or the establishment of new communities, its history and its consequences cannot be ignored. Sealaska does not want to be held to the original withdrawal areas, but the impacts to other communities of this bill should not be marginalized. Sealaska wants some of the last of the best old growth timber for their timber operations, but the need to manage this valuable resource for multiple uses and healthy wildlife populations is essential to supporting existing economies and subsistence use activities. Sealaska contends that they were not offered a fair opportunity to select valuable land in 1971, and now that there are no longer pulp contracts they should be allowed to take ownership of some of that most productive timber land. Others contend that these lands are some of the most ecologically important lands in the region, and should be managed with a higher conservation emphasis on maintaining their biologic diversity.

H.R. 2099 is extremely controversial in Southeast Alaska. This bill has created deep divisions between communities and interests and I don't think the small changes that Sealaska is considering will heal these divisions.

This bill will seriously impact many natural and human resources. Any legislation which affects our public lands to this extent should be thoroughly analyzed for its effects. There is a tremendous amount of information available on everything from timber values to subsistence uses, but none of this is being used in the decision making process. This bill should be sent back and all affected communities and stakeholders should work out what is best for the region before Congress acts.

I cannot end my testimony without saying something about the place I call home. My first experience of the Tongass was 36 years ago when I was working at the Thorne Bay logging camp as a surveyor for the forest service. I vividly remember sitting around the bunk house listening to the road locators and timber cruisers tell stories about the spectacular stands of timber they were preparing for sale to KPC on the north end of POW. They were talking about the Red Bay, Labouchere Bay, and Calder Bay watersheds. These men had worked all over the Northwest and the Tongass, and they were impressed by these stands of trees.

The following year I was working in Petersburg, and I happen to see a news report about some people in a place called Point Baker who had sued the Forest Service in an attempt to protect some of the same forest surrounding their village. They won the lawsuit, and that decision, along with a similar one in the Monongahela National Forest in West Virginia, led to Congress passing the National Forest Management Act, which established minimum standards for logging in our national forests. Seven years later I bought a piece of property in Pt. Baker, and the people I had seen on the news became

my friends and neighbors, and the spectacular forest I had heard about became my home.

Sealaska calls this bill Haa Aani to express that Southeast Alaska is the land of native people. I respect the fact that the Tongass is a native place and they have strong cultural ties to the land. I have been to the cave on Protection Head where the oldest human remains in Alaska were found; it is only two miles from my house. Although it is not considered a native community, there are natives who live in Port Protection and Point Baker today. All of us who live off the land and call the Tongass home share a common human connection to nature. Alaska has always embodied this spirit for people across America. Some of us are lucky enough and willing to work hard enough to make this land our home, and to adopt this way of life as our own. In my community we appreciate this bountiful land, and we have worked to ensure that future generations will also enjoy the same quality of life. We have worked with Alaska Natives to achieve this common goal, and now we find it hard to reconcile that we are fighting a Native corporation to continue to do so.

In closing, I respectfully request that this Committee take no further action this year on H.R. 2099 and urge Sealaska, the affected communities and other stakeholder to roll up their sleeves and work out a solution that addresses everyone's needs and interests.

Best regards,

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