

*From the desk of Wayne Regelin 9433 Turn St. Juneau, Alaska 99801 907-790-2920*

April 28, 2010

The Honorable Lisa Murkowski  
United State Senate  
709 Hart Senate Building  
Washington D.C. 202510

Dear Senator Murkowski:

Passage of the "Southeast Alaska Native Land Entitlement Finalization Act" (S.881) could have unintended consequences that would cause severe economic problems for Southeast Alaska.

Both the Queen Charlotte goshawk and the Alexander Archipelago wolf have been identified as distinct population segments for the purposes of consideration under the Endangered Species Act. A vital part of the conservation strategies contained in the Tongass Land Management Plan to keep these populations from being listed as ENDANGERED SPECIES by the U.S. Fish and Wildlife Service was the creation of old-growth forest reserves in the Tongass National Forest where logging would not occur. The referenced legislation would allow the Sealaska Corporation to select several of the old-growth reserves in southern Southeast Alaska and the corporation's representatives have stated that they intend to log the lands selected for economic development. If these reserves are conveyed to Sealaska by Congress it will almost certainly lead to a new petition to list the goshawk and wolf as endangered species and the distinct possibility that they will be so designated.

After careful deliberations amongst ourselves and after consulting with key members of the scientific community, the three of us have concluded that this issue must be carefully examined from a political and scientific point of view. It is also crucial that this examination be conducted before any further decisions are made on land exchanges, new land selections, or modifications to TLMP.

The scientific assessments and the politics surrounding proposal such as this legislation is an arena in which the three of us have spent considerable time and effort and have developed an expertise that we feel qualified to exercise. Collectively, we have spent over 50 years dealing with all of the nuances of the Endangered Species Act and the many attempts to defend against its abuses and to modify the Act into a more workable and effective federal law. All three of us have occupied the Wildlife Division Director position within the Alaska Department of Fish and Game and two of us served as Deputy Commissioner.

We have concluded that the proposed land “exchanges” being proposed in S. 881 have huge endangered species ramifications for the Alexander Archipelago wolf and the Queen Charlotte goshawk. Both species have been petitioned to be listed as endangered or threatened species in the past. These petitions were rejected by the U.S. Fish and Wildlife Service for listing in Alaska, at the time, because the planning processes implemented by the U.S. Forest Service adequately provided for the habitat needs of the species and as a result the projected population decreases presented by the environmental community were not imminent.

The November 8, 2007 News Release by the U.S. Fish and Wildlife Service on their decision to NOT list the goshawk is relevant:

“We find that the best available information on biological vulnerability and threats to the goshawk does not support listing the Alaska population as threatened or endangered at this time, in light of current conservation strategies being implemented by the Tongass National Forest, including designation of substantial areas of the forest in no-harvest status and use of goshawk standards and guidelines in those portions of the forest open to timber harvest.”

It is obvious that the selection of lands in southern Southeast Alaska could substantially affect the conservation strategy implemented on the Tongass National Forest. A quote from the October 8, 2009 comments by Department of Agriculture Under Secretary Jay Jensen to the Senate Subcommittee on Public Land and Forests, Energy and Natural Resources Committee says:

“The lands currently selected by Sealaska in the withdrawal areas generally do not contain significant amounts of economically viable old growth”

“The proposed selection areas on Prince of Wales, Tuxekan, and Kosciusko Islands include approximately 55,000 acres of productive old growth. They are within the Phase I lands of the 2008 TLMP Timber Sale Adaptive Management Plan and are suitable for harvest, with the exception of portions currently designated as old growth reserves. There are 12 old-growth reserves within the above mentioned proposed selection areas. All or part of three of the four old growth reserves on Kosciusko Island would be removed from federal ownership, as would two of the three on Tuxekan Island. These lands represent a significant component of the TLMP conservation strategy area for wildlife. Loss of these old-growth areas would likely undermine the conservation strategy in TLMP and potentially lead to threatened and endangered species listings.”

“Even though timber harvest in the proposed selection areas may have been considered in TLMP, the Forest Service is required to mitigate effects from such activities to avoid species listings, whereas private landowners do not have a similar requirement.”

If Sealaska applies the same logging practices on the proposed sites that it has applied to its previous selections, we can say without reservation that radical environmental groups will once again file petitions to list both the wolf and northern goshawk as endangered. Due to the politics surrounding this controversial issue, it is not beyond the realm of possibility that the eight small communities that oppose the existing legislation would join the environmental groups in filing a petition or file their own petition for listing. They fear their communities will cease to exist if S.881 passes and will fight for survival.

Considering the fact that in 2009 the United States listed the Queen Charlotte form of the Northern Goshawk as threatened throughout British Columbia, except for Vancouver Island where it was listed as endangered, it would seem reasonable to assume that the conditions leading to these listings could be duplicated in Alaska. Certainly, those areas identified in TLMP as necessary wildlife reserves should be seriously considered for protection of some sort. Most certainly, the State's Forest Practices Act does not provide the necessary oversight or guidelines.

Wolf population fluctuations tied to deer population declines have created concerns over intense logging practices which temporarily or permanently cause deer populations to decline markedly. This is especially true for Prince of Wales Island which has experienced significant deer population declines and corresponding declines in the wolf populations. State hunting regulations and federal subsistence regulations have already significantly reduced opportunities to harvest deer on Prince of Wales Island and surrounding areas. Additional hunting restrictions are likely if large scale timber harvest occurs in this area.

We have examined the listing petitions, records of decisions, proposed rules, TLMP, Forest-wide Wildlife Standards and Guidelines and the scientific information available to us. It is our professional opinion that inadequate professional assessments of the potential wildlife impacts of this legislation have been conducted. We believe it is essential that a thorough analysis of the various land selections under consideration in S 881 and the selections made under the existing law be evaluated. There are complex trade offs that would affect the amounts of timber that could be harvested and the potential effects on listings of endangered species.

We strongly recommend that you immediately request the involved agencies (U.S. Forest Service, U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game) conduct an emergency assessment of the various land exchange options being considered. The assessment should include how the various options would impact deer, wolf and goshawk populations. It is essential that this analysis be complete before any final decision is made on land exchanges or land selections. Such an analysis can be completed in a few weeks if the agencies make it a priority.

With adequate input from the agency professionals, modifications to this legislation may be possible to dampen the potential listing possibilities. If either species is listed as either threatened or endangered the effect will be the elimination of any logging industry

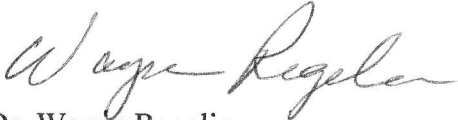
in the region – either on private or public lands. Remember when Weyerhaeuser Corporation said, “the spotted owl will never affect us.”

Currently, the only analysis of the tradeoffs between the currently selected lands and those proposed in S 881 and HR 2099 has been conducted by David Albert of The Nature Conservancy. His preliminary analysis of the ecological values associated with the various selection options shows great disparity in timber value and wildlife habitat between the currently selected areas and those proposed in S. 881 and HR 2099. The analysis is complex and according to Sealaska, it is controversial. It shows that lands proposed for selection in legislation have some of the highest value old growth forest, wildlife habitat and karst formations in Southeast Alaska. This analysis, while useful, does not consider the ramifications of the Endangered Species Act. An analysis of the ramifications for species listing conducted by the federal and state agencies responsible for managing the Tongass Forest is required in order that sound public policy decisions can be made.

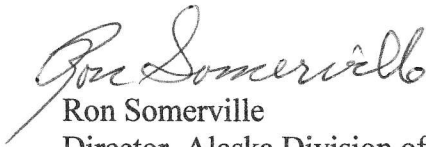
We wish to clarify that this correspondence is being submitted by the three of us as wildlife professionals with over 75 years of experience with the Alaska Department of Fish and Game and does not reflect the position of anyone else or any organization.

We are willing to assist in the process of assuring that Sealaska Corporation receives its land entitlement. We stand ready to participate in any habitat and population assessments if we can help expedite the process or contribute our experiences in dealing with the Endangered Species Act.

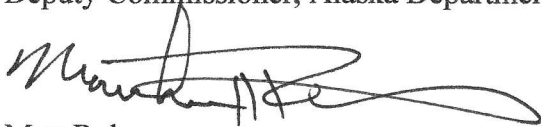
Thank you for considering this recommendation.



Dr. Wayne Regelin  
Director, Alaska Division of Wildlife Conservation 1995-2002  
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Ron Somerville  
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