

DUNE MATERIAL — (from a NCRCC staff report) — The obvious answer is just too simple to be believable. Dune material might be a mixture of Indian artifacts, shotgun shells, beer cans, and old tires with enough sand added to make it stand up in piles.

VIEW SHED — A dilapidated and picturesque storage building which looks great with an ocean

background, may also double for hay storage, as a hostel, or as an illegal mother-in-law unit.

UPLAND TRAIL — A trail on a ridgetop which might be used as an excuse to move the Coastal Zone eastward.

SENIC OVERLOOK — Free overnight parking for the \$50,000 Winnebagos from Los Angeles (also known as low income tourists).

Resource Development Council for Alaska, Inc. **RESOURCE REVIEW**

BOX 516

ANCHORAGE, ALASKA 99510

FEBRUARY 1981

TIME
TO RENEW
RESOURCE
REVIEW
SUBSCRIPTIONS
AND
MEMBERSHIPS

Corporate/Business

Two categories of membership are available to businesses which include all publications and services,

- (1) **Sustaining:** \$100 to \$2,000 (maximum) per month payable monthly, quarterly or annually
- (2) **Supporting:** \$100 to \$1,200 per year, payable annually

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Dated _____ Signature _____

(The Resource Development Council is a non-profit trade association which operates under Internal Revenue Code Section 501 (c)(6). Business membership fees are tax deductible.)

Red Alert Authorization

The Resource Development Council is authorized to place my name on its Red Alert System. (All membership information, including your name, is confidential and may be released only with your permission.)

I will communicate - at my own expense -- with legislators, administrative leaders, and/or members of Congress, etc. when Red Alerts are called. I understand "Red Alert" may come to me by telegram, letter or telephone. I will notify you of address or telephone changes to keep your records current.

Signature _____

COAL CONFERENCE

Four hundred people attended the first Alaska Coal Marketing Conference held in Alaska January 23. The delegates learned that Alaska is facing a short time frame to make contracts that will affect the marketing of coal for the next 25 years.

With worldwide petroleum-based fuels problems plaguing many industrial countries there is a shift to coal as a basic energy source. This is particularly true of the Far Eastern nations of Japan, Taiwan and Korea, all potential Alaskan customers.

Yet Alaska, with some 40 percent of the coal reserves in the United States, has heretofore been virtually overlooked as a major supplier. A national coal export conference held in Washington, D.C. in December 1980 didn't mention Alaska.

Thus the Resource Development Council, in conjunction with the Alaska Miner's Assn.; Alaska Dept. of Commerce & Economic Development; University of Alaska School of Mineral Industry; Municipality of Anchorage; the Kenai and Matanuska-Susitna Boroughs; the Alaska Railroad and the Anchorage Chamber of Commerce, sponsored the recent Alaskan conference. The conference drew delegates from most regions of the United States, and the three largest potential Far Eastern customer countries.

The conference revealed that the State of Alaska in conjunction with the federal government must impose only realistic regulatory standards; while transportation systems, especially railroads and transshipping ports, must be created and/or upgraded if Alaska is to be competitive in pricing and service.

Continued next page



KEYNOTER - Ian Ross, Chairman of the Swan-Wooster Group of Companies, from British Columbia, discussed the Anatomy of a Superport - A Look at Alaska's Needs, during the luncheon at the Alaska Coal Marketing Conference. Swan-Wooster has been instrumental in designing world class bulk shipment ports in all parts of the globe.

--- RDC Staff Photo



STANDING ROOM ONLY - Some of the 400 delegates to the Alaska Coal Marketing Conference, held in Anchorage January 23, are shown taking part in one of the six work sessions.

--- RDC Staff Photo

Resource Development Council
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COAL CONFERENCE

Continued from page 1

It was strongly warned by knowledgeable delegates that most major worldwide coal purchase contracts, affecting deliveries for the next two decades, or longer, will be signed within the next two years. The results of the conference are being forwarded to the Legislature and the State

Administration, for action.

A report of the conference proceedings, including 26 advance study papers used by conferees, may be ordered from the Resource Development Council for \$20.00.

COAL CONFERENCE

Following introductory remarks by Resource Development Council President Tom Fink, Master of Ceremonies for the Coal Conference, Dr. Earl Beistline of U. of A. School of Mineral Industry took charge of the program.

Work sessions beginning at 8:40 until about 1:00 pm were so well attended it became a challenge for session moderators to cover material required of them.

Phil Holdsworth chaired a session on leasing, royalty and taxation policies; Jeff Lowenfels moderated the session on federal regulations while Tom Cook handled a full house concerned with state regulations.

At the same time three other sessions were going on in a different room with Ross Schaff moderating the session dealing with solving technological needs; Chris Gates moderating a session concerned with infrastructure needs and the final session

on developing market strategies was chaired by Richard Eakins.

The luncheon speaker was Ian Ross of the Swan-Wooster group of companies which has designed some of the world's super coal-shipping port facilities. Ross' speech and slide presentation was titled "The Anatomy of a Superport - a Look at Alaska's Needs."

After lunch moderators presented the conclusions which had been drawn from oral presentations at the work sessions.

Commissioner Chuck Webber of the Alaska Department of Commerce and Economic Development closed the conference with remarks and observations.

There were twenty-six advance papers distributed to delegates prior to the Conference. It was noted by one person with expertise in the field that readers of the advance papers will be among the best informed on the subject matter.

The Council appreciates the time, work and unselfish contributions by all who worked on the conference.

HAINES LAWSUIT

An Alaska Superior Court in Juneau awarded court costs and attorney fees to a private corporation sued by a preservationist group, after dismissing the case filed by the preservationists.

The ruling was made by Judge Allen Compton, December 31, just prior to Compton's assuming a seat on the Alaska Supreme Court as Gov. Jay Hammond's latest appointee. The time frame for appeal has expired, so the judge's ruling stands.

His ruling assesses the Southeast Alaska Conservation Council (SEACC) some \$25,000, which they must pay to the Schnabel Lumber Company of Haines, to partially cover legal expenses of the corporation. SEACC, represented by the Sierra Club Defense Fund, sued the Schnabel corporation and the State of Alaska over a long term timber sale in the Haines area, which the preservationists said would destroy eagle habitat and eagles themselves.

The judge noted that the timber sale was the result of an extensive land use plan, compiled by the local governments of the Haines area, and the State of Alaska, which addressed the eagles' needs.

Noting that SEACC claims several hundred members Judge Compton ruled, "...certainly there is absolutely no evidence in the record to suggest that collectively the members of the various

organizations that comprise the Southeast Alaska Conservation Council cannot shoulder the burden that presently rests upon Defendant Schnabel Lumber Company."

Judge Compton noted that he toyed with the idea of declaring the suit frivolous, partially based on a public comment by attorney Durwood J. Zaelke of the Sierra Club Defense Fund, which stated even a casual observer could tell from the outset (some 18 months ago) that the case had only the slightest chance of being won. It was a valiant attempt to protect the eagles, according to Zaelke.

His remarks were contrary to the intent of the Haines-Skagway Land Use Plan, and special study conducted by the Haines-Klukwan Resource Study Group, which showed that logging, as agreed between the Schnabel Company and the State of Alaska, would not be detrimental to eagles utilizing the Chilkat River Valley, according to Mayor John Halliwill of Haines.

Judge Compton did not award costs and fees to the State of Alaska, nor the voluntary intervenors the City of Haines and the Haines Borough. The costs to the latter two defendants will be covered by a special tax voted by the Haines area residents upon themselves to enter the case. Judge Compton did not assign costs to the government defendants because he said he did not want to discourage legitimate public interest lawsuits.

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Resolution: Adopted by Executive Committee of the Resource Development Council February 3, 1981.

Re: Repeal of State of Alaska Coastal Zone Management Act

WHEREAS, the Resource Development Council advocates proper management and development of the State of Alaska's resources; and

WHEREAS, the Resource Development Council is committed to regulatory reform of administrative agencies for the benefit of all Alaskans; and

WHEREAS, the Resource Development Council has determined the Alaska Coastal Zone Management Act does not serve the purpose of proper management of the State's resources, but instead creates more layers of government, at the taxpayers expense, without any substantial corresponding benefit; and

WHEREAS, the result is counter-productive to proper management of Alaska's resources causing only undue and institutionalized burden and delay on both the public and private sectors of the State's; and

WHEREAS, the Resource Development Council has determined Alaska's Coastal Zone can be properly managed and developed by means other than the Alaska Coastal Zone Management Act; and

WHEREAS, The Resource Development Council has determined that the cost of the program to the State as well as the citizens is greater than benefits received in the form of Federal and State grants; and

WHEREAS, participation in the Federal Coastal Zone Management Program is voluntary on the part of individual states;

BE IT RESOLVED, the Resource Development Council proposes the State of Alaska voluntarily withdraw from participation in the Federal Coastal Zone Management Program and thus repeal the Alaska Coastal Zone Management Act.

I, _____, support this resolution and encourage your action toward its achievement.

"The first panacea for a mismanaged nation is inflation of the currency; the second is war. Both bring a temporary prosperity; both bring permanent ruin. But both are the refuge of political and economic opportunists."

—Ernest Hemingway, NOTES ON THE NEXT WAR.

"If there is one thing this administration stands for it is our commitment to analysis and evaluation

COASTAL DEFINITIONS

The following definitions were found in the Fort Brace (California) Advocate News. The Northern California coast has been heavily impacted by arbitrary and capricious actions, caused by coastal zone management directed by preservationists.

BALANCING ACT — A glass of ice water provided while they burn you at the stake.

INPUT — Pouring sand down a rathole.

RARE AND ENDANGERED SPECIES — An opportunity for the free American to join ranks with the snail darter.

OPEN SPACE — Area between the ears of coastal commissioners.

HABITAT — Any sensitive housing for termites, bugs and insects, particularly dead trees that stand in an area you'd like to clear for a building site.

SHORELINE ACCESS — Permission from the coastal commission to cross your own property to get to the beach.

HAZARDOUS AREAS — Coastal commission meeting.

CRITICAL VIEW CORRIDOR — Coastal commissioners circled around a landowner who has passed out at an appeals hearing.

APPEAL — Snail darter's day in court.

SPECIAL TREATMENT AREA — Any timberland the coastal commission doesn't want logged.

DESIGNATED ACCESS POINTS — To be decided when the coastal commission finds out where you want to build, which is where they will then determine they want a public access trail across your property.

PUBLIC ACCESS — Tourists reliving Sherman's march to the sea.

WILLING SELLER — A property owner who sells to the state at below market value after he's been denied development rights.

SPECIAL COMMUNITY — Where the landowners are given equal rights with the snail darter.

PRIME AGRICULTURE — One sheep per 5 acres.

FEASIBLE AGRICULTURE — One sheep per 15 acres.

AGRICULTURAL — RESIDENTIAL CONFLICT — The neighbor's loose goats are eating my precious petunias.

before action, and to a fair opportunity for all to be heard on any issue."

—Governor Jay Hammond

"There is a place in the world for 'preservationists', but it is not in the Department of Interior during my tenure."

—Secretary of Interior James Watt in an address to his staff.

RESIDENTIAL — AGRICULTURAL CONFLICT — The neighbors' children and dogs are bugging my precious goats.

LIGHT or NEIGHBORHOOD AGRICULTURE — The intensive use of agricultural land for a crop which is highly profitable for the grower if the crop escapes detection by aerial surveillance.

AGRICULTURAL BUFFER ZONE — Means necessary (moats, electric fences, barbed wire, etc.) to separate children and dogs from goats and crops detectable by aerial surveillance.

TPZ BUFFER ZONE — A 500 foot strip of residential property intended to prevent screaming babies, stereos, barking dogs, and noisy household appliances from bothering loggers at work.

PREDATOR CONTROL — Measures necessary to prevent State Coastal Conservancy and the Department of Parks and Recreation from taking over agricultural and residential lands.

OPEN EASEMENT — Opportunity for a landowner to donate part of his land to an agency acceptable to the Executive Director of the Coastal Commission while continuing to pay taxes and assume liability for the land.

PASSIVE RECREATION — Doing it on the beach without extra equipment (fieldglasses, birdbooks, cameras, pencils, excepted).

ACTIVE RECREATION — Doing it on the beach without extra equipment and in organized groups.

RIPARIAN VEGETATION — Although usually associated with stream banks, this type of vegetation also occurs where the Coastal Commission says that it has been detected by aerial surveillance (Riparian vegetation may or may not include the vegetation described under Neighborhood Agriculture).

WETLAND — Land permanently or periodically covered with water depending on what time of year these lands were observed. Exceptions are mill ponds, farm ponds, swimming pools, bird baths, etc.

FEN — A wetland desired by the Department of Parks and Recreation.

PYGMY TYPE VEGETATION — Trees on lands desired by the Department of Parks and Recreation but which don't quite measure down to real pygmy forest standards.

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EDITORIAL

Judge Allen Compton of Juneau, in a landmark ruling December 31, required a preservationist organization to pay court costs and attorney fees to a private company they had sued, after the suit was dismissed. Though the judge fell short of calling the suit frivolous, there is evidence this may be the case.

In a letter to the Editor of the Juneau Empire, prior to the judge's ruling, Durwood J. Zaelke, attorney for the Sierra Club Defense fund, which represented the preservationist side in the case, stated, "Indeed, even the casual observer could tell from the outset that the case had only the slightest chance of being won. It was a valiant effort to protect the eagles."

Further attacking John Schnabel, principal in the Schnabel Lumber Company, which along with the State of Alaska, was sued by the Southeast Alaska Conservation Council (SEACC), attorney Zaelke wrote, "The citizens of Haines who want to diversify their economy and attract tourists should be wary of Schnabel and others of his ilk."

Schnabel points out for the record that he has logged in the Haines area for 41 years. The eagle population today is at an all-time recorded high in the Chilkat valley. The Schnabel sawmill, when operating, and the attendant logging operations, are the major private employer in the Haines area. As far as diversified economy is concerned, Schnabel states that at one time he operated the largest tourist motel in Haines. He also started a longshoring company, and he and a brother originally constructed and operated the local power company. Schnabel is also active in gold mining in the area. He points out that most of his past endeavors have been sold to others, who operate them as part of the Haines economy.

Zaelke, in his personal attack also failed to point out that the City and Borough of Haines entered the case brought by the Sierra Club Defense Fund on behalf of SEACC, as voluntary Intervenor-Defendants. He also failed to mention that the people of the Haines-Klukwan area voted to tax themselves to finance the local government's intervention in the suit.

NOTABLE QUOTE

"Those organizations (preservationist) that have continued emotional, blind opposition to every proposal have lost their credibility with legislatures, and thus their clout. At the same time, however, the serious environmentalists -- those with economic and technical knowledge as well as environmental philosophy -- will increase their influence. The public clearly supports both

Zaelke's attack is especially onerous, as was the suit itself. The preservationist community has made it a nationwide effort to turn the entire Chilkat valley into an eagle haven, to the discouragement of all other land uses. Flying in the face of scientific research which shows the eagles are not harmed by logging, as presently contemplated, the preservationists have instigated national articles decrying any but wilderness uses of the area.

They have even attempted to instigate a land trade, wherein the State would trade some of its most valuable multiple-use land to the federal government, in return for less valuable federal lands...and then are prepared to fight for a land lock-up in the Haines area.

Judge Compton acted rightly in dismissing the SEACC suit. In our opinion, however, he did not go far enough. While stating the preservationist organization is to pay the costs and attorney fees accrued by Schnabel Lumber Company, he should have further required the Plaintiffs (the membership jointly and severally) to pay for all the lost income to the people of Haines, who have grievously suffered due to the preservationist action. The taxes paid by citizens to defend their economic base should also be returned. And, though the Judge made a legal point concerning "Public Interest" lawsuits in not requiring the Plaintiffs to pay State costs in defending the suit, he would not have been out of line in doing so. It is one thing to instigate court action in the name of "Public Interest" and another to use the courts as a tool for harassment and to carry out a "no-growth" policy.

Further, the Judge would not have been out of line in bringing ethical charges against attorneys for the Sierra Club Defense Fund. The American Bar Association Code of Professional Responsibility states, "A lawyer shall not file a suit, assert a position, delay a trial, or take action on behalf of his client when he knows, or when it is obvious, that such action would serve merely to harass or maliciously injure another." This is exactly what the Sierra Club Defense fund and its clients have done. They have harassed and maliciously injured people of the Haines area.

environmental improvement and economic growth. Industry had better be prepared to deal seriously with environmental scientists, and to make common cause with them whenever possible." George Weyerhaeuser, president, Weyerhaeuser Corporation, in interview with Logging Management magazine.

STATE WEALTH: THE DANGEROUS PROBLEM

by Arthur E. Hippler

If there is a state issue concerning which Alaskans have expressed more feelings more often more publicly than the disposition of our new found oil generated wealth, it has escaped my attention. The state legislature will be provided the opportunity in 1981 to dispose of over seven billion dollars by some estimates. Such a figure means that even if the overstuffed general fund expenditures of 1980 grow expectably, even if the maximum absorbable capital works are generated, even if every sales and property tax in the state is replaced by state revenues and assuming the permanent fund allocation continues, it will still not be easy to dispose of the state's revenues. Even all the state's bonded indebtedness might be able to be paid off in this one year.

Then we come to 1982 with even larger funds likely to be available. Solutions have been proposed ranging from the wryly humorous "burn" it through the altruistic "reduce U.S. National Debt" and including nearly every redistribution scheme conceivable. Wiser heads have argued for a spending limitation as a way of curbing legislative excess, some have argued for a reduction in oil company taxes as a measure of equity and to reduce the surplus problem, others have demanded an end to all bonded expenditures to stay on a cash and carry basis.

While any attempt to reduce legislative concupiscence is valid and admirable, most approaches have two deficiencies which weaken them. Most persons while stunned by Prudhoe Bay oil revenues seem to forget that there is every likelihood of other oil and mineral revenues swelling the present surplus. That is, there are scenarios under which the problem can get worse.

Secondly, most solutions ignore the genesis of the problem which is not the money, but that the state owns it.

The fact is that the Alaska constitution by virtue of the Alaska Statehood Act Section 61 provides that all sub-surface mineral estate belongs to the state. That is the problem. So long as the state literally owns the wealth of our land the unending outpouring of wealth to the state cannot be stopped. There is only one solution and that is to vest all subsurface mineral rights to private owners and for the state to dispose of ALL its land, not presently in parks, immediately and en masse.

It does not matter whether the land is divided up into small parcels and sold for a nominal fee or given away at a lottery. What is absolutely necessary is to get ALL of Alaska into private hands, NO MATTER WHOSE HANDS. If state revenues are needed, the state can tax proceeds, but the basic ownership of the wealth should become private, not public. That way individuals could directly benefit, if by chance they owned valuable land, and their wealth reinvested would benefit everyone. Otherwise we ensure an increase in dependency generated by huge state wealth and power.

The alternative is the intolerable socialist position of the present governor, who seemingly abhors private property as the ultimate lock up (except for his own substantial holdings). The governor wants to distribute royalties to everyone to reinforce the idea of social ownership, hence government control, rather than private ownership.

The only solution to the unlimited spigot of government wealth is to turn off the spigot.

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RESOURCE DEVELOPMENT COUNCIL AND COASTAL ZONE

The Executive Committee of the Resource Development Council, in a rare agreement with Alaska's Commissioner of Natural Resources, Bob LeResche, has called for the State of Alaska to voluntarily remove itself from the federal Coastal Zone Management Program.

This would entail repeal of the state's Coastal Zone Management Act, which LeResche, in a memorandum to Governor Jay Hammond, notes causes additional delay in the permit granting system, without being productive. "I am unaware of any instance in which the Coastal Management Act has changed the outcome of a decision on a project," LeResche told Hammond.

The Governor, in a strongly worded reply, chided LeResche for his views. There has been a long standing rivalry between the Department of

Natural Resources and the Office of Coastal Management, which is located in the Governor's office, under the Division of Policy Development and Planning.

The Resource Council recently contacted the Pacific Legal Foundation concerning the potential of Alaska voluntarily quitting the federal program. PLF confirmed that the program was entirely voluntary on the part of each state. Further, four states recently dropped out while others have never participated.

CZM has been called the best instrument yet devised to stop development and growth, so we know that those in government who are basically opposed to development will oppose, vigorously, repeal of the Act. It has been stated that some 80%

CONTINUED NEXT PAGE

of the permitting delays along the coastal zone are the result of the overlay of federal upon state regulations.

There is some state and local funding from the federal government, as a result of being in the program. The Resource Council noted that where necessary these funds could be generated directly from the state.

We hope and trust you will agree with and support the Resource Development Council Coastal Zone position.

We concur with Commissioner LeResche that regulatory reform without repeal of the CZM Act is a sham. Commissioner LeResche said it succinctly: "It creates more government and more delay without any substantial corresponding benefit."

KENAI BOROUGH AND COASTAL ZONE

The Kenai Peninsula Borough Assembly has passed a strongly worded resolution requesting the Alaska Legislature to repeal the Alaska Coastal Zone Management Act.

The borough, bordering both Cook Inlet (both sides of the inlet) and the Gulf of Alaska, is heavily impacted by coastal regulations.

The assembly, by a vote of 13 to 3, charged

On the other side of the coin, participating in the program brings in some federal money and hires many more bureaucrats. You can believe that they will favor staying in the program. Governor Hammond's reply to the LeResche memo was hard and bitter; the Governor will oppose repeal of the Coastal Management Act. Support to repeal will have to be voluminous and strong.

If you agree with the Council position and want to take this step toward regulatory reform, your support must be aggressive and persistent. Your legislators must know how you feel...CONTACT THEM.

Copies of the Resource Development Council CZM repeal resolutions are included in this issue. (Page 7). Please copy and mail to Governor Hammond and you legislators.

that the Coastal Zone Management Act has proved to be unworkable. The result of repealing the act would be elimination of a significant number of unneeded state employment positions. In loosening the regulatory restrictions now imposed by the state upon local land use planning, and in returning control of land use planning to the affected municipalities and their citizens, according to the borough.

PLF V. CEQ

The public's right to know has been upheld by a federal appeals court ruling that ordered the U.S. Council on Environmental Quality (CEQ) to open its meetings to the public.

CEQ had failed to hold a single open meeting for more than a year and a half at the time the Pacific Legal Foundation filed suit in 1979 charging

CEQ with conducting more than 70 meetings in secret.

Thus a big step in striking down secrecy in government.

CEQ is an advisory agency which is influential in setting environmental policy for other agencies. It is the president's top environmental council.

NOTABLE QUOTES

"It is too bad that we have not made the voting public more aware of the connection between high business taxes and high unemployment. Too many people are convinced that the only benefit they receive from a successful enterprise comes from taxing away its profits."

—Alaska Representative Dick Randolph

"Who said this? - 'I want to wipe out capitalism, eradicate it from the face of the earth.' Marx? Lenin? Mao? No, it was Fred Miller, environmental activist from the Northwest Coalition Against Pesticides (NCAP) in a 1977 Oregon Times interview."

—Ron Arnold in his article, "Feeding The Mouth That Bites Us", Logging Management Magazine, December 1980.

"What is needed now is a fresh approach which sees environmental problems, which tell us - not that we are living at the end of the world - but only that we are doing a few things wrong that need to be corrected. Environmental problems must be approached in the spirit that they are solvable, and not that they are messages which convey the malignant intent of the business establishment, or the first reckoning of Doomsday."

—William Tucker, award winning environmental writer, as published in Heritage Today.

"If you had saved your money instead of squandering it on booze and women, it would now be practically worthless."

—Richard J. Needham