Some environmental groups have begun to lift their opposition to an Alaskan senator's bill to convey some 70,000 acres of the Tongass National Forest to an Alaska Native-owned corporation, but other groups remain steadfastly opposed.

The groups' positions on Murkowski's bill could be pivotal in getting lands packages that designate new wilderness, parks and conservation areas through the tightly divided Senate.

The Juneau-based Southeast Alaska Conservation Council (SEACC), for example, late last week announced that it, for the first time, supports Sen. Lisa Murkowski's (R) S. 340, arguing that the bill has been significantly improved since it was first introduced in 2007.

In a similar vein, the Sierra Club said that while it does not support the bill, it could drop its opposition if the measure is amended and paired with other legislation that conserves public lands.

Meanwhile, other groups including Audubon Alaska, Trout Unlimited and the Sitka Conservation Society said that while the bill is improved from earlier versions, it still sets a bad precedent for how Native Alaskan corporations complete their land entitlements in the state.

Murkowski's bill would allow Juneau-based Sealaska Corp. to select lands from outside the original boxes to which it was entitled under the 1971 Alaska Native Claims Settlement Act (ANCSA) (E&E Daily, Feb. 15).

The proposal continues to bitterly divide southeast Alaska residents, Alaska Natives, sportsmen and environmentalists, though some opponents have softened their stance, including SEACC, which testified against the legislation in May 2011 and now supports it.

In a blog post, Bob Claus, SEACC's forest program director, wrote that while Murkowski's bill would negatively affect old-growth forests and cause harm to certain communities, the same would be true if Sealaska picked from its original ANCSA boxes, many of which are located in inventoried roadless areas and near village watersheds.

"The question we had to ask ourselves was whether at this point a different outcome was reasonably possible," Claus wrote.

While SEACC still has concerns over the amount of conservation lands and timber parcels at Calder and Keete and a small parcel at Turn Point near Craig, the bill is a "responsible approach" to resolving a long-standing controversy, Claus said.
"We felt Senator Murkowski had offered a responsible response to the issues raised; judged that we were probably at that point where this complex legislation was unlikely to be improved; and hoped that it could help all of us move forward together to bring about a better, brighter and more balanced future for the Tongass National Forest, our communities and our citizens," Claus said.

In its legislative analysis, SEACC notes that Murkowski's latest bill would drop some 26,000 acres of timber selections on north Prince of Wales Island, impose 100-foot protections for three streams and greatly reduce the number of parcels Sealaska can select for energy or tourism development, which would cut down on new inholdings.

While no other groups have expressly supported Murkowski's bill, other groups have indicated that they would not oppose it if it were amended and paired with adequate conservation measures.

"This is not a conservation bill by any means," said Matthew Kirby, Washington representative for the lands protection program at the Sierra Club. But the group has said it is hopeful the bill could be amended at markup to ensure that it will not conflict with the Forest Service's plan to transition the Tongass away from old-growth logging.

It is possible that some environmental groups will support the bill's passage as part of a larger conservation package. That was the case with the 2009 public lands omnibus act, which designated more than 2 million acres of wilderness and protected roughly 1,000 miles of rivers but also included Murkowski's bill allowing a road to be built through the Izembek National Wildlife Refuge, which environmentalists opposed.

One conservationist said he does not expect Sealaska to be as controversial as Murkowski's Izembek language was in 2009.

**Concerns about 'high-grading,' watersheds**

But other environmental groups said the Sealaska bill is fatally flawed because it would allow Sealaska to select from outside the boxes it was entitled to in the 1970s.

"Once again, it's important to note that Sealaska has already made its land selections within areas that it testified in support of to Congress," said Eric Myers, policy director for Audubon Alaska. "No new legislation is needed for Sealaska to receive its full entitlement."

Myers said the new bill would still allow the corporation to "severely 'high-grade'" large amounts of the last remaining "rare, very large-tree old growth." High-grading is the practice of preferentially logging stands with the largest trees.

Myers said the bill's timber area at Keete Inlet on southern Prince of Wales Island would allow the corporation to cut rare old-growth trees and overlaps with a watershed identified by Trout Unlimited as particularly valuable for salmon.
"The bill is not as bad as it was, but that doesn't tell you much," he said. "You can also hit your hand with a hammer and then, when you stop, it will feel better."

Trout Unlimited has also noted improvements in the bill but said the new proposal still fails to protect the millions of acres of salmon and trout watersheds that it argued remain open to harmful timber development. The group sent a delegation to Washington, D.C., this week to promote its "Tongass 77" proposal to protect nearly 2 million acres of high-value watersheds. A small portion of those lands would be conserved in Murkowski's bill, while others would be open to logging.

Trout Unlimited said the new bill improves on its protections on 152,000 acres of conservation areas and would allow alternative land selection outside the ANCSA boxes that would spare certain high-value fish watersheds, including the Situk River.

But by allowing Sealaska to select lands from outside its ANCSA boxes, the bill still sets a "troubling precedent" for other Alaska Native corporations, Trout Unlimited said. The bill also only mandates 100-foot harvest buffers for three streams, while federal law requires the buffers on all class 1 streams to protect spawning and rearing fish, the group said.

Murkowski's bill is still strongly opposed by nearly a dozen small towns and villages in southeast Alaska, which have called the proposal "unfair and morally repugnant" and warned it would "create a new injustice against us." Those towns asked that Sealaska stick to the final land selections it submitted to the Bureau of Land Management in 2008, calling it "a simple solution which is just and consistent with legal and moral precedent" (E&ENews PM, Feb. 22).

In contrast, the Forest Service has indicated that many of the concerns it had about the bill in the past have been resolved. The agency plans to ask for language that would give it greater flexibility to cut second-growth trees on the lands that remain in the federal estate (Greenwire, Feb. 21).