

The Alaska Forum

◆ The Newsletter of the Alaska Forum for Environmental Responsibility ◆

Summer
1998

US Army Corps of Engineers-AK Tries to Fire Long-time Whistleblower



Bob Oja: targeted for firing by US Army Corps' of Engineers-AK.

In Alaska, where big oil and no-holds barred development politics reign, it ain't easy being a straight shooting, ethical federal regulator. Take it from Robert K. Oja, Regulatory Program Chief of the Army Corps of Engineers Alaska District for 12 years until last summer.

Oja has repeatedly called for investigations of political interference in the issuance of wetlands permits and the Corps' failure to follow its own environmental rules. After 10 years of trying to force him to leave through harassment and retaliation, the Corps has now proposed to fire Oja "for failure to follow sick leave procedures."

Oja contends that the charges against him are merely the culmination of a long campaign of harassment and retaliation for his efforts to enforce environmental regulations on politically connected projects.

"A decade ago, the Corps nominated Bob Oja as their Civilian Employee of the Year and today they are saying this same man is unfit to serve," said Public Employees for Environmental Responsibility (PEER) General Counsel Todd Robins. PEER is representing Oja in his challenge of his proposed termination.

(Continued on page 5)

Alaska Forum Submits Comments Critical of Oil Spill Response Plan New Plan Nearly a Year Overdue

On June 23, the Alaska Forum was joined by 11 other environmental and wilderness recreation organizations in submitting comments critical of Alyeska's proposed new oil spill prevention and contingency plan (or c-plan) for the 800-mile pipeline corridor.

We submitted over 70 pages of detailed comments to the Alaska Department of Environmental Conservation/Joint Pipeline Office (ADEC/JPO) describing the inadequacies of Alyeska's proposed new c-plan. ADEC is the state agency in charge of reviewing and approving oil spill plans in Alaska; JPO is a joint state federal agency that oversees the trans-Alaska pipeline.

The oil spill contingency plan describes Alyeska's minimum requirements for oil spill prevention and response within the 800-mile pipeline corridor, which crosses literally hundreds of streams and rivers. Alyeska's failure to comply with its c-plan for Prince William Sound was largely responsible for the inadequate industry response to the devastating Exxon Valdez oil spill in 1989.

More recently, fishing organizations had to sue ADEC and the tanker owners over inadequate protections for the Copper River Delta in the current contingency plan for tanker traffic in Prince William Sound. Also, Alyeska's current pipeline contingency plan was strongly criticized from within the company last year. A study by a 20-year Alyeska veteran who oversees oil spill response on one section of the pipeline concluded that Alyeska was not ready or able to ade-

(Continued on page 3)

"Do you know how much Murkowski wants you fired?"

- Alaska District Engineer to Bob Oja

INSIDE THIS ISSUE . . .

Alyeska Fails Second Evaluation of Its Employee Concerns Program	Page 6
US Department of Justice Finally Holds Doyon Drilling Accountable	Page 7
Why the Alaska Forum is Monitoring Logging on the Kenai Peninsula	Page 8
Recognizing Retaliation: The Risks and Consequences of Whistleblowing	Page 11



ABOUT THIS PUBLICATION

The Alaska Forum is the newsletter of the Alaska Forum for Environmental Responsibility, a nonprofit advocacy and education organization.

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Our Mission:

The Alaska Forum is dedicated to holding industry and government accountable to the laws designed to safeguard the environment, provide a safe and retaliation-free workplace, and achieve a sustainable economy in Alaska.

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A Message from the Executive Director

Last week, Alyeska stopped all work on a pipeline construction project near Glenallen. And Alyeska followed up the work stoppage with a line-wide safety briefing that included comments by President Bob Malone.

Why? Because inspectors and other pipeline workers were once again being harassed for raising concerns about safety and quality problems on the project.

The Alaska Forum commends Alyeska for its strong and immediate reaction to allegations of workers harassment. This is a step in the right direction. Malone's involvement, in particular, seems an important departure from the past.

But as is too often the case at Alyeska, and along the pipeline in general, change for the better is inconsistent. We continue to see two steps forward and one step back.

Take, for example, the second evaluation of Alyeska's employee concerns program. The US Bureau of Land Management (BLM) recently found that Alyeska's corporate culture deteriorated over the last year: only 45% of Alyeska employees say their supervisors are more responsive to concerns about job safety and the environment, down from 59% last year. And the signs of improvement among Alyeska contractor companies was mixed at best. [For details on the results of BLM's evaluation, see page 6.]

We see a similar problem of inconsistent progress among the government agencies responsible for oversight of Alyeska and the pipeline.

In contrast to Alyeska, TAPS employees gave the state-federal Joint Pipeline Office high marks for improving their handling of employee concerns. In addition, JPO actually solicited citizen participation at its last Executive Council meeting in Fairbanks. We commend both of these as positive steps forward.

But at the same time, we still see some big problems with government oversight. For example, we have been disappointed by regulatory oversight of Alyeska's oil spill contingency plan (c-plan). The Alaska Department of Environmental Conservation (DEC), the lead agency on c-plan review, has allowed Alyeska to continue operating under an outdated c-plan for nearly a year after the company first failed to deliver an updated draft c-plan sufficient of public review. DEC has so far failed to flex any regulatory muscle to ensure an adequate plan is implemented in a timely manner. [See page 1 for details on the c-plan story.]

Perhaps the best example of one step forward followed by one step backward was the JPO Executive Council itself. Despite soliciting public involvement at its last meeting, the Council refused to allow concerned citizens to accompany the council on a tour of the pipeline on the day immediately following their meeting. Why? Because, said JPO staff, the Council did not want to be "harangued" by members of the public.

How should a citizens group respond to these mixed messages? First and foremost, the Alaska Forum must maintain a vigilant watch over Alyeska and government regulators. The bitter lessons of the *Exxon Valdez* oil spill are these: what reforms we have achieved are the direct result of constant citizen pressure constantly applied. Industry and government rarely change without such pressure.

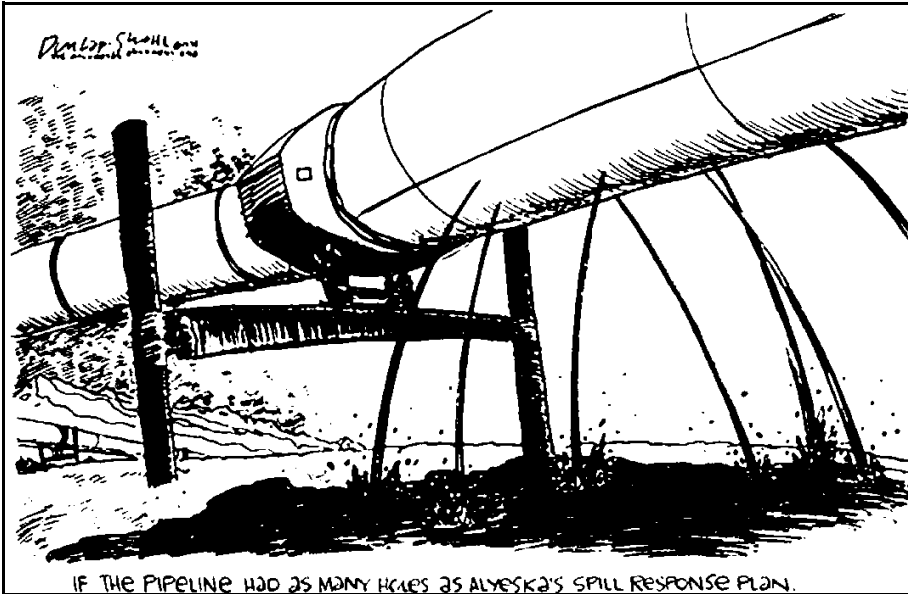
We also have to keep listening to and defending the rights of concerned employees to speak the truth in the workplace without fear of reprisals. Conscientious, well-informed employees are our window into the workplace; they are almost always right when they raise concerns. But all too often they pay a high personal and professional price when they raise concerns.

At the same time, the Alaska Forum must also seek ways to work with Alyeska and JPO. We need to find areas of agreement -- such as increasing citizen involvement in government oversight and improving Alyeska's employee concerns program -- and then do our best to work together to make these changes happen.

Effective citizens groups are more important than ever in Alaska. Constant vigilance and standing up for who and what is right, combined with a search for common ground, will make a difference.

The Alaska Forum

Trans-Alaska Pipeline Update



This cartoon originally appeared in the Anchorage Daily News on 6/28/98. Reproduction rights purchased from the Anchorage Daily News.

"Environmentalists are right to cringe as [ADEC] offers Alyeska an indefinite extension to clean up its oil spill response and prevention plan . . . here we are months past the first [c-plan] deadline and something so simple as the emergency phone book isn't completely up to date? Hmm . . . regulations regarding spill response are in place for a reason, and when deadlines are extended time and again, that shakes confidence."
 - Fairbanks Daily News-Miner Editorial, 6/7/98

(Oil Spill Response Plan, continued from page 1)

quately respond to or contain a pipeline oil spill.

The environmental community's comments on Alyeska's proposed new c-plan focused on four themes:

- ◆ Alyeska's proposed c-plan fails to adequately describe its employee training and oil spill drills and exercises program, despite the fact that employee training and oil spill drills and exercises are crucial to developing and demonstrating the effectiveness of any C-plan.
- ◆ Alyeska's proposed c-plan fails to identify and prioritize environmentally sensitive areas and areas of public concern, and to provide clear and complete site-specific measures that ensure their protection.
- ◆ Alyeska's proposed c-plan relies on oil spill response technology and techniques developed for the marine environment which would likely be ineffective in fast-moving, silt-laden streams and rivers. Despite the fact that little is known about what does and does not work in arctic and sub-arctic river systems, Alyeska's proposed c-plan does not include, and ADEC does not appear likely to call for, research to examine and test this issue.
- ◆ Nearly ten months after Alyeska's old c-plan should have been replaced, the pipeline continues to operate on an outdated plan and is doing so with ADEC's

blessing. The agency has administratively extended Alyeska's old c-plan four times since it expired last September, and the company continues to operate under that outdated c-plan.

Whenever possible, we provided ADEC with constructive suggestions on how to improve the c-plan and encouraged the agency to exercise its regulatory authority to ensure the pipeline corridor gets the strongest possible c-plan.

ADEC is currently reviewing the public comments. The agency has also requested additional information from Alyeska that it needs to complete its review of the c-plan. ADEC hopes to complete the review by the end of August and either approve the c-plan outright or approve it with conditions at that time.

Taken together, the organizations who signed on to our comments represented approximately 25,000 Alaskans and over 2 million Americans across the country. In addition, many individuals testified at public hearings and/or wrote letters to ADEC commenting on the c-plan. We suspect that JPO/ADEC heard from more individuals and organizations on this pipeline issue than they have since pre-construction!

We plan to keep a close eye on the progress of Alyeska's new c-plan. As Alyeska now enters the fourth, three month extension of its old plan, large portions of Alaska's land, rivers, fish and wildlife habitat and wilderness resources face increased and unacceptable risks of an ineffective response to a major oil spill. We hope the new plan will change this deplorable situation. ✔

Editorials Support A Strong C-plan and Strong Government Oversight

"Assume nothing - that's one of the bitter lessons of the 1989 Exxon Valdez spill . . . Give us the best spill response plan on the planet. That exercise will make it more likely we never have to take it off the shelf."
 - Anchorage Daily News Editorial, 7/2/98



Organizational Profile:

Public Employees for Environmental Responsibility (PEER)

We want to introduce Alaska Forum members and supporters to a sister organization: Public Employees for Environmental Responsibility (PEER). PEER is a national alliance of local state and federal resource professionals charged with safeguarding the nation's natural resources. PEER's job is to support and defend employees of environmental agencies who risk their careers by doing the right thing. The Alaska Forum serves as the Alaska chapter of PEER.

PEER and the Alaska Forum believe that public employees are on the cutting edge of environmental protection. Agency scientists, lawyers and investigators are one of our most effective lines of defense against abuse of public lands, toxic pollution and threats to our health, our natural resources and wildlife.

Public employees know the laws, whether and when policies are working and who is responsible for the successes and failures of an agency's practices. They are a unique force working for environmental enforcement. Their unmatched technical knowledge, long-term service and proven experience make these professionals a credible voice for meaningful environmental reform.

For public employees of conscience, simply doing their job well can often threaten agency status quo. When ethical public employees speak out against politically-based or scientifically-flawed policies, the agency's response often threatens their jobs, security, reputations and values. In the worst cases, employees who resist political interference are silenced through demotion, job transfers and termination.

As the story about Bob Oja and the Army Corps of Engineers on page 1 makes clear, PEER's defense of public employees of conscience is essential to protecting Alaska's environment. And "Power of the Pen" (on this page), by PEER Executive Director Jeff Ruch, shows how public employees can anonymously do the right thing for Alaska's environment.

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Power of the Pen

By Jeff Ruch
PEER Executive Director

My favorite thing about PEER is signing and mailing correspondence that is ghost-written by public employees and addressed to their own agencies. I know that these employee-written missives are like laser guided bombs sailing surgically to the exact target of concern.

PEER acts as the stationery for hundreds of public servants as we make record requests, inquiries, comments, demands, protests and appeals designed not just to keep some department on its toes but to ensure that these public institutions are fulfilling their statutory missions. Because



agency employees know first hand where the skeletons are buried, they are the perfect people to lead the search party, provided that they have the cover of the sort of anonymous activism provided by PEER.

Rare is the state or federal agency that actually welcomes internal reports of wrong doing. Typically, the agency whistleblower is dismissed as the proverbial "disgruntled employee," attacked as disloyal, subjected to pretextual discipline or censure and, finally, is cast out into the darkness of exile and isolation. Martyrdom may be noble but it sure is a drag. Also, it is not a good career move unless the plan is to go out with a bang.

The central paradox with which we wrestle is this: despite the fact that on paper and in law American public employees are among the most protected employees on earth, in reality public employees, particularly in environmental agencies, work within some of the most repressive and closed work environments. The reason appears to be that environmental regulatory decisions increasingly affect the flow of money

(Continued on page 5)

Public Employees


(Power of the Pen, continued from page 4)

and power. And nothing sets up retaliation like messing with money and power, the political forces of nature within a public agency.

PEEER is founded on the belief that a public servant should not have to sacrifice his or her career in order to report abuses, to enforce the law or simply do their job. The path of anonymous activism requires the employee to take pen (or keyboard) in hand in order to *commit the truth*.

As a member of PEER [and the Alaska Forum], you have "pen-pal privileges" -- access to PEER [and Alaska Forum] stationery and staff in order to address issues inside your agency through official channels and in the full light of day.

So often public employees working on a sensitive or controversial project say "someone ought to FOIA this." Well, that someone should be you.

Make us earn your dues. Pick up your pen and act upon issues which are being acted out upon you everyday. You will feel better if you do. 

Thank You!

The Alaska Forum extends a big thank you to the following foundations, organizations and government agencies for their generous financial support since the beginning of the year: Alaska Conservation Foundation (general support and c-plan review), Alask Department of Environmental Conservation (Community Forest Watch), Brainerd Foundation (c-plan review), Environmental Support Center (Fundraising Training for Board and staff), RESIST (purchase of a laptop computer), Training Resources for the Environmental Community (grant-writing training), and Turner Foundation (Community Forest Watch).

Also, we want to thank all who contributed to our June membership appeal, which raised over \$1,200.

Thanks!

(Bob Oja, continued from page 1)

Oja's troubles began in 1988. Not long after his nomination for the agency award, Oja's office rejected a wetlands permit application by British Petroleum (BP) for a controversial oil and gas development project on Alaska's North Slope. After heavy lobbying by BP, the Corps' then Director for Civil Works General Patrick Kelly ordered the Alaska District engineer to rescind the decision on a technicality. Oja responded by submitting a supposedly confidential complaint to the Army Inspector General (IG) requesting an investigation of Kelly's "undue command influence."

The Army IG promptly referred the complaint to the Corps IG. The Corps' investigation of itself, not surprisingly, found no undue influence, and also breached Oja's confidentiality and anonymity. His identity now known, high-ranking Corps officials and members of the Alaska Congressional delegation began a campaign of retaliation and harassment.

The next year, Oja was called to testify before the House Interior Committee regarding the BP reversal. Rep. Don Young (R-AK) contacted Corps headquarters in an attempt to have Oja terminated prior to his scheduled testimony. Young failed and Oja gave a damning account of political interference with the BP permit decision and the devastating consequences for North Slope fisheries and water quality.

In the years that followed, however, Oja was subjected to ever-escalating harassment. In 1991, a new supervisor arrived who, among other things, controlled Oja's building conditions, often cranking up the heat in Oja's and other enforcement staff's offices to 120 degrees. The supervisor also encouraged Oja's subordinates to disregard his authority.

In 1994, the new District Engineer pointedly asked Oja, "Do you know how much [Senator Frank] Murkowski (R-AK) wants you fired?" In 1997, Oja was transferred to a heretofore nonexistent position.

Following Corps' rules, Oja has rebutted the proposed reason for his termination. If the Corps' rejects his rebuttal, he may appeal to the Merits System Protection Board (the federal civil service court system), on the grounds that his termination is unjustified and that it violates the Whistleblower Protection Act and other statutes.

"Bob Oja is covered with tire treads from being run over by the District Engineer," commented Robins. "If his termination is allowed to stand, it will send a very chilling message to all conscientious employees in the Corps and other federal agencies in Alaska."

"Bob Oja is covered with tire treads from being run over by the District Engineer. If his termination is allowed to stand, it will send a very chilling message to all conscientious employees in the Corps and other federal agencies in Alaska."

- PEER General Counsel Tod Robins





Alyeska Employees Say Corporate Culture Getting Worse TAPS Employees Respond to Second BLM Survey

Only 45 percent of Alyeska employees say their supervisors are more responsive to employee concerns about job safety and the environment, down from 59 percent last year.

— US BLM Survey

Despite a vow from Alyeska Pipeline Service Company three years ago to eliminate management's "shoot-the-messenger" mentality, results of a second employee survey indicate the corporate culture along the trans-Alaska pipeline is getting worse.

Only 45 percent of Alyeska employees surveyed this year by the US Bureau of Land Management (BLM) say their supervisors are more responsive to employee concerns about job safety and the environment. That's down from 59 percent of those surveyed last year by the BLM, one of the regulatory agencies of the Joint Pipeline Office (JPO). The survey was part of JPO's ongoing evaluation of Alyeska's Employee Concerns Program, implemented by Alyeska President Bob Malone in 1995.

"We are most concerned about declining confidence by Alyeska employees in the areas of corporate culture, management responsiveness to concerns and willingness to bring issues to closure," said BLM authorized officer Jerry Brossia in a June 10 letter to Malone. Brossia requested an "action plan" to reverse the trend from Malone by June 30.

Malone told the *Valdez Vanguard* he's begun talking to people familiar with how to train management to correctly handle employee concerns, including whistle-blower attorney Billie Garde. Several of Garde's clients have sued Alyeska in the past, resulting in millions of dollars in legal fees and whistle-blower settlements paid by Alyeska, and several million more to fix the safety and environmental violations they exposed at the Valdez Marine Terminal and along the 800-mile line.

In November 1997, Malone hired Garde to teach Alyeska supervisors on how to correctly handle employee concerns. The BLM survey shows that more training may be necessary, Malone told the *Valdez Vanguard*.

"We've got some ideas that we're going to be working on to see if we can't get additional training in there for our employees and our supervisors to help create that culture of trust," Malone said.

In contrast to Alyeska's performance, the survey found some improvement among employees of Alyeska contractors. When asked about Alyeska's or TAPS' employee concerns programs, contractor em-

ployees expressed more confidence in the programs. However, when specifically asked about improvements in corporate culture within their own organizations, both "managers/supervisors" and all "other employees" showed a decline of three percentage points. Overall, JPO interpreted these mixed results as an improvement over last year, when contractor employees expressed the least amount of confidence in both Alyeska and their own organization's handling of employee concerns.

BLM's survey also found that trust in the JPO's handling of employee concerns rose significantly, from 54 percent to 65 percent among Alyeska employees, and from 57 percent to 75 percent among contractor employees.

As part of its effort to measure change in corporate culture on the pipeline, BLM sent the same questionnaire to pipeline workers this year as it did last year. However, the agency did not conduct extensive field interviews to get a better understanding of the survey results, as it did in 1997. Of the 2,450 anonymous surveys distributed to employees and contractors, 1,102 were returned for BLM review.

This article was adapted from an article by Tony Bickert in the *Valdez Vanguard* on 7/1/98.



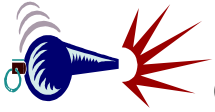
Pipeline Worker Appeals Ruling

Jeannie Sayre, a field design engineer at pump station 3 on the trans-Alaska pipeline, was fired in March 1997 after reporting observed violations of fire protection codes and noncompliance with Alyeska's quality control program.

Alyeska's Employee Concerns Program, in consultation with the State Fire Marshall, substantiated many of Sayre's concerns. These concerns included failure to submit fire protection plans and revisions to the State Fire Marshal; non-conforming conditions in the fire protection system; inaccurate as-built drawings of wires; and failure to conduct inspections in accordance with the National Fire Alarm Code.

Sayre, who was laid off only days after reporting her concerns, filed a federal whistleblower complaint against Alyeska Pipeline Services Company and VECO Engineering before the United States Department of Labor in April 1997. The Department ruled against her in May 1997. Sayre appealed that ruling; her appeal is scheduled for hearing in October of this year.





US Department of Justice Hits Doyon Hard

Whistleblower Finally Vindicated

Last spring, the US Department of Justice finally held Doyon Drilling accountable to our nation's environmental laws. In 1995, a conscientious Doyon employee blew the whistle on the illegal hazardous waste disposal practices that violated the Clean Water Act and the Oil Pollution Act of 1990. The wastes included toluene, benzene and xylene, all known carcinogens.

On April 30, the Department announced a plea agreement with Doyon. Doyon pled guilty to 15 misdemeanors, was fined \$1 million, and agreed to spend \$2 million on developing a model environmental compliance program. The company also agreed to cooperate with the Department's on-going investigation of similar practices by other North Slope companies. If Doyon does not comply with this agreement, additional felony charges will be filed against them under federal hazardous waste laws, charges that carry even stiffer penalties.

Equally important, three Doyon employees pled guilty to similar violations and agreed to pay \$25,000 fines. And one employee is going to jail for a year. This is significant because it is rare for individuals to be held personally accountable for environmental crimes, in Alaska or elsewhere.

"The Alaska Forum is pleased with the specifics of this plea agreement: it vindicates the courageous employee who blew the whistle on these illegal activities almost three years ago," said Alaska Forum Executive Director Mike Riley. "This agreement should send a clear signal to industry that violating our environmental laws is not acceptable."

Although the Alaska Forum is concerned about how long it took to prosecute the case, the plea agreement shows that Justice took this case seriously and is holding accountable both the company as well as the individual employees who tried to cover-up the illegal waste disposal.

However, the plea agreement also shows that industry self-monitoring on the North Slope does not work.

"But for the courage of one concerned employee, government regulators would not have found out about the illegal waste disposal at Endicott and it would still be going on today," said Riley. "This story

shows that we need more government presence in Alaska's Arctic, not less, and that regulators need to be given adequate resources to ensure compliance with environmental laws. Otherwise, Tony Knowles' 'we can do development right' slogan will remain nothing more than empty rhetoric."


As readers may remember from earlier newsletter articles about this case, Doyon's illegal dumping activity involved re-injecting a variety of wastes (waste paint thinners, paints, oil glycol and solvents) that contained hazardous substances down the outer annuli of producing oil wells on BP's Endicott island facility. These outer annuli were not sealed at the bottom and the waste was released into the "surrounding environment" (i.e., groundwater).

The plea agreements state that some of this waste "returned to the ground surface near the wells into which the materials had been previously discharged" and "potentially affect[ed] natural resources belonging to the United States." Endicott is a man made island just off shore in the Beaufort Sea. So the wastes and their hazardous substances entered the Beaufort Sea.

The "On-going" Investigation: Who's Next?

In March 1997, the *Anchorage Daily News* reported about other non-hazardous wastes from reinjection wells bubbling up to the surface at an ARCO facility (see "Water seepage stops Arco oil," Maureen Clark, AP, 3/19/97; and Sea water quits leaking by ARCO well," AP, 3/25/97). Unfortunately, the word from other concerned employees is that Doyon's illegal practices have been widespread among companies on the North Slope for years.

The outstanding million dollar questions, then, are these: How wide spread was illegal waste disposal down reinjection wells? How many reinjection wells were, like Doyon's, not sealed? How wide spread were incidents of resurfacing? And what, if anything, have government agencies done to track down other violators and to ensure that similar violations are no longer occurring? Or are we still relying on concerned employees willing to sacrifice their careers to inform the agencies?

We hope the Department of Justice's on-going investigation will provide some answers to these questions, and soon. 

"This story shows that we need more government presence in Alaska's Arctic, not less, and that regulators need to be given adequate resources to ensure compliance with environmental laws. Otherwise, Tony Knowles' 'we can do development right' slogan will remain nothing more than empty rhetoric.

- Mike Riley, Alaska
Forum Executive
Director

Kenai Peninsula Forests: Why the Alaska Forum is Monitoring Logging

By Rick Smeriglio, Community Forest
Watch Program Director

The words diverse and complex well describe the forests of Alaska's Kenai Peninsula. Sitka, Black, White and Lutz spruce, Mountain and Western hemlock, Birch, Poplar, Aspen and Cottonwood all thrive. Across the landscape, these species grow in convoluted combinations of species mix, age and size.

Disturbances -- such as wind, glaciers, insects and fire -- play a fundamental and little appreciated role in shaping the peninsula's forests. The character of the forested landscape we admire today resulted from disturbance years ago.

Along the outer coast of the peninsula, for example, advancing glaciers once pulverized all plant life in their path. As the glaciers retreated, the trees reclaimed the land. Today, as you hike from the snout of the glacier down the valley, you quickly encounter young forests composed almost entirely of spruce. These stands originated in the aftermath of glacial retreat that left only bare gravel just 150 years ago.

Farther down valley along the now absent glacier's path, in areas undisturbed for perhaps several hundred years, one observes a mix of hemlock and spruce, with old original trees and young trees that seeded in at varying times since the glacial retreat. Wind now disturbs these stands by toppling clumps of older trees and thereby allowing existing saplings to rise to the light.

In the interior of the peninsula, insects and fire disturb the forest and initiate change and renewal. Fires kill conifers and create conditions favorable for birch and aspen regeneration. The colorful and maturing birch forest around Hope, Alaska, resulted from a large fire there in 1907. The immediate effects of a fire range from harmless scorching to complete incineration of existing trees. Consequently, the post-fire vegetative community develops as a complex tapestry of diverse species of varying ages laced with ribbons of mostly one species of one age.

Until quite recently, these disturbances were the primary movers and shakers of the peninsula's forests. For millennia, they have been a constant source of change that has promoted a diverse and

healthy forest ecosystem full of moose, bear, salmon, birds and many other creatures, large and small. The ecosystem also supported the subsistence lifestyle of many Native Alaskans.

Recently, a new agent of forest disturbance has arrived on the peninsula, an agent that has difficulty accepting the older agents of change. Modern industrial society, with its legal concepts of land ownership and large capital investments, now dominates the Kenai Peninsula. The new social and economic system can not tolerate wildfire or insect-caused loss of trees that have now have commodity value. And unlike the previous disturbance pattern, this new system does not always protect some of the basic components of a healthy ecosystem, such as clean water and fish and wildlife habitat.

Over the last 10 years, the spruce bark beetle has killed huge numbers of mature spruce trees over much of the interior peninsula. Private landowners in particular have responded by logging large tracts of land. The State of Alaska has also initiated plans for industrial-scale logging of its lands. The federal government has also proposed industrial-scale logging, but backed down in the face of organized opposition; it pursues limited logging for now.

In 1997, the Alaska Forum initiated its Community Forest Watch Program to monitor timber industry compliance with environmental laws on State land. We wanted to ensure that human disturbance maintains as healthy an ecosystem as possible. The program uncovered enough deficiencies last year to warrant expansion of the monitoring in 1998.

This summer, we are conducting rigorous field inspections of completed logging on Borough, State and, we hope, private lands on the peninsula. We are documenting compliance with regulations and mandated management practices intended to protect water quality and fish habitat. We are measuring reforestation and comparing the number of seedlings per acre we find with the number required by regulation.

The Alaska Forum believes that rigorously obtained data have greater credibility than do casual observations. That is why the Community Forest Watch is using measuring protocols acceptable to the Alaska Department of Environmental Conservation and sampling methods used by professional foresters. Although we lack the resources to systematically inspect most logging units, we can nonetheless gather solid data that will give us information about trends in compliance with Alaska's Forest Resources and Practices Act.

The Act gives responsibility to three state agencies to regulate logging. Unfortunately, legislative


(Continued on page 9)

(Kenai Forest Monitoring, continued from page 8)

funding of these agencies — in particular the Departments of Environmental Conservation and Fish and Game — has lagged behind the volume of logging on the peninsula during the last 10 years. With intensification of the beetle outbreak, we anticipate an accelerated pace of logging and increased funding to sell State timber, but we see scant prospect of full funding for the regulatory agencies to ensure compliance with environmental laws.

The Alaska Forum hopes to step into the breach caused by lack of regulatory funding and greatly increased logging. We know that other parts of Alaska also face this problem. We chose to begin our efforts on the Kenai Peninsula because, given the vast size of Alaska, we can get the most bang for our limited buck.

The Community Forest Watch is beginning to hold industry and government accountable to Alaska's Forest Resources and Practices Act through vigorous citizen oversight. We enlist your aid.

If you want to get involved or learn more about the Community Forest Watch, please contact Rick by telephone at (907)288-3614 or by e-mail at foth@arctic.net. 



Kenai Spruce Bark Beetle Task Force Submits Final

Report to Congress

Last winter, Alaska Senator Ted Stevens convinced Congress to appropriate \$500,000 for a task force to examine what should be done about the spruce bark beetle problem on Kenai Peninsula forest lands.

The spruce bark beetle outbreak has affected 2 to 3 million acres of forests across Alaska over the last 10 years. The Kenai Peninsula Borough has been hit especially hard, with approximately 1.1 million acres infested. Concerns about the infestation's impact to Alaska's forest ecosystems and public safety prompted creation of the task force.

Members of the task force represented a wide range of interests. Rick Smeriglio, the Alaska Forum's Community Forest Watch Program Director, represented the environmental viewpoint on the task force. Several state and federal agencies also had members on the group. They met several times be-

"We'll hunt them down with dogs!"

Legislator Threatens Alaska Forum and Other Citizen Groups

As usual these last few years, the legislature tried hard to gut the budget of the Alaska Department of Environmental Conservation during this last session (DEC), but with only limited success. DEC is the agency that many legislators love to hate.


Debate over this year's DEC budget became particularly heated when members learned that the Alaska Forum and several other citizen groups were receiving federal nonpoint source pollution money funneled through DEC to help the agency collect water quality monitoring data.

Representative Pete Kelly (R-Fairbanks), a vocal critic of DEC and environmentalists, was particularly angry.

"If these groups keep popping up, we're going to hunt them down with dogs," growled Kelly at one DEC budget hearing.

Due to consistent budget cuts over the last few years, the agency has been unable to meet its monitoring mandate under several state environmental laws, including Alaska's Forest Practices and Resources Act. Funding citizen groups to do this work is one way for DEC to fill this void. The Alaska Forum's Community Forest Watch program is funded by a contract with DEC and a grant from the Turner Foundation.

DEC funding of citizen monitoring survived Kelly's vociferous attacks and threats.

We hope Representative Kelly will actually try to learn more about what we are doing, perhaps even accompany us on a field trip, before he blindly attacks us again next year. 

tween March and May and issued a final report to Congress on June 30.

Public safety dominated the workings of the task force, as this issue generated the most public interest and the most consensus among the members of the task force. Wildfire has always posed a serious threat to personal and commercial property in the developed zone between cities and wildlands on the Kenai. But the wildfire threat can be heightened by dead spruce trees.

Not surprisingly, the action plan presented to Congress deals extensively with preventing wildfire in the developed zone between cities and wildlands.

(Continued on page 10)

Board and Staff Profiles



Walt Parker
Board Member
Anchorage, Alaska

Walt Parker, former Chair of the Alaska Oil Spill Commission, joined the Alaska Forum Board in December 1995.

Walt Parker has a long history of involvement in environmental issues in Alaska, particularly as a watchdog of Alaska's oil industry and the pipeline.

During the construction of the pipeline, Walt worked for the newly formed State Pipeline Coordinator's Office. He also helped launch some of Alaska's original environmental organizations, including the Alaska Conservation Society, Trustees for Alaska, and the Alaska Center for the Environment.

Walt is probably best known in Alaska for his work as Chair of the Alaska Oil Spill Commission, which investigated the Exxon Valdez oil spill. The recommendations of the Commission's final report led to several important reforms, including passage of the Oil Pollution Act of 1990 and creation of the Prince William Sound Regional Citizens Advisory Council.

Unfortunately, a key Commission recommendation was ignored: creation of a similar council for the 800-mile, land-based pipeline. Walt continues to push for a pipeline citizens advisory council through his work with the Alaska Forum.

Walt is a former professor of regional and urban planning, public administration, and political science at the University of Alaska, Anchorage. He has served on a variety of state and federal bodies. He currently serves on the U.S. Arctic Research Commission and the American delegation to the United Nation's Arctic Environmental Protection Strategy, appointed by President Clinton in 1995.

Walt joined the Alaska Forum Board in December 1995. ✓

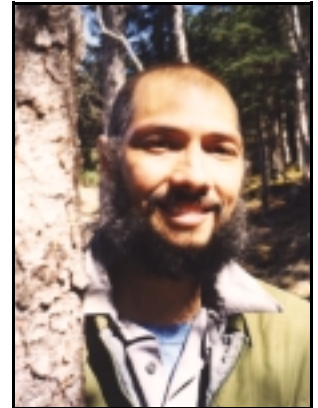
Rick Smeriglio
Community Forest Watch Program Director
Moose Pass, Alaska

Rick has extensive experience as a forestry field technician and professional forester for the USFS in Alaska and the lower forty-eight.

He has a bachelors of science in Forestry from the University of Florida and has participated in training programs sponsored by the Silviculture Institute at the University of Washington and Oregon State University. He is also a member of the Society of American Foresters.

Rick currently serves as the environmental representative to the Board of Forestry, a governor appointed board that advises the State of Alaska on forest policy. He also was recently appointed to the Kenai Peninsula Bark Beetle Task Force, created by Congress to formulate a course of action to address the spruce bark beetle situation on Alaska's Kenai peninsula.

Rick is very active in his local community of Moose Pass, located in the heart of the Kenai Peninsula. He has chaired the Moose Pass Advisory Planning Commission and currently sits on the Seward Area Fish and Game Advisory Committee. He also volunteers as a structural firefighter with the Moose Pass Volunteer Fire Company and pursues wildland firefighting as a crew boss with several federal land management agencies. ✓



Rick Smeriglio, out in woods near his home on the Kenai Peninsula.

(Spruce Bark Beetle Task Force, continued from page 9)

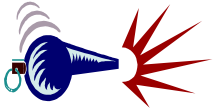
The plan also includes some action items related to timber management and reforestation.

Prior to the creation of the task force, several other groups had organized to make recommendations about the beetle problem on the Kenai. Groups friendly to the timber industry recommended increased logging as the primary solution. Environmentalists called for a balanced approach that considered the needs of the ecosystem as well as the economic need to log.

The Spruce Bark Beetle Task Force stands out for two reasons. First, it developed some consensus recommendations -- although some would argue it also ignored the thornier issues, such as how much logging to tolerate on backcountry public lands. Second, the task force had money left over to spend on actual implementation of some of its recommendations.

You can review the final report of the Spruce Bark Beetle Task Force on-line at <http://www.borough.kenai.ak.us/beetle.htm>. ✓

Survival Tips for Whistleblowers



Recognizing Retaliation: The Risks and Costs of Whistleblowing

Excerpted from the *Alaska Whistleblower Resource Guide*.

If you plan to challenge the agency or corporation that employs you, you should know the tactics of retaliation most often used against whistleblowers.

Spotlight the Whistleblowers

This common retaliatory strategy seeks to make the whistleblower, instead of his or her message, the issue: employers will try to create smokescreens by attacking the source's motives, credibility, professional competence, or virtually anything else that will work to cloud the issues s/he has raised.

Manufacture a Poor Record

Employers occasionally spend months or years building a record to brand a whistleblower as a chronic problem employee. To lay the groundwork for termination, employers may begin to compile memoranda about any incident, real or contrived, that conveys inadequate or problematic performance; whistleblowers who formerly received sterling performance evaluations may begin to receive poor ratings from supervisors.

Threaten Them into Silence

This tactic is commonly reflected in statements such as, "You'll never work again in this town/industry/agency. . ." Threats can also be indirect: employers may issue gag orders, for example, forbidding the whistleblower from speaking out under threat of termination.

Isolate or Humiliate Them

Another retaliation technique is to make an example of the whistleblower by separating him or her from colleagues. This may remove him or her from access to information necessary to effectively blow the whistle. Employers also may exercise the bureaucratic equivalent of placing a whistleblower in the public stocks: a top manager may be reassigned to tasks such as sweeping the floors or counting the rolls of toilet paper in the bathroom. Often this tactic is combined with measures to strip the whistleblower of his or her duties, sometimes to facilitate subsequent termination.

Set Them Up for Failure

Perhaps as common as the retaliatory tactic of isolating or humiliating whistleblowers by stripping them of their duties is its converse — overloading them with unmanageable work. This involves assigning a whistleblower responsibilities and then making it impossible to fulfill them. One approach is to withdraw the research privileges, data access, or subordinate staff necessary for a whistleblower to perform the job. Another is to put the whistleblower on a pedestal of cards — to appoint him or her to solve the problem s/he has exposed, and then refuse to provide the resources or authority to follow through.

Prosecute Them

The longstanding threat to attack whistleblowers for "stealing" the evidence used to expose misconduct is becoming more serious, particularly for private property that is evidence of illegality. Government workers even have been threatened with prosecution under a McCarthy-era statute for being "disloyal" to the United States, after they made disclosures to or participated in meetings with environmental groups involved in lawsuits challenging illegal government activity. Until adoption of an anti-gag statute, passed annually in appropriations legislation since 1987, workers with security clearances risked prosecution unless they obtained advance permission before blowing the whistle (even on information that was not marked as classified), effectively waiving their constitutional rights.

Eliminate Their Jobs or Paralyze Their Careers

A common tactic is to lay off whistleblowers even as the company or agency is hiring new staff. Employers may "reorganize" whistleblowers out of jobs or into marginal positions. Another retaliation technique is to deep-freeze the careers of those who manage to thwart termination and hold on to their jobs: employers may simply deny all requests for promotion or transfer. Sometimes it is not enough merely to fire or make whistleblowers rot in their jobs. The goal is to make sure they "will never work again" in their fields by blacklisting them: bad references for future job prospects are common.

Complete copies of the *Alaska Whistleblower Resource Guide* are available, at no charge, from the Alaska Forum. Call us or write to us at the phone number and address on page 2. The *Resource Guide* can also be viewed and/or downloaded from our web site:
<http://www.alaska.net/afervdz>.

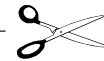


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- ⇒ US Army Corps of Engineers-AK Tries to Fire Whistleblower
- ⇒ Alaska Forum Submits Comments Critical of Oil Spill Plan



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