

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SOUTHEAST ALASKA CONSERVATION )  
COUNCIL *et al.*, )

*Plaintiffs,* )

v. )

EARL STEWART *et al.*, )

*Defendants.* )

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Case No. 1:18-cv-00005-HRH

**DECLARATION OF HUNTER MCINTOSH**

I, Hunter McIntosh, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and, if called as a witness, could and would competently testify thereto.
2. I live in Washington, D.C. I am President of The Boat Company, an Alaska non-profit corporation that my father and family established in 1979. The Boat Company is classified by the Internal Revenue Service as a 501(c)(3) and 509(a)(2) tax-exempt public charity.
3. I have worked for The Boat Company in several capacities since 1995, including as Marketing and Communications Director through 2006 and as Executive Vice President for Marketing and Development from 2008 through 2012. I became President in December 2012 and am responsible for the overall health and operations of the only luxury, not for profit, conservation and educational cruise tour operation in the world. I am also an avid outdoor sportsman and board member of the American Fly-Fishing Trade Association, Southeast Alaska Guides Organization and an organization dedicated to the conservation of Alaska's brown and black bears, Fortress of the Bear.

4. My father, Mike McIntosh, dedicated his career to the environment, civil rights and public interest law. He founded The Boat Company in large part because of a passion for the Tongass National Forest that he developed while working on fishing boats in southeast Alaska during the 1950s. Since founding The Boat Company, my father helped to save countless creatures and ancient trees and educate thousands of Americans about the ecological and economic values of old-growth forests. He helped to establish the first Earthjustice (known then as the Sierra Club Legal Defense Fund) office in Alaska in large part to further conservation goals for the Tongass National Forest.

5. The Boat Company's mission is "to assist and support in protecting the natural environment of Southeast Alaska by engaging in and sponsoring charitable, educational and scientific programs aimed at natural resource conservation."

6. The Boat Company's efforts to protect and conserve southeast Alaska's natural resources, in particular its forests, scenery, wildlife and salmon, are supported by its business arm, a sport fishing and ecotourism operation based in Sitka and Juneau, Alaska. The Boat Company reinvests all residual income beyond general overhead operating expenses back into conservation, education and other programs that benefit southeast Alaska's temperate ecosystem and coastal communities. The Boat Company began operating eco-cruises in southeast Alaska in 1980 and currently conducts multi-day tours in waterways between Sitka and Juneau aboard two vessels, the 145' M/V Liseron and the 157' M/V Mist Cove.

7. One of the unique and innovative aspects of The Boat Company's tours is the opportunity to experience marine and freshwater sport fishing combined with nature hikes, kayaking, and opportunities for viewing wildlife. The Boat Company's crew combines these activities with education for clients about southeast Alaska's fish, wildlife, forest and marine

habitats with the goal of promoting conservation of these resources. Revenue from eco-cruises is used to support The Boat Company's broader efforts at natural resource conservation.

8. The leading travel publication, Travel Weekly, has recognized The Boat Company as an award winning travel company based largely on its environmental programs and leadership in sustainable tourism.

9. Alongside its direct efforts, since it was founded, The Boat Company has contributed more than \$30 million to conservation organizations and programs that benefit southeast Alaska. The Boat Company also makes charitable contributions to salmon enhancement programs in southeast Alaska that produce chinook, coho and chum salmon to benefit commercial, charter, unguided sport and subsistence fishermen. It supports scientific research activities and capital improvements at the Sitka Sound Science Center. The Boat Company also contributes to Sitka's Fortress of the Bear, which rescues orphaned brown bears, provides visitors with up close viewing opportunities and offers interpretive and educational experiences.

10. I have continued to further my father's advocacy on behalf of the environmental and ecological values of the Tongass National Forest. The Boat Company regularly participates in Forest Service planning and administrative processes and litigation related to conservation of forest resources. The Boat Company was a plaintiff involved in defending an important national conservation policy, the 2001 Roadless Area Conservation Rule, in a lawsuit successfully challenging a decision to exempt the Tongass National Forest. Among other active issues, The Boat Company is currently an intervenor-defendant in a lawsuit that defends the application of the Roadless Area Conservation Rule on the Tongass National Forest and nationwide.

11. The North Kuiu timber sale will harm The Boat Company and its ability to accomplish its conservation mission. The Forest Service is proceeding with this sale based on a ten-year-old Environmental Impact Statement that never considered the current and ongoing growth of the visitor products industry and its existing use of the North Kuiu area. The Forest Service has an ongoing responsibility to acquire and evaluate changed conditions on the lands it manages so that the agency can assess the extent to which its projects are consistent with regional socio-economic goals and environmental conditions.

12. The Boat Company has repeatedly raised its concerns about the North Kuiu Timber Sale with letters sent to Tongass National Forest Supervisor Earl Stewart. The Boat Company and other organizations submitted a letter to the Forest Service on September 2, 2016 and March 8, 2016 requesting that the Forest Service cancel the timber sale or prepare a Supplemental EIS. On March 21, 2018, The Boat Company's private attorney, Paul Olson, submitted a letter to Forest Supervisor Earl Stewart on behalf of The Boat Company and another small cruise operator, UnCruise Adventures, that identified a significant increase in guided public use of the project area and requested that the Forest Service cancel plans to offer the sale or prepare a Supplemental EIS.

13. Since 2007, the small cruise vessel industry – a diverse fleet with passenger capacities that range between 6 and 250 visitors – has experienced significant changes. A national recession in part caused the closure of the region's largest small cruise operator, Cruise West in 2010. Shortly after the recession, two companies, Alaska Dream and UnCruise Adventures, purchased and refurbished the Cruise West vessels and entered the market with an emphasis on providing clients with shore-based adventure and ecotour opportunities. These companies have become highly successful as part of a growing small cruise industry in Alaska

that continues to expand. Small cruise vessel clientele seek specific types of cultural and environmental experiences and are willing to pay premium prices to access remote, undeveloped public lands. Small cruise vessels generate considerable industry and visitor spending also disperse the visitor products industry's economic benefits throughout southeast Alaska because of their capacity to visit communities of all sizes.

14. Since the presence and scars of logging have diminished, North Kuiu Island has become a critical stopping point for The Boat Company and a growing number of other small cruise operators. North Kuiu Island is an ideal location for guided public recreation because of its location at the intersection of Frederick Sound and Chatham Straits. Security Bay, Saginaw Bay, the Bay of Pillars and Rowan Bay provide protected anchorages, abundant opportunities for marine mammal and terrestrial wildlife viewing, and landing beaches for safe and convenient access to adjacent uplands for outdoor recreation opportunities. The Boat Company's clients kayak among marine mammals in these bays and then venture ashore for beachcombing, hiking old logging roads, and freshwater fishing in North Kuiu Island's interior lakes.

15. A major challenge for our industry is that the Forest Service limits guided public access to many adjacent areas. Small cruise operators need to provide uncrowded experiences away from masses of people and depend heavily on access to lands managed by the Forest Service along cruise travel routes. Vessel captains communicate in the field to avoid overlapping uses but require adequate land access to successfully disperse in time and space. The availability of North Kuiu Island bays and uplands are essential so that eco-tour operators like The Boat Company can provide desired remote experiences for its clients.

16. Our vessels follow established cruise routes but do not have set itineraries. Each group of clients may have different interests such that a weekly tour may emphasize sport fishing

or hiking or combine the two activities. During the last three years, 2015 – 2017, we have particularly increased our use of North Kuiu Island bays and adjacent uplands. In 2016, our two vessels combined made over 20 visits to these areas, or more than one visit per week during our summer cruise season which typically begins in mid-May and ends on Labor Day weekend. The Boat Company intends to continue to guide visitors in these areas for the foreseeable future.

17. Our clients would not book trips with The Boat Company if we did not market and deliver on their expectations of remote recreation experiences in areas free of industrial developments such as clearcut logging and associated activities. Timber sale activities such as log transfer operations in North Kuiu Island bays and upland logging will destroy the currently remote, non-industrial character of the area and displace the hundreds of visitors who use the area each year for guided public recreation. This displacement will concentrate The Boat Company and other small cruise operators into smaller, more crowded areas. Fewer clients represent lost opportunities for The Boat Company to educate individuals and families about southeast Alaska's fish, wildlife, forests and marine habitats with the goal of promoting conservation of these resources. A loss of clientele will also diminish the revenues that The Boat Company uses to support its direct advocacy, charitable giving, and investment in the conservation of these resources.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 21, 2018

By:   
Hunter McIntosh  
President  
The Boat Company