

October 15, 2018

Christopher B. French
Acting Deputy Chief
USDA Forest Service
1400 Independence Ave., S.W.
Washington, DC 20250-1111

RE: Alaska Roadless Rule Scoping Notice

Dear Mr. French:

As staunch supporters of the U.S. Forest Service's Roadless Area Conservation Rule, The Wilderness Society, Defenders of Wildlife, and Natural Resources Defense Council are strongly opposed to eliminating or weakening the Rule's protection of roadless areas in the magnificent Tongass National Forest. The national Roadless Rule provides appropriate protection and balanced management for the Tongass National Forest's 9.2 million acres of Inventoried Roadless Areas. For the reasons discussed in these scoping comments, we firmly believe that the Tongass rulemaking process – which you initiated on August 30 at the unsubstantiated request of the State of Alaska – is unnecessary and ill-advised.

If the Forest Service nonetheless insists on proceeding with this factually unsubstantiated rulemaking process, it must ensure that the environmental impact statement –

- Provides a broad purpose and need statement that addresses the strong national interest in conserving Tongass roadless areas;
- Utilizes the best available science in evaluating the harmful effects of road construction and logging in Tongass roadless areas;
- Realistically evaluates the economic effects of road construction and logging in Tongass roadless areas; and
- Examines a reasonable range of alternatives that illuminate the environmental, economic, and social/cultural effects and trade-offs of protecting vs. developing Tongass roadless areas.

A. Why the Forest Service Should Not Proceed with an Alaska Roadless Rulemaking Process

1. The Tongass was initially included in the 2001 Roadless Rule after careful consideration and in response to overwhelming public support.

In 2001, after the most extensive public involvement process in the history of federal rulemaking, the Forest Service made a very deliberate and well-considered decision to apply the Roadless Rule to the Tongass National Forest as well as to all other national forests. As part of that process, the Forest Service produced an EIS that thoroughly evaluated the environmental and socio-economic effects of several management alternatives for the Tongass roadless areas. Based on its analysis and more than 1.1

million public comments – the vast majority of which urged the Forest Service to provide full protection of the Tongass roadless areas from road building and logging -- the agency decided to apply the Roadless Rule’s prohibitions to the Tongass.¹

2. There is no legitimate reason to remove or weaken protection of Tongass roadless areas.

Seventeen years later, no significant new environmental or socioeconomic information or shift in public sentiment has come to light that can justify the State of Alaska’s proposal to reverse course and abandon or weaken the protection of the Tongass roadless areas. To the contrary, as discussed in these comments, the latest environmental science and socioeconomic trends clearly document the need to maintain or increase the roadless area protection in the Tongass. Because of the overwhelming evidence that the Forest Service made a sound and farsighted decision in applying the Roadless Rule to the Tongass National Forest, the State of Alaska and the Forest Service face an unsurmountable challenge in their current efforts to jettison the Rule and resume logging and road building in the Tongass roadless areas.

As discussed in the *Kake* case below, the courts have made it abundantly clear that the Forest Service must have “good reasons” or a “reasoned explanation” for exempting the Tongass National Forest from the Roadless Rule. However, the reasons stated in the Forest Service’s scoping notice for the Tongass roadless rulemaking do not come close to satisfying that legal requirement. The scoping notice simply explains that the rulemaking is “the result of” and “in response to” the State of Alaska’s petition.² Thus, one is left to assume that the State’s petition must provide a compelling rationale for the Forest Service to devote a considerable amount of its scarce agency resources to act on the State’s request to exempt the Tongass from the Roadless Rule. But nothing could be further from the truth.

The requirement for “good reasons” or a “reasoned explanation” is clearly articulated in the Ninth Circuit Court of Appeals’ 2015 *en banc* decision invalidating the Bush Administration’s 2003 “temporary exemption” of the Tongass from the Roadless Rule.³ The Court of Appeals ruled that the Forest Service violated the Administrative Procedure Act by failing to provide a “‘more substantial justification’ or reasoned explanation” for reversing its policy.⁴ The Forest Service had attempted to justify its policy reversal primarily based on concerns about “economic and social hardships that application of the [roadless] rule’s prohibitions would cause in communities throughout Southeast Alaska.”⁵ However, the Court of Appeals found this to be an arbitrary and capricious agency action because the Forest Service did not present new factual information to

¹ 66 Fed. Reg. 3244, 3254-55 (Jan. 12, 2001).

² 83 Fed. Reg. 44252 (Aug. 30, 2018).

³ *Organized Village of Kake v. U.S. Dep’t of Agric.*, 795 F.3d 956 (9th Cir. 2015).

⁴ *Id.* at 967, citing *FCC v. Fox Television Stations*, 556 U.S. 502, 538 (2009) and *Perez v. Mortg. Bankers Ass’n*, 135 S. Ct. 1199, 1209 (2015); *see also id.* (additional justification required of agency “when its prior policy has engendered serious reliance interests that must be taken into account”).

⁵ *Id.*

justify its change in policy. According to the *en banc* panel, “even after an election, an agency may not simply discard prior factual findings without a reasoned explanation.”⁶

3. The State of Alaska’s rulemaking petition relies on rationales that have been rejected in the courts.

Despite the Ninth Circuit’s decision in *Take*, the State of Alaska’s petition makes no serious effort to justify its proposal to exempt the Tongass from the Roadless Rule. Instead, the petition relies on the following purported rationales:

- “The extensive damage resulting from the application of the Roadless Rule to the economic and social fabric of Southeast Alaska remains as real today as it was 15 years ago.”⁷
- “Addressing the serious socioeconomic consequences to Alaskans and complying with ANILCA and TTRA are all compelling rationale for a Tongass Exemption today, as they were in 2003.”⁸
- “The State respectfully submits this petition for a rulemaking to exempt the Tongass from the Roadless Rule in the interest of the socioeconomic well-being of its residents.”⁹

But the petition presents no data to back up its claims; nor does it ever explain what the “serious socioeconomic consequences” of the Roadless Rule are or how an exemption from the Rule would benefit residents’ socioeconomic well-being. This is unsurprising. The overwhelming evidence, discussed below, demonstrates that building roads and selling timber in Tongass roadless areas would be economically irrational and would actually threaten the socioeconomic well-being of Southeast Alaska.

Besides avoiding supposed socioeconomic harm, the State’s only other rationale why the Roadless Rule should not apply to the Tongass is because it is assertedly inconsistent with the Alaska National Interest Lands Conservation Act (ANILCA) and the Tongass Timber Reform Act (TTRA). However, the State’s legal arguments have been squarely addressed and rejected in federal court.

Last fall, the U.S. District Court for the District of Columbia rejected the State of Alaska’s lawsuit challenging the 2001 Roadless Rule.¹⁰ Regarding the State’s ANILCA claim, the court deferred to the agency’s “broad discretion” in ruling that the Roadless Rule’s land designations did not amount to an unlawful withdrawal of public land.

The DC district court also rejected the State’s claim that, by removing roadless areas from the timber production landbase, the Roadless Rule violated the TTRA’s requirement

⁶ *Id.* at 968, citing *Motor Vehicle Mfrs. Ass’n v. State Farm*, 463 U.S. 29 (1983).

⁷ State of Alaska Petition for USDA Rulemaking to Exempt the Tongass National Forest from Application of the Roadless Rule and Other Actions, Jan. 19, 2018, p. 2.

⁸ *Id.* at p. 6.

⁹ *Id.* at p. 7.

¹⁰ *State of Alaska v. U.S. Dept. of Agric.*, 273 F. Supp. 3d 102 (D.D.C. 2017), *appeal held in abeyance*, No. 17-5260 (D.C. Cir. Sept. 26, 2018).

that the Forest Service must seek to meet market demand for timber on the Tongass. This part of the court’s opinion is especially noteworthy because it so thoroughly refutes not only the State’s TTRA legal argument but also its broader socioeconomic rationale to increase logging in the Tongass.

Here, the record reveals that the USDA complied with its duty to seek to meet market demand while balancing the other competing land uses in the Tongass. The USDA performed an extensive analysis specific to the Tongass. As part of this analysis, the USDA considered the timber market demand in Southeast Alaska, finding that timber harvest had fallen sharply in the prior decade. In fact, the USDA determined that timber harvest on NFS lands in Alaska had dropped approximately 69 percent in the decade prior to the Roadless Rule. The USDA also assessed future market demands, finding no evidence of industry-wide changes in processing efficiency that would indicate potential future increase in market demand.... The USDA accordingly balanced the timber demand against the “extraordinary ecological values” of the Tongass and concluded that the long-term benefits of conserving IRAs [inventoried roadless areas] on the Tongass outweighed the potential for economic harm that would result from the reduced timber harvest.¹¹

In addition, as the trial court in *Kake* found, demand for Tongass timber did not persist after adoption of the Roadless Rule and the Forest Service’s assertions of economic impacts from reduced allowable cut levels were counter to the evidence.¹² Nor does Alaska’s petition provide any evidence that since then the Forest Service has been unable to meet whatever demand for timber remains because of the Roadless Rule.

4. Public response during the scoping process, even in Southeast Alaska, has been overwhelmingly opposed to the Tongass rulemaking.

Without question, the Forest Service and State of Alaska have faced a great deal of skepticism and criticism – and very little support – during the public meetings held in Alaska and in Washington, DC during the past several weeks. Attached is a compilation of all the media coverage of the public meetings held in Southeast Alaska to date (see Appendix A).

The same can be said of the public comments made at the first meeting of the State of Alaska’s advisory committee on the Tongass Roadless Rulemaking. State Forester Chris Maisch, who presides over the advisory committee, was quoted saying: “Certainly, the weight of the testimony that we heard was not to change the rule, or in some cases, even to provide more protection.”¹³

¹¹ *Id.* at 123 (citations omitted).

¹² *Organized Village of Kake v. U.S. Dep’t of Agric.*, 776 F. Supp. 2d 960, 971-72 (D. Alaska 2011), *aff’d on reh’g en banc*, 795 F.3d 956 (ruling USDA did not “offer any evidence showing actual job loss due to application of the Roadless Rule”).

¹³ J. Resnick, Roadless advocates pack Tongass hearing, KTOO Public Media, Oct. 9, 2018. Reproduced in Appendix A.

The EIS must fully and honestly disclose the results of the scoping process, including the numbers of individuals and organizations that commented in favor of and in opposition to the proposals by the State of Alaska and the Forest Service to exempt or weaken Roadless Rule protections for the Tongass National Forest. The agency cannot conceal or downplay the tremendous public support for protecting the Tongass' roadless areas and overwhelming opposition to the proposed reduction in protection. It would be unacceptable and disrespectful to dismiss as "non-substantive" or "duplicative" the views and concerns voiced during the scoping process by many thousands of people, both in Alaska and the lower 48, who care deeply about the Tongass' magnificent scenic and wildlife values. As you, the acting deputy chief of the Forest Service, were quoted saying at the first scoping meeting: "Any opinion on this is valuable."¹⁴

B. Issues and Questions That Must Be Addressed in the Rulemaking EIS

The Forest Service's August 30 Notice of Intent requests input on "the nature and scope of the environmental, social, and economic issues related to Alaska-specific rulemaking that should be analyzed in depth in the Draft EIS."¹⁵ Federal regulations implementing the National Environmental Policy Act require this scoping process "for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action."¹⁶ Below are issues that we believe must be addressed in the Alaska Roadless Rule EIS.

1. What roadless areas should be considered for protection in addition to the Inventoried Roadless Areas identified in the 2000 Roadless Rule FEIS?

An important starting point of the EIS analysis is to accurately identify the roadless areas in the Tongass National Forest that will be the subject of the EIS alternatives and effects analysis. Presumably, the No Action Alternative will consider the 9.2 million acres that are currently protected by the 2001 Roadless Rule and were evaluated in the accompanying Roadless Rule FEIS in 2000.¹⁷ The maps for these 9.2 million acres correspond closely to the maps produced by the Forest Service in its roadless area inventory completed in 1996 for the 1997 Tongass Forest Plan Revision.¹⁸

Since 1996, however, the Forest Service has identified additional roadless areas in the Tongass. In 2003, the Forest Service produced a court-ordered supplemental EIS to the

¹⁴ K. Gullefson, Skepticism at first Alaska Roadless Rule meeting, *Juneau Empire*, Sept. 14, 2018. Reproduced in Appendix A.

¹⁵ 83 Fed. Reg. 44253.

¹⁶ 40 CFR 1501.7.

¹⁷ The 2000 Roadless Rule FEIS identified 9.3 million acres of Inventoried Roadless Areas in the Tongass; however, land transfers since then, primarily the Sealaska entitlement, have reduced the original IRAs to approximately 9.2 million acres. See USDA Forest Service. 2016. Tongass Land and Resource Management Plan Amendment Final Environmental Impact Statement (hereafter cited as 2016 FEIS), p. 2-445.

¹⁸ USDA Forest Service. 2003. Roadless Area Evaluation for Wilderness Recommendations Final Supplemental Environmental Impact Statement (hereafter cited at 2003 Final SEIS). Appx. C, Roadless Area Evaluation, p. C1-4.

1997 plan revision to consider potential wilderness areas in the Tongass. The agency's first step in that evaluation of potential wilderness was to identify and inventory all roadless, undeveloped areas that satisfy the definition of wilderness.¹⁹ This involved identifying all the developed areas on the Tongass at that time through a comprehensive update of the inventory of existing roads, timber harvest units, and land ownership on the Forest.²⁰ All National Forest System lands outside of the areas defined as developed were identified as roadless.

In the 2003 supplemental EIS, the Forest Service compared the areas protected by the Roadless Rule with the areas included in the prior Tongass roadless area inventory.²¹ Overall, the final 2003 inventory totaled 9,558,266 million acres, or 237,613 more acres than the 1996/Roadless Rule inventory. Approximately 200,000 acres in the 1996/Roadless Rule inventory were dropped from the 2003 inventory, while approximately 500,000 acres that were not part of the 1996/Roadless Rule inventory were added to the 2003 inventory. The differences were due to additional road building between 1996 and 2003, refinements of boundaries, and projects that were expected to be built in 1996 that were never implemented.²²

The half-million acres of additional roadless areas identified in the 2003 inventory should be included in any action alternatives considered in the Alaska Roadless Rule EIS. In addition, the Forest Service should identify any more roadless areas that were not included in the 2003 inventory. For example, some more roadless areas may have been added to the Tongass National Forest through land exchanges that were not accounted for in the 2003 inventory. Further, and as discussed later in these comments, at least one action alternative should consider amending the Roadless Rule to extend the Rule's protections to all roadless areas in the Tongass, including the half-million acres identified in the 2003 inventory, the 9.2 million acres of Inventoried Roadless Areas, and any additional roadless areas.

2. What is the appropriate management of “roaded roadless” areas?

As indicated above, some of the Inventoried Roadless Areas that are currently protected by the 2001 Roadless Rule contain roads and old clearcuts. During the Forest Service's 2016 Tongass Forest Plan Amendment process, the agency considered the appropriate management of 80,251 acres of “roaded roadless” areas. The Final EIS for the 2016 Plan Amendment states:

Within IRAs, there are areas where roads were constructed that were either grandfathered in (i.e., constructed prior to the 2001 Roadless Rule) or constructed during the period following the December 30, 2003, Tongass Exemption (68 Federal Register [FR] 75136). These areas are referred to as “roaded roadless” in

¹⁹ 2003 Final SEIS, p. C1-1.

²⁰ *Ibid.*

²¹ 2003 Final SEIS, p. 3-186 – 188, Table 3.3-30.

²² 2003 Final SEIS, p. 3-185.

this FEIS. In total, 80,251 acres (0.9 percent) of current IRAs are considered roaded roadless.²³

In the 2016 Plan Amendment EIS, the Forest Service considered an alternative – Alternative 2 – that would have allowed timber harvest of the “roaded roadless” areas.²⁴ Under Alternative 2, 11,289 acres of old-growth and young-growth forest within “roaded roadless” areas would have been made available for logging, contingent upon the Roadless Rule being modified to permit that management.²⁵

In the Alaska Roadless Rule EIS, the Forest Service should take another look at the appropriate management of the “roaded roadless” areas. In particular, the EIS should evaluate the effects of restoring the roadless characteristics of these areas. Restoration of some or all of the “roaded roadless” areas would have significant ecological and socioeconomic benefits, including improved fish and wildlife habitat and local jobs for restoration contractors. As discussed below, we request consideration of one or more alternatives that would provide for appropriate restoration of these “roaded roadless” areas.

3. What are the implications of an Alaska Roadless Rule for the Amended Tongass Land Management Plan?

The Forest Service has been less than clear during the scoping process about the relationship between the proposed Alaska Roadless Rule and the amended Tongass Land Management Plan. In particular, the agency has been equivocal about whether the Plan would need to be changed as a result of the Alaska Roadless Rule. According to the Forest Service’s website:

The Alaska Roadless Rule will not make any changes to the 2016 Tongass Land Management Plan Following a final decision on a state-specific roadless rule, the Tongass National Forest Land Management Plan could be amended or revised to reflect any management designations established by the state-specific rule.²⁶ [emphasis added]

The state-specific roadless rules for Idaho and Colorado included provisions that specifically excused the Forest Service from having to amend or revise forest management plans in those states. Each of those rules state that it “does not compel the amendment or revision of any land management plan.”²⁷

²³ 2016 FEIS, p. 3-445.

²⁴ 2016 FEIS, p. 2-15.

²⁵ 2016 FEIS, p. 2-21, Table 2-7.

²⁶ USDA Forest Service, Alaska Roadless Rulemaking Questions and Answers, 9/13/2018, p. 4. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd595057.pdf.

²⁷ The Idaho Roadless Rule states: “The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component. Land management plan components that are not inconsistent with this subpart will continue to provide guidance for projects and activities within Idaho

However, the Tongass differs from the Idaho and Colorado national forests because the 2016 Tongass Land Management Plan Amendment specifically prohibits activities that are inconsistent with the 2001 Roadless Rule. The Forest Service considered five alternatives – two of which (Alternatives #2 and #3) allowed logging in Inventoried Roadless Areas and three (Alternatives #1 and #4 and the Preferred Alternative #5) that did not. The EIS for the 2016 Plan Amendment is clear that under the Preferred Alternative “the 2001 Roadless Rule would apply, and no old-growth or young-growth harvest would occur in roadless areas.”²⁸

Even if the Alaska Roadless Rule amended the national Roadless Rule to exempt or weaken protection for the Tongass, however, the Forest Service would still be unable to cut timber in the Inventoried Roadless Areas without violating the Tongass Plan and the National Forest Management Act.²⁹ The agency would have to amend or revise the Plan before it could approve a timber sale in a roadless area, regardless of how the Alaska Roadless Rule might modify the national Roadless Rule as it applies to the Tongass.

Therefore, the Forest Service must be careful to accurately describe the scope and effect of the proposed Alaska Roadless Rule and alternatives. If the Forest Service proposes to remove or weaken the national Roadless Rule’s safeguards for the Tongass, that would still leave in place the amended Tongass Land Management Plan’s protection of roadless areas. In order to effectuate the State of Alaska’s ultimate goal of logging in the Tongass’ roadless areas, the Forest Service will have to follow up on the rulemaking process with a Plan amendment or revision process. That subsequent process, like the 2016 Plan Amendment, will have to ensure that any changes are consistent with the requirements of the Forest Service’s 2012 Planning Rule, including its requirements to maintain or restore the ecological integrity of the incomparable old-growth ecosystems and pristine watersheds of the Tongass roadless areas.

4. What are relative economic contributions and trends in Southeast Alaska for timber, tourism, and fisheries?

Timber is no longer a significant factor in the economy of Southeast Alaska, representing just 1 percent of total employment in the region. In 2016, the Forest Service described the decline of the timber industry as follows:

Roadless Areas; as shall those related to protection of threatened and endangered species. This subpart does not compel the amendment or revision of any land management plan.” 36 CFR 294.28(d).

Similarly, the Colorado Roadless Rule states: “The provisions set forth in this subpart provide the maximum level of tree cutting, sale and removal, and road construction and reconstruction activity allowed within Colorado Roadless Areas. Land management plan components can be more restrictive than this subpart and will continue to provide direction and guidance for projects and activities within Colorado Roadless Areas. Nothing in this subpart shall prohibit a responsible official from further restricting activities allowed within Colorado Roadless Areas. This subpart does not compel the amendment or revision of any land management plan.” 36 CFR 294.48(c).

²⁸ 2016 EIS, p. 2-33.

²⁹ Section 6(i) of the National Forest Management Act requires all Forest Service projects to be “consistent with the land management plans.” 16 U.S.C. 1604(i).

Timber employment in Southeast Alaska peaked at the end of the 1980s, with slightly more than 3,500 jobs in 1989 and 1990, before dropping sharply in the 1990s. Much of this job loss was associated with closure of the large pulp mills in Sitka (1993) and Ketchikan (1997), which together accounted for 899 jobs in 1990. Timber employment has continued to decline since the 1990s, falling from a recent high of 561 jobs in 2003 to 249 jobs in 2014, reaching a recent low of 216 jobs in 2009 ... Tongass National Forest-related employment in logging and sawmilling declined from 199 jobs in 2003 to 147 in 2014, with a low of just 86 jobs in 2012. Non-Tongass timber employment also declined over this period, falling from a recent high of 362 jobs in 2003 to 102 jobs in 2014, a decrease of 77 percent.³⁰

While the timber industry in Southeast Alaska has seen decline, tourism and fisheries have grown considerably. In 2013, the Southeast Alaska visitor industry employed 6,707 people and accounted for 15% of total regional employment.³¹ According to more recent estimates, the visitor industry contributes nearly \$4 billion to the economy and provides some 7,752 jobs in Southeast Alaska.³² Likewise, in 2013 the seafood industry in Southeast Alaska employed 4,252 people and accounted for 9% of total regional employment. Together, tourism and fisheries industries represented 24% of employment, compared to timber industry's <1%.³³

5. What are the potential impacts on fisheries and tourism?

Road construction and logging of the Tongass roadless areas would negatively impact both fisheries and tourism in Southeast Alaska. Road construction substantially degrades the commercial viability of Southeast Alaska fisheries in various ways. First, road construction significantly increases the presence of fine-sediment in streams. According to the Forest Service's own studies, juvenile salmonid densities decline as the presence of this fine-sediment increases. Also, roads can be barriers to fish migration, increase water temperatures, and alter streamflow regimes – and the effects of these changes are clear: increased road densities directly correlate to decreased likelihood of fish spawning and rearing.³⁴ (See below in this letter for additional detail on these and other impacts.)

³⁰ 2016 FEIS, p. 3-485.

³¹ 2016 FEIS, p. 3-481.

³² *Keeping the Tongass wild and roadless*, Dominick DellaSala, John Schoen, & John Talberth, *Juneau Empire*, Aug. 17, 2018. < <https://www.juneauempire.com/opinion/keep-the-tongass-wild-and-roadless/>>.

See also:

https://www.commerce.alaska.gov/web/Portals/6/pub/TourismResearch/AVSP/Visitor%20Impacts%202016%20update%204_15_16.pdf.

<http://www.seconference.org/sites/default/files/Southeast%20Alaska%20by%20the%20numbers%202017%20FINAL.pdf>.

³³ Headwaters Economics Tongass Report, 2014, p. 4, 17.

³⁴ *Forest Roads: A Synthesis of Scientific Information*, May 2001, USDA Forest Service, retrieved from: <<https://www.fs.fed.us/pnw/pubs/gtr509.pdf>> p. 25.

Likewise, Alaska's tourism industry depends on the Tongass' continued scenic wildness and thriving wildlife, qualities that make it unique to the rest of the world and therefore attract global visitors. Road construction for logging directly reduces these qualities, threatening the nearly \$4 billion to the economy and some 7,752 jobs.³⁵ If the Tongass loses its unique qualities, however, Alaska could suffer a significant loss of its ability to maintain or increase the level of visitors it receives.

6. What are the anticipated timber production costs (including road construction) and revenues from logging Tongass roadless areas? What are the impacts on the federal budget and U.S. taxpayers?

Road building and maintenance in the national forests is an extraordinary taxpayer burden, particularly in Southeast Alaska. Road construction costs on the Tongass average \$185,000 per mile and can be as high as \$322,378 per mile on steep slopes. Maintenance and repair costs average \$50,000 per mile.³⁶ These costs are largely absorbed by the Forest Service; road subsidies for timber exceeded \$140 million between 1998-2002, when the Tongass' roadless areas were still being targeted for development, and most of these roads were used only by timber vehicles for timber extraction.³⁷ By prohibiting road construction and logging in the Tongass roadless areas, the Roadless Rule keeps these costs down. The EIS must honestly and accurately disclose the potential impacts of logging and road building in Tongass roadless areas on the federal budget and taxpayers.

Further, any new road construction costs would be added to a system already in deficit. The Forest Service has an estimated maintenance backlog of \$3.2 billion nationally.³⁸ The Tongass alone had over \$14 million in deferred road maintenance costs in 2000 and over \$700 million in identified needed capital improvements.³⁹ Continuing to burden this system will either defer more critical infrastructure maintenance or will force additional commitment of taxpayer subsidies by Congress. The EIS must evaluate the impact of increased road building on the Forest Service's maintenance backlog and capital improvement needs and on the natural resource programs that will be underfunded as a consequence.

Timber production is the primary purpose for road construction in the Tongass National Forest. Gains from Tongass timber sales not only fail to make up for the costs of road construction and maintenance, they fail to cover their planning and implementation costs, resulting in huge losses to the federal government. Overall, the Tongass' five-year average net annual loss for timber sales between 2009-2013 was \$20,528,811. During

³⁵ *Keeping the Tongass wild and roadless*, 2018.

³⁶ Alexander, S. J., Dr., Henderson, E. B., & Coleman, R. (2010). Economic Analysis of Southeast Alaska: Envisioning a Sustainable Economy with Thriving Communities [Abstract]. *Forest Service Alaska Region*, p. 1-98.

³⁷ Taxpayers for Common Sense. Road Wrecked: Why the \$10 Billion Forest Service Road Maintenance Backlog Is Bad for Taxpayers, March 2004, p. 3.

³⁸ USDA Forest Service. National Forest System Statistics FY 2016. FS 905(16) Brochure. March 2017.

³⁹ Tongass National Forest, Forest-Level Roads Analysis Report, 2003, p. 76.

this time, the net loss to the taxpayer ranged from \$489 to \$1,132 per thousand board feet of timber, with a total cost of over \$100 million.⁴⁰ Further, the Tongass' 2016 amended Land Management Plan predicts those losses will grow, even without opening roadless areas to old-growth logging.⁴¹ These large subsidies to the timber industry do not provide commensurate benefits to warrant this great investment of public funds, particularly compared to the region's other funding needs and economic opportunities. To the contrary, increased subsidies for Tongass logging would actually result in harm to a world-class salmon fishery, forest habitats and wildlife, and the growing tourism economy.

A recent example of this economic folly is the North Kuiu timber sale, which has cost the Forest Service over \$4.5 million. The Forest Service offered this sale in 2016 and 2018 and both times received no bids, even after the agency spent over \$3 million building logging roads.⁴² Timber sales like North Kuiu reflect the realities of logging on the Tongass today: even with heavy taxpayer subsidies, the high costs and far distance to markets make Tongass timber uncompetitive in global markets.

In short, it would be economically irrational to open the Tongass roadless areas to taxpayer-subsidized road building and logging. The EIS must provide a full and frank disclosure of these economic effects.

7. How does the Roadless Rule affect road construction for mining, hydropower, and infrastructure development?

The Forest Service needs to clarify in the EIS and throughout the rulemaking process that the Roadless Rule has very limited impact on any economic development or resource extraction activities in Southeast Alaska other than logging and logging road construction. The agency's 2018 "Alaska Roadless Rulemaking Questions and Answers" has taken a good step in that direction with its straightforward response to the following question, around which there has been much misunderstanding and confusion in Alaska:

Q19: Are activities such as mining, cell tower construction, hydropower and geothermal power, transmission line, and infrastructure development prohibited under the 2001 Roadless Rule? If not, then why are they being discussed during the state-specific rulemaking process? The 2001 Roadless Rule does not prohibit these activities. Under the current policy, most projects within inventoried roadless areas must be submitted to the Chief of the Forest Service for review and approval. In the Tongass National Forest, more than 57 projects have been approved. Some stakeholders with an interest in roadless areas, such as utility companies, mining interests, and local communities have raised concerns about how the 2001 Roadless Rule affects permits, contracts and other

⁴⁰ Headwaters Economics Tongass Report, p. 21-23.

⁴¹ Cutting the Tongass Timber Plan Down to Size, Taxpayers for Common Sense, Sept. 27, 2016, p. 3.

⁴² Kevin Gullufsen, Controversial Timber Sale Can't Find a Bidder. *Juneau Empire*. June 6, 2018. Available at <https://www.juneauempire.com/news/controversial-timber-sale-cant-find-a-bidder/>.

special uses involving access, road construction, and road maintenance in inventoried roadless areas. These issues are likely to remain part of the conversation.⁴³ [underlined emphasis added]

The agency should clarify that the Roadless Rule itself does not require Chief-level approval of road construction projects in Inventoried Roadless Areas that are covered by a Rule exception. Chief-level approval was a discretionary Forest Service procedure that began soon after the Roadless Rule was adopted and was continued during the Obama Administration.⁴⁴ The Forest Service or the Department of Agriculture could change that internal procedure at any time, without amending the Roadless Rule.

The EIS should make it clear that the Forest Service’s internal approval process for road construction projects covered by a Roadless Rule exception is an issue that can be relatively easily addressed by the agency without changing the Roadless Rule.

8. What is the significance of the Tongass’ forest carbon resource? What are the potential impacts on carbon storage and sequestration? What are the potential impacts on greenhouse gas emissions?

Forest carbon storage and sequestration and the potential effects of logging on the carbon resource and greenhouse gas emissions are important issues that must be considered in the Alaska Roadless Rulemaking EIS. Carbon-related issues were not addressed in the 2000 Roadless Rule EIS, but they were analyzed in the 2016 Tongass Plan Amendment EIS. Following are excerpts from the 2016 final EIS that illustrate (1) the significance of forest carbon in the Tongass overall, (2) the potential impact on carbon storage of logging in the Tongass’ unmanaged roadless areas, and (3) the potential impact on greenhouse gas emissions of logging old-growth forests in Tongass roadless areas.

- “The Tongass National Forest stores more forest carbon than any other national forest in the United States (Barrett 2014). As such, a critical ecosystem service sustained by this forest is carbon sequestration (i.e., the removal of carbon dioxide from the atmosphere and keeping that carbon inactive by storing it in live or dead biomass as well as organic soil matter). This makes the Tongass National Forest a critical component in the global carbon cycle (DellaSala 2014; DellaSala 2016; Law 2014).”⁴⁵

⁴³ USDA Forest Service, Questions and Answers on the Alaska Roadless Rulemaking, Updated Sept. 13, 2018, p. 4. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd595057.pdf. The 2016 Tongass Plan Amendment EIS also does a good job of acknowledging that the Roadless Rule has no appreciable effect on renewable energy projects, utility line projects, and regional transportation development. 2016 FEIS, p. 3-446 – 3-448. The Record of Decision for that amendment similarly recognizes that “Since 2012, the Tongass has requested and received timely approval from the Chief for qualifying activities within roadless areas, including those in support of hydroelectric energy projects and transmission, and road rights-of-way under applicable statutes.” 2016 ROD, p. 19.

⁴⁴ See Chief Bosworth’s June 7, 2001 directive at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5057889.pdf.

⁴⁵ 2016 FEIS, p. 3-13.

- “Total carbon densities on unmanaged forests were estimated as 72 tons per acre, which comprised 7 percent logs, 13 percent snags, and 80 percent live trees. Carbon densities on managed forests were estimated as 45 tons per acre, which comprised 38 percent logs, 8 percent snags, and 54 percent live trees (Barrett 2014).⁴⁶
- “... past harvests and management of the Forest has likely resulted in a net release of carbon to the atmosphere due in part to the practice of harvesting of old-growth timber on the Forest.”⁴⁷

This information is highly relevant to the Alaska Roadless Rulemaking process and should be updated and included in the EIS. For example, one recent study found that the Tongass National Forest stores 8% of all forest carbon in the U.S.⁴⁸ The failure of the Forest Service to evaluate the effects of the Colorado Roadless Rule on greenhouse gas emissions was found to be a violation of the National Environmental Policy Act.⁴⁹ Likewise, the Forest Service would run afoul of NEPA if it did not fully disclose the harmful effects of forest carbon emissions to the atmosphere resulting from increased logging of old-growth forests in the Tongass roadless areas.

9. What are the potential impacts on fish and wildlife habitat?

The effects of changes to the Roadless Rule to ecosystem diversity, integrity and connectivity, and fish and wildlife populations and their habitat must be key topics of analysis within the EIS. The Forest Service has the burden of demonstrating through the rulemaking process that the highest and best use of Tongass roadless areas should not be the conservation of fish, wildlife, watershed, recreation and other ecological values.

The Roadless Rule reflects strong public support to protect biodiversity and fish and wildlife habitat across the National Forest System (NFS). A chief purpose of the Rule was to achieve substantial conservation benefits for fish, wildlife, and plants by reducing levels of human disturbance, habitat fragmentation, and degradation caused by road building and timber harvest.⁵⁰

The Roadless Rule indeed conserves biodiversity on the Tongass, just as intended, and in adopting it the Forest Service noted the key role that Tongass National Forest lands play in conserving biodiversity at the ecoregional level:

The Tongass National Forest comprises the majority of the land in Southeast Alaska and the Northern Pacific Coast ecoregion, a globally significant ecoregion. Because of its dominant status with respect to land ownership, the Tongass plays

⁴⁶ 2016 FEIS, p. 3-15.

⁴⁷ 2016 FEIS, p. 3-16.

⁴⁸ Leighty, W.W., S.P. Hamburg, J. Caouette. 2106. Effects of management on carbon sequestration in forest biomass in southeast Alaska. *Ecosystems* 9: 1051-1065.

⁴⁹ See *High Country Conservation Advocates v. United States Forest Service*, 52 F. Supp. 3d 1174 (D. Colo. 2014).

⁵⁰ USDA Forest Service. 2000. Roadless Area Conservation Final Environmental Impact Statement (hereafter cited as 2000 FEIS), p. 1-14.

an important role in the cumulative effects occurring in Southeast Alaska and the Northern Pacific Coast ecoregion.

The majority of species in the ecoregion are old-growth dependent or disturbance sensitive species, and the majority of habitat and strongholds supporting these species exists on NFS lands. Because the majority of lands in Southeast Alaska outside the Tongass have been intensively managed for timber harvest, the Tongass plays a critical role in conserving the biodiversity in Southeast Alaska and the Northern Pacific Coast ecoregion.⁵¹

Just as Tongass forest lands are critical to conserving biodiversity in the region, inventoried roadless areas are critical to doing so on the forest. As the Forest Service has explained:

Containing more than one fourth of the world's coastal temperate rainforests, this ecoregion is one of the most pristine temperate rainforest and shoreline ecosystems in the world (Ricketts and others 1999). The forest's high degree of overall ecosystem health is largely due to the quantity and quality of its inventoried roadless areas and other special designated areas.

Conserving inventoried roadless areas is central to maintaining a high degree of ecosystem health. In naturally fragmented landscapes, such as the Tongass, there are heightened concerns regarding fragmentation, isolation of populations, and local population extinctions (USDA Forest Service 1997d). Under these conditions, inventoried roadless areas may be critical in maintaining ecosystem health. Inventoried roadless areas help provide adequate quantity and quality of habitat, connectivity between habitats, and greater likelihood that populations would not be further isolated from one another. Because ecosystems in Southeast Alaska are naturally fragmented and may be less resilient to further fragmentation, the loss of inventoried roadless area conditions may pose a high risk to species existence and persistence.⁵²

Likewise, in 2016 the Forest Service stated that roadless areas on the Tongass “are considered important because they support a diversity of aquatic and terrestrial habitats, species, and communities, and play an important role in helping to conserve native plant and animal communities and biological diversity.”⁵³

For the Alaska Roadless Rulemaking, the Forest Service will have to make a compelling, likely impossible, case for how development in roadless areas is compatible with the increasing value of those areas for wildlife. According to the Forest Service, “As development continues through timber harvest and associated activities such as road building and community expansion, particularly in areas where extensive development

⁵¹ 2000 FEIS, p. 3-390.

⁵² 2000 FEIS, p. 3-371 – 372.

⁵³ 2016 FEIS, p. ES-4.

has already occurred (i.e. Prince of Wales Island), *maintaining connectivity and roadless refugia will become increasingly important, particularly for wide-ranging species whose distribution depends on some level of connectivity across the landscape.*⁵⁴

a. Roads and Wildlife

Road construction and timber harvest adversely affect fish, wildlife, and plant populations and communities and their habitat. Roads and their negative effects are of major concern when they are constructed within high-value intact conservation areas such as roadless areas. “The environmentally most dangerous roads are those that penetrate into relatively pristine regions, such as large forest tracts.”⁵⁵ Punching roads into increasingly rare intact habitats is particularly pernicious because it is the road that leads to the contagious negative effects of deforestation and other human disturbance that we discuss below.

Road building fragments and degrades habitat and increases the negative effects of human disturbance. Intact unfragmented habitats provide greater biodiversity benefits than degraded habitat.⁵⁶ Unroaded areas are biodiversity reservoirs and are critical for wide-ranging species such as brown bears and wolves and provide strongholds for salmonids and other fish species.⁵⁷

Habitat degradation includes the creation of edge effects, the proliferation of invasive species, and changes in ecological conditions that allow habitat generalists to outcompete interior-dependent species. Roadless areas act as barriers to invasive and exotic species, and the EIS must evaluate the potential effects of the alternatives on contributing to invasive species, including invasive aquatic species.

Habitat fragmentation limits animal movement and thus reduces necessary genetic mixing between populations, which can lead to inbreeding and decreased fitness. Roads often pose barriers and limitations to the movement of fish and wildlife, including daily movements to access crucial resources and seasonal migrations and dispersals. Habitat fragmentation can also inhibit plant pollination.

Roads also increase risks of wildlife mortality due to collisions and negative human-wildlife interactions, including possible overexploitation due to increased poaching. Roads can degrade productive habitat areas from wildlife population sources to sinks, that is, from increasing the extent and viability of local populations to decreasing them.

⁵⁴ 2016 FEIS, p. 3-217, emphasis added

⁵⁵ van der Ree, R., C. Grilo, and D.J. Smith. 2015. The ecological effects of linear infrastructure and traffic: Challenges and opportunities of rapid global growth. In: *Handbook of Road Ecology* [van der Ree, R., C. Grilo, and D.J. Smith (eds.)]. Wiley-Blackwell. 552 pages.

⁵⁶ Selva, N., Switalski, S. Kreft and P.L. Ibisch. 2015. Why keep areas road free? The importance of roadless areas. In: *Handbook of Road Ecology* [van der Ree, R., C. Grilo, and D.J. Smith (eds.)]. Wiley-Blackwell. 552 pages.

⁵⁷ Selva et al., p. 17.

This has occurred on the Tongass. For example, biologists have documented the extirpation of a local wolf population in the Stoney Creek area due to extensive roading and logging.⁵⁸ Deer, bear, marten, and mountain goats are equally susceptible to unsustainable or illegal harvest on the Tongass due to expansion of the road network.

Roading and timber harvest also lower ecosystem resiliency to invasive species and climate change. Roads deteriorate over time and can have long-term negative effects on fish, watersheds, and wildlife.

The impacts of roads extend beyond the footprint of the road. For any proposal to increase roading of Tongass roadless areas, the EIS must define the road effect zone, or the areas over which the ecological effects of roads and traffic could extend into the adjacent landscape. These effects include habitat fragmentation and wildlife disturbance, but also noise, light, and pollution; soil disturbance and compaction; and sedimentation into waterways.⁵⁹ The EIS must look at the loss of habitat functionality, not just habitat, associated with road building and timber harvest.

b. NEPA

The Forest Service must disclose the potential direct, indirect, and cumulative effects of changing roadless area protections for fish, wildlife, and plants on the Tongass, including those “wide-ranging species whose distribution depends” on connected roadless refugia noted above.

It is important that the EIS disclose the potential effects and environmental consequences to wildlife of the proposed action and alternatives to it, rather than simply discussing habitats that will retain protections for wildlife. What is important under NEPA is the areas that are NOT going to retain roadless protections and the unavoidable adverse effects of managing those areas for timber extraction and road access at the expense of the condition of other resources, including fish and wildlife habitat. How those effects may be mitigated, including a discussion of the effectiveness of the mitigation, is secondary to this primary NEPA function. It is also imperative that the Forest Service not defer effects analysis to the project-level; there is sufficient information concerning the design and extent of road building and timber harvest activities to estimate effects on specific unroaded locations and the fish and wildlife therein. Alternatives must be developed to provide a reasoned basis for choice among alternatives with regard to wildlife impacts. Maximum acres of timber harvest and miles of road construction that would occur under each alternative in roadless areas should be revealed.

c. Cumulative Effects

The EIS must also disclose the potential cumulative effects to fish and wildlife from cumulative timber harvest and road development, as well as land adjustments, mining, transmission, transportation, and other infrastructure development projects across

⁵⁸ Tongass National Forest, Forest-Level Roads Analysis, 2003, p. 60.

⁵⁹ Selva, et al.

Southeast Alaska lands. The EIS should also disclose the potential effects (opportunity costs) to fish and wildlife of focusing limited agency capacity on road building rather than realizing the beneficial effects to fish and wildlife of watershed restoration, road maintenance, and road restoration. Cumulative effects analysis must also address climate change impacts to wildlife, discussed in greater detail below.

Road building and associated timber harvest have already had profound effects on Tongass wildlife and ecosystem integrity by fragmenting habitat and altering the composition and spatial pattern of habitat, notably old-growth habitat. The EIS must acknowledge these historical and long-lasting effects to wildlife and consider whether the proposed action represents an irreversible commitment to contribute to the decline in intact old-growth habitat. It is important to note, and the EIS must analyze, the fact that roads and timber harvest units have significant lingering temporal effects. Roads in particular can have long-lasting deleterious impacts on fish and wildlife, particularly when there is insufficient capacity to maintain or restore the roads.

d. Wildlife

The EIS must disclose potential direct, indirect, and cumulative effects to specific species that may be impacted under the alternatives, including species sensitive to road building/road density and timber harvest. Tongass roadless areas and associated old growth forest types support an array of wildlife of concern in Southeast Alaska, including brown bears, Alexander Archipelago wolves, Sitka black-tailed deer, numerous endemic small mammals associated with productive old growth (POG) habitat and sensitive to forest fragmentation, and others of conservation concern including marten and goshawk (which are both associated with higher-volume POG habitat).

According to the Forest Service, inventoried roadless areas on the Tongass “add value (to the 1997 Conservation Strategy) by providing large expanses of roadless refugia, which are important to wide-ranging wildlife species such as wolves, brown bears, marten, and less mobile species such as flying squirrels and amphibians.” Furthermore, road construction and timber harvest in these areas “has the potential to decrease the value of these roadless areas to wildlife through increased habitat fragmentation and reduced landscape connectivity.”⁶⁰

The EIS must disclose changes to road density and potential effects of those changes on fish, wildlife, and plant populations and their habitat, including wildlife’s ability to move across the landscape. Specifically, the EIS must examine the effects to average total and open road densities and percentage of Wildlife Analysis Areas (WAAs) in road density categories on NFS and all lands (cumulative effects). The EIS must examine the effects of alternatives on road density and habitat capability within WAAs, including capability to support deer and wolf populations.

⁶⁰ 2016 FEIS, p. 3-256.

Wolves depend on the “roadless refugia” core habitat provided under the Tongass’ Conservation Strategy.⁶¹ According to the Forest Service, “the presence of large reserves to maintain roadless refugia (as a means of providing deer habitat capability and minimizing mortality risk by managing human access)” is a critical factor “in maintaining a viable well-distributed population on the Tongass.”⁶² The EIS must examine the effects of undermining “roadless refugia” for wolves on the Tongass.

Similarly, marten also rely on roadless areas for their conservation: “Roadless areas and OGRs and other non-development LUDs provide refugia for marten from trapping pressure.”⁶³ Maintaining viable well-distributed populations of marten on the Tongass requires the presence of “large and medium reserves to provide roadless refugia.”⁶⁴ Martens require connected large areas (34,000 acres).⁶⁵ The EIS must examine potential effects of alternatives on marten including habitat diversity, fragmentation, and connectivity.

Brown bears rely on intact undisturbed habitat conditions found within roadless refugia on the Tongass.⁶⁶ Roadless values were highlighted as important in maintaining a viable, well-distributed population of brown bears on the Tongass.⁶⁷ Brown bears require large unroaded areas (40,000 acres) with productive fisheries and availability of summer alpine habitat.⁶⁸ Road density and roaded access are a major concern. The EIS must examine changes in road density on brown bears, which require the secure ecological conditions provided by unroaded areas. Brown bears are negatively affected by hunting and poaching and other negative human-bear interactions associated with roads. Additionally, roads will bring human users into bear habitat, increasing the risks of human injury and mortality from bear attacks; such incidents often result in the killing of bears. Increased access to the forest due to roads and associated infrastructure can lead to an increase in bear attractants, food, and garbage, which can lead to conflicts in new places humans may be using. Roads also lead to disturbance to brown bears during critical life stages (e.g., late summer season when bears concentrate along valley bottoms and salmon streams) and habitat fragmentation. Timber harvest also contributes to habitat loss for brown bears.

In addition to bears, the EIS must also disclose the effects of changes in road density on hunter access and associated risks of overharvest of other wildlife species as well as increases in poaching. According to the 2016 TLMP FEIS, “species that are vulnerable to overharvest (e.g., wolf, marten, and spruce grouse) would be affected by potential increased hunter access along new or reconstructed roads.”⁶⁹

⁶¹ 2016 FEIS, p. 3-276.

⁶² 2016 FEIS, p. 3-293.

⁶³ 2016 FEIS, p. 3-236.

⁶⁴ 2016 FEIS, p. 3-294.

⁶⁵ 2003 FSEIS, p. 3-56.

⁶⁶ 2016 FEIS, p. 3-273.

⁶⁷ 2016 FEIS, p. 3-296.

⁶⁸ 2003 FSEIS, p. 3-56.

⁶⁹ 2016 FEIS, p. 3-256.

e. Fish

The Tongass is America's salmon forest. Thirty percent of all salmon caught on America's West Coast, and close to 13 percent around the Pacific Rim, come from the Tongass, and upwards of 70 percent of the Tongass' trout, salmon, and steelhead habitat are found within roadless areas.⁷⁰

The EIS must analyze effects to fish, including salmon and trout. According to the Forest Service:

Roads pose the greatest risk to fish resources on the Tongass, partly because they pose the largest risk of management-caused sediment input to streams. Road construction, road drainage, level of road use, number of road stream crossings, watershed road density and related actions in forested areas may all influence the amount of sediment to streams.⁷¹

The EIS must disclose the potential direct and indirect effects of road building and timber harvest on fish, including alterations of stream temperature, sediment levels, large woody debris, food sources, and habitat access and passage. The EIS should disclose expected miles of new and reconstructed roads, changes in road density, and number of fish streams crossed by roads. The effects of roads and road crossing structures as barriers to fish movement must also be closely examined for they are a primary culprit in the diminishment and fragmentation of habitat for native salmonids across their range.

f. Plants

Road building and timber harvest will have direct effects on sensitive and rare plants. Fourteen sensitive plant species and 126 rare plants are known to occur on the Tongass.

Fragmentation from logging and road building can adversely affect native plant species and also further the spread of non-native invasive species in the forest. One common understory plant, trillium, showed continuing adverse effects (high mortality during initial disturbance and a continuing lack of new plants) even in sites that had been clearcut more than 30 years before.⁷² Although individual plants were found as old as 72 years, study areas showed few plants younger than the age of the clearcut. Also, populations in remaining forest remnant patches that were within 65 meters of the edge of a clearcut experienced similar adverse effects, most likely due to a combination of reduced seed set and reduced survival of seeds and seedlings near edges. Given the severe effects from fragmentation demonstrated for this common species, it is likely that the distribution and abundance of other understory plants were similarly altered.⁷³

⁷⁰ <http://www.americansalmonforest.org/the-fish.html>.
<https://tu.org/blog-posts/roadless-redux-really?gid=5813>

⁷¹ 2016 FEIS, p. 3-122, citations omitted.

⁷² 2000 FEIS, p. 3-176.

⁷³ Ibid.

Also, roads serve as a means of entry for many non-native invasive plant species, with seeds or plant parts inadvertently transported into previously unaffected areas. Ground disturbance associated with roads and with other road activities provides additional opportunity for establishment or expansion of non-native invasive plant populations.⁷⁴ There are already a significant number of invasive plant species identified on the Tongass, and the EIS must assess the potential for the spread of these or other new introduced species as a result of increased road building and logging.⁷⁵

g. Timber Harvest

The EIS must disclose the potential effects of changes to the Roadless Rule on levels of timber harvest, particularly harvest of old-growth forests and other important habitats for fish, wildlife, and plants that occur within roadless areas, including old-growth dependent species such as marten and goshawk. In addition, the EIS must acknowledge that the 2001 Roadless Rule contributes significantly to old-growth forest conservation and the transition to young-growth harvest.

Specifically, the EIS must examine and quantify the effects of alternatives on productive old growth (POG), high-volume POG, large-tree POG, beach and estuary fringe habitats and Riparian Management Areas (RMAs) (important for brown and black bears), Old-growth Habitat LUD and other natural setting LUDs, and conservation priority areas (e.g. T77 watersheds). Potential effects of increased timber harvest to important fish resources, including riparian areas and the floodplains and wetlands associated with those areas, must be examined.

h. Consultation under the Endangered Species Act

The Forest Service must also comply with the consultation requirements of the Endangered Species Act, including the preparation of a Biological Assessment pursuant to Section 7, to assess the effects to federally listed fish and wildlife due to changes in roadless area protections on the Tongass. A Biological Evaluation must also be prepared in accordance with Forest Service Manual 2670 covering federally listed and Region 10 sensitive species.

i. Invasive Species

Roadless areas act as barriers to invasive and exotic species. As stated previously, the EIS must evaluate the potential effects of the alternatives on contributing to invasive species, including invasive aquatic species.

10. What are the potential cumulative effects of climate change on top of road construction and logging in Tongass roadless areas?

⁷⁴ Ibid.

⁷⁵ 2016 FEIS, p. 3-151-154.

On August 1, 2016, the Council on Environmental Quality issued climate change guidance,⁷⁶ a document whose stated intent was to “facilitate compliance with **existing** NEPA requirements” [emphasis added]. Though the guidance was subsequently rescinded,⁷⁷ the underlying NEPA requirements remain, pursuant to the act’s recognition of “the profound impact of man’s activity on the interrelations of all components of the natural environment.”⁷⁸

Furthermore, under NEPA, the Forest Service must consider direct, indirect, and cumulative effects,⁷⁹ the latter referring to “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” The required “hard look” at these impacts must be structured in the context of a changing environment, including the impacts of climate change. The overwhelming weight of scientific evidence allows no other conclusion but that the impacts of climate change are not only “reasonably foreseeable,” but indeed already upon us. In accordance with established CEQ Guidance for assessing cumulative impacts,⁸⁰ the Forest Service must address the additive, synergistic, and countervailing impacts between the effects of climate change and the effects of the various alternatives.

a. The Forest Service must utilize recent, credible, and comprehensive information, such as the “2017 Climate Science Special Report,” as the information basis for assessment of climate change impacts on Tongass.

In November of 2017, the multi-agency U.S. Global Change Research Program released Volume I of the congressionally mandated Fourth National Climate Assessment. This volume, the “Climate Science Special Report” (CSSR)⁸¹, is a stand-alone report on the state of science relating to climate change and its physical impacts and forms the scientific underpinnings of the upcoming Volume II of the Fourth National Climate Assessment—“Climate Change Impacts, Risks, and Adaptation in the United States,” a draft of which was released in early 2018 for public review but has not yet been finalized. The CSSR was compiled by multiple authors representing federal science agencies, national laboratories, and universities, governed by strict standards of utility,

⁷⁶ Council on Environmental Quality (CEQ). 2016. [Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews](#). Council of Environmental Quality, Executive Office of the President, Washington, D.C.

⁷⁷ Executive Order 13783 of March 28, 2017

⁷⁸ 42 U.S.C. 4331(a)

⁷⁹ 40 C.F.R. § 1508.25(c)

⁸⁰ Council on Environmental Quality (CEQ). 1997. *Considering Cumulative Effects Under the National Environmental Policy Act*. Council of Environmental Quality, Executive Office of the President, Washington, D.C.

⁸¹ USGCRP, 2017: *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 470 pp., doi: 10.7930/J0J964J6. <https://science2017.globalchange.gov/>

transparency and traceability, objectivity, and integrity and security in the evaluation and inclusion of scientific information. The CSSR thus represents the best available information on the state of the climate in the United States, postdating and building on previous editions of the National Climate Assessment and the synthesis reports of the Intergovernmental Panel on Climate Change.

The key findings of the CSSR are that: 1) “Global annually averaged surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016). This period is now the warmest in the history of modern civilization;” and 2) “This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.”⁸² In general, Alaska is warming faster than the rest of the nation and is projected to continue to do so. The authors conclude with “*high confidence*” that human activities are driving these effects and that it is “very likely” that the trend of Alaska’s warming outpacing lower latitude warming will continue through the coming decades. Key findings are quoted below:

Temperature: Alaska’s annual average temperature was 1.67°F higher during the period 1986-2016 than it was from 1925-1960, with average annual maximum temperature rising 1.43°F and minimum temperature rising 1.91°F between these time intervals.⁸³ Under a lower emissions scenario, consistent with holding CO₂ concentrations below 550 parts per million,⁸⁴ Southeast Alaska is projected to warm by an additional 2-4°F by mid-century and 4-6°F by late century.⁸⁵ Warming of Southeast Alaska is projected to reach 4-6°F by mid-century and 8-10°F⁸⁶ by late century under the highest emissions scenario.

Precipitation: Over the same period, the southern Alaska panhandle has seen precipitation increases of 5 to 15 percent for much of the year; the exception being spring, which has trended drier.⁸⁷ Future projections are that much of Alaska will receive increased precipitation in winter and spring.⁸⁸

⁸² Ibid., p. 10.

⁸³ Vose, R.S., D.R. Easterling, K.E. Kunkel, A.N. LeGrande, and M.F. Wehner, 2017: Temperature changes in the United States. In: *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 185-206, doi: [10.7930/J0N29V45](https://doi.org/10.7930/J0N29V45).

⁸⁴ Hayhoe, K., J. Edmonds, R.E. Kopp, A.N. LeGrande, B.M. Sanderson, M.F. Wehner, and D.J. Wuebbles, 2017: Climate models, scenarios, and projections. In: *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 133-160, doi: [10.7930/J0WH2N54](https://doi.org/10.7930/J0WH2N54).

⁸⁵ Vose et al. 2017; Figure 6.7.

⁸⁶ Ibid.

⁸⁷ Easterling, D.R., K.E. Kunkel, J.R. Arnold, T. Knutson, A.N. LeGrande, L.R. Leung, R.S. Vose, D.E. Waliser, and M.F. Wehner, 2017: Precipitation change in the United States. In: *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 207-230, doi: [10.7930/J0H993CC](https://doi.org/10.7930/J0H993CC).

⁸⁸ Ibid.

Glacial melt: The CSSR reports that: “It is *virtually certain* that Alaska glaciers have lost mass over the last 50 years, with each year since 1984 showing an annual average ice mass less than the previous year,” and also that glacial melt and retreat will continue in the future.⁸⁹

Ocean Impacts: The two most important ocean impacts are temperature change, which affects oxygen content, metabolic activity and patterns of nutrient upwelling, and acidification, which interferes with calcium uptake in shell-building organisms, including plankton, molluscs and crustaceans. The Pacific Ocean in the vicinity of the Tongass [40°–50°N, 120°–132°W] has warmed 0.68 ± 0.70 °C over 1950-2016 and is projected to increase 1.7 ± 0.4 °C under the moderate emissions scenario and 2.8 ± 0.6 °C under the higher emissions scenario.⁹⁰ Acidification has increased in parallel with warming, resulting from the direct dissolution of CO₂ in seawater, with the result that “surface waters have become 30% more acidic over the last 150 years as they have absorbed large amounts of CO₂ from the atmosphere.”⁹¹ The Alaska coast is particularly high risk, since “Ocean carbon chemistry is highly influenced by water temperature, largely because the solubility of CO₂ in seawater increases as water temperature declines. Thus, cold, high-latitude surface waters can retain more CO₂ than warm, lower-latitude surface waters.”⁹²

b. The Forest Service must describe and assess how these physical climate changes impact the biological environment, including terrestrial, aquatic, and marine habitats and wildlife, and must describe in detail how these changes would exacerbate the impacts of additional road construction and logging.

The changes to temperature, precipitation, glaciers, and ocean chemistry described above are already having, and are projected to continue to have, myriad profound effects on the biological environment, including terrestrial, aquatic, and marine systems. These include, but are not limited to:

- Decreases in soil moisture as evapotranspiration exceeds precipitation;⁹³

⁸⁹ Taylor, P.C., W. Maslowski, J. Perlwitz, and D.J. Wuebbles, 2017: Arctic changes and their effects on Alaska and the rest of the United States. In: *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 303-332, doi: [10.7930/J00863GK](https://doi.org/10.7930/J00863GK).

⁹⁰ Jewett, L. and A. Romanou, 2017: Ocean acidification and other ocean changes. In: *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 364-392, doi: [10.7930/J0QV3JQB](https://doi.org/10.7930/J0QV3JQB).

⁹¹ Ibid.

⁹² Ibid.

⁹³ Tillmann, P. and P. Glick. 2013. *Climate Change Effects and Adaptation Approaches for Terrestrial Ecosystems, Habitats and Species: A Compilation of the Scientific Literature for the North Pacific Landscape Conservation Cooperative Region*. Funded by the North Pacific LCC. 417 pp. <https://www.sciencebase.gov/catalog/item/55847808e4b023124e8f596d>

- Increased damage and destruction of trees from windthrow and landslides;⁹⁴
- Expansion of forest pests and invasive species;⁹⁵
- Uncertain response in carbon flux, with both sequestration and emissions projected by differing scenarios;⁹⁶
- Potential changes to soil nutrient cycling;⁹⁷
- Continued decline of Alaska yellow-cedar, a culturally, ecologically, and economically important tree in Southeast Alaska;⁹⁸
- Decline of island endemic species due to isolation and inability to shift ranges in an ecosystem fragmented both naturally and through human management as conditions alter;⁹⁹
- Impacts to stream and riparian ecosystems, and the benthic, aquatic plant and fish communities they support, including alterations in stream flow amount and timing, temperature, and nutrient content due to changing precipitation and melting patterns;^{100 101}
- Multiple impacts to salmonid species, including: metabolic stress due to warmer stream temperatures and lower dissolved oxygen, loss of thermal refuges, degradation of spawning habitat due to siltation, changes in food availability, increased susceptibility to infection, and alteration of timing of life cycle events.¹⁰²

Importantly, activities associated with timber harvest and road construction also create many of the same stressors to these systems, such as increased siltation to aquatic systems, higher water and soil temperatures due to loss of shading cover, alteration of nutrient cycles, loss of soil carbon through increased decomposition rates, increased transport of invasive species propagules, and creating conditions for increased windthrow and landslides [not an exhaustive list]. Riparian vegetation and fish communities may be particularly susceptible to timber- and transportation-related stressors.¹⁰³ The Forest Service must provide a detailed accounting of the cumulative effects of road building, timber harvest, and climate change, with particular attention to how these various

⁹⁴ Ibid., p. 117.

⁹⁵ Ibid., p. 106.

⁹⁶ Ibid., p. 139.

⁹⁷ Ibid., p. 151.

⁹⁸ Hennon, P.E. et al. 2016. A climate adaptation strategy for conservation and management of yellow-cedar in Alaska. Gen. Tech. Rep. PNW-GTR-917. U.S. Forest Service, Pacific Northwest Research Station. Portland, OR. <http://www.treesearch.fs.fed.us/pubs/50115>.

⁹⁹ Tillman & Glick, 2013, p. 281.

¹⁰⁰ Tillmann, P. and D. Siemann. 2011 (December). Climate Change Effects and Adaptation Approaches in Freshwater Aquatic and Riparian Ecosystems of the North Pacific Landscape Conservation Cooperative Region: A Compilation of Scientific Literature. Final Report. National Wildlife Federation – Pacific Region, Seattle, WA. 268 pp.

¹⁰¹ EcoAdapt. 2014. A Climate Change Vulnerability Assessment for Aquatic Resources in the Tongass National Forest. EcoAdapt, Bainbridge Island, WA.

¹⁰² Bryant, M.D. 2009. Global climate change and potential effects on Pacific salmonids in freshwater ecosystems of southeast Alaska. *Climatic Change* 95:169-193. [DOI 10.1007/s10584-008-9530-x]

¹⁰³ EcoAdapt 2014 (page 11).

stressors may interact synergistically to the detriment of terrestrial, aquatic, and marine systems and the wildlife that depend on those system.

11. What are the potential impacts on wildfire risk and forest health, if any?

The EIS should acknowledge that there is no need for, or potential benefit from, road building and logging to reduce wildfire risk or address forest health problems in the Tongass. To the contrary, as the region's climate warms, more roads would only heighten the risk of human-caused ignitions. The Forest Service explained in 2000:

Unlike most of the forests in the contiguous United States, wind, rather than fire is the predominant natural disturbance element in the cool rain forest of Southeast Alaska. Therefore, there is neither need nor ecological basis for constructing or reconstructing roads into inventoried roadless areas to address fire risks. Similarly, insect and disease infestations on the Tongass National Forest are not likely to require road construction, reconstruction, or vegetative treatments in inventoried roadless areas to maintain or restore ecological condition.¹⁰⁴

12. What are the potential impacts on customary and traditional resources and uses and on Alaskan Natives and their culture?

The EIS must evaluate the harmful impacts on customary and traditional resources and uses of increased road building and logging in roadless areas. In 2000, the Forest Service reported:

- “Wolfe and Walker (1987) found that the presence of roads is extensively associated with reduced subsistence productivity.”¹⁰⁵
- “The Tongass National Forest is unique because the majority of subsistence and game species, for example Sitka black-tailed deer, marten, wolf, brown bear, salmon, trout, and steelhead, are integrally linked to habitat qualities, including intact old growth and riparian habitats, often found in inventoried roadless areas.”¹⁰⁶

The EIS must also evaluate the related impacts on Alaskan Natives and their traditional cultures. According to the Forest Service's analysis of the 2016 Tongass plan amendments, “Subsistence resources provide the foundation for Native culture, forming the basis for different clans and potlatch ceremonies, as well as reinforcing basic values of respect for the earth and its resources.”¹⁰⁷

Concerned Alaskan Natives have spoken out in opposition to removing the Roadless Rule's protections from the Tongass' roadless areas, saying, “Continued indigenous existence depends wholly on the good health of the wild Tongass in its entirety and that

¹⁰⁴ 2000 FEIS, p. 3-374.

¹⁰⁵ 2000 FEIS, p. 3-373.

¹⁰⁶ 2000 FEIS, p. 3-374.

¹⁰⁷ 2016 FEIS, p. 3-417.

means wild and roadless areas must continue to be protected from industrial exploitation.”¹⁰⁸ The Forest Service must ensure that indigenous people in Southeast Alaska are adequately informed and consulted about this rulemaking process and that the subsistence resources on which their culture depends are protected.

C. Alternatives That Should Be Considered in the EIS

1. Accurately describe and evaluate the No Action Alternative (2001 Roadless Rule status quo)

The Forest Service should be careful not to buy-in to the myths and misinformation about the national Roadless Rule that have been publicly advanced, including by the State of Alaska, as indicating a need for change. In particular, the EIS must make clear that the national Roadless Rule does not prevent activities such as mining, cell tower construction, hydropower and geothermal power projects, transmission line construction, and infrastructure development. The EIS should also clarify that the Roadless Rule does not itself require officials in Washington DC to review and approve proposed road building projects in roadless areas. Changes to address administrative inefficiencies in implementation of the Roadless Rule may be done without federal rulemaking and NEPA compliance.

2. Protect additional roadless areas

The EIS should consider at least one alternative that would extend the national Roadless Rule’s protection to the half-million acres of additional roadless areas identified in the 2003 wilderness inventory process, as well as to any other roadless areas that may have been added to the Tongass since 2003. At a minimum, the EIS must update the Tongass’ roadless area inventory and evaluate the potential effects of management under all alternatives.

3. Restore roadless area characteristics to the “roaded roadless” areas

The EIS should consider at least one alternative that would rehabilitate the 80,000 acres of Inventoried Roadless Areas that have been roaded and logged. Managing these areas to restore healthy watershed condition could have especially positive effects on fish habitat.

4. Optimize ecosystem service values of roadless areas

The EIS should consider at least one alternative that examines potential opportunities to manage the Tongass’ roadless areas in ways that are consistent with the Roadless Rule

¹⁰⁸ *Alaska Indigenous Women to Senator Murkowski: End the Assault On Our Communities and Lands*, Wanda J. Culp, Ernestine Hayes, Bernadine DeAsis, Loretta Marvin, Ernestine Hanlon-Abel, and Jerry Ann Gray, *Huffington Post*, Jan. 5, 2018. https://www.huffingtonpost.com/entry/end-the-assault-on-indigenous-peoples-and-our-land_us_5a4f977ce4b089e14dba6bc6

and that optimize their unique ecosystem service values, including carbon storage and sequestration.

Thank you for considering our comments. We look forward to continued engagement with the Forest Service to conserve the tremendous ecological and socioeconomic values of the Tongass National Forest's roadless areas.

Sincerely,

Mike Anderson
Senior Policy Analyst
The Wilderness Society

Pete Nelson
Director of Federal Lands
Defenders of Wildlife

Garett Rose
Staff Attorney, Alaska Project
Natural Resources Defense Council

APPENDIX A: COMPILATION OF MEDIA STORIES ABOUT PUBLIC MEETINGS IN SOUTHEAST ALASKA REGARDING THE PROPOSAL OF THE U.S. FOREST SERVICE AND STATE OF ALASKA TO MODIFY THE ROADLESS RULE FOR THE TONGASS NATIONAL FOREST



<https://www.juneauempire.com/news/skepticism-at-first-alaska-roadless-rule-meeting/>

Skepticism at first Alaska Roadless Rule meeting

Path to opening up Tongass to more logging starts with series of 16 public meetings

By [Kevin Gullufsen](#)

Friday, September 14, 2018 2:55pm

Clarification: an earlier version of this story said the Tongass Land Management Plan directs a transition to logging of young growth trees in Southeast. It does provide for that transition, but still allows for the logging of up to 5 million board feet of old growth after a 15 year transition period.

It'll take about two years for U.S. Forest Service managers to craft an Alaska-specific version of the national Roadless Rule, which prohibits the building of roads on 9.2 million acres — or about 55 percent — of the Tongass National Forest.

That process started Thursday night with the first of a series of informational public meetings.

What the final rule will look like, and if more public lands will be opened up to roads, will depend in part from what the public wants, according to Chris French, the acting deputy chief of the National Forest System.

French led the meeting and spoke about how a new rule would be formed.

Alaska's rule will be shaped by three parts: public comment submitted to the Forest Service and consultation with the state of Alaska and tribes. Though Alaska has two national forests, the Chugach and Tongass, the new rule would apply to the Tongass only, a request the state made, French said.

Though U.S. Department of Agriculture Secretary Sonny Perdue will have final say over a state-specific rule, written public comments (due Oct. 15) will be "huge" in determining how much more land will be opened to road construction and logging, French said.

"That's how we base our overall intent is based on what we receive in those comments," French said.

About 75 people showed up to the Elizabeth Peratrovich Hall for the evening meeting Thursday. Many wore green stickers which read "Keep Roadless in the Tongass." Those were handed out by Southeast Alaska Conservation Council, a Juneau nonprofit environmental advocacy group. SEACC is working to keep the new rule as close to the national rule as possible, said Executive Director Meredith Trainor.

She's hopeful that the Forest Service will come up with a new rule nearly identical to the old one.

"What's striking is that I don't think Southeast Alaskans really want this. We don't want to spend our time on another process like this," Trainor said.

David Albert attended the meeting wearing one of SEACC's stickers. Like several who attended the meeting, Albert was skeptical of the process.

He said the crafting of a new rule "smacks of political opportunism." Perdue has sided with the state of Alaska and Alaska's Congressional Delegation in their opposition to roadless protections on the Tongass.

Albert is worried that a new rule might be rushed through by state officials who are sympathetic to logging industry interests. That industry, he said, would harm Southeast fishing and tourism.

"Timber is important in this region, but it's just one of the pieces. Fisheries are more important. Tourism is more important. There are a lot of more important things. Timber sucks all the air out of the room. That's what's happening now, this is really about timber," Albert said.

"Once you log, it removes a lot of those other values," Albert said.

There was some audience concern that an Alaska-specific rule would override the 2016 Tongass Land Management Plan, which prescribes a transition to the logging of younger

tree stands in Southeast while still providing for the logging of up to 5 million board feet of old growth annually after a 15-year transition period.

The TLMP (or T-Lump, as it's known) is in part based on the Roadless Rule. If the Roadless Rule changes, the TLMP may need to be amended.

French said that's not quite accurate. TLMP changes would occur only to the extent which the state-specific rule differs from the national one.

The idea for a state-specific rule dates to January of this year, when Department of Natural Resources Commissioner Andy Mack petitioned Perdue to develop a state-specific rule to spur economic activity in rural Southeast, he said.

The state and Forest Service — a federal agency which works under the USDA's umbrella — then agreed to hash out a new rule together.

Alaska's rule wouldn't be without precedent: Idaho and Colorado have their own state-specific rules.

Written comments on the state-specific Roadless Rule can be submitted electronically to <https://www.fs.usda.gov/project/?project=54511>.

The Forest Service plans to finalize an Alaska roadless rule by June 2020. Fifteen more public meetings are scheduled, most of them in Southeast Alaska. A full list can be found at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd594125.pdf.

"Any opinion on this is valuable," French said.



<https://www.alaskapublic.org/2018/09/17/juneau-crowd-questions-forest-service-on-new-roads-in-the-tongass/>

Juneau crowd questions forest service on new roads in the Tongass

By **Elizabeth Jenkins, Alaska's Energy Desk - Juneau** -
September 17, 2018

The U.S. Forest Service is on a tour through Southeast Alaska and Anchorage to talk about the prospect of building new roads in wilder parts of the Tongass National Forest. The controversial initiative, which was announced [in August](#), is up against a November deadline. That's when the state hopes to have a proposal ready for environmental analysis.

On Thursday, Sept. 13, the forest service held its first public meeting in Juneau.

The forest service wasn't taking any formal public comment from the crowd of more than 50 people. Instead, there were maps stuck to walls with blue tape to spur discussion.

After some presentations from the forest service, the floor was opened up for a roughly 40-minute Q&A.

In 2016, a forest service plan for the Tongass included moving away from old growth logging.

It was created with years of community input from people on both sides of aisle, including conversation groups and the timber industry.

Meredith Trainor, the director of the Southeast Alaska Conservation Council, wondered how the possibility of new road building in the Tongass would alter previous plans like the one from 2016.

The prospect of new road building wasn't on the table then. It's not for most national forests in the United States.

Alaska has been fighting this for decades, and this latest attempt to green light new roads in the Tongass could potentially change that earlier management decision.

Some in the audience questioned whether that seemed like a good idea.

“It’s a guaranteed slippery slope,” Bart Koehler said. He says he pretty much came out of retirement to make that point.

Koehler used to work for the Southeast Alaska Conservation Council during the heyday of large scale industrial logging. During his career, he says he saw some positive changes in the way the Tongass was managed, the Roadless Rule being one of them.

Koehler says he’s upset with how the forest service is conducting its current reevaluation.

“This meeting format is a bunch of B.S. — just a pile of bear scat,” Koehler said. “You come, you’re interested and you want to say something and none of these conversations are being recorded.”

Koehler did get his questions in, though, and he’s going to [submit a written comment by Oct. 15](#) when the deadline closes.

A lot of people attending the Juneau meeting wore green stickers that said, “Keep roadless in the Tongass.” Eric Nichols from Alcan Forest Products in Ketchikan wasn’t one of them.

“I’ve been up looking at timber in other places so Juneau was a stopover because of the plane schedule,” Nichols said.

Nichols acknowledged there didn’t seem to be much representation from industry in the room. But he says these issues extend beyond Juneau, to small communities where people are [still employed by logging](#). It’s estimated there are few hundred timber jobs left.

However, Nichols doesn’t think that will be the case for long — if there isn’t easier access to trees.

“We’ve lost the balance. The balance is totally off the scale,” Nichols said. “We’ve got everything in protection for conservation, but very little for what’s going to generate economic activities.”

The next forest service meeting on road building in the Tongass will be in Ketchikan on Sep. 17. The governor’s office still needs to appoint an advisory committee to help inform the decision.

<https://www.krbd.org/2018/09/19/80197/>

Citizens express concerns/hopes about Roadless Rule changes

KRBD Ketchikan, Posted by Maria Dudzak | Sep 19, 2018



Clearcuts and old-growth forests are part of the view on Prince of Wales Island. (Nick Bonzey, Flickr Creative Commons)

In early August, the U.S. Forest Service announced it was taking steps to allow more roads in national forests. Representatives from the U.S. Forest Service and the State of Alaska were in Ketchikan Monday for a public forum to discuss the controversial issue.

About 45 members of the public attended the standing-room-only meeting held downstairs at the Southeast Alaska Discovery Center. Representatives from the Forest Service and the state were on hand to discuss the status of the Roadless Rule and answer questions.

Deputy Forest Supervisor Troy Heithdecker explained the meeting would not be recorded but people could submit written comments.



Discussions continue at the end of a Roadless Rule meeting held in Ketchikan September 17, 2018 (KRBD staff photo by Maria Dudzak).

“What we’re here for is to listen to you, listen to the public, the people of Southeast Alaska. We’re here to share some information on the process, on where we are with the process, how you can provide your feedback and stay involved and be informed throughout this process. We’re here to listen to you, to learn from you. And hopefully you can learn some things about us and our cooperating agency, working with the state, on how we’re going to go through this process.”

Several in attendance were upset comments were not being recorded, including Norbert Chaudhary.

“When you say you’re going to listen to us, you’re actually not. It’s going to be in one ear and out the other. There’s no documentation of what people will be saying here this evening.”

Heithdecker reiterated that comments wouldn’t be recorded, but written comments were being accepted that evening or people could submit written or online comments later.

The current rule prohibits road construction and timber harvest, with some exceptions, in areas inventoried as Roadless. The State of Alaska petitioned the Secretary of Agriculture to receive a full exemption from the rule.

Heithdecker says, in Alaska, the Roadless Rule has been under litigation almost continuously since 2001, and a one-size-fits-all plan for national

forests throughout the country doesn't seem to work. He says the current administration wants to find a long-term solution.

Nicole Grewe is the regional economist with the Forest Service in Alaska. She says to be most helpful, comments should identify specific geographic areas and provide a narrative.

“So with any rezone or land reallocation, there's a geography component – where, how big, what are the boundaries, what's most important to you, which piece of land? And for those places that are important to you, what type of activities should be allowed in that area, and what should not be allowed?”

State forester Chris Maisch says the Forest Service and state are in the process of forming a citizen's advisory committee. The committee will provide up to three options for a state-specific roadless rule.

Maisch says the application deadline to serve on that committee was September 14th, but it was a 'soft deadline,' and the team was still looking for more applicants to represent several interest groups including mining, tourism and tribal interests. Maisch says agencies are working on a tight deadline to get a proposal to the governor by the end of November.

Several in the room commented that Monday night was the first time they heard about the proposal or formation of a committee. Chaudhary feels a decision has already been made.

“You say you're trying to keep on a deadline and it's a soft close and you want to keep this thing moving along. It sure sounds to me like the state and the feds are (in) collusion. It's already preordained what the decision is and you guys are just pretending to go through a process here. *(Maisch)* I respect your decision, but I'd also disagree with you. *(Chaudhary)* Okay.”

Nora Dewitt is a council-member with the Organized Village of Saxman. She says the council is concerned that there haven't been meaningful conversations with tribes or adequate public notice. Dewitt says the roadless issue is a matter of life to the Native people.

“Because right now, our lands are in crises. Look at the fishing season that we had. How many of our fishermen ended up in the red? How many of our villages didn't get the adequate fish that they needed to preserve?”

She says not just Saxman, but all tribes in the area should be consulted.

Heithdecker says the Forest Service is planning formal consultations with federally-recognized tribes.

Eric Nichols, who works in the timber industry, says more than 90-percent of the Tongass is off limits to land development. He says the real issue is determining how to proportion the Tongass.

“These communities have to decide. What do they want? And I think this is an opportunity for each of the communities to decide how much conservation they want in their geographic boundaries, or how much economic activity they want. And I think that’s what this thing really comes down to.”

Nichols believes the Tongass needs to be opened to help support the timber industry.

Heithdecker asked people to break up into small groups and continue discussions. He says the final decision will ultimately be made by the Secretary of Agriculture, but now is an opportunity for Alaskans to provide input on a plan that works for the state.

The 45-day comment period on the notice-of-intent ends October 15th. The state and Forest Service are seeking site-specific suggestions. The citizen’s advisory committee is tasked to submit its recommendations to the governor and state forester by November 30, 2018.

<https://www.kcaw.org/2018/09/26/concerned-about-process-sitkans-push-back-on-new-roadless-proposal/>

Concerned about process, Sitkans push back on new roadless proposal

Posted by Robert Woolsey, KCAW | Sep 26, 2018

About 60 Sitkans packed into a conference room at the Aspen Suites Hotel on Monday evening (9-24-18) for a scoping meeting on the state's petition to open more of the Tongass National Forest to road building.

Like a similar meeting [held last week in Ketchikan](#), much of the input from the audience was focused not so much on the merits of roadless policy, but on the process itself. Ken Tu is the interdisciplinary team leader for Alaska Roadless Rule-Making, with the US Forest Service.

He explained why the agency was soliciting public opinion.

“What we're trying to do is develop a state-specific Roadless Rule which we believe would be a better approach than the 2001 Roadless Rule's approach of one-size-fits-all,” Tu explained. “We believe that a state-specific rule would probably be better in the sense that we can tailor it to local concerns, and hopefully garner local support.”

The Roadless Rule was signed into law by President Bill Clinton just a few days before he left office in 2001. It made road-building off-limits in all areas of the US National Forests where roads were not already in existence.

Alaska immediately filed suit, and it's remained in litigation for the last 17 years.

Many of those in attendance at Monday's hearing believed that this latest effort was just another iteration of the original dispute — one which they felt was mostly resolved in the 2016 Tongass Land Management Plan.

Fisherman Eric Jordan thought this latest effort by Alaska to petition the Trump administration once again would divide Southeast communities.

“Those of us who have lived here know that Southeast Alaska is one community with different neighborhoods,” Jordan said. “And balkanizing the Roadless Rule really does not work in this community. Thank you.”

Larry Edwards, a long-time conservation advocate and former Greenpeace staff member, came down particularly hard on the process. The comments at Monday's meeting weren't becoming part of the official record — unless they were submitted in written form. Edwards thought that the Forest Service was again simply going through the motions, rather than trying to actually find consensus among the public for new roadless policy.

“There should have been a scoping meeting before that petition was even submitted (by the state),” said Edwards. “We shouldn't be doing this. As far as these advisory committees, I've been a deep observer of two of them involving the Tongass: The Tongass Futures Roundtable, and the Tongass Advisory Committee, which was for the (2016) Forest Plan. And in my view those processes absolutely stink. It's a way for the outcome to be manipulated by people in the government.”

Alaska Governor Bill Walker and the Forest Service [signed a memorandum of agreement in August](#) kicking off the scoping process. The agreement also called for a 13-member advisory committee to submit recommendations to the state by the end of November. No one's been appointed yet.

Note: US Sen. Lisa Murkowski [commented on the agreement between the state and the Forest Service](#) during a visit to Sitka in August.

The Forest Service is holding similar meetings throughout Southeast as part of the scoping process. The deadline [to submit written comments](#) is October 15. Ken Tu told the audience that the goal was to have a final Environmental Impact Statement prepared by the summer of 2020, and a final rule to the Secretary of Agriculture “shortly thereafter.”



<https://www.kfsk.org/2018/09/27/southeast-residents-say-no-to-development-at-roadless-rule-meeting/>

Southeast residents say no to development at Roadless Rule meeting

Posted by Angela Denning | Sep 27, 2018

Rural residents from around Southeast sent a clear message that they didn't want more development in the Tongass National Forest. They spoke at a meeting in Petersburg with federal and state representatives Tuesday night (Sept. 25) to talk about a possible state-specific roadless rule that would replace the federal one. KFSK's Angela Denning reports from Petersburg:

The State of Alaska has had a problem with the Federal Roadless Rule since it was created 17 years ago. With some exceptions, the rule prohibits roads and timber sales on undeveloped parts of national forests. [Over half](#) of the Tongass National Forest in Southeast is protected by the rule or about nine and a half million acres. But the State wants the right to develop and has challenged the federal rule in court. Now, the State is proposing an [Alaska Roadless Rule](#) and the USDA has started an Environmental Impact Statement to consider it. An Alaska specific rule could loosen up some areas for development or be more protective. U.S. Secretary of Agriculture, Sonny Perdue, says he'll make a final decision by the summer of 2020.

At the Petersburg meeting, attendees learned about other states, like Idaho and Colorado, which have their own roadless rule with different land designations for different areas. But Southeast residents did not like being compared to other states.

78-year-old Jimmie Rosenbruch is a Gustavus resident. He travels by boat up and down the coast near Canada, Washington, and Oregon and says the forest has been ruined in other areas by development.

"When we talk about comparing Southeast Alaska to all the other Forest Service property, it's not the same," Rosenbruch said. "We have a pretty unique thing here and I don't know that we're considering that in what we're doing here. Let's decide what will

really make this temperate rainforest be something for the next generation. And it's not going to be by doing what we've been doing through all the rest of the system."

Several in attendance said the issue was about the government wanting to develop timber. Dennis Rogers of Petersburg says a compromise on the current Roadless Rule would open up the door to large scale harvests, which he does not want.

"The Tongass is a gem," Rogers said, "far different than forests in the rest of the Lower 48 and should be treated as such. You have its gaming reputation and a recognition as a special place. People come from around the world to see this forest."

But the State's Deputy Commissioner of the Department of Natural Resources, Heidi Hansen, says it's not all about timber.

"I would hate for people to walk out of here thinking it's just about clearing trees," Hansen said. "That's not what this conversation is about. It's also about the potential for providing access to power and access to connectivity that maybe isn't there right now."

But many weren't convinced like Don Hernandez of Point Baker on northern Prince of Wales Island.

"I think the state has a big credibility issue here because nobody really believes that the effort to do away with the roadless rule has to do with power lines and community access," Hernandez said. "It's pretty well understood that the driving force for the last 17 years is the State wants to be able to access more old growth timber."

One resident asked why they would want to build new roads when there is not enough money to maintain existing ones. Another resident called the state's use of the term "community development" a buzz word for building roads. No one spoke in favor of more development for any reason.

Representatives with the forest service said they wanted to receive comments and input but were not recording anything at the meeting, which frustrated some people like Mike Stainbrook of Petersburg.

"If it's important to receive the ideas and dialogue and answer questions, why aren't we recording this now and making this officially a part of the process?" Stainbrook said.

Troy Heithdecker, Deputy Forest Supervisor, says they usually don't document oral comments but they do consider them.

“Anything that’s shared as far as input, comments, will be taken into consideration,” Heithdecker said. “I mean, we don’t come here and leave these meetings and say, ‘oh, that’s great, and move on,’ this is part of our process.”

But it won’t be official testimony unless it’s written down and submitted. The deadline for that is October 15. An electronic comment form can be found [here](#).

The State is also forming an [Alaska Roadless Rule Citizen Advisory Committee](#) for the project. The group is supposed to forward recommendations to the state by November 30. But as of the Petersburg meeting, no one had been appointed to the committee. An on-line application can be found [here](#).



Roadless advocates pack Tongass hearing

By Jacob Resneck, CoastAlaska - Juneau -

October 9, 2018

Governor Bill Walker's [advisory panel tasked with recommending ways to relax the U.S. Forest Service's roadless rule](#) is taking public comment across Southeast Alaska. At a recent hearing in Juneau, most people supported

Gov. Bill Walker appointed the 12-member advisory committee to make recommendations to the state on where roads could be built inside 7.4-million acres of roadless areas in the Tongass National Forest.

In Juneau, more than two dozen people told the committee they didn't like the idea of rolling back the roadless rule.

"Expanding roadless areas to make access for logging in Southeast Alaska amounts to a government subsidy of private industry," said retired federal research chemist Jeff Short.

Juneau resident Carl Brodersen complained that the hearing was announced with little warning and held in the middle of a workday.

"It's akin to holding a vote on a salmon issue during a king opening," he told the committee.

Fly fishing guide Mark Hieronymus was among those in the tourism industry who have argued for keeping the roadless rule. He said people from the Lower 48 come to Southeast Alaska, “in greater and growing numbers for the incredible fishing opportunity in natural roadless settings still enjoyed here in the Tongass.”

A pair of supporters for more access also spoke out.

“I feel like I’m a weird duck sitting in here listening to all these people that really don’t know much about what’s going on out there,” Ketchikan City Councilman Dick Coose said. “But that’s beside the point. I’m retired forest service, 35 years.”

Coose was Ketchikan’s district ranger in the 1980s. He said there’s room for managed development in the Tongass.

“And my goal’s very simple: you manage a healthy forest, you have healthy communities and you have healthy businesses,” Coose said.

State Forester Chris Maisch presides over the advisory committee.

“Certainly, the weight of the testimony that we heard was not to change the rule, or in some cases, even to provide more protection,” he said in an interview.

The State of Alaska fought the nationwide 2001 roadless rule in federal court. The Bush administration granted an exemption. But the ninth circuit court of appeals struck it down in 2011.

An [appeal filed in 2017](#) is pending in the D.C. Circuit Court.

Maisch said that makes the state’s position very clear: it’s against the roadless rule.

“And one way or the other the state’s been engaged in trying to overturn the rule since the day it was put in place,” Maisch said.

But on the ground the [federal roadless rule is polarizing in Southeast Alaska](#).

“There’s a lot of passion around this issue,” said Brian Holst, executive director of the Juneau Economic Development Council. He’s one of the 12 appointed to sit on the advisory committee.

Holst said the group hopes to find some compromise. The historic fight has been between keeping the roadless rule intact or doing away with it altogether.

“Our task is not to endorse either of those sides because both of those options are out there,” Holst said, “but is to generate alternatives somewhere in the middle and that’s challenging, that will be challenging.”

The panel doesn’t have much time to deliberate. It’s charged with crafting an Alaska-specific rule that would keep some areas roadless while accommodating areas for road building and development –principally logging – before the end of November.

Before that happens the panel will [convene and hold meetings](#) in both Ketchikan from Oct. 24 to 26 and in Sitka from Nov. 6 to 8.