

Date submitted (Alaskan Standard Time): 12/16/2019 12:00:00 AM

First name: Ruben

Last name: Duran

Organization: Ketchikan Gateway Borough

Title: Ketchikan Gateway Borough Manager

Comments:

HC331

November 6, 2019

Dear U.S. Department of Agriculture,

The Ketchikan Gateway Borough is very much in support of Alternative 6, a full exemption to the 2001 Roadless Rule for the Tongass National Forest.

The Ketchikan Gateway Borough has repeatedly gone on record seeking relief from the

Tongass Transition Plan as well as the 2001 Roadless Rule. As a result of the Roadless Rule and other Federal timber policies, Southeast Alaska has suffered the losses of two pulp mills, five large sawmills, and a number of smaller mills.

The importance of this issue for Ketchikan and the entire Southeast Alaska economy cannot be understated. The nearly 17 million-acre Tongass National Forest is the nation's largest forest, encompassing about 90 percent of Southeast Alaska. The Ketchikan Gateway Borough contains more National Forest lands than any other county or county-equivalent in the Nation - 3,054,667 acres, comprising 96.4 percent of the Borough.

Thank you for your consideration.

[Signature]

Ruben Duran,

Ketchikan Gateway Borough Manager

KETCHIKAN GATEWAY BOROUGH

*RESOLUTION NO. 2785

A Resolution of the Assembly of the Ketchikan Gateway Borough, Supporting Governor Walker's Petition to the Secretary of Agriculture Seeking a State-Specific Rulemaking Process for the Roadless Rule* [text bolded]

RECITALS[text bolded] [text underlined]

1. *WHEREAS* [Text bolded for emphasis], the Ketchikan Gateway Borough contains more National Forest lands than any other borough, county, or county-equivalent in the nation with over 3,054,667 acres, comprising 96.4 percent of the Borough; and
2. *WHEREAS* [Text bolded for emphasis], the Clinton Administration's justification for the 2001 Roadless Rule was for a "whole picture" "national level" review of the Roadless Areas in the National Forest System to decide what areas to set aside from development which was not necessary due to the Alaska National Interest Lands Conservation Act (ANILCA), the Tongass Timber Reform Act (TTRA), and the Undersecretary of Agriculture's 1999 Forest Plan; and
3. *WHEREAS* [Text bolded for emphasis], the State of Alaska sued the Forest Service in 2001 on the grounds that the Roadless Rule violated the "No More" clause of ANILCA and settled the litigation in 2003, where the Forest Service agreed to perform new rulemaking to consider exempting the Tongass from the Roadless Rule; and
4. *WHEREAS* [Text bolded for emphasis], the Forest Service temporarily exempted the Tongass from the Roadless Rule because "the roadless values on the Tongass are sufficiently protected under the Tongass Forest Plan and the additional restrictions associated with the roadless rule are not required"; and
5. *WHEREAS* [Text bolded for emphasis], in 2009 the Southeast Alaska Conservation Council (SEACC) sued to set-aside the Tongass Exemption, which the Federal Government defended with support from the State of

Alaska. The Tongass Exemption was ultimately set aside under the ruling of the District Court for the District Court of Alaska; and

6. ***WHEREAS*** [Text bolded for emphasis], the State of Alaska subsequently appealed the District Court's ruling and the decision was overturned by the Ninth Circuit but then upheld by the full Court, again setting aside the exemption for the Tongass National Forest from the Roadless Rule; and

7. ***WHEREAS*** [Text bolded for emphasis], the 2008 Tongass Land Management Plan (TLMP) allows for an annual timber sale program of 267 million board feet. However, the Forest Service sold just 11 million board feet in 2017; and

8. ***WHEREAS*** [Text bolded for emphasis], in the past 35 years, two pulp mills, five large sawmills, and a number of smaller mills have closed in Southeast Alaska largely due to an insufficient Federal timber supply; and

9. ***WHEREAS*** [Text bolded for emphasis], the State of Alaska has continuously litigated the 2001 Roadless Rule with the support of the Ketchikan Gateway Borough; and

10. ***WHEREAS*** [Text bolded for emphasis], in efforts to address the deleterious effects of the Roadless Rule to the Borough, the Assembly has adopted Resolutions 1878, 2314, 2471-A, 2608, 2622, 2641, 2665, and 2705; and

11. ***WHEREAS*** [Text bolded for emphasis], the Borough is actively seeking Congressional relief from the Tongass National Forest Plan Amendment known as the Tongass Transition Plan; and

12. ***WHEREAS*** [Text bolded for emphasis], the Borough fervently objects to the Tongass Transition Plan which transitions from old-growth to young-growth timber harvests over 15 years and prohibits any harvests in roadless areas defined by the 2001 Roadless Rule; and

13. ***WHEREAS*** [Text bolded for emphasis], on January 18, 2018 Governor Walker petitioned the Secretary of Agriculture to have the USDA (Forest Service) commence rulemaking to exempt the Tongass from the 2001 Roadless Rule; and

14. ***WHEREAS*** [Text bolded for emphasis], in April 2018, the Secretary of Agriculture agreed to conduct rulemaking under the National Environmental Policy Act (NEPA); and

15. ***WHEREAS*** [Text bolded for emphasis], the Borough supports the State of Alaska's petition and the efforts of President Trump and his administration to develop state-specific rulemaking for roadless management for the Tongass National Forest; and

16. ***WHEREAS*** [Text bolded for emphasis], on August 30, 2018 the Forest Service issued a Notice of Intent (NOI) in the Federal Register to start a scoping and public comment period to develop alternatives to be analyzed in the Roadless Rule Environmental Impact Statement (EIS); and

17. ***WHEREAS*** [Text bolded for emphasis], the economy of the Ketchikan Gateway Borough depends upon durable management of the Tongass National Forest to meet economic development needs; and

18. ***WHEREAS*** [Text bolded for emphasis], the states of Idaho and Colorado have each been granted state-specific roadless rules that contain elements upon which an Alaskan rule may be modeled; and

19. ***WHEREAS*** [Text bolded for emphasis], the Alaska Forest Association and Borough concur with two financial analyses that examined the feasibility of manufacturing lumber and other wood products from the current young-growth stands in Southeast Alaska and concluded that young-growth trees are too small and too few to be profitably manufactured into wood products; and

20. ***WHEREAS*** [Text bolded for emphasis], the Borough is encouraged by the NOI statement that the state-specific roadless rule for the Tongass National Forest would "establish a land classification system designed to conserve roadless area characteristics on the Tongass National Forest while accommodating timber harvesting and road construction/reconstruction activities that are determined to be needed for forest management, economic development opportunities, and the exercise of valid existing rights or other non-discretionary legal authorities;" and

21. ***WHEREAS*** [Text bolded for emphasis], the Borough has confidence that Governor Walker's citizen advisory group will provide three options for potential inclusion as alternatives in the NEPA review process that represent the Ketchikan Gateway Borough's and Southeast Alaska's best interests; and

22. ***WHEREAS*** [Text bolded for emphasis], the Borough finds that the state-specific rulemaking process is a significant step toward developing a reasonable forest management policy in Southeast Alaska and the Secretary of Agriculture should consider the advisement of Governor Walker's citizen advisory group as the best interest for the Ketchikan Gateway Borough.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1[Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly expresses its strong support of the state-specific rulemaking process as proposed in the NOI provided by the United States Forest

Service in the Federal Registry on August 30, 2018t in response to Governor Walker's petition the Secretary of Agriculture.

Section 2[Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly expresses its enthusiastic support of Governor Walker's citizen advisory group and endorses the advisory group's findings and three options for potential inclusion as alternatives in the NEPA review process for the state-specific rulemaking process.

Section 3[Text underlined for emphasis]. The Assembly directs the Borough Manager to submit Resolution No. 2785 to the Forest Service as the official comments of the Ketchikan Gateway Borough for inclusion into the official record of the NOI.

Section 4[Text underlined for emphasis]. Effective Date. This resolution shall be effective immediately upon adoption.

ADOPTED this 1st day of October, 2018.

[Signature]

David Landis, Borough Mayor

ATTEST:

[Signature]

Kacie Paxton, Borough Clerk

APPROVED AS TO FORM

[Signature]

Glenn Brown, Borough Attorney

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2705

A Resolution of the Assembly of the Ketchikan Gateway Borough Requesting Congressional Relief from the Tongass National Forest Plan Amendment, Known as the Tongass Transition Plan and the 2001 Roadless Rule

RECITALS

1. ***WHEREAS*** [Text bolded for emphasis], the Ketchikan Gateway Borough encompasses more National Forest lands than any other organized borough, county or borough/county-equivalent in our nation - specifically, the Ketchikan Gateway Borough contains 3,054,667 acres of Tongass National Forest lands which comprise 96.4 percent of all lands within the Borough; and
- 2.

WHEREAS [Text bolded for emphasis], residents of Ketchikan suffered enormously as a result of changes in Federal timber policy over the past two decades or so; for example, in the 1990s, Ketchikan lost an estimated 1,550 high-paying jobs (23.2 percent of the jobs in Ketchikan at the time); enrollment in Ketchikan Gateway Borough schools suffered similarly (current enrollment is approximately 25 percent lower than it was in the mid-1990s), and

3. ***WHEREAS*** [Text bolded for emphasis], the Tongass National Forest Plan Amendment, known as the Tongass Transition Plan, which came into effect during the final days of the Obama Administration, interlocks with the 2001 Roadless Rule, which came into effect during the final days of the Clinton Administration, to

preclude roadbuilding and timber harvest of Old Growth timber and to preclude or limit roadbuilding for the development of renewable energy projects and mining exploration and development on 9.6 million acres of the Tongass National Forest; and

4. ***WHEREAS*** [Text bolded for emphasis], when the acreage set aside by the Transition Plan and Roadless Rule is combined with the 4.5 million acres of the Tongass National Forest designated as Wilderness by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) and the 1.1 million acres of the Tongass National Forest designated as Wilderness and Land Use Designation (LUD) II by the Tongass Timber Reform Act of 1990 (TTRA), resource development is limited or prohibited on approximately 15.2 million acres of the 16.9 million acres Tongass National Forest (90 percent of the Forest); and

5. ***WHEREAS*** [Text bolded for emphasis], the Alaska Statehood Act of 1958 made a compact with the people of Alaska to provide for themselves and Alaska through reasonable resource development; and

6. ***WHEREAS*** [Text bolded for emphasis], Section 101(d) of ANILCA finds that the land it set aside and the land remaining open to development "represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate or more intensive use and disposition;" and

7. ***WHEREAS*** [Text bolded for emphasis], Section 1326(a) of ANILCA provides that the executive branch may withdraw "No More" than 5,000 acres of public land without a joint resolution of approval by Congress; and

8. ***WHEREAS*** [Text bolded for emphasis], the State of Alaska is currently litigating the application of the 2001 Roadless Rule to the Tongass National Forest on the ground, among others, that it violates the No More clause of ANILCA; and

9. ***WHEREAS*** [Text bolded for emphasis], the Alaska Congressional Delegation has introduced legislation that would repeal the application of the Roadless Rule to the Tongass National Forest; and

10. ***WHEREAS*** [Text bolded for emphasis], because the Tongass Transition Plan precludes timber harvest and precludes or limits renewable energy development and mining and exploration development on the same 9.6 million acres of Inventory Roadless Areas to which the Roadless Rule applies, it is necessary to also terminate the Tongass Transition Plan, i.e., getting rid of one without getting rid of the other does not solve the problem; and

11. ***WHEREAS*** [Text bolded for emphasis], at page 12 of the Record of Decision for the Tongass Transition Plan the Forest Service recognizes that the young growth timber to which the Plan requires the timber industry to transition is currently neither economic nor marketable; and

1. ***WHEREAS*** [Text bolded for emphasis], at page 23 of its May 2010 Economic Analysis of Southeast Alaska, the Forest Service explains:

[Y]oung growth management is not currently economically viable without substantial public investments to pay for thinning. This is because the vast majority of young growth currently available on the developed land base is too young and small to generate profits in excess of the logging and transportation costs used in this analysis (see appendices C, D and E for cost and price details); and

1. ***WHEREAS*** [Text bolded for emphasis], despite the admission by the Forest Service in the 2010 Economic Analysis that "young growth management is not currently economically viable without substantial public investments to pay for thinning," the Transition Plan fails to provide a basis for assuming that the necessary investments will be proposed to the President by USDA or made available by Congress; and

2. ***WHEREAS*** [Text bolded for emphasis], the ability to develop infrastructure essential to renewable energy projects and access on the Tongass (for example, roads, pipelines, communication systems, and utility corridors) that is authorized by ANILCA and allowable under the 2008 Amended Plan Transportation and Utility System (TUS) Overlay LUD has been made subjective and uncertain by the Tongass Transition Plan Renewable Energy Standard and Guidelines or the Transportation Systems Corridors Direction; and

3. ***WHEREAS*** [Text bolded for emphasis], for the foregoing reasons, the combination of the 2001 Roadless Rule and the Tongass Transition Plan presents a major barrier to reasonable resource development in Southeast Alaska; and

4. ***WHEREAS*** [Text bolded for emphasis], for the foregoing reasons, twenty-seven entities - including the State of Alaska, the Ketchikan Gateway Borough, the City of Craig, the City and Borough of Wrangell, former Governors, former Regional Foresters and Deputy Regional Foresters, statewide organizations, Southeast Alaska businesses, and individuals - formally objected to the proposed Tongass Transition Plan; and

5. ***WHEREAS*** [Text bolded for emphasis], the Transition Plan can be repealed by a Resolution of Disapproval under the Congressional Regulatory and Review Act 5 U.S.C. 5 801,802, and 804 (CRA); and

6. *WHEREAS* [Text bolded for emphasis], the 1997 Tongass Land Management Plan was determined by the Government Accountability Office (GAO) to be a Rule for purposes of the CRA. In the same way, the Tongass Transition Plan is a Rule for purposes of the CRA. If the CRA is used to eliminate the Transition Plan, it cannot be filibustered, litigated by opposition groups, and "a new rule that is substantially the same as [the disapproved rule] may not be issued " 5 U.S.C. 5 and
7. *WHEREAS* [Text bolded for emphasis], Senator Murkowski has submitted a letter to GAO requesting a determination whether the Tongass Transition Plan is a Rule for CRA purposes; and
8. *WHEREAS* [Text bolded for emphasis], the GAO has told Senator Murkowski that it will take it four months to render a decision; and
- 9.

WHEREAS [Text bolded for emphasis], the Borough Assembly is concerned that a GAO decision delayed until June will run into the July and August Congressional recesses, at which time tax, healthcare, and budget issues will make it difficult for there to be sufficient Floor time for the Congress to consider a Resolution of Disapproval regarding the Tongass Transition Plan; and

10. *WHEREAS* [Text bolded for emphasis], Section 801 of the CRA would apparently recognize the Tongass Transition Plan as a Rule were it to be submitted as a Rule to the Comptroller General by the Secretary of Agriculture, thereby allowing a Resolution of Disapproval to be considered before the Floor time that national legislation will take in September and October.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1[Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly expresses its strong support and appreciation to the Alaska Congressional Delegation for the legislation it has introduced in Congress that would repeal the application of the 2001 Roadless Rule to the Tongass National Forest

Section 2[Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly expresses its enthusiastic support and appreciation to Governor Walker for his Administration's endeavor to terminate the application of the 2001 Roadless Rule to the Tongass National Forest through litigation.

Section 3[Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly expresses its ardent support and appreciation to Senator Murkowski for submitting a letter to GAO requesting a determination whether the Tongass Transition Plan is a Rule for CRA purposes.

Section 4[Text underlined for emphasis]. The Ketchikan Gateway Borough urges the Congressional Delegation to ask the incoming Secretary of Agriculture to submit the Tongass Transition Plan to the Comptroller General as a Rule for CRA purposes.

Section 5[Text underlined for emphasis]. The Borough Mayor is requested to transmit a copy of this resolution to Senator Murkowski, Senator Sullivan, and Governor Walker.

Section 6[Text underlined for emphasis]. Effective Date. This resolution shall be effective immediately.

ADOPTED this 20th day of March, 2017.

[Signature]

David Landis, Borough Mayor

ATTEST:

[Signature]

Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:

[Signature]
Scott A. Brandt-Erichsen, Borough Attorney

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2665

A Resolution of the Assembly of the Ketchikan Gateway Borough Raising Twelve Strenuous Objections to the June 2016 Draft Record of Decision, Final Environmental Impact Statement, and Amended Land and Resource Management Plan for the Tongass National Forest

RECITALS [Text underlined for emphasis]

1. ***WHEREAS*** [Text bolded for emphasis], the Ketchikan Gateway Borough encompasses more National Forest lands than any other organized borough, county, or borough/county-equivalent in our nation [mdash] specifically, the Ketchikan Gateway Borough contains 3,054,667 acres of Tongass National Forest lands which comprise 96.4 percent of all lands within the Borough; and
2. ***WHEREAS*** [Text bolded for emphasis], the Ketchikan Gateway Borough Mayor and Assembly Members serve as elected representatives of the estimated 13,778 citizens of the Borough; and
3. ***WHEREAS*** [Text bolded for emphasis], for more than a half-century, the Ketchikan Gateway Borough has exercised the powers of planning and land use regulation on an areawide basis [mdash] which presently comprises 6,654 square miles (an area nearly equal to the combined size of Connecticut and Delaware); and
4. ***WHEREAS*** [Text bolded for emphasis], for more than a quarter-century, the Ketchikan Gateway Borough has exercised the powers of economic development on an areawide basis; and
5. ***WHEREAS*** [Text bolded for emphasis], residents of Ketchikan suffered enormously as a result of changes in Federal timber policy over the past two decades or so; for example, in the 1990s, Ketchikan lost an estimated 1,550 high-paying jobs (23.2 percent of the jobs in Ketchikan at the time); enrollment in Ketchikan Gateway Borough schools suffered similarly (current enrollment is approximately 25 percent lower than it was in the mid-1990s), and.
6. ***WHEREAS*** [Text bolded for emphasis], more recently, Federal land use policy for the Tongass National Forest continues to wane in terms of wise and responsible management of resources; for example, on May 26, 2010, US Department of Agriculture (USDA) Secretary Tom Vilsack unilaterally amended the 2008 Tongass Land and Resource Management Plan (Forest Plan) by prohibiting timber harvests within Inventoried Roadless Areas (IRAs);
7. ***WHEREAS*** [Text bolded for emphasis], in carrying out his unilateral amendment of the Forest Plan on May 26, 2010, Secretary Vilsack pledged to provide new jobs in renewable energy, habitat restoration, recreation, and tourism; and
8. ***WHEREAS*** [Text bolded for emphasis], from January to July 2013, the USDA US Forest Service (USFS) gathered feedback from the public on whether the Forest Plan is working as promised, or whether changes were needed; and
9. ***WHEREAS*** [Text bolded for emphasis], on June 17, 2013, the Assembly adopted Resolution 2471-Amended, a four-page resolution urging ten amendments to the Forest Plan; and
10. ***WHEREAS*** [Text bolded for emphasis], on October 1, 2013, the USFS determined that it would begin a public process with the intent of modifying the Forest Plan based on conditions on the land and demands of the public; and
11. ***WHEREAS*** [Text bolded for emphasis], since May 27, 2014, the U.S. Forest Service has been drafting proposed amendments to the Forest Plan; and
12. ***WHEREAS*** [Text bolded for emphasis], on November 20, 2015, the U.S. Forest Service released a draft Environmental Impact Statement for proposed amendments to the Forest Plan; and
13. ***WHEREAS*** [Text bolded for emphasis], on February 16, 2016, the Assembly adopted Resolution 2641, a three-page resolution providing comments on the proposed amendments; and
14. ***WHEREAS*** [Text bolded for emphasis], on June 24, 2016, the U.S. Forest Service published its 51-page Draft Record of Decision regarding the Forest Plan amendments, 1,552-page Final Environmental Impact Statement regarding the Forest Plan amendments (Volumes I and II), and 508-page Amended Land and Resource Management Plan for the Tongass National Forest

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1[Text underlined for emphasis]. The Assembly finds the four-page Introduction to the June 2016 Draft Record of Decision to be incomplete and misleading for reasons outlined in Exhibit A which is hereby incorporated into this resolution.

Section 2[Text underlined for emphasis]. The Assembly finds that the Draft Record of Decision acknowledges that there is no current market for young growth timber. However, no explanation is given in terms of how a market will be developed to make the transition feasible. These concerns are addressed in Exhibit A.

Section 3[Text underlined for emphasis]. The Assembly finds that the Draft Record of Decision does not identify the source of funds that the Forest Service indicates is needed to implement the Plan, details of this issue are addressed in Exhibit A

Section 4[Text underlined for emphasis]. The Assembly finds that the Draft Record of Decision fails to provide sufficient economic volume for an integrated timber industry, specifics of which are addressed in Exhibit A.

Section 5[Text underlined for emphasis]. The Assembly finds that the Draft Record of Decision fails to address problems with transition to second growth timber harvesting as outlined in Exhibit A

Section 6[Text underlined for emphasis]. The Assembly finds the analysis of market demand for timber in the Draft Record of Decision is skewed by litigation and US Forest Service failures to make economic timber available. This concern is outlined in Exhibit A.

Section 7[Text underlined for emphasis]. The Draft Record of Decision modifies the commitment in the 2008 Forest Plan to a three-year supply of economic timber without expressly stating such. The implications of this change are not addressed, which undercut the ability of the transition to reduce the controversy surrounding the timber program. Further information on this concern is provided in Exhibit A

Section 8[Text underlined for emphasis]. The Assembly finds that the Draft Record of Decision is arbitrary and capricious because it fails to recognize the Forest Service's opportunity to create new roadless areas in the Tongass National Forest and the National Forest System through road decommissioning. Details of this concern are outlined in Exhibit A.

Section 9[Text underlined for emphasis]. The Assembly finds provisions in the Draft Record of Decision concerning renewable energy are lacking. For example, policy direction for areas outside IRAs leaves all decision-making power with the Forest Service. Specific criteria for deciding such matters are lacking. Further details regarding this concern are addressed in Exhibit A.

Section 10[Text underlined for emphasis]. The Assembly finds that the US Forest Service should propose amendments to the Roadless Rule to allow renewable energy development as addressed in Exhibit A.

Section 11[Text underlined for emphasis]. The Assembly finds that the Roadless Rule continues to prohibit geothermal development, which will continue to either prohibit or constitute a significant barrier to hydropower access and development This matter is addressed in Exhibit A

Section 12[Text underlined for emphasis]. The Assembly finds the Draft Record of Decision fails to address mining, which means there will be no change under the 2008 Forest Plan. This represents a missed opportunity to modify the Roadless Rule to increase access to mining claims and development Details are provided in Exhibit A.

Section 13[Text underlined for emphasis]. The Assembly strenuously objects to the twelve deficiencies outlined in Sections 1 [mdash] 12 of this resolution. This resolution, including Exhibit A, constitutes the comments of the Ketchikan Gateway Borough regarding the June 24 2016 Draft Record of Decision, Final Environmental Impact Statement, and Amended Land and Resource Management Plan for the Tongass National Forest.

Section 14[Text underlined for emphasis] The Borough Clerk is directed to provide a copy of this resolution, including Exhibit A to:

1. The Honorable Lisa Murkowski, U.S. Senator for Alaska;
2. The Honorable Dan Sullivan, U.S. Senator for Alaska;
3. The Honorable Don Young, U.S. Congressman for Alaska;
4. The Honorable Bill Walker, Governor of Alaska;
5. Owen J. Graham, Executive Director of the Alaska Forest Association.
6. Deantha Crockett, Executive Director of the Alaska Miners Association
7. Tom Vilsack, Secretary of Agriculture;
8. M. Earl Stewart, Tongass Forest Supervisor; and
9. Susan Howie, Forest Plan Amendment Project Supervisor.

Section 15[Text underlined for emphasis]. *Effective Date*. This resolution shall be effective immediately.

ADOPTED this 1st day of August, 2016

[Signature]

David Landis, Borough Mayor

ATTEST:

[Signature]

Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:

[Signature]

Scott A Brandt-Erichsen, Borough Attorney

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2641

A Resolution of the Assembly of the Ketchikan Gateway Borough, Providing Comment on the Proposed Amendment to the 2008 Tongass Land and Resource Management Plan

RECITALS[Text underlined for emphasis]

1. *WHEREAS* [Text bolded for emphasis], the U.S. Forest Service 2008 Tongass Land and Resource Management Plan (Forest Plan) was evaluated in 2013, five years after its issuance, to determine if the Forest Plan needs to be adjusted; and
2. *WHEREAS* [Text bolded for emphasis], during the 2013 evaluation, the Assembly provided comments through Resolution 2471-Amended; and
3. *WHEREAS* [Text bolded for emphasis], based on information from the 2013 review and a memorandum from the Secretary of Agriculture, the Forest Plan is proposed to be amended; and
4. *WHEREAS* [Text bolded for emphasis], the Alaska Miners Association (AMA) and the Alaska Forest Association (AFA) have provided comments on the proposed amendment; and
5. *WHEREAS* [Text bolded for emphasis], the Ketchikan Gateway Borough Assembly supports these associations and encourages careful consideration of their comments.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1[Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly requests that the Forest Service make changes to the proposed TLMP plan amendment as follows:

1. *Modify the proposed amendment to include mining* [text underlined for emphasis]. Changes in federal policy have resulted in significant adverse impacts to mining activities. The 2008 Forest Plan should be amended to include enforceable mechanisms designed to promote mineral and strategic mineral exploration and development, and realistic access to mining claims and mining development.
2. *Include mining in the Multiple Use Strategy for the Tongass* [text underlined for emphasis]. Mining is not adequately considered in the Transition Plan Draft. The Tongass Transition Plan Final Environmental Impact Statement, or a Supplemental Environmental Impact Statement, should include language that that makes mining part of the Multiple Use Strategy for the Tongass.
3. *Modify the Roadless Rule* [text underlined for emphasis]. By precluding the construction of roads and harvesting of timber through the 2001 Roadless Rule, the ability to access existing mining claims, and explore for new mineral resources is severely compromised. The rule should be modified to allow for road construction and timber harvest necessary to accommodate the needs of the mining industry.
4. *Include renewable energy as part of the Forest Transition Plan* [text underlined for emphasis]. The Forest Plan presents barriers to the development of hydropower and transmission facilities that could be used to provide clean, renewable energy to mining operations and local communities in lieu of non-renewable, greenhouse gas producing diesel generation.
- 5.

Conduct a comprehensive biomass study [text underlined for emphasis]. The principal purpose of the proposed amendment to the Forest Plan is to transition timber harvest away from old growth and toward younger growth stands. A study should be performed to accurately determine the amount of marketable young growth timber that could reasonably be expected to be made available to local mills and contribution to local economies; and

6. *Conduct an economic analysis of the transition plan's impacts* [text underlined for emphasis]. Harvesting and processing smaller diameter young growth timber requires significantly different tooling and harvest techniques, as well as market structure development. The transition plan should be based on a comprehensive and detailed economic analysis of how the proposed change will impact the existing timber industry and its potential for growth. Such an analysis must include an accurate estimate of the amount of marketable timber that would be made available under the transition plan.

Section 2[Text underlined for emphasis]. *Distribution* [text underlined for emphasis]. The Borough Clerk is requested to send copies of this resolution to the Secretary of Agriculture; the Tongass Forest Supervisor; Senator Murkowski; Senator Sullivan; Representative Don Young; the Alaska Miners Association and the Alaska Forest Association.

Section 3[Text underlined for emphasis]. *Effective Date* [text underlined for emphasis]. This resolution shall be effective upon adoption.

ADOPTED this 16th day of February, 2016.

[Signature]

David Landis, Borough Mayor

ATTEST:

[Signature]

Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:

[Signature]

Scott A. Brandt-Erichsen, Borough Attorney

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2622

*A Resolution of the Assembly of the Ketchikan Gateway Borough, Authorizing the Borough to Participate as Amici in the State of Alaska's

Petition for Certiorari in the U.S. Supreme Court in Response to the Ninth

Circuit en banc Panel's Reversal of the Ninth Circuit Three-Judge Panel's Decision on the Tongass Exemption from the Roadless Rule* [Text bolded for emphasis]

RECITALS [Text underlined for emphasis]

1. *WHEREAS* [Text bolded for emphasis], the Tongass National Forest is the largest national forest in the nation; and
 2. *WHEREAS* [Text bolded for emphasis], the 3,054,611 acres of the Tongass National Forest lands constitute 98.24 percent of the estimated 3,109,385 acres of land within the boundaries of the Ketchikan Gateway Borough; and
 3. *WHEREAS* [Text bolded for emphasis], the 3,054,611 acres of Tongass National Forest lands within the Ketchikan Gateway Borough, and additional Tongass National Forest lands adjoining the boundaries of the Ketchikan Gateway Borough are vital to the social and economic well-being of the residents of the Ketchikan Gateway Borough and those in the remainder of Southeast Alaska; and
 4. *WHEREAS* [Text bolded for emphasis], on January 12, 2001, eight days before the end of Bill Clinton's final term as President of the United States, the U.S. Department of Agriculture published a 30-page notice in the Federal Register (pp. 3244 -3273) of the adoption of federal regulations [mdash] 36 CFR Part 294, the "Roadless Rule" [mdash] effective sixty days later on March 13, 2001, "to establish prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas on National Forest System lands;" and
 5. *WHEREAS* [Text bolded for emphasis], on January 20, 2001, George W. Bush succeeded Bill Clinton as President and, within days, delayed regulations put in place during the final days of Bill Clinton's Administration; and
 6. *WHEREAS* [Text bolded for emphasis], on May 4, 2001, the Bush Administration announced that it would allow the Roadless Rule to go into effect on May 12, 2001, but would move at a later date to amend it; and
 7. *WHEREAS* [Text bolded for emphasis], the State of Alaska filed a complaint against the 2001 Roadless Rule on the grounds, among others, that it violated 5 1326(a), the "no more" clause of the Alaska National Interest Lands Conservation Act (ANILCA) and 5 101, the "seek to meet timber demand" clause, of the Tongass Timber Reform Act; and
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1. *WHEREAS* [Text bolded for emphasis], the State of Alaska settled the case with the Department of Justice in June 2003; and on July 15, 2003, pursuant to the Settlement Agreement, the Forest Service promulgated a proposed rule to exempt the Tongass National Forest from the 2001 Roadless Rule until completion of the rulemaking process for any permanent amendments to the Roadless Rule; and
 2. *WHEREAS* [Text bolded for emphasis], the Organized Village of Kake; The Boat Company; Alaska Wilderness Recreation and Tourism Association; Southeast Alaska Conservation Council; Natural Resources Defense Council; Tongass Conservation Society; Greenpeace, Inc.; Wrangell Resource Council; Center For Biological Diversity; Defenders of Wildlife; Cascadia Wildlands; and Sierra Club brought an action against the U.S. Department of Agriculture, the U.S. Forest Service, and several federal officials challenging the 2003 Forest Service rule which temporarily exempted the Tongass National Forest from the Roadless Rule; the State of Alaska and the Alaska Forest Association intervened as defendants; and
 3. *WHEREAS* [Text bolded for emphasis], on March 4, 2011, US District Judge John W. Sedwick vacated the 2003 Tongass exemption and reinstated the Roadless Rule on the Tongass, finding that the U.S. Department of Agriculture offered "no reasoned explanation as to why the Tongass Forest Plan protections it found deficient in [2001], were deemed sufficient in [2003];" and
 4. *WHEREAS* [Text bolded for emphasis], the U.S. Department of Agriculture declined to appeal; however, on June 20, 2011, the State of Alaska appealed the matter to the U.S. Court of Appeals for the Ninth Circuit; and
 5. *WHEREAS* [Text bolded for emphasis], on March 26, 2014 a regular three-judge panel of the Ninth Circuit reversed the District Court Judge Sedwick's order, which invalidated a 2003 U.S. Department of Agriculture

regulation temporarily exempting the Tongass National Forest in Alaska from application of the 2001 Roadless Area Conservation Rule. The panel held that in its 2003 Record of Decision, the U.S. Department of Agriculture articulated a number of legitimate grounds for temporarily exempting the Tongass Forest from the 2001 Roadless Rule. The panel concluded that these grounds and the U.S. Department of Agriculture's reasoning in reaching its decision were neither arbitrary nor capricious; and

6. *WHEREAS* [Text bolded for emphasis], the Organized Village of Kake; The Boat Company; Alaska Wilderness Recreation and Tourism Association; Southeast Alaska Conservation Council; Natural Resources Defense Council; Tongass Conservation Society; Greenpeace, Inc.; Wrangell Resource Council; Center For Biological Diversity; Defenders of Wildlife; Cascadia Wildlands; and Sierra Club subsequently requested and obtained an en banc panel review of the regular panel's decision (where the case is heard before all the judges of a court rather than by a panel selected from them); and

7. *WHEREAS* [Text bolded for emphasis], on July 29, 2015, the Ninth Circuit's II-judge en banc panel, in a 6 to 5 decision, ruled that the U.S. Department of Agriculture's reasoning in exempting the Tongass National Forest from the Roadless Rule was arbitrary and capricious [mdash] the opposite conclusion reached on March 26, 2014 by a regular three-judge panel of the Ninth Circuit; and

8. *WHEREAS* [Text bolded for emphasis], the Roadless Rule seriously impacts the social and economic wellbeing of the residents of the Ketchikan Gateway Borough and the remainder of Southeast Alaska in that the Roadless Rule precludes access to an estimated 9.6 million acres of the Tongass National Forest in addition to some 5.6 million acres of Wilderness and other Congressional land set asides; the Roadless Rule also prohibits timber sales in Inventoried Roadless Areas, prevents access to renewable energy resources, and makes access to locatable minerals more difficult.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1. The Assembly hereby authorizes the Borough to participate in the State of Alaska's Petition for Certiorari in the U.S. Supreme Court in response to the Ninth Circuit en banc panel's reversal of the Ninth Circuit three-judge panel's decision on the Tongass exemption from the Roadless Rule.

Section 2. The Borough Clerk is directed to provide a copy of this resolution to the following immediately upon adoption:

The Honorable William M. Walker, Governor, State of Alaska; and

The Honorable Craig W. Richards, Attorney General, State of Alaska.

Section 3. For informational purposes, the Borough Clerk is directed to provide a copy of this resolution to the following upon adoption:

The Honorable Lisa Murkowski, U.S. Senator for Alaska;

The Honorable Dan Sullivan, U.S. Senator for Alaska;

The Honorable Don Young, Congressman for Alaska;

Kip Knudson, Director, Washington Office of the Governor;

Owen Graham, Executive Director, Alaska Forest Association.

Section 4. *Effective Date* [Text underlined for emphasis]. This resolution shall be effective immediately upon adoption.

ADOPTED this 5th day of October, 2015.

[Signature]

David Landis/ Borough Mayor

ATTEST:

[Signature]

Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:

[Signature]

Scott A. Brandt-Erichsen, Borough Attorney

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2608

A Resolution of the Assembly of the Ketchikan Gateway Borough Urging the State of Alaska to File a Petition for Certiorari in the US Supreme Court in Response to the Ninth Circuit En Banc Panel's Reversal of the Ninth Circuit

Regular Three-Judge Panel's Decision on the Tongass Exemption from the Roadless Rule

RECITALS

1. ***WHEREAS*** [Text bolded for emphasis], the Tongass National Forest is the largest national forest in the nation, and
2. ***WHEREAS*** [Text bolded for emphasis], the Ketchikan Gateway Borough encompasses, by far, more of the nation's largest national forest (3,054,611 acres) than any other organized borough in Alaska; and
3. ***WHEREAS*** [Text bolded for emphasis], the 3,054,611 acres of Tongass National Forest lands constitute

98.24% of the estimated 3,109,385 acres of land within the boundaries of the Ketchikan Gateway Borough; and

1. ***WHEREAS*** [Text bolded for emphasis], the 3,054,611 acres of Tongass National Forest lands within the Ketchikan Gateway Borough, and additional Tongass National Forest lands adjoining the boundaries of the Ketchikan Gateway Borough are vital to the social and economic well-being of the residents of the Ketchikan Gateway Borough and those in the remainder of Southeast Alaska; and
2. ***WHEREAS*** [Text bolded for emphasis], on January 12, 2001, eight days before the end of Bill Clinton's final term as President of the United States, the US Department of Agriculture published a 30-page notice in the Federal Register (pp. 3244 -3273) of the adoption of federal regulations [mdash] 36 CFR Part 294, the "Roadless Rule" [mdash] effective sixty days later on March 13, 2001, 'to establish prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas on National Forest System lands;" and
3. ***WHEREAS*** [Text bolded for emphasis], on January 20t 2001, George W. Bush succeeded Bill Clinton as President and, within days, delayed regulations put in place during the final days of Bill Clinton's Administration; and
4. ***WHEREAS*** [Text bolded for emphasis], on May 4, 2001, the Bush Administration announced that it would allow the Roadless Rule to go into effect on May 12t 2001, but would move at a later date to amend it; and
5. ***WHEREAS*** [Text bolded for emphasis], the State of Alaska filed a Complaint against the 2001 Roadless Rule on the grounds, among others, that it violated 5 1326(a), the "no more" clause of the Alaska National Interest Lands Conservation Act (ANILCA) and 5 101, the "seek to meet timber demand" clause, of the Tongass Timber Reform Act; and
6. ***WHEREAS*** [Text bolded for emphasis], the State of Alaska settled the case with the Department of Justice in June 2003; and on July 15, 2003, pursuant to the Settlement Agreement, the Forest Service promulgated a proposed rule to exempt the Tongass National Forest from the 2001 Roadless Rule until completion of the rulemaking process for any permanent amendments to the Roadless Rule; and
7. ***WHEREAS*** [Text bolded for emphasis], the Organized Village of Kake; The Boat Company; Alaska Wilderness Recreation and Tourism Association; Southeast Alaska Conservation Council; Natural Resources Defense Council; Tongass Conservation Society; Greenpeace, Inc.; Wrangell Resource Council; Center For Biological Diversity; Defenders of Wildlife; Cascadia Wildlands; and Sierra Club brought an action against the US Department of Agriculture, the US Forest Service, and several federal officials challenging the 2003 Forest

Service rule which temporarily exempted the Tongass National Forest from the Roadless Rule; the State of Alaska and the Alaska Forest Association intervened as Defendants; and

8. *WHEREAS* [Text bolded for emphasis], on March 4, 2011, US District Judge John W. Sedwick vacated the 2003 Tongass exemption and reinstated the Roadless Rule on the Tongass, finding that the US Department of Agriculture offered "no reasoned explanation as to why the Tongass Forest Plan protections it found deficient in [2001], were deemed sufficient in [2003];" and

9. *WHEREAS* [Text bolded for emphasis], the US Department of Agriculture declined to appeal; however, on June 20, 2011, the State of Alaska appealed the matter to the US Court of Appeals for the Ninth Circuit; and

10. *WHEREAS* [Text bolded for emphasis], on March 26, 2014, a regular three-judge panel of the Ninth Circuit reversed the District Court Judge Sedwick's order, stating:

The panel reversed the district court's order, which invalidated a 2003 United States Department of Agriculture regulation temporarily exempting the Tongass National Forest in Alaska from application of the 2001 Roadless Area Conservation Rule.

The panel held that in its 2003 Record of Decision, the Department of Agriculture articulated a number of legitimate grounds for temporarily exempting the Tongass Forest from the 2001 Roadless Rule. The panel concluded that these grounds and the Department of Agriculture's reasoning in reaching its decision were neither arbitrary nor capricious

1. *WHEREAS* [Text bolded for emphasis], the Organized Village of Kake; The Boat Company; Alaska Wilderness Recreation and Tourism Association; Southeast Alaska Conservation Council; Natural Resources Defense Council; Tongass Conservation Society; Greenpeace, Inc.; Wrangell Resource Council; Center For Biological Diversity; Defenders of Wildlife; Cascadia Wildlands; and Sierra Club subsequently requested and obtained an en banc panel review of the regular panel's decision (where the case is heard before all the judges of a court rather than by a panel selected from them); and

2. WHEREAS, on July 29, 2015, the Ninth Circuit's II-judge en banc panel, in a 6 to 5 decision, ruled that the US Department of Agriculture's reasoning in exempting the Tongass National Forest from the Roadless Rule was arbitrary and capricious [mdash] the opposite conclusion reached on March 26, 2014, by a regular three-judge panel of the Ninth Circuit; and

3. WHEREAS the Roadless Rule seriously impacts the social and economic wellbeing of the residents of the Ketchikan Gateway Borough and the remainder of Southeast Alaska in that the Roadless Rule precludes access to an estimated 9.6 million acres of the Tongass National Forest in addition to some 5.6 million acres of Wilderness and other Congressional land set asides; the Roadless Rule also prohibits timber sales in Inventoried Roadless Areas, prevents access to renewable energy resources, and makes access to locatable minerals more difficult.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1. The Assembly hereby strongly urges Governor William M. Walker to direct the filing of a Petition for Certiorari in the US Supreme Court in response to the Ninth Circuit en banc panel's reversal of the Ninth Circuit three-judge panel's decision on the Tongass exemption from the Roadless Rule.

Section 2. The Borough Clerk is directed to provide a copy of this resolution to the following immediately upon adoption:

The Honorable William M. Walker, Governor, State of Alaska; and

The Honorable Craig W. Richards, Attorney General, State of Alaska.

Section 3. For informational purposes, the Borough Clerk is directed to provide a copy of this resolution to the following upon adoption:

The Honorable Lisa Murkowski, US Senator for Alaska;

The Honorable Dan Sullivan, US Senator for Alaska;

The Honorable Don Young, Congressman for Alaska;

Kip Knudson, Director, Washington Office of the Governor;

Owen Graham, Executive Director, Alaska Forest Association; and

Section 4. Effective Date **WHEREAS** [Text underlined for emphasis]. This resolution shall be effective immediately.

ADOPTED this 17th day of August, 2015.

EFFECTIVE this 17th day of August, 2015.

[Signature] David Landis, Borough Mayor

ATTEST:

[Signature]

Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:

[Signature]

Scott A. Brandt-Erichsen Borough Attorney

KETCHIKAN GATEWAY BOROUGH
RESOLUTION NO. 2471-Amended

*** A Resolution of the Assembly of the Ketchikan Gateway Borough Providing Comment on the U.S. Forest Service Five Year Review of its 2008 Tongass Land and Resource Management Plan*** [Text bolded for emphasis]

RECITAL

1. **WHEREAS** [Text bolded for emphasis], the U.S. Forest Service 2008 Tongass Land & Resource Management Plan (Forest Plan) evaluates its implementation five years after issuance to determine if the Forest Plan needs to be adjusted; and
2. **WHEREAS** [Text bolded for emphasis], the Assembly of the Ketchikan Gateway Borough (Assembly) encourages changes to the Forest Plan as reflected by this resolution to better facilitate the interests of the Ketchikan Gateway Borough (Borough) and the goals of the Forest Plan; and
3. **WHEREAS** [Text bolded for emphasis], the Assembly encourages the Forest Plan to reflect a comprehensive perspective of the Ketchikan Gateway Borough that recognizes the relationship of the resources and the residents so that the Forest Plan works with, not against the economic and recreational interests of the residents and businesses of the Borough; and
4. **WHEREAS** [Text bolded for emphasis], the suggested amendments to the Forest Plan proposed by this resolution are compatible with the goals of the Forest Plan and are keeping with the best interests of both the U.S. Forest Service and the residents and businesses of the Borough.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1. Amend the Land Use Designation for Special Interest Areas [Text underlined for emphasis].

Connell Lake is identified in the Forest Plan Land Use Designation map as a Special Interest Area defined as Preserve areas with unique archeological, historical, scenic, geological, botanical, or zoological values. Fish Habitat Planning is identified in the Forest Plan as a permitted activity within the Special Interest Area and provides for the goal of restoring and maintaining fish production in the State of Alaska to optimum sustained yield levels and in a manner that adequately ensures protection, preservation, enhancement, and rehabilitation of the Wilderness resource. Fish Habitat Planning is further identified within the Forest Plan to provide improvements such as fishways, fish hatcheries, or aquaculture sites may be built. Appropriate landscape

management techniques will be applied in the design and construction of such improvements to reduce impacts on recreational resources and scenery. The Assembly encourages the addition of a specific use designation for fish pens within the Special Interest Area, facilitating the use of Connell Lake by the Southern Southeast Regional Aquaculture Association for salmon stock pens.

Section 2. *Inclusion of Biomass as a use designated by the Land Use Designation * [Text bolded for emphasis]. The Forest Plan is silent on the use of the forest resource for regional biomass energy, a critical economic opportunity for the region. The Assembly hereby encourages that the Forest Plan be amended to include the use of the forest resource for local biomass as an energy source and a commercial industry for the region.

Section 3. *Recognize the Impacts of the Roadless Designation within the Land Use Designation* [Text underlined for emphasis]. The Forest Plan's goal for management of the forest resource in the twelve areas designated by the Land Use Designation in a roadless state is to retain their wild-land character. The Forest Plan amends the previous Tongass Land Management Plan, which was approved in 1997 and incorporates the 2003 Supplemental Environmental Impact Statement for Roadless Area Evaluation for Wilderness Recommendations and 26 non-significant amendments. It entirely replaces the 1997 Plan, as of the effective date of this revised Plan. The Assembly encourages that the Forest Plan recognize the economic impacts created with the establishment of the "Roadless Rule" and the negative impacts incurred by the restrictive access to critical resources within the Borough.

Section 4. *Incorporate Lake Grace Hydropower into the Forest Plan* [Text underlined for emphasis]. Lake Grace has the potential to produce much needed hydropower to the southern southeast region of Alaska and should be incorporated into the Forest Plan. The Assembly encourages an amendment of the Forest Plan that reflects uses that provide sustainable, renewable, and affordable energy to Alaskans.

Section 5. *Recognition of the Vallenar Bay Road* [Text underlined for emphasis]. The Vallenar Bay Road provides access for marketable timber sales, as well as access to residential properties that currently do not have roaded access. Access to the timber for harvest would provide significant economic benefit to the Borough residents. The Assembly encourages the U.S. Forest Service to amend the Forest Plan to recognize the proposed Vallenar Bay Road and include it on the Land Use Designation Map.

Section 6. The Assembly supports the efforts of the Alaska Mental Health Trust Authority (AMHT) and the U.S. Forest Service (USFS) that resulted in the proposed land exchange document dated September 4, 2012. The proposed land swap will provide much needed timber harvest activity for the southern southeast region economy.

Section 7. *Blank Inlet Land Access Route* [Text underlined for emphasis]. The Assembly encourages recognition of a land access route from the Gravina Highway on Gravina Island to Blank Inlet on Gravina Island within the Forest Plan. The Assembly encourages the U.S. Forest Service to amend the Forest Plan to recognize a land access route to Blank Inlet. Land access to this area provides economic and recreational opportunities important to the Borough.

Section 8. *Access to the Misty Fjords National Monument, Traitors Cove Viewing Observatory* [Text underlined for emphasis]. U.S. Senator Lisa Murkowski wrote the U.S. Forest Service on March 22, 2013, expressing concern about the reduction of permits to the Misty Fjords Monument. The Assembly supports Senator Murkowski's position and encourages the U.S. Forest Service to amend the Forest Plan to include the use of recreation on the Land Use Designation map around Traitors Cove and the areas currently permitted for the Misty Fjords National Monument.

Section 9. *Renewable Energy Resource Plan* [Text underlined for emphasis]. A Renewable Energy Resource Plan, including a Renewable Energy Resource Development LUI, should be added to the Forest Plan to promote and support all forms of renewable energy development (including geothermal) and related transmission lines within the Tongass National Forest consistent with Public Laws and National Security and National Energy Policies. The Renewable Energy Development LUD would take precedence over any

underlying LUD (subject to applicable laws) regardless of whether the underlying LUD is an "Avoidance LUD" or not. As such, it would represent a "window" through the underlying LUD through which renewable resources could be accessed and developed.

Section 10. *Federal Lands*[Text underlined for emphasis]. The Assembly hereby requests the federal government to turn all federal lands over to the Ketchikan Gateway Borough.

Section 11. *Public comment provided*[Text underlined for emphasis]. The Assembly hereby provides comment to address the U.S. Forest Service 2008 Tongass Land & Resource Management Plan; affirms its position for amending the Forest Plan; and strongly urges that the Land Use Designations be changed to accommodate the uses identified herein.

Section 12. *Distribution of Resolution*[Text underlined for emphasis]. The borough manager shall provide a copy of Resolution 2471 to Federal and State legislative representatives of Alaska.

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Section 13. *Effective Date*[Text underlined for emphasis]. This Resolution shall be effective immediately upon adoption.

Adopted this 17th day of June, 2013.[Signature]Dave Kiffer, Borough MayorATTEST:[Signature]Kacie Paxton, Borough ClerkAPPROVED AS TO FORM:[Signature]Scott A. Brandt-Erichsen, Borough Attorney

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2314

A Resolution of the Assembly of the Ketchikan Gateway Borough, Opposing the Administrative Imposition of the Roadless Rule and Opposing any Additional Wilderness, Roadless, or Conservation Area set aside in Southeast Alaska; and Providing for an Effective Date

RECITALS[Text underlined for emphasis]

1. ***WHEREAS***[Text bolded for emphasis], the Department of Agriculture has monopoly power over the timber supply in Southeast Alaska; and
2. ***WHEREAS***[Text bolded for emphasis], Congress established 5.5 million acres of wilderness on the Tongass National Forest in 1980 (32% of the Tongass National Forest), and established another 0.3 million acres of Wilderness and 0.7 million acres of Legislative LUD-II on the Tongass National Forest in 1990 (an additional 6% of the Tongass); and
3. ***WHEREAS***[Text bolded for emphasis], 92% of the Tongass National Forest is currently designated as roadless, and in 2000 the federal government adopted an administrative rule that prohibited road building and timber harvesting in roadless areas in the Tongass; and
4. ***WHEREAS***[Text bolded for emphasis], Congress included a No-More Clause in ANILCA to insure the remaining unencumbered lands in Alaska could be managed responsibly; and
5. ***WHEREAS***[Text bolded for emphasis], the State of Alaska sued the Forest Service for violating the No-More Clause in ANILCA, a lawsuit that was settled by agreeing to exempt Alaska from the roadless rule; and
6. ***WHEREAS***[Text bolded for emphasis], the 2008 Tongass Land Management Plan allows timber harvesting to take place on only 4% of the Tongass, half of which is in roadless areas; and
7. ***WHEREAS***[Text bolded for emphasis], in 2009 the Secretary of Agriculture issued a memorandum reserving to himself or his designee the authority to approve or disapprove road building and timber harvesting in roadless areas on the Tongass; and
8. ***WHEREAS***[Text bolded for emphasis], the Secretary of Agriculture has since refused to authorize road building and timber harvesting activities that are in compliance with the 2008 TLMP, and
9. ***WHEREAS***[Text bolded for emphasis], half of the roaded timberland where harvesting is permitted by the 2008 TLMP is young growth timber that will not be mature for several decades; and
10. ***WHEREAS***[Text bolded for emphasis], the Forest Service cannot provide sufficient timber sales from the only 1% of the roaded timberland that has mature timber.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1 [Text underlined for emphasis]. The Ketchikan Gateway Borough Assembly supports the actions of the Alaska Governor and Congressional Delegation to enforce the Alaska exemption to the roadless rule.

Section 2 [Text underlined for emphasis]. This resolution is effective immediately upon adoption.

ADOPTED this 28th day of February, 2011

[Signature]
Dave Kiffer, Borough Mayor

[Signature]
Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:

[Signature]
Scott A. Brandt-Erichsen, Borough Attorney
KETCHIKAN GATEWAY BOROUGH
RESOLUTION NO. 1878

***A RESOLUTION OF THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH,**

ALASKA, URGING THE U. S. FOREST SERVICE TO OFFER FOR SALE TIMBER VOLUME EQUAL TO THE ALLOWABLE SALE QUANTITY PROVIDED FOR IN THE TONGASS LAND USE MANAGEMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE* [Text bolded for emphasis]

***RECITALS** [Text underlined for emphasis]

WHEREAS [Text bolded for emphasis], the Southeast Alaska timber industry that once provided 4,000 jobs to the region currently provides approximately 450 jobs, a decline that represents over \$1 billion in lost payroll in Southeast Alaska in the last 10 years; and,

WHEREAS [Text bolded for emphasis], the Tongass Land Management Plan sets standards for management of the Tongass National Forest; and,

WHEREAS [Text bolded for emphasis]. among the standards in TLMP is that the Tongass National Forest can sustain an annual timber harvest volume of 267 million board feet while maintaining habitat and other environmental standards; and,

WHEREAS [Text bolded for emphasis], demand for timber products from the Tongass remains steady; and,

WHEREAS [Text bolded for emphasis], the recent resolution of the Roadless Rule issue allows the Forest Service to offer sales from those areas of the Tongass where logging activity is permitted but was delayed until the Roadless Rule was revised; and,

WHEREAS [Text bolded for emphasis], the quantity of timber offered from the forest between 1998 and 2002 has decreased from 187 million board feet to 70.3 million board feet: and,

WHEREAS[Text bolded for emphasis], the quantity of timber sold or released from the forest dropped to only 24.4 million board feet in 2005; and, Southeast Alaska mills may have markets for timber volumes in excess of Forest Service market demand projects.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF KETCHIKAN GATEWAY BOROUGH, ALASKA as follows:

Section 1, The Borough Assembly requests the Forest Service offer timber volume equal to the allowable sale quantity provided for in the Tongass Land Management Plan.

This resolution is effective immediately.

ADOPTED this 21st day of March, 2005.

[Signature]

BOROUGH MAYOR

ATTEST:

[Signature]

BOROUGH CLERK

Approved as to form:

[Signature]

BOROUGH ATTORNEY

[Position]