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*“Protecting the natural
environment of the Tongass while
supporting the development of
sustainable communities in
Southeast Alaska – since 1967.”*

December 17, 2019

**Attn: Alaska Roadless Rule
USDA Forest Service
P.O. Box 21628
Juneau, Alaska 99802**

**The Sitka Conservation Society’s Comments on The Alaska Roadless Rule Draft
Environmental Impact Statement.**

To whom it may concern:

Introduction

The Sitka Conservation Society appreciates the opportunity to comment on the USDA Forest Service’s Rulemaking for Alaska Roadless Areas as defined in the Federal Register on October 17, 2019 (84 FR 55522; 0596-AD37). The following comments are written by the Sitka Conservation Society (SCS) and represent the Board of Directors of the Society and its membership of over 1000 people who use, depend on, and care about the Tongass National Forest.

The Sitka Conservation Society is the oldest conservation organization in Alaska and was founded in 1967. Our grassroots work is based in Sitka, Alaska on the west coast of Baranof Island, where we are completely surrounded by the Tongass National Forest. Our mission is to protect the natural environment of the Tongass National Forest while developing ecologically, socially, and economically sustainable communities within Southeast Alaska. We work collaboratively with local community members, tribal governments, municipalities, Alaska Native corporations, the private sector, and non-profit organizations from rural communities throughout the region to create on-the-ground solutions for rural development that utilize our natural setting and resource-rich surroundings in a resilient and sustainable manner.

We have been engaged in rulemaking processes that have involved the Tongass National Forest for the entirety of our history, and have held seats on FACA committees, local fish and game advisory committees, and state-designated rulemaking advisory committees. We participated in the Tongass Advisory Committee that created recommendations for the 2016 Tongass Land Management Plan Amendment and the implementation of the Tongass Transition, and continue to hold a seat on the Tongass Transition Collaborative. We also participated in the State of Alaska’s Alaska Roadless Rule Citizen Advisory Committee

convened by Governor Bill Walker in 2018, which created a set of recommendations for the State of Alaska to submit to the Forest Service regarding the Alaska Roadless Rulemaking process. Throughout our participation in various committees and partnerships with State and Federal agencies, we have demonstrated a commitment to creating durable compromises for the management of the Tongass National Forest (Tongass) that are based on collaborative decision-making and reflective of the priorities of local communities.

Following our review of the Alaska Roadless Rule Draft Environmental Impact Statement (AKRR DEIS) and the alternatives outlined within it, the Sitka Conservation Society supports Alternative 1: No action. SCS strongly disagrees with the Forest Service's selection of Alternative 6: full exemption, as their preferred alternative. Based on input from tribal governments, local municipalities, fishermen, tourism operators and outfitter guides, recreation providers, small business owners, opinions of local citizens of Southeast Alaska, and the inadequate scientific analysis contained in the AKRR DEIS, it is clear that a full exemption will not provide a durable, long-lasting solution to the issue of conservation and management of roadless areas on National forest land in Alaska. **If the USDA Forest Service is indeed interested in creating a durable solution to the conservation and management of these areas, the only viable solution is for the Forest Service to redo the DEIS, adequately analyze impacts to visitor and commercial fishing industries, participate in adequate government-to-government consultation with local tribal governments throughout the entire process, conduct a sufficient ANILCA 810 subsistence analysis with engagement from the Southeast Subsistence Regional Advisory Committee, and integrate valid criticisms and concerns from local stakeholders into the decision-making process.**

Background

These comments build on and are complementary to the AKRR scoping comments submitted on behalf of the Society on October 14, 2018. During the scoping period for the Alaska Roadless Rule, communities across Southeast Alaska spoke up overwhelmingly in favor of maintaining the 2001 Roadless Rule on the Tongass both in public scoping meetings conducted by the Forest Service, as well as through written scoping comments. The February 2019 Public Scoping Comment Summary compiled by the Forest Service stated that "The majority of comments received opposed changing the 2001 Roadless Area Conservation Rule (hereafter the 2001 Roadless Rule) for Alaska" (p2)¹. During the Sitka scoping meeting and through comments, Sitkans voiced concerns about the climate stabilization provided for by inventoried roadless areas; the lack of adequate consultation with tribal governments; the undue corporate and political influence on the process outweighing scientific fact; and reflected the general theme that this process is a waste of valuable taxpayer dollars and federal employees time that does not contribute to shifting management of the Tongass towards salmon production and watershed enhancement, recreation and visitor industry infrastructure, and second growth timber harvest.

¹Alaska Roadless Rule Scoping Comment Summary (2019)
https://content.govdelivery.com/attachments/USDAFS/2019/02/08/file_attachments/1152423/Alaska%20Roadless%20Rule%20-%20Scoping%20Public%20Comment%20Summary.pdf

In October 2018, the State of Alaska convened the Alaska Roadless Rule Citizen Advisory Committee, a diverse, 13 member set of stakeholders representing a variety of interests and industries on the Tongass, that was tasked with coming up with recommendations for potential alternatives and input for the State and the Forest Service to consider in the Roadless Rulemaking process. The Sitka Conservation Society was represented on the CAC by Executive Director Andrew Thoms. The CAC created a consensus report of recommendations for descriptions of Alaska Roadless Area characteristics and potential alternatives in November 2018. A considerable amount of time, energy, and money was invested in collaboration across industry sectors, interest groups, and tribal government representation during this process in order to create suggestions for a durable solution for Southeast Alaska roadless area conservation and management. The recommendations that were made would have satisfied all sides and found ways to preserve the unique natural roadless characteristics of IRAs on the Tongass, while also allowing direction for land managers to implement community-priority projects in the least impactful way in order to benefit community and tribal priorities. Unfortunately, the consensus report, Alaska Roadless Area characteristics, and community-focused exceptions language was all thrown out in favor of an extreme alternative, the full exemption. The selection of this extreme alternative has polarized the discussion and made it difficult to engage in a nuanced conversation about what may best suit community and tribal priorities on the Tongass, especially due to the political interference in the rulemaking process.

It was reported by the *Washington Post* on August 28, 2019² that the full exemption was chosen as the preferred alternative after President Trump instructed Secretary of Agriculture Sonny Perdue to select this alternative, as requested by Alaska Governor Mike Dunleavy. This political interference in the process is reflected by the inadequate reasoning given for the selection of the preferred alternative in the DEIS, which is arbitrary and capricious due to the Agency's failure to explain its reasoning in response to significant comments that were raised during the scoping process. Reported political interference from the highest levels of American Government in the Alaska Roadless Rulemaking process has evaporated the public trust and the social license of this endeavor, and it is clear that the Forest Service must restart the entire process in a transparent and equitable manner if it hopes to create any durable solution for management and conservation of IRAs on the Tongass.

The agency states as part of their rationale for a full exemption that roadless area characteristics will be sufficiently maintained and protected by regulatory boundaries and environmental protections outlined in the 2016 Tongass Land Management Plan (2016 TLMP). It is assumed that roadless area characteristics will be maintained in critical areas of high ecological value, including the Tongass 77 areas, riparian areas and salmon habitat, old growth reserves, and conservation priority areas identified by The Nature Conservancy/Audubon have

² Trump Pushes to Allow New Logging in Alaska's Tongass National Forest
https://www.washingtonpost.com/climate-environment/trump-pushes-to-allow-new-logging-in-alaskas-ton-gass-national-forest/2019/08/27/b4ca78d6-c832-11e9-be05-f76ac4ec618c_story.html

adequate protections under the 2016 Tongass Land Management Plan (2016 TLMP). However, we are concerned that the 2016 TLMP will be the next target for revision, as this has always been the stated intent of the State of Alaska and our congressional delegation³, with the State of Alaska requesting revision of the 2016 TLMP in the same APA petition for an Alaska-specific Roadless Rule. Furthermore, the Forest Service has long had a practice of making plan changes and amendments at the project-level and we would expect that timber sales would be prepared that make many cumulative changes to the plan and make increasing areas suitable for old growth logging. Maintaining roadless protections is critical to maintain the ecological integrity of the Forest as a whole and roadless areas are the basis of the Tongass Conservation Strategy. The roadless rule gives certainty that these areas are not going to be developed to satisfy short-term political trends at the expense of the long-term conservation of the forest as a whole and for the culturally significant resources valued by Alaska Natives.

Response to Purpose and Need

The AKRR DEIS states that “As stated in that NOI, the USDA desires a durable and long-lasting regulation for the conservation and management of roadless areas on the Tongass” (ES-2). The proposed full exemption from the Roadless Rule and the removal of roadless rule protections from Inventoried Roadless Areas (IRAs) on the Tongass does not respond to the purpose and need of creating a durable and long lasting regulation to conserve roadless areas. It is not a durable solution because it has defied public opinion, scientific evidence, community and tribal input and has polarized Southeast Alaska to the extent that it will most certainly be litigated. The last time the Tongass was exempted from the 2001 Roadless Rule, it was litigated by the State of Alaska, who lost at every turn in the courts. The fact that a record of community support for the 2001 Roadless Rule has been established, as well as the documentation of significant regulatory violations during the rulemaking process, suggests that anything other than the no action alternative will be litigated and is therefore the exact opposite of a ‘durable’ regulation. Furthermore, the assertion that the conservation and management of roadless areas will be accomplished by a wholesale removal of the regulation that is designed to ‘conserve and manage’ these areas is contradictory and ludicrous. Nothing in the Forest Service’s analysis of public input or scientific fact, or objective reality and stated intent of future litigants, suggests that a preferred alternative of a full exemption is a durable solution. The fact that roadless rule protections are completely removed, and that the Alaska-specific roadless area characteristics that the State of Alaska convened Advisory Committee submitted were not even used or cited is a further example that the DEIS prepared by the Forest Service does not respond to the purpose and need and is, in fact, a cynical mockery of public input, state-convened stakeholder groups, and the Alaska Native tribes who were recruited as “cooperating agencies.”

The analysis contained in the AKRR DEIS is based upon how it responds to three issues identified by the Forest Service (ES-2). These issues, along with the main failings of the DEIS to adequately address or analyze them, are listed below.

³ Murkowski: Forest Service Must Address Long-Standing Management Failures (2018)
<https://www.murkowski.senate.gov/press/release/murkowski-forest-service-must-address->

- 1) **Roadless Area Conservation** and IRAs importance to “fish and wildlife habitat, recreation values, [...] multiple economic sectors, traditional properties and sacred sites for local indigenous people, inherent passive use values, and ecosystem services values they provide” (ES-3)
 - a) The analysis of the ecosystem services provided by the Tongass, and especially old growth forest in IRAs and the ecosystem services they provide in terms of carbon sequestration and consequently local and national climate change adaptation and mitigation strategies is insufficient. The analysis provided does not include recently published studies or scientific analysis on how important maintaining intact forests are for carbon sequestration⁴. The DEIS should be updated to fully analyze and disclose the impacts of logging on all lands in the Tongass (roaded and unroaded) and should also disclose to the American public the value of leaving the forest’s standing for its carbon sequestration values in standing forests, undisturbed soils, and intact watershed function so that an informed decision can be made as to if roadless areas should be preserved or allowed to be developed and to be able to decide in an informed manner what level of logging should take place. This analysis has not been done, the information has not been disclosed, and decisions are being made without all full consideration of all information and science.
 - b) The DEIS does not consider the economic contribution of Tongass derived salmon for sport, commercial, and subsistence harvest and the economic value of those resources. We found no mention of recent work done by the Forest Science Labs in calculating that economic value of salmon from the USDA managed lands. We found no analysis that looked at the history of salmon populations in roaded areas in other parts of the world and the impact of road building and industrial development on salmon populations. We thoroughly disagree with the agency’s assertion that the protections to salmon will be addressed by the 2016 TLMP and found no analysis that demonstrates that potential impacts are being considered. In David Montgomery’s book, *King of Fish: the Thousand Year Run of Salmon*, the impacts of roadbuilding and the cumulative impact of development on salmon runs is documented and outlined in various case-studies. These case studies and that pattern was not analyzed in this DEIS and we would request that it be examined in order for the full NEPA regulatory compliance be complete.
 - c) The DEIS states that salmon runs will not be affected because of protections and standards put in place in the 2016 TLMP. Yet the plan uses science that was created previous to 1997. Since then, there has been an increasing body of research and knowledge that shows that larger buffers are needed, that roads have a greater impact on salmon than previously suggested, and that watershed conditions farther away from streams are consequential to salmon productivity in a river. None of this science-- including many studies and regulatory changes made by the Forest

⁴ IPCC Special Report on Climate Change and Land 2019, “Chapter 2.5 Land impacts on climate and weather through biophysical and GHG effects”.

https://www.ipcc.ch/site/assets/uploads/sites/4/2019/11/05_Chapter-2.pdf

Service itself in other regions-- has been considered or integrated into this DEIS. Without consideration of this science, the current DEIS is incomplete and fails to fully analyze the impacts of any potential decision to repeal roadless protections.

- i) Additional studies requested: analyze what protections are given to salmon streams in other regions around the country
- ii) Analysis requested: Is current TLMP up to date in terms of protections needed to deal with blowdown, unravelling of buffers and forest edges adjacent to clearcuts, sedimentation inputs from disturbance/development on a watershed scale, culvert and road impacts, and cumulative impacts of development on a watershed? The TLMP needs to be compared with recent land management plans for other national forests in the Pacific Northwest.
- iii) If the roadless rule is repealed, we will then have to ask for a full scientific review of salmon protections across the Tongass and a reexamination or redevelopment of those regulations that are in TLMP.

2) “Support local and regional socioeconomic well-being, Alaska Native culture, rural subsistence activities, and economic opportunity across multiple economic sectors”
(ES-3)

- a) Salmon are widely documented as being critical to socioeconomic wellbeing in Southeast Alaska, as well as featuring extensively in Alaska Native cultural importance. The DEIS fails to include in its analysis recent studies on the economic importance of salmon produced by the Tongass National Forest⁵, as well as failing to account for the cultural importance of this critical resource to local populations for the practice of traditional culture and food security.
- b) The DEIS fails to adequately respond to the concerns of small tourism operators on the Tongass, including outfitters and guides that hold special use permits, small luxury cruise boat operators, kayak and hiking guides, and communities that depend primarily on the scenic qualities of the entire Tongass National Forest, as well as the reputation of Southeast Alaska as a pristine landscape. Indeed, the DEIS states that “Alternatives 4, 5, and 6 (especially Alternatives 5 and 6) are expected to result in an increased potential for effects on communities, especially in those communities where the visitor industry sector is the most important. This is primarily because of potential effects on the natural environment within the community areas, which in turn may affect visitor use. The smaller and less diversified communities may have a greater risk of effects” (ES-15). It is thus clear that a full exemption will not support the local socio-economic wellbeing of communities that depend on the visitor industry for economic activity, which is increasing in importance throughout Southeast Alaska and currently represents the largest private sector industry in the region.

⁵Johnson, A. C., Bellmore, J. R., Haught, S., & Medel, R. (2019). Quantifying the Monetary Value of Alaska National Forests to Commercial Pacific Salmon Fisheries. *North American Journal of Fisheries Management*. doi: 10.1002/nafm.10364

- c) The DEIS does not take into account concerns voiced by the Southeast Alaska Subsistence Regional Advisory Committee, which is a federally convened board tasked with providing input on issues that affect subsistence harvest of fish and game, and is therefore wholly inadequate in its analysis of impacts on subsistence resources and habitat. This board is the official body to monitor impacts to subsistence activities and represents rural residents of Southeast Alaska. This committee has given in-depth feedback to the agency over time on the impacts that they are seeing and what they are being told by their fellow Southeast Alaskans. To ignore the input of this body and their in-depth, place-based-knowledge and experience, is likely criminal. The Regional Advisory Committees and Federal Subsistence Boards were set up to assure a check-and-balance that ensured that subsistence priority was met as defined by various federal laws and regulations governing Alaska (ANILCA VIII and other) and to ensure that elected leaders or agencies do not make decisions or undertake management activities that threaten subsistence use and resources. The current situation where decisions are being made by an Administration in Washington, DC and in the Governor's mansion in Juneau who seem to be motivated by petty political conflict mongering rather than long-term planning for the citizen's and nation's well-being (including its citizens of Native Alaska descent and rural residents) is a textbook scenario of what the Alaska Native Leaders from Alaska Native Brotherhood and Sisterhood Camp #1 and ANB/ANS Camps across the entire State of Alaska were fearful of and who advocated these concerns to the US Congress and which was subsequently written into ANILCA as the subsistence priority laws, regulations, and frameworks. The current situation is an abuse of power that runs roughshod over these laws and protections. The actions of the current governor-- who has systematically removed Native Alaskans from decision making bodies and oversight boards (including Jaeleen Kooskesh's unjust removal from the State Board of Forestry)-- demonstrates that the interests and rights of rural and Native Alaskans are being ignored and negated at the expense of corporate interests and short-term economic return (which may in-fact be an illegal form of corruption where money or pay-outs are being exchanged--- or which may simply be an example of leadership obtaining office and authority who may not have the level of leadership capability, insights, experience, vision, knowledge, humility, long-range thinking, morality, or simply the core values and decency to be able to implement and make decisions for the good of society and the long-term health of the environment that we depend on in this era of complexity and difficulty that we are currently experiencing.) For these reasons, the Federal Subsistence Board, regulations and laws, and associated bodies like the Southeast RAC have been set up. They have given their input and the DEIS has not integrated this input into its analysis.
- d) The DEIS does not adequately address concerns about the negative impacts of a full exemption to Alaska Native culture as voiced by the tribes of Southeast Alaska. As a November 18, 2019 letter to Secretary Perdue signed by twelve Southeast Alaskan tribes states, The granting of the State of Alaska's petition for an Alaskan exemption

to the 2001 National Roadless Conservation Rule on the Tongass in 2018, without consulting any affected Native peoples, represents the most controversial and potentially destructive assault on our way of life to date. In an unprecedented show of unity, six federally recognized tribal governments stepped forward to engage as Cooperating Agencies in the Alaska Roadless Rule process with the State of Alaska and consult with the US Department of Agriculture. While some Tribal Cooperating Agencies advocated for the No Action alternative, others were working on finding a compromise that best fit their respective communities. No Tribal Cooperating Agency advocated for full-exemption, and their comments and participation were ignored and disregarded.” Furthermore, the DEIS states that a full exemption would directly contradict the intent of an Alaska Roadless Rule to “support Alaska Native culture” by stating that “Alternative 6 [...] would provide no protections for designated roadless characteristics, which are important for Alaska Native cultural purposes” (ES-13).

- e) The failure to consider the input of tribal entities (elected by tribal citizens and not representing for-profit corporations) violates Executive Order #12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”⁶ which requires that federal agencies that are complying with NEPA to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations,” including tribal populations, which are disproportionately impacted by environmental detriment. The proposed action in the AKRR DEIS fails to sufficiently consider and address “significant and adverse environmental effects” on minority tribal and low-income populations because it excludes the input of Alaska Natives tribal governments in the rulemaking process, and ignores the disproportionate impact that a full exemption will have on their traditional use areas. Furthermore, Alaska Native communities have been among those closest in proximity to and suffering the most from the history of clearcut logging in the Tongass, while also disproportionately relying on Tongass IRAs for food security, cultural practices, and traditional way of life. The compliance of the Forest Service with E.O. 12898 in its’ analysis of impacts on tribal populations has thus been insufficiently analyzed and addressed in the AKRR DEIS, as these tribal communities will be disproportionately impacted by proposed regulatory changes in a potential violation of the U.S. government’s own regulations concerning environmental justice.
- f) Communities region-wide have participated in the public process by passing resolutions to voice their concerns about the security of their socio-economic wellbeing in the face of a full exemption, including: Sitka, Skagway, Tenakee

⁶ Executive Order 12898 of February 11, 1994 “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations”
<https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

Springs, Gustavus, Elfin Cove, Pelican (see appendix F) and the selection of Alternative 6 as the preferred alternative completely fails to support the concerns brought up by these communities.

3) Conserve terrestrial habitat, aquatic habitat, and biological diversity (ES-3)

- a) The resolution passed by the Sitka Fish and Game Advisory Committee, which is a state-sanctioned committee whose purpose is to advise the Alaska Department of Fish and Game on matters relating to the management of fish and game and issues relating to habitat concerns, details the committee's concerns in regards to the conservation of terrestrial habitat, the proposed rulemaking's effects on the health of aquatic habitats, and the overall deleterious effects a full exemption would have on biological diversity of salmon, Sitka black-tailed deer, brown bear populations, and birds. The document details how a full exemption would harm the integrity of IRAs and the Southeast Alaskan way of life. (see appendix E)
- b) The Forest Service's Scoping Comment report states that "Commenters specifically requested areas known as the Tongass 77 watersheds and TNC/Audubon Conservation Priority Areas remain protected under the 2001 Roadless Rule or receive increased protections" (p8). It is clear that Southeast Alaskans understand the conservation value of these highly productive ecological areas that conserve critical terrestrial and aquatic habitat and the biological diversity that depends on them. However, the preferred alternative calls for a significant removal of TNC and T77 areas from roadless protections, and the assertion in the DEIS that the acreage impacted will be relatively the same under all alternatives is not based on sound reasoning or evidence.

Discussion

1. BROAD CONCERNS WITH THE DEIS AND RULEMAKING PROCESS

SCS has several broad concerns with the AKRR DEIS and the rulemaking process in general. These include: inadequacies in the Alaska roadless rulemaking process in regards to tribal consultation; economic realities on the ground that the proposed full exemption fails to recognize and respond to; insufficient response and consideration of public opinion voiced by Southeast Alaskan municipalities, small businesses, and local citizens; inadequate analysis of the impacts on the visitor industry and commercial fishing industry, two of Southeast Alaska's largest economic drivers; inadequate analysis of how a full exemption would contribute to increasingly damaging effects of climate change on Southeast Alaskan communities, socio-economic activities, and cultural way of life; and inadequacies in the analysis of subsistence concerns and process.

Inadequate tribal consultation and insufficient consideration of tribal concerns in the rulemaking process

The inadequacies in tribal consultation during the Alaska Roadless Rulemaking process expose the Forest Service to significant legal liability. It is the recommendation of SCS that the Forest Service restart the rulemaking process and engage in tribal consultation early on in the process and in a meaningful way. The DEIS also fails to respond to concerns of tribal governments regarding how their traditional cultural practices will be affected by a full exemption from the Alaska Roadless Rule and the reclassification of their traditional territories as 'suitable timberlands'.

- Tribes were not consulted or notified before the USDA decided to grant the State of Alaska's petition to engage in a new, state-specific rulemaking process.
- Comments and concerns voiced and documented by the cooperating agencies and other tribal governments were disregarded in the DEIS. For example, all of the tribes participating in the process as cooperating agencies requested no action or minimal changes (based on community infrastructure concerns) to the 2001 Roadless Rule on the Tongass; these comments were ignored in the pursuit of a full exemption as the preferred alternative, despite a resounding lack of evidence about net economic benefits and strong public opposition.
- The State of Alaska received \$2 million to be a cooperating agency in the rulemaking process while tribes received no financial compensation for their participation.
 - The Alaska Forest Association was paid for their 'unique knowledge' and economic analysis of timber suitability while tribes were not compensated for their unique traditional knowledge, local knowledge, nor understanding of rural economics and actions that can lead to long-term prosperity-- which was also not utilized or incorporated into the decision-making process or the DEIS.
- Tribes including the Organized Village of Kake and the Organized Village of Saxman requested government-to-government consultation with the Secretary of Agriculture and were denied the opportunity in violation of their government-to-government rights.
- The selection of the preferred alternative contradicts the input and stated wishes of at least 8 federally recognized Alaska Native tribes (listed below, with resolutions and letters written by these tribes to USDA leadership and Alaska Congressional leadership included in appendix G), as well as the subsistence activity concerns identified by the federally-convened Southeast Subsistence Regional Advisory Committee under section 810 of the Alaska National Interest Lands Conservation Act.
 - As the November 18, 2019 letter to Secretary Perdue from 12 federally-recognized tribal governments in Southeast Alaska states, "The granting of the State of Alaska's petition for an Alaskan exemption to the 2001 National Roadless Conservation Rule on the Tongass in 2018, without consulting any affected Native peoples, represents the most controversial and potentially destructive assault on our way of life to date. It was clear from the outset, that an Alaska Specific Roadless Rule would not leave current roadless protections in place." (See appendix G)
 - The following tribes have either written letters, passed resolutions, or expressed through both of these mediums that a full exemption goes against their input and ignores the concerns and issues they have voiced to the Forest Service during the rulemaking process: Angoon Community Association, Ketchikan Indian Community,

- Central Council of Tlingit and Haida Indian Tribes of Alaska, Klawock Cooperative Association, Craig Tribal Association, Organized Village of Kake, Organized Village of Kasaan, Skagway Traditional Council, Hoonah Indian Association, Hydaburg Cooperative Association, Organized Village of Saxman, and Yakutat Tlingit Tribe
- Tribal concerns about the rulemaking process and a full exemption having disproportionate effects on tribal populations have been ignored in violation of E.O. 12898

On the ground economic realities facing the timber industry.

The timber industry is a shadow of its former self and the forest cannot support harvest levels of the past. Although the timber industry, State of Alaska leaders, and cheerleaders for short-term economic development claim that this depressed economic picture is due to “environmentalists,” the reality is that six decades of intensive, industrial-scale timber harvest has taken the highest value timber, the timber that are easiest to reach, and the timber that can actually pay-itself-out-of-the-woods. The timber that is left on the Tongass is lower-quality, more widely distributed, economically difficult to make profitable, and located in areas that are highly contentious. The difficulties with the timber harvest today is not necessarily the fault of the current employees of the today’s timber industry-- but rather the way that previous generations of timber operators, political leaders, agency staff, and civic leaders made decisions for themselves and their times without considering future generations, the resources that were left for future generations, and the long-term impact their actions would have on the environment. Now, we are dealing with a situation where it is difficult to maintain a viable timber industry and the current timber operators are making short-sighted demands and decisions that will have a long-term impact on communities, ecosystem function, and long-term economic stability. Although it may not be their fault (except for the industry leaders in their 70’s who have been involved since long ago and should probably step aside to let younger people step up), the pressure being put on the public process and the forest ecosystem by the timber industry and political leaders who pretend to be able to go back to the “good-ole-days” is a civil disservice and is not in-line with the long-term thinking of the silvicultural philosophy that good foresters and land managers should be exemplifying.

- The DEIS itself says that the forest products industry will only experience “minimal beneficial effect” from a full exemption (2-25). To undergo a process that causes so much conflict and is so broadly opposed for “minimal economic benefit” is a tragedy for a region that needs all the help it can get to work together, to find new pathways for rural economic development, to fully reconcile the social, economic, and ecological impacts of native colonization and subjugation, and to find pathways to create resilience in the face of ever increasing impacts from climate change. The agency and political leaders have squandered social license and wasted precious time and resources in this process.
- However, there is a broadly held perception amongst local citizens that this process is being conducted, and the full exemption was selected, in the hopes of reviving the timber industry and propping up a subsidized model of clearcutting and resource extraction on the Tongass.
- The forest products industry that is based on clearcutting and round log export to Asian market or Pacific Northwest markets and does not realize the full potential of economical

benefit our region or rural communities through job creation or wage retention and which, in-fact, directly harms the ability of many of sectors of business and economic activity from fully functioning and realizing their potential.

- Prince of Wales has the most roads and logging activity and remains the most economically depressed region in Southeast Alaska; the evidence suggests that this is not an economic development model that works
- The general view-- backed up by academic literature-- is that Prince of Wales Island has been treated and developed in a colonialistic manner where the resources are extracted at the expense of the local population to enrich businesses and interests from other places. It is often cited that the owners and profit makers of the Pulp Mill in Ketchikan that logged most of Prince of Wales Island were not the workers in Ketchikan or on POW -- and not the residents of the place itself--but rather the executives and shareholders who lived far away. Similarly, it is cited that the parent company and principal beneficiaries of the mill and operations in Klawock are in Arizona or in the Pacific Northwest and that the outpost mill and operation in Klawock will only be present there until all the Red Cedar and clear Sitka Spruce has been harvest---after-which they will abandon the island and leave its residents with clear-cut hillsides and watersheds, a lack of opportunity to find long-term forest-use activities and returns, a lack of Red Cedar wood for cultural uses and products like totem pole logs, carving wood, bark for weaving, etc.
- The roadless rulemaking process is distracting the forest service, in-region businesses, stakeholders, communities, and the markets from implementing the Tongass Transition and doing the work that we need to be doing to prepare for an actually viable long-term timber industry that utilizes the young growth timber that will be available in excess in the coming years.
 - The millions of dollars that have been pursuing the creation of an Alaska roadless rule would have been better spent investing in the Tongass transition and implementable solutions on the ground to help mills adapt and shift their equipment
- The State-convened AKRR Citizen Advisory Committee outlined what moderate exceptions and unique characteristics of an Alaska roadless rule could have looked like, and the dismissal of these recommendations by the Forest Service due to political influence from the President of the United States squandered the time spent, good will, public confidence, and social license that this committee had gained through their work.
 - The AKRR CAC asked that the decision making body for roadless rule exemptions be shifted to the Regional Forester. That change was made almost immediately and does result in more local control and local knowledge of projects, situations, exemption needs, and the ability to maintain roadless characteristics while allowing development. Because this change was made, we feel like the need to change anything else about the roadless rule has been negated.

Unified Public Opposition to the Rulemaking Process and Preferred Alternative

The Alaska Roadless rulemaking process has faced an unprecedented show of significant and unified public opposition to the selection of the full exemption and support for a no action alternative. The polarization of this issue has made discussion of middle-of-the-line compromise alternatives 2 and 3 difficult, and the improvement of these alternatives through constructive public input will suffer because of it.

We have observed record numbers of participation into the public process on behalf of Southeast Alaskans and communities. In Sitka, over 80 people attended the Forest Service public information meeting, with 47 people providing subsistence testimony and unanimous support voiced for the no action alternative. This was the case in many communities throughout Southeast Alaska, as news coverage reliably conveyed^{7 8 9}.

Small businesses across Southeast Alaska, including outfitter guides, commercial fishermen, artisan woodworkers, small mill owners, and recreation providers have all spoken out in opposition to the proposed alternative and how it will affect their business. Over 250 commercial fishermen signed a letter to Secretary Perdue expressing concerns about how a full exemption would impact sensitive fish habitat, particularly on Prince of Wales Islands and in watersheds outside of the T77 and TNC conservation priority areas (see appendix I). These valid concerns about threats to the economic contributions from these businesses in Southeast Alaska as a result of a full exemption were not properly analyzed in the DEIS, which hid behind the premise that ‘economic impacts could not be assessed due to the fact that it is a high-level regulatory shift that does not authorize any ground-disturbing activities’ (AK RR DEIS 3-117).

Municipalities and community governments of Sitka, Skagway, Pelican, Elfin Cove, Tenakee Springs Gustavus, have all passed resolutions in support of a no action alternative (see appendix F). These local governments represent stakeholders that heavily rely on commercial fishing and the tourism industry, which would both be negatively affected by a full exemption. All of the resolutions voice concerns that this process has been politically influenced and is not based on the best available science or economic analysis. The DEIS provides a wholly inadequate response to the concerns of local communities and the majority of public opinion by stating that the full exemption ‘fully responds to the State’s petition’. While this may be true, it wholly discounts the citizens that this State is comprised of. As public opinion has shown, political leadership in Alaska is out of touch with the citizens, businesses, community and tribal governments of Southeast Alaska and does not represent our best interests in this process.

⁷Segall, Peter. “Public gets heated over Roadless Rule alternatives”

<https://www.juneauempire.com/news/public-gets-heated-over-roadless-rule-alternatives/>

⁸ Stone, Eric. “Forest Service sees resistance to Roadless Rule rollback at Ketchikan meeting”

<https://www.krbd.org/2019/11/06/forest-service-sees-resistance-to-roadless-rule-rollback-at-ketchikan-meeting/>

⁹ Snider, Ari. “At USFS hearing, Sitkans make a unanimous case for a roadless Tongass”

<https://www.alaskapublic.org/2019/11/18/at-usfs-hearing-sitkans-make-a-unanimous-case-for-a-roadless-tongass/>

Harm to Southeast Alaska's Main Economic Drivers: Visitor industry and Commercial Fishing

The most obvious and immediate impact that the Alaska Roadless Rulemaking process has had on our visitor industry is to catapult the Tongass into national headlines for all the wrong reasons. The reputational branding of our region as a conflictive place will only increase if the full exemption is selected for the roadless rulemaking process, due to the vast community opposition described in the previous section. Tourists do not come to Alaska to see clearcuts and resource extraction sites as they cruise the Inside Passage; they come for our pristine landscapes, abundant wildlife, fishing opportunities, and intact old growth forests, which are all features heavily supported by Inventoried Roadless Areas. Our competitive advantage in the tourism industry depends on the protection of roadless characteristics in these landscapes.

It is no coincidence that tourism has struggled to take off on Prince of Wales in the past, due to the extremely concentrated amount of clearcutting and resource extraction that the island continues to experience. However, tourism opportunities are currently developing on the island and occupy a niche for travellers who would like more road-based travel and different access opportunities. We need to work within the bounds of what we currently have before we engage in more wasteful road construction solely for resource extractive purposes. Sitka's visitor industry is dependent upon the health and splendor of the landscapes featured along the inside passage, several of which would be threatened by the timber suitability reclassification called for in Alternative 6. Furthermore, the intact roadless areas on the north of Baranof Island are heavily utilized by outfitter and guides specifically around the Hanus Bay watershed and Lake Eva. The Lake Eva trail maintained by the Forest Service is heavily utilized by the visitor industry, and special use permits for the Tongass provide the most income for the agency out of all its programs. We need to invest in recreation and visitor industry infrastructure like the extremely popular Forest Service activities of trail construction and maintenance, cabin construction, wildlife viewing platforms and visitor centers, rather than clearcutting our most valuable resource.

Commercial fishing is another industry that stands to suffer significant impacts from a full exemption, which are insufficiently analyzed in the DEIS. Some of the most valuable salmon habitat on the Tongass is found in inventoried roadless areas, especially on North Prince of Wales, Kuiu, and East Chichagof Island. These critical salmon producing areas are also the densest locations of the newly classified timber-suitability acreage identified in the DEIS. While the original FEIS for the 2001 Roadless Area Conservation Rule details the negative impacts of roadbuilding and timber harvest to salmon and aquatic habitat, which include increased sedimentation, higher temperature regimes, increased erosion and runoff, the AKRR DEIS subsequently fails to include analysis of these impacts on local aquatic habitat.

Forest Service data states that the Tongass produces 80% of the salmon caught in Alaska and 25% of the fish commercially caught on the West Coast of the United States¹⁰. The forest's prolific production of salmon, in addition to the heavy reliance of many Southeast Alaskan communities on the commercial fishing industry for their economic backbones, suggests that management prescriptions should be made with salmon populations in mind. The Tongass should be managed for the long-term, wide sweeping ecosystem services it provides such as healthy fish habitat. Salmon are experiencing extremely tough environmental challenges right now, and rolling back the Roadless Rule will clearly exacerbate those challenges. Southeast Alaska recently experienced four salmon runs listed as Stocks of Concern, along with had multiple years of record droughts. 2019 was cited as one of the worst droughts in history and simultaneously saw record low pink salmon runs, coho runs that are below both long-term and recent averages, in conjunction with two of the biggest ocean warming events we've ever seen in the Pacific Ocean. It is proven that even the best road-building techniques and mitigation measures will impact salmon habitat, and the Forest Service has not demonstrated through their current treatment of the red pipe and failed culvert backlog on the Tongass that they can address habitat and watershed restoration in a timely manner.

Insufficient analysis of Climate Change impacts

One of the most glaring inadequacies in the DEIS is the insufficient analysis of how a full exemption would contribute to increasingly damaging effects of climate change on Southeast Alaskan communities, socio-economic activities, and cultural way of life. The Tongass is the largest carbon sink of all the national forests in the United States. Studies done by the USFS demonstrate that the Tongass holds 10 - 12 % of the carbon stored in the United State's national forests. Recent research has demonstrated that protecting old-growth forests is essential for our response and adaptation to climate change¹¹. Right now our nation faces an unprecedented threat from global climate change, and a full exemption from the 2001 Roadless Rule stands to impact the carbon sequestration capabilities of the Tongass National Forest by opening new areas of intact old growth forest to logging.

- We request that the Forest Service conduct an in-depth analysis of the potential climate change impacts (including decreased carbon sequestration capability of soils) that would result from the harvest of timber on the proposed newly suitable 185,000 acres.
- The DEIS does not analyze the monetary value of ecosystem services provided for by IRAs, including climate stabilization; "Monetary values are not assigned to these services, but this does not lessen their importance in the decision- making process (3-20)". The DEIS thus fails to include analysis from recent studies conducted into the monetary evaluation of ecosystem services¹². We request that the Forest Service analyze the monetary impact of carbon sequestration in Inventoried Roadless Areas on

¹⁰ Forest Service: Tongass Salmon Factsheet (2017).

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd554592.pdf

¹¹ <https://e360.yale.edu/features/why-keeping-mature-forests-intact-is-key-to-the-climate-fight>

¹² Evan Hjerpe and Anwar Hussain (2016) "Willingness to pay for ecosystem conservation in Alaska's Tongass National Forest: a choice modeling study".

<https://www.ecologyandsociety.org/vol21/iss2/art8/>

the Tongass and the socio-economic impact of the loss of that carbon sequestration capacity on Southeast Alaskan communities if those areas were to be logged.

- The DEIS states that “Mature forests on the Tongass National Forest likely store considerably more carbon compared to younger forests (within the individual trees themselves as well as within the organic soil layer found in mature forests)” (3-124). This makes the proposal to open up 165,000 acres of old growth forest under the preferred alternative most concerning. The cumulative effects posed by climate change on resources of subsistence, cultural, social, and economic value located in IRAs to Southeast Alaskans has not been adequately analyzed in the DEIS.

Inadequate analysis of subsistence concerns and involvement in ANILCA Section 810 process

The Section 810 analysis is required to be conducted as follows. Step one is EVALUATION of the preferred alternative and all alternatives. Step two is FINDING from the evaluation and should state if the action would or would not result in significant restrictions to subsistence resources (if not, done. If so, go to next step). Step three is NOTICE and HEARINGS (attached reference outlines what this requires, some that were done, some that weren't). Step four is the issuing of a DETERMINATION.

It is unclear if step 2 was ever completed and if a FINDING was ever made. If it was, it was not made available in the DEIS. Nor was it presented at the subsistence hearings conducted in each of the rural communities. ANILCA Section 810 requires Federal land management agencies to evaluate the effects of their proposed actions on subsistence uses and needs. Where an agency finds that its action may significantly restrict subsistence uses, it is prohibited from implementing that action prior to taking certain steps. Those steps include: giving notice to certain State, local, and regional entities (including regional councils); giving notice of and holding hearings in the vicinity of the area involved; and determining that (A) such a significant restriction if subsistence uses is necessary, (B) the proposed activity will involve the minimal amount of public lands necessary, and (C) reasonable steps will be taken to minimize adverse impacts on subsistence uses and resources. The agency must also provide its “may significantly restrict” finding and hearing notices within its environmental impact statement. ANILCA Section 810 hearings are held to inform the public that the land management action may significantly restrict subsistence uses, to verify the subsistence analysis, and to hear directly from the public concerning the acceptability of the likely restrictions on subsistence uses. The hearings required under ANILCA Section 810 cannot precede the required subsistence finding (FSH 2090.23).

2. SPECIFIC AREA CONCERNS: EXPANDED TIMBER SUITABILITY ACREAGE

Sitka Local Use Area

Duffield Peninsula:

Alternative 4 and 5 and especially alternative 6, open roadless areas to old growth logging on the Duffield Peninsula. The areas are generally the “backline” areas behind the previously harvested areas in the middle of the valley. The areas proposed to be made “Suitable for timber harvest” are adjacent to areas were cut extensively during the pulp mill logging times. This is very concerning for us because those areas are very important deer habitat. From experience, we know that the areas proposed to be made suitable hold deer during the winter and are the refuge for deer on the entire peninsula during the winter months when deer are most susceptible to mortality. The logging that took place in the past has made the center part of the valley inhospitable and marginal for deer survival during the winters. It is critical that the areas above the previously harvested areas stay intact for deer habitat. For this reason, we are not in favor of making these areas suitable for old growth timber harvest and we would request that they stay roadless. We would further request that before opening these areas, the Forest Service conduct the following research:

- What is the population of deer on the Duffield Peninsula?
- What is the annual harvest of deer and goats for subsistence from the Duffield Peninsula?
- What % of the deer population uses the roadless areas vs. the population that uses the valley bottom/previously harvested stands in the valley bottom in the winter months?

We would also request that the Forest Service look at all the other areas that are proposed to be made “suitable” for old growth timber harvest through plan-level changes as a result of changes to the roadless rule and analyze where similar conditions exist. These conditions specifically those where old growth habitat at elevation is above extensive clear-cuts/stem-exclusion stage forest that has not been thinned-- or has not been thinned for wildlife habitat-- and creates a bottleneck and/or barrier for altitudinal migration and put the deer population at extreme risk of starvation during winter months because of lack of browse in the understory/lack of food supply. We fear that removing roadless protections would negate the larger Tongass conservation strategy and we believe that analysis is needed to either a) prove otherwise, b) conclude that the conservation strategy without roadless is adequate, or c) result in a change in program direction to fully ensure that there is a viable and robust population of Sitka Black-Tailed deer across the landscape that can survive winters with heavy snow.

Hanus Bay Watershed

Alternative 4 and 5 and especially alternative 6, open roadless areas near Hanus Bay and Lake Eva to expanded old growth timber harvest. Due to the importance of this particular watershed as a subsistence sockeye salmon harvest site, as well as an important site for the visitor industry and the high volume of traffic it receives from small-scale luxury cruise ships, we request that the roadless areas in direct proximity to Hanus Bay retain their roadless protections. Subsistence sockeye harvest is extremely important for rural communities with high costs of living such as Sitka, as well as their significant traditional and cultural value to local Tlingit people and tribes. These areas need to retain their roadless protections and remain off limits to old growth timber harvest. We would request that before opening these areas, the Forest Service conduct the following research:

- What is the socio-economic value of the subsistence sockeye run at Hanus Bay and how much do local populations depend on it in comparison to other nearby sockeye subsistence sites?
- What is the frequency and level of use of the Hanus Bay/Lake Eva watershed by small scale cruise ships?
- What would be the economic impact of decreased viability of the Hanus Bay sockeye run on local populations, and what would be the economic impact of the decreased viability of the Hanus Bay watershed as a small-scale luxury cruise destination on the Sitka economy?

Middle Kruzof Island

Alternative 4 and 5 and especially alternative 6, open roadless areas on Kruzof Island to increased old growth timber harvest by reclassifying previously unsuitable timber acreage to suitable. Kruzof Island is an iconic landscape for Sitka, a heavily utilized local recreation site, and provides important deer habitat for subsistence hunting. The Forest Service maintains several public use cabins on the island that are accessible by shore access or through the utilization of the existing road system. Kruzof Island is treasured by locals and visitors alike and opening it up to old growth timber harvest would create significant conflict, as well as decreasing the socio-economic benefits provided by maintaining the island and its road system in its current state. We would request that before opening these roadless areas, the Forest Service conduct the following research:

- What is the economic value derived from special use permits issued for Kruzof Island areas?
- What is the socio-economic value of the recreation infrastructure on Kruzof Island to the local community?
- What percentage of Sitka's subsistence deer harvest occurs on middle Kruzof Island and what is the socio-economic value of that deer harvest?

Kake Local Use Areas

SCS works closely with the Organized Village of Kake in a regional partnership committed to the sustainable ecological, social, and economic prosperity of Southeast Alaskan communities called the Sustainable Southeast Partnership. We stand in solidarity with the Organized Village of Kake and their principled stance against any exemption of their local use areas from the 2001 Roadless Rule. OVK and other rural communities have suffered the most from the historical effects of colonization, subjugation, and clearcut logging and they stand to be the most impacted by a full exemption from the 2001 Roadless Rule. We encourage the Forest Service to listen and adequately respond to the concerns of OVK, and redo the DEIS to accurately reflect their priorities as a tribal government. We request that the Forest Service retain roadless protections for their traditional use areas including Kupreanof Island, Kuiu Island, Keku Islands, North Prince of Wales, Southern Admiralty Island, the Eastern coast of Baranof Island, and the mainland around Hobart Bay.

3. SPECIFIC PROJECT REQUESTS

The City and Borough of Sitka have several priorities that are already allowed to be permitted in roadless areas. We request that these projects are *expressly* provided for in any new Alaska Roadless Rule to reduce regulatory confusion.

- Powerline corridor to Takatz Lake
- Any Blue Lake licensing or relicensing or additional generational capacity in that area (i.e. Glacier lake)
- The corridors for the road connections, which are most likely not a reality anytime soon due to actual feasible - are already allowed for through previous statutory action^{13 14}.

The fact that all of these projects and proposed community infrastructure development are currently allowed for under the 2001 Roadless Rule and/or legislative authorities makes us wonder why we are attempting to change the rule at all. We question the purpose and need of a new Alaska Roadless Rule and specifically a full exemption due to the allowance of all these projects and the fact that no project ever applied for in a roadless area has been denied a permit.

4. ADDITIONAL ANALYSIS REQUESTED

Considering the insufficient analysis, disregard for the best available science, and willful lack of acknowledgement of how this project will affect Southeast Alaska's main economic drivers, we make several requests for any new Alaska Roadless Rule.

1. Formalize the TNC / T77 acreage protections for these areas that are inside IRAs and those currently located outside of roadless acres
 - a. The cac made clear that it's a priority that the t77 and tnc areas are kept in roadless - and this is why in 4 of the 6 options that they outlined, the protection of these areas were included
2. Include the Alaska Roadless area characteristics as outlined in the Citizen Advisory Committee's report¹⁵, including:
 - a. **Alaska Native people who have been on this land for more than 10,000 years, and for whom this place has cultural and spiritual significance.** The use of places, sites, waters, structures, resources, and objects are historically significant in the beliefs, customs, practices, and perpetuation of the culture(s) of communities and indigenous peoples of the area. While the Alaska Native people now share this place with other residents, it is critical that they continue to have the ability to sustain their cultures and their communities through economic, social, and cultural opportunities.

¹³ Southeast Alaska Transportation Plan (2005)

http://www.dot.state.ak.us/sereg/projects/satp/assets/FinalSATP_noMaps.pdf

¹⁴ SATP highway easements are authorized in the SAFETEA-LU bill <https://www.fhwa.dot.gov/safetealu/>

¹⁵ *Alaska Roadless Rule Citizen Advisory Committee: Final Report to the Governor and State Forester State of Alaska.*

http://www.alaska.forestry.org/sites/default/files/ak/AKRoadlessRuleCitizenAdvisoryCommittee_FinalReport11212018.pdf

- b. **Expansive areas where high quality intact habitat exist and ecosystems function with all of their native species and components; there are no listed or endangered species; and invasive species are generally not present.** These areas function as biological strongholds and refuges for many species, harbor a diversity of plant and animal communities, and serve as a globally significant example of a temperate rainforest ecosystem that is both utilized and conserved by the people that live within and adjacent to it. Species exist in Alaska Roadless Areas that are endangered, threatened, or reduced in other places on the continent.
- c. **Opportunities for economic development of visitor industry products, including remote setting guided nature tours to view wildlife, hunt, fish, and hike.** Alaska Roadless Areas contribute to a regional resource of undeveloped lands that are an important resource for a segment of the visitor sector – an important component of the matrix of Tongass lands that provide opportunity for medium to larger groups to go ashore in a wilderness-type setting. The intact ecological systems in these areas, with natural settings and iconic fish and wildlife, are a draw for visitors.
- d. **Stands of old growth forests.** These old growth forests are nationally and globally significant because they exist in quantities and extensions in Alaska like few other places on the planet. They support subsistence and traditional hunting and gathering, unique plant and wildlife populations, a significant volume of sequestered carbon and forest/soil processes that mitigate climate change and represent a globally significant reference landscape and intact old growth forest ecosystem.
- e. **Multiple species of fish (including salmon) harvested for subsistence and personal use, commercial fisheries, and tourism and guided recreational fishing.** Salmon, trout, char, and hooligan of the Tongass National Forest are harvested in subsistence fisheries and for personal use by local residents. Salmon and trout are also the basis of tourism and guided fisheries enjoyed by thousands of visitors, supporting hundreds of tourism and support businesses. The commercial fisheries derived from Tongass streams and rivers produce a significant proportion of the total Alaska salmon harvest, and support fishing and processing jobs for thousands of local residents and nonresidents.
- f. **High-quality scenery, especially scenery with natural-appearing landscapes, is a primary quality that people value in Alaska Roadless Areas.** Quality scenery contributes directly to the quality of life and recreation opportunities for residents, property owners, and visitors.
- g. **Watersheds that are important sources of public drinking water and water sources for fish and aquatic resources, including hatcheries.** State regulations are currently enforced and applied using the most restrictive standard for water quality criterion as listed in 18 AAC 70. Careful management of these watersheds is crucial in maintaining the flow of clean water to local communities, and to support continued production of fisheries and aquatic food webs.
- h. **An important source of subsistence resources for Alaskans.** Roadless Areas are rich in important subsistence resources, including game, fish, and foraging

resources for those residents whose use and access rights are specifically recognized and guaranteed by the Alaska National Interest Lands Conservation Act (ANILCA).

- i. **A major source of economic activity for Southeast Alaskans.** The Tongass National Forest surrounds 34 communities and approximately 73,000 year-round residents. These residents heavily rely on Roadless Areas for economic activities, including mining, visitor products, ocean products, forest products, energy production, and other economic activities.
3. Outline the costs per mile of road building on the Tongass to the American taxpayer. Building roads on the Tongass for the purpose of timber harvest has constituted a loss to American taxpayers amounting to some \$30 million / year¹⁶.
 - a. It's a disservice to the American Public that in this document, the costs of the road building is not disclosed, we request that the Forest Service give an estimate on the cost of road building if the 185,000 acres are opened up.
 - b. We believe that the indices for constructing these roads can be found in the Katlian Bay Road project, which is partially conducted in an IRA. The bid for a 9 mile road went out for \$32 million, which equates to approximately \$3.5 million per mile. Many of the places where increased roadbuilding is suggested are in difficult to access, remote areas with steep inclines on rugged landscapes. It is expected that the costs of building roads in these areas would be substantial, especially considering that all the economical timber has been cut. We request that the costs per mile of building and maintaining roads in these areas are analyzed and released to the public. Our scoping comments for the Katlian Bay road project are included in appendix D.
 5. Financial returns from opening roadless areas and actual return from timber in these areas has not been analyzed nor disclosed, and we request a full inventory of economically viable old growth timber is conducted.

Conclusion: Due to deficiencies in the DEIS and the AK Roadless Rulemaking Process, the Forest Service has opened itself to an array of legal liabilities.

Where the Forest Service has acknowledged impacts to Sitka, we believe that the selection of alternative 6 is arbitrary and capricious and not backed up by scientific analysis or in accordance with the facts contained in the DEIS. ***In fact, the bulk of the literature reviewed, the data, the analysis, and the public input (including from the State's Citizen Advisory Committee) points toward Alternative 2 or Alternative 1 rather than the preferred Alternative 6. The bulk of the public input and specifically the individual comments submitted, decisively point towards support for Alternative 1.*** The Forest Service needs to restart the Alaska Roadless Rulemaking process and redraw the DEIS to include a preferred alternative that responds to the concerns and comments made by tribal governments, public opinion, small businesses in the fishing and tourism industries, and communities within the Tongass National Forest. This document does not provide evidence to justify the selection of

¹⁶ Taxpayers for Common Sense (2019). "Cutting Our Losses: 20 Years of Money-Losing Timber Sales In the Tongass." https://www.eenews.net/assets/2019/10/01/document_gw_11.pdf

alternative 6, **and we question how the agency** can have selected alternative 6 with all the conclusions that they make throughout the DEIS. It is obvious that the route taken doesn't reflect public opinion, doesn't respond to community concerns, fails to achieve the main mission of identifying a durable solution, and fails to select an action that generates net economic benefit for the Tongass National Forest.

In 2016, the Congressional Research Service published a report that detailed how agency actions may be found to be arbitrary and capricious¹⁷. The report contains a list of circumstances in which federal agency actions have been found to be 'arbitrary and capricious' and therefore invalidated upon judicial review. Below, we have listed the circumstances in which 'arbitrary and capricious' rulings have been made and how the Alaska Roadless Rulemaking process performs in each of these categories. It is clear from this analysis that this rulemaking process will not withstand judicial review, therefore proving that it would indeed be another significant waste of taxpayer dollars to even defend a full exemption from the Alaska Roadless Rule in federal court.

A regulation can be considered arbitrary and capricious if:

- *"[Agency's] failure to explain its reasoning in response to significant comments raised during notice-and-comment rulemaking"*
 - The Forest Service has failed to explain its reasoning for the selection of a full exemption alternative in response to the significant quantity and quality of comments raised during the scoping period. 95% of the public comments submitted during the Scoping Period were in support of maintaining the original roadless rule on the Tongass National Forest, in order to protect the ecological, social, and economic values provided for by inventoried roadless areas.
- *It is "agency actions that are [sic] the product of "illogical" or inconsistent reasoning"*
 - The selection of a preferred alternative contradicts the issues raised by the Forest Service in their own DEIS, and thus renders this action a product of illogical *and* inconsistent reasoning.
- *The "agency simply failed to consider an important factor relevant to its action, such as the policy effects of its decision or vital aspects of the problem in the issue before it"*
 - The Forest Service failed to consider multiple important factors relevant to its decision, including but not limited to: 1) the impact of a full exemption on tribal citizens and traditionally held territories; 2) the concerns voiced by tribal governments; 3) the policy's effect on increasing the impacts of climate change and how these impacts will affect fish populations; 4) the impacts a full exemption will have on the visitor industry and Southeast Alaska's existing economic base; 5) the impacts of a full exemption on subsistence resource availability, and 6) the proper process of conducting an ANILCA 810 analysis

¹⁷ Jared P. Cole, 2016, "An Introduction to Judicial Review of Federal Agency Action." Congressional Research Service. <https://fas.org/sgp/crs/misc/R44699.pdf>

- *The “agency decision failed to consider regulatory alternatives that would similarly serve the agency’s goals or provide “less restrictive, yet easily administered” options”*
 - The agency’s goals were to provide a ‘durable solution for the conservation and management of roadless areas in Alaska’ (ES-2); in that, the agency failed to consider the suitability of any of the more moderate alternatives that would have satisfied all parties, properly addressed and incorporated concerns of the public, and responded to tribal government consultation
- *contradicting the “expert record evidence” without explanation*
 - Expert record evidence suggests that the ecological, social, and economic impacts of increased harvest of old growth timber will not lead to an increase in net economic benefits for the communities in the Tongass National Forest. It is clear that the selection of the preferred alternative is a politically motivated decision that is not based in analysis of fact, scientific evidence, or collaboration with cooperating agencies.
- *failing to consider circumstances that “warrant different treatment for different parties”*
 - The circumstances that call for different treatment towards the Alaska Native tribal governments include the fact that they are sovereign, federally-recognized governments that have been inadequately consulted in this rulemaking process.
- *reaching a conclusion that contradicts the underlying record*
 - The record established by the 2001 Roadless Rule FEIS and the scientific analysis included within it.
- *failing to consider a relevant and important factor in making a decision*
 - The DEIS does not use the most up-to-date science to analyze the effects on climate change due to opening up roadless areas or consider these effects in the decision-making process.
- *issuing a rule that was based on “pure political compromise, not reasoned scientific endeavor”*
 - This is the definition of the process that resulted in the selection of a preferred alternative for the Alaska roadless rule. See Washington Post report on Presidential interference in the decision-making process.

Final Thoughts:

As a final note, we urge the Forest Service as an agency-- and the elected officials who initiated this process including Senator Dan Sullivan, Senator Lisa Murkowski, and Governor Dunleavy-- to recognize that the path for rural development and long-term prosperity in Southeast Alaska needs attention, focus, and engagement and will not be accomplished by repealing the Roadless Rule. The reality of the projects-on-the-ground that the Alaska Delegation and Governor claim are held-up by the Roadless Rule are, in-fact, held up by the realities of economics, feasibility, and sound business investment decisions. The Roadless Rule has long been the “bogey-man” that politicians and lawyers have used to scapegoat environmental regulations, the Forest Service’s activities and actions, and has been a substitute to mask the fact that these leaders do not have a vision for rural development, are not capable

of integrating and balancing environment, economic, and social considerations to create prosperity, and cannot think beyond an antiquated approach to development in the state that should have been left behind long ago. This process has shown us that our leaders are ill-equipped to take on the challenges that our region and state are facing and lack vision or ideas for how a landscape should be managed and how to best create rural prosperity. For the agency staff and leadership, this process offers them a choice that revolves closely around their own values, ideals, and knowledge of what is right and wrong in forest and land management (not to mention community benefit and forestry): do you follow poor leaders who lack vision and will take the agency down a path of failure and conflict, or do you follow your own knowledge, skills, experience, and commitment to doing things right?

As an organization, the Sitka Conservation Society is dedicated to the long-term success of the US Forest Service. We believe in its mission and as an organization, we rise alongside them to the challenge of how we can manage the Tongass National Forest to create rural prosperity and finding the greatest benefit for the greatest number from Tongass National Forest management activities. We believe that timber harvest is a part of that, but that it must be balanced with other uses. We understand that the legacy of timber harvest and the excesses of the past has taken away opportunities from those of us working on the Forest today-- but we refuse to further condemn future generations to as past generations have done to us.

We know that this process is highly political and is not a pathway to durable solutions, collaborative work, stronger communities, or long-term rural development. We urge the agency to abandon this process, take no action on roadless in Alaska, and to get back to the work that would actually rise to the occasion at hand and result in prosperity and solutions to social, cultural and economic issues.

Thank you for the opportunity to comment on this proposal and the consideration of the comments herein.

Sincerely,



Katie Riley
Policy Engagement Director
Sitka Conservation Society



Andrew Thoms
Executive Director
Sitka Conservation Society

Appendices

- A. Sitka Conservation Society staff and board bios
- B. The Nature Conservancy/Audubon 'conservation priority areas' and Tongass 77 maps
 - a. We request that the Forest Service redo their analysis to take into considerations the science, input, and conclusions in this document. It is critical to maintain protections for these key habitat and conservation areas.
- C. AKRR Citizen Advisory Committee Report
- D. SCS Comments on the Katlian Bay Road
 - Roadbuilding on the Tongass is expensive and a public safety hazard. We have raised these concerns before and they have been ignored, to the detriment of public safety and loss of life¹⁸. Please consider these comments as an example of challenges and safety concerns facing site-specific roadbuilding projects in inventoried roadless areas, such as that of the Katlian Bay Road project.
- E. Sitka Roadless Resolutions from Sitka Fish and Game Advisory Committee and City and Borough of Sitka in support of no action
- F. Southeast Alaska municipal resolutions in support of no action
 - a. Including the Municipality of Skagway, the Elfin Cove Community Association, the City of Gustavus, the City of Pelican, and the City of Tenakee Springs
- G. Resolutions from Tribal governments and Tribal Organizations, tribal cooperating agency letter
 - a. This appendix includes resolutions from the following tribal governments in Southeast Alaska in support of No Action: Organized Village of Kake, Organized Village of Kasaan, Organized Village of Saxman, Ketchikan Indian Community, Craig Tribal Association
 - b. It also includes resolutions passed in support of a no action alternative from the Affiliated Tribes of Northwest Indians and the National Congress of American Indians
 - c. It also includes letters sent from tribal cooperating agencies to Secretary Perdue outlining that a full exemption alternative directly contradicts the input from the tribal governments in the Alaska Roadless Rulemaking process
 - i. One letter signed by all cooperating agencies: Organized Village of Kake, Organized Village of Kasaan, Hoonah Indian Association,
 - ii. One letter signed by twelve tribes
- H. Sitka Conservation Society Alaska Roadless Rule Scoping Comments
- I. Southeast Alaskan Fishermen's letter to Secretary Perdue
 - a. The DEIS discounts fishermen's concerns by downplaying the effects of increased roadbuilding and logging on salmon habitat.
 - b. The issues listed in this letter were not adequately addressed in the DEIS - We would request the agency go back and cross check the deficiencies and would like a response on why these things weren't included in the DEIS.
- J. Compiled Reports

¹⁸ <https://www.kcaw.org/2019/10/24/body-recovered-after-construction-equipment-falls-into-katlian-bay/>

- These compiled reports were not included in the analysis of the DEIS and we request that the Forest Service start the process over and include this new information on habitat provided by roadless areas, full exemption effects on fish and water quality, full exemption inadequacies to provide net economic benefits, and the climate and carbon sequestration capabilities and importance of Roadless areas to these ecosystem services in the DEIS analysis.
- Dave Albert's new habitat analysis of roadless areas on the Tongass
- Dr. Chris Frissel's review of fish and water quality
- Dr. Evan Hjerpe's economics analysis
- Dr.'s DellaSala and Buma's climate/carbon analysis
- Benjamin Bograd's road literature review (also provided by Dominick).