

ROUTE 2, BOX 2 – SAXMAN, KETCHIKAN, ALASKA 99901 · FAX: (907) 247-2504 · PHONE (907) 247-2502

RESOLUTION #2018-10-223

A RESOLUTION BY THE ORGANIZED VILLAGE OF SAXMAN, SAXMAN I.R.A. COUNCIL TO AUTHORIZE TRIBAL SUPPORT FOR APPLICATION OF NATIONAL ROADLESS RULE ON THE TONGASS NATIONAL FOREST and TO AUTHORIZE STRONG SUPPORT FOR LASTING PROTECTION OF THE ROADLESS RULE.

WHEREAS, the Organized Village of Saxman (OVS) is a duly constituted federally recognized Indian Tribe organized pursuant to the authority of the United States Congress by the Indian Reorganization Act, and such legislation of June 8, 1934, whereby the Saxman I.R.A. Council is the governing body as authorized by the Organized Village of Saxman Constitution and By-laws approved on October 18, 1940 by the Secretary of Interior, and ratified on January 14, 1941; and

WHEREAS, the Organized Village of Saxman possesses all powers and responsibilities inherent in a sovereign government and has the authority to represent and act in all matters that concern the health, education, and welfare of the Native people who reside in the Village of Saxman; and

WHEREAS, the Constitution and By-Laws of OVS empower the Saxman I.R.A. Council “to aid needy members and protect the general welfare and security of the Village,” and one of the Tribe’s highest priorities is to protect customary and traditional hunting, fishing and gathering areas and uses; and

WHEREAS, protection of the inherent right to harvest and use traditional and customary foods requires careful cultural stewardship and protection of the environmental and natural resources; and

WHEREAS, the care of the lands now classified as “inventoried roadless areas” in the Tongass National Forest stretches for millennia; and

WHEREAS, these lands not only provide Alaska Native people with food, they essentially define who we are and where we come from; and

WHEREAS, inventoried roadless areas contain many sacred sites used for spiritual and religious practices and other customary uses and activities; and

WHEREAS, inventoried roadless areas conserve natural diversity, serve as a bulwark against the spread of invasive species, protect healthy watersheds ensuring clean drinking water supply, and help ensure the continued protection of indigenous fish and wildlife habitat the social, nutritional, and ecological values; and

WHEREAS, the Tongass National Forest represents one of the highest carbon stores in the world and the conservation of intact inventoried roadless areas on the Tongass is essential for maintaining America’s resilience and slowing down climate change throughout the world; and

WHEREAS, the Roadless Rule prevents the disturbance of soils and wasteful construction of damaging roads in inventoried roadless areas; and

WHEREAS, according to the State of Alaska’s own economic experts, Tongass timber is uncompetitive because of permanent and fundamental changes in global timber markets, high labor costs, distance from markets, and less expensive substitutes; and

WHEREAS, the Tongass timber industry represents less than one percent of today's jobs and earnings in Southeast Alaska; and

WHEREAS, there are over 5,000 miles of roads already crisscrossing the Tongass National Forest, fragmenting valuable wildlife habitat, threatening salmon by blocking fish passage, and serving as the primary source of sediment into fish streams; and

WHEREAS, spending millions of taxpayer dollars to build roads in inventoried Tongass roadless areas makes no economic sense, particularly given the agency's enormous road maintenance backlog; and

WHEREAS, at hearings held across Southeast Alaska in 2000 on the proposed Roadless Rule, nearly 60 percent of the Southeast Alaskans supported including the Tongass National Forest in the final roadless rule; and

WHEREAS, after the hearing held in Ketchikan during the summer of 2002, the draft supplemental environmental impact prepared to evaluate recommendations for designating additional inventoried roadless areas on the Tongass as "Wilderness", the *Ketchikan Daily News* reported that roughly 85 percent of the public who testified supported more "Wilderness";

WHEREAS, the State of Alaska petitioned the United States Department of Agriculture (USDA) to exempt Tongass inventoried roadless areas from the Roadless Rule on January 19, 2018;

WHEREAS, for all the above reasons, the State's petition severely mischaracterizes the actual extent and impacts of the Roadless Rule on Southeast Alaska; and

WHEREAS, the State's petition ignores the fact that the USDA narrowly tailored the Roadless Rule to limit only two activities in roadless areas, road construction and commercial logging; and

WHEREAS, the State of Alaska's petition ignores the Rule's established exceptions, including Federal Aid Highway projects connecting communities, access to mining claims, and logging incidental to otherwise permitted activities, including utility corridors and hydropower projects; and

WHEREAS, on August 2, 2018, the Forest Service signed a Memorandum of Understanding (MOU) with the State of Alaska to develop an Alaska-specific Roadless Rule that addresses management of inventoried roadless areas on the Tongass National Forest; and

WHEREAS, three days before the MOU was signed and six months after the State filed its petition, the Forest Service informed OVS by a letter dated 30 July 2018 that the U.S. Secretary of Agriculture Perdue and State of Alaska Governor Walker had reached an agreement to prepare an Alaska-specific rule that would replace the Roadless Rule and "provide for activities needed to further the State of Alaska's economic development while conserving roadless areas for future generations;" and

WHEREAS, the July 30th letter served as an invitation from Acting Regional Forester, David E. Schmid to a "Tribal Leader" inviting "government-to-government consultation in advance of a formal public comment period and an opportunity for your Tribe to participate as a cooperating agency", because of our "expertise on subsistence and potential impacts to specific communities within Alaska" during preparation

of an environmental impact statement (EIS) to evaluate the proposed Alaska-specific Roadless Rule for the Tongass National Forest; and

WHEREAS, the U.S. Department of Agriculture, which includes the Forest Service, published a *Notice of Intent* (NOI) published on August 30, 2018 announcing an intent to prepare an environmental impact statement (EIS) and initiate a public rulemaking process; and

WHEREAS, the joint announcement issued by the Forest Service when the MOU was signed promises to leave unaffected Tongass lands designated “Wilderness” by Congress, but no mention is made of the fate of nearly 900,000 acres of Legislated LUD II lands designated for perpetual protection from logging and roadbuilding by Congress in the 1990 *Tongass Timber Reform Act* and the 2014 *Sealaska Lands Bill*; and

WHEREAS, any rule that weakens or eliminates Roadless Rule protections in what became Inventoried Roadless Areas of the Tongass National Forest will substantially affect the existing 2016 Tongass Land Management Plan Amendment; and

WHEREAS, the 2016 Plan Amendment excluded all roadless areas from the available timber base, the agency’s failure to consult and coordinate forest planning with OVS will impair the Tribe’s ability to fulfill its responsibility to “protect the general welfare and security” of tribal citizens; and

WHEREAS, the USDA and Forest Service entered into an MOU with the State of Alaska and issued the NOI for preparation of an EIS for an Alaska-specific Roadless Rule without prior consultation or collaboration with OVS; and

WHEREAS, one of the handouts provided by the Forest Service at the Ketchikan public scoping meeting on Monday, 17 of September 2018 identifies the responsibilities of the Tribe as a “cooperating agency,” the Forest Service has not explained adequately why it failed to fulfill its’ responsibilities to consult with the Tribe; and

WHEREAS, the State of Alaska resists all efforts to develop and work in a government to government relationship with Tribes and did not consult with the OVS before filing its’ petition with the USDA; and

WHEREAS, Governor Walker issued Administrative Order 299, establishing the Alaska Roadless Rule Citizen Advisory Committee (CAC) on September 5, 2018; and

WHEREAS, Alaska Governor Walker appointed 13 Alaskans to the CAC, including the Alaska State Forester, to advise the State of Alaska on the future management of inventoried roadless area in the Tongass National Forest; and

WHEREAS, the Governor appointed a single Alaska Native to represent all tribal perspectives for the seventeen federally-recognized Tribes of Alaska Natives in Southeast Alaska on the CAC, a gigantic and unrealistic burden for one person; and

WHEREAS, the only other Alaska Native on the CAC represents Sealaska Corporation and Sealaska is an Alaska Native for-profit Corporation established under the *Alaska Native Claims Settlement Act* is not a Tribe.

THEREFORE, BE IT RESOLVED, the Forest Service must initiate consultation, coordination and accommodation of tribal interests in any changes to TLMP connected with this rulemaking process; and

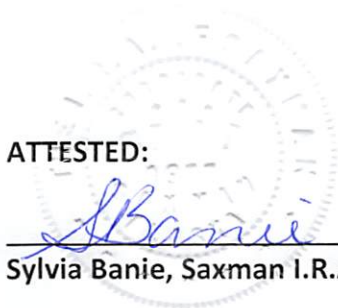
THEREFORE, BE IT FURTHER RESOLVED, given the serious and long-lasting Tribal implications from any reduction in current Roadless Rule protections, the Organized Village of Saxman strongly objects to the Forest Service's failure to consult with OVS before deciding to grant the State of Alaska's petition and begin a review under the *National Environmental Policy Act* and public rulemaking process; and

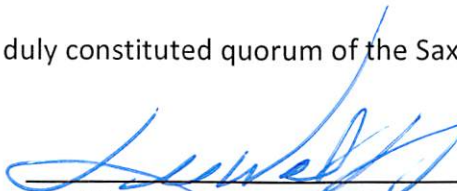
THEREFORE, BE IT FURTHER RESOLVED, the only changes to the Roadless Rule that OVS can support is an update to the inventory used to define inventoried roadless areas subject to the Rule on the Tongass to include approximately 350,000 acres excluded from the 1995 inventory used for developing the 2001 Roadless Rule, because the agency assumed approved logging development would occur – when it did not; and

BE IT FINALLY RESOLVED, the Organized Village of Saxman strongly supports lasting protection for all inventoried roadless areas within the Tongass National Forest as provided in the Roadless Rule.

CERTIFICATION:

PASSED and **APPROVED** by a duly constituted quorum of the Saxman I.R.A. Council on October 10, 2018





Lee Wallace, Saxman I.R.A. Council President

10.11.18
Date

ATTESTED:



Sylvia Banie, Saxman I.R.A. Council Vice President

10/11/18
Date

