

Introduction

The letters in this volume were submitted by Federal, State and local agencies, and elected officials.¹ Letters from Federal agencies and federally recognized Tribes are listed first. Letters from State and local agencies and officials are organized by State as shown in the table of contents. Government agencies or elected officials in 33 States submitted comments. If we did not receive any letters from agencies or elected officials in a particular State, that State is not listed in the table of contents. Letters from members of Congress are included in their respective States. All attachments submitted with these letters are included, unless limited by format or excessive length.

¹ Section 102(C) of the National Environmental Policy Act of 1969, as amended, requires that “... comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and to the public...” The Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15, 24.1 (3)) states that “As a minimum, include in an appendix of a final EIS copies of all comments received on the draft EIS from Federal, State, and local agencies and elected officials.”



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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CAET Review
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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

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USDA Forest Service
Attention: CAET, Roadless Areas Proposed DEIS/Rule
Scott Conroy, Project Director
P.O. Box 221090
Salt Lake City, UT 84122

Dear Mr. Conroy:

Pursuant to our responsibilities under the National Policy Act (NEPA) and section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Department of Agriculture, Forest Service (USFS) Draft Environmental Impact Statement (DEIS) on Roadless Area Conservation and the accompanying proposed Rule at 36 CFR Part 294, Special Areas; Roadless Area Conservation. Our comments are organized to provide an overview of the issues, highlighting areas where EPA has concerns, as well as detailed information for your consideration as the USFS prepares the Final Roadless Area Conservation EIS (FEIS) and Rule.

The DEIS and proposed rulemaking are in response to the strong public sentiment voiced on protecting roadless areas and the associated benefits associated with these areas found in our National Forests. This effort was initiated by the President's October 13, 1999, memorandum to the Secretary of Agriculture directing the USFS to "...develop, and propose for public comment, regulations to provide appropriate long-term protection for most or all of these currently inventoried *roadless* areas and to determine whether such protection is warranted for smaller *roadless* areas not yet inventoried."

EPA commends the USFS for its monumental efforts to solicit input from the public and explain the impacts of this undertaking. Its efforts with outreach and supplying access to the DEIS and proposed rule, supporting documents, public meetings and outreach to the relevant federal agencies are unprecedented.

The DEIS presents four alternatives, including an agency preferred alternative, and is accompanied by a proposed rule. Alternative 1, the No Action alternative, supports current practices concerning activities in inventoried roadless areas. Alternative 2, the preferred

alternative, prohibits road construction and reconstruction in the unroaded portions of inventoried roadless areas. Alternative 3 prohibits road construction, reconstruction, and timber harvest (except for stewardship purposes) in the unroaded portions of inventoried roadless areas and Alternative 4, the maximum protection alternative, is the same as Alternative 3, but with no exceptions for any timber harvest. In addition, four separate alternatives are presented to address the Tongass National Forest (Tongass), which may warrant other approaches. These four alternatives range from the no action alternative which supports current practices to prohibiting road construction and reconstruction in specified inventoried roadless areas in the Tongass.

The proposed rule offers a two pronged approach to conserve roadless areas. The proposed rule would prohibit new road construction and reconstruction in the unroaded portions of inventoried roadless areas and use local planning procedures to ensure consideration of roadless values and characteristics in other roadless areas not covered by the prohibitions.

EPA is especially interested in this DEIS and proposed rule because 80 percent of the nation's rivers originate in the national forests and, consequently, this rulemaking may have significant impact on water quality. This rule could greatly increase the protection to ground and surface water resources which are directly related to the status of riparian and aquatic habitats, wildlife habitat, biological diversity, forest health and other benefits derived from roadless areas found on the national forests and grasslands. EPA supports this rulemaking, one of several recent efforts the USFS has undertaken to address road management on its lands. The proposed rule intends to identify and stop activities with the greatest likelihood of degrading the desirable qualities of inventoried roadless areas at the national level and ensure that "roadless character" qualities of inventoried and other unroaded areas are identified and considered during local forest planning efforts.

Although EPA supports the proposed rulemaking effort, based on our review of it and the supporting DEIS, we wish to raise several environmental concerns. While it is important to recognize that the rule's purpose has been developed in the context of overall multiple-use objectives, the multiple use mandate does not fully justify a prohibition limited only to road building. EPA suggests that the FEIS more fully discuss the rationale for why other uses that can be expected to degrade the desirable environmental qualities of inventoried roadless areas were not included in the proposed prohibitions. For example, other uses such as recreation, timber production and mining have clearly led to significant environmental degradation in the past and should be further addressed in the FEIS.

The FEIS should also disclose to the public the uncertainty in using procedures implemented at the local level versus prohibitions issued at the national level to provide environmental protection to these areas. While the "one size does not fit all" concept has merit and local decision making is necessary to address the unique needs of local areas, EPA has concerns that some areas may not receive the environmental protection they need.

Because the determination to revise or amend a forest plan is based on a variety of factors and time lines, EPA suggests that the application of procedures as provided for in section 294.14 be revised to include a project-by-project review when the project meets a "significance criterion". EPA recognizes that a project-by-project review of all actions would be unduly burdensome;

564
however, those proposed actions with the potential to have significant impacts should be reviewed.

Finally, EPA does not believe the DEIS gives adequate support for excluding coverage of the proposed rule to the Tongass and our detailed comments provide additional information on this issue.

Based on our review EPA has assigned a rating of EC-2 (Environmental Concerns, Insufficient Information) to the preferred alternative. EPA appreciates the opportunity to submit comments on the DEIS and proposed rule and commends the USFS for orchestrating extensive sessions for early interagency cooperation in the scoping and development stages of the process. EPA welcomes the chance to continue working with the USFS as it completes the FEIS and final rule. If I can provide additional explanation of our comments please contact me at (202) 564-2400 or Elaine Suriano of my staff at (202) 564-7162.

Sincerely,



Anne Norton Miller
Acting Director
Office of Federal Activities

Enclosure

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DETAILED COMMENTS ON THE DEIS AND PROPOSED RULE

DEIS

Purpose and Need

EPA strongly agrees with the underlying purpose and need for national direction on roadless area conservation, and we offer the following comments for your consideration. The purpose presented on page S-4 is three-fold, whereas the purpose stated on page 1-10 is only two-fold; the FEIS should reconcile this inconsistency. Second, the purpose stated on page A-26 of the proposed rule is further condensed and less specific than the purpose stated on pages 1-10 or S-4. EPA recommends that the FEIS and final rule use the same language to describe the purpose of this action, preferably the language used on page S-4.

Alternatives

EPA highlighted several issues related to the alternatives in our December 21, 1999, comment letter on the Notice of Intent for this DEIS and proposed rule. These included the range of alternatives and their analysis, and adequate explanation on implementing the selected alternative. While the DEIS offers a range of alternatives, EPA believes that this range should have been broader and more inclusive of other uses in an attempt to more fully comply with the direction provided in the President's October 19, 1999, memorandum.

EPA believes that Alternative 3-Procedure D (3-D) provides additional environmental advantages over the preferred alternative including: 1) providing significant protection for inventoried roadless areas while still accommodating harvest of small diameter trees where necessary to address fire and fuels issues; 2) reducing the likelihood that smaller roadless areas will be impacted pending the completion of transportation and access plans as described in the proposed USFS Transportation Policy; and 3) ensuring that appropriate protections are applied to the Tongass. In addition, we suggest that the FEIS consider confining Off Highway Vehicles (OHVs) only to roads and trails that have been specifically designated for that purpose following analysis pursuant to NEPA.

EPA has environmental concerns with the range of Tongass alternatives presented and offers the following modification based on alternatives considered in the DEIS. We view this as a "win-win" alternative, achieved by adding several mitigation measures.

EPA recommends that the FEIS consider in detail an alternative that: 1) applies the national prohibitions (Alternative 2, 3 or 4) and national procedures (Alternative B, C or D) to the Tongass; and 2) mitigates the social and economic impacts on the communities in Southeast Alaska pursuant to 40 CFR 1502.14(f). We believe that this latter objective can be accomplished through a combination of adjustments to the Tongass Land Management Plan (TLMP) and a financial and technical assistance package for the affected communities (e.g., under the auspices of the Southeast Alaska Community Economic Revitalization Team).

56457

For example, the Record of Decision (ROD) could include the Tongass in the roadless area conservation rule and direct the Alaska Regional Forester or the Tongass Forest Supervisor to amend or revise the TLMP to offset some of the effects of the final rule on the Tongass timber program. Specifically, the ROD could direct the responsible official to consider the following adjustments to the TLMP:

1. Seek to maintain the total land suitable for timber production at 576,000 acres as set forth in the April 1999 TLMP ROD. To the extent practical and appropriate, reallocate those suitable acres by changing Land Use Designations (LUDs) in inventoried roadless areas from timber to non-timber LUDs, and in roaded areas from non-timber to timber LUDs.
2. Where necessary to meet the objective of #1 above, and where appropriate and consistent with other management objectives, recapture some of the young growth that was removed from the suitable timber base in the revised forest plan. The Tongass harvested roughly 400,000 acres of timber from 1954 to 1999. Approximately 140,000 acres of young growth remain in the suitable timber base; the other roughly 260,000 acres of young growth were removed from the timber base due to riparian buffers, beach and estuary buffers, old growth reserves, etc. It would certainly be inappropriate to place all of these acres back in the timber base (e.g., riparian buffers). However, if the Tongass is included in the Roadless Area Conservation Rule, it may be appropriate to recapture some of those acres (e.g., young growth within beach buffers and old growth reserves) in order to maintain the current suitable timber base. While this would have no effect on the timber volume harvested in the short term, in the long term it would expedite the transition from harvesting old growth to harvesting young growth. It would also enable the Tongass to use "timber dollars" to thin these young growth stands, which in the absence of an alternative funding source will continue to suffer from neglect.
3. Where necessary to meet the market demand for timber from the Tongass, consistent with the Tongass Timber Reform Act, adjust certain standards and guidelines that restrict timber harvest. For example, consider adjusting the 200-year rotation that was adopted in the 1999 TLMP ROD. The intent of the 200-year rotation is to reduce impacts to deer winter range and deer habitat capability by reducing the rate of timber harvest in developed areas (1999 TLMP ROD, page 29). Unfortunately, one of the unintended consequences of the 200-year rotation is that, in order to meet market demand and the ASQ, it increases the rate of entry into undeveloped areas (i.e., inventoried roadless areas and other unroaded areas). This explains, in part, why under the no action alternative (T1), roughly 90% of the total timber-related road construction on the Tongass National Forest, and roughly two thirds of the total 5-year timber volume offered by the Tongass National Forest is projected to come from inventoried roadless areas (DEIS, Tables S-3, and page 3-232). However, if the Tongass is included in the roadless rule, then the prohibitions and procedures may substantially reduce, if not eliminate, the need for the 200-year rotation.
4. Adjust the Allowable Sale Quantity (ASQ), including the Non-Interchangeable Components (NIC I and NIC II), in response to #1 through #3 above and to better reflect projected market demand over the planning cycle.

EPA believes an alternative based on the above proposal is more environmentally protective,

56457

more socially desirable and more economically efficient than the proposed action and preferred alternative presented in the DEIS. In the absence of developing or selecting such an alternative, EPA recommends selecting alternative 3D, without exempting the Tongass.

Should the USFS select the preferred alternative as presented, EPA believes the FEIS should address the following issues. The proposed rule would establish protection of "unroaded areas in inventoried roadless areas" on all National Forests except the Tongass. The protections sought by the President for roadless areas on the Tongass would rely on the Forest Service's planning process exclusively. It should be noted the USFS proposed rules to revise the existing planning process are currently under review and it is uncertain when and what the Forest Service planning process will be once finalized. Because the rulemaking process and the USFS planning process are distinctively different, particularly in their final products, EPA suggests that the FEIS include a discussion of protecting roadless areas on the Tongass by rule versus by the revisions to the forest plans via the planning process. It should be disclosed to the public that the rule has a certain degree of "permanence" that is not the same as a forest plan. Forest plans are currently required to be reviewed and revised every 10 years, and the proposed revisions to the Forest Service planning regulations indicate that forest planning will be less structured in the future. Because of the present and proposed nature of forest planning, issues regarding protecting roadless areas can be revisited as part of a forest plan amendment or revision. Although rules can be revised, there is no requirement to do so periodically; therefore, the protection they offer is more predictable over a long time period. Consequently, areas protected by the prohibitions have a more certain likelihood of receiving the long-term protection that the President expressed, while there is no mechanism to ensure long-term protection of roadless areas on the Tongass. EPA suggests that the FEIS address the potentially different levels of long-term protection that would be applied to the Tongass and the rest of the National Forest System under the preferred alternative.

Page S-7 lists four exceptions from prohibitions. As they are stated in very broad terms EPA suggests that the FEIS cite a few examples, especially for exemptions three and four. These are intended to provide specific examples of actual situations and disclose the potential scope of such actions.

Proposed Rule

294.10 Purpose

EPA suggests that the final rule include language clarifying the intent and purpose statement to help guide the implementation of the rule. As currently worded, the proposed purpose statement is less specific than the purpose stated on page S-4 of the DEIS. EPA recommends that the FEIS and final rule include the same language to describe the purpose of this action, preferably the language used on page S-4.

294.11 Definitions

Inventoried roadless areas

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The proposed definition of inventoried roadless areas is confusing. The first sentence implies that inventoried roadless areas may include designated areas such as Wilderness. However, the second sentence refers to the maps contained in Volume 2 of the DEIS, which display inventoried roadless areas and designated areas (such as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers, National Recreation Areas, National Monuments, and other special designations) as mutually exclusive categories of National Forest System lands. Adding to this confusion, Volume 2 shows recommended Wilderness as inventoried roadless areas but places Wilderness Study Areas in with designated areas. This approach is counterintuitive and may result in situations where administratively designated inventoried roadless areas are subject to a higher level of protection than some Congressionally designated areas.

For example, Wilderness Study Areas that are not recommended in the future for Wilderness designation but are instead allocated to a prescription that allows roads would not benefit from the prohibitions under the roadless area conservation rule. Yet these areas that may otherwise "fall through the cracks" represent some of the best opportunities to respond to the underlying purpose and need of this action.

Therefore, EPA recommends: 1) clarifying the definition of inventoried roadless areas to explicitly include designated areas (or at a minimum, roadless designated areas of 5,000 acres or more); and 2) adding "inventoried roadless areas" in front of "Designated Areas" in each legend of every map in Volume 2. Alternatively, we recommend the following:

1. define *designated areas* in Section 294.11;
2. add *designated areas* to the title of Section 294.12 and add a new paragraph to this section to clarify that the prohibitions also apply to *designated areas*; and
3. add new paragraph to Section 294.13 to clarify that the procedures also apply to *designated areas*.

A third option, in the interest of plain English and practicality, would be to replace *inventoried roadless areas* and *unroaded area* with *large roadless area* and *small roadless area*, respectively (with the threshold between the two set at 5,000 acres or 1,000 acres, as appropriate). Subsequent decisions would be based on actual on-the-ground conditions instead of on whether an area is inventoried or designated as roadless.

Road maintenance.

Consider adding "...or to prevent or correct environmental problems" to the end of the proposed definition.

Road reconstruction.

Consider adding "...or to prevent or correct environmental problems" to the proposed definitions of *realignment*, *improvement* and *rebuilding*.

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Unroaded area.

Insert "(other than an inventoried roadless area)" between "Any area" and "... without..."

The final rule should include definitions for *trails*, *primitive and semi-primitive non-motorized*, and *semi-primitive motorized* classes of dispersed recreation.

294.12 - Exemptions

It is not explicitly stated in the rule that once an emergency that created the need for building a road is over the road should be closed and the area restored to the previous condition. EPA suggests including an additional provision - "(e) - roads constructed for an emergency purpose under b(1), (2), and (3) are to be removed once they are no longer needed for the initial emergency purpose and the area will be restored to the natural condition."

EPA appreciates the change made from scoping comments in paragraph (a) that the prohibition applies to both classified and unclassified roads, including temporary roads.

Delete paragraph (c), application to the Tongass.

294.13 - Consideration of Roadless Area Conservation During Plan Revision

EPA has environmental concerns with leaving the choice of method of selection or delineation of unroaded areas for evaluation under 294.13(b)(2) entirely to the responsible official. The final rule should provide a list of methods that are accepted nationally to promote consistency.

Delete paragraph (e), related to the Tongass.



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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ROCKY MOUNTAIN, DENVER
633 17TH ST.
DENVER, COLORADO 80202-3690

May 15, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Dear Sirs:

The Department of Housing and Urban Development (HUD) has reviewed the Draft Environmental Impact Statement (DEIS) for the Roadless Area Conservation Proposed Rule with consideration of the areas of responsibility assigned to HUD.

This review considered the impact of the proposed rule on housing and community development within the states of Montana, Utah and Wyoming that are part of our office's area of responsibility. We find your transmittal adequate for our purposes since there is no significant adverse impact on HUD assisted housing and community development activities in proximity to the areas covered by the proposed rule.

If I may be of further assistance to you, please contact me at (303) 672-5285, extension 1305.

Sincerely,

Howard S. Kutzler
Regional Environmental Officer
Office of the Secretary's Representative

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MWTC SUPPLY

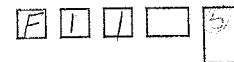
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UNITED STATES MARINE CORPS
MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER
BRIDGEPORT CA 93517-6501

IN REPLY REFER TO:
5090
ENV/04
14 Jul 00



USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Gentlemen:

Thank you for the opportunity to provide written comments on the Forest Service's proposed Roadless Area Conservation rule. As a long-time user of the Humboldt-Toiyabe National Forest, the Marine Corps Mountain Warfare Training Center (MWTC) has several concerns with the proposed rule.

First, the web based maps of inventoried roadless areas you provided lack sufficient detail to conclusively compare them to roads and trails MWTC uses. We request a more detailed map be provided as well as sufficient time to review it. From the available map, we have determined that some roads are missing from your inventory. Please add the following former roads as shown on the attached map:

1. From Summit Meadows to Lost Cannon Creek.
2. From Grouse Meadows to Mill Canyon Road.
3. From Grouse Meadows to Chris Flat.
4. From the Grouse Meadow Road to the gaging station on HWY 395.

The MWTC requires continued access to this area of forest to conduct training per public law 100-693 of November 18, 1988. We recommend that District Rangers retain the authority to authorize or prohibit specific roads for the proper management and use of National Forest System lands. These decisions are based on appropriate environmental documentation and public participation. Local control is needed to fairly address existing uses of existing roads, whether classified or unclassified.

My point of contact for this matter is Mr. Kendall Yargus at 760-932-7761 ext. 332.

Sincerely,

J. H. NEAL
Lieutenant, CEC, USN
By direction

Encl: Annotated Forest Visitor/Travel Map, Toiyabe National Forest, Bridgeport Ranger District, California, 1994

Copy to:
MCB Camp Pendleton AC/S ES
Bridgeport Ranger District

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MAY 17 2000

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



United States Department of Agriculture

Natural Resources Conservation Service

Caribbean Area PO Box 364868 San Juan, PR 00936-4868

14635

F I I I I 5 yes

June 28, 2000

USDA Forest Service-CAET P. O. Box 221090 Salt Lake City, Utah 84122

Dear Sir or Madam:

SUBJECT: Roadless Areas Proposed Rules

After an extensive review of the Draft Environmental Impact Statement (DEIS) for the proposed rules to conserve roadless areas within the national forests, we do not have any comments to make, since the proposed rules are for the benefit of the ecosystems of such areas.

Should you have any questions, please contact Felix A. Latorre, Water Resources Planning Specialist at (787) 766-5206, Ext. 234.

Sincerely,

JUAN A. MARTINEZ Director

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From-FOREST SERVICE--Roadless Team

T-204 P.002/002 F-382



U.S. SMALL BUSINESS ADMINISTRATION WASHINGTON, D.C. 20416

OFFICE OF CHIEF COUNSEL FOR ADVOCACY

JUL 17 2000

VIA ELECTRONIC & REGULAR MAIL

Hilda Diaz-Soltero Associate Chief United States Department of Agriculture Forest Service Washington, DC Email: roadlessdeis@fs.fed.us

Dear Ms. Diaz-Soltero:

As stated in previous correspondence on this issue, the Office of Advocacy of the U.S. Small Business Administration (SBA) was established by Congress under Pub. L. No. 94-305 to represent the views of small business before federal agencies and Congress. Advocacy is also required by §612(a) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) to monitor agency compliance with the RFA. In that Advocacy is an independent office within SBA, the comments provided are solely those of the Office of Advocacy and do not necessarily reflect the views of SBA.

A Brief Review of RFA Compliance Requirements

Initial Regulatory Flexibility Analysis

The RFA requires agencies to consider the impact that a proposed rulemaking will have on small entities. If the proposal is expected to have a significant impact on a substantial number of small entities, the agency is required to prepare an initial regulatory flexibility analysis (IRFA) describing the reasons the action is being considered; a succinct statement of the objectives of, and legal basis for the proposal; the estimated number and types of small entities to which the proposed rule will apply; the projected reporting, recordkeeping, and other compliance requirements, including an estimate of the small

entities subject to the requirements and the professional skills necessary to comply; all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule; and the significant alternatives that accomplish the stated objectives of the of the statutes and that minimize any significant economic impact of the proposed rule on small entities. 5 U.S.C § 603. The analysis or a summary of the analysis must be published with the proposal for public comment.

Final Regulatory Flexibility Analysis

When an agency issues any final rule, it must prepare a final regulatory flexibility analysis (FRFA) when a rule will have a significant economic impact on a substantial number of small entities. The FRFA must discuss the comments received, the alternatives considered and the rationale for the final rule. Specifically, each FRFA must contain a succinct statement of the need for and objectives of the rule; a summary of the significant issues raised by public comments in response to the IRFA; a summary of the agency's assessment of such issues and a statement of any changes made in the proposed rule as a result of such comments; a description and an estimate of the number of small businesses to which the rule will apply or an explanation of why no such estimate is available; a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for the preparation of the report or record; and a description of the steps the agency has taken to minimize the significant economic impacts on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy and legal reasons for selecting the alternative adopted in the final rule, and the reasons for rejecting each of the other significant alternatives. In complying with the provisions of section 603 and 604 of the RFA, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable. 5 U.S.C. § 607.

Certification in Lieu of a Regulatory Flexibility Analysis

If the proposed or final rulemaking is not expected to have a significant economic impact on a substantial number of small entities, 5 USC §605 of the RFA allows an agency to certify a rule, in lieu of preparing an IRFA or FRFA. If the head of the agency makes such a certification, the agency shall publish such a certification in the Federal Register at the time of the publication of the general notice of proposed or final rulemaking for the rule along with a statement providing the factual basis for the certification. See 5 U.S.C. §605(b).

The Proposed Rulemaking

Because of the nature of this rule, the Office of Advocacy consistently maintained in its pre-proposal comments to the Forest Service (FS) that certification was inappropriate from a public policy standpoint. On May 10, 2000, FS published a proposed rule in the *Federal Register*, Vol. 65, No. 91, p.30276 on *Special Areas; Roadless Area Conservation*. The purpose of the proposal is to protect the environmental resources in

national forests by prohibiting road construction and reconstruction in most inventoried roadless areas of the National Forest System and require the evaluation of roadless area characteristics in the context of overall multiple-use objectives during land and resource management plan revisions. The intent of the rulemaking is to provide lasting protection in the context of multiple use management for inventoried roadless areas and other unroaded areas within the National Forest System. Id.

Prior to the proposal, the Office of Advocacy worked with FS in an effort to assist FS with RFA compliance. Throughout the process, FS has maintained that it believed that the proposed rulemaking would not have a significant economic impact on a substantial number of small businesses. FS has also contended that the proposed rule does not directly regulate small entities and, therefore, an IRFA was not necessary. Nevertheless, FS prepared an Initial Regulatory Flexibility Analysis (IRFA) at Advocacy's request. Because FS did not have sufficient economic information to prepare a complete IRFA, Advocacy advised FS to include a list of questions in the IRFA to solicit from the public information on the economic impacts of the proposal. FS complied with this request also.¹ See, Fed. Reg. at 30285-30286.

FS Should Abandon Its Assertion that the Rule Does Have a Direct Impact on Small Entities

As stated above, FS has consistently asserted that a regulatory flexibility analysis is not required since the proposal does not have a direct impact on small entities. It is Advocacy's understanding that the basis of the assertion is that the proposal establishes procedures, and nothing more, to be followed in local forest planning processes. Local FS offices will maintain the authority to determine the actual forest plan; hence national FS is not directly regulating small entities. Consequently, a regulatory flexibility analysis is not required.

Advocacy acknowledges that there is case law that states that the RFA only requires an agency to perform a regulatory flexibility analysis of small entity impacts when a rule directly regulates them. However, Advocacy asserts that the cases are inapplicable to FS' proposal. If anything, the case law and the facts support a finding that the impact of the proposal is indeed direct, not indirect.

The primary case on the consideration of direct versus indirect impacts for RFA purposes in promulgating regulations is Mid-Tex Electric Co-op Inc. v. F.E.R.C., 249 U.S. App. D.C. 64, 773 F.2d 327 (1985). In Mid-Tex Electric Co-op Inc. v. F.E.R.C., FERC ruled that electric utility companies could include in their rate bases amounts equal to 50% of their investments in construction work in progress (CWIP). In promulgating the rule, FERC certified that the rule would not have a significant economic impact on a substantial number of small entities. The basis of the certification was that virtually all of the utilities did not

¹ Usually, the Office of Advocacy does not publicize its interaction with an agency during the prior to the proposal of a rule. However, since Forest Service has agreed to release communications that it had with the Office of Advocacy to House Committee on Small Business, Subcommittee on Rural Enterprises, Business Opportunities, and Special Programs, the communications are now part of the public record.

fall within the meaning of the term small entities as defined by the RFA. Plaintiffs argued that FERC's certification was insufficient because it should have considered the impact on wholesale customers of the utilities as well as the regulated utilities. The court dismissed the plaintiffs' argument and concluded that an agency may certify that no RFA analysis is necessary when it determines that the rule will not have a significant economic impact on a substantial number of small entities that are not subject to the requirements of the rule. *Id.* at 64.

The US Court of Appeals for the District of Columbia applied the holding of the *Mid-Tex* case in *American Trucking Associations, Inc. v. U.S. E.P.A.*, 175 F.3d 1027, 336 U.S.App.D.C. 16 (D.C.Cir., May 14, 1999) (hereinafter ATA). In the ATA case, EPA established a primary national ambient air quality standards (NAAQS) for ozone and particulate matter. At the time of the rulemaking, EPA certified the rule pursuant to 5 USC § 605(h). The basis of the certification was that EPA had concluded that small entities were not subject to the rule because the NAAQS regulated small entities indirectly through the state implementation plans (SIPs). *Id.* Although the Court remanded the rule to the agency, the Court found that EPA had complied with the requirements of the RFA. Specifically, the Court found that since the States, not EPA, had the direct authority to impose the burden on small entities, EPA's regulation did not directly impact small entities. The Court also found that since the states would have broad discretion in obtaining compliance with the NAAQS, small entities were only indirectly affected by the standards. *Id.*

In *Mid-Tex*, compliance with FERC's regulation by the utilities would have a ripple effect on customers of the small utilities. There were several unknown factors in the decisionmaking process that were beyond FERC's control like whether utility companies had investments, the number of investments, costs of the investments, the decision of what would be recouped, who would the utilities pass the investment costs onto, etc. In this instance, FS is the ultimate decision-maker and its decisions will have a direct effect on known small entities that have profited from multiple use of FS' lands in the past or which planned to profit from the resources in the future.

Likewise, this matter is distinguishable from the ATA case. Unlike the ATA case, where EPA was setting standards for the States to implement under state regulatory authority, FS is developing a framework for the local/regional FS offices to use in adopting multiple use plans for national forests. The fact that it is a local office of FS versus the national office of FS is inconsequential. In either event, FS will implement the rule, not a third party entity. Regardless of where the office is located, FS is making the ultimate decision of whether a road will or will not be constructed. The proposed rule clearly states that roads may not be constructed or reconstructed in the unroaded portions of inventoried areas of the National Forest System unless the road is needed for public safety, for environmental response or restoration, for outstanding rights or interests protected by statute or treaty, or to prevent irreparable resource damage. See, Section 294.12, *Fed. Reg.*, p. 30288.

Direct Impacts on Small Entities

Moreover, small entities will be directly affected as a result of FS' decisions. The word "direct" is defined as "to regulate the activities or course of action thereof; stemming immediately from a source, cause, or reason; operating without agency or step..."² Small entities that already operate in national forests will have their operations seriously curtailed. (FS recognizes that the majority of these entities are small.) These and others, like the construction companies that build the roads, may have developed their business plans based on expectations of continued access and as a result of previously published FS plans. These impacts need to be evaluated. FS has some data already that would allow it to do so. For example, according to Tables 4 and 6 of the IRFA, the proposal estimates that there will be a 45% reduction in forest harvest in the Manti-Lasal National Forest alone in Utah. Other forests, such as Dixie (Utah) and Shoshone (Wyoming) will experience reductions in harvest that exceed 20%. In Montana, the Helena Forest will experience a reduction in total harvest volume of 12%. In those same areas of the country, FS controls more than 50% of the forested land base.³ For example, FS controls 52.3% of forested land in Montana; 66.6% of the land in Wyoming; and 68.5% of the forested land in Utah.⁴ Considering the vast amount of area owned by the FS, moving to or procuring from another location to harvest or process natural resources may be unrealistic or a short term solution. The end result of this proposal may be the ultimate demise of small businesses and small governmental jurisdictions that rely on the resources.

Advocacy recognizes that there is a substantial public policy interest in maintaining the natural beauty of the national forests and protecting the environmental resources found in the national forests. However, just these few examples indicate that the overall impact of this initiative could be economically devastating to many small businesses. The high percentage of reduction, combined with the fact that FS owns such a high percentage of the land in some areas, indicates that this rule may have a direct economic effect that cannot be recouped at other locations by the small entities that rely on them. Since the FS has some data, and will receive additional data from the comment period, it is not plausible for FS to continue to maintain that the proposal will not have a direct effect on small entities.⁵

² The Merriam Webster Dictionary.

³ Testimony of Mr. Frank Giatics, President of Independent Forest Product Association, before The House of Representatives Subcommittee on Rural Enterprises, Business Opportunities, and Special Business Programs, Tuesday, July 11, 2000, pp. 9-10.

⁴ *Id.*
⁵ Advocacy notes that FS may be arguing that the RFA does not apply because the use of FS property for harvesting natural resources is a future activity that may or may not occur, depending on the decision of the forest planners. While this argument may have some validity, it is not necessarily convincing. Some of the land that is being placed off limits by the initiative was originally targeted for resource harvesting. As a result of this rule, forest planners will not be able to allow the original tentative multiple use plans to be implemented. Small entities may have relied on the original plans in making business decisions. This issue should be addressed.

Information Provided By the Public Must Be Addressed in the FRFA

At the time of the proposal, FS asserted that they could not perform a complete IRFA because it lacked sufficient economic information about the economic impacts on the industry. Because its information was insufficient, FS provided a list of questions in an attempt to obtain the necessary information from the public. In reviewing the comments from the public, Advocacy hopes that FS will give full consideration to the information provided by the industry in response to FS' solicitation for additional information and perform an analysis that reflects 1) the impact on small entities that had access to resources that will have limited or no access after the rulemaking; 2) the impact of the regulation on small entities that were relying on future activities that will not occur as a result of the regulation; and 3) the impact of the regulation on activities outside of the FS lands (i.e. small communities).

Since our comments are being submitted prior to the close of the comment period, we cannot comment on the full scope of the information that FS may receive from the public regarding the economic impacts of this rule. However, we have received some information from the industry about potential impacts. The early information received indicates that the impact may in fact be significant. For example, representatives of the timber industry, which FS acknowledges is primarily dominated by small businesses, assert that FS controls 73.3% of the saw timber in Montana; 80.8% of the saw timber in Wyoming; and 85.4% of the timber volume in Utah.⁶ In the IRFA, FS asserts that the reduction in harvest as a result of this rule could range from 1 to 8% depending on the location.⁷ Fed. Reg. at 30286. Considering the high dependence on FS timber in certain areas, a 1 to 8% reduction could be economically significant. If not, FS needs to provide data showing why it is not economically significant to support its conclusion in the FRFA.

Moreover, the mining industry has indicated that the proposal disallows mining on 43 million acres of federal land. It asserts that more than \$7 trillion dollars of coal and metal resources will be placed off limits by the proposed rule.⁸ If this is not correct, then FS must explain why these resources will still be available and the approximate costs of obtaining access to the resources in areas where road construction and reconstruction is prohibited.

Economic effects such as these cannot be ignored. These early numbers indicate that the impact may indeed be significant. FS needs to explain why they are not significant and provide this information to the public. On the other hand, if the analysis indicates that the impact is indeed significant, Advocacy asserts that FS must fully address this in the FRFA and possibly repropose the rule.

⁶ *Id.*

⁷ On the surface, the percentages in the IRFA summary appear to be inconsistent with the tables found in the IRFA. FS needs to explain the inconsistencies found in the documents.

⁸ Testimony of Laura Skuter, Northwest mining Association

Alternatives Provided By Public Must be Given Full Consideration

The RFA requires an agency to consider alternatives to the proposal and provide a statement of the factual, policy and legal reasons for selecting the alternative adopted. 5 USC §605. If a reasonable alternative is provided from a member of the public, the agency must give it its full consideration. In its testimony before the House Subcommittee on Rural Enterprises, Business Opportunities, and Special Small Business Problems, the Northwest Mining Association suggested the alternative of allowing temporary roads, on an as needed basis, with either natural or affirmative reclamation. While Advocacy acknowledges that it is not an expert in forest planning, this seems like an alternative in allows harvesting of natural resources while assuring that the forests are not permanently damaged or irreparably harmed. At least the mitigating impacts of this alternative should be carefully analyzed.

Northwest Mining's suggestion is only one of what may be several strong alternatives offered by the public as a less burdensome solution to the problem. Failure to fully address alternatives that may provide a workable solution to the problem may violate the RFA and raise questions as to whether the agency actions were arbitrary and capricious. If challenged, a court may find that FS' treatment of alternatives was insufficient.

In addition, Advocacy believes that FS should require local FS planners to require local FS planners to perform an RFA analysis in drafting future forest plans that implement this rulemaking to assure that the implementation minimizes the economic impact while achieving the goal of preserving the environment. RFA compliance will provide the public with information necessary to participate fully in the rulemaking process and possibly provide suggestions as to ways that may make implementation less costly.

Conclusion

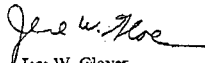
The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential economic impact of this proposal on small businesses and small communities could be devastating. Prior to implementing such a rule, FS should make every attempt to understand fully the economic impact of its actions and to find less burdensome or mitigating alternatives. In the alternative, it should explain fully why these alternatives will not help FS achieve its environmental objectives. As Advocacy has stated on several occasions, the requirements of the RFA are not intended to prevent an agency from fulfilling its statutory mandate. Rather, it is intended to assure that the economic impacts are fairly weighed and considered in the regulatory decision making process.

The public has an interest in knowing the potential economic impact of a particular proposed regulation. As the court stated when remanding a rule to the agency in *Northwest Mining v. Babbitt*, "While recognizing the public interest in preserving the environment, the Court also recognizes the public interest in preserving the rights of parties which are

affected by government regulation to be adequately informed when their interests are at stake and to participate in the regulatory process as directed by Congress." *Supra* at 13. Providing the public with a complete economic analysis that fully discloses the potential impact of the action and considers less burdensome alternatives not only complies with the requirements of the RFA, it also complies with the basic tenets of sound public policy that balance conflicting interests.

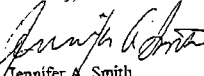
Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

Sincerely,



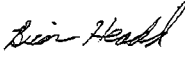
Jere W. Glover
Chief Counsel
Office of Advocacy

Sincerely,



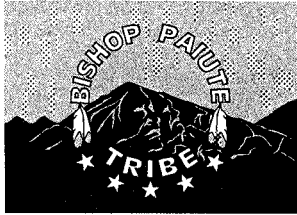
Jennifer A. Smith
Assistant Chief Counsel
for Economic Regulation &
International Trade

Sincerely,



Brian Headd
Economist

Cc: Charles Rawls



BISHOP TRIBAL COUNCIL

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CAET RECEIVED
JUL 13 2000

March 15, 2000

Jeff Bailey, Supervisor
Inyo National Forest
Bishop, CA 93514

Dear Jeff:

The Bishop Tribal Council appreciates the opportunity to respond to the Notice of Intent to prepare an EIS protecting roadless areas.

The Bishop Tribal Council appreciates the efforts of the US Forest Service to protect and manage and the natural resources and cultural sites now under their management. These resources and sites remain intrinsic to our people's cultural and religious beliefs and customs. We believe that the unique trust responsibility the Forest Service has to the Indian people unquestionably includes providing access at any time to areas and sites that are of cultural and religious significance to us. As you know, the remains of our ancestors and the evidence of their existence are sacred to us, as are the natural resources that to this day provide for our sustenance and cultural and spiritual needs. So, while we offer our comments on protecting roadless areas, we do so with the understanding that the Forest Service will continue to work with our Tribe to ensure our unrestricted access to and use of the natural resources and sites throughout our ancestral homelands.

The Bishop Tribal Council believes that it is extremely important that the US Forest Service live up to its trust responsibility to protect tribes' rights regarding freedom of religion. This trust responsibility cannot be separated from issues of access.

We support a plan throughout the forest (not just in roadless areas) that includes no new road construction anywhere in the Inyo National forest. Most importantly, we believe there should be no new roads within a perimeter of three to five miles of known cultural sites. If road construction must occur, it should occur only in areas that are already highly impacted by unregulated human encroachment. In addition, existing roads should be closed where there is evidence of environmental and / or cultural site degradation has occurred or is occurring.

Our specific concerns regarding the EIS protecting roadless areas relate primarily to the large number of acres involved and our desire to maintain access for our Elders so that we may preserve our cultural and spiritual traditions.

In California, a vast acreage is considered roadless. Any of these areas may include important cultural and spiritual areas. The Bishop Paiute Tribal Council is concerned that access to these cultural and spiritual areas be maintained for our people. Our Elders are the keepers of our

traditions. Many are unable to walk long distances. The only way we can continue our traditions and teach our young people about them is by having our Elders take us to these important places. Our most knowledgeable Elders are frail and are not able to travel long distances by foot. Any plan governing the management of roadless areas must maintain access to spiritual and cultural sites for traditional purposes.

Thank you for your consideration of these issues. We hope to discuss them with you at our next regularly scheduled meeting.

Sincerely,

M Bengochia
Monty Bengochia, Chair
Bishop Tribal Council

PAIUTE PROFESSIONAL BUILDING • 50 TU SU LANE • BISHOP, CA 93514
PHONE (760) 873-3584 • FAX (760) 873-4143

E-Mail mervin@telis.org

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Confederated Tribes of Grand Ronde
Natural Resources Department
P.O. Box 10
Grand Ronde, Oregon 97347
Contact: Cliff Adams (503) 879-2375

Ketchikan Indian Corporation
2960 Tongass Avenue
Ketchikan, Alaska 99901
(907) 225-5158
Fax (907) 247-0429

USDA Forest Service - CAET

T T T 5

July 14, 2000

The Fish and Wildlife Committee and the Timber Committee of the Confederated Tribes of Grand Ronde are offering comments regarding the "Roadless Area Conservation Proposed Rule".

The Tribal Committees are requesting that the following items be considered when adopting the Rule:

- 1. Recreation within the Roadless areas continue to be allowed
- 2. The existing roads be maintained and not closed to allow public access
- 1. Rules and policies regarding management and any restrictions in the Roadless Area be decided at the local level
- 2. Continue to acknowledge the rights and historical uses of The Native American Tribes in the proposed Roadless Areas
- 1. Continue to consult with The Native American Tribes regarding any future proposals or decisions other than what has been proposed as the preferred alternative for the "Roadless Area Conservation Proposed Rule".

USDA Forest Service - CAET
Attn: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

FACT RECEIVED
JUL 17 2000

Dear Sirs:

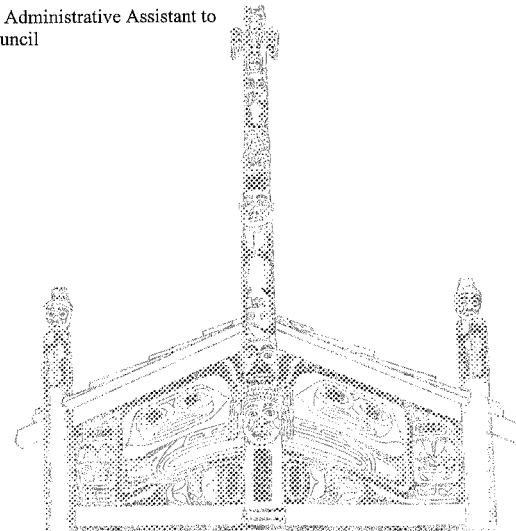
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

If you have any questions, please feel free to contact me at: (907) 225-5158.

Sincerely,

Cheryl Haven, Administrative Assistant to
KIC Tribal Council

Enclosure



KIC

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Ketchikan Indian Corporation

2960 Tongass Avenue
Ketchikan, Alaska 99901
(907) 225-5158
Fax (907) 247-0429

Testimony for the Roadless issue
Discovery Center
6:00 p.m.

Position Statement

submitted by Merle Hawkins, Tribal Council and Subsistence Committee Chair

KIC Tribal Council would like to see Gravina Island remain a roadless area for the following reasons:

- ◆ Historically, and currently it is still is used by Alaska Native people from the Ketchikan area for subsistence fishing, gathering and hunting.
- ◆ The Saxman people use it and they have Rural status.
- ◆ This is traditional land of the Tongass Tribe, and although they are not federally recognized IRA Tribe, I represent them as an IRA Tribal Council. A respected Tongass Tribal leader, Esther Shea, said during the March 2000 Traditional Ecological Knowledge Conference, Co-hosted by Ketchikan Indian Corporation and the U.S. Forest Service: "We may not own the land anymore, but in our hearts it's ours." Her words are etched in our hearts.

The Forest Service is proposing a timber sale on Gravina Island with a proposal for road building in several alternatives. KIC opposes **any** road building on Gravina Islands public lands.

I recently met with other land holders of Gravina - DNR, Forest Service, Ketchikan Gateway Borough, Fish and Wildlife etc., for discussions of the following concerns:

- ◆ We are concerned that if roads are built on Gravina that the State DNR will again reopen the roads and clear cut all of their land on Gravina.
- ◆ The Forest Service would like to open the lands up for recreational use also. They cannot afford to maintain the roads they have now, let alone assume the maintenance burden on additional roads.
- ◆ All of the proposed or possible activities would jeopardize the subsistence areas on Gravina, especially Bostwick inlet.
- ◆ Gravina Island is a pristine environment and needs to be protected from road building, timber harvesting, recreation or other activities that would alter its current roadless characteristics.
- ◆ Gravina Island has been used by many generations of Alaska Natives-Tlingit, Haida and Tsimshian, for traditional hunting, fishing and food gathering. KIC would like to see that this area is available for future generations.
- ◆ These subsistence gathering activities provide significant social and ecological values. There is a lot of archeological evidence on Gravina Island which shows how important this area was and still is. Any road construction would jeopardize these values.

The Forest Service proposed action, under the roadless alternatives, would be to evaluate the quality and importance of roadless characteristics. KIC does not feel that the Forest Service is qualified to do this. A conflict of inherent extent as they have the responsibility to provide a certain amount of timber for market demand within the Tongass National Forest. The same circumstance exists with recreational areas; the pressure for people in Ketchikan to provide more recreational areas, but Alaska is special because of its historical access by canoe or boat, and unique due to all the islands.

- ◆ The Forest Service protects public lands on Gravina with multiple use objectives.
- ◆ If Gravina is opened up for recreation, you cannot protect the island's public land.
- ◆ Multiple use objectives would not work.
- ◆ Leaving that decision up to a local Tongass Ranger does not make sense as we get a new one about every three to five years and they do not know the local people.
- ◆ By the time they (new Rangers) acquire some of this knowledge they get transferred and the people suffer from their decision. Building roads on Gravina to Boswick would be mismanagement, timber harvest, road building and recreational use are not compatible with subsistence.
- ◆ KIC's position is that any timber harvest, road access, or recreational use on Gravina would have a detrimental environmental impact on the subsistence resources of the Island and waters.
- ◆ KIC opposes any timber harvest and/or any recreational use or development on Gravina Island.
- ◆ KIC supports Alternative # 4, 4D with full Tongass inclusion, **no road building on the**

Tongass.

Merle Hawkins

Signed: Merle Hawkins, KIC Tribal Council

and Subsistence Committee Chair

July 13, 2000

Date

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The Klamath Tribes

P.O. Box 436
Chiloquin, Oregon 97624
Telephone (541) 783-2219
Fax (541) 783-2029
800-524-9787

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CAET RECEIVED

JUN 29 2000

June 19, 2000

The Honorable Dan Glickman
Secretary of Agriculture
United State Department of Agriculture, Room 213-A
14th Street and Independence Avenue, SW
Washington, D.C. 20250

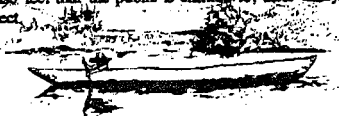
Dear Secretary Glickman:

As Chairman of the Klamath Tribes, an organization within Klamath County that has a major concern with establishing and maintaining a diversified and viable economic base within the Klamath Basin, I have been asked to comment upon the impact of the President's Roadless Plan (64 Federal Register 56306, October 19, 1999), particularly as it may impact the Pelican Butte Ski project under consideration in the Winema National Forest and, ultimately, the Klamath Tribes Economic self Sufficiency Plan, currently in the final stages of preparation for the Secretary of the Interior and the Congress. Without the benefit of having all the data needed yet, it does appear that this project, if successfully implemented, will have a significant positive financial impact on the Tribes' Economic Self Sufficiency Plan.

Without being able at this time, due in large part to the unavailability of the final EIS and other economic data, to address whether the Tribes will ultimately support or not support the project based upon its environmental, Tribal cultural and economic impacts, we strongly feel that, given the potential impacts to the entire community, this project should be provided a "grandfather" clause exemption to complete its EIS process and presentation to the Basin community for their consideration.

Several factors argue strongly for this exemption. First, this project has been under review and development by the Forest Service, the City of Klamath Falls, and private developers for over thirty years. It has always been a part of the regional economic development industrial diversification plan of a devastated timber dependent community. It needs resolution.

Second, the developer undertook the project at the invitation of the Forest Service under its Winema National Forest Plan, agreeing to prepare and write an Environmental Impact Statement under NEPA requirements. Given the years and \$3.75 million spent in good faith on a project under the previous rules, we feel that the research, feasibility and environmental impact analysis should be completed and placed before the public for their information. We also feel that the public is entitled to, after thirty years to render their position on the project.



D. Glickman, U.S. Sec of Ag., June 16, 2000
Page 2

Finally, the Tribes and I, personally, have spent a great amount of time and energy participating in six different community committees evaluating this project. We feel that there is a responsibility to the great number of hours and effort that many of our community leaders have put into this project over the years.

No organization or peoples in the Klamath Basin is more concerned with the environment and the protection of the forest that the Klamath Tribes and we are committed to the restoration and preservation of all lands and resources that are currently or will ever be under our jurisdiction. This position does include the recognition of the need for the Tribes and the general community to have a protected, multi-use forest for the benefit of all. In order to be able to determine which projects are beneficial and needed or not, we do need to have these project processes completed.

Sincerely,

Allen Foreman
Tribal Chairman
The Klamath Tribes

10116

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D. Glickman, U.S. Sec. of Ag., June 16, 2000
Page 2

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Sincerely,



Allen Foreman
Tribal Chairman
The Klamath Tribes



Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

July 14, 2000

USDA Forest Service - CAET
P.O. Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

RE: Roadless Areas Proposed Rules

Dear Madam or Sir:

The Nez Perce Tribe appreciates the opportunity to comment on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). The Tribe recognizes and appreciates the enormous effort put forth by the Forest Service in developing these important protection measures for the Nation's valuable roadless areas.

The Nez Perce Tribe strongly supports the Roadless Area Conservation Proposed Rule. We believe that this rule represents a positive step forward to protect the lands the Forest Service has been assigned to protect and manage.

By virtue of the Treaty of 1855, the Nez Perce Tribe maintains treaty-reserved rights to hunt, fish, gather, and pasture cattle and horses within "open and unclaimed lands." These treaty lands include vast areas encompassed in the National Forests of northeastern Oregon, southwestern Washington, and Idaho. The Tribe believes that the protections provided for by this rule would be consistent with the treaty and trust responsibilities of the United States to preserve, protect, and enhance tribal treaty rights and treaty-reserved resources.

Further, this rule appears to be consistent with the salmon recovery plan adopted by four of the Columbia River treaty Tribes, including the Nez Perce Tribe. *Wy-Kan-Ush-Mi Wa-Kish-Wit: Spirit of the Salmon* calls for, amongst other actions, a decrease in roaded miles in managed watersheds, as well as improved drainage and decreased sediment delivery from roads that will not be obliterated or relocated.

It is critical that the Forest Service recognize and consider how this proposed rule would integrate with the federal government's salmon and steelhead recovery efforts for the Columbia River basin. The Conservation of Columbia Basin Fish or "All-H Paper" produced by a number

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of federal agencies, including the Forest Service, calls for a number of habitat measures to restore imperiled fisheries. The Forest Service and other federal agencies must recognize the importance of the measures called for in the proposed rule to these efforts, especially if the federal government fails to take decisive action to restore salmon and steelhead such as Snake River dam drawdown.

In addition to these general comments, the Tribe has the following specific comments:

1. The proposed rule provides that roads may be constructed or reconstructed if "[a] road is necessary pursuant to reserved or outstanding rights as provided for by statute or treaty." This exception should be revised to explicitly state that road construction and reconstruction may occur to ensure exercise of tribal treaty-reserved rights.
2. The proposed rule provides that roads may be constructed or reconstructed if "[a] road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, section 311 of the Clean Water Act, or the Oil Pollution Act." In addition, roads may be constructed or reconstructed if "needed to protect public health and safety ... that, without intervention, would cause the loss of life or property." These sections should be revised, expanded, or clarified to allow road construction and reconstruction to protect the habitat of endangered or threatened species from an imminent threat of flood, fire, or other catastrophic event that would cause the destruction of the species or of critical habitat.
3. Pages 4-2 and 4-3 of the Draft Environmental Impact Statement (Volume 1) describes tribal consultation. This section describes how "Forest Service field line officers were directed to personally initiate contact with all potentially impacted tribal leaders." While such contacts were made and detailed presentations were made about the proposed rule, the local Forest Service staff had no authority to conduct a meaningful consultation on the rule or its impacts to the Tribe. Executive Order 13084 provides that each "agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." According to the President's April 29, 1994 memorandum regarding Government-to-Government Relations with Native American Tribal Governments, federal agencies "shall assess the impacts of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that Tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities." Consultation is the formal process of negotiation, cooperation, and mutual decision-making that ultimately leads to the development of a decision, not just a process or a means to an end. Consultation does not mean notifying the Tribe that an action will occur, requesting comments on that prospective action, and then proceeding with the action. In this scenario the decision is not affected. As such, the Tribe requests that appropriate staff be directed to conduct meaningful consultation with the Tribe on the further development of the proposed rule.

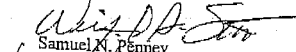
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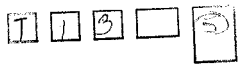
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The Tribe appreciates the opportunity to comment on the proposed rule. We look forward to conducting formal consultation on the rule as the process goes forward to address the concerns discussed above. If you have any questions regarding these comments, please feel free to contact Rick Eichstaedt in the Office of Legal Counsel (208-843-7355). Thank you.

Sincerely,


Samuel M. Penney
Chairman

43977



43977

DATE: July 17, 2000

TO: USDA Forest Service

FROM: Sally Nickelson
Wildlife Program Coordinator
Point No Point Treaty Tribes

RE: DEIS Roadless Areas Proposal

I am the Wildlife Program Coordinator for the four Point No Point Treaty Tribes (which include the Skokomish, Port Gamble S'Klallam, Jamestown S'Klallam and Lower Elwha Klallam Tribes) located on the Olympic Peninsula in Washington State. These four tribes strongly support the proposal in the DEIS to maintain current roadless areas in perpetuity. We support protecting all roadless areas, regardless of size and/or whether they have been inventoried. Even small patches of the late-successional habitat found in roadless areas can provide essential habitat and refugia for many species.

Our four tribes retained off-reservation fishing, hunting and gathering rights when they signed their treaty in 1855. Tribal members use Forest Service land for hunting, gathering and spiritual purposes. In addition, upstream land use practices on Forest Service ownership greatly influence fish habitat downstream. High road density, and concomitant road failure, has been a primary cause of fish habitat destruction and decline in salmon populations on the Olympic Peninsula.

Elk is a species of great cultural importance to these four tribes. Unfortunately, during the past 10 years, elk populations on the Olympic Peninsula have declined rapidly, in part due to overharvest because of easy access on the extremely dense road network on both Forest Service and private industrial timberland. In many areas on the Peninsula, road density is 6 miles of road for every square mile of habitat. This high road density increases the vulnerability of wildlife species to both legal and illegal hunting to a point where many local populations can no longer maintain themselves. The Point No Point Tribes closed two Game Management Units to tribal elk hunting in the past decade because of population declines. One of these, the Skokomish Game Management Unit, contains a culturally important herd that ranges along the South Fork Skokomish River. The upper reaches of this river contains one of the proposed roadless areas, which can serve as a refuge for the elk during hunting season, when seasons are reopened.

In addition, roadless areas generally contain older trees, and can provide old growth habitat for species dependent on late successional forest, including the federally listed Northern Spotted Owl and Marbled Murrelet. The Tribes support completely protecting all remaining late successional habitat (not only from road building, but also from other destructive uses such as helicopter logging, grazing, mining, and ATV use). Some culturally important plant species are found primarily in old growth stands, and many of these stands have spiritual significance.

Our tribes disagree with previous federal policy of subsidizing private timber companies by building and maintaining roads so that the private companies could log public land. This was usually done at a fiscal loss

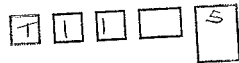
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

Our tribes urge the Forest Service to completely protect the few remaining roadless areas on their ownership in perpetuity. Unfortunately, most of these roadless areas occur at high elevation in very steep terrain, which is marginal habitat for most wildlife species. In addition to protecting already roadless areas, we suggest that the Forest Service reduce road density in the more productive low elevation stands to protect both wildlife species and fish habitat. Maintaining tribal access to Forest Service land for treaty hunting and gathering is critical. However, a balance must be achieved between reasonable and dispersed access and reducing road density to decrease vulnerability of game species to hunting and poaching. We believe that scarce dollars should be spent in decommissioning many roads and upgrading the remaining ones to current standards, not in building new roads.

Thank you for the opportunity to comment on this important proposal.

Sincerely,

Sally Nickelson
Wildlife Program Coordinator
Point No Point Treaty Tribes
7999 NE Salish Lane
Kingston, WA 98346
360-297-6540



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13 July, 2000

USDA Forest Service
 Attention: Roadless Area NOI
 Box 221090
 Salt Lake City, UT 84122

Subject: Roadless Initiative --- Proposed Rule and DEIS

To Whom It May Concern:

Sealaska Corporation appreciates the opportunity to respond to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement, dated May 2000. This EIS results from the proposal by the Forest Service to review the National Forest System Roadless Areas Initiative as published in Federal Register/Vol. 64, No. 201/ Tuesday, October 19, 1999 (p56306-56307).

Sealaska Corporation, the Regional Native Corporation for Southeast Alaska, was created under the Alaska Native Claims Settlement Act (ANCSA) of 1971. Sealaska represents 16,000 shareholders whose heritage derives from Tlingit, Haida and Tsimshian Native tribes of Southeast Alaska. The economy of Southeast Alaska is dominated by the Tongass National Forest, largely because it surrounds all of our towns and villages.

Sealaska has determined that the Proposed Rule is inappropriate as a National policy; and specifically, should not be applied to the Tongass and Chugach National Forests. The basis for our determination is set forth in the following sections.

JUL 17 2000

On behalf of Sealaska Corporation, thank you for the opportunity to provide our comments regarding the proposed National Forest System Roadless Areas review. Sealaska reserves the right to provide additional comments should the deadline be extended.

Sincerely yours,

SEALASKA CORPORATION

Robert W. Loescher
 President and Chief Executive Officer

CC: The Honorable President Bill Clinton
 Lynn Cutler, Deputy Assistant to the President
 George Frampton, Council on Environmental Quality
 The Honorable Governor Tony Knowles
 The Honorable Senator Stevens
 The Honorable Senator Murkowski
 The Honorable Congressman Young
 S.E. State Senators and Representatives
 Alaska Speaker of the House
 Alaska President of the Senate
 SE Alaska Communities
 SE Alaska ANCSA Village and Urban Corporations
 ANCSA Regional Corporations
 Alaska Municipal League
 S.E. Conference
 Jack Phelps, Alaska Forest Association
 Resource Development Council
 Alaska Miners Association
 Rick Cables, Regional Forester
 TNF District Rangers
 Ed Thomas, Tlingit & Haida Central Council
 Jacqueline Martin, ANS Grand President
 Sam Jackson, ANB Grand President
 Rick Harris
 Chris McNeil
 Ross Soboleff
 Budd Simpson
 Alan Mintz
 Gregg Renkes

GENERAL COMMENTS

By delaying a decision on the exclusion or inclusion of the Tongass until 2004, the Forest Service will stop all investment in new manufacturing caused by uncertainty in the future timber supply. Delaying a review of the Tongass National Forest for inclusion effective 2004 is self-fulfilling in terms of assuring that demand for Forest Service timber will continue to diminish. The forest products industry is actively reconfiguring itself to utilize Forest Service timber from the Tongass National Forest at current supply levels. Active projects include veneer mills, ethanol manufacturing from wood wastes, and sawmill reconfiguration to fully utilize timber expected to be offered in stumpage sales. By placing the Tongass NF into a review category in 2004, the government is effectively closing the door on any opportunities to create a viable industry for the benefit of many communities. No company can be expected to pursue opportunities if there is a real risk that stumpage volume will not be available in as little as a few years.

If the Tongass National Forest (TNF) is included in the Proposed Rule no roadless areas should be designated without first conducting a detailed analysis of alternatives. This analysis must be very broad to identify all impacts such designations may have on the people that reside within the TNF. This analysis must go beyond the biological analysis and include analysis on subsistence, cultural, social, economic, job and family sustainability that will be affected by such designations. Further, the analysis must evaluate the result of any site specific designation on the ability of the TNF to meet other Federal obligations made to the State of Alaska and Alaska Natives through prior laws and land agreements regarding land and resource allocations from the TNF. Specific agreements, geographic areas and communities that should be included in the analysis are described in further detail in the following sections.

DETAILED COMMENTS

1. The Proposed Rule recommends a categorical elimination of road construction in roadless areas. This proposal is contrary to Federal law and recommendations of the "Committee of Scientists" (COS). The

scope of analysis and alternatives must rectify these obvious conflicts with National forest policy and laws and recommendations of the COS.

- ◆ The Proposed Rule eliminates all road construction and designates roadless areas on the National Forests which is against the law. The National Forest Management Act (NFMA) establishes a process for forest planning, including new roadless management policy, when the agency proposes significant changes to a forest plan. Development and implementation of a new roadless management policy will constitute a significant and major plan amendment because it will affect the classification and use of resources on millions of acres of forestland.

Under NFMA, a plan amendment which results in a significant change in a plan must undergo the same land management planning process that is used for original and revised plans including, but not limited to, the preparation of an environmental impact statement (EIS) in accordance with NEPA. The proposed Roadless Initiative NEPA-EIS is not consistent with the NFMA because the changes being proposed are not being done in the same manner as the plan itself was developed. In this case, a plan is developed by the Forest Supervisors using the NEPA process as the decision making process for meeting NFMA planning requirements (36 CFR 219.1 et seq). Hence a proposed amendment must follow the same process as the original plan including plan amendment occurring at the forest level.

- ◆ The Proposed Plan does not respond to the Report of the Committee of Scientists (COS) 1999. The COS recommends that the planning process consider a broad range of values, uses, products, and services. The process should be democratic, open and accessible with a large degree of public participation representing all stakeholders. It should be oriented to local areas with the highest level of approval being the Regional Forester. It should fit the organization, communication, and decision-making styles of the community; and should work to reduce the negative economic and social impacts of land-use changes.

The procedure by which the Administration is identifying areas for roadless designation accomplishes none of these recommendations. Alternatives must be included that meet the COS recommendations as described above.

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2. The Proposed Rule proposes to establish the criteria that must be used “through the forest planning process” to protect roadless areas. The scope of analysis overtly emphasizes biological protections and fails to consider the impacts of roadless designations on sustainability of affected communities, school funding and families that are dependent on National Forests for their livelihoods. The EIS alternatives analysis should include the following:

- ◆ Require that forest planning, including roadless designations, be done at the forest and local (community) level.
- ◆ Include authorities such that the roadless area designations can be vacated to manage for desired habitat characteristics, and provide reasonable road access if insect, disease, and fire outbreaks pose a risk to National forest and adjoining private and non-Federal public lands.
- ◆ The report of the Committee of Scientists (COS) finds the less populated areas of the west will suffer substantial economic and social dislocations due to their low economic and social resiliency. Practically all of the communities in Southeast Alaska have such low resiliency. The further designation of roadless areas on national forests would be devastating to those living in that region. For the reasons described by the COS, the criteria for designating roadless areas must be expanded to include specific requirements that ensure school funding and jobs are protected and that the resources on the national forests will be available to maintain sustainable communities and families. Consequently, the alternatives analysis must include options that preclude roadless designation (both inventoried and un-inventoried) if the areas being considered have resources that would contribute to the economic and social welfare of nearby communities. Alternatives must include preclusion of roadless designations if the affected communities meet one or more of the following criteria:
 1. Have a seasonally adjusted unemployment rate that is 5% above the average for the State.
 2. Have an average per student expenditure that is less than the average per student expenditure for the State.
 3. Have more than a 30% minority population.

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4. Have a per-capita income that is less than 10% of the average per-capita income for the State.
5. Requires road access across roadless areas for community infrastructure including municipal drinking water supply, development of hydroelectric power sources and access to regional road and transportation systems.
6. If roadless areas are designated and, subsequently, the community fails to meet the above benchmarks, the roadless areas can be rescinded as a plan amendment.

3 Federal laws preclude the inclusion of the Tongass National Forest and Chugach National Forest in the “Roadless Initiative”. Before either forest can be included under the Proposed Rule, conclusive legal authority to include these forests must be proven. The basis of excluding these forests follows:

- ◆ The temporary roadless suspension correctly exempts the Tongass and Chugach National Forest from the Roadless Initiative. That suspension should be made permanent due to the applicable Federal laws governing land designations in both forests. The legal basis for exclusion includes:
 1. Designation of additional roadless areas would violate the Alaska National Interest Land Conservation Act (ANILCA). ANILCA prohibits: (1) Forest Service studies that contemplate the establishment of additional conservation, recreation, or similar units; (2) the withdrawal of more than 5,000 acres of land, in aggregate, without Congress’s approval, and (3) the review of roadless areas of national forest lands in Alaska for the purpose of evaluating their suitability as wilderness.
 2. Under ANILCA § 1326, the Forest Service is prohibited from (1) using the plan amendment process, the moratorium, or any other process to conduct additional studies of public lands in Alaska, the single purpose of which is to set aside roadless areas from further development; and (2) withdrawing lands in excess of 5,000 acres in aggregate, without Congressional approval.
 3. ANILCA § 1326(b) prohibits the executive branch from studying federal lands in Alaska for the single purpose of considering

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whether to establish “a conservation system unit, national recreation area, national conservation area, or for related similar purposes.” Unless authorized under ANILCA (16 USC § 3213(b)) or by Congress, the Forest Service is prohibited from studying any roadless areas during a plan amendment process, much less the administrative appeal process, if the purpose is to establish a conservation unit, recreation area, conservation area or any other unit serving related or similar purposes.

4. Congress expressly stated that the conservation areas established under ANILCA were sufficient protection “for the national interest in the scenic, natural, cultural, and environmental values on the public lands in Alaska.” (15 USC § 3101(d)).
- ◆ In addition to the authorities that exclude both the Tongass and Chugach National Forest from any roadless initiatives, including this Proposed Rule. The following legal authorities further exclude the Tongass National Forest from further consideration:
 1. No regulatory or statutory process exists for the Forest Service to unilaterally change the revised TLMP during the appeal process or otherwise. Any determinations that the Forest Service attempts to make during the TLMP appeal process must be limited to correcting what the Forest Service agrees were legal errors in the TLMP planning process. Any other changes (including changes to the Tongass roadless area policy) must be pursued as a plan amendment through the appropriate forest planning regulations.
 2. In the Tongass Timber Reform Act (Public Law 101-626; (TTRA)), Congress addressed wilderness issues (16 USC 539(d)). The wilderness clauses dealt with designating wilderness areas, additions to areas, and certain roadless managed areas. There are no clauses stating that there shall be no more wilderness or roadless areas, because Congress foreclosed the creation of more such areas since it has reserved for itself the determination of wilderness and roadless areas per ANILCA and TTRA.
 3. The TTRA Title I-Forest Management Provisions; Sec. 101 amends Sec. 705(a) of ANILCA to read: “(a) Subject to appropriations, other applicable law, and the requirements of the

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National Forest Management Act of 1976 (Public Law 94-588), except as provided in subsection (d) of this section, the Secretary shall, to the extent consistent with providing for multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle.”

- ◆ Under the Tongass Land Management Plan Record of Decision (1999) the Forest Service has established an allowable sale quantity (ASQ) of 187 mmbf. However, the application of the roadless initiative would substantively reduce the ASQ to about 50 million board feet. This volume will not meet the needs of local industry, and will have extensive negative effects on the Southeast Alaska regional economy. If the Tongass is included, the alternatives analysis must ensure that the roadless action will not preclude the Secretary from meeting the provisions of Title I, Section 101 of TTRA and preclude the Forest Service performing under its own forest management plan.
- 4. If the Tongass National Forest is included in the Proposed Rule, no areas should be designated until the scope of the analysis and alternatives are prepared that consider all impacts such designations may have on the people that reside within the TNF. The scope of analysis and alternatives should include the following:**
- ◆ The Tongass contains over 15 million acres of land. Over 6 million acres are placed in national monuments and wilderness areas. An additional 728, 000 acres are legislated Land Use Designation II (un-roaded) areas. Another 7.14 million acres prohibit road construction/reconstruction. About 1.5 million acres (10%) are left for development activities. Given the extensive ecological protections that already exist, the alternatives analysis, before concluding that additional roadless areas should be designated, must first conclusively prove that the current land allocations and management practices fail to provide clean-water, biological diversity, wildlife habitat, forest health, dispersed recreation and other public benefits.
 - ◆ The Roadless Initiative must not supersede or abrogate the rights of Alaska Natives to achieve their entitlements granted under the 1971

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Alaska Native Claims Settlement Act (ANCSA). The final rules must include unimpeded exercise of land selection rights and authority to use Native land and land selection entitlements to exchange for other for public land that may include roadless areas.

- ◆ The Forest Service must analyze the social and economic effects for each community in Southeast Alaska before designating roadless areas. Further, the alternatives analysis must be done on a local and a regional basis to quantify the cumulative effects, and to demonstrate that economy of scale industries can be sustained. There are numerous Southeast Alaska rural communities, whose residents are predominately Alaska Natives, who rely on the timber industry for a substantial portion of the economic activity necessary to assure community viability. Reductions in Forest Service timber sales as a result of the Proposed Rule will negatively effect the economic well being of these communities. The alternatives analysis must identify "realistic economic alternatives" that assure that these communities retain current or improved levels of economic and social viability.

Communities in Southeast Alaska, that must be included in individual social-economic studies include but are not limited to: Annette, Ketchikan, Hydaburg, Craig, Klawock, Hollis, Kasaan, Thorne Bay, Naukati, Coffman Cove, Whale Pass, Calder mine, Point Baker, Port Protection, Laboucher Bay, Meyers Chuck, Edna Bay, Cape Pole, Rowan Bay, Kake, Petersburg, Kupreanof, Wrangell, Sitka, Baranof Warm Springs, Tenakee Springs, Hoonah, Excursion Inlet, Gustavus, Juneau, Elfin Cove, Pelican, Skagway, Haines, and Klukwan. Most of these communities have been identified as having low resiliency.

- ◆ Southeast Alaska is developing an integrated regional transportation and energy system. Each community is improving their essential community infrastructure (e.g. municipal water supplies, and transportation infrastructure). Before any roadless designations occur, the analysis of effects and alternatives must be prepared that affect these major initiatives. Specific areas for analysis and alternatives development include:
- ◆ The State of Alaska is revising its regional ferry/road system to allow more efficient and economical travel throughout Southeast Alaska.

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Access must be preserved for the State's regional ferry/road transportation system.

1. On Prince of Wales Island, communities that are connected, or may be connected in the future by roads and powerlines include: Hydaburg, Klawock, Craig, Hollis, Kasaan, Thorne Bay, Naukati, Coffman Cove, Whale Pass, Calder mine, Laboucher Bay, Point Baker, and Port Protection. In addition, hydroelectric sites in the higher elevations of Prince of Wales Island need to be identified in order to eventually replace or supplement electric demands in these communities.
2. The current road access between Cape Pole and Edna Bay must be preserved. In addition, a hydroelectric facility servicing those communities may be feasible in the Mount Holbrook area on Koskiusko Island.
3. There must be a road corridor and power line corridor between Kake, Kupreanof and Petersburg to be developed when future economics make the project feasible.
4. Sitka must be allowed to have a road corridor to Rodman Bay on Peril Straits for potentially more efficient ferry access.
5. Although not warranted at the present time, there must be provisions for a future road and electrical intertie between Hoonah and Tenakee Springs.
6. Allowances must be made for a power line easement between Juneau, Greens Creek mine, and Hoonah.
7. Road access from Skagway and Haines to Juneau needs to be preserved along both shorelines of Lynn Canal so that the best access to Juneau can be preserved. In case the Taku River road becomes more viable, a road corridor must be included in any transportation plan.
8. In the future, Rowan Bay may find a source for hydroelectric power to replace diesel generation. The best sources probably are in the watersheds along the ridge that fronts onto Chatham Straits.

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◆ The DEIS does not present a balanced picture of characteristics attributed to roadless areas compared to roaded areas.

1. By utilizing current road building standards little or no foreign material is introduced into the riverine environment. Water is not degraded. In the Tongass National Forest and the rest of Southeast Alaska, best management practices (BMPs) dictate that roads be located and constructed so that pollutants do not reach streams. Roads systems are designed to avoid oversteep slopes. Full bench and-hauling are required on lesser slopes over a defined steepness. In many instances bridges are designed and constructed with abutments that are above stream banks. These and similar BMPs result in maining a high quality riverine environment. A reasonable amount of timber harvest is appropriate for every national forest in the United States. In the case of the Tongass NF, the Forest Service administratively has vastly exceeded reserving areas in a roadless category for the alleged protection of scenery, biodiversity, sustaining populations of indicator species, protection of salmon habitat, etc. This has resulted in much more land being reserved to a roadless category than is necessary to protect these non-commodity characteristics in every part of the national forest.

2. Development is not necessarily antagonistic to other values. In the Pacific Northwest, including Alaska, the modification of stream riparian areas, using methods such as partial timber harvest, has resulted in providing more food for invertebrates, which are the animals that initiate the food cycle that results in more food for fish. In addition, different species of anadromous fish prefer different kinds of in-stream habitat. Stream access allows fishery biologists to manage the habitat for the most desirable species. Forest Service and other scientists are discovering that secondary benefits can have a neutral effect or even positively accrue to stream productivity (Gregory et al¹, Martin², Murphy and Koski³, Murphy and Hall⁴, Murphy and Meehan⁵, Wipfli⁶).

¹ Gregory, S.V. et al. 1987. Influence of forest practices on aquatic production. Pp 233-255, In Salo and Cundy editors, Streamside Management, Forestry and Fishery Interactions Univ. Washington, Seattle.

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3. The DEIS has failed to adequately explain the many benefits that users enjoy due to the availability of Forest Service roads. The Forest Service has published reports that show that roads are being used with increased frequency by many citizens. Should road building be substantially restrained in the future, the impact on roaded areas will be very substantial. A great majority of the public demands easier access to enjoy the great outdoors compared to the very few who can afford to recreate in roadless areas. More, not less, area is needed to provide for multiple uses including recreation for people who prefer to drive, access for hunters, fishermen and subsistence gatherers, mineral exploration and development, and timber harvest. The final EIS must recognize the need for a different balance providing more favor for those who want the easier access.

In an October 12, 1999 letter, from Governor Tony Knowles to Mr. George Frampton, Chair, Council on Environmental Quality, Governor Knowles enumerated reasons why the Tongass National Forest should not be included. In that letter he stated that the TLMP process must be allowed to proceed, that "It would be an outrage because we were assured previously that the Tongass would not be included in this review...". "A change now in that course and direction would constitute a doublecross of the citizens of the State of Alaska." Sealaska fully supports the Governor's position that ANILCA and TTRA defined those areas in the Tongass National Forest that should be roadless. Those areas that shall be maintained for economic development including timber harvest, road construction, and mineral development.

² Martin, D.J., M.E. Robinson and R.A. Grotfendts 1998. The effectiveness of riparian buffer zones for protection of salmonid habitat in Alaska coastal streams. A Report for Sealaska Corporation, Juneau, Alaska. 85 pp.

³ Murphy, M.L. and K.V. Koski 1989. Input and depletion of woody debris in Alaska streams and implications for streamside management. North American Jour. Fish. Mgt. 9(4): 427-436.

⁴ Murphy, M.L. and J.D. Hall 1981. Varied effects of clear-cut logging on predators and their habitat in small streams of the Cascade Mountains, Oregon. Can. Jour. Fish. Aquat. Sci. 38: 137-145.

⁵ Murphy, M.L. and W.R. Meehan 1991. Stream ecosystems. American Fish. Soc. Spec. Publ. 19: 17-46.

⁶ Wipfli, M.S. 1997. Terrestrial invertebrates as salmonid prey and nitrogen sources in streams: contrasting old-growth and young-growth riparian forests in southeastern Alaska. Can J. Fish. Aquat. Sci. 54: 1259-1269.

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NO. 443 P. 2/3

JUL. 14. 2000 2:18PM

NO. 443 P. 3/3

Sitka Tribe of Alaska

Tribal Government Sitka, Alaska

Tribal Resolution 00-25

A Resolution of the Sitka Tribe of Alaska opposing inclusion of the Tongass National Forest in the U.S. Forest Service National Roadless Initiative Policy Review & Supporting Alternative T-1

- WHEREAS,** the Sitka Tribe of Alaska is a federally recognized tribal government responsible for the health, safety, welfare, and cultural preservation of over 3,000 tribal citizens residing in Sitka, Alaska; and
- WHEREAS,** Section 708 of the Alaska National Interest Lands Conservation Act of 1980 resolved roadless issues in a compromise bill establishing over 5,000,000 acres in 14 acres as Wilderness on the Tongass National Forest and the Tongass Timber Reform Act of 1990 added over 1,000,000 in additional Wilderness designations to maintain their wildland characteristics; and
- WHEREAS,** the Record of Decision signed by Undersecretary on the Revised Tongass Land Use Management Plan notes that the Tongass National Forest would be exempt from the roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and
- WHEREAS,** the Tongass National Forest is comprised of approximately 17,000,000 acres, of which 90% is currently un-roaded and approximately 50% of the current Tongass National Forest timber base would become included in the acres proposed for the Roadless Initiative; and
- WHEREAS,** the Tongass National Forest is essential in bringing in stability and certainty to the economy of SE Alaska, providing jobs for many families dependent on such stability and inclusion in the Roadless Initiative would cause economic harm to the region; and
- WHEREAS,** the implementation of the Roadless Initiative to the Tongass National Forest would greatly diminish access to all natural resources and may eliminate opportunities for the construction of future - transportation and utility corridors throughout SE Alaska.

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NOW THEREFORE BE IT RESOLVED, by the Sitka Tribe of Alaska strongly opposes the inclusion of the Tongass National Forest in the "Roadless Initiative" that the Sitka Tribe of Alaska supports Alternative T-1, further that the Sitka Tribe of Alaska supports the current Land Management Plan.

BE IT FURTHER RESOLVED, that the Sitka Tribe of Alaska opposes any unilateral actions to modify the Record of Decision as such actions are contrary to proper resource planning and circumvents the public planning process as mandated by the National Forest Management Act.

CERTIFICATION

The foregoing Resolution was adopted at a duly called and convened meeting of the council of the Sitka Tribe of Alaska held on July 13, 2000, at which a quorum was present, by a vote of 4 IN FAVOR, 1 AGAINST, AND 3 ABSENT.

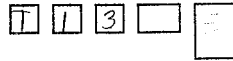
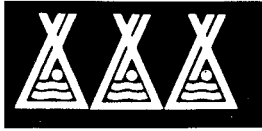
Larry A. Weisman
Sitka Tribe of Alaska - Tribal Chairman

Attest:

Doreen Jones
Sitka Tribe of Alaska - Tribal Secretary

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JUL 17 2000



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THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

NATURAL RESOURCES DEPARTMENT
P.O. Box C, Warm Springs, Oregon 97761

July 17, 2000

USDA Forest Service
Box 221090
Salt Lake City, Utah 97701

RE: Roadless DEIS/Proposed Rule

Dear Sirs:

The Confederated Tribes of the Warm Springs Reservation of Oregon ("CTWSRO") are pleased that the proposed roadless area rule protects unroaded portions of inventoried roadless areas from further road construction. As the DEIS recognizes, protection of these areas is critical to the health of our ecosystems, including fish, wildlife, and native plant populations. Although the proposed rule takes some solid first steps toward protecting remaining areas, it doesn't go far enough. We ask that you address the following concerns when making your final decision on roadless area protection:

1. We are disappointed that the proposed rule fails to go further and prohibit logging, mining, ORV use, and other detrimental uses in the unroaded portions of inventoried roadless areas. There are sufficient opportunities for these uses in roaded areas. Conversely, there are few areas that have not been degraded by these activities. The latter is particularly true for areas that support anadromous fish within CTWSRO ceded lands (see ICBEMP designation of A1 watersheds in Oregon).
2. Given the poor forest health conditions in the Columbia Basin (and presumably elsewhere), we are disappointed that uninventoried roadless areas receive no protection under the rule. The DEIS recognizes that unroaded and unlogged areas comprise our best remaining ecosystems. These areas generally offer little commercial harvest potential (hence their unroaded condition) are in no need of "stewardship" or other types of treatment. You should reconsider extending automatic protection to roadless areas larger than 1000 acres. (See *Wj-Kan-Ush-Mi Wa-Kish-Wit (Spirit of the Salmon)*, The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm

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Springs and Yakama Tribes (CRITFC, 1995), calling for cessation of logging, mining, and road construction in all roadless areas ≥ 1000 acres).

At a minimum, the rule should direct local units to immediately determine the suitability of uninventoried roadless areas for the protections given inventoried roadless areas. Putting off this analysis until forest plan revision is a mistake. Forest planning is a long process, and given current administrative burdens (ICBEMP implementation, ESA consultations, etc.) it is highly unlikely that forest plans will be revised in the foreseeable future. If analysis of these areas is put off until the next forest planning cycle, it is imperative that these areas receive interim protection through project-by-project analysis of roadless characteristics (procedural alternative D).

3. The proposed rule should offer some protection to inventoried and uninventoried roadless areas in the Tongass National Forest. While we understand the arguments in favor of a transition period, we strongly recommend providing interim protection for these areas. The DEIS states that "the Forest's] high degree of overall ecosystem health is largely due to the quantity and quality of its inventoried roadless areas" and 98% of southeast Alaska's fish runs originate on the Tongass. If so, and if many Tongass timber sales go unsold because of lack of demand, why not give some interim protection to the Forest's inventoried roadless areas? The DEIS statement that project-by-project analysis doesn't provide the appropriate scale for roadless analysis is puzzling; in reality, the lack of a project-by-project analysis ensures the forest will be unable to analyze roadless values at the appropriate scale because ad-hoc interim decisions will have compromised many roadless areas.

In summary, we commend the Forest Service for recognizing the value of roadless areas and undertaking this effort to protect the few remaining roadless areas in our national forests. Given the unquestioned importance of these areas, we urge you to reconsider providing stronger substantive and procedural protections for both inventoried and uninventoried areas, and for the Tongass National Forest.

Sincerely,

Brad Nye
Off-Reservation Habitat Policy Advisor

cc: Tribal Council
Robert A. Brunoe, General Manager, Department of Natural Resources

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Kootznoowoo, Incorporated
U.S. Forest Service Roadless Area Testimony
Angoon, Alaska
June 29, 2000

RECEIVED

JUL 13 2000

Comments of Carlton Smith, CEO Kootznoowoo, Incorporated.

Kootznoowoo, Incorporated is the for profit Village Corporation for Angoon created pursuant to the terms of the Alaska Native Claims Settlement Act (ANCSA) for the benefit of the Alaska Native People of Angoon. Kootznoowoo represents over 900 shareholders plus an estimated 1000 additional family members.

Kootznoowoo owns approximately 32,000 acres of land conveyed as a result of the terms of ANCSA, the Alaska National Interest Lands Conservation Act (ANILCA) and through private acquisitions. Kootznoowoo also has access, development and traditional use rights to lands located within the Kootznoowoo Wilderness in the Admiralty Island National Monument, as well as the right to select additional land on Prince of Wales and Chichagof Island.

The lands Kootznoowoo owns are located throughout Southeast Alaska. These include approximately 21,000 acres on Southern Prince of Wales Island, 8000 acres in the Mitchell Bay, Kanalku Bay and Favorite Bay areas of the Kootznoowoo Wilderness; and, 3500 acres of land on the Angoon Peninsula and Killisnoo Island, along with a couple of hundred acres of private acquisitions, within the boundaries of the Admiralty Island National Monument and Kootznoowoo Wilderness.

In addition, Kootznoowoo has hydro power development rights, which it intends to exercise, to 14,500 acres of land in the Kootznoowoo Wilderness. And, Kootznoowoo has co-management rights to thousands of acres in Mitchell, Kanalku and Favorite Bays and their environs, pursuant to section 506 of ANILCA.

All of these lands and rights were conveyed to Kootznoowoo in recognition of the historical aboriginal ownership, rights, and uses by the Tlingit People of Angoon. And, to help provide for their current and future subsistence, cultural, employment, economic and social needs.

After consideration of these rights, and the needs of its Shareholders and their families; and, after careful consideration of the Roadless Areas Proposal; and, after consultation with Sealaska Corporation, Kootznoowoo, Incorporated encourages the Forest Service to abandon the idea of imposing the Roadless Areas in the Tongass and Chugach National Forests.

The reasons for our objections to this proposal are many, but we will speak to a few key points.

1. The Administration's Roadless Area Proposal will violate the terms and conditions of ANCSA, ANILCA and the Alaska Statehood Act. All of these acts provide for access to ANCSA lands and Alaska's isolated communities. They were enacted by Congress after long and careful deliberations and they cannot be overturned or have their purpose defeated by unilateral administrative fiat.

In summary, Kootznoowoo encourages the Forest Service to discard the Roadless Area Proposal for Alaska and return to professional multiple use forest land planning. There are many existing laws, regulations and plans that protect and manage the environment. The Roadless Area Proposal is not the way to achieve ecosystem protection.

On behalf of Kootznoowoo and its family of Shareholders, thank you for this opportunity to address this important issue and thank you for considering these comments.

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FRANK H. MURKOWSKI, Alaska, Chairman
 PETER W. DOMENICI, New Mexico
 DON NICLES, Oklahoma
 LARRY E. CRAIG, Idaho
 BEN NICHOLSON, Colorado
 CRAIG THOMAS, Wyoming
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OFFICE OF THE SECRETARY
 2000 JUL 20 10:05 AM '00

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United States Senate

COMMITTEE ON ENERGY AND NATURAL RESOURCES
 WASHINGTON, DC 20510-8150

WWW.SENATE.GOV/-ENERGY

E 2 1 5

June 20, 2000

The Honorable Dan Glickman
 Secretary of Agriculture
 United States Department of Agriculture
 Room 213-A
 14th Street and Independence Ave., S.W.
 Washington, D.C. 20250

35-4156142

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JUL 14 2000

Dear Secretary Glickman:

We are writing to express our concern that the President's new roadless area initiative will preclude the possible development of the proposed Pelican Butte ski area in southern Oregon. The ski area proposal, which was encouraged by the Forest Service, is currently undergoing the appropriate environmental reviews required by the National Environmental Policy Act (NEPA) and the President's Northwest Forest Plan. As a matter of fairness for those who have invested time, energy, and trust in this collaborative process, we believe some accommodation should be made for this unique case in any final roadless area plan.

As you may be aware, the Forest Service, in compliance with NEPA, is currently reviewing the proposed Pelican Butte ski area which would be located in the Winema National Forest near the town of Klamath Falls, Oregon. Under current regulations, the Pelican Butte ski area can only be approved through a site-specific Environmental Impact Statement (EIS). While the site-specific process does not guarantee approval of the ski area, it does provide a framework for evaluation of how recreational development can meet strict ecosystem management standards.

The Pelican Butte project is now very near completion of possibly the most rigorous environmental assessment ever conducted for a potential ski area -- an effort spanning three and one half years and expending over \$3.75 million. The Pelican Butte Ski Area EIS team has spent the past eight months studying the project's effects and expanding on studies prepared for the 800-page draft EIS that was released by the Forest Service in October of 1998. The Forest Service received more than 11,000 comments on the draft EIS, with overwhelming support from the Klamath Falls area. This strong local support is based on the economic expectations and societal benefits that this development represents to the people of southern Oregon, who have struggled to find economic development alternatives to the traditional forest products industries. A final EIS and Record of Decision on the Pelican Butte proposal are scheduled for completion in early 2001.

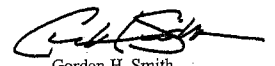
The Honorable Dan Glickman
 Page Two

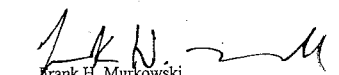
Now, however, it appears that the more recently proposed plan for the management of roadless areas, if completed as scheduled this year, will effectively block any future implementation of the Pelican Butte project. There is no indication from the Forest Service that any accommodation will be made in the final roadless plan for unique site-specific proposals, such as Pelican Butte.

We believe that allowing the new roadless area initiative to change the rules under which this ski area proposal is decided would be fundamentally unfair to the local rural community that has worked in good faith with the Forest Service through every step of the NEPA process. Short-circuiting this review when it is so near completion, would not only be wasteful and unfair, it would also send the wrong message to the thousands of people that have participated in the Pelican Butte project to this point.

For the above reasons, we would appreciate your assistance in ensuring that the Pelican Butte process is allowed to progress without regard to the roadless initiative, but in full compliance with current environmental law. We look forward to working with you on this important matter.

Sincerely,


 Gordon H. Smith
 United State Senator


 Frank H. Murkowski
 Chairman

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

TONY KNOWLES
GOVERNOR
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

July 17, 2000

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Juneau, Alaska 99811-0101
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Fax: (907) 465-3532
www.gov.state.ak.us

United States Department of Agriculture Forest Service-CAET
Attention: Roadless
P.O. Box 221090
Salt Lake City, UT 84122

Via Fax Number (877) 703-2494

The State of Alaska appreciates the opportunity to submit comments on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

I support the exclusion of both the Tongass and Chugach National Forests from the roadless initiative. I am heartened the DEIS preferred alternative would defer decisions on additional protection of roadless areas in the Tongass until 2004, when they could be examined as part of the Tongass Land Management Plan (TLMP) evaluation process. As you know, I was a strong advocate of the TLMP process, which is the Forest Service's best tool for doing the job right in Southeast Alaska. I consistently advocated a policy of "Doing It Right," which is based on three principles:

1. Sound science;
2. Conservation based management including an adaptive management approach; and, an
3. Open public process that brings Alaskan stakeholders to the table.

I also called for a forest plan which would provide a reliable supply of timber for Alaska businesses engaged in high value-added manufacturing, while avoiding logging and logging roads in important fish and wildlife areas and areas of importance to local communities. I have detailed these concerns consistently for many years (see enclosed documents). After nearly 15 years of planning, and some \$20 million expended, the Forest Service first produced a TLMP Record of Decision, and then a controversial decision on the administrative appeals of that decision. Roadless areas and related values were carefully considered throughout the TLMP process, and many important areas were in fact protected in that plan. A major purpose of those protected, generally roadless, areas was to establish a science-based system of old growth reserves to ensure the viability of wildlife, fish, and other animal populations over the long-term. This was to satisfy the requirements of the Endangered Species Act and the National Forest

USDA Forest Service - CAET
July 17, 2000
Page 2

Management Act, thereby providing a predictable land allocation for forest resource industries. Throughout the TLMP process the repeated federal government promise was that TLMP would bring stability, balance and certainty to the Alaska communities and families which depend upon the many resources and uses of the Tongass forest. It is unacceptable for the federal government to renege on that promise by superceding TLMP with a federal fiat from Washington, D.C.

I am also concerned about the DEIS inclusion of Alaska's Chugach National Forest in the roadless area policy. Like the Tongass, the Chugach National Forest is an expansive forest within which lies small Alaska communities whose economies depend on resource related values. The natural resources of the Chugach also contribute to economies beyond the communities within the forest boundaries and throughout South Central Alaska. Transportation, wood products, mining exploration and production, and both commercial and noncommercial recreation are all enterprises with a strong connection to multiple use management of the Chugach.

As with the Tongass, the Chugach Land Management Plan (CLMP) process has been a sound one, with unprecedented public participation opportunities. The preliminary draft CLMP suggests most roadless areas will receive significant protection. Unlike the blanket roadless initiative, the CLMP process ensures evaluation and balancing of diverse uses, site-specific management prescriptions, and management flexibility.

According to the Draft Roadless EIS, however, the roadless initiative will apply to 98 percent of the forest. While this might not appear to differ significantly from the overall thrust of CLMP, it would greatly restrict management flexibility to respond to important management needs and multiple use opportunities. For example, road prohibitions could limit options to address bark beetle infestations in Kenai Peninsula forests, limiting the availability of Chugach timber for small-scale wood product manufacturers. Road prohibitions could also limit access to mining and recreation developments along the Seward and Sterling Highways, and elsewhere on the forest. Because defined roadless areas generally begin 1/4 mile from the highway, future road alignments, such as those being considered along the Sterling Highway at Cooper Landing, could be prohibited. In the interests of maintaining management flexibility, I urge you to embrace the ongoing Chugach planning process and address issues related to roadless areas in that context, not in the roadless initiative.

I recognize there remain significant management challenges on Alaska's National Forests, and they must be addressed. For example, the adaptive management approach in TLMP

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17304

USDA Forest Service -- CAET
July 17, 2000
Page 3

is a strategy which can contribute to community stability, economic diversification, and increased scientific understanding. Effective adaptive management requires the Forest Service collaborate with the state and affected Alaska stakeholders to monitor the status of natural resources, incorporate science into management, evaluate management effectiveness, and suggest management options based on new information. Adaptive management, based on scientific monitoring, is good management and should be implemented on both the Tongass and Chugach forests.

The recently-completed Southeast Alaska Transportation Plan, a long term study and plan for providing transportation demonstrates the ability of the state of Alaska and the federal government to work together to meet Alaska's transportation needs. Similar plans are in preparation for other regions, notably Prince William Sound.

Fishing and seafood processing together are the number one private sector employer in Alaska, and the salmon streams of the Tongass and Chugach forests are significant fish producers. To maintain the productivity of these streams and provide safe passage for salmon, a sound road management strategy is a crucial consideration. Information from the Forest Service and the Alaska Department of Fish and Game indicates that on the Tongass a significant number, perhaps as high as 66 percent, of forest road culverts across salmon streams are not adequate for fish passage. Correcting these problems should be a top Forest Service priority, yet the roughly 4,500 miles of roads on the Tongass are not receiving the maintenance required to protect water quality and ensure salmon passage. Some of these roads should be rehabilitated, whereas others will be important over the long-term for local access or as part of the Southeast Alaska Regional Transportation Plan. A sound Forest Service strategy is needed for Tongass road and transportation management, water quality and fish passage, along with the funding to do the job right.

In the Chugach National Forest the Copper River stands out as one of Alaska's premier salmon rivers. The Copper River delta is well known not only for the world class king and sockeye salmon fisheries, but also as one of the most important migratory bird breeding and staging areas on the Pacific coast. Determining the best way to afford strong protection to the Copper River area, consistent with the Alaska National Interest Lands Conservation Act is an important component of the CLMP process.

The Chugach forest also offers tremendous opportunities for sustainable development of tourism, recreation, and other natural resources, while maintaining the magnificent natural setting which draws so many to visit Prince William Sound and the eastern Kenai


USDA Forest Service -- CAET
July 17, 2000
Page 4

Peninsula. The challenge is to balance economic development and diversification with protection of the freshwater streams, wildlife, and coastal habitats which are the biological heart of the Chugach.

Safe passage for salmon on the Tongass, effective protection of the Copper River delta on the Chugach, and balancing diverse values and economic interests on both forests are examples of issues that benefit from the site specific management approach employed in the Tongass and Chugach management planning processes.

In conclusion I want to reiterate my strong opposition to supplanting the Tongass Land Management Plan, or the Chugach Land Management Plan underway, with a federal initiative launched out of Washington, D.C. I am enclosing copies of previous correspondence and documents relevant to the roadless area initiative, and ask that you include them in the record of comment on the DEIS. Thank you very much.

Sincerely,


Tony Knowles
Governor

Documents enclosed for inclusion in the formal record of public comment on the DEIS:

- The State of Alaska's comments on the federal notice of intent to prepare an environmental impact statement and a public rule making process regarding the protection of roadless areas within the National Forest System;
- The State of Alaska's comments on the TLMP draft environmental impact statement;
- Letter to Agriculture Secretary Glickman dated September 21, 1998;
- Letter to Agriculture Secretary Glickman dated July 20, 1999;
- Letter to White House Council on Environmental Quality Director George Frampton dated October 12, 1999.

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



December 20, 1999

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USDA Forest Service-CAET
Attention: Roadless Areas NOI
P.O. Box 221090
Salt Lake City, UT 84122
Fax Number (801)517-1021

The State of Alaska appreciates the opportunity to submit scoping comments on the federal notice of intent (NOI) to prepare an environmental impact statement and a public rule making process regarding the protection of remaining roadless areas within the National Forest System.

It is not acceptable for the federal government to supercede the exhaustive Tongass Land Management Plan (TLMP) process with a federal initiative out of Washington, D.C.; that could erode the balance, stability, and certainty TLMP was to bring to the economy of Southeast Alaska. Roadless areas were carefully considered in TLMP, and another review is not appropriate. The State of Alaska recommends the federal government pursue a fundamentally different, alternative course of action and take advantage of the adaptive management and monitoring strategy in the forest plan.

Further, it is not acceptable for the federal government to supercede an ongoing planning process on the Chugach National Forest. The consideration of roadless areas on the Chugach forest must respect a public process and be consistent with a fair forest planning process. If the federal government expects the people of Alaska to continue the process in good faith, any actions should be based on sound science, prudent management, and a meaningful public process.

Forests in coastal Alaska are fundamentally different from those in the lower 48 states. The Tongass comprises roughly 85 percent of the land base in Southeast Alaska; its resources and uses are the social and economic lifeblood of the region's communities. The Chugach National Forest occupies just as fundamental a role for residents of Prince William Sound and the eastern Kenai Peninsula. Unlike cities and towns in the lower 48 states most of the communities in Alaska's national forests are on islands not connected by roads.

Many of our national forest issues are truly unique to Alaska: marine transportation and safe boat anchorages; subsistence hunting, fishing, and gathering; and commercial

Roadless Areas NOI Comments
December 20, 1999
Page 2

salmon fishing. Recreation and tourism activities feature glaciers, icefields, and sea kayaking. Brown (grizzly) bears and bald eagles are abundant and commonly observed wildlife species. Deer are so abundant hunters in some areas are allowed to harvest four and sometimes five deer each season, and they need to in order to feed families in remote wilderness villages.

Here in Alaska we are playing by the rules when it comes to forest management. Southeast Alaskans from all walks of life worked hard in pursuit of a balanced Tongass forest plan based on sound science and meaningful public participation. We are committed to prudent forest management and have a solid track record of working through the federal forest planning process. When Alaskans play by the rules we expect the federal government to also play by their own rules and respect the forest planning process.

The Chugach National Forest

On Alaska's Chugach National Forest the Forest Service is in the midst of a forest planning process under the authority of the National Forest Management Act. Timber harvest is not a major use of the Chugach, and there appears to be an excellent opportunity to combine significant protection of important roadless areas with sustainable management of a growing recreation and tourism economy. Other uses and resources can also be accommodated in the forest plan framework, as can reasonable access provisions. In short, the State of Alaska believes the forest plan timetable allows the federal government to ensure that roadless area decisions affecting the Chugach National Forest can be integrated into the final forest plan.

The Tongass National Forest

The Tongass National Forest in particular should not be included in the proposed rule making process because roadless areas and related issues were addressed in the Tongass Land Management Plan (TLMP). That plan, which took 15 years and cost some \$20 million to complete, was completed in 1997 with final decisions on administrative appeals just this year. TLMP was one of the most elongated and thorough resource planning efforts in the history of the nation and received more public comments than any other individual national forest plan in history. Roadless area issues such as those cited in the NOI-roadless area inventory, clean water, biological diversity, wildlife habitat, recreation opportunities-were covered in depth in the Tongass forest plan.

The State of Alaska participated in the Tongass forest plan throughout its development and I consistently advocated a natural resource strategy of "Doing It Right," which is

56463

Roadless Areas NOI Comments
December 20, 1999
Page 3

founded on three fundamental principles: sound science, prudent and sustainable management, and a meaningful public process that involves stakeholders in decisions. The state submitted detailed and comprehensive comments and recommendations on the forest plan that emphasized:

- The need for a reliable, predictable timber supply capable of supporting Alaska businesses engaged in manufacturing high value added wood products, and intensive management to help achieve that goal;
- The importance of avoiding logging and road building in key areas of concern for fish, wildlife, subsistence, and local use by residents of local Alaskan communities, such as Honker Divide, Cleveland Peninsula, Port Houghton, Poison Cove/Ushk Bay, and East Kuiu Island;
- The central role of scientific monitoring, evaluation and an adaptive management strategy in successful implementation of the TLMP forest plan.

The premise understood by the state and the federal government was that TLMP would bring balance, stability, and certainty to the regional economy. Many jobs and families, both in the timber industry and throughout the economy of this region, are dependent on such stability. Former White House Chief of Staff, Leon Pannetta, assured me and a delegation of Southeast Alaska Mayors that TLMP would be concluded in a responsible manner and would bring needed stability to the families and communities of Southeast Alaska.

The Forest Service in the 1997 record of decision (ROD) on TLMP made significant changes in land allocations to protect areas of concern to local communities, and establish a comprehensive fish habitat and wildlife population viability strategy that received thorough scientific peer review. Under the 1997 ROD the annual timber harvest level was reduced but still allowed for a significant timber industry.

The final plan also included an adaptive management strategy that promised to engage all relevant federal agencies (the Environmental Protection Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) and the State of Alaska in a cooperative monitoring effort. The Forest Service's Pacific Northwest Research Station was included in the monitoring and evaluation commitment. Nongovernmental organizations and interested stakeholders were also invited to participate in the monitoring and adaptive management process. The State of Alaska strongly supports scientific research and the inclusive program of monitoring and adaptive management to which the federal government committed in TLMP.

56463

Roadless Areas NOI Comments
December 20, 1999
Page 4

This year the Department of Agriculture made a final decision on the more than thirty administrative appeals of the forest plan and issued a revised TLMP record of decision. The revised record of decision was controversial, and remains so. I have serious concerns with the process and the product of what I think was a faulty approach. In my opinion, even those people who have expressed support for the final version of TLMP should be concerned about the process. A faulty process can often lead to unpredictable results, and today's beneficiaries of such a process may well find themselves in opposition to a later set of decisions which are based on similar procedural infirmities.

The 1999 TLMP appeals decision significantly increased the amount of land removed from the timber base to provide additional protection of old growth forest habitat for wildlife, and decreased the amount of forest land available for timber harvest. Ironically, opportunities for intensive management of second growth timber land, a strategy that could over time reduce the emphasis on logging in roadless, old growth areas, appear to have been curtailed. While the increased protections may reduce or eliminate the threat of timber supply disruptions from legal challenges citing the federal Endangered Species Act, Alaska timber businesses are struggling to determine whether the revised decision will provide a reliable wood supply sufficient to conduct viable manufacturing businesses.

Adaptive management is a sound process for evaluating the success of the forest plan in addressing roadless areas and related issues. Adaptive management engages scientists and resource managers in monitoring and evaluating the effectiveness of the conservation measures in the plan. It is an open process that brings stakeholders and tribes into the process, and allows for community dialogue about the specific places, resources, and uses that are important to residents. If the adaptive management process indicates changes to the plan are needed based on sound science, prudent management, and stakeholder priorities, then adjustments can be made through the forest plan amendment process.

I believe that on the Tongass National Forest adaptive management will better achieve the conservation goals, cited in the roadless policy NOI, of protecting "...clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities and other public benefits." It can do so while contributing to the management stability so desperately needed by Southeast Alaska families that have waited 15 years to know how their forest is going to be managed. Therefore the federal government should commit the financial resources and professional staff necessary to make adaptive management work for the health of the forest and for the well-being of Alaskan families.

Roadless Areas NOI Comments
December 20, 1999
Page 5

I would also like to comment on the challenge of managing the existing roads on the Tongass. Today there are over 4,500 miles of Forest Service roads on the Tongass. Some of these roads should be improved as part of the permanent forest transportation system, some should be stabilized and maintained for local use, and some should be closed and reclaimed in an environmentally sound manner. These road needs are an important part of forest stewardship as well because, according to Forest Service estimates, at least 25 percent of the most important salmon stream crossings do not allow fish passage. There is an estimated \$20 million backlog in fish passage problems across the Tongass. The federal government has a responsibility to address the real transportation, access, and fish habitat restoration needs on the Tongass rather than unilaterally imposing a new roadless area policy.

The State of Alaska's comments on the TLMP draft are appended and clearly put forth in the state's priorities, principles, and recommendations with regard to a balance that protects areas of concern to local communities, provides a predictable timber supply to support a high value added timber industry, and balances the diverse uses and resources of the Tongass forest. Correspondence to Secretary of Agriculture Dan Glickman is also appended. I request that these enclosures be included in the formal record of scoping comments on the proposed roadless area rule making process and environmental impact statement. Thank you.

Sincerely,


Tony Knowles
Governor

Documents enclosed for inclusion in the formal scoping record:

- The State of Alaska's comments on the TLMP draft environmental impact statement
- Letter to Secretary Glickman dated September 21, 1998
- Letter to Secretary Glickman dated July 20, 1999
- Letter to the White House Council on Environmental Quality Director George Frampton dated October 12, 1999

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STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

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August 26, 1996

Mr. Phil Janik
Regional Forester
U.S. Forest Service
P.O. Box 21628
Juneau, AK 99802

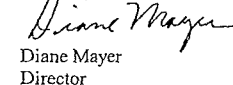
Dear Mr. Janik,

I am pleased to submit the State of Alaska comments to the Revised Supplemental Draft Tongass Land Management Plan.

The Tongass is a national treasure and the heart of Southeast Alaska. Regional population growth and demands of economic diversification heighten the challenge of Tongass management. The State continues its commitment to work with you, and all Alaskans, to bring balance to the competing interests in forest resources and to maintain a healthy, stable regional economy. This plan review is one step in our collective responsibility to sustain the Tongass as it supports us.

Please contact me, or any Cabinet members, if you have questions regarding the enclosed recommendations. The State looks forward to an expeditious completion of this important update of the Tongass Management Plan.

Sincerely,


Diane Mayer
Director

cc: Commissioner Frank Rue, Fish and Game
Commissioner Michelle Brown, Environmental Conservation
Commissioner John Shively, Natural Resources
Commissioner Willy Hensley, Commerce and Economic Development
Commissioner Mike Irwin, Community and Regional Affairs
Commissioner Joe Perkins, Transportation and Public Facilities
Marilyn Heiman, Special Assistant, Governor's Office

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Enclosures to State Comments on the RSDEIS Tongass Plan

- Enclosure I Highest Value Community Use Areas
- Enclosure II ADFG Standards and Guidelines Recommendations
- Enclosure III Governor's Letters on Tongass Issues addressed to:
 - President Clinton; July 5, 1996
 - Mr. Mark Suwyn; April 26, 1996
 - Fellow Alaskans; August 22, 1996

TONGASS LAND MANAGEMENT PLAN
STATE OF ALASKA - COMMENTS

Thank you for the opportunity to comment on the Tongass Land Management Plan. The Forest Service has the responsibility to complete the Tongass land management planning process and we urge the Forest Service to do it in an expeditious manner.

The well-being of the people of Southeast Alaska is inextricably linked to the management of the Tongass National Forest. The State of Alaska's objective is to ensure that the management decisions made by the U.S. Forest Service meet the current and future needs of Southeast Alaskans, their jobs and their families. This objective can best be met if all parties work together, maintaining mutual respect for community differences, lifestyles, and cultural heritage. Our common mission is to build a stable, diversified, sustainable economy that includes a predictable, reliable timber industry in Southeast Alaska. Success in our mission will provide for an improved standard of living with quality employment and development opportunities for Southeast Alaskans through prudent use of the national forest's resources.

The Tongass Land Management Plan (TLMP) will drive the long-term management decisions for the Tongass National Forest. The plan must reflect not only national mandates, but also the concerns and needs of Alaska communities. The focus must be on Alaskan jobs and families and must use the planning process to find a sustainable balance between all the uses of the forest, including commercial and sport fishing, fish processing, hunting, timber, mining, tourism, subsistence, recreation, and personal use. Another important component to meeting the needs of Alaskans is conservation of forest resources, including fish, wildlife, habitat, water, air, trees, and other resources. We have the responsibility to manage for the conservation of fish and wildlife habitat, provide for community uses, and minimize impacts to viewsheds while providing for a predictable timber industry. The management direction in the plan must provide a mechanism for harvesting and processing trees responsibly, sustainably, predictably, and with a goal of maximum utilization of harvested timber to provide stable, long-term employment opportunities for Alaskans.

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The Tongass Land Management Plan is essentially a zoning and rule-making tool similar to local zoning and municipal ordinances. Inevitably, one plan that tries to address a region as large as some states is going to be controversial. Imagine if communities in West Virginia (the approximate size of the Tongass) had to operate under one set of zoning laws and municipal ordinances. Southeast Alaska is a very diverse region. From Ketchikan, that depends mainly on timber production, to Gustavus, that relies on fishing, subsistence, and tourism, the Tongass is a factor in how each community thrives. How the forest should be managed to meet all the diverse needs is a question that has challenged the region for decades.

Beginning in 1910, the Forest Service sought to establish pulp mills to utilize Tongass timber and to provide stable, year-round employment in Southeast Alaska. The Forest Service entered into two fifty-year contracts that provided for a specified timber supply in exchange for pulp mill construction and operations in Southeast Alaska. The Ketchikan Pulp Company (KPC) began pulp mill operations in 1954. The Alaska Lumber and Pulp Corporation (APC) began operations in 1961.

In 1979, a ten-year Tongass Land Management Plan (TLMP) was adopted as required by the National Forest Management Act. In 1980, Congress enacted the Alaska National Interest Land Conservation Act (ANILCA) which largely followed the 1979 TLMP proposed action. ANILCA mandated an annual permanent appropriation of at least \$40,000,000 or as much as necessary to maintain the timber supply from the Tongass at a rate of 4.5 billion board feet per decade. In 1990, the Tongass Timber Reform Act (TTRA) was passed by Congress. Among other things, the Act eliminated the requirement for the Forest Service to make available 4.5 billion board feet of Tongass timber per decade and the \$40 million annual appropriation.

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Every decision made on the Tongass was made only after considerable debate between residents, politicians, industry representatives, and environmentalists. The debates were often emotional, sometimes confrontational, and always frustrating for those involved. Each decision represented negotiation and compromise. The situation today is no different.

Today, the 1979 ten-year Tongass Land Management Plan is 17 years old. The KPC contract is in its 42nd year. The APC pulp mill in Sitka and the sawmill in Wrangell are closed. The future of the pulp mill in Ketchikan is uncertain. The planning process, with the involvement of scientists, communities and the general public, is essential to the long term economic viability of the region. Only through the planning process can we provide a predictable, reliable supply of timber, specify areas that should be harvested, and provide a three to five-year pipeline of timber.

Southeast residents from many walks of life have concerns about timber harvest. The uncertainty about the future of the region's remaining pulp mill and Tongass timber supply has residents who depend on a stable forest products industry in fear of losing their jobs and homes. Those who rely on Alaska's healthy fishery resources also feel threats to their livelihood. Decades of timber harvesting combined with other residential and industrial development in the Pacific Northwest and British Columbia has resulted in habitat loss, declines in the fishery resources, and endangered species listings. Restoration of these areas will come at a high cost.

As population and demands on resources increase, the conflicts becomes more pronounced. The population of Southeast Alaska has increased from 28,000 in 1950 to approximately 75,000 today. When the long-term contracts were entered into almost fifty years ago, there were limited opportunities for year-round employment in Southeast and no industrial base to enable communities to grow. The long-term contracts and the pulp industry provided that base. Communities have grown and the economy has diversified. The challenge now is to

56464

retain that economic diversification, maintain a viable timber industry, and accommodate all uses of the forest. Currently, our salmon stocks are strong, wildlife populations are high enough to meet most subsistence and hunting needs, and tourism is a booming industry. Being able to sustain this situation, and to avoid the severe problems faced in the Pacific Northwest, is contingent upon our "doing things right," now and into the future.

Inevitably, there must be trade-offs to meet the current and future needs of all Southeast Alaska. As decisions on the trade-offs are made, it is important to minimize the risks to both Alaskan jobs and resources, and to consider the values and diverse lifestyles of Southeast Alaskans. To aid the Forest Service in making these decisions, the State offers the following recommendations.

1. Timber Values

Like all Alaskans, Southeast residents who depend on the timber industry for their livelihood value the forest and its resources. As timber resources decline, it is important to bring some stability and predictability to the timber supply relied on by the forest products industry. In order to do this, the timber industry must include a high value-added component to maximize the number of jobs per board foot cut. The idea is to provide for a predictable timber industry in Southeast Alaska while reducing the number of acres impacted by harvest on the Tongass. To maintain its competitiveness, the timber industry must adapt and invest in improved technology. In considering land management decisions for the Tongass, the Forest Service should do its part to bring stability to the current industry and cooperatively plan for long-term adjustments. To that end, we have continued to encourage the Forest Service to offer small five to ten-year timber sale contracts. Smaller sale volumes (1 - 10 MMBF annually) would help meet the needs of several industry participants and would likely be less controversial than larger sales. Providing economic incentives for local use of cedar for value-added production is another way to help increase the number of processing jobs from timber harvested in the region.

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The State will do all it can to identify and schedule timber volume from State lands to contribute to a stable, value-added, timber industry in Southeast Alaska. The State introduced and is now implementing legislation that will provide incentives for small, locally owned operators to increase high-valued added processing of timber on state lands. The Alaska Industrial Development and Export Authority and the Science and Technology Foundation are available to provide assistance to companies who want to invest in higher value-added wood processing. The in-state processing of our raw materials, with a focus on adding value locally is a means to improve economic benefits and provide a predictable, diverse, sustainable industry for the region.

The State recommends and supports the establishment of an "intensive management" fund for the Tongass. Additional funds will provide:

- (a) access to economically marginal stands which may be less controversial and could maximize the long-term productivity of remaining commercial timber lands;
- (b) thinning, pruning, and/or other silvicultural techniques on regenerated stands to maximize the quality of future timber yields;
- (c) watershed restoration in areas where past timber harvest activities were not conducted in a manner consistent with current riparian management standards, helping to reduce risks to the fisheries resource; and
- (d) assistance for temporary roads, culverts, and other access requirements.

Another means of increasing the timber availability would be to limit two-aged silviculture to an experimental program rather than applying it across the forest. Two-aged management may have few silvicultural benefits in Southeast Alaska. Allowing clearcuts in areas zoned for timber harvest would improve the economics of Tongass timber and concentrate harvesting in fewer areas. Other ways to reduce the risks to the timber industry and improve the economics of timber harvest include intensifying the second-growth management program

and limiting the protective measures for caves and karst to what is required by federal law. Finally, the economics of individual timber sales could be improved, and their impacts reduced, by construction and subsequent closure of temporary roads unless a community indicates a strong desire for a permanent road in the area.

2. Fisheries and Water Quality Values

All Southeast residents value our important fisheries and clean water. Commercial, subsistence, and recreational harvest of fish contribute significantly to every community in Southeast Alaska. Additionally, the State has made a commitment both nationally and internationally to rebuilding and restoring wild salmon populations and protecting salmon habitat. The Governors of Alaska, Washington and Oregon recently signed principles for salmon conservation at the Sitka Salmon Summit to address the economic and social consequences of past impacts to salmon habitat, primarily in the Pacific Northwest.

Application of Riparian Options 1 and 2 will help the State meet its commitments to Alaskans and others. The State recommends Riparian Option 1 be the minimum prescription applied to the 50% highest value watersheds for fish production. The remaining watersheds would get Riparian Option 2 unless a site specific analysis indicates otherwise. The State recommends that the prescriptions for High Gradient Contained (HC) streams, those found in the upper part of the watershed, be changed. Our proposed modification to Riparian Options 1 and 2 will offer more timber for harvest while maximizing the benefit of stream buffers (see enclosed Standard & Guideline recommendation, Enclosure II, page 22).

3. Community Use, Fish, and Wildlife Values

Communities that do not directly benefit from the timber industry are often opposed to harvesting in their use areas. Even communities that directly benefit from timber harvest have their favorite locations they want protected. This often results in individual sales being delayed or deferred or substantially modified due to appeals and litigation. Timber planned for harvest under TLMP will be of little use in providing timber industry jobs if individual

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sales remain mired in controversy and litigation based on community concerns for fish, wildlife, recreation, and subsistence uses.

While the existing Forest Service reserve system responds to the national mandate to protect fish and wildlife viability, it does not fully address the need for community use of fish and wildlife. The State has identified numerous fish and wildlife use areas important for one or more Southeast Alaska communities that are available for timber harvest under the preferred alternative. Data on resource values (i.e., coho and pink salmon production, recreational fishing effort, subsistence use, urban deer harvest, and bear harvest) were compiled, analyzed, and ranked. Areas were identified based on the following: highest ranked resource values or combinations of highest values; extent of past timber harvest in each community's core use area (indicator of degree of risk to sustained yields of fish and wildlife for community); and local knowledge of habitat quality and community use patterns. The areas identified collectively contain the most important 20% of the community subsistence areas, approximately 20% of the brown bear harvest and urban deer harvest, 40% of the black bear harvest, and 30% of the coho and pink salmon production and sport fish harvest.

The list of high value community use areas is enclosed for both the Forest Service and the public's information (see Enclosure I). We request the Forest Service work with the Department of Fish and Game and Southeast communities to determine which of these areas should have appropriate management prescriptions that protect community use, and fish and wildlife values. Avoiding or minimizing timber harvest in areas of high community use will increase the predictability and reliability of the timber supply and ensure the viability of all forest dependent industries.

4. Other Suggestions

In the review of the Tongass Land Management Plan, the State developed the following additional suggestions to help the Forest Service meet the values of Southeast Alaskans:

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- Intensify the second-growth management program to hasten the second rotation and increase timber production from the commercial timber base.
- Develop monitoring plans that document and foster compliance with TLMP standards and guidelines. The plans should document the short-term and long-term effectiveness of the plan in meeting the objectives set forth in TLMP for renewable forest resources and uses. An adaptive management strategy should reflect interrelated levels of monitoring strategies for evaluating (a) effectiveness of standards and guidelines and Best Management Practices, and (b) trends in species abundance and distribution, changes in habitat quality, and changes in harvest levels and patterns.
- Provide for restoration, rehabilitation and monitoring which would include developing a Habitat Restoration Program to implement stream restoration in watersheds that have been degraded, prioritizing the highest value watersheds. State/Federal monitoring teams could assess habitat damage and conduct research on experimental enhancement of wildlife habitats in second-growth forests where public demand for species most exceeds supply.
- Adopt the extended beach fringe zone standard that is applied to some alternatives in the DEIS. The standard provides a zone 500 - 1000 feet from the beach where single tree or group selection logging is allowed. The extended beach fringe allows harvested areas to better attain old-growth forest characteristics of species abundance, composition, and structure before they are harvested again. The selective harvest zone would reduce blow down in the no-harvest beach fringe, increase the functional value of coastal old-growth corridors connecting Old-Growth Habitat LUDs, help provide for sustained yields of wildlife, and protect anchorages from winds.

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- Change the definition of beach and estuary fringe to ensure this important area is maintained. Change the definitions from 500 or 1000 feet slope distance inland from mean high tide to 500 or 1000 feet horizontal distance inland from the landward limit of salt tolerant vegetation (the State's Forest Practices Act requires all measurements be horizontal distance rather than slope distance).
- Improve standards and guidelines for road construction, maintenance and closure by adopting the construction, maintenance, and closure standards in the Alaska Forest Resources and Practices Act. Implement road management plans to reduce impacts to brown bear, wolves, marten, goats, and other species vulnerable to increased human access.
- Rename the "Enacted Municipal Watershed" prescription "Municipal Watershed" and include all municipal watersheds in the prescription. Protecting municipal watersheds under this management prescription could decrease the cost to municipalities for drinking water treatment and would protect public health.

The future decisions for the Tongass National Forest should not be based on the demands of any one group such as timber industry advocates, environmentalists, corporations or Congress. All forest management decisions must consider the people who live here. While the Tongass belongs to all Americans, it is the current and future generations of Southeast Alaskans that are most affected by federal land management decisions. It is very important that Southeast Alaskans are heard and their needs reflected in the final federal decision on the Tongass Land Management Plan. It is critical to bring all stakeholders to the table as the Forest Service implements the plan.

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From the State's perspective, a strong, diversified economy is essential to the long-term well-being of Alaska's families. The future of the Southeast economy is tied to continued vitality in the fishing, tourism, timber, and mining industries, as well as to the subsistence economy. The Tongass is the primary land base for the majority of Southeast Alaska communities and must be managed accordingly. It must be managed with a goal of providing maximum opportunities for Alaskan families while not foreclosing or denying benefits and opportunities to future Alaskan generations.

We appreciate the opportunity to comment on the Tongass Land Management Plan. We urge the Forest Service to give due consideration to these comments. We also urge you to discuss the enclosed recommended changes to standards and guidelines with the Alaska Departments of Fish and Game and Department of Environmental Conservation. Finally, we request the Forest Service review, with affected communities, important high-use community areas.

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ENCLOSURE I

HIGHEST VALUE COMMUNITY USE AREAS

VCU* areas identified as having the highest values for community use of fish and wildlife. These areas represent the most important 20% of community subsistence use areas in the region, approximately 20% of the brown bear harvest and urban deer harvest, 40% of the black bear harvest and 30% of the pink production, coho capability and sport fishing use areas. VCU areas are grouped into three categories within these "highest value" areas.

The Department of Fish and Game has on file the specific data that supports each of these value ratings and helps identify the most productive areas within each VCU listed. The department will work with the Forest Service to integrate this information into final management strategies for these areas.

VCUs with highest community fish and wildlife values

230 240 550 840 1200 2010 2020 2030 2040 2150 2170 2180 2220 2230 2240 2250 2260
2280 2290 2390 2440 2790 2970 2990 3000 3010 3020 3030 3090 3100 3120 3130 3980
3990 4000 4020 4200 4210 4250 4260 4290 4320 4330 4340 4350 4360 4470 4500 4510
4520 4540 5020 5140 5270 5290 5320 5440 5460 5542 5710 5730 5740 5750 5760 5770
5780 5871 5880 5890 5920 5930 5971 6210 6240 6320 6740 6750 6790 6920 7150 7160
7180 7190 7220 7530 8060

VCUs with next highest community fish and wildlife values

790 1960 2100 2430 2450 2460 2800 2810 4160 4570 4580 4680 4890 5380 5490 5610 5830
6180 6310 6340 7470

VCUs with next highest community fish and wildlife values

2360 2920 2940 4670 5810 5910 5960 6200 6250 7200 4240 5940 5950 6220 7390 2400
7130 7140

*Value Comparison Unit - land-based units into which the Forest Service divides the Tongass National Forest. Resource data is frequently analyzed by VCU.

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TONY KNOWLES
GOVERNOR



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

September 21, 1998

The Honorable Daniel R. Glickman
September 21, 1998
Page 2

The Honorable Daniel R. Glickman
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Secretary:

I request your renewed commitment to families and businesses of Southeast Alaska, the implementation of the Tongass Land Management Plan (TLMP), and a sustainable future for the Tongass National Forest. For Southeast Alaskans engaged in salmon fishing, tourism, wood products, hunting, recreation, mining, and subsistence lifestyles, the Tongass National Forest is the foundation of a diverse regional economy.

You and I have discussed the importance of employment in Southeast Alaska on several occasions, and I am proud of our joint effort on the Southeast Alaska Community Economic Revitalization Team. My goal has always been to promote a diversified economy in Southeast Alaska that provides jobs for Alaskans from all walks of life. High value-added wood manufacturing businesses are an important part of that effort. With this in mind, I strongly urge you to take action on four important items regarding the management of the Tongass National Forest.

1. The Tongass Land Management Plan (TLMP) should be brought to a responsible closure that fully honors the public planning process and all the forest users who have a stake in the Tongass, so that everyone who relies on the forest knows how their forest will be managed in the future.
2. I urge you to meet in Washington, at your earliest convenience, with those timber interests that have developed proposals for new, value-added wood manufacturing facilities in Southeast Alaska.
3. Once TLMP is brought to a responsible resolution, you should convene a wood products business meeting, in Alaska, of Alaska high value-added wood product businesses with a stake in the Tongass, so they can prepare their businesses for work in the next operating season and beyond.
4. I also ask you to establish a Wood Products Development and Training Center in Sitka, to provide technical and business development assistance to wood products businesses across the entire state.

My Administration remains committed to creating new jobs for Alaskans while adding maximum value to the world class timber harvested in our state. As you know, Southeast Alaska's forest products industry is weathering troublesome times. Closure of pulp mills in Southeast Alaska was followed by the downturn in Asian economies—Alaska's primary export markets—which significantly constrain an industry that has long been a driving force in Alaska's economy. Looking to the future, I believe it is our responsibility to get the greatest number of jobs possible out of the wood we harvest. Doing so requires a reliable, dependable timber supply that provides real opportunities for high value-added wood products businesses in Alaska. Although private and state lands contribute to the wood supply, the Tongass National Forest is clearly an essential component of the regional timber supply.

It is critical the Forest Service comes to grips with the TLMP and brings the more than thirty administrative appeals to a responsible resolution. This will allow communities across Southeast Alaska to put the debate over the plan behind them and make the Tongass plan work. Responsible implementation of the TLMP will involve the sustainable development of natural resources. It will also involve protecting important community use areas that produce fish, wildlife, and subsistence resources that translate into both sustenance and jobs for Alaskans. Areas of longstanding concern to local communities, such as Cleveland Peninsula, Honker Divide, East Kuiu, and Poison Cove need to be addressed. It is my belief that by adequately addressing these concerns the Forest Service can provide a more reliable timber supply.

Pending resolution of TLMP appeals, many businesses and forest users are of necessity engaged in discussions with the Forest Service regarding current and future business operations, and there is no reason why such discussions should not continue.

Following a timely and responsible resolution of TLMP, and clarity regarding a reliable, sustainable supply of timber, the Forest Service should convene a wood products business meeting for all concerned Alaska wood products manufacturers. This business meeting should be held in Southeast Alaska, and the purpose of the meeting should be clearly focused on allowing timber businesses to plan for the upcoming operating season and the years beyond. It is my understanding that Ketchikan Pulp Corporation (KPC) is pursuing the cleanup of Ward Cove. In addition, I understand that both KPC and Sealaska Corporation remain interested in opportunities to develop additional value-added manufacturing operations. These considerations, along with other value-added timber proposals, should be open for discussion at the Southeast Alaska business meeting.

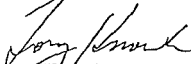
Finally, we need a Wood Products Development and Training Center in America's largest national forest in order to fully realize the potential for sustainable, high value-added

The Honorable Daniel R. Glickman
September 21, 1998
Page 3

manufacturing. The establishment of a Wood Products Development and Training Center in Sitka is an important opportunity to develop the framework for a sustainable future for timber in Southeast Alaska. It builds on our successful collaboration with the Industry Network Corporation to hire a forest products specialist in Sitka. The center is supported by the Alaska Science and Technology Foundation, the Alaska Department of Commerce and Economic Development, and the City and Borough of Sitka.

Thank you for your continued efforts on behalf on the communities of the Tongass National Forest to provide a sustainable future. Your prompt attention and consideration is appreciated.

Sincerely,


Tony Knowles
Governor

cc: John Katz, Office of the Governor, Washington, D.C.

56465

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



STATE OF ALASKA
OFFICE OF THE GOVERNOR
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July 20, 1999

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The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Secretary:

I am writing to convey my concerns with the process utilized by the Department of Agriculture to finalize the Tongass Land Management Plan (TLMP). I also want to recommend some guiding principles and specific actions for the future.

In an unprecedented action, the Undersecretary of Agriculture made major changes in the Alaska Regional Forester's 1997 revision to TLMP. Yet, the Undersecretary's decision was not remanded to Alaska for further scrutiny or public involvement. As a consequence, serious questions have arisen about the credibility of the final Plan, which took literally 15 years and millions of dollars to produce. Further, the uncertainty about Tongass management will continue to the detriment of forest users, as litigation threats have come from all sides.

Questions about the process have inevitably led to concerns about the content of the final plan itself. The administrative record does not provide much elucidation on the rationale for certain decisions. For example, serious questions have arisen about how the 200 year timber rotation mandated for certain areas will affect harvest volumes and other forest uses.

Similarly, we wonder whether the allowable sale quantity of 187 million board feet (mmbf) per annum can satisfy, in actual practice, both a potential new veneer operation and existing timber utilization by medium size and small companies. This concern is exacerbated by the Forest Service's historic difficulty in offering commercially viable sales which can survive judicial challenge. Alaska timber businesses are concerned that there could be a very real gap between timber volume promised on paper and sales made available for bid.

In my opinion, even those people who have expressed support for the final version of TLMP should be concerned about the process. A faulty process can often lead to unpredictable results, and today's beneficiaries of such a process may well find themselves in opposition to a later set of decisions which are based on similar procedural infirmities.

I understand that the Undersecretary's TLMP decision represents final agency action by the Department of Agriculture and, therefore, is not subject to reversal by him or you at this time. In

The Honorable Dan Glickman
July 20, 1999
Page 2

this situation, some Alaska stakeholders have elected to pursue a judicial remedy. This is obviously their right. However, I am reluctant to adopt such an approach for the State. For one thing, litigation will likely take years to complete, with concomitant uncertainties in the meantime. Also, by and large, the courtroom is not a good place to resolve natural resource conflicts.

Therefore, I recommend that the Forest Service immediately adopt an "adaptive management" approach in the Tongass. This approach would incorporate lessons learned from plan implementation and ongoing management. As a consequence, the TLMP could be adjusted or amended to take cognizance of new data and insights. Thus, appropriate remedial action could be taken promptly if particular problems materialize.

While my Administration has a tremendous interest and involvement in the social and economic well-being of the people of Southeast Alaska, the Forest Service, as steward of the Tongass, has a great responsibility as well. Accordingly, the focus falls on the Forest Service to deal with the consequences of the recent TLMP decision. Implementation of adaptive management could help ameliorate some of the concerns expressed here.

In these circumstances, I believe that the Forest Service must adopt a new and different forward looking approach which seeks to minimize the uncertainties of the past and to maximize the commercial use of each board foot of timber harvested from the Tongass. With these goals in mind, I would recommend that the Department of Agriculture consider programs and measures which include the following:

- Measures should be instituted to ensure that all decisions affecting the Tongass are premised on the three principles of what I refer to as "Doing It Right": sound science, prudent management, and an open and fair public process that ensures the meaningful engagement of concerned Alaska stakeholders.
- The Forest Service should be commended for avoiding logging and road construction in sensitive areas of particular concern to local communities. These areas include Honker Divide, East Kuiu, Poison Cove/Ushk Bay, and the Cleveland Peninsula. Other exclusions should include areas of importance for salmon production, wildlife, and local community uses identified in the State's comments on TLMP. I believe that, in addition to protecting valuable habitat, these conservation measures will improve the reliability of the timber supply by focusing harvest activity on less controversial areas.
- Accordingly, the Forest Service must take steps to ensure a predictable, reliable, and sustainable supply of timber. This effort should not be simply a paper exercise, but must include practical measures assuring that projected volumes will actually be made available "in the woods."

56466
The Honorable Dan Glickman
July 20, 1999
Page 3

- Impartial experts should be retained from time to time by the Forest Service to review and facilitate achievement of the goals postulated for the timber sale program, including the configuration of commercially viable individual sales.
- The Forest Service should institute policies and programs to foster value-added, and ideally, high-value added, manufacturing and utilization of Tongass timber. Among other things, this should include full funding and other support for the Alaska Wood Utilization Research Center recently established in Sitka. I strongly encourage collaboration with the Industry Network Corporation and the Alaska Science and Technology Foundation, which are engaged in important projects identified by Alaska mill owners as critical steps toward a successful value-added timber industry.
- To promote the viability of value-added timber enterprises, the export of round logs should be prohibited except in rare circumstances.
- Another important goal of the measures that I have just suggested is the employment of Alaska labor in viable, locally-owned timber operations capable of producing wood products for domestic consumption. I believe that achievement of this goal would be enhanced by bringing to bear the full spectrum of rural and business development programs implemented by the Department of Agriculture, Small Business Administration, and other federal agencies, in cooperation with the State of Alaska.
- In previous correspondence, I have recommended that the existing contract between the federal government and the Ketchikan Pulp Corporation (KPC), as well as other timber contracts with Alaska purchasers, be extended for one year. In the case of KPC, such an extension would permit a smooth transition between KPC and the newly formed Gateway Corporation, should the two companies consummate a sale agreement establishing Gateway as a wholly independent Alaska company. Gateway has promised to build a veneer plant in Ketchikan, thereby preserving and enhancing the existing job base. However, I want to emphasize that this extension, and Tongass policy generally, should be premised on the principle of a level playing field which ensures that all Alaska operators have a fair opportunity to bid on Tongass timber.
- The Southeast Alaska Community Economic Revitalization Team (SEACERT), which was established by you and me to address social and economic problems in the Tongass, should be continued. At times, SEACERT has been a useful forum for federal, state, and local officials to discuss problems arising from the closure of Southeast Alaska's two pulp mills and other conditions. However, to ensure that real benefits accrue to the people of Southeast, meaningful administrative and project funding should be made available, something that has not occurred previously.

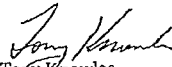
The Honorable Dan Glickman
July 20, 1999
Page 4

- The Forest Service should enter into a direct and meaningful dialogue with representatives of the timber industry and other users of the Tongass to explain current federal policies, to obtain feedback on these policies, and to determine how best to assist the wood manufacturing industry in making the transition to enhanced value added operations. Another goal of this dialogue would be to aid tourism and other non-timber businesses by apprising them of available federal programs.
- A "Jobs in the Woods" program in the State of Alaska would provide needed funding for on-the-ground projects to help employ timber workers displaced by recent mill closures. Similar programs have been undertaken in the northwest with some success. I think the Forest Service can learn from that experience and put people to work on projects that benefit businesses, Alaska residents, and the health of the forest.
- A variety of additional projects could employ Alaskans, improve infrastructure, and maintain forest health. For example, the extensive network of Forest Service roads on Prince of Wales Island could be reviewed to determine which roads should be improved for permanent and intensive use, which roads should be reclaimed and re-vegetated, and which roads should be left open for local access. Another project could address the redevelopment and restoration of Ward Cove in Ketchikan.
- Finally, I want to endorse the Interim Salvage Permit Program and Pilot Project being contemplated for the Thorne Bay area. This program would enable small timber operators to purchase easily accessible dead, dying, and down timber within a reasonable timeframe. There are strong reasons to implement this program, which is based on recommendations by participants in one of the Forest Service's "collaborative stewardship" efforts. We will communicate further with the Alaska Regional Forester on this matter.

Mr. Secretary, we recognize that the Tongass is an important national asset. However, it is also the place where many Alaskans live, work, subsist, and recreate. In my opinion, federal policies for the Tongass must recognize these realities. Accordingly, I would like to work with you and your staff to ensure a viable timber industry and true multiple use in the Tongass.

Thank you for your consideration of my views.

Sincerely,


Tony Knowles
Governor

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

October 12, 1999

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Mr. George Frampton, Chair
Council on Environmental Quality
722 Jackson Place
NW Washington, DC 20503

Dear Mr. Frampton:

It is our understanding the White House may be considering a directive to the U.S. Forest Service to include the Tongass National Forest in the services' national roadless area review. If so, I would consider this to be an outrage and a doublecross.

It would be an outrage because we were assured previously that the Tongass would not be included in this review because of the finalization of the Tongass Land Management Plan (TLMP). In fact, Undersecretary Jim Lyons recently visited Southeast Alaska and, to our knowledge, said nothing about the Tongass' inclusion in national roadless planning.

TLMP took 15 years and millions of dollars to complete, and was one of the most elongated and thorough resource planning processes in the history of the nation. The public was involved on numerous occasions. The roadless area review, together with harvest cycles and other relevant matters, was very much a part of this process.

A purpose of TLMP was to bring stability and certainty to the economy of Southeast Alaska. Many jobs and families, not only in the timber industry, are dependent on such stability.

When I brought all the mayors of Southeast Alaska to speak with White House Chief of Staff Leon Panetta on this subject, we were assured that TMLP would be concluded with finality to provide that needed stability to the families of Southeast Alaska. A change now in that course and direction would constitute a doublecross of the citizens of the State of Alaska.

Mr. George Frampton
October 12, 1999
Page 2

Application of a new roadless area policy in the Tongass would constitute a major modification of the current management plan. If modifications are deemed necessary for this or any other reason, they should be accomplished through the structured and well-established process for amending a forest plan.

My Administration has long advocated the "doing it right" principle of resource planning and management. This approach involves sound science, prudent management, and an open and fair public process. A unilateral decision by the White House to include the Tongass in the Forest Service's roadless area review would be a complete repudiation of this policy.

Accordingly, as Governor, I would be compelled to do everything within my power to protect the families of Southeast Alaska.

Sincerely,


Tony Knowles
Governor

cc: John D. Podesta
Chief of Staff to the President

56467
During Session, January - May:
State Capitol, Room 113
Juneau, Alaska 99801
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Senator Loren Leman

June 26, 2000

Secretary Dan Glickman
USDA Forest Service - CAET
Attn: Roadless
PO Box 221090
Salt Lake City, UT 84122

Dear Secretary Glickman:

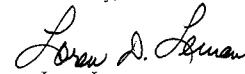
I oppose including Alaska's national forests in President Clinton's ill-conceived "Roadless Plan". This is the same Administration that has decimated Alaska's timber industry and yet offered Alaska the privilege of logging a tree from the Tongass National Forest to decorate the White House at Christmas in 1998. Our Legislature overwhelmingly rejected that "opportunity."

At a time when homeowners in the Lower 48 states are relying on record amounts of timber from Canada to build new homes, I find it incredible that the Clinton Administration wants to further expand that importing by including Alaska's forests in this Draft Environmental Impact Statement.

Although the Tongass has been excluded temporarily, my comments are intended to leave no doubt about the negative impacts of this action on Alaska. This proposal clearly sets aside additional de facto wilderness, an act disallowed under the no-more wilderness clause of ANILCA (§ 708 (b)(4) "unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Alaska for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System"). Any application to national forests in Alaska of the new roadless policy would violate the ANILCA agreement, creating de facto wilderness without an action of Congress.

It is summer in Alaska. During our abbreviated summer, Alaskans are busy fishing, mining, logging and hosting thousands of tourists. I request that you extend the comment period on the Draft EIS 120 days - through November- so that more Alaskans may comment.

Sincerely,

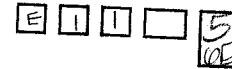

Loren Leman
Senator

Senator_Loren_Leman@lsgis.state.ak.us • www.akrepublicans.org/Leman.htm

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During Interim, June - December:
716 W 4th Ave, Suite 520
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CAET RECEIVED

JUN 30 2000



Alaska State Legislature

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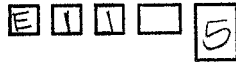
During Interim: (June - Dec)
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Anchorage, AK 99501-2133
(907) 258-8185
Fax (907) 258-0226



During Session: (Jan - May)
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Juneau, AK 99801-1182
(907) 465-4993
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Drue Pearce
President of the Senate

June 28, 2000



USDA Forest Service-CAET
Attn.: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED

JUN 30 2000

Dear U.S. Forest Service:

I am writing to express my views about the Forest Service's Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. The proposed roadless withdrawal is unsound both legally and as a public policy matter. As a lawmaker in a state affected most severely by the proposal, it is imperative that I advise you of my constituents' views.

Every national forest exhibits unique scientific and aesthetic characteristics. Yet the proposed plan fails to address even the most basic individual needs of our national forests, which are found in ecosystems as different as Florida and Alaska. The future of our nation's forests is too important to be decided without first addressing the specific needs of each forest.

The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 placed into law an agreement between Congress and the Carter White House that any further conservation unit decisions in Alaska would fall under the sole purview of Congress. Hence, the meaning of the several "no more" provisions of the Act. Any application to national forests in Alaska of the new roadless policy would violate the ANILCA agreement, creating *de facto* wilderness without any congressional action.

In addition, most of the non-roaded areas of the Tongass National Forest already fall under some other form of protection, including Wilderness designation, congressionally designated LUD II areas, administrative land use designations for non-development such as "remote recreation" and Wild and Scenic River designations. The only roadless acreages under current consideration for protection are those few areas presently open for resource extraction. The closed areas have already left entire industries in complete collapse, including all the families forced to recover the losses.

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The proposal is seriously flawed from a public policy perspective. It is particularly inappropriate in the Tongass National Forest, an area recently subjected to an extensive 11 year plan revision-- a plan that withdrew more than half the land previously available for development in the Tongass. The proposal may ultimately encompass up to 60 million acres, over 13 million of which lies within the state of Alaska.

The proposal is also contrary to the forest-by-forest planning process established by the National Forest Management Act (NFMA). It is entirely inappropriate to perform a nationwide "super-EIS" in one short year that will overturn decisions made through the land management plan process which involves local decisions based on public and agency review. There simply is no basis in science driving this proposed policy. The needs of wildlife, fish and the non-development sector of the public are fully met by the planning process mandated by NFMA and NEPA. The sole purpose of the roadless policy currently under consideration is to satisfy the demands of environmental groups who wish to stop all industrial activities on all public lands.

Finally, I want to appeal to your sense of fairness. We live amid these great forests every day. We don't wish to destroy them. We merely wish to use them--for the same reasons you now propose to keep them from us. We are responsible stewards of the land, and we want to keep the forests for our children to enjoy. These forests are literally in our back yards. Please do not include the Tongass or Chugach forests in the final roadless plan. Thank you.

Sincerely,

Senator Drue Pearce
SENATE PRESIDENT
Alaska Legislature

ALASKA STATE LEGISLATURE
House of Representatives

17254

17254

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT & TOURISM, MEMBER



e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

Representative Norman Rokeberg

July 12, 2000

V I I I I 5

United States Department of Agriculture
Forest Service - CAET
PO Box 221090
Salt Lake City, UT 84122

via e-mail to: roadlessdeis@fs.fed.us
HARD COPY FOLLOWS VIA USPS

Attention: Roadless Area Conservation Proposed Rule

Dear Ladies and Gentlemen:

I am writing to express my views about the Forest Service's Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. The proposed roadless withdrawal is unsound both legally and as a public policy matter. As an Alaskan citizen and lawmaker residing in a state impacted most severely by the proposal, I feel it is imperative that I advise of you my views and my constituents' views.

Every national forest is unique in its own way. The proposed plan fails to address the individual needs of our national forests that are found in diverse areas. The future of our nation's forests is too important to be decided without taking into consideration the individual needs and ecosystems of each area. The proposal may ultimately encompass up to 60 million acres, over 13 million of which lies in the state of Alaska. Both of Alaska's national forests are supposed to be multiple-use areas. "Multiple-use" includes such things as recreation, mining, logging, and other uses that could not be accomplished without reasonable access.

The proposal is also contrary to the forest-by-forest planning process established by the National Forest Management Act (NFMA). It is entirely inappropriate to perform a nationwide "super-EIS" in one short year that will overturn decisions made through the land management planning process which involves local decisions based on public and agency review. There simply is no basis in science driving this proposed policy -- it appears to be the desire to "lock up" more land, and, in particular, more land in Alaska. The needs of wildlife, fish, and the non-development sector of the public are fully met by the planning process mandated by NFMA and NEPA. The sole purpose of the roadless

INTERIM:
716 WEST 4TH AVENUE, SUITE 640
ANCHORAGE, AK 99501
PHONE: (907) 268-0117
FAX: (907) 268-0119

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1152
PHONE: (907) 465-4989
FAX: (907) 465-2040

United States Department of Agriculture
July 12, 2000
Page 2

policy currently under consideration is to satisfy the demands of environmental groups who wish to stop all industrial activities on all public lands. Additionally, the policy is short sighted and does not adequately address the needs of Americans for resource development, value added products, and long-term, stable employment.

ANILCA: The Alaska National Interest Conservation Act (ANILCA) of 1980 placed into law an agreement between Congress and the Carter White House that any further conservation unit decision in Alaska would fall under the sole purview of Congress. Hence, the meaning of several "no more" provisions of the Act. Any application to national forest in Alaska of the new roadless policy would violate the ANILCA agreement, creating *de facto* wilderness without any congressional action.

CHUGACH: The Chugach National Forest is one of the jewels of the Anchorage area -- but it is progressively becoming a dangerous and almost worthless jewel. The nation's second largest national forest (surpassed in size only by another national forest in Alaska - the Tongass) is home to many acres of beetle-infested or killed spruce. The Chugach contains some 5.6 million acres and I suspect that over 90% of that acreage is in danger because of the spruce bark beetle infestation. Apparently this beetle situation has now brought about this summer's carpenter ant problem in the Central Kenai. Since NOTHING has been done about this matter [infested or dead trees], the forest itself is now a tinderbox waiting to be turned into a great roaring out-of-control fire. I am not an alarmist but I see this in the future of the Chugach. Removal of, at a minimum, the infested and dead spruce needs to be accomplished and this cannot be accomplished without roads. The proposed policy would only add to the already high danger faced by residents of Anchorage and the Kenai Peninsula -- danger that can be placed squarely at the feet of short-sighted policy makers who listen to environmental groups but do not take into consideration wildlife and people. This timber can be salvaged BUT without roads it cannot be done. Without roads, fire service personnel would not be able to reach areas where fires might start and thus the very real danger of burning down most of the Kenai Peninsula, a good part of the Anchorage Hillside and adjacent areas exists.

I would also point out that roads used to log can be left in place and blocked off so that they cannot be used by motorized vehicles but can be enjoyed by people (hiking, etc.) and animals (moose and bear, for example, prefer well-defined paths at times).

An out-of-control fire in the Chugach Forest has the real ability to spill over into the neighboring Chugach State Park and down the hills into Anchorage. Millions of dollars would be spent fighting such a fire. Economic losses would be huge. I suspect that loss of wildlife would be tremendous as well as domestic pets, homes, and unfortunately, people. Individuals managing the forest and those fighting against any roads or removal of timber are not offering any way out of this situation and are apparently opposed to

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JUL 17 2000

United States Department of Agriculture
July 12, 2000
Page 3

any rational means to address the problem. Smart and sound forest management would seem to be to permit logging in the Chugach in order to allow the spruce to be removed BEFORE a tragedy occurs. In order to log, roads are needed. Roads are not a bad thing.

Currently much of the Chugach is inaccessible to the average American -- the non-hiking backpacking American. With the ability to log and build roads, the area could be opened up for camping and enjoyment of the outdoor experience. I realize that such a concept will cause the environmental groups to rise up in arms BUT the "public" is not just the environmentalists. The "public" includes all of us -- the elderly, the disabled, the not-so-fit American who would like to have more recreational opportunities and whose taxes pay the "upkeep" of the National Forests.

It is not like the Chugach would be made treeless if the spruce were removed so that more new healthy trees could grow. While it would take some time to grow large trees, personally I would rather see the Chugach logged then become a blackened fire area.

I cannot stress enough my concern that making the Chugach a roadless area and not permitting the removal of dead trees from the forest is a danger to Alaskans and residents of Anchorage. If a fire starts in the Chugach, spreads to the Hillside, and gets out of control (which is a very strong possibility), the human, animal, and economic losses would be in the billions of dollars. Doesn't it make more sense to permit logging, have the logging companies reforest, improve some the logging roads to permit recreational activities (note that I am not advocating that all logging roads be turned into recreational access roads -- just some), and open up some of the Chugach to use by all Americans not just a select few?

My constituents feel strongly about this also. In 1997 and 1998, I surveyed my House District (District 11) households and asked "Should the United States Forest Service or the Alaska Division of Forestry offer areas severely effected by spruce beetle kill for harvesting by logging companies?" In both years, over 87% of those responding to the question answered in the affirmative. My constituents realize the dangers -- do you?

TONGASS: It is my understanding that the current plan is to hold off any decision on the Tongass until 2004 but that some are advocating that the Tongass be included in the current roadless plan. Most of the non-roaded areas of the Tongass National Forest already fall under some form of protection, including Wilderness designation, congressionally designated LUD II areas, administrative land use designations for non-development such as "remote recreation" and Wild and Scenic River designations. The United States Department of Agriculture
July 12, 2000

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Page 4

only roadless acreages under current consideration for protection are those few areas presently open for resource extraction. The closed areas have already left entire industries in complete collapse, including all the families forced to deal with this dilemma (many by leaving Alaska).

The proposal is seriously flawed from a public policy perspective. It is particularly inappropriate in the Tongass National Forest, an area recently subjected to an extensive 11-year plan revision -- a plan that withdrew more than half the land previously available for development in the Tongass.

As a legislator, I have seen what the policies in the Tongass have done to the people of Southeast Alaska and the picture is not pretty.

CONCLUSION: Finally, I want to appeal to your sense of fairness. We Alaskans live amid these great and beautiful forests every day. We do not wish to destroy them. We merely wish to protect them and use them -- for the same reasons you now propose to keep them from us. We are responsible stewards of the land, and we want to keep the forest for our children and grandchildren to enjoy. I look forward to taking my grandchildren camping and fishing in these areas -- not telling them that poor unguided management policies permitted the Chugach to burn and the Chugach and Tongass to become nothing more than the playground of a select few. These forests are literally in our back yards. Please do not include the Tongass or Chugach forests in the final roadless plan - continue to consider, on an individual case-by-case basis, what should be done in the Nation's two largest National Forests.

Sincerely,



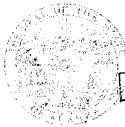
Norman Rokeberg
State Representative
Alaska House District 11

17254

Alaska State Legislature

Member:
House Finance
Subcommittee Chair:
Transportation
Environmental Conservation
Subcommittee Member:
Fish and Game

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JUL 10 2011



V I I I S OF

Representative William K. Williams

16030

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-7157

Testimony of Representative Bill Williams

I am upset that we all have to come out again and defend our access to and our right to live and work in our forests here in Alaska. More than enough of Alaska has been set-aside in preserves and wilderness.

I watched Undersecretary of Agriculture Lyons state in front of Congress that the roadless proposal would not create more wilderness in Alaska. While the President's proposal may not be Congressionally designated Wilderness, if it walks like a duck and quacks like a duck, it's a duck. How will your roadless designation differ from Congressionally designated Wilderness? If you apply the roadless policy in Alaska, can we still log in those areas? Can we still recreate in those areas? What access will we have to 'roadless' designated areas?

This past legislative session I introduced House Joint Resolution 54. HJR 54 opposed any application of the President's roadless initiative in Alaska, and requested that the Governor take legal action if the President elects to apply the roadless policy here. I am happy to say that HJR 54 passed the legislature by a 47-4 vote! An overwhelming majority of our state

Hyder • Ketchikan • Meyers Chuck • Saxman

Representative_Bill_Williams@legis.state.ak.us

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legislators, our Congressional Delegation, and our Governor are opposed to applying this roadless policy in Alaska.

I would hope that you would scrap the whole idea of trying to apply a nation-wide edict to our national forests. The proper place to make roadless, or any other land use decisions on any national forest is in each forest's planning process, not by Presidential decree.

How is the public supposed to evaluate your 700-page draft? More time is needed for the public to comprehend what you are trying to accomplish. At the very least, you need to extend your comment period so the public can better understand what you are proposing. How is it that you can complete an EIS on over 50 million acres in a few months, when it takes years to complete an EIS on one small timber sale?

There are many lingering questions; I'd like for you to answer a few of them:

How will the timber-dependent communities of Southeast be affected if you implement the roadless policy here?

With TLMP taking over 10 years and \$13 million dollars to complete, and with it supposedly based on science, how is it that all of the habitat conservation areas and other land use designations that limit or prohibit development weren't enough? Where is the science to back up any new roadless proposal that might be applied to the Tongass?

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We have had record fish runs in Southeast for years. Where is the science which shows that past activities on the Tongass have had a negative impact on our fisheries?

If the roadless proposal is applied to the Tongass, how will you meet the 'seek to meet market demand' requirements of the Tongass Timber Reform Act? Does the roadless proposal square with the no more clauses of ANILCA?

Does the Forest Service still have the multiple use mandate that Congress directed? How many acres of forest will be managed for multiple use if you implement this policy in Alaska?

In closing, I would like to submit a copy of HJR 54 for the record. I would also like to re-emphasize that Alaskans have already done their part in protecting wild lands. Do not apply your roadless policy here, and I would suggest scrapping the notion of applying it nation-wide. If you persist on going forward, you need to extend the public comment to give us time to better evaluate your proposal. The last time I looked the Forest Service still had a multiple use mandate and a responsibility to the people who live in our national forests. Don't make us the next endangered species.

STATE OF ALASKA
THE LEGISLATURE

2000

Source
HJR 54

Legislative
Resolve No.
37



Relating to urging the exclusion of national forests in Alaska from President Clinton's proposal for withdrawal of roadless areas in the national forest system.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the forest products industry has been and continues to be an important economic sector in Alaska that contributes significant employment income to the economy of the state, and, through purchases of timber from National Forest System lands, contributes significant revenue to local communities through the 25 percent revenue sharing provisions of federal law; and

WHEREAS application of President Clinton's proposed roadless policy to the Tongass and Chugach National Forests would designate significant additional acreage as administrative, de facto wilderness areas within Alaska; and

WHEREAS application of the President's proposed roadless policy in Alaska would be contrary to sec. 708(b)(4), Alaska National Interest Lands Conservation Act (ANILCA), which specifically prohibits another roadless area review and evaluation (RARE) on national forest lands in Alaska for the purpose of setting aside commercial forest land as wilderness; and

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WHEREAS application of the President's proposed roadless policy in Alaska would be contrary to sec. 1326(a) of ANILCA, which prohibits the withdrawal of more than 5,000 acres, in the aggregate, of public lands within Alaska without the consent of the Congress; and

WHEREAS application of the President's proposed roadless policy in Alaska would be contrary to sec. 1326(b) of ANILCA, which expressly prohibits studies of public lands for the purpose of considering the establishment of new conservation system units, recreation areas, national conservation areas, or for related or similar purposes; and

WHEREAS the Tongass Timber Reform Act of 1990 and other Congressional and administrative actions have withdrawn more than 90 percent of the Tongass National Forest from availability for timber harvest and other resource development opportunities; and

WHEREAS the 1997 and 1999 revisions of the Tongass Land Management Plan (TLMP) further reduced the available commercial forest lands in the Tongass to 576,000 acres out of nearly 6,000,000 suitable acres across the forest; and

WHEREAS the available commercial forest lands remaining after the 1999 TLMP amendments are insufficient to satisfy the raw material needs of Southeast Alaska's forest products manufacturing industry given the plan's maximum annual economic offering level of 153,000,000 board feet; and

WHEREAS, should the President's roadless policy be applied to the Tongass, it would further reduce the available commercial forest lands in the Tongass to less than half the currently available acreage and could reduce the maximum annual offering level to as low as 30,000,000 board feet; and

WHEREAS application of the President's proposed roadless policy to the Tongass, together with Under Secretary Lyons' 1999 unilateral TLMP amendment, would nullify the results of the United States Forest Service's 1986-1997 planning process in the Tongass, which cost the taxpayers more than \$13,000,000; and

WHEREAS application of the President's proposed roadless policy to the Tongass, together with Under Secretary Lyons' 1999 unilateral TLMP amendment, would further destabilize the already unstable timber-based economy of Southeast Alaska by forcing the closure of most of the remaining forest products manufacturing facilities, resulting in loss of employment and associated negative socioeconomic impacts within timber-dependent communities and the Southeast Alaska region; and

LR 37

-2-

WHEREAS the Chugach National Forest has spent three years and several million dollars conducting a revision to its land management plan and is within a few months of issuing the Draft Environmental Impact Statement for that plan; and

WHEREAS a wide range of interests from the Alaska public has been involved in the Chugach land management planning process, working to develop a range of plan alternatives that respond to the public's interests, needs, and concerns, and the President's roadless policy would render that involvement and expense pointless and undermine public confidence in the planning process; and

WHEREAS the public, through the Chugach Land Management Plan revision scoping process, has expressed deep concern that the approximately 130,000 acres of the Chugach National Forest suffering from spruce bark beetle damage must be managed for the restoration of a green, healthy forest, and the application of the President's roadless policy will prevent the access required by land managers to accomplish that restoration work; and

WHEREAS application of the President's roadless policy will render it virtually impossible for inholders and adjacent landowners, particularly families and small business owners, to obtain the access to their property that was promised them in ANILCA;

BE IT RESOLVED that the Alaska State Legislature opposes any application of President Clinton's proposed roadless policy to national forests in Alaska and urges the President to obey the requirements of ANILCA and to respect the National Forest Management Act planning process by refraining from including the Tongass and Chugach National Forests in the proposed policy; and be it

FURTHER RESOLVED that the Alaska State Legislature supports the efforts of Governor Tony Knowles, U.S. Senator Ted Stevens, U.S. Senator Frank Murkowski, and U.S. Congressman Don Young in opposing the application to Alaska of the President's proposed roadless policy and urges them to maintain their objections and to continue to press for the exclusion of Alaska's forests; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the Governor to determine what legal action may be available under ANILCA to enjoin the application of the roadless policy to Alaska and to file the proper legal action when this issue becomes ripe if the President elects to apply the policy to Alaska.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the

-3-

LR 37

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United States; the Honorable Dan Glickman, United States Secretary of Agriculture; Mike Dombek, Chief of the United States Forest Service, United States Department of Agriculture; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

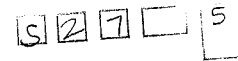
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CITY OF ANGOON

P.O. BOX 189 • ANGOON, ALASKA 99820 • (907) 788-3653 • FAX (907) 788-3821

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CAET RECEIVED
JUL 13 2000

Mr. Acting Admiralty Island National Monument Manager, Pete Griffin.

I sit here as the Representative for the City of Angoon to offer this Resolution #00-20 which was passed by the Angoon City Council on June 20th, 2000.

It is very important that you recognize that our position on the Tongass Roadless proposal is the same as Sealaska Corporations and our sister Cities Kake and Hoonah.

“NOTE”: You can either read the resolution or ask to just have it submitted for the record.

Mr. Manager I thank you very much for this opportunity to speak on Behalf of the City of Angoon on the Tongass Roadless proposal. Thank you very much Sir.

RESOLUTION #00-20

A RESOLUTION OF THE ANGOON CITY COUNCIL SUPPORTING THE RECOMMENDATION OF THE U.S. FOREST SERVICE TO EXCLUDE THE TONGASS NATIONAL FOREST FROM THE NATIONAL ROADLESS AREA CONSERVATION PROPOSAL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS: The Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and.

WHEREAS: The Tongass Land Management Plan (TLMP) was created to assure residents of Southeast Alaska that a long-term economic balance would be provided; and.

WHEREAS: Any further diminishment of the timber base in the Tongass National Forest would exacerbate the economic harm to Southeast Alaska communities caused by previous changes in federal policy; and,

WHEREAS: The U.S. Forest Service is recommending that the Tongass National Forest be excluded from additional restrictions on roads until the five-year plan review scheduled for April, 2004.

NOW THEREFORE BE IT RESOLVED THAT: By the Angoon City Council as follows:

Section 1 The Angoon City Council strongly supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the road less area conservation proposal.

Section 2 The Angoon City Council supports proper resource planning in the Tongass National Forest with decision making at the local level.

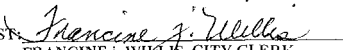
Section 3 This resolution is effective immediately upon passage and approval.

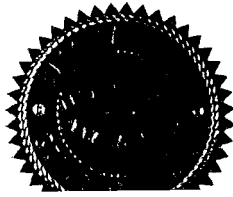
NOW THEREFORE BE IT FURTHER RESOLVED THAT: Angoon as a community, which is located within a National Monument, and not being a part of the Tongass National Forest, we do support the resolutions of the City of Hoonah and the City of Kake.

PASSED AND APPROVED by a duly constituted quorum of the Angoon City Council on the 20th day of June, 2000.

FOR THE CITY OF ANGOON:


FLOYD M. KOOKESH, MAYOR

ATTEST: 
FRANCINE J. WILLES, CITY CLERK



CITY OF HOONAH

P.O. Box 360 • Hoonah, Alaska 99829 • (907) 945-3663 • FAX (907) 945-3445

RESOLUTION NO 00-06-05

A RESOLUTION OF THE COUNCIL OF THE CITY OF HOONAH, ALASKA SUPPORTING THE RECOMMENDATION OF THE U.S. FOREST SERVICE TO EXCLUDE THE TONGASS NATIONAL FOREST FROM THE NATIONAL ROADLESS AREA CONSERVATION PROPOSAL; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS: the Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and

WHEREAS: the Tongass Land Management Plan (TLMP) was created to assure residents of Southeast Alaska that a long-term economic balance would be provided; and

WHEREAS: any further diminishment of the timber base in the Tongass National Forest would exacerbate the economic harm to Hoonah and other Southeast Alaska communities caused by previous changes in federal policy; and

WHEREAS: the U.S. Forest Service is recommending that the Tongass National Forest be excluded from additional restrictions on roads until the five-year forest plan review scheduled for April, 2004

NOW, THEREFORE BE IT RESOLVED THAT: by the Council of the City of Hoonah, Alaska as follows:

Section 1 The Council of the City of Hoonah, Alaska strongly supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the road less area conservation proposal.

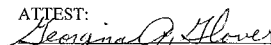
Section 2 The Council of the City of Hoonah, Alaska supports proper resource planning in the Tongass National Forest with decision making at the local level.

Section 3 This resolution is effective immediately upon passage and approval.

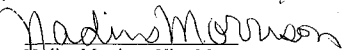
CERTIFICATION:

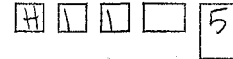
I the undersigned hereby certify that the City Council is composed of six (6) members, of whom four (4) constituting a quorum, were present at a meeting duly and regularly called, notice convened and held this 27th day of June, 2000, and that the foregoing resolution was duly adopted at said meeting by the affirmative vote of 4 members, and opposed by 0 members, and that said resolution has not been rescinded or amended in any way.

PASSED AND APPROVED this 27 day of June 2000.

ATTEST: 
Georgina A. Glover, City Clerk



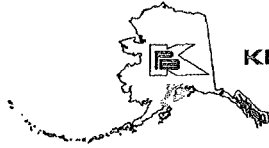

Nadine Morrison, Vice-Mayor



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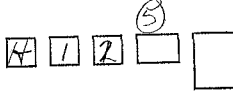
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KENAI PENINSULA BOROUGH

144 N. BINKLEY · SOLDOTNA, ALASKA · 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892



DALE BAGLEY
MAYOR

July 17, 2000

USDA Forest Service
Attention: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah

Re: Roadless Initiative – Support for Prohibition Alternative 1 – No Action; No Prohibition or Procedural Alternative A – No Action; No Procedures

Dear USDA Forest Service:

I would like to comment on the recent Forest Service Roadless Area Conservation Draft Environmental Impact Statement. The preferred alternative prohibits road construction and reconstruction on National Forest System Lands, including the Chugach National Forest, partially within the Kenai Peninsula Borough.

If adopted, this prohibition of building new roads would have a significant impact on the Kenai Peninsula Borough. Issues affecting the Kenai Peninsula Borough include:

- Public Safety – Cooper Landing Bypass, Spruce Bark Beetle mitigation
- Historical Usage – Mineral location and Mining Operations, Timber Sales
- Lost Revenue to the borough – Loss of PILT funding, Sales Tax revenue
- Future access – User Friendly Access

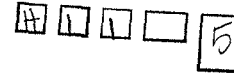
The State of Alaska, Department of Transportation and Public Facilities is currently revising the environmental impact statement for the only highway providing access to the Kenai Peninsula. The proposed bypass in the Cooper Landing area will be a new road within the National Forest. Will this project qualify for a public safety exemption?

Decisions about road construction and access should be made at the local level, rather than as a blanket National policy. I strongly urge you adopt Prohibition Alternative 1 – No Action; No Prohibition or Procedural Alternative A – No Action; No Procedures.

Sincerely,

Dale Bagley

Dale Bagley
Borough Mayor



EPB 44350

334 Front Street
Ketchikan, Alaska 99901
Phone 907-225-3111
Fax 907-225-5075

Arde
Jim

June 21, 2000

Rick Cables, Regional Forester
P.O. Box 21628
Juneau, Alaska 99802-1628

Dear Regional Forester Cables:

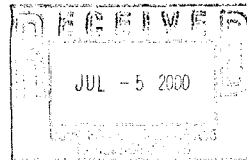
At its regular meeting of May 18, 2000, the Ketchikan City Council passed Resolution No. 00-1978, which supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the National Roadless Area Conservation proposal. I have enclosed this resolution for your information.

Sincerely,

Bob Weinstein
Mayor

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CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 00-1978

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA SUPPORTING THE RECOMMENDATION OF THE U.S. FOREST SERVICE TO EXCLUDE THE TONGASS NATIONAL FOREST FROM THE NATIONAL ROADLESS AREA CONSERVATION PROPOSAL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and

WHEREAS, the Tongass Land Management Plan (TLMP) was created to assure residents of Southeast Alaska that a long-term economic balance would be provided; and

WHEREAS, any further diminishment of the timber base in the Tongass National Forest would exacerbate the economic harm to Ketchikan and other Southeast Alaska communities caused by previous changes in federal policy; and

WHEREAS, the U.S. Forest Service is recommending that the Tongass National Forest be excluded from additional restrictions on roads until the five-year forest plan review scheduled for April, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska, as follows:

Section 1. The Council of the City of Ketchikan, Alaska strongly supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the roadless area conservation proposal.

Section 2. The Council of the City of Ketchikan, Alaska supports proper resource planning in the Tongass National Forest with decision making at the local level.

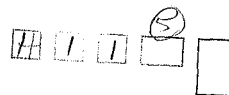
Section 3. This resolution is effective immediately upon passage and approval.

PASSED AND APPROVED this 18th day of May, 2000.

Bob Weinstein, Mayor

ATTEST:

Katherine M. Suiter, City Clerk



334 Front Street Ketchikan, Alaska 99901 Phone 907-225-3111 Fax 907-225-5075

July 17, 2000

VIA FAX 877-703-2494

Forest Service-CAET, Attn: Roadless P.O. Box 221090 Salt Lake City, Utah 84122

To Whom It May Concern:

Enclosed you will find a copy of Resolution No. 00-1978, which supports the recommendation of the Forest Service to exclude the Tongass National Forest from the proposed roadless area conservation proposal. This resolution was unanimously approved by the Ketchikan City Council.

The City supports the recommendation to exclude the Tongass for a number of reasons, including:

- 1. The Tongass Land Management Plan (TLMP), adopted in April 1999 after many years in process and after the expenditure of large sums of federal funds on environmental and related studies, already excludes 94.5% of the total acreage of the Tongass National Forest from commercial timber harvest. Put in another way, the vast majority of the 5,000,000 acres which have been identified by advocates of additional roadless restrictions are already restricted by being placed in a category which does not allow commercial timber harvest. These facts have been completely ignored by those who advocate that the Tongass be subjected to further restrictions.
2. Ketchikan's largest employer, Ketchikan Pulp Company, closed in 1997. Ketchikan's payroll has decreased by 10% (unadjusted for inflation) since that time. Our community cannot endure additional economic harm due to additional restrictions on the timber industry.
3. At a meeting of Southeast Alaska mayors (as well as in a personal conversation with me) in Sitka last year, Undersecretary of Agriculture Jim Lyons assured us that, based upon his record of decision on TLMP, there would be a timber harvest sufficient to operate existing and projected timber-related businesses in our communities. Additional restrictions in the Tongass National Forest, which would clearly result by inclusion of the Tongass, would contradict the statements made by Mr. Lyons.

Thank you for the opportunity to comment.

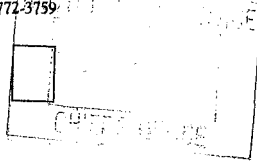
Sincerely, Bob Weinstein, Mayor

cc: Congressional delegation



CITY OF PETERSBURG
P.O. BOX 329 • PETERSBURG, ALASKA 99833
TELEPHONE (907) 772-4511
TELECOPIER (907) 772-3759

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July 11, 2000

Mike Dombeck, Chief
USDA Forest Service
Box 96090
Washington, DC 20090-6090

Dear Mr. Dombeck:

I understand the deadline for public comment regarding the Roadless issue is July 17, 2000. Please find attached a copy of our Resolution No. 1598-R, opposing the inclusion of the Tongass National Forest in the USDA Forest Service's National Roadless Area Review.

Sincerely,

Theodore M. Smith
Theodore M. Smith, Mayor
City of Petersburg

CAFT RECEIVED
JUL 17 2000

RESOLUTION NO. 1598-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, ALASKA OPPOSING THE INCLUSION OF THE TONGASS NATIONAL FOREST IN THE USDA FOREST SERVICE'S NATIONAL ROADLESS AREA REVIEW

Whereas, Section 708 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) resolved roadless issues in a compromise bill as well as established over five million acres in 14 areas as Wilderness on the Tongass National Forest; and

Whereas, the Tongass Timber Reform Act of 1990 added 350,000 acres on the Tongass National Forest in five new Wilderness areas and one addition to an existing wilderness; and

Whereas, the Tongass Timber Reform Act also designates almost 690,000 acres in 12 Congress mandated roadless areas to maintain their wildland characteristics; and

Whereas, the Record of Decision (ROD) signed by Undersecretary Lyons noted the Tongass National Forest would be exempt from roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and

Whereas, Mr. Lyons also noted that he considered the roadless issue in his decision and addressed it through changing land allocations to mostly natural Land Use Designations in 18 un-roaded areas totaling 500,000 acres; and

Whereas, Mr. Lyons stated in the ROD that 90 percent or more of all currently un-roaded lands on the Tongass will still be roadless at the time of the next forest plan revision; and

Whereas, only 3 percent of 17 million acres on the Tongass National Forest will be used to sustain the timber industry over the next 10 years; and

Whereas, approximately 1/2 of the current Tongass National Forest timber base is included in areas which would remain un-roaded under the initiative; and

Whereas, Mr. Lyons, on September 28, 1999 in Sitka, Alaska, stated at the Southeast Conference of Mayors, that his decision on the Tongass Plan was made to "finally provide some certainty with regard to future uses and management direction on the Tongass", and also assured the Mayors that "we have to move on"; and

Whereas, we agree with the Governor of the State of Alaska that the inclusion of the Tongass in the roadless review would be an outrage as assurances were provided that the resolution of the Tongass planning process would put an end to this issue; and

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Whereas, the Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and


Whereas, the implementation of the roadless initiative to the Tongass National Forest would greatly diminish access to timber and other natural resources and may eliminate opportunities for construction of future transportation or utility corridors throughout the Southeast Alaska region; and

Whereas, any further diminishment of the timber base in the Tongass National Forest would exacerbate economic harm to Petersburg and other Southeast Alaska communities caused by previous changes in federal policy.

Now Therefore Be It Resolved by the City Council of the City of Petersburg as follows:

1. The City Council strongly opposes the inclusion of the Tongass National Forest in the "roadless area" policy review; and
2. The Petersburg City Council opposes any unilateral action to modify the Record of Decision as such action is contrary to proper resource planning and circumvents the public planning process.

Passed and Approved by the City Council of the City of Petersburg, Alaska this 6th day of December, 1999.



[Signature]
City Clerk

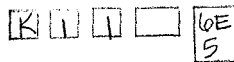
[Signature]
Mayor



June 27, 2000

Prince of Wales Chamber of Commerce

PO Box 497 * Craig, Alaska 99921
 Phone: 907-826-3870 * Fax 907-826-5467
 E-mail: powcc@ptialaska.net
 Web Site: www.princeofwalescoc.org



CAET RECEIVED
 JUL 13 2000

Once again, the communities of Prince of Wales Island are fighting for their economic survival. I cannot tell you how many of these hearings that we have had to endure over these past 10 years. But there have been too many, they have been too exhausting and they have been too disappointing.

We used to have a vibrant timber industry that provided our local citizens with good jobs and our communities with a stable economy. We had logging communities at Labouchere Bay, Naukati, Coffman Cove, Thorne Bay and other locations. These communities pumped millions of dollars monthly into the economy of this island as well as that of Ketchikan.

We currently have many independent timber sale operators who are struggling with trying to make ends meet. A Washington and Regional bureaucracy that often display indifference and callousness towards their plight exasperate these problems.

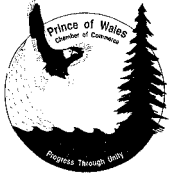
Since the beginning of the struggle with environmental extremists, we have lost many jobs, families, homes, and much of our traditional way of life, not because of a lack of a renewable resource, or new scientific discoveries, but rather by an environmental community that views the timber industry as an evil that must be stamped out. In short, this roadless policy is based on misinformation and emotions rather than logical fact.

This proposed roadless policy would spell the doom of whatever timber industry we have left. It is comparable to taking away Detroit's ability to build cars. This community and others like it cannot withstand any more reductions in our timber base. We have given too much already. It is now time for the other side to show good faith, common sense and above all, some honesty.

The U.S. Forest Service has spent 10 years and thirteen million dollars in the formulation of the Tongass Land Management Plan that although far from being a perfect document, does allow harvesting of timber based on the requirement as spelled out in the Tongass Timber Reform Plan to provide timber based on market demand. Also in the TLMP concerns about roads and road building have already been addressed and should not be discussed further.

The roadless proposal violates the "No-more" clause of ANILCA and cannot be legally applied to Alaska's National Forests. This includes the Tongass. Additional

COFFMAN COVE • CRAIG • HOLLIS • HYDABURG • KASAAN • KLAWOCK
 NAUKATI • POINT BAKER • PORT PROTECTION • THORNE BAY • WHALE PASS



Prince of Wales Chamber of Commerce

PO Box 497 * Craig, Alaska 99921
Phone: 907-826-3870 * Fax 907-826-5467
E-mail: powcc@ptialaska.net
Web Site: www.princeofwalescoc.org

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withdrawals will be devastating to our communities and our way of life. Not only will our remaining timber industry be eliminated, but ultimately our ability to hunt, fish, and otherwise recreate on our National Forest land.

So much of the public land should not be managed and accessible only to a small segment of the country's population. The resources of this incredible land need to be managed for more than just occasional visitors but also allow for year-round residents to earn a living.

Therefore, we would request that this proposed roadless plan be eliminated from further considerations on the Tongass National Forest. We also request that an additional 120 day extension of the public comment period be granted so as to allow more time to review the environmental impact statement.

Thank you for this opportunity to comment on this proposal.

Sincerely,

Fredrick M. Shafer
President
Prince of Wales Chamber of Commerce



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

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July 14, 2000

USDA Forest Service, CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122; FAX 877-703-2494

Dear Forest Service:

The Assembly of the City and Borough of Sitka has passed the enclosed Resolution 00-778 C, A RESOLUTION OF THE CITY AND BOROUGH ASSEMBLY OF SITKA, ALASKA OPPOSING INCLUSION OF THE TONGASS NATIONAL FOREST IN THE U.S. FOREST SERVICE NATIONAL ROADLESS INITIATIVE, POLICY REVIEW & SUPPORTING ALTERNATIVE T-1.

Please include this official position of the City and Borough of Sitka in the official comments concerning the Roadless Area Conservation Proposed Rule.

This comment is being sent by fax with hard copy following by mail. Thank you for the opportunity to comment.

Sincerely,

Administrator

Enclosure

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JUL 17 2000

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CITY AND BOROUGH OF SITKA, ALASKA
RESOLUTION 00-778 (C)

A RESOLUTION OF THE CITY AND BOROUGH ASSEMBLY OF SITKA, ALASKA OPPOSING
INCLUSION OF THE TONGASS NATIONAL FOREST IN THE U.S. FOREST SERVICE NATIONAL
ROADLESS INITIATIVE, POLICY REVIEW & SUPPORTING ALTERNATIVE T-1

Whereas, Section 708 of the Alaska National Interest Lands Conservation Act of 1980 resolved roadless issues in a compromise bill establishing over 5,000,000 acres in 14 areas as Wilderness on the Tongass National Forest and the Tongass Timber Reform Act of 1990 added over 1,000,000 in additional Wilderness designations to maintain their wildland characteristics; and

Whereas, the Record of Decision signed by Undersecretary Lyons on the Revised Tongass Land Use Management Plan notes that the Tongass National Forest would be exempt from the roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and

Whereas, Undersecretary Lyons noted that he considered the roadless issue in his decision and relates that he addressed it for the Tongass through changing land allocations to Mostly Natural Setting Land Use Designations in 18 un-roaded areas totaling an additional 500,000 acres; and

Whereas, Undersecretary Lyons further stated, given an agreement between the Administration and the Alaska Delegation, that "This agreement should provide us with the stability and good will to move on from past disputes to a more stable climate where the future of the Tongass and SE Alaska is determined not from inside the Washington, DC hallway, but from within the communities of the region itself" (Speech to SE Conference on 9/28/99); and

Whereas, the Tongass National Forest is comprised of approximately 17,000,000 acres, of which 90% is currently un-roaded and approximately 50% of the current Tongass National Forest timber base would become included in the areas proposed for the Roadless Initiative; and

Whereas, the City of Sitka agrees with and supports the Governor of the State of Alaska that the inclusion of the Tongass in the Roadless Initiative and Policy Review would be an outrage as assurances were provided that the resolution of the Tongass planning process would put an end to this issue; and


Whereas, the Tongass National Forest is essential in bringing in stability and certainty to the economy of SE Alaska, providing jobs for many families dependent on such stability and inclusion in the Roadless Initiative would cause economic harm to the region; and

Whereas the implementation of the Roadless Initiative to the Tongass National Forest would greatly diminish access to all natural resources and may eliminate opportunities for the construction of future transportation and utility corridors throughout SE Alaska.


Now Therefore Be It Resolved by the City and Borough Assembly of Sitka, Alaska that the City of Sitka strongly opposes the inclusion of the Tongass National Forest in the "Roadless Initiative," that the City supports Alternative T-1, further that the City supports the current Land Management Plan.

Be It Further Resolved that the City and Borough Assembly of Sitka, Alaska opposes any unilateral actions to modify the Record of Decision as such actions are contrary to proper resource planning and circumvents the public planning process as mandated by the National Forest Management Act.

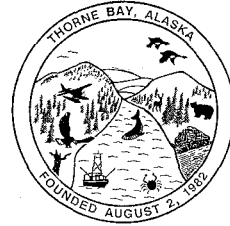
Passed and approved by the City and Borough Assembly of Sitka, Alaska on July 11, 2000



Colleen Pellet, CMC, Municipal Clerk



Stan Miller, Mayor



H I I O O E

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CITY OF THORNE BAY

P.O. BOX 19110
THORNE BAY, ALASKA 99919
(907) 828-3380
FAX (907) 828-3374
email: ctbclerk@thornebay.net

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June 27, 2000

Once Again, the communities of Prince of Wales Island are fighting for their economic survival. I cannot tell you how many of these hearings that we have had to endure over these past 10 years. But there have been too many, they have been too exhausting and they have been too disappointing.

We used to have a vibrant timber industry that provided our local citizens with good jobs and our communities with a stable economy. We had logging communities at Labouchere Bay, Naukati, Coffman Cove, Thorne Bay and other locations. These communities pumped millions of dollars monthly into the economy of this island as well as that of Ketchikan.

We currently have many independent timber sale operators who are struggling with trying to make ends meet. These problems are exasperated by a Washington and Regional bureaucracy that often display indifference and callousness towards their plight.

Since the beginning of the struggle with environmental extremist, we have lost many jobs, families, homes, and much of our traditional way of life, not because of a lack of a renewable resource, or new scientific discoveries, but rather by an environmental community that views the timber industry as an evil that must be stamped out. In short, this roadless policy is based on misinformation and emotions rather than logical fact.

This proposed roadless policy will spell the doom for whatever timber industry we have left. It is comparable to taking away Detroit's ability to build cars. This community and others like it cannot withstand any more

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reductions in our timber base. We have given too much already. It is now time for the other side to show good faith, common sense and above all, some honesty.

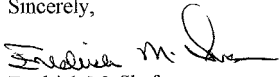
The U.S. Forest Service has spent 10 years and thirteen millions of dollars in the formulation of the Tongass Land Management Plan that although far from being a perfect document, does allow harvesting of timber based on the requirement as spelled out in the Tongass Timber Reform Plan to provide timber based on market demand. Also in the TLMP, concerns about roads and road building have already been addressed and should not be discussed further.

The roadless proposal violates the "No-more" clause of ANILCA and cannot be legally applied to Alaska's National Forests. This includes the Tongass. Additional withdrawals will be devastating to our communities and our way of life. Not only will our remaining timber industry be eliminated, but ultimately our ability to hunt, fish, and otherwise recreate on our National Forest land.

Therefore, we would request that this proposed roadless plan be eliminated from further consideration, not only from this Forest but nationwide as well. We also request that an additional 120 day extension of the public comment period be granted so as to allow more time to review the environmental impact statement.

Thank you for this opportunity to comment on this proposal.

Sincerely,



Fredrick M. Shafer
Mayor Pro Tem
City of Thorne Bay