

HJR

54

# Alaska State Legislature

Member:

House Finance

Subcommittee Chair:

Transportation

Environmental Conservation

Subcommittee Member:

Fish and Game

Representative William K. Williams

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

## House Joint Resolution 54 Sponsor Statement

House Joint Resolution 54 was introduced to protest yet another politically motivated attack on the working people of Alaska. The President of the United States has proposed policy that would end any further road building in the National Forest system. As Alaska is home to the two largest National Forests in the country and the health and diversity of our economy is directly related to our resource industries, I vehemently object to the inclusion of the Tongass and Chugach National Forests in the proposed plan.

There are several specific reasons for my objections and I will summarize a few in the following paragraphs. First, the policy is illegal. The Alaska National Interest Lands Conservation Act (ANILCA) specifically prohibits such withdrawals without the expressed direction of Congress. The President and his attorneys are relying on legal semantics to justify their actions. While lawyers can split hairs over wordsmithing, the clear intent of Congress in ANILCA is that the Congress will oversee any further land withdrawal proposals regarding Alaska.

Second, we spent 10 years and over \$13,000,000 to create the Tongass Land Management Plan (TLMP). This obvious dedication of time, money and public process used to create a plan that would bring "peace in the valley" would be thrown out the window. The TLMP document has already been compromised with Under Secretary Lyons' unilateral TLMP amendment in 1999. This attack is yet another attempt at circumventing proper forest management for the sake of political science and posturing.

-more-

Third, we are currently spending time and money creating a plan for the Chugach National Forest. Once again the public process is being followed to produce a plan for the future use of this forest. Of great concern to those who live and work in the Chugach is the spruce bark beetle infestation. This infestation will continue, against the sound forest management opinions of forestry professionals, if the policy is implemented. The roadless policy will trump the public process on the Chugach in the same manner the TLMP was trumped by Under Secretary Lyons' action and will be trumped again by this same roadless policy.

Enough is enough. We, on the Tongass, have compromised during the Tongass Timber Reform Act of 1990, the TLMP and its revisions and amendments. We have compromised down, down and down again. In fact, it is not a compromise at all. Compromising means both sides give up something. We have given and given and not received. Now the same process is playing out on the Chugach. Why are we even spending the time and money to come up with a plan?

I, like many Alaskans, am frustrated with the level of Federal intervention in our lives. The timber industry had been at the forefront of this intervention during the last decade. We must continue to strongly oppose such Federal actions. I urge your support in sending our message back to Washington, D.C.

FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. HJR 54

Revision Date: \_\_\_\_\_  
 Title: Exclusion of AK National Forests  
from roadless initiative  
 Sponsor: Rep Williams  
 Requester: \_\_\_\_\_

Dept. Affected None  
 ERU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Component Serial No. \_\_\_\_\_

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES [ ]						
------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by Liz Cabrera  
House Resources Committee

Phone 465-6890

Phone \_\_\_\_\_

Date 2-16-00

ern Alaska. This report shall include, but not be limited to, (1) the timber harvest levels in the forest since the enactment of this Act; (2) the impact of wilderness designation on the timber, fishing, and tourism industry in southeast Alaska; (3) measures instituted by the Forest Service to protect fish and wildlife in the forest; and (4) the status of the small business set aside program in the Tongass Forest.

(c) The study required by this section shall be conducted in cooperation and consultation with the State, affected Native Corporations, the southeast Alaska timber industry, the Southeast Alaska Conservation Council, and the Alaska Land Use Council.

#### ADMINISTRATION

SEC. 707. Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture for areas designated in sections 701 and 702 shall, as applicable, be deemed to be a reference to the Secretary of the Interior.

#### RARE II RELEASE

SEC. 708. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in Alaska and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to national forest lands in States other than Alaska, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Alaska;

(2) with respect to the National Forest lands in the State of Alaska which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act or the area listed in section 704 of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas reviewed in such Final Environmental Statement and not designated as wilderness or for study by this Act or remaining in further planning upon enactment of this Act need not be

16 USC 1600  
note.  
16 USC 1600  
note.

managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(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.

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

### FINDINGS

16 USC 3111.

SEC. 801. The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

43 USC 1601  
note.

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

### POLICY

16 USC 3112.

SEC. 802. It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized

ACCESS

Nonfederally owned lands. 16 USC 3210.

SEC. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

YUKON FLATS NATIONAL WILDLIFE REFUGE AGRICULTURAL USE

16 USC 3211

SEC. 1324. Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats National Wildlife Refuge pursuant to existing law. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law. Any such development permitted within the Yukon Flats National Wildlife Refuge shall be designed and conducted in such a manner as to minimize to the maximum extent possible any adverse effects of the natural values of the unit.

TERROR LAKE HYDROELECTRIC PROJECT IN KODIAK NATIONAL WILDLIFE REFUGE

16 USC 3212

SEC. 1325. Nothing in this Act or the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) shall be construed as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law.

FUTURE EXECUTIVE ACTIONS

16 USC 3213

Publication in Federal Register; notification of Congress.

SEC. 1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

SEC. 1: addition operatio and app Transpo imposin; cerning

SEC. 1 made pt (44 Stat Stat. 10 within t in Alas. statutes hundrec except subjecti adjuste approve the tim

(2) W unit of Refuge System before t land w Native land w which tentati Alaska to sect from tl the Act 11(b) o of this cated p 1328(a other :

(3) F apply on or effecti

th er wi A.

st ac a th

ALASKA STATE CHAMBER OF COMMERCE

Position 2000 - 33

United States Forest Service proposed "Roadless Policy"

The Alaska State Chamber of Commerce urges the Governor and Legislature to support all efforts to stop the United States Forest Service (USFS) proposed "Roadless Policy" by requesting the State of Alaska to sue the USFS and the U.S. Government to block application of the "Roadless Initiative".

RATIONALE:

The Clinton Administration is awaiting results of a public comment period on whether roadless areas of the Tongass National Forest should be included for review under its roadless initiative. The roadless issue for the Tongass was already completed in the 13 year, 10 million dollar Tongass Land Management Plan (TLMP). If any part of Alaska is reviewed for the purpose of considering conservation measures, it is a violation of the "No More" clause in ANILCA. The Chugach is currently under that review.

ADOPTED

December 3, 1999

BY Pamela La Bolle  
Pamela La Bolle  
President

BY Dennis Brandon  
Dennis Brandon  
Chairman



United Southeast Alaska Gillnetters  
PO Box 22427  
Juneau, Alaska 99802  
(907) 586-5860 Fax (907) 586-5648  
E-mail: usag@gillnetters.org

February 18, 2000

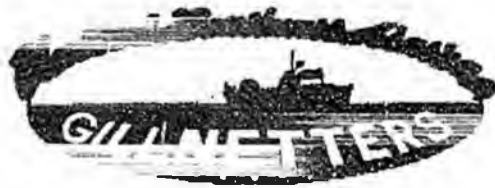
House Resources Committee,  
Representative Bill Hudson, Co-Chair  
Representative Beverly Masek, Co-Chair  
State Capitol, Room 124  
Juneau, AK 99801-1182

RE: HJR 54

The United Southeast Alaska Gillnetters Association supports HJR 54 sponsored by Representative Williams and Phillips. We have enclosed the letter we submitted to the Forest Service on the roadless initiative.

Sincerely,

Kathy Hansen  
Executive Director



United Southeast Alaska Gillnetters  
 PO Box 22427  
 Juneau, Alaska 99802  
 (907) 586-5860 Fax (907) 780-6621  
 E-mail: usag@gillnetters.org

December 14, 1999

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

Dear U.S. Forest Service:

RE: Roadless Proposal  
 Position: Oppose

The United Southeast Alaska Gillnetters Association (USAG) would like to state that we oppose the roadless initiative suggested by President Clinton. In particular, we oppose the inclusion of the Tongass National Forest in Alaska as part of the policy.

This initiative is bad public policy based on the desire of the President to leave a legacy and has no basis in sound science. The current planning process mandated by the National Forest Management Act (NFMA) and NEPA takes in the needs of the fish, wildlife, habitat and the public while allowing reasonable access to the land by all. We question the appropriateness of performing a nationwide "super-EIS" that will overturn decisions made through the land management plan process which involves local decisions based on public and agency review. Let the decisions be made at the local level involving the people involved in the area and not by Washington DC politics and nationwide environmental groups.

The Tongass National Forest should not be included for the following reasons:

- The Tongass had just gone through an extensive, 11 year plan revision, which cost the public more than 13 million. The 1997/99 TLMP withdrew more than half of the land previously available for development in the Tongass.
- Most of the non-roaded areas of the Tongass are already protected in some fashion. This includes wilderness area; 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 acreage under consideration for protection in this proposed policy are those few areas currently left open for resource (primarily timber) extraction. The available timberlands have already been reduced to the point that mills have closed and more may yet be forced to close.
- The 1999 Record of Decision placed many thousands of acres of unroaded areas off-limits to development, reducing the land available for timber production to approximately 10 % of the Commercial Forest Land in the Tongass. This has already put serious restraints on the economy of Southeast Alaska. Additional roadless withdrawals would be economically devastating to the communities of the region.
- The State of Alaska Governor, Congressional Delegation, members of the State Legislature and many community leaders have all spoken out against the

application of the roadless policy to the Tongass. Governor Knowles has classified this decision as a "double cross and an outrage" were the policy be applied to the Tongass. We agree, and urge the Forest Service to specifically exempt the Tongass from any further consideration of roadless "protections".

- Any application of the roadless policy to the national forests of Alaska would violate the Alaska National Interest Lands Conservation Act (ANILCA). This act was passed in Congress in 1980 and includes in law the agreement between Congress and the Carter White House Administration that any further conservation unit decisions in Alaska would be under the sole purview of Congress.

President Clinton's original announcement of the withdrawal of roadless areas was to encompass some 40 million acres. His inclusion, of the Tongass and of additional smaller non-inventoried unroaded areas may push that number to higher than 60 million acres. How much land is actually being considered in this policy decision and how much of that area is in Alaska? If the public is to evaluate the effect of this policy proposal, it needs to know with some precision where the areas in question are located. To make the scoping period meaningful and effective, the Forest Service should produce maps showing where the roadless areas are located, and should extend the public scoping comment period to allow sufficient time for the mapped information to be reviewed by the public. At a minimum, the extension should last for 120 days (until late April 2000).

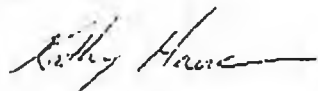
At a recent Senate hearing the Forest Service will not request a reprogramming of funds to do this roadless analysis. The Forest Service has said they will use existing funding to pay for the initiative. In the House hearing they stated that the initiative is estimated to cost \$6 million and the agency will pay for it out of land management planning funds. What planning activities in Region 10 will go unattended to offset the money and time devoted to the roadless initiative?

In summary, we would like re-state our opposition to this roadless policy and in particular the inclusion of the Tongass National Forest in the policy. Our national forests should be managed in accordance with existing federal laws. The comment period should be extended - the sixty day comment period which affects 37 states and 40 60 million acres of forest land does not allow sufficient time for the public to comment. To date, the forest service has not identified the specific parcels of land to be included which essentially asks the public to make uninformed comments on this proposal. That situation tends to make a person feel that this is a pre-determined decision and that you are pretending to solicit public comments. We hope that we are wrong.

United Southeast Alaska Gillnetters Association is a non-profit group representing Southeast Alaska drift gillnet fishermen since 1978.

Please count this testimony as our formal comments on the Roadless Proposal.

Sincerely,



Kathy Hansen

CC: Congressional Delegation, Governor Knowles, Lt. Governor Ulmer  
Alaska Forest Association, United Fishermen of Alaska, Alaska Trollers Assoc.,  
Southeast Alaska Seiners, Petersburg Vessel Owners Assoc.



# ALASKA + WOMEN IN TIMBER

111 STEDMAN ST.  
KETCHIKAN, ALASKA 99901  
PHONE/FAX: (907) 247-2948

## STATEMENT OF SUPPORT

The Board of Directors of Alaska Women In Timber would like to go on record in support of House Joint Resolution No. 54.

Our national forests should be managed in accordance with existing federal laws. The proposed roadless withdrawal is bad public policy, which is being pursued for purely political reasons. It is not appropriate on all national forests and it is particularly unacceptable in the case of the Tongass National Forest. After an extensive plan revision period that lasted more than eleven years and cost the public more than \$13 million dollars, more than half of the land previously available for development in the Tongass was withdrawn. Additional roadless withdrawals would be economically devastating to the communities of the region.

The elected representatives of Alaska have spoken with rare unanimity on this issue – this is a blatant double cross by the federal government. The years of planning and millions of dollars spent to craft the Tongass Land Management Plan and the planning currently taking place for the Chugach National Forest will all have been for nothing.

Inclusion of Alaska's Tongass and Chugach National Forests in this roadless proposal denies the rights of those most affected by policy changes to play any sort of significant role in the decision making process.

Alaska Women In Timber urges the full support of the Alaska State Legislature for HJR 54.

## Testimony of Alaska Center for the Environment on HJR 54

Contact: Rion Schmidt phone: 274-3674

Alaska Center for the Environment believes it is appropriate for Alaskan forests to be included in the roadless initiative, particularly the Chugach, as it is our area of primary focus. For years, citizens have cited their concerns about the damaging effects of road building, and the use of taxpayer dollars to subsidize corporate development interests on our national forests. Clearly, public sentiment has moved towards the protection of our public resources, rather than the exploitation of them.

In HJR 54, the issue of timber dependant economies is brought forth as reasoning for exclusion of Alaskan forests in the President's policy. On the Chugach the reality is quite different from the position put forth in this resolution. There are no timber dependant communities on the Chugach, logging has never provided a substantial economic base for any of the areas in question, and the small amount of logging that does occur could still continue in un-inventoried areas. In fact, by maintaining the Chugach's roadless areas, rural economies are likely to enjoy greater economic benefits through a continued diversification of their economies. Tourism, recreation, Watchable Wildlife programs, outdoor guiding and sightseeing, cabin industries, local businesses, and enhancement of property values, are some of the ways in which local communities would benefit from this policy.

The next argument that HJR 54 makes on behalf of exclusion is the assertion that the Roadless Policy would be a violation of ANILCA. We strongly disagree. Section 1326(b) of the Alaska Lands Act provides: "No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress."

This section does not prohibit the continuing Forest Service review and planning for roadless area management. This process is not being conducted to consider the establishment of a conservation system unit or any other new congressionally designated "defacto wilderness area". The Forest Service review is only a process for the Forest Service to decide how to manage the lands under its jurisdiction. The process is not a study for the single purpose of establishing new protected areas by Congress.

In recent surveys conducted by Alaska Pacific University, Alaskans have indicated that they want the Chugach National Forest managed as it has been traditionally: for the protection of fish and wildlife and for low impact recreation/tourism uses. In these surveys, Alaskans have clearly stated that their prosperity and quality of life are closely linked to scenic values, habitat integrity, roadless areas and biological diversity on the Chugach. Local economies are directly tied to these values through: subsistence hunting, fishing and gathering of resources, as well as commercial and sport fisheries.

ACE's 9,700 members, including a thousand members who reside in Southeast, also support inclusion of the Tongass in the policy.

Please reconsider your opposition of the National Forest Roadless Policy. The Chugach and Tongass National Forest should be considered for management under the roadless policy, and our public land is a treasure that should not be diminished by outside corporate dominated exploitation interests.

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



**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532  
*www.gov.state.ak.us*

October 12, 1999

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

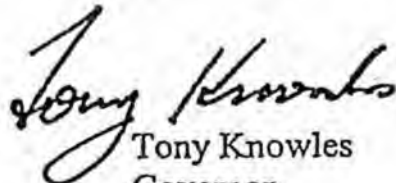
Page 2

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.

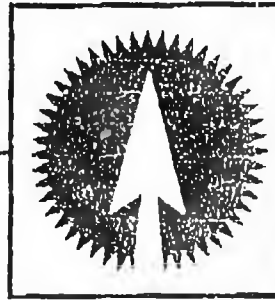
Accordingly, as Governor, I would be compelled to do everything within my power to protect the families of Southeast Alaska.

Sincerely,

  
Tony Knowles  
Governor

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

## Alaska Forest Association, Inc.



111 STEDMAN SUITE 200  
KETCHIKAN, ALASKA 99901-6599  
Phone 907-225-6114  
FAX 907-225-5920

February 16, 2000

The Honorable Bill Williams  
Alaska House of Representatives  
State Capitol  
Juneau, AK 99801

### Re: House Joint Resolution 54

Dear Representative Williams:

Thank you for introducing HJR 54, urging the exclusion of national forests in Alaska from President Clinton's proposal for withdrawal of roadless areas in the national forest system. The Alaska Forest Association fully supports HJR 54 because Alaska will be disproportionately harmed if the federal government imposes the President's proposed roadless withdrawal on the Tongass and Chugach National Forests.

As you are well aware, the Tongass Land Management Plan was revised in 1997 after the Forest Service spent 11 years and \$13 million on the revision. In 1999, Under Secretary of Agriculture Jim Lyons unilaterally amended the plan under the guise of granting appeal points to some radical environmental groups. Whether his action was legal under federal laws and regulations is presently the subject of a complaint filed in federal district court by the AFA, the Metlakatla Indian Community, Coffman Cove, Wrangell, Ketchikan Gateway Borough, Southeast Conference, Concerned Alaskans for Resources and Environment (C.A.R.E.) and some individuals. The result of Mr. Lyons' decision was a plan that is able to produce a maximum annual offering level of only 153 million board feet of timber, and is likely to produce much less, based on historic Forest Service performance. As a point of reference, existing sawmills in Southeast Alaska (including some that are currently closed) have a normal annual operating capacity of 355.5 million board feet.

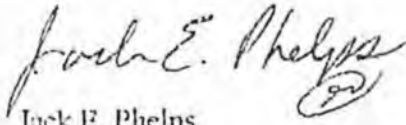
If the roadless policy is applied to the Tongass, the land available for scheduled timber sales will likely be reduced to approximately 183,000 acres, from the 576,000 acres presently available. If this occurs there will certainly be more mill closures and loss of employment in the region. Given the dramatic decline in timber-related economic activity in Southeast Alaska over the past decade, it is time Alaska said "enough is enough" to these unnecessary and unacceptable federal preservation actions.

Aside from the immediate harm that will accrue to the industry and communities of Alaska's coastal region, the roadless policy should also be opposed by the State of Alaska because of the promises embodied in ANILCA. As HJR 54 clearly spells out, ANILCA contains provisions which were intended to prohibit the very kinds of actions that are at issue here. Whether the Clinton Administration chooses to call these roadless withdrawals "wilderness" or not, it amounts to the same

thing. As HJR 54 states, these new areas will be *de facto* wilderness, the designation of which, or even the study of which, is prohibited by ANILCA.

With respect to the Chugach National Forest, 98 percent of that forest is presently inventoried roadless. Application of the President's proposal would prohibit all new transportation infrastructure in that forest without the benefit of a public planning process specific to the Chugach. The Chugach Land and Resource Management Plan is presently undergoing revision under terms set forth in the National Forest Management Act of 1976. AFA and several other user groups have been very actively involved in the Chugach planning process. That is the proper venue for land use allocation decisions to be made in the Chugach, as it is with all the other national forests in this country. Such decisions should not be made through a national super-EIS initiated for the purposes of establishing an "environmental legacy" for the President and furthering his political aims.

Sincerely,



Jack E. Phelps  
Executive Director

cc: The Honorable Tony Knowles, Governor of Alaska

HJR 54

# Alaska Conservation Alliance / Alaska Conservation Voters

P.O. Box 22151  
Juneau, AK 99802  
Phone: 907-463-3366  
Fax: 907-463-3312  
Email: sue@akvoice.org

## FAX MEMO

TO: House Resources Committee Members  
Rep. Masek 465-4822  
Rep. Hudson 465-2273  
Rep. Cowdery 465-2069  
Rep. Barnes 465-4565  
Rep. Harris 465-3799  
Rep. Morgan 465-2197  
Rep. Whitaker 465-2070  
Rep. Joule 465-4586  
Rep. Kapsner 465-4589

FROM: Sue Schrader, Conservation Advocate

DATE: February 16, 2000

RE: HJR 54: relating to the exclusion of the Tongass and Chugach National Forests from the Roadless Proposal of President Clinton

# of Pages: 2

**MESSAGE:** We hope you will take a few minutes to read this editorial that appeared in the Anchorage Daily News and in the Juneau Empire. Written by two highly-repected Alaskan scientists, it provides the firm scientific basis that Representative Williams suggested was lacking in President Clinton's Roadless proposal.

Please contact me if you have any questions.

# Tongass, Chugach would benefit from road ban

By DAVID R. KLEIN  
and JOHN W. SCHOEN

The Tongass and Chugach national forests represent the largest remaining tracts of old-growth temperate rain forest in the world. Established in 1907 by President Theodore Roosevelt, the Tongass and Chugach are the country's largest national forests (approximately 17 million acres and 5.4 million acres respectively). Unlike most national forests, the Tongass and Chugach still encompass many undisturbed watersheds with a full complement of all native species including productive populations of bald eagles, wolves, brown and black bears, moose, black-tailed deer, mountain goats and five species of anadromous salmon.

Roadless areas are crucial to the protection of our nation's wildlife, fisheries and water resources because they represent the least disturbed habitats in an almost universally disturbed landscape. Forest Service Chief Mike Dombeck has recognized that roadless areas have become refugia, places where remnant populations of native species persist. For this reason, Dombeck stated there are "compelling ecological reasons to take a cautious approach to new road construction particularly in roadless areas."

In the Tongass, 2 million acres of roadless areas have been left open to development, including 450,000 acres of roadless old-growth forest. These reserves are especially critical because only 4 percent of the



Tongass land base encompasses the low elevation, large old-growth forest most important to fish and wildlife and much of this rare forest type has been clear-cut. In addition, steep, rugged terrain makes roads in this region vulnerable to erosion and landslides and very expensive to construct. The ecological risks associated with developing these areas are extremely high and may jeopardize commercial and sport fishing, hunting, tourism, recreation and subsistence in Southeast Alaska. These multiple resource values of the Tongass are basic to maintaining and increasing economic diversity in Alaska, as well as for maintaining the quality of life for people who live in Southeast Alaska.

Protecting roadless areas on the Tongass National Forest would not eliminate commercial forestry. There are already at least 4,650 miles of permanent roads within the Tongass, and more than 10 billion board feet of timber exist that are accessible from that road network. This timber supply should be capable of supporting a small-scale timber industry for the region.

The Chugach National Forest was established primarily to protect its fish, wildlife and recreational resources. Much of the Chugach

is roadless and provides exceptional opportunities for outdoor recreation, including fishing, hunting, kayaking, biking, skiing, wildlife viewing and photography, as well as an expanding tourism industry. Both of Alaska's national forests encompass an unusual system of coastal islands and fjords that provide unique marine access from kayaks and small boats to the Alaska ferries and major cruise ships. The Seward Scenic Byway and Alaska Railroad bisect the Chugach forest, providing additional access for many activities.

In a 1997 speech calling for better stewardship of our nation's roadless areas, President Clinton said: "These unspoiled places must be managed through science, not politics." The Tongass forest has been the focus of considerable scientific research that has demonstrated the importance of critical forest habitats for spawning and rearing salmon, winter cover and forage for deer and mountain goats, feeding and cover habitat for bears and wolves secure from human disturbance, and the habitat diversity necessary for supporting the unique plants and animals that characterize the northern rain forest. Research carried out on the Tongass has also clarified the need for better inventory of all forest resources and for development of forest management practices that are less detrimental to fish and wildlife than large-scale clear-cut logging. Though a better scientific under-

*Roadless areas are crucial to the protection of our nation's wildlife, fisheries and water resources because they represent the least disturbed habitats in an almost universally disturbed landscape.*

standing of the ecology of the Tongass is needed for the sustainable management of all of its living resources, there has not been even a comparable level of research directed at understanding the Chugach.

The Tongass was left out of the Forest Service's initial roadless moratorium. However, the Forest Service recently requested public comment regarding inclusion of the Tongass in the new policy. In response, more than 300 North American scientists (including more than 100 Alaskans) have sent a letter to the president stating, in part, "There is no scientific basis to exclude the Tongass National Forest from the Forest Service's national roadless policy. Excluding the Tongass would severely compromise the scientific legitimacy of any national policy on the protection of roadless areas in our national forest system. We encourage you, Mr. President, to please afford the remaining roadless areas within America's largest national forest and our nation's most substantial old-growth forest ecosystem the

same level of protection and precautionary management as those in national forests throughout the rest of the United States."

Including the Tongass and Chugach in the national roadless policy will help safeguard the ecological integrity of Alaska's rain forest. The action will also ensure the conservation and sustainable productivity of our valuable fish wildlife and recreational resources in perpetuity for our continued use as well as for use by future generations of Alaskans and all Americans.

David R. Klein, Ph.D., is a professor emeritus at the University of Alaska Fairbanks. He has more than 40 years of research and teaching experience in Alaska. He and his graduate students have been involved in numerous wildlife studies on the Tongass. John W. Schoen, Ph.D., is a senior scientist for the Alaska office of the National Audubon Society. He is also an affiliate as society professor of wildlife biology at the University of Alaska Fairbanks. Formerly a research biologist with Alaska Department of Fish and Game, he has conducted research on brown bears, black-tailed deer and mountain goats on the Tongass.



## Sitka Conservation Society

P.O. Box 6533

Sitka, Alaska 99835

(907) 747-7509 Phone

(907) 747-6105 Fax

sitconsv@ptialaska.net E-mail

House Resource Committee:

For hearing Wednesday February 16, 2000 1 PM on

HR 54: resolution against including the Tongass and the Chugach in Clinton's roadless policy

Dear Committee Members:

The Sitka Conservation Society has a diverse membership of Sitka and area residents who take their living and enjoyment from the waters and lands of Southeast Alaska. We believe the state of Alaska should not oppose the Forest Service in continuing their analysis of the benefits and costs of forest roads. The decision to include the Tongass and Chugach in the analysis will provide the legislature with additional information to use in their evaluation of forest policy. The draft EIS will be structured with multiple alternatives, and the legislature would have an opportunity to comment at that point in the process.

Currently, the Forest Service has a huge deficit in maintenance funds for roads already built. Non-maintained roads cause continuing damage to fisheries habitat, forest productivity, and wildlife. It does not make sense to build new roads without the funding to maintain them once built. The roadless policy would simply acknowledge that undamaged watersheds should remain that way. Healthy watersheds are the key to maintaining commercial and sport salmon fisheries, guided bear hunting, deer and other wildlife populations, and tourism opportunities.

While the acreage of roadless lands in Southeast is great, it should be remember that on average, less than a third of each roadless area is actually forested. The bulk of the landscape is muskeg, alpine areas, and other unproductive regions. Of the forested acreage, much of that is not commercially viable. The reality of the history of the timber industry in Alaska is that the premier value timber was harvested first, which also constituted the most critical wildlife habitat. Undisturbed watersheds now are critical to maintaining our wildlife populations. We are just beginning to see the impacts of previous clearcuts as the canopy closes and understory forage plants can no longer receive light to grow.

10 billion board feet of timber remain within the 1/2 mile buffer of existing Forest Service roads. It is not necessary to incur the extensive costs of new road building to access timber.

In summary we cannot support the proposed resolution. We believe it is not in the best economic interests of our membership to discourage this analysis from moving forward.

Sincerely,

*Page Else*

Page Else, GIS Analyst  
For the SCS Board

Dear Committee Members,

My name is Caleb Wardlaw. I have lived in Sitka, Alaska for five years. I believe that there are far more reasons to include the Tongass in the new Roadless policy than to exclude it. Reasons to include it include environmental and economic whereas the reasons to exclude it only include economic. However, the economic benefits that would result from the inclusion of the Tongass into the new policy far outweigh the economic benefits that would result should the Tongass be excluded.

I moved here to attend school at Sheldon Jackson College and quickly came to appreciate the rarity of this pristine place in today's world. In the lower 48 there are no forests as pristine as the Tongass. In fact, everyday pristine forests become scarcer and scarcer. Pristine forests offer incomparable recreational experiences and valuable fish and wildlife habitat. These qualities will soon be recognized as golden. In other words the Tongass, if left pristine, will be a gold mine. The Tongass would be the largest unroaded expanse of forest in the United States. That means it will be a commodity unequalled anywhere in the United States.

Recycling is an increasing practice, science is constantly finding cheaper substitutes for wood products. This is not to say that the future does not hold a demand for timber, simply that there will be less demand than today. However, the Tongass road system already access's up to 10 billion board feet of timber. With diversification and an increase in value added products Southeast Alaska could be incurring greater economic benefits than it does today just from harvesting along this road system. This being considered, why would we convert our gold mine (a pristine Tongass) to a silver mine (a not as pristine Tongass). The future is in tourism, commercial fishing, and a value added timber industry. The combination of these industries can best be met if the Tongass is included in the new roadless policy.

Thank you.

A handwritten signature in cursive script, appearing to read "Caleb Wardlaw".

- ten habitat preferences in the northern Sierra Nevada. *Journal of Wildlife Management*, **47**, 1181-1186.
- Spies, T.A., Ripple, W.J. & Bradshaw, G.A. (1994) Dynamics and pattern of a managed coniferous forest landscape in Oregon. *Ecological Applications*, **4**, 555-568.
- Stevenson, J.D. & Major, J.T. (1982) Marten use of habitat in a commercially clear-cut forest. *Journal of Wildlife Management*, **46**, 175-182.
- Taylor, S.L. (1993) *Thermodynamics and energetics of resting site use by the American marten (Martes americana)*. MS Thesis. University of Wyoming, Laramie, WY.
- Thomas, J.W. (1979) *Wildlife Habitats in Managed Forests: the Blue Mountains of Oregon and Washington*. United States Department of Agriculture Forest Service Agriculture Handbook Number 533. US Government Printing Office, Washington, DC.
- Thompson, I.D. (1994) Marten populations in uncut and logged boreal forests in Ontario. *Journal of Wildlife Management*, **58**, 272-279.
- Thompson, I.D. & Colgan, P.W. (1994) Marten activity in uncut and logged boreal forests in Ontario. *Journal of Wildlife Management*, **58**, 280-288.
- Thompson, I.D. & Harestad, A.S. (1994) Effects of logging on American martens, and models for habitat management. *Martens, Sables, and Fishers: Biology and Conservation* (eds S.W. Buskirk, A.S. Harestad, M.G. Raphael & R.A. Powell), pp. 355-367. Cornell University Press, Ithaca, NY.
- Turner, M.G. (1987) *Landscape Heterogeneity and Disturbance*. Springer-Verlag, New York, NY.
- Turner, M.G. & Dale, V.H. (1991) Modeling landscape disturbance. *Quantitative Methods in Landscape Ecology* (eds M.G. Turner & R.H. Gardner), pp. 323-352. Springer-Verlag, New York, NY.
- Turner, M.G., Gardner, R.H., Dale, V.H. & O'Neill, R.V. (1989) Predicting the spread of disturbance across heterogeneous landscapes. *Oikos*, **55**, 121-129.
- Verboom, B. & van Apeldoorn, R. (1990) Effects of habitat fragmentation on the red squirrel *Sciurus vulgaris*. *Landscape Ecology*, **4**, 171-176.
- Voss, R.F. (1988) Fractals in nature: from characterization to simulation. *The Science of Fractal Images* (eds H.O. Peitgen & D. Saupe), pp. 21-70. Springer-Verlag, New York, NY.
- Wallin, D.O., Swanson, F.J. & Marks, B. (1994) Landscape pattern response to changes in pattern generation rules: land-use legacies in forestry. *Ecological Applications*, **4**, 569-580.
- Weckwerth, R.P. & Hawley, V.D. (1962) Marten food habits and population fluctuations in Montana. *Journal of Wildlife Management*, **26**, 55-74.
- Whitcomb, R.F., Robbins, C.S., Lynch, J.F., Whitcomb, B.L., Klimkiewicz, M.K. & Bystrak, D. (1981) Effects of forest fragmentation on avifauna of the eastern deciduous forest. *Forest Island Dynamics in Man-Dominated Landscapes* (eds R.L. Burgess & D.M. Sharpe), pp. 125-205. Springer-Verlag, New York, NY.
- Wiens, J.A., Stenseth, N.C., Van Horne, B. & Ims, R.A. (1993) Ecological mechanisms and landscape ecology. *Oikos*, **66**, 369-380.
- Wilcox, B.A. (1980) Insular ecology and conservation. *Conservation Biology: an Evolutionary-Ecological Perspective* (eds M.E. Soulé & B.A. Wilcox), pp. 95-117. Sinauer Associates, Sunderland, MA.

Received 2 October 1997; revision received 24 November 1998

# Forest Resources



A Report on Forestry Issues from the American Forest & Paper Association

December 13-20, 1999

## Proposed Planning Rule Comment Period Extended 30 Days

The Forest Service has extended the public comment period on its proposed planning rule by 30 days; the new deadline is Feb. 3, 2000 (AF&PA and many others had requested a 120-day extension). Extra time is needed due to the complexity of this proposal to completely rewrite the national forest planning regulations that have been in effect since 1982, not to mention a complete rewrite of the statutory purposes of the National Forest System. At the same time, the Forest Service also sought comments on the scope of its proposed environmental impact statement on President Clinton's roadless area initiative. The timing of these two major proposals and EPA's proposed TMDL rule, with overlapping comment periods, has generated considerable confusion not only with the public but also within the agency. To provide the Forest Service with your concerns about the proposed redirection of forest management, use the electronic comments under the Washington Watch icon on the AF&PA website, [www.afandpa.org](http://www.afandpa.org). For more information, contact either Bob Bierer at 202/463-2753 or Mary Coulombe at -2752.

## Continue Commenting on Roadless Areas Proposal

The deadline for comments on the Forest Service's Notice of Intent (NOI) to prepare an environmental impact statement (EIS) on the Administration's Roadless Initiative was Dec. 20. However, Forest Service officials have been advising the public that the scoping process continues through preparation of the EIS. Therefore, if you missed the deadline, you should still send comments urging the agency to provide more information on the specific location of the affected areas, if not in a new NOI then at least in the draft EIS. A quick way to provide your comments is to use the Washington Watch icon on the AF&PA website, [www.afandpa.org](http://www.afandpa.org). For more information, contact Mary Coulombe at 202/463-2752 or Bob Bierer at -2753.

## Third-Party Verification Opportunity on WA Public Lands

The Washington State Department of Natural Resources has issued a "Request for Proposal" to conduct a preliminary evaluation of the Department's forest management in regards to sustainable forest certification. The project will cost approximately \$20,000 and will be conducted over a two-month period. Proposals are due by 2:00 pm January 11, 2000 and should be sent to the Department of Natural Resources, 1111 Washington St., SE, Olympia, WA 98504-7011. Attn: Ms. Peggy M. Murphy, RFP Coordinator. The contact phone number is 360/902-1393 and the fax is 360/902-1783.

This may be an excellent opportunity to implement the Sustainable Forestry Initiative (SFI)<sup>SM</sup> program on public lands in the Western United States with third-party verification. The SFI<sup>SM</sup> team encourages AF&PA members and SFI program licensees to forward this information to interested parties and certification/verification contractors they work with as soon as possible. It would be a very positive step for the SFI program to have the Washington State Department of Natural Resources choose the SFI program and verification process as the vehicle to certify sustainable forestry on their forestlands. For more information, contact Rick Cantrell at 202/463-2432.

## AF&PA Honors Champion's Dick Porterfield

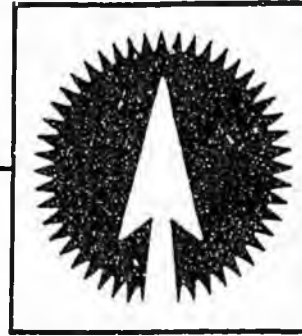
Champion International Corporation's Dick Porterfield is the recipient of AF&PA's "Outstanding Leadership and Service Award" for 1999. AF&PA Board of Directors Chairman, Rick Holley, presented the award on behalf of AF&PA membership, the CEO Forestry Executive Committee, and the Sustainable Forestry Initiative (SFI)<sup>SM</sup> program during AF&PA's 1999 President's Forum. The award recognizes Dick's outstanding leadership in the development, implementation, and evolution of the SFI<sup>SM</sup> program. Dick has been with the SFI

AMERICA'S FOREST & PAPER PEOPLE <sup>SM</sup> - *Improving Tomorrow's Environment Today*<sup>SM</sup>

1111 NINETEENTH STREET NW • SUITE 800 • WASHINGTON DC 20036  
[WWW.afandpa.org](http://WWW.afandpa.org)

©1999 American Forest & Paper Association, Inc.

# Alaska Forest Association, Inc.



111 STEDMAN SUITE 200  
KETCHIKAN, ALASKA 99901-6599  
Phone 907-225-6114  
FAX 907-225-5920

December 20, 1999

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

## Via email, facsimile and Certified U.S. Mail

Dear Project Team Leader:

The letter constitutes the comments of the Alaska Forest Association in response to the Notice of Intent (NOI) to prepare an environmental impact statement (EIS), published at Federal Register Volume 64, pages 56306-56307, on October 19, 1999. The NOI seeks comments on "1) the effects of eliminating road construction activities in the remaining unroaded portions of inventoried roadless areas on the National Forest System; and 2) the effects of establishing criteria and procedures to ensure that the social and ecological values, that make both inventoried roadless areas and other un-inventoried roadless lands important, are considered and protected through the forest planning process."

The Alaska Forest Association is the trade association for the forest products industry in Alaska. A statewide organization, the AFA represents approximately 90 regular and 180 associate member companies doing business in the forest products sector throughout Alaska. Regular member companies are loggers, roadbuilding firms, sawmills and other primary manufacturing facilities, secondary wood products manufacturers, forest landowners and others directly engaged in the forest products industry. Associate member companies are businesses having some interest in or association with AFA regular member firms, such as vendors, lending institutions, and other related businesses. Nearly all AFA members (regular and associate) are small business firms.

The AFA, its members, their employees and the timber dependent communities of Alaska depend on the Forest Service to provide economic timber sales of sufficient volume to meet the needs of that portion of the Alaska timber industry that relies, either directly or indirectly, on purchases of timber from the Tongass and Chugach National Forests. Under the recently adopted Tongass Land Management Plan, a significant portion of the projected timber offerings must come from currently unroaded areas, some of which are RARE II inventoried areas.

In addition, some AFA members own private timberlands that are surrounded by, or are adjacent to, national forest lands. Roads across "remaining unroaded portions of inventoried roadless areas" may be necessary to provide access to these private lands. These private landowners are entitled to the reasonable economic uses of their lands which could be precluded by the proposed rulemaking.

AFA members also have a direct interest, both aesthetic and economic, in the health of the national forest lands in Alaska. In the Chugach National Forest particularly, this interest also includes public safety because of the increased fire hazard associated with heavy fuel loading. The proposed roadless action, particularly Part 1, would have a detrimental effect on forest health by limiting the agency's access to NFS lands for management purposes.

☞ For these reasons and others, AFA and its members are directly affected by, and have an interest in, the roadless area rulemaking proposed by the subject NOI.

### The Public Scoping Process is Flawed

#### 1. Violation of NEPA and NFMA regulations

The public scoping process implemented by the Forest Service under the NOI is inadequate and is contrary to provisions of the National Environmental Policy Act (NEPA) and its implementing regulations. It is also contrary to provisions of the National Forest Management Act (NFMA) and its implementing regulations. NEPA regulations require "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." (40 C.F.R. 1501.7). NFMA regulations, developed under 16 U.S.C. § 1604(d), require the agency to provide for meaningful public participation in the development, review or revision of a forest plan. (36 C.F.R. 219.6).

Contrary to both these regulations, the Forest Service has failed to provide adequate information to the public for the public to meaningfully participate in the scoping process and to have any ability to help define the alternatives to be considered in the draft environmental impact statement (DEIS).

The Forest Service did not, in the NOI nor in any subsequent forum of which the AFA is aware, provide information on the location of lands within the NFS that will be affected by Part 1 of the proposed roadless rule. While some maps may be available for some forests, there apparently are no comprehensive maps available which would allow the public to get a clear indication of the extent and location of the areas which would be affected by the proposed rule. In fact, at a Senate Subcommittee on Forests and Public Land Management hearing, held on November 2, 1999, Forest Service Chief Mike Dombeck said he was not sure how many acres would be directly affected by the rule. He indicated it could be anywhere from 40 million to 60 million acres, but said he did not know the actual number. Yet, without more accurate information than this, the public is expected to meaningfully participate in a scoping process that will set the direction for management of huge areas of public land. The public cannot meaningfully suggest an appropriate range of alternatives when it does not even know where the affected lands lie.

Additionally, the Forest Service has not made available to the public information that would help it understand the relationship between the proposed entry restrictions on roadless areas and those parts of the National Forest System that are at high risk of catastrophic fire. According to Forest Service figures, there are approximately 39 million such acres. As of November 3, 1999, the Forest Service did not have maps showing the overlap between those acres and the inventoried and un-

inventoried roadless areas that would be subject to Part 1 of the NOI, according to testimony provided before the Senate and House hearings on November 2 & 3, 1999. AFA has still not seen such maps and, so far as we can determine, they were not made available at any public meetings held during this scoping period.

The Forest Service has also failed to provide other information important to the public's ability to comment on the proposed policy. This includes the status of lands on which existing roads have been or will be decommissioned. The Forest Service has been actively abandoning, obliterating, decommissioning and otherwise removing roads on several national forests, including those in Alaska. Given the definitions contained in the handouts provided at public meetings during this scoping process, the public is left with legitimate unanswered questions as to the status of such lands. Without knowing that these lands might be included in the un-inventoried roadless areas discussed in the NOI, the public may be unlikely to consider this issue in its scoping comments.

Finally, the Forest Service has left an important term undefined. While a list of definitions was distributed to the public at the "listening sessions" and other public meetings, the term "protection" remains undefined. This is an important omission, since to some people the active management techniques generally associated with commercial timber production are "protective" activities with respect to insect and disease control and fire management. The point could also be made that all areas within the National Forest System are "protected" by virtue of their inclusion in the NFS (i.e., they are protected for multiple use forest purposes and cannot be converted to non-forest land use). Thus, in the absence of a definition of "protection," the Forest Service cannot know with any degree of certainty what a particular commentor might mean by saying he or she wants roadless areas "protected." Without a definition of the term "protection" many of the public comments received by the agency have been rendered meaningless or at least are open to various subjective determinations as to their meaning.

## 2. Unexplained relationship to other rulemaking

So far as the AFA can determine, the Forest Service has yet to clarify the intended relationship between the roadless proposal (both parts) and the proposed changes to the rules governing the National Forest transportation system (36 C.F.R., Part 212). Nor has the Forest Service clarified the relationship between the proposed roadless policy and the proposed amendments to the NFMA regulations which were announced in Federal Register Volume 64, page 54074, on October 5, 1999. To ask the public to set forth scoping issues on the roadless proposal without clarifying for the public the interrelationship between these clearly connected actions frustrates the purpose of scoping as envisioned by both NEPA and NFMA.

☞ The public scoping process set forth in the NOI is, for all the reasons stated above, fatally flawed and should be withdrawn. Comments resulting from this process can be expected to be skewed by the lack of information (or possibly in some cases the provision of misinformation) made available to the general public during the scoping period. Efforts to get the Forest Service to extend the comment period to correct these flaws have fallen on deaf ears, so the AFA has no choice but to insist that the NOI be withdrawn.

### National venue improper for dealing with roadless issues

In 1982, the Forest Service demonstrated that it had learned something from the frustrating experience of RARE I and RARE II (both of which failed NEPA tests). Because issues relating to roadless areas are complex and are interrelated with other decisions affecting the use and management of national forests, decisions on roadless area management are properly made in the context of individual forest plans. Thus, 36 C.F.R. 219.17 sets forth the proper venue for roadless area planning. The action contemplated under this NOI is inappropriate on a nationwide basis.

Decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process at the national forest level as envisioned in NFMA and its implementing regulations. A rulemaking process that will affect all roadless areas on all national forests through a single nationwide decision cannot address the unique forest conditions of individual roadless areas. The AFA therefore strongly opposes the unilateral decision to "protect" all roadless areas of the NFS, as set forth in the NOI. If the Forest Service persists in the present action under the NOI, it will frustrate the public's expenditure of countless man-hours in developing individual forest plans on forests where plans have been recently adopted or are in the process of being revised.

☞ For all the above-stated reasons, the AFA urges the Forest Service to withdraw the NOI and reconsider the decision to deal with unroaded areas in the National Forest System on a nationwide, rather than a forest-by-forest basis. If the agency is determined to go forward, it should take steps to make the public scoping process meaningful by providing needed information to the public prior to seeking the public's comments on the proposed action. This likewise will necessitate canceling the NOI and beginning a new public scoping period.

### The proposed roadless policy should not be applied in Alaska

Notwithstanding the AFA's position that the proposed roadless policy (especially Part 1) is inappropriate on a national basis, the Association asserts that the policy will be particularly egregious if it is applied in Alaska. This is true for the following reasons:

#### 1. The terms of the NOI make the proposed policy illegal to apply in Alaska

The NOI calls for a review of non-roaded areas in national forests with the purpose of determining the appropriateness of limiting or prohibiting road access and other development activities. The NOI specifically states that one possible alternative for the DEIS would be an alternative "prohibiting the implementation of all activities, subject to valid existing rights, that do not contribute to maintaining or enhancing the ecological values of roadless areas in remaining unroaded portions of inventoried roadless areas." If applied in Alaska, this would constitute a statewide review of roadless areas under Forest Service control. The roadless policy is therefore illegal in Alaska because it involves a statewide analysis of roadless areas in Alaska intended to create new set-asides, an action which is specifically and expressly prohibited by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). ANILCA states that the need for set-asides for conservation system units and other

special restricted areas is met by ANILCA and that there shall be **no more** withdrawals in Alaska, except by act of Congress.

This was stated in Section 101(d) as an over-arching guideline for the entire Act:

(d) This act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for the satisfaction of the economic and social needs of the State of Alaska's people; accordingly, **the designation and disposition of the public lands in Alaska pursuant to this act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas or new national recreation areas has been obviated thereby.** (Emphasis added.)

ANILCA also specifically and individually addressed administrative closures and studies by federal agencies. Section 1326(a) states specifically that administrative closures of more than 5,000 acres can no longer be used in Alaska and that if a larger area is administratively withdrawn,

(s)uch withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

Moreover, and especially applicable to the current roadless initiative, ANILCA Section 1326(b) states that **federal agencies are not even allowed to study lands for consideration for CSUs or other similar restrictive designations unless Congress specifically authorizes the study:**

(b) **No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.** (Emphasis added.)

## 2. The Tongass National Forest merits exemption because of its peculiar circumstances

With respect to the Tongass, the NOI specifically solicits comments as to whether the Tongass National Forest should be included in the proposed Part 1 of the policy. Alaska's elected representatives have spoken with unanimity on this issue. The Governor, the Alaska Congressional delegation, members of the state legislature and many city councils and community leaders have spoken out against the application of the roadless policy to the Tongass. Governor Tony Knowles went so far as to distribute a press release and a letter addressed to CEQ Chairman George Frampton saying that it would be "a double cross" and "an outrage" were the proposed policy to be applied to the Tongass.

There is good reason for this. The Tongass has just gone through an extensive, 11 year plan revision process which cost the American taxpayers more than \$13 million. The 1997/99 Plan withdrew more than half of the land previously available for development in the Tongass, leaving such a small amount of acreage available for timber harvest that a further decline in industrial timber jobs in the

region is a virtual certainty. At a gathering of Southeast Alaska mayors and other community leaders in Sitka in late September, Under Secretary Jim Lyons stated that the 1999 Record of Decision (ROD) for the Tongass Land Management Plan (TLMP) was the final action of this Administration with respect to Tongass management. According to Mr. Lyons' statement, every effort from this time forward was to be made toward implementation of the new plan. Yet, a mere four weeks later the President announced the initiative which is reflected in the subject NOI. That initiative, if applied to the Tongass, would obviate the land allocations arrived at in the development of TLMP, and directly contradict Mr. Lyons' statement to the Southeast Conference.

AFA points out that it is currently in litigation with the Forest Service over the legality of the revised TLMP as adopted in the 1997 ROD, and as amended by Mr. Lyons' 1999 ROD. We believe that the revised TLMP (pursuant to either the 1997 or 1999 ROD) will ultimately be enjoined and remanded to the agency by the Courts. Those facts notwithstanding, given implementation of the revised TLMP presently governing the management of the Tongass, it is completely inappropriate for the government to further reduce the available land base and force an additional reduction in the Allowable Sale Quantity by application of a national roadless policy to the Tongass National Forest.

We therefore agree with Governor Knowles that application of the proposed roadless policy to the Tongass would amount to a double-cross, and urge the Forest Service to specifically exempt the Tongass from any further consideration of roadless "protections" under any nationwide action. As stated previously in these comments, the only appropriate venue for considering land allocations on any national forest is through the NFMA-mandated individual forest plans in which all multiple use considerations and social and economic impacts must be considered.

Most of the non-roaded areas of the Tongass are already under some form of protection (even prior to the 1999 TLMP ROD). These include Wilderness, 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 actually under consideration for protection in this proposed policy are those few areas currently left open for resource (primarily timber) extraction. Forest Service data indicate that approximately 403,000 acres of the 938,000 presently listed as "suitable and available" under the Forest Plan would fall under the terms of the NOI. After application of the Management Implementation Reduction Factor (MIRF), this would likely force the agency to reduce the area open to timber harvest down to a mere 183,000 acres. It is impossible to believe that this small land base could produce more than a third of the current NIC I ASQ of 153 MMBF. It is further impossible to justify a reduction in the suitable land base because it will only further frustrate the Tongass Timber Reform Act's § 101 directive to the Forest Service to seek to provide a supply of timber to meet market demand.

Finally, it should be noted that Mr. Dombeck told Congress that the Forest Service will not request a reprogramming of funds to do the roadless analysis required under the NOI. He said the agency would use existing funds to pay for the initiative. Mr. Dombeck stated the initiative is estimated to cost \$6 million and the agency will pay for it **out of land management planning funds**. Given the promises made to Southeast Alaska at the time TTRA was passed by Congress, statements made by former Region 10 Regional Forester Phil Janik to the Senate Energy Committee during the TLMP revision process, and the recent declarations by Mr. Lyons in Sitka, the Forest Service simply cannot

reasonably take money from timber planning allocations in the Tongass and use them to perform a roadless review which has as its purpose (or at least its result) the further reduction of available timber from the Tongass. This is all the more true in light of the fact that the action is illegal under ANILCA, as detailed previously in these comments.

☞ The AFA, while again noting its objection to the intent of the NOI as a whole, urges the exclusion of the Tongass from any and all alternatives which may be developed under the proposed DEIS. The provisions of ANILCA and the unique circumstances of the Tongass and its recent plan revision demand this exclusion. Such an exclusion would also be in line with the expressed position of the Western Governor's Conference (including Alaska's Governor Knowles) which recently passed a resolution urging the Forest Service to exclude from the proposed roadless initiative any forest with a recently completed forest plan or a forest plan which is projected to be completed by the end of 2000.

### 3. The Chugach National Forest merits exclusion

The Chugach National Forest is afforded the same protection as the Tongass under ANILCA and therefore the establishment or study for establishment of roadless area withdrawals under the present NOI should not be considered for the Chugach.

Additionally, the Chugach is presently suffering from a pandemic of spruce bark beetles which has devastated more than 30,000 acres of Forest Service land on the Kenai Peninsula. An arbitrary ban on road construction in areas along the Seward Highway which qualify as "roadless" (whether inventoried or un-inventoried) would preclude some management options presently available to the Forest Service to deal with the extremely high forest mortality that has resulted from this insect problem. At this time, ecological and silvicultural considerations argue strongly against foreclosing options until the extent of appropriate management techniques can be fully assessed.

Furthermore, as is often the case throughout Alaska, there are private land access issues which must be considered with respect to the Chugach National Forest. The CNF has a long history of frustrating the attempts by private landowners with holdings adjacent to the forest to establish permanent access to their lands. Any permanent "protections" afforded to roadless areas in the Chugach will only exacerbate this problem.

Finally, the Chugach Land Management Plan Revision has been in process for more than two years and is now at the stage of finalizing alternatives for the draft EIS. The Alaska Forest Association and several other user groups and individuals have spent countless hours working with the IDT on the Plan revision process. As with the Tongass, including the Chugach National Forest in national roadless policy would make a sham of the Forest Service planning process established under NFMA.

☞ The AFA therefore urges you to exclude the Chugach National Forest from all alternatives developed for the DEIS under the NOI. The provisions of ANILCA and the unique management challenges and access issues indicate that it should not fall under the aegis of the proposed policy. As with the Tongass, such an exclusion would also be in line with the expressed position of the Western Governor's Conference which recently passed a resolution urging the Forest Service to

exclude from the proposed roadless initiative any forest with a recently completed forest plan or a forest plan which is projected to be completed by the end of 2000.

Thank you for the opportunity to comment on the roadless NOI. Should you have any questions concerning any of these comments, please contact me at (907) 225-6114.

Sincerely,



Jack E. Phelps  
Executive Director

cc: The Honorable Tony Knowles  
The Honorable Ted Stevens  
The Honorable Frank Murkowski  
The Honorable Don Young