

January 24, 2022

Alaska Roadless Rule  
USDA Forest Service  
PO Box 21628  
Juneau, AK 99802-1628

Sent via email to: [sm.fs.akrdlessrule@usda.gov](mailto:sm.fs.akrdlessrule@usda.gov)

Re: Comments by the Alaska Chamber on the United States Department of Agriculture's proposal to repeal a Final Rule promulgated September 24, 2020, that exempted the Tongass National Forest from the 2001 Roadless Area Conservation Rule

To Whom It May Concern:

The Alaska Chamber ("the Chamber") writes to comment in opposition to the United States Department of Agriculture's (USDA) November 23, 2021, Notice of Proposed Rulemaking to repeal the October 29, 2020, Final Rule Exempting the Tongass from the 2001 Roadless Rule.

The Alaska Chamber was founded in 1953, and our mission is to advocate for a healthy business environment in Alaska. The Chamber has more than 700 members and represent businesses of all sizes and industries from across the state.

The Chamber has had a longstanding position of support for overturning the application of the Roadless Rule to the National Forests in Alaska. The Roadless Rule has caused significant economic turmoil in Southeast Alaska, and the one-size-fits-all approach is not a viable solution if our communities are to prosper.

We urge the USDA to retain the 2020 Tongass Roadless Rule Exemption. Six Alaskan governors, both Republican and Democrat, and the Alaska Congressional Delegation have requested a total exemption of the Tongass from the Roadless Rule, understanding that as is the norm, the one-size-fits-all approach does not work for Alaska.

In January 2018, the State of Alaska petitioned the USDA to promulgate a state-specific Rule exempting the Tongass from the 2001 Rule and to revise the 2016 Forest Plan to be consistent with the Exemption. In June 2018, the Secretary of Agriculture agreed to review the State's petition through the rulemaking process. The USDA agreed to review the State's petition request to seek a durable approach to roadless area management that accommodates the uniqueness of the Tongass National Forest.

A Citizen Advisory Committee was appointed in September 2018 to make recommendations that supported the Alaska-specific Roadless Rule that was being developed by USDA under the previous Administration. It provided excellent proposals for additions to the seven road exceptions to the "no roads" 2001 Roadless Rule.



471 West 36th Avenue, Suite 200  
Anchorage, AK 99503



Office (907) 278-2722  
Fax (907) 278-6643



[www.alaskachamber.com](http://www.alaskachamber.com)  
[info@alaskachamber.com](mailto:info@alaskachamber.com)

The Final Environmental Impact Statement (FEIS) for the Tongass specific Roadless Rule that was published in the Federal Register on September 24, 2020, states that: *“Inventoried Roadless Areas on the Tongass National Forest (Tongass) include 9.37 million acres (56% of the Tongass) across 110 IRAs. When these designated roadless areas are combined with the Wilderness and National Monument areas (another 34% of the Tongass), the Tongass is currently more than 90% undeveloped and unavailable for road building (with certain limited exceptions). Developed areas cover about 1.3 million acres or about 8% of the Tongass.*”

Unfortunately, the November 2021 Notice of Repeal does not address the long-held policy preferences of the State of Alaska or its Congressional Delegation.

The USDA had concluded that the social and economic hardships to Southeast Alaska from a Roadless Rule outweigh the potential long-term ecological benefits because the Tongass Forest plan adequately provides for the ecological sustainability of the Tongass. Every facet of Southeast Alaska’s economy is important and the potential adverse impacts from application of the roadless rule are not warranted, given the abundance of roadless areas and protections already afforded in the Tongass Forest Plan. The Forest is adequately protected through the normal national forest land management planning process as intended by Congress in 1976 when it enacted the National Forest Management Act. The nationwide Roadless Rule usurped much of the land planning process mandated by the National Forest Management Act (NFMA), particularly in Alaska. Exempting the Tongass from the Roadless Rule will not authorize any development activities, but it will enable the NFMA planning process to function as intended.

As the voice of Alaska business, the Alaska Chamber is gravely concerned about the repeal of the Roadless Exemption on all users of the Tongass. Southeast Alaska is unique, and the Department of Agriculture acknowledged this in 2003 when it exempted Alaska from the 2001 Roadless Rule. In the contiguous 48 states, communities and lands are linked by roads outside the national forests or legacy roads and highways that are within the forests. In the Tongass, there is no such transportation network linking people and economic sectors. Communities are isolated with only marine and air connections. A “Roadless Rule” designed to limit transportation footprints throughout densely populated and heavily infrastructured states does not fit a place like the Tongass, and it does nothing to support Alaska’s businesses.

Without question, application of the 2001 rule has severely impacted the social and economic fabric of Southeast Alaska communities. It has devastated the timber industry where sustainable harvests have plummeted and employment is now a fraction of what it was prior to enactment of the Rule. The 2020 Rule Exempting the Tongass from the 2001 Roadless Rule would have made 188,000 acres available for timber harvest, but that change would only occur if the Forest Service also changed the prohibition in the 2016 Forest Plan. Although the October 29, 2020, Final Rule Exempting the Tongass directed the Tongass Forest Supervisor to issue a notice of an administrative change reflecting this, it failed to make the change. As the October 29, 2020, Final Rule Exempting the Tongass said would occur “allowing the inconsistent portion of the 2016 [timber] suitability designation to stand would effectively nullify the Department’s regulatory choice to remove the 2001 timber harvest prohibitions.” Thus, the 188,000 acres were not made available for timber



harvest by the 2020 Exemption; so, Repeal will have no effect whatsoever on timber harvest or associated road construction or the environment.

Repeal will also severely impact mining opportunities in the Tongass. Today, the Tongass has two large-scale mines with a minimal footprint. These mines, and any that may follow, cannot operate unless they meet the strict environmental requirements as analyzed under the National Environmental Policy Act (NEPA) process. Mines making it through this process will not be allowed to seriously impact hunting, fishing, and tourism on the Tongass, or interfere with ecological, subsistence, cultural or social values. Designation of Tongass' mineral-rich lands will bring no additional benefit to the environment, but it will negatively impact the Southeast Alaska economy.

Reimposition of the Roadless Rule will also create uncertainty about access to future hydroprojects and power distribution line corridors and prohibit road access to geothermal projects. Adding unnecessary costs could preclude their development at a time when the U.S. government is attempting to shift the power net to those same renewable energy sources, bringing uncertainty about road access to projects and power distribution line corridors.

Access, roads, and transportation corridors are needed for all uses of the Tongass: economic development, renewable energy, subsistence, recreation, and other community economic, cultural, and social activities. However, repeal of the exemption fails to consider or analyze Congress's decision in the 2005 SAFETYLU Transportation Legislation to implement the 2004 Southeast Alaska Transportation Plan by authorizing 19 easements allowing for road construction in the Tongass irrespective of Inventoried Roadless Area (IRA) status. This goes beyond the businesses aforementioned in these comments: it hampers road access to an authorized facility or location for fishery research, management, enhancement, and rehabilitation activities; fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other permitted aquaculture facility or activity, including mariculture.

Finally, repeal of the Tongass exemption violates the promise made to Alaskans that no more of its lands would be removed from access and development opportunity. Congress has already enacted over 6.6 million acres of Wilderness and other restrictive land use categories prior to the promulgation of the Roadless Rule on the Tongass through the Alaska National Interest Lands Conservation Act (ANILCA) and the Tongass Timber Reform Act (TTRA). The remaining areas were passed over so they could support local employment and benefit their communities. Notwithstanding the substantial land set asides made by Congress in ANILCA and the TTRA and the fact that §1326 of ANILCA says that the executive branch may not withdraw more than 5,000 acres of land without the consent of Congress (the "no-more" clause), in 2001 the Forest Service set aside an additional 9.37 million acres of land as IRAs in the Tongass. The State and a substantial group of Statewide and Southeast intervenors supporting the State's lawsuit have been litigating the matter since 2001. The USDA must retain the exemption of the Roadless Rule for the Tongass National Forest.

Thank you for your consideration of our comments.





Sincerely,

A handwritten signature in black ink that reads 'Kati Capozzi'.

Kati Capozzi | President & CEO, Alaska Chamber



471 West 36th Avenue, Suite 200  
Anchorage, AK 99503



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Fax (907) 278-6643



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