

# Alaska Roadless Rule: Draft Environmental Impact Statement, Public Comment Report

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## Introduction

During August 2018, the US Department of Agriculture (USDA) initiated an environmental impact statement (EIS) and public rulemaking process to address the management of inventoried roadless areas within Alaska's two national forests – Tongass National Forest and Chugach National Forest. This rulemaking is the result of a petition submitted by Governor Bill Walker's administration in January 2018 on behalf of the State of Alaska, pursuant to the Administrative Procedures Act (APA). The petition was accepted by the Secretary of Agriculture during April 2018. The *Draft Environmental Impact Statement* (DEIS) for the proposed Alaska Roadless Rule evaluated the regulatory exemption to the 2001 Roadless Area Conservation Rule (hereafter the 2001 Roadless Rule) set forth in the petition and the impacts of the no action alternative and four additional action alternatives on the environment. The DEIS was released on October 17, 2019 thereby initiating a 60-day public comment period.

This report summarizes public comments received on the proposed rulemaking for Alaska roadless areas and the associated DEIS. The 60-day public comment period ended on December 17, 2019 following the October 17, 2019 publication of the *Notice of Proposed Rulemaking Request for Comment* (84 FR 55522) and the October 18, 2018 publication of the *Notice of Availability* (84 FR 55952) in the *Federal Register*. In total, approximately 267,000 letters were received during the 60-day public comment period in response to the DEIS and preferred alternative. This report summarizes public comment themes identified during a review and assessment of public comments. This report is not intended to be exhaustive of all written comments, but rather highlights common themes to inform the development of the FEIS and final rule. All original written comments are located on the Forest Service's Alaska Roadless Rule project website. The overall objectives of this report are to:

- Aggregate and summarize public comment themes;
- Identify input for developing the final rule and Final Environmental Impact Statement (FEIS); and
- Identify other public concerns relevant to Alaska roadless rulemaking.

## Methodology

The methodology used for identifying unique concern themes utilized the following procedure:

1. All written public comments submitted by mail, email, [www.regulations.gov](http://www.regulations.gov) and through the Forest Service's Comment Analysis and Response Application (CARA) were reviewed in their entirety.
  - a. Comments are housed in two folders (or comment periods) in the CARA system. One folder, the DEIS NOA1 comment period was shared to a public reading room. The second folder, NOA2 Form Letters, was not shared to a public reading room. All comment letters in the NOA2 Form Letters folder were received via email where there was no opportunity to advise senders that their names and contact information would be visible publicly.
2. All written comments were coded based on specific topics that were used to group similar comments.



3. The term [Position] was appended to each letter designated to be coded (i.e., unique, master form, and form plus). The position statement was coded to the stated action preference in the letter. The code options for [Position] included Alternative 1 support, Alternative 6 support, rule change support, and support not stated. These position terms were used to determine the percent of commenters in favor of a particular action.
4. Subgroups of written comments were reviewed to identify unique concerns – summarized as concern statements.
5. All subgroups of written comments were categorized by the most appropriate concern statement.
6. Quality review of the coding, position, and concern statements were conducted.

## Public Comment Overview

During the 60-day DEIS public comment period, approximately 267,000 letters were received. More specifically, 248,520 entries were logged by CARA less 57,991 duplicates plus 76,746 non-routine letters.

DEIS Comment Submissions:

- 6,978 Unique Letters
- 57,991 Duplicate Letters
- 183,551 Form Letters
  - Master Forms: 121
  - Forms: 174,620
  - Form Plus: 8,810

Twelve submissions included multiple unique and form letters from different commenters (Table 1). These non-routine submissions totaled 76,746 letters.

- Non-routine Submissions:
  - 2,615 Unique Letters
  - 12,221 Form Plus Letters
  - 61,910 Forms Letters
  - 76,746 Total

There were 15,909 letters designated to be unique, master form, and form plus (excluding non-routine submissions). Of these, 96 percent indicated a preference for retaining the 2001 Roadless Rule on the Tongass National Forest (Alternative 1). Approximately one percent favored exempting the Tongass National Forest from the 2001 Roadless Rule (Alternative 6). Less than one percent indicated support for rule change other than the exemption. Notably, approximately two percent did not indicate a position on an Alaska-specific roadless rule.

Eleven letters attached petitions totaling 117,364 signatures (Table 2). Petitions reflected the same general perspective including 2001 Roadless Rule support, preference for retaining the 2001 Roadless Rule on the Tongass National Forest (Alternative 1), opposition to exempting the Tongass National Forest from the 2001 Roadless Rule, or opposition to change in the management of roadless areas.

**Table 1. Non-Routine Submissions\***

| CARA Letter ID | Unique Letters | Total Form Letters | Total Form Plus |
|----------------|----------------|--------------------|-----------------|
| 37971          | 0              | 0                  | 2,821           |
| 41319          | 1              | 0                  | 0               |
| 42010          | 12             | 0                  | 0               |
| 41186          | 39             | 0                  | 0               |
| 41139          | 1              | 0                  | 0               |
| 37433          | 0              | 29,615             | 96              |
| 38800          | 19             | 0                  | 9,127           |
| 41814          | 3              | 0                  | 177             |
| 37931          | 2,510          | 32,284             | 0               |
| 41883          | 20             | 0                  | 0               |
| 42028          | 0              | 11                 | 0               |
| 41271          | 10             | 0                  | 0               |
| <b>Total</b>   | <b>2,615</b>   | <b>61,910</b>      | <b>12,221</b>   |

\* Multiple commenters per submission

**Table 2. Letters with Petitions**

| CARA Letter ID | Total Signatures |
|----------------|------------------|
| 36961          | 11               |
| 37971          | 5,232            |
| 38800          | 96,247           |
| 41270          | 254              |
| 41814          | 1,156            |
| 42002          | 14,306           |
| 63414          | 24               |
| 63437          | 37               |
| 63438          | 62               |
| 63439          | 24               |
| 63440          | 11               |

## Section 1 – Outreach and Involvement

Individuals, cooperating agencies, non-governmental organizations, government officials, and business groups submitted concerns regarding the public involvement process including scoping. Common themes included issues with timing, accommodation of cooperating agency concerns, inclusion of public comments, disclosure related to administrative



changes, lack of response to public comments received during scoping, public hearing requests, and insufficient number or distribution of public hearings. Commenters also expressed concern the proposed rulemaking process caused considerable division within the communities. They also expressed concern continued discourse would have a negative impact on Alaska Region's reputation and would eventually cause an overall decline in tourism-related revenue.

#### *Theme 1 – Public Involvement*

Commenters were concerned with the adequacy of public involvement efforts, such as, length of the public comment period, locations of public meetings, requests for additional public meetings (including outside Alaska), opportunities for oral testimony at public meetings, and scoping being initiated late in the process. Commenters perceived a First Amendment violation associated with not taking oral testimony. Commenters requested community education workshops regarding the 2001 Roadless Rule and to explain the preferred alternative.

#### *Theme 2 – Cooperating Agencies*

Commenters expressed concern the process had not respected the sovereignty of tribal governments and its citizens and that tribal governments were not engaged as full partners in the decision-making process. Furthermore, concern was expressed that tribal governments also serving as cooperating agencies were only included after decisions had already been made. There were concerns about perceptions of a rushed timeline for the project and lack of adequate time for cooperating agency reviews of documents.

Commenters were concerned about the Forest Service relationship with cooperating agencies because suggestions for how to improve the analysis did not seem to be taken into consideration and community use area maps were not adjusted.

Concerns were raised in response to the Forest Service's management of the cooperating agency process. Commenters expressed concern about tribal governments not being reimbursed for direct costs associated with participation as a cooperating agency, while State of Alaska officials were paid for their participation. Tribal government representatives indicated they had participated in good faith and invested substantial time and resources to provide meaningful comments. Commenters said that tribal governments participating as cooperating agencies signed a letter opposing Alternative 6 and their concerns were not considered or incorporated.

#### *Theme 3 – Consideration of Public Preference*

Commenters expressed concern the DEIS did not disclose the majority of public comments received during the scoping process demonstrated public opposition to exemption. They sought full disclosure of public opinion about the proposed exemption and expressed concern the preferred alternative did not represent the preference of the public majority. Commenters perceived a lack of responsiveness to scoping input.

#### *Theme 4 – State of Alaska Citizen Advisory Committee (SOACAC)*

Commenters expressed concern that the Citizen Advisory Committee recommendations did not appear to be fully considered or reflected in the DEIS. More specifically, the action alternatives lacked language proposed by SOACAC including new road exceptions and timber cutting exceptions. Commenters also expressed concern regarding the existing regulatory language that was retained from the 2001 Roadless Rule. In contrast, commenters also expressed concern the SOACAC membership was not representative of all stakeholders and members lacked procedural safeguards as well as an understanding of the 2001 Roadless Rule or resources to make informed decisions.

#### *Theme 5 – Government-to-Government Consultation*

There was concern that government-to-government consultation was inadequate and that the federal government had not met its obligation to consult with Alaska Native tribes on a government-to-government basis. Commenters indicated tribal



government concerns had been inadequately addressed while requests for government-to-government consultation were not responded to in a timely manner.

## Section 2 - Purpose and Need

Some commenters indicated reconsidering the application of the 2001 Roadless Rule for mineral access and development was unnecessary as the Mining Act of 1872 ensures access to minerals, transportation, and energy development needs in the Tongass National Forest. Conversely, others indicated there is a need for change because current 2001 Roadless Rule impedes access to new leases for minerals, including geothermal resources. Discovering economic mineralization requires exploration to determine size and grade, which is not feasible without roads. The existing 2001 Roadless Rule also inhibits mining because it does not allow cutting and removal of trees associated with mining exploration and development.

Some commenters recommended reconsidering the 2001 Roadless Rule because it leads to delays in timber harvesting due to continuous appeals and litigations. Others indicated the proposed Alaska Roadless Rule gives preference to State of Alaska's petition and timber industry desires, but does not reflect the national importance Tongass National Forest roadless areas (described in the 2001 Roadless Rule) nor does the proposed rule support the national need to protect roadless areas.

### *Theme 1 – Clarity and Detail*

There was concern that the Purpose and Need statement lacks clarity and detail, weakening the DEIS because this lack leads to poor formulation and comparison of alternatives.

### *Theme 2 – Adequacy of Rationale*

Commenters expressed concern the rationale used to support and demonstrate need ignored the flexibility provided through 2001 Roadless Rule exceptions and also Alaska Region's history with approving projects in roadless areas. Commenters questioned the accuracy of descriptions on limitations to construction, operation and maintenance of roads and utilities connecting communities of Southeast Alaska.

Commenters indicated the Forest Service's preferred alternative exempting the Tongass National Forest from the 2001 Roadless Rule and claim the exemption would not cause direct harm (without explanation), contradicts its own findings from 2001 that logging, development, and roads have direct correlations with harm to national forests.

Commenters indicated the 2001 Roadless Rule provides for access to hydro-electric projects, construction of communication infrastructure, construction of transmission lines, access for locatable minerals, development of energy projects, and regional transportation projects. Although the 2001 Roadless Rule prohibits building roads for leasable minerals, the DEIS states there is no current or anticipated demand for leasable minerals on the Tongass National Forest.

Commenters found the justification for harvesting old-growth timber is outdated and inadequate. Specifically, the Forest Service's justification that old-growth is "bridge timber" to encourage the transition to young-growth is inadequate and not believable. Furthermore, commenters indicated the justification that industrial old-growth logging is necessary until young-growth timber volumes become economically viable was also inadequate.

The DEIS projects minimal beneficial effect on the forest product industry and thus does not support the assertion eliminating the 2001 Roadless Rule would support rural economic development.

The DEIS recognizes that logging is most likely to be economically efficient in areas where there are already roads which is contrary to the assertion that opening roadless areas would result in more economic timber sales.



Commenters indicated neither the DEIS nor the *Notice of Proposed Rulemaking* attempt to quantify the potential incremental reduction in cost for conducting compliance reviews discussed as a benefit of the proposed deregulatory action. Furthermore, commenters said that reviews for projects in roadless areas do not impose a significant burden, as demonstrated by the 50 projects approved in roadless areas on the Tongass National Forest. Commenters also said any incremental saving in project review costs would be far outweighed by additional expenses incurred from expanding the Tongass timber program into roadless areas.

#### *Theme 3 – Administrative Changes*

Commenters expressed concern that the DEIS lacked rationale for the proposed administrative changes related to inventoried roadless areas (IRAs) and the *Tongass Land and Resource Management Plan*.

#### *Theme 4 – Proposal for Administrative Changes to Chugach National Forest Roadless Areas*

Commenters were concerned that including changes to the proposed Alaska Roadless Rule regarding the Chugach National Forest were not scoped, were not requested by the State of Alaska’s petition, is not part of the purpose and need, and is contrary to presentations made when introducing the public to the proposed rulemaking and National Environmental Policy Act (NEPA) process. Commenters found the language in the proposed rule to allow changes to designations within the Chugach National Forest lacking needed specificity and sought additional information and analysis, including maps and details about the process for Regional Forester consideration of administrative corrections.

Commenters sought no change to 2001 Roadless Rule’s application to the Chugach National Forest because of the perception changes could potentially lead to activities that would impact habitats or increase fragmentation of the forest.

Commenters were concerned that allowing changes to designations for administrative purposes would allow the Regional Forester to make changes without substantive reason, purpose, or public process.

### **Section 3 - Alternatives**

Commenters expressed support and opposition for the DEIS alternatives. The following sections briefly summarize the reasons and concerns raised in support or opposition to each of the alternatives evaluated in the DEIS. Notably, rather than discussing the merits (or lack) of the various alternatives, most commenters focused only on either ‘no exemption’ (Alternative 1) or ‘full exemption’ (Alternative 6), provided input against the alternative that most opposed their view.

#### *Theme 1 – Alternative 1, No Action*

Ninety-six percent of the unique, master form, and form+ letters, that stated a preference, were in favor of keeping the 2001 Roadless Rule intact on the Tongass National Forest. The rationale for continuing to support the 2001 Roadless Rule is wide-ranging, but generally included themes related to human health, ecological health, opposition to resource extraction, socioeconomic considerations, and concern about development. Opposition to Alternative 1 included themes such as support for local decision-making authority, concern about impediments to development of renewable energy sources, lack of proper acknowledgement under current rule for power and energy sources, interest in flexibility to meet needs of timber industry and interest in contributing to local economies.

Commenters indicated the 2001 Roadless Rule allows development, citing the Tongass National Forest has approved 57 projects including timber sales, mining projects, hydropower projects, geothermal leases and road reconstruction projects have been approved within roadless areas with minimal review requirements, most of which within a month of submission. Commenters expressed concern the DEIS supports the selection of Alternative 1 based on key issues, such as the conservation of terrestrial habitat, aquatic habitat, biological diversity, broad local economies, cultural traditions, Alaska



Native culture, subsistence, and community well-being. Commenters also stated Alternative 1 supports the key issue of reducing conflicted related to the 2001 Roadless Rule.

Examples of comments in support of Alternative 1 – No Action included:

#### *Cultural Significance and Subsistence*

There was concern changing the 2001 Roadless Rule would negatively impact subsistence resources. Commenters expressed concerns related to subsistence resources and the short- and long-term impacts that rule change would have on these resources. Commenters submitted concerns related to specific fish and game. Commenters said that subsistence resources are necessary for their food security, recreation, medicine, and cultural traditions. Commenters shared information about areas important for these resources.

#### *2001 Roadless Rule Has Stakeholder Support*

Commenters said that the 2001 Roadless Rule is supported by diverse stakeholder perspectives and effectively balances socioeconomic development and conservation goals. Commenters expressed concern changing the rule would roll back 20 years of decisions that the public supports and considers resolved.

#### *Lost Research Potential*

Commenters were concerned changing the 2001 Roadless Rule could lead to the loss of future research opportunities and discoveries due to loss of biodiversity. Commenters said extensive research of old-growth stands is needed to better understand the value of products and services they provide. Additionally, the 2001 Roadless Rule protects the land as a knowledge source to study activities of ancient humans and the migration of the first humans to North America.

#### *Religious Beliefs*

Commenters expressed concern changing the 2001 Roadless Rule goes against religious beliefs. Commenters express an obligation to protect and preserve the Tongass and Chugach National Forests for religious reasons citing the Bible.

#### *Intrinsic Value*

Commenters said there is an intrinsic value in undisturbed, intact wild areas. Commenters said intact forests provide the necessary resources for jobs, subsistence, tourism, recreation, and protected habitat. Commenters made requests for these areas to remain undisturbed for a sustainable future and national heritage.

#### *Theme 2 – Alternative 2, Roadless*

Some commenters expressed support for Alternative 2 because it protects current roadless areas and expands protections, while balancing timber harvest, conservation, and management goals. Conversely, other commenters expressed opposition to Alternative 2 because of concerns with opening protected areas to logging.

In some instances, commenters expressed preference for Alternative 1 and then provided secondary preferences. Individuals listing Alternative 2 as a secondary preference did so because there would not be a significant net change in acres protected.

#### *Theme 3 – Alternative 3, Logical Extensions*

Commenters expressed support for Alternative 3 because roadless area designations would be updated to better reflect previous development and timber harvest and because limited extraction provides small-scale economic opportunities for





local communities. Opposition of Alternative 3 was based on opposition to extending areas that allow logging. Under Alternative 3, some commenters expressed support for maintaining the 2001 Roadless Rule in specific areas.

Notably, commenters expressed support for the Community Priority Areas outlined in Alternative 3 because of a preference for local communities to benefit economically from small-scale development and resource extraction that would occur under this alternative.

#### *Theme 4 – Alternative 4, Partial Development LUDS*

Some commenters supported Alternative 4 because it balances economic development with roadless characteristics through scenic watersheds and Audubon priorities. Opposition to Alternatives 4 largely suggested it would convert inventoried roadless areas into roadless priority areas, reducing protections for these designated areas. Commenters made requests to exclude this consideration from the alternative.

Commenters questioned the effects disclosed for inventoried roadless areas with Developmental Land Use Designations (Development LUDs) and sought clarification that the alternatives identify both prohibitions and permissions for land use such as timber production and road construction.

Commenters expressed concern that the Forest Plan does not protect roadless area values in Development LUDs and that removing roadless area protections provided by the "not suitable for timber production" plan component would lead to degradation of unroaded area values.

#### *Theme 5 – Alternative 5, Full Development LUDS*

No comments were received in support of Alternative 5. Some commenters indicated opposition to Alternative 5 because it would convert inventoried roadless areas into roadless priority areas, reducing protections for these designated areas.

Similar to Alternative 4, commenters questioned the effects disclosed for inventoried roadless areas with Developmental Land Use Designations (Development LUDs) and sought clarification that the alternatives identify both prohibitions and permissions for land use such as timber production and road construction. Commenters also expressed concern that the Forest Plan does not protect roadless area values in Development LUDs and that removing roadless area protections provided by the "not suitable for timber production" plan component would lead to degradation of unroaded area values.

#### *Theme 6 – Alternative 6, Full Exemption*

Approximately one percent of commenters expressed support for Alternative 6. Themes for support of Alternative 6 included socioeconomic considerations, improved fire response, reduction in restrictions inhibiting the timber industry, local decision making, existence of sufficient protections without the rule, reduced project costs for renewable energy and utility lines, elimination of regulatory uncertainty for permitted hydropower or intertie development, land use management, access, and development. Conversely, themes for opposition to Alternative 6 included issues with disturbance, development, ecological health, ability to meet project purpose and need, creation of conflict between the human and natural environment, detriment to interstate economies, disregard for previous decisions, disregard of best available science, deregulated or unpoliced standards, and industry-focused development.

Commenters expressed concern about political interference and public polarization resulting from selecting Alternative 6 as the preferred alternative.

Concern was submitted that the 2001 Roadless Rule prevents Alaska Native veterans from accessing the land allotments that were granted to them for their service.



### *Theme 7 – Changes to Alternatives*

Some commenters sought new alternatives by modifying current alternatives or mixing and matchings elements of multiple alternatives. More specifically, commenters wrote in support of an alternative that would increase protections. Commenters expressed support for expanding the roadless area protections across the State of Alaska so additional federal lands would be protected from development. Commenters requested expanded protections for specific watershed areas including, but not limited to, T77 and TNC/Audubon Conservation Areas, outside of current roadless areas.

Commenters requested aspects of Alternative 1 and Alternative 2 be combined such as areas available for expanded protections described in Alternative 2 to be given roadless protections under the 2001 Roadless Rule.

#### *Alternative Modification – Land Use Designations*

Commenters indicated Alternatives 2, 3, 4, and 5 provide a variety of management approaches within roadless areas through land management categories inconsistent with current practices. Examples include Land Use Designation (LUD) II Priority, Watershed Priority, Roadless Priority, Community Priority, and Timber Priority. Commenters requested to use the same LUD categories in the Forest Plan to allow for better integration.

#### *Alternative Modification – Alternatives 2 through 5*

Commenters sought modification of Alternatives 2 – 5 to remove the requirement for additional approval from the “Responsible Official” of the Forest Service to decide whether a road is needed. Commenters consider this an unnecessary requirement that impedes development, explaining that development projects are sufficiently regulated by meeting requirements for federal, state and local permitting.

#### *New Alternatives Proposed*

Commenters brought forward a variety of alternatives, or components proposed for inclusion in existing alternatives. Some were beyond the scope of this project. Examples of alternatives or components proposed include but are not limited to:

- An alternative that balances environmental protections with economic development.
- An alternative that broadly protects fish habitat, continues the phase-out of industrial scale old-growth clear-cutting, and prioritizes the restoration of degraded watersheds and streams.
- Express authority for currently allowed or permitted projects to continue under any new rule.
- An alternative that reinstates the Transportation Utility System Land Use Designation (TUS LUD) that were removed in the 2016 version of the Tongass Land Management Plan.
- Expanded roadless protections across Alaska federal lands to prohibit development.
- Designating specific areas of the Tongass National Forest as managed tree farming zones.
- Extend the exemption from the 2001 Roadless Rule to the Chugach National Forest to improve access for hydropower development.
- designate the Tongass National Forest as a national monument or national park.
- Update the roadless inventory to include all roadless areas that were not included as inventoried roadless areas under the 2001 Roadless Rule.
- Develop a more meaningful role for tribal governments in management decisions affecting land in Tongass within their traditional territory.
- Protect specific watersheds important for cultural heritage and tradition, as well as subsistence use by applying Watershed Priority protections.





## Section 4 – Analyses

Comment themes identified regarding the DEIS analyses included data adequacy, methodology, conflicting logic, range of alternatives, and requests for additional analyses.

### *Theme 1 – Data and Information*

Commenters concerned with the adequacy of data and information used in the DEIS analyses questioned whether best available scientific information was utilized. Additionally, commenters sought better utilization of traditional knowledge in analyses. Commenters requested that data from the Regulatory Impact Assessment, such as historical timber harvests and road density during the temporary exemption period, be used in the DEIS analyses and disclosed as part of the affected environment discussion. Commenters also considered the reuse of the 2016 Forest Plan data and analyses to be inadequate for assessing impacts for changes to the 2001 Roadless Rule. Further, commenters raised concern that community use maps used in the DEIS were inadequate and need to be updated.

### *Theme 2 – Methodology and Assumptions*

Commenters were concerned with the project assumptions and the methodology used in some of the DEIS analyses. There was concern results of the analyses were not accurate due to issues with methodology. Commenters sought a baseline that includes an updated and accurate accounting of roadless areas that still have roadless characteristics.

Other concerns related to analysis methods or assumptions include but are not limited to topics such as:

- Temporal scales for wildlife populations.
- Temporal scales for old-growth habitat development.
- Impacts to inventoried roadless areas with developmental land use designations.
- Omission of scenic views in cost-benefit analysis.
- Reuse of the 2016 Forest Plan Analyses.
- Projections over 25 years when Forest Plans are revised every 10-15.
- Viability risks for wildlife.
- Assumptions about effects of roadbuilding to aquatic habitat and fisheries.
- Discussion of effects in terms of old- or second-growth.
- Assumptions about increases (or lack) in activities on the Tongass as a result of the rule change.
- Lack of effects analysis for road building, logging or other activities.
- Increased roadbuilding anticipated.

Commenters expressed concern the DEIS analyses conducted were insufficient for compliance with federal laws, regulations, and policies. Commenters made mention of the lack of a regulatory risk assessment, biological assessment, and economic analysis.

### *Theme 3 – Conflicting Logic*

Commenters expressed concern DES conclusions were incongruent with the results of analyses and historical decisions. Historical findings using information from the same or similar analyses produced different conclusions with regards to the impacts that changing the rule would have on the local economy, environment, and society. Examples include:

- Acknowledgement that road construction would negatively impact marine wildlife, then the claiming that the proposed rule would have negligible impact to marine habitat.
- Stating the proposed rule has a high probability of maintaining viable and well-distributed wildlife populations without providing scientific rationale.



- NEPA related documents stating the proposed rule would not lead to more logging when the State of Alaska’s petition and elected officials have demonstrated the purpose of the proposed rule is to help facilitate the expansion and revitalization of the timber industry.
- Reusing analyses used for previous evaluations and decisions related to rejection of the exemption alternative and changing the conclusion without additional analyses that demonstrate exemption meets Purpose and Need.
- Statement the proposed rule would not result in a substantial loss of roadless protections when the proposed rulemaking reverses all roadless protections established by the 2001 Roadless Rule.

*Theme 4 – Range of Alternatives*

Commenters expressed concern with the range of alternatives. Commenters said the range lacked an alternative that expanded protections for all roadless areas not included in the original 2001 Roadless Rule rulemaking. Commenters expressed concern the DEIS did an inadequate job of accurately identifying the differences between alternatives. Commenters also expressed concern with the integrity of the alternative selection and consideration. Commenters were concerned that the Forest Service selected alternatives to provide a false narrative with regards to alternative consideration because the administration had already arbitrarily predetermined the outcome of the rulemaking.

*Theme 5 – Effects Analyses and Resource Specific Concerns*

Commenters said the DEIS did not adequately address impacts, including social, economic, cultural and environmental effects and that this led to ineffective evaluation and comparison of alternatives. A common thread among many comments about effects analysis was concern about the programmatic approach of the analysis. Commenters sought analysis of effects for activities that may occur following a change to the 2001 Roadless Rule (i.e., road building, extraction activities, etc.). The following list provides examples of resources mentioned in concerns about effects analysis.

- Cultural
- Climate
- Fish, aquatics, and marine habitat
- Social and economic effects
- Subsistence resources
- Timber program
- Traditional use areas
- Fisheries
- Mining
- Renewable energy
- Wildlife species, habitat and connectivity
- Scenic values and wilderness qualities
- Cost-benefit analyses
- Biosphere reserve qualities
- Outfitter and visitor displacement and congestion
- Federal and state budgets
- Botany
- Special use permits
- Threatened, endangered, or sensitive species
- Tourism
- Geology
- Recreation
- Invasive species and pathogens
- Transportation management
- Ecosystem services (i.e., light, noise, and air quality)
- Employment

*Cumulative Effects*

Commenters sought cumulative effects analysis for the expected activities of logging, road construction, and natural resource extraction on fish and wildlife species and habitats.

*Air Quality*

Commenters expressed concern about the removal of trees, which can impact air quality by limiting oxygen production and air purification. Commenters expressed concerns that removing protections could lead to secondary (indirect) effects that can increase air toxic emissions, further reducing air quality.



Commenters sought analysis of effects for how changes in the roadless status of Tongass National Forest would contribute to air, light, and sound pollution, including consideration of lands managed by the National Park Service. Respondents sought disclosure of effects to night skies, natural sounds, and air quality.

#### *Old-Growth Habitat*

Commenters expressed support for keeping the 2001 Roadless Rule intact because it protects old-growth habitats within the Tongass and Chugach National Forests. Commenters said the old-growth forest provides sensitive habitat for over 30 endemic species. Commenters listed benefits that old-growth forests provide and consider them to be essential for the survival and viability of the ecosystem in the region. Commenters described the rarity of old-growth habitats, which make it a critically-valuable resource to keep protected as an intact forest. Commenters sought information on plans to restore or maintain the diversity of ecosystems and habitat types within the planning area including large-tree old-growth and old-growth cedar stands.

There was concern about the adequacy of effects analysis for old-growth habitat. Commenters referred to the ‘Old-Growth Habitat Conservation Strategy’ as outdated and were concerned the DEIS does not consider the impact of high grading, habitat connectivity, climate change, and road effects. Commenters sought mapping the quantity, age, and species of Tongass National Forest old-growth trees and taking inventory of champion trees to inform effects analysis.

Commenters said the DEIS also needs to consider and document the aerosols, pheromones, and chemicals that the oldest and largest trees of each species and subspecies of tree in the Tongass produce.

#### *Invasive Species and Pests*

Commenters expressed concern more human access resulting from additional road construction would lead to increased potential for establishment and spread of invasive species and pathogens. Commenters sought consideration of these effects in the analysis

#### *Threatened, Endangered, Rare, or Sensitive Species*

Commenters requested that the analysis identify all the listed species that may be present and affected in the project areas and questioned findings showing minimal consequences on the survival of the species as well as the lack of a biological assessment. Commenters expressed concern changes to the 2001 Roadless Rule would result in secondary activities that negatively impact plant, fish, and wildlife species and their habitats. Commenters were concerned changes to the 2001 Roadless Rule would accelerate the current mass extinction event that is reducing the number of plant and animal species worldwide.

#### *Fish, Aquatics, and Marine Wildlife*

Comments were received concerning impacts that changes to the 2001 Roadless Rule have on fisheries and associated habitat. Commenters stressed the ecological, economic, and cultural importance of various fish species. Commenters referred to pristine fish habitat serving as important breeding grounds for numerous fish species. Commenters expressed concerns that these are some of the last spawning grounds for especially important species.

Commenters made specific requests to protect key watersheds important for fish habitat and viability. Commenters referred to complex rearing and spawning behaviors of various fish species that require healthy ecosystems. Commenters expressed concern that changing the existing 2001 Roadless Rule would result in secondary activities that would degrade these habitats.



There was concern that reliance on biological assessments (BA) conducted by the National Marine Fisheries Service (NOAA) for the 2016 Forest Plan is inadequate as the proposed rule would open new areas for logging and other activities. Commenters disagreed with DEIS findings and expressed concern about effects analysis for fish and aquatic species, including marine wildlife, and the region's commercial, sport, subsistence and ursine fisheries. Commenters requested the use of more current baseline data and the use of information that includes current harvest data or information about project area salmon populations.

### *Wildlife*

Commenters indicated changing the 2001 Roadless Rule would have negative impacts on wildlife species with regional ecological, economic, and/or cultural importance. There was concern changes to the 2001 Roadless Rule would lead to activities that would result in detrimental effects on wildlife habitat, food security, symbiotic relationships, functional behaviors, and overall species viability. Comments included requests for protecting species. Concern was expressed regarding the economic costs of habitat restoration work that may be needed after activities occur.

Commenters sought effects analysis, including cumulative effects, for various wildlife species and their habitats both within the project area and on adjacent lands and nearby publicly managed lands.

Commenters were concerned that changes to the 2001 Roadless Rule may negate the Tongass Conservation Strategy and sought an analysis to determine whether this concern is founded and if so, what changes to the program would be needed to ensure that there is a viable and robust population of Sitka Black-Tailed deer across the landscape that can survive winters with heavy snow.

### *Wildlife Habitat and Landscape Connectivity*

Commenters were concerned that natural resource extraction and development, that could occur throughout the forest should there a change in the 2001 Roadless Rule, would fragment habitat and destroy landscape connectivity. Commenters sought analysis of the effects of roads on wildlife habitat, wildlife habitat connectivity and movement corridors within the project area as well as on and between nearby National Park Service-managed lands. Commenters sought effects analysis considering habitat contiguity to provide refuge for wildlife impacted by climate change.

### *Wildlife and Human Conflict*

Commenters were concerned that changing the 2001 Roadless Rule could lead to increases in human-wildlife conflict, threatening the well-being of both humans and wildlife.

### *Wildlife and Roads*

Commenters expressed concern that changing the 2001 Roadless Rule could lead to natural resource extraction and development activities that result in displacement of wildlife, having detrimental effects on functional behaviors such as breeding and movement, that are essential for healthy wildlife populations. Other commenters said that wildlife utilize roads.

Commenters provided input about road density effects to wildlife and requested road density limits, when road systems are connected to communities, to reduce impacts, including overharvest of important ecological and subsistence resources.



### *Wildlife – Apex Predators*

Commenters anticipate that changes to the 2001 Roadless Rule would lead to natural resource extraction and development activities that would negatively impact the viability of apex predators which are important for regulating populations of herbivores such as moose, elk, and caribou within the forest. Commenters said that top down predator-prey regulation supports the health of trees, as well as the overall health of the forests.

### *Geology*

Commenters were concerned that changing the 2001 Roadless Rule would lead to activities that negatively impact the geology of the area.

### *Botany*

Commenters expressed concern that changes to the rule would lead to secondary activities that would harm vegetation. Examples of specific concerns included: loss of trees causing slower nutrient transfer between plants, and loss of symbiotic relationships that would stunt overall vegetative growth for specific ecologically important and sensitive plants.

### *Culture*

Commenters expressed concern about lack of cultural surveys, conducted in coordination with Alaska Native tribes, for the project area.

### *Soil*

There were concerns that changes to the 2001 Roadless Rule would lead to new roads and other projects then, subsequently, soil erosion. Commenters expressed specific concerns associated with soil erosion such as landslides, river channelization, current flow impacts, and changes to water chemistry.

### *Climate*

Commenters were concerned the project analysis did not utilize high quality, accurate, scientific information because the analysis did not recognize the global importance of the Tongass National Forest for carbon storage; use an appropriate analysis scale; or recognize old-growth forests in roadless areas store substantially more carbon than saw logs and young growth. Commenters said the analysis of effects to climate change is inadequate and that the DEIS discards in silence the Forest Service's earlier conclusions that logging on the Tongass can cause significant greenhouse gas emissions.

Commenters indicated changes to the 2001 Roadless Rule would affect the opportunity, or lack, for renewable energy development (e.g., Southeast Alaska Intertie) which has climate change impacts.

Commenters expressed concern about the impact of the carbon footprint from shipping timber overseas, asking that it be properly accounted for as an additional impact on climate change.

### *Carbon Reserves and Sequestration*

Commenters expressed concern that changes to the 2001 Roadless Rule would have substantial impacts on carbon reserves and sequestration. Commenters said that by keeping the 2001 Roadless Rule in place, a considerable amount of carbon sequestration can occur that would contribute to climate change mitigation, while maintaining critical habitat. Commenters said old-growth forests sequester considerable amounts of carbon, significantly more than young-growth forests. Additionally, commenters expressed concern logging old-growth forests would release substantial carbon reserves in addition to the loss of the carbon sequestration capabilities, contributing to the



acceleration of climate change. Commenters state concerns that carbon sequestration capabilities and reserves lost due to logging cannot be recovered on a time scale sufficient for the mitigation demand. Commenters also expressed concern that secondary development activities (i.e., logging, road construction, and resource extraction) would impact the capacity of other flora to sequester carbon. There was also concern that accelerated climate change effects would negatively impact the health and survival of humans, plants, fish and wildlife.

Commenters sought effects analysis disclosing how the proposed rule change would directly and indirectly impact carbon stores and sequestration, as well as the resulting environmental and economic effects from climate change. Commenters sought analysis of either the potential value of carbon storage on the Tongass or the socioeconomic costs of carbon emissions and associated climate effects.

#### *Impact on Environmental Parameters and Aquaculture*

Commenters indicated changing the 2001 Roadless Rule would lead to the removal of trees and damage to ecosystems that can exacerbate climate change effects, including the disruption of normal environmental parameters such as environmental fluid dynamics, ambient air temperature, water temperature, rainfall, and water acidity—all of which, can have detrimental impacts on ecosystem services and natural resource availability.

Commenters expressed concern regarding the acidification of waters. There was concern that acidified waters would reduce the survival of calcifying species such as oysters, clams, corals, urchins, and certain phytoplankton that are food sources for humans and other wildlife. These losses would have substantial impacts on the ecosystem structure, food systems, and the economy.

#### *Emissions*

Commenters expressed concern that changing the 2001 Roadless Rule would lead to developmental activities that increase the release of greenhouse gas emissions.

#### *Natural Disasters*

Commenters expressed concern that changes to the 2001 Roadless Rule could lead to secondary activities, such as natural resource extraction and development, that exacerbate uncertain and extreme weather events that can have catastrophic consequences, such as increases in the incidence of flooding, fires, drought, landslides, as well as intensified hurricanes.

#### *Socioeconomic Considerations*

Concerns were received that changing the roadless rule would lead to the irreversible damage of ecosystems important for the socioeconomic stability of the region. Commenters said the long-term economic impacts of environmental degradation would outweigh short-term economic benefits from natural resource extraction and development.

#### *Human Health*

Commenters were concerned about negative impacts to the quality of the total environment and subsequently negative impacts to human health and well-being.

Negative impacts to air quality from the removal of trees and secondary effects would exacerbate or worsen pre-existing conditions and disease risk. An increase in disease risk could lead to increases in health care costs, creating a reinforcing feedback loop where limitations to health care access further worsen health outcomes.





### *Human Survival*

Because global development and habitat loss have made large intact forests increasingly rare, commenters expressed concern that changes to the 2001 Roadless Rule for the Tongass and Chugach National Forests could result in environmental degradation and further loss of intact ecosystems that have global importance for sustaining life and human survival.

### *Ecopsychology*

Commenters expressed concern changing the 2001 Roadless Rule for the Tongass and Chugach National Forests may lead to activities that harm the old-growth ecosystems that provide mental, spiritual, and physical well-being to people. Commenters highlighted concerns that removal of old-growth trees and secondary development would result in degradation of the environment and loss of wild areas that would not recover quickly, resulting in spiritual and cultural loss for many generations. There was concern expressed that the negative ecopsychological effects resulting from loss of the old-growth forests would be magnified for those who witness it directly.

### *Pharmaceutical Potential*

Commenters expressed concern old-growth forests of the Tongass and Chugach National Forests have not been assessed for their pharmaceutical value. There was also concern that changing the 2001 Roadless Rule would result in the loss of future research potential and resources that could lead to new medicines and medical treatments.

### *Protection of Ecosystem Services*

Commenters expressed concern that changes to the 2001 Roadless Rule would result in loss of ecosystem services including oxygen production, filtration of air, water and soil, as well as loss of fisheries, medicine, and game populations which would have a negative economic impact to the region. Additionally, commenters were concerned about the financial cost of restoration work that may be needed after development or extraction activities that could occur following a rule change.

### *Economic Impacts Associated with Climate Change*

Commenters were concerned that the impacts of climate change that would result from increased development authorized following a change in the 2001 Roadless Rule. Commenters highlighted that increased incidence and severity of natural disasters can have profound economic and public safety consequences by putting human health, infrastructure, and natural resources at risk. Additionally, commenters expressed concern these secondary activities exacerbating climate change effects would lead to the displacement of communities.

Commenters indicated the DEIS failed to disclose the economic value of Tongass National Forest roadless areas on the carbon markets and the social cost of carbon emissions resulting from logging.

Some commenters indicated long-term climate impacts from changing the 2001 Roadless Rule would outweigh any short-term economic benefits from natural resource extraction and development. Others encouraged investing in the development of sustainable and innovative resource management that can mitigate climate change effects, while providing jobs for Alaskans.

### *Utilities*

Commenters were concerned about the long-term financial impacts of lack access for maintaining transmission lines. Rights-of-way must be maintained and continually brushed, and structures must be inspected on an annual basis. Deferring this maintenance would have long-term financial impacts.



Commenters were concerned with the lack of mention of the federal power site classification and Southeast Intertie, its authorization in the Public Law, and its support from the Southeast Alaska communities. Only Alternative 6 permits or recognizes the legal standing of the US federal power site classification on select hydropower resources.

Commenters said that access to local renewable energy would reduce costs for local communities, provide jobs, improve the standard of living, and reduce emissions, which would have climate change benefits.

Commenters expressed support for site-specific energy infrastructure projects and for the implementation of a wide range of renewable energy technologies in the region, saying that renewable energy would eliminate local dependence on diesel for electrical power.

### *Tourism Industry*

Commenters indicated the 2001 Roadless Rule supports the tourism industry. Commenters shared input about the economic importance tourism has for the region and neighboring states, including statistics that demonstrate tourism industries generate the majority of the economic revenue for local and regional economies. Additionally, commenters shared data showing evidence that tourism industries create more jobs than extraction industries. Conversely, commenters expressed concern that employment in the tourism industry only provides low-paying, seasonal jobs that are insufficient to support local communities.

Commenters indicated visitors travel from all around the world to see pristine old-growth forests, view wildlife, fish and hunt, experience unique cultural traditions, and generally explore in Alaska's wild areas. Commenters expressed concern that the proposed Alaska Roadless Rule would weaken scenery standards and have detrimental impacts to scenic values that are important for the tourism industry.

Commenters said that the tourism industry is expected to increase to over 2.4 million visitors in Alaska. Commenters expressed concern that the Forest Service is underprepared to accommodate the projected increase in visitors to the area. Commenters made requests for the agency to make investments that support tourism industries over the timber industry to prepare for increases in visitation.

### *Transportation*

Commenters were concerned with road access, expressing support and opposition to roads. Some expressed concern about the unmet need for access under the current rule, as well as seeking to get and retain public access to newly constructed roads built for timber sales and other projects. Others expressed concern increased access would lead to resource degradation, increased commercialization, and overcrowding. Commenters were concerned with maintenance of existing and new roads as well as sustainable development of roads.

Commenters expressed the need for roads to access social services such as health care, airports, energy, parks, and public transit. They also discussed access for extraction industries.

Commenters discussed lack of affordable or functional transportation in the region. They expressed concern marine access has a higher cost, lower dependability, and increased safety risk.

### *Subsistence Use*

Commenters indicated subsistence resources are not only important sources for food security and the livelihoods of Alaska Natives, but also have substantial cultural significance. Because of anticipated effects to resources that



are important to the subsistence lifestyle, there was concern that the proposed Alaska Roadless Rule would have disproportional negative impacts on Alaska Native communities. Comments received during subsistence hearings are summarized separately.

### *Fisheries*

Commenters stressed the importance of healthy fisheries for the socioeconomic resiliency of the region.

#### *Importance of Fish and Associated Habitats*

Commenters were concerned changing the 2001 Roadless Rule would have wide-ranging negative socioeconomic impacts on fisheries. Commenters stressed the ecological, economic, and cultural importance that various fish species have regionally. Commenters made requests to protect economically key watersheds important for fish habitat and viability. Commenters refer to pristine fish habitat in the region including thousands of miles of clean creeks, rivers, and lakes that are important breeding grounds for numerous fish species. Commenters also indicated these areas are some of the last spawning grounds for economically important fish species. Commenters expressed concern removing the 2001 Roadless Rule would lead to habitat degradation. Commenters also noted some of the last remaining habitat for Alaska's ecologically important fish species are protected by the 2001 Roadless Rule.

#### *Seafood Industry*

Comments were received referring to the socioeconomic importance of the fishing industry in the region. Commenters provided statistics demonstrating that the fishing industry accounts for over \$2 billion in annual revenue compared to annual losses in the timber industry. Commenters stressed the importance of regional fisheries in providing most of the commercial salmon harvests in America. Commenters were concerned changes to the 2001 Roadless Rule would result in damaging ecosystems necessary for sustaining this resource, vital to supporting local livelihoods, and providing food security for the region.

#### *Recreation Economy*

Commenters indicated outdoor recreation is a major industry contributing to the Alaskan economy, highlighting the industry generates millions for the Alaska's economy. Commenters explained the 2001 Roadless Rule is critical to protecting ecosystems that sustain natural resources important for recreational activities like birding, boating, camping, hunting, and fishing. Commenters were concerned that logging and development activities that could occur following a change in the 2001 Roadless Rule would negatively impact recreational activities.

#### *Washington State Economy*

Commenters expressed concern changing the 2001 Roadless Rule would yield negative impacts on economies outside of Alaska; describing complex, interconnected economies between Washington and Alaska.

#### *Mining*

While some commenters indicated changes to the 2001 Roadless Rule could lead to the extraction of natural resources, bring jobs to the area, reduce demand for select imports, and stimulate the economy, others indicated changes to the rule would not have a positive impact on employment for the region. Notably, commenters indicated the 2001 Roadless Rule is in compliance with the Mining Act of 1872, which already ensures access to minerals, transportation, and energy development needs in the roadless areas.

Commenters also said natural resource extraction, like mining, is environmentally safe and has a small, temporary footprint. Regulations and permitting processes require that mines including the roads, infrastructure and surface impacts are reclaimed upon the end of mine life.



### *Timber Industry*

There were polarizing views around the logging and the timber industry. Commenters acknowledged the historical role the timber industry has played in Southeast Alaska's economy. Commenters expressed concern the decline in the timber industry in the region is due to factors other than the existing 2001 Roadless Rule. Examples of these factors include difficult terrain and low market demand. Other commenters expressed opposition to logging activities in the Tongass and Chugach National Forests

Commenters expressed concern about eliminating protections the 2001 Roadless Rule provides for old-growth habitat, despite lack of market demand. Commenters indicated young-growth timber currently available for harvest in Southeast Alaska satisfies market demand without changing the 2001 Roadless Rule. Further, commenters said that harvesting these timber resources is more sustainable and cost efficient. Commenters expressed support for logging and logging practices that are sustainable and protective of ecosystems and communities.

Commenters expressed concern that changing the 2001 Roadless Rule would increase economically unviable timber harvests that do not meet the congressionally-mandated residual value appraisal standards.

Commenters noted timber harvest profits should stay in the local economy or be used to pay down the federal deficit. Commenters also said that new roads, built to improve industry access, need to be paid for by the industries using those roads, rather than by taxpayers. There were requests for tax revenue funds and timber harvest profits to be invested in existing road maintenance, trail and recreation cabin maintenance, fire prevention, and watershed and habitat restoration.

There was concern about raw, unprocessed timber being sent overseas for processing. Concerns were provided that timber harvested from the region occurs at an economic loss and that exporting the raw material increases our country's economic loss, while economically benefiting other countries.

## **Section 5 - Environmental Justice**

### *Theme 1 – Discrimination*

Commenters expressed concern that the rulemaking processes contributed to a practice of discrimination by minimizing or eliminating the voices of marginalized and low-income communities.

### *Theme 2 – Cultural Designations*

Commenters requested environmental justice issues for the proposed rulemaking be considered as effects on culture, not solely based on race designations.

### *Theme 3 – Undue Burden*

There was concern that deferring analyses of localized effects (community scale analyses) to subsequent site-specific proposals would place undue burden on local communities, particularly low income and marginalized communities that may lack resources necessary to conduct these analyses. Additionally, commenters expressed concern changing the 2001 Roadless Rule would accelerate impacts of climate change and these climate effects would negatively and disproportionately affect minority communities, especially rural Alaska Natives communities in Southeast Alaska. Commenters pointed to Executive Order 12898 as requiring the agency to incorporate these considerations into the decision-making process.



#### *Theme 4 – Human Rights and Racial Injustice*

Commenters expressed concern changing the 2001 Roadless Rule is a human rights issue and is an act of racially-motivated environmental justice. Commenters raised concerns the preferred alternative is a violation of indigenous rights and would contribute to the ongoing genocide of indigenous peoples' identities, cultures, and livelihoods of those reliant on intact and healthy forests and watersheds.

### **Section 6 – DEIS Editorial Changes**

Commenters provided editorial input for the DEIS. Examples of editorial requests for the DEIS included expansion of the comparative summary of alternatives, improved maps, updates to the public involvement process, amendment to clarify land use designations procedures, summary of effects for impacts from 2016 Forest Plan, clarification on the process for subsequent analyses for future ground disturbing activities, and discussion of young-growth and reforestation plans.

### **Section 7 - Other DEIS Concerns**

#### *Theme 1 – Chugach Forest*

Commenters requested the Chugach National Forest be discussed more thoroughly throughout the environmental impact statement to provide consistency and clarity. Specific requests to add more detailed descriptions of why administrative boundary changes are needed and what is included as part of the administrative actions. Additionally, commenters requested more detailed descriptions of the area and the inclusion of an area map.

#### *Theme 2 – Process for Administrative Changes*

Commenters expressed concern the administrative changes in the proposed Alaska Roadless Rule would grant the Regional Forester the ability make land use decisions and repeal the 2001 Roadless Rule without sufficient oversight. Commenters request more detailed descriptions of oversight for the administrative changes process. Commenters requested section 294.51(a)(2) be removed from the proposed rule.

#### *Theme 3 – Integrity*

Commenters expressed concern about the integrity of decision-makers. Comments indicated the DEIS is biased and downplays negative effects that changing the 2001 Roadless Rule would have on old-growth habitats that sustain local economies and communities.

There was concern the State of Alaska's petition to initiate this rulemaking process was filed under false pretenses and did not involve any public scoping. Further, there was concern this change was motivated by politics and outdated timber-specific economics rather than being informed by best available science.

Commenters highlighted there was inadequate reasoning given for the selection of the preferred alternative in the DEIS and that selection of the preferred alternative ignored input from cooperating agencies, was politically influenced, arbitrary and capricious.

#### *Theme 4 – Accuracy*

Commenters expressed concern statements made in the DEIS and other NEPA related documents were inaccurate and asked to have those statements removed. Example statements commenters highlighted as inaccurate include, but are not limited to, the following:



- DEIS assertion timber harvests are necessary to maintain or improve roadless characteristics, as well as maintain and improve fish and wildlife habitat is an inaccurate assertion. Commenters stated intensive management practices are determined by ALASKA STAT. §16.05.255 which are at odds with roadless characteristics.
- DEIS assertion logging in the Tongass National Forest would reduce greenhouse gas emissions.
- DEIS description of 2001 Roadless Rule limits on development.

#### *Theme 5 – Subsequent NEPA Processes*

Commenters recommended the Forest Service clarification on the process for subsequent NEPA analyses for future ground-disturbing activities and how future site-specific NEPA analyses relate to this EIS as well as the 2016 Forest Plan Final EIS. In addition, commenters recommended the final EIS include a flow chart to better explain the process and the relationship to other NEPA documents.

#### *Theme 6 – Pending and Approved Development Projects*

Commenters expressed concern that the DEIS did not address how the proposed rulemaking process would impact pending and approved development projects in roadless areas. They made requests to include these details in the FEIS.

## **Section 8 – Regulatory Framework**

Commenters expressed concerns regarding procedural compliance with laws, regulations, and policies.

#### *Theme 1 – Federal Advisory Committee Act (FACA)*

Commenters expressed concern the Forest Service misused congressionally-appropriated funds to support the development of the proposed rule. Commenters expressed concern granting funds to the State of Alaska to support the state's involvement in the Alaska roadless rulemaking process, violated the Federal Advisory Committee Act, was a misuse of congressional fire appropriations, and creates a conflict of interest.

#### *Theme 2 – Regulatory Planning and Review*

Commenters were concerned about whether the agency could satisfy responsibilities under Executive Order 12866 to make a reasoned assessment of the need for the proposed action and the costs and benefits of the action. Further, commenters questioned the agency's conclusion this regulatory action would be a 'durable solution', promote economic growth, promote predictability and reduce uncertainty, or take into full account both the quantitative and qualitative costs and benefits of the action.

#### *Theme 3 – Role of Science in Planning*

Commenters expressed concern the Forest Service did not use the best available information or science to evaluate the costs and benefits of the proposed rule. Planning regulation 36 C.F.R. 219.3 requires the agency to use the best available scientific information and document how the information was applied to inform the planning decision.

#### *Theme 4 – Reducing Regulation and Controlling Regulatory Costs*

Commenters expressed concern the Forest Service inaccurately stated the proposed rule satisfies Executive Order 13771 because changing the rule is a new regulatory action. Commenters further state the agency did not adequately evaluate the costs associated with the proposed rulemaking.





*Theme 5 – National Forest System Land and Resource Management Plans*

Commenters expressed concern that evaluation of alternatives and the proposed rule were prepared in a manner inconsistent with the National Forest System Land and Resource Management Plans sections (a), (c), (f), (g) and (k).

*Theme 6 – Endangered Species Act*

Commenters expressed concern that the proposed rulemaking process is not compliant with the Endangered Species Act. Some of the threatened, endangered, or sensitive species commenters mentioned include marbled murrelet, short tailed albatross, Queen Charlotte goshawk, humpback whale, and Eskimo curlew.

*Theme 7 – Alaska National Interest Lands Conservation Act (ANILCA)*

Commenters expressed concern the proposed rulemaking is not compliant with the Alaska National Interest Land Conservation Act. Commenters cite inconsistencies in the DEIS and the Forest Service's determination regarding the impact the proposed rule would have on subsistence.

*Theme 8 – Fiduciary Responsibility*

There was concern that federal government's fiduciary responsibility to protect and refrain from impairing tribal dependent resources has been subverted by the Alaska roadless rulemaking process. Tribes submitted concerns that the federal government, as the fiduciary trustee entrusted to protect natural resources used by tribal nation's, needs to act to protect the rights, resources and habitats, human health, and livelihoods of the tribal citizens in Alaska. Commenters also requested comments received from tribes and Alaska Natives be incorporated into the decision process.

*Theme 9 – National Historic Preservation Act*

Commenters expressed concern the proposed rulemaking process is not compliant with the National Historic Preservation Act. Commenters indicate that the agency is required to conduct a cultural resource and historic property inventory.

*Theme 10 – Tongass National Forest Land and Resource Management Plan (TLMP) Compliance*

Commenters assert the proposed use of administrative changes conflicts with the historical and intended use of administrative change procedures. Commenters expressed concerns the proposed Alaska Roadless Rule is an attempt to circumvent regulatory procedures (e.g., adopting a plan amendment and conducting an environmental review).

Commenters expressed concern proposed changes would modify approved FEIS and Records of Decisions. Additionally, commenters expressed concern about Forest Plan alignment with Tongass Conservation Strategy and Recreation Opportunity Spectrum guidance. Commenters said the 2016 Forest Plan does not address the impacts that changing timber designations would have on roadless areas, which is required. Commenters expressed concern the proposed Alaska Roadless Rule would lead to changes in the suitability designations in the TLMP. Commenters also noted that the US Department of Agriculture secretary does not have the authority to change the 2016 Forest Plan without an EIS and an environmental assessment.

Commenters expressed concern that changing the 2001 Roadless Rule would ultimately result in changes to the 2016 Forest Plan. Commenters said the 2016 Forest Plan is the product of years of collaboration and compromise among diverse stakeholders that struck a careful balance among conservation and resource extraction interests. Concern the roadless rulemaking process only relies on input from a non-representative stakeholder groups convened by Alaska, whereas the 2016 TLMP amendment is based on recommendations from a duly convened federal advisory committee that complied with all procedural and substantive requirements of the Federal Advisory Committee Act.



## Section 9 - Resolutions

### *Resolutions in Support of 2001 Roadless Rule*

Resolutions in support of keeping the 2001 Roadless Rule in place on the Tongass National Forest indicated a variety of rationale including community-focused development and economy, maintenance of cultural traditions, and protection of wildlife, environmental quality, and community reputation. Investment in community-focused priorities was requested, over the rollback of the 2001 Roadless Rule and revitalization of the timber industry.

Resolutions were received from the following groups in support of the existing 2001 Roadless Rule for Alaska.

- City of Pelican (Resolution No. 2019-7)
- Municipality of Skagway (Resolution No. 19-32R)
- City of Tenakee Springs (Resolution No. 2020-07)
- City of Gustavus (Resolution No. CY 19-31)
- City and Borough of Sitka (Resolution No. 2019-26A)
- Elfin Cove Community Association (Resolution No. 19-01)
- Alaska Federation of Natives (Resolution No. 19-57; Resolution No. 19-61)
- Organized Village of Kake (Resolution No. 2018-24)
- Wrangell Cooperative Association (Resolution No. 12-16-19-02)
- Ketchikan Indian Community (Resolution No. KIC 19-29)
- Organized Village of Saxman (Resolution No. 2018-10-223)
- Organized Village of Kasaan (Resolution No. OVK-19-10-001)
- Craig Tribal Association (Resolution No. 2019-26)
- National Congress of American Indians (Resolution No. ABQ-19-029)
- Affiliated Tribes of Northwest Indians (Resolution No. 19 – 58)
- Sitka Fish and Game Advisory Committee (Resolution No. 2019-2)
- Craig Fish and Game Advisory Council (Resolution No. 2019-1)
- Klawock Fish and Game Advisory Committee (Resolution No. 2019-1)
- East Prince of Wales Fish and Game Advisory Committee

### *Resolutions in Support of Rule Change*

Resolutions in support of changing the 2001 Roadless Rule highlighted concerns about access, flexible decision-making, revitalization of the timber industry, and deregulation for natural resource extraction and development activities.

Resolutions in support of rule change were received from the following.

- City Council of Coffman Cove (Resolution No. 2002)
- City and Borough of Wrangell (Resolution No. 12-194503)
- City of Whale Pass (Resolution No. 19-12-05-01)
- Ketchikan Gateway Borough (Resolution No. 2785)

### *Other Resolutions*

Resolutions were also received in favor of development activities outside the scope of the proposed rulemaking.



## Section 10 – Forest Management

Commenters highlighted management concerns, some of which were not specific to Alaska Roadless Rulemaking Project.

### *Theme 1 - Forest Management Responsibility and Capacity*

Some comments provided input that the Tongass and Chugach National Forests should be managed by state government. Others expressed concern that neither state nor federal governments have insufficient capital and capacity to effectively manage the land.

### *Theme 2 - Forest Management Priorities*

#### *Promotion of Ecosystem Services and Sustainable Industries*

Comments were received requesting the Forest Service manage public lands in a manner that promotes and maintains ecosystem services and sustainable industries. Commenters explained that investing in the development of sustainable and innovative resource management can mitigate environmental damage including climate change effects, while providing jobs for Alaskans.

#### *Protection of Critical and Sensitive Habitat*

Commenters requested specific geographic areas remain protected under the 2001 Roadless Rule or receive increased protection as a potential Alaska Roadless Area. Reasons included protection of watershed and habitat, aesthetics and outdoor recreation and availability of fish and game for subsistence lifestyle maintenance.

Commenters sought additional protections for all lands identified in the 2003 Supplemental Environmental Impact Statement (for the Tongass Land and Resource Management Plan revision) and numerous specific geographic locations in Southeast Alaska.

Commenters requested areas known as the Tongass 77 watersheds and TNC/Audubon Conservation Priority Areas remain protected under the 2001 Roadless Rule or receive increased protections. Most of these requests highlighted watersheds in these areas are vital to the local ecosystem and the Southeast economy as they contain a substantial portion of Alaska's salmon, char, and trout spawning and rearing habitat.

#### *Investments*

Commenters submitted requests for investment in specific management activities on the Tongass and Chugach National Forests. Several suggested adjustments to Forest Service land management practices. These suggestions were varied, but generally included the following themes.

- Employ local loggers in watershed and habitat restoration efforts.
- Focus on proactive and evidence-based forest management.
- Develop primitive and semi-primitive recreation programs.
- Conduct watershed development and restoration.
- Restore fish and wildlife habitat.
- Conduct maintenance on existing road and trail systems.
- Engage the community and be more collaborative in making decisions that affect the forest.
- Invest in workforce development.
- Invest in community education to minimize ecosystem impacts from forest-management activity.



#### *Evidence-Based Decisions*

Commenters expressed concern the current management decisions are not based on the latest and best available information. Commenters requested the Forest Service start managing public lands using evidence-based decisions that utilize the best available information.

#### *Reforming Administration of Timber Sales*

Commenters requested the Forest Service evaluate the current administration of timber sales in the Tongass due to low-performing sales. Concerns related to the subsidization of timber harvests in the area were provided as justification for the need to reform the timber harvest administration for the area.

Commenters requested additional restrictions be placed on resource extraction (i.e., logging, mining) or requested all resource extraction activities in the Tongass National Forest be prohibited.

#### *Conditional Development and Logging*

Commenters expressed support for conditional, community-focused development and evidence-based logging practices that protect ecosystems and local economies. Commenters also indicated community-focused development is allowed under the existing 2001 Roadless Rule. These commenters also provided suggestions specifically tailored to support future Tongass National Forest timber management and Southeast Alaska communities including:

- Cease old-growth timber harvest and focus on young-growth or source timber.
- Restrict logging operations to those areas where roads have already been constructed.
- Focus timber harvest on dead and diseased trees.
- Conduct thinning in clear-cut areas.
- Allow only timber harvest activities that have been thoroughly reviewed by all parties affected.
- Manage for fire suppression.
- Cease clear-cutting practices.
- Reform Forest Service outdated old-growth timber ideologies, such as bridge timber.
- Instate overlapping special area designations to ensure protections.
- Reinstate the Transportation Utility System Land Use Designation (TUS LUD) that had been removed in the 2016 version of the *Tongass Land and Resource Management Plan*.

