



Greater Ketchikan Chamber of Commerce

2417 Tongass Ave., Ste. 223A
Ketchikan, AK 99901

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To: Beth Pendleton

USDA Forest Service, Alaska Region

Attn: Tongass Objections

P.O. Box 21628

Juneau, AK 99802-1628

August 8th, 2016

Dear Beth Pendleton.

The purpose of this letter is to register the Greater Ketchikan Chamber of Commerce's formal objections and comments regarding the draft Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) for the Tongass Land and Resource Management Plan (TLMP), pursuant to 36 CFR part 219, subpart B.

The Ketchikan Chamber's specific Objections are detailed in the attached "Comments and Objections" document dated July 26th, 2016 in the manner required per 36 CFR 219.54(c). Please note that these objections, like our comments of February 18th, 2016, were approved unanimously by our Board of Directors.

After reviewing the FEIS and Draft ROD, the Ketchikan Chamber of Commerce remains extremely concerned about the significant risks and negative implications of the USFS's proposed TLMP amendment for virtually all of the reasons previously identified in our February 18th, 2016 comments (attached), including:

- The proposed young growth timber transition is not economically viable.
- The USFS does not even have an adequate inventory of existing young growth stands producing the sound information necessary to inform a transition strategy.
- A credible financial analysis is necessary to develop an adequate plan, and meet the Secretary of Agriculture's mandate to "maintain the existing industry" pursuant to Memorandum 1044-009.
- Timber industry businesses have identified a wide variety of credible flaws and errors within the USFS's demand analysis.
- The USFS's analysis of carbon impacts is incomplete, and displays

significant asymmetry and bias.

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- The opportunity to reduce carbon by using Tongass-based renewables as an alternative to coal and natural-gas fired generation in the lower 48 is not examined or discussed. Rather, it appears that the USFS is deprioritizing projects which might propose to displace coal and natural gas-fired generation in lower 48 markets.
- The proposed amendment remains inconsistent with numerous US Energy policies prioritizing and enabling development of renewable energy; a Renewable Energy LUD must be used in place of the proposed ‘forest-wide standards and guidelines,’ which are vague and lack adequate criteria.
- The USFS’s proposed renewable energy language displays biases towards certain types of developers and markets, which is inconsistent with federal energy policy.
- The USFS fails to address the multiple socioeconomic benefits of road systems in a comprehensive manner.
- The USFS must allow construction of roads to allow renewable energy developers to develop clean energy projects, and to facilitate “reasonable access” to locatable minerals, and adequately support multiple uses of the forest.
- The Mineral Leasing Act withdrawals made by the Roadless rule are illegal, and should terminate consistent with ANILCA Section 1326.
- And more.

The Ketchikan Chamber of Commerce’s February 18th, 2016 comment letter concluded with the following specific request pertaining to the USFS’s requirements per CEQ Regulations and Guidance:

The Ketchikan Chamber of Commerce requests a detailed response to its comments as NEPA requires. As the Court observed in Earth Island Institute vs. U.S. Forest Service, 697 F.3d 1010, 1020 (9th Cir. 2012): “In the context of environmental impact statements, NEPA requires agencies to respond explicitly and directly to ‘responsible opposing view[s]’.” See also Greenpeace vs. Cole Fed. Appx. 925, 928 (stating the Forest Service must discuss in the final statement “any responsible opposing views”).

The Ketchikan Chamber of Commerce was deeply concerned to discover upon review of the FEIS and Draft ROD that despite this deliberate request and accompanying case law, its “responsible opposing views” regarding the TLMP were not responded to “explicitly and directly” by the USFS. This appears to be a violation of NEPA. Moreover, ignoring the concerns of the Ketchikan business community is significantly at odds with the US Secretary of Agriculture’s directive to “maintain the existing industry” pursuant to Memorandum 1044-009. If you feel otherwise: 1) please identify the sections of the FEIS and/or ROD which “explicitly and directly” address the Chamber’s concerns, and 2) please identify how those concerns are addressed in a manner which ensures that the directive to “maintain the existing industry” will be achieved.

We hope that the USFS will reconsider its proposed TLMP Amendment decisions, which seem to put our region on a certain path to tremendous job loss, population loss, and economic duress.

Greater Ketchikan Chamber of Commerce

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Thank you for your consideration.

Sincerely,

William Swift

William Swift, Executive Director

Greater Ketchikan Chamber of Commerce



Jason Custer, President

Greater Ketchikan Chamber of Commerce

Greater Ketchikan Chamber of Commerce

**COMMENTS AND OBJECTIONS TO THE TONGASS LAND AND
RESOURCE MANAGEMENT PLAN AMENDMENT DRAFT ROD**

July 26th, 2016

There follows the comments and objections to the Tongass Land and Resource Management Plan Amendment draft ROD of the undersigned.

As originally announced in May 2010, Secretary of Agriculture Tom Vilsack unilaterally amended the 2008 Amended TLMP by prohibiting timber harvest within Inventoried Roadless Areas (IRAs). The Secretary and his subordinates pledged to provide new jobs in renewable energy, habitat restoration, and recreation and tourism. The discussion below compares the commitments given during the entire 2008 Tongass Land Management Plan (hereinafter 2008 Amended TLMP) versus the commitments delivered in the draft ROD. As set out below we object to the failure of the entire Transition Plan to meet, and often not even mention, commitments previously made in during the 2008 Amended TLMP.

Most amazingly, the draft ROD admits that there is no current market for the timber to which the Secretary and the draft ROD would have the industry transition:

Harvesting 55-year old trees does not appear to be practical or economic in Southeast Alaska at this time. The market for large volumes of young-growth logs has not been demonstrated and this is especially true for small logs from 55-year old stands.¹

The draft ROD fails to explain how this market will be developed. Accordingly, the Forest Service failed to consider “an important aspect of the problem” thereby making its decision arbitrary and capricious. In addition, it shows that the proposed Transition Plan cannot meet market demand as required by the Tongass Timber Reform Act.

1. **The draft ROD Introduction is Incomplete and Misleading.** The draft ROD is misleading about the origin of the Transition Plan because of relevant information that is not included which indicates that the Forest Service failed to consider “an important aspect of the problem” thereby making its decision arbitrary and capricious. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S. Ct. 2856, 77 L.Ed.2d 443 (1989); *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 535, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978).

The Under Secretary’s 2008 Amended TLMP Implementation Memorandum. The 2008 Amended TLMP was approved by the Under Secretary Natural Resources and

¹ Draft ROD at page 10.

Environment by Memorandum on September 17, 2008. In that Memorandum the Under Secretary recognized that: “Given the precarious nature of the Tongass timber sales program over the last few years, no prudent investor would underwrite the cost of additional infrastructure to achieve higher levels of fiber utilization and higher value manufacturing.” The Under Secretary thus provided “additional direction to the Forest Service to assist in plan implementation in order to achieve the Agency’s multiple use mandate.”

To the extent the Standards and Guides as modified still fall short of allowing economic timber sales, the Forest should develop a plan of work to further improve timber sale economics through additional work, including (if necessary) modifications to Standards and Guides;

- a. Throughout the Amendment process the issue of the Forest Service’s ability to produce economical timber sales has been a center of considerable controversy I am directing the Forest to aggressively assess the economics of timber sales on the Tongass National Forest to address this issue;
- b. As with the issue of economical timber sales, there is considerable controversy over whether or not the lands available for timber harvest provide sufficient volume necessary to reestablish an integrated industry² in Southeast Alaska. I am directing the Forest to assess volume availabilities both inside timber harvest land use designations and outside those lands (with the exception of Congressionally designated lands) to determine if additional acres will be needed to be included to accomplish the objective of establishing a fully graded integrated industry in the Southeast Alaska;
- c. I am also directing the Forest to develop a work plan and proposed budget necessary to offer four 10-year timber sales, each with an average volume of 15 to 20 MMBF per year. These longer sales each are the best way to provide sufficient assurances to support the necessary investment in new and upgraded manufacturing; and
- d. I would like the Forest to develop a work plan and proposed budget to accelerate opportunities for both commercial harvest of young growth and

² An “integrated industry” is an industry with a range of manufacturing facilities that provides for the full development/marketing/sale of saw logs and pulp logs from a clear cut timber sale such that an operator of a sawmill can sell pulp logs and residual chips from a sawmill timber sale and from its sawmill operation to a pulp mill, and a pulp mill is able to sell saw logs from a pulp mill timber sale to a sawmill. “An integrated industry results in better utilization and larger volumes of operable wood, which in effect lowers unit operating costs.” Brackley, Rojas, and Haynes *Timber Products Output and Timber Harvests in Alaska: Projections for 2005-2025* at page 13.

young growth management for wildlife and timber production and to assess how this would contribute to the objective of establishing integrated industry.

These commitments by the Under Secretary are not mentioned in the draft ROD. Other than the Big Thorne Timber Sale (which environmentalists are litigating), none of these conditions, on which approval of the 2008 Amended TLMP was based, have been implemented. Accordingly, it is fair to closely scrutinize the draft ROD and to seek assurances from the Forest Service that it will meet the Transition Plan commitments.

While conditions change and Secretary Vilsack is entitled to change policy, *FCC v. Fox Television Stations* 556 U.S. 502, 515-516 (2009) requires that when an agency changes its policy it must show an awareness that it has changed its policy and give a reasoned explanation for the adoption of the new policy. However, there is no mention of the September 17, 2008 Memorandum in the draft ROD nor does the draft ROD provide a reasoned explanation why the Secretary is no longer seeking an integrated timber industry, or economic timber sales, or four 10-year timber sales.

The Secretary's 2009 and 2010 Memoranda. At page 3 the Draft ROD describes a logical flow from listening sessions “in the fall of 2009 in all 32 communities in SE” to the Secretary's July 2, 2013 Memorandum directing “management of the TNF to expedite the transition away from old-growth timber harvesting and towards a forest products industry that uses predominantly second-growth.” No mention is made of the May 2009 and May 2010 Secretarial orders directing the top-down Transition from Washington, D.C.

Notwithstanding the fact that the Tongass Exemption from the Roadless Rule³ was then in effect, the Secretary issued a Memorandum in May 2009 requiring that he personally approve all activities in Inventoried Roadless Areas (IRAs).

On May 25, 2010 he directed an immediate transition to second-growth, which was delivered in the form of a letter from Regional Forester Beth Pendleton to the Tongass Futures Roundtable:

Building from the existing Tongass Land Management Plan, the Forest Service will continue to offer a limited number of old-growth sales in the near-term in roaded forest areas, in order to ensure that a bridge exists for the remaining forest industry infrastructure to make the transition. Allowing these sales and the proposed stewardship contracts to move forward expeditiously is critically important to maintaining a robust forest industry while we transition to young growth.

Additionally, the Forest Service will focus on a broader suite of opportunities the Tongass can provide to support a diversified economy in Southeast Alaska, as described in the transition framework program above. Efforts will focus on

³ 2001 Roadless Area Conservation Rule (Roadless Rule) 66 Federal Register 3244 (January 12, 2001).

creating restoration based jobs, restoring fish and deer habitat to support the fishing industry and subsistence users, and examining energy projects, including small hydroelectric projects and bioenergy, to provide lower cost energy and bring down the costs of doing business in Southeast Alaska. We will also invest in facilities, trails, and other activities to attract increased recreation and tourism use and jobs.

Thus, old growth timber that the 2008 Amended TLMP made eligible for harvest within Inventoried Roadless Areas (IRAs) was placed off-limits. The 2008 Amended TLMP was amended from Washington, D.C. without a NEPA review.

Arbitrary and Capricious. The failure to consider these important aspects of the problem is a violation of NEPA.

2. **The draft ROD Admits That There Is No Current Market for Young Growth Timber But Fails to Explain How a Market Will Be Developed to Make the Transition Feasible.**

The draft ROD admits that there is no current market for the timber to which the Secretary and the draft ROD would have the industry transition:

Harvesting 55-year old trees does not appear to be practical or economic in Southeast Alaska at this time. The market for large volumes of young-growth logs has not been demonstrated and this is especially true for small logs from 55-year old stands.⁴

However, the draft ROD fails to explain how this market will be developed. Accordingly, the Forest Service failed to consider “an important aspect of the problem” thereby making its decision arbitrary and capricious. . *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S. Ct. 2856, 77 L.Ed.2d 443 (1989); *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 535, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978).

In addition, it shows that the proposed Transition Plan cannot meet market demand and thus violates the Tongass Timber Reform Act (TTRA). The TTRA requires the Secretary to “provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such a forest and (2) meets the market demand from such forest for each planning cycle. By having no plan to meet market demand the Forest Service has abrogated its responsibility under the TTRA.

3. **The draft ROD Fails to Explain the Source of Funds the Forest Service Says is Needed to Implement the Plan.** Additionally, there is no mention in the draft ROD, of

⁴ Draft ROD at page 10.

the industry and Congressional funding needed to make the plan work. The 2008 Amended TLMP ROD states:

Young growth could potentially comprise a substantial portion of the Tongass timber program in as little as three decades, with initial young growth operations beginning in earnest by the end of the current planning cycle. The ultimate success of this effort, however, will depend on several factors, including investments by the timber industry in milling equipment designed for smaller young growth trees, integration of the industry to effectively process all products harvested from the Forest and funding decisions made by Congress.⁵

In a July 1, 2010 letter to Secretary Vilsack responding to the Secretary's May 25, 2010 Transition announcement Senator Lisa Murkowski asked:

The Regional Forester's letter repeats points made by Deputy Under Secretary Jay Jensen in his March 22nd [2010] testimony before the House Natural Resources Committee on the Sealaska Lands Bill. The Deputy Under Secretary asserted that the Obama Administration intended 'to expeditiously transition that [timber] program away from reliance on sales of old growth timber in roadless areas to an integrated program focused on restoration, development of biomass opportunities and sales of young growth timber in road areas.' Deputy Under Secretary Jensen's March testimony lists 'some initial steps to transition the timber program,' such as a 10-year stewardship contract and inventory of 'young growth management opportunities,' and 'retooling of existing large diameter based sawmills,' all of which he stated is contingent upon passage of 'the FY 2011 President's Budget proposal for an Integrated Resource Management line item, including \$50 million in Priority Watersheds and Job Stabilization.'

Even though the Forest Service failed to respond to Senator Murkowski, the Secretary continued to assert that Congressional appropriations would be needed to "increase investments in young growth:"⁶ "As soon as possible, allocate staff and financial resources to planning young growth projects, ramping down old growth sales and *increasing investments in young growth.*" (Emphasis added).

While the Secretary's July 2, 2013 Memorandum is discussed at page 3 of the draft ROD, the draft ROD does not explain what happened to the need for these funds (or why they are no longer needed) or what level of second growth timber volume can be achieved if the funding does not materialize.

Why public investment is needed in second growth timber was explained at page 23 of Forest Service's May 2010 *The Economic Analysis of Southeast Alaska*, which came out at roughly the same time as the May 25, 2010 Obama Administration announcement of the plan to transition the Tongass timber program from old growth to second growth:

⁵ 2008 Amended TLMP ROD at pages 49 – 50.

⁶ Secretary's July 2, 2013 Memorandum 1044-009 at page 3.

Level of Public Investments in Young Growth Harvest Management

Based on the best available information regarding the costs of conducting commercial thinning of young growth, the products that can be made from it, and the values of such products, *young growth management is not currently economically viable without substantial public investments to pay for thinning. This is because the vast majority of young growth currently available on the developed land base is too young and small to generate profits in excess of the logging and transportation costs used in this analysis* (see appendices C, D and E for cost and price details). Pre-commercial and commercial thinning activities in young growth stands in Southeast Alaska generally require investment. Final clearcut harvest of young growth under the assumptions and data used in this analysis are generally profitable. One purpose of this study is to determine what it would take to accelerate the transition to young growth management on the Tongass. For this analysis, we tested four possibilities. Some scenarios include no public investments in young growth management, to see when the young growth stands would be mature enough—and the products available from thinning them valuable enough—to be economically viable. We also examined a scenario under which sufficient public investments are made to start commercially thinning immediately at a relatively low level (2 MMBF annually); another that attempts to achieve 30 MMBF annually beginning in five years; and another that tests how much young growth could be sustainably harvested beginning immediately, to determine what that sustainable level is and the cost of achieving it. (Emphasis added).

Achieving 30MMBF to 50MMBF in 10 – 15 years is thus totally dependent on the level of investment in commercial thinning.

The Forest Service performs a limited amount of *pre-commercial* thinning every year. However, commercial thinning has not been fully tested as a silviculture technique. So how do we know that it will work?

The draft ROD's preferred alternative (Alternative 5) continues to rely on commercial thinning as described at page 5. But, it does not set out the level of investment in commercial thinning that is needed to achieve 30 MMBF to 50 MMBF of young growth in 10 – 15 years or how in the face of decreasing Forest Service budgets and in the era of sequestration such additional funds will be obtained and increased to account for inflation to provide such a level of investment.

This raises a number of questions:

- a. What is the level of investment in commercial thinning needed by year from 2016 through 2031 to achieve a young growth volume of 12 – 28 MMBF described at page 6 in the draft ROD?

- b. What level of investment in commercial thinning is needed by year from 2016 through 2031 to achieve a young growth volume of 93 MMBF per year by 2033?
- c. What has been the level of investment in commercial thinning of Tongass young growth from 2010 through 2015?
- d. Why does the Forest Service think that a new Administration or Congress will increase the level of investment in commercial thinning of Tongass young growth?
- e. What is the level of investment in commercial thinning of Tongass young growth in the current budget? What volume of Tongass young growth is available for harvest in 2016 at that level of investment?
- f. If the level of investment in commercial thinning of Tongass young growth does not increase above that in the current budget, can the Forest Service achieve 12 MMBF – 28 MMBF of young growth in any year between 2016 and 2031 or 93 MMBF of young growth by 2033? What volume of young growth would be achieved?

The Forest Service’s failure to consider these “important aspect[s] of the problem” makes its decision arbitrary and capricious. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S. Ct. 2856, 77 L.Ed.2d 443 (1989); *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 535, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978).

- 4. **The Draft ROD Fails to Provide Sufficient Economic Volume for an Integrated Timber Industry.** The ROD’s Transition Plan provides an ASQ of 460 million board feet (MMBF) of timber per decade, or an average of 46 MMBF per year. Of this the Forest Service “expects to sell an average of about 12 MMBF of young growth and 34 MMBF of old-growth per year during the first 10 years. From Year 11 through Year 15, and expects to sell an average of 28 MMBF of young growth in about 18 MMBF of old-growth per year.”⁷

This is a major change in policy from the 2008 Amended TLMP that is not explained in the draft ROD. As was pointed out by Senator Lisa Murkowski in a July 1, 2010 letter to

⁷ Draft ROD at page 5.

Secretary Vilsack, the 2008 Amended TLMP ROD pledged⁸ a three year supply⁹ of economic timber sufficient to support an integrated timber industry.¹⁰

[T]he Regional Forester selected Alternative six in the 2008 Amended TLMP ROD.

In part, he selected Alternative 6 to secure the objective of an integrated timber industry. Therefore, a reliable annual supply of at least 200 million board feet (MMBF) of economic timber would be needed from the Tongass to meet the objective of providing an opportunity for the reestablishment of an integrated industry. None of the alternatives with Allowable Sale Quantities (ASQs) lower than the amended Forest Plan will meet that criterion.

The draft ROD does not commit to provide *economic* timber – just timber. Non-economic timber is the same as no timber. Moreover, because the Forest Service has consistently lost/been delayed by National Environmental Policy Act (NEPA) litigation before the 9th Circuit, its ability to supply timber is erratic and it has been unable to supply remaining operators with more than a year’s volume ahead, and often not that much. Moreover,

Moreover, it changes policy because it fails to commit to providing operators a three year supply of economic timber which it has previously supported:

To be responsive to market demand, the Forest Service attempts to provide an opportunity for the industry as a whole to accumulate a supply of purchased but unharvested timber (i.e. volume under contract) equal to about three years of timber consumption. There are a number of reasons for allowing the accumulation of volume under contract. First, this allows the industry ample time to plan an orderly and systematic harvest schedule that meets all timing restrictions and permit requirements. Second, it allows the industry to better manage its financial resources and to secure financing on the basis of longer term timber supply. Third, it allows time for the necessary infrastructure (roads, log transfer facilities, and logging camps) to be put in place prior to timber harvest. Finally, an ample timber supply gives the industry more opportunity to sustain itself through market cycles. If demand for pulp or lumber in any year suddenly increases, producers will have access to enough timber to respond to the increase in demand without

⁸ See Under Secretary Mark Rey’s September 17, 2008 Memorandum conditioning approval of the 2008 Amended TLMP on sufficient economic timber for an integrated industry.

⁹ In a June 24, 2003 letter from Alaska Regional Forester, Dennis Bschor, to Alaska Governor Frank Murkowski:

“The Tongass’s overall goal is to have three years of economical timber under contract.”

¹⁰ An “integrated industry” is an industry with a range of manufacturing facilities that provides for the full development/marketing/sale of saw logs and pulp logs from a clear cut timber sale such that an operator of a sawmill can sell pulp logs and residual chips from a sawmill timber sale and from its sawmill operation to a pulp mill, and a pulp mill is able to sell saw logs from a pulp mill timber sale to a sawmill. “An integrated industry results in better utilization and larger volumes of operable wood, which in effect lowers unit operating costs.” Brackley, Rojas, and Haynes *Timber Products Output and Timber Harvests in Alaska: Projections for 2005-2025* at page 13.

waiting for the Forest Service or the Congress to take action. Normally, the unharvested volume under contract will be drawn down during high points in the market when mills increase production, and built up when markets are poor and production declines. In response to the volume under contract the Forest Service may consider adjusting its budget and timber program.¹¹

5. Unaddressed Problems with Transition to Second Growth. The draft ROD's premise that the industry operating on the TNF¹² can transition to second growth timber in 10-15 years is untenable for the following reasons:

- a. As the draft ROD admits at page 10, there is no profitable domestic or export market¹³ for second growth timber from the TNF *that is subject to the management constraints of the NFMA and TLMP.*¹⁴ Among other reasons small, second growth logs do not have the 3 – 5% by volume of incredibly valuable clear, fine-grained specialty wood which makes old growth logs profitable. In addition, second growth lacks the strength and quality of Alaska's old growth, thus taking away the only market advantage that Alaska timber has. Second growth in Alaska is no different from second growth in the Lower 48, which has the economic advantage of being on the I-5 road network;¹⁵
- b. There is an insufficient volume of second growth (for harvest *subject to the NFMA non-declining, even flow requirement, the Tongass Timber Reform Act's (TTRA) stream buffer strip requirements and TLMP's 1000 foot beach buffer zone requirement*) in economic units to warrant the risk (by bank or operator) to justify putting capital investment in a mill, even if there were a market. The draft ROD does not propose a departure from the NFMA requirement that National Forest timber be harvested on a sustained yield basis, which the Forest Service measures on a non-declining, even flow

¹¹ Control Lake Timber Sale FEIS, Vol. II, App. A, at page 2.

¹² The above analysis is limited to federal management using NFMA and TTRA requirements. The NFMA prohibits the harvest of national forest timber until it reaches CMAI, which on the Tongass is 90-100 years. The Allowable Sale Quantity is based upon the non-declining even flow concept of sustained yield. The 2008 Amended Forest Plan requires 1000 foot setbacks from the beach for timber harvest. This is the area **in which a significant amount of second growth is present due to the A-frame logging of coastal shores that was authorized in the 1960s and 1970s.** Because none of these constraints would apply to State or private management of 2nd growth areas, if the Forest Service is serious about a Transition to 2nd growth timber, it should transfer all such timber to State or private management to facilitate this harvest.

¹³ Defined as the ability to provide fiber to a buyer of a quality and at a price (including transportation) which the buyer is willing to pay.

¹⁴ This is admitted at page 16 of *The Economic Analysis of Southeast Alaska* prepared in 2010: "Sawmills in Southeast Alaska will need to retool to effectively process young growth logs. The Beck Report (2009) estimated the cost for one sawmill on Prince of Wales Island to upgrade at about \$12 million. It is not known how likely this is, **due in part to a lack of understanding of markets for products that can be sawn from young growth. The Beck Report mentions concerns, also expressed by other experts, that it is uncertain who would invest in such retooling, and that investors will probably want guarantees of supply.** (Emphasis added).

¹⁵ The \$50 + per MBF to transport volume (produced in Alaska and not purchased locally) to distributors is the Lower 48 is greater than the profit margins at which the Canadian and Lower 48 mills operate.

basis.¹⁶ Nor does the draft ROD propose to modify TLMP's 1000-foot beach set back rule or the stream buffer rules set out in the TTRA;¹⁷

- c. The draft ROD does not set out a 5-year schedule of timber sales, as was provided in the 2008 Amended Forest Plan, to demonstrate that, when disaggregated, the second growth timber south of Frederick Sound that meets NFMA, TTRA, and TLMP requirements is in large enough blocks and is sufficiently connected to existing transportation infrastructure to be capable of economic harvest. This explains the need for Senator Murkowski's legislation requiring an inventory of young growth timber before the Transition Plan is implemented;
- d. The Roadless Rule and Transition Plan amendments to the 2008 Amended Plan and the industry's experience since ANILCA demonstrate that the Forest Service often fails, or is unable, to keep its commitments to make economic timber available to supply the industry.¹⁸ Often there is a change of forest management policy, such as the major change which the Secretary's May 2010 and July 2013 Memoranda makes to the 2008 Amended Forest Plan a mere five years after it was promulgated.¹⁹ In either case an operator (and those that finance that operator) cannot expect any stability or assurance of supply;
- e. Second growth timber requires different equipment for harvest and milling than that required for harvesting and milling old growth. The draft ROD has not explained how the change in equipment needed to harvest and mill second growth will be financed without an assurance of supply;²⁰
- f. As previously described above, the 2008 Amended TLMP made it clear that it would take investment by the industry and Congress and three decades to produce a sufficient volume of young growth to support the industry. The draft ROD does not explain the level of investment from industry and Congress that is needed to make the Transition Plan work or how in the face of decreasing Forest Service budgets and in the era of sequestration such

¹⁶ Appendix B of the *Economic Analysis of Southeast Alaska* prepared in 2010 states that such a departure would be required "for the decade immediately following old growth harvest cessation." It would then be reinstated. The Secretary's Memorandum does not reference the *Economic Analysis of Southeast Alaska* prepared in 2010. So, the reader must assume that they are two separate documents with two sets of assumptions.

¹⁷ Draft ROD at page 21.

¹⁸ For example, at page 23 the 2010 *Economic Analysis of Southeast Alaska* states "young growth management is not currently economically viable **without substantial public investments to pay for thinning**. The Secretary's Memorandum fails to mention this and could provide no such assurance even if it did.

¹⁹ The 2008 Amended Forest Plan called for an integrated forest industry and authorized an ASQ of 267 MMBF. The 2010 *Economic Analysis of Southeast Alaska* would provide 30-50 MMBF, depending on which Scenario is chosen. It is also noteworthy that the Secretary made this major change in policy two days after the close of the comment period for the 5 Year Review of the 2008 Amended Forest Plan. The comments were obviously not considered. The Secretary has not asked for comments on his Memorandum.

²⁰ See page 16 of the *Economic Analysis of Southeast Alaska*.

additional funds will be obtained and retained. The draft ROD does not explain how the Transition will occur in 10 to 15 years instead of the 30 years described in the 2008 Amended TLMP;

- g. Alternative 5 results in an ASQ of 46 MMBF.²¹ The draft ROD does not explain what has changed since the 2008 Amended Forest Plan that would allow it to meet the Market Demand requirement of the TTRA which the 2008 Amended Forest Plan ROD said was 200 MMBF.²² While the Forest Service has discretion to set the timber sale level, it does not have the discretion to nullify the TTRA by so encumbering the suitable land base to surrender its ability to meet market demand; and
- h. Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesigned by section 2 of this Act, is amended by adding at the end thereof a new subsection (c) as follows:

The Secretary shall report in the 1979 and subsequent Assessments on:

(1) the additional fiber potential in the National Forest System including, but not restricted to, *forest mortality*, growth, salvage potential, *potential increased forest products sales*, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

(2) *the potential for increased utilization of forest and wood product wastes in the National Forest Systems* and on other lands, and of urban wood wastes and wood product recycling, including recommendations to the Congress for actions *which would lead to increased utilization of material now being wasted* both in the forests and in manufactured products; (Emphasis added).

The draft ROD does not quantify the waste of currently economic and harvestable old-growth timber the Transition Plan will cause to be wasted.

The Forest Service's failure to consider these "important aspect[s] of the problem" makes its decision arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S. Ct. 2856, 77 L.Ed.2d 443 (1989); *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 535, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978).

6. The Market Demand Analysis is Skewed by Litigation and Forest Service Failures to Make Economic Timber Available. The draft ROD devotes five pages (24 – 29) to

²¹ See page 40 of the *Economic Analysis of Southeast Alaska*.

²² See pages 64-66 of the 2008 Amended Forest Plan ROD. See also Appendix G of the 2008 Amended Forest Plan's FEIS.

explaining Market Demand and its role in determining the Projected Timber Sale Quantity (PTSQ) authorized by the Transition Plan Amendment. The procedures for determining market demand were developed in 2000 and have become known as the “Morse methodology.” It is described as follows in the draft ROD:

Industry actions such as annual harvest levels are monitored and timber program targets are developed by estimating the amount of timber needed to replace volume harvested from year-to-year. The Morse methodology is adaptive, because if harvest levels drop below expectations and other factors remain constant, future timber sale offering would also be reduced to levels needed to maintain the target level of volume under contract. Conversely, if harvest levels rise unexpectedly, future timber sale targets would also increase sufficiently to ensure that the inventory of volume under contract is not exhausted.²³

In a system not subject to serial litigation against timber sales by environmental groups and in which the Forest Service always made economic timber available this methodology would be a reasonable means of measuring Market Demand. But the theory fails and Market Demand spirals downward because of litigation and the Forest Service’s failure to make economic timber available. Here is a simplistic explanation of why this occurs:

- a. Timber is made available for sale;
- b. If it is not economic no one will buy it;
- c. If it is economic the environmentalists will sue to prevent its harvest and the timber will be unavailable during the period of litigation;
- d. In either case the annual harvest level drops because of a lack of economic timber availability; and
- e. Because it is not harvested the Morse methodology assumes that it is not needed to “replace volume harvested” and market demand is reduced.

The Morse methodology was modified by the Daniels Demand Report which basically stated that because the Secretary had directed the Forest Service to transition to young growth within 15 years, the agency had no choice but to limit the amount of old-growth that would be available.²⁴ Daniels then opines that since the young growth volume has very poor economics and old-growth timber, there will be less demand for the lower value young growth timber, hence the market demand will decline.

As a consequence of the Morse system modified by Daniels Market Demand has spiraled downward from 200 MMBF in the 2008 Amended TLMP to 46 MMBF in the draft ROD.

²³ See page 25 of the draft ROD.

²⁴ draft ROD at pages 28-29.

This volume is insufficient to develop an integrated industry or provide operators with the three-year supply of economic timber.

7. **Timber Summary.** In summary the draft ROD changes the 2008 Amended TLMP's commitment to a three year supply of economic timber to the industry without explaining that it is doing so or the implications of doing so. The draft ROD does not address the investments in young growth needed to achieve the volumes of young growth projected between 2016 and 2033. The draft ROD does not explain how or why the industry will be able to make the transition to second growth. In short, the issues *not* addressed in the draft ROD undercuts the ability of the Transition to reduce the controversy surrounding the timber program.²⁵

8. **New Roadless Areas.** The draft ROD states:

[U]nder the 1997 Forest Plan approximately 8500 miles of roads were anticipated to exist on NFS lands by 2095, whereas under the Selected Alternative less than 6100 total miles of roads are anticipated to exist by 2095. This translates to substantially lower road densities than under the 1997 Plan. The additional area of POG will function as additional reserves, enhancing the existing reserves, and increasing the habitat quality when located around harvest units. Thus, they substantially greater spatial extent of the old-growth forest on the landscape and fewer roads across the planning area will outweigh the local, adverse effects of young growth harvest proposed by the Selected Alternative in the Old-Growth Habitat LUD, the beach and estuary fringe, and the RMAs (Final EIS, Appendix D).²⁶

The draft ROD says nothing about the potential of the Forest Service's road decommissioning policy to result in new roadless areas on the Tongass. This policy was described in the Roads Specialist's Report attached to the 2001 Roadless Rule FEIS. The Specialist's Report stated that by decommissioning roads, the Forest Service actually will *increase* unroaded areas in the National Forests over time:

The combined effect of implementing the Roads Policy, proposed Roadless Rule, and individual land management plans all within the planning framework established in the Planning Regulations would likely be reductions in road densities and possibly the creation of the unroaded areas. The prohibitions on road construction and reconstruction proposed under Alternatives 2 through 4 would not apply to these newly created unroaded areas.²⁷

At a later point the Report stated "The Agency estimates that unroaded area acres are likely to increase 5% to 10% due to road decommissioning.

²⁵ See page 14 of the draft ROD.

²⁶ See pages 20 -21 of the draft ROD.

²⁷ Report at page 18.

The draft ROD is arbitrary and capricious because it says nothing about the Forest Service's opportunity to create new roadless areas in National Forest System and in the Tongass through road decommissioning. The Forest Service's failure to consider this "important aspect of the problem" makes its decision arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S. Ct. 2856, 77 L.Ed.2d 443 (1989); *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 535, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978).

9. **Renewable Energy.** Page 20 of the carefully worded draft ROD says: "The Selected Alternative accelerates the transition to young growth timber harvest and *alleviates Plan-related impediments* to the production of renewable energy." The draft ROD eliminates the Transportation Utilities System (TUS LUD) which is the "*Plan-related impediment* to the production of renewable energy" to which the draft ROD refers at page 20. The draft ROD correctly states:

[T]he 2008 Plan's direction regarding transportation and utility systems including the TUS overlay LUD, were overly complex, confusing, and difficult to implement, creating an impediment to development of hydropower, other types of renewable energy, and transmission lines needed to connect communities to sources of electric power. Alleviating plan related impediments to considering renewable energy projects is a key consideration to reduce the adverse effect of high energy costs on economic diversification and sustainable economic development in Southeast Alaska.²⁸

However, non-Plan related impediments, such as the Roadless Rule, are not alleviated and will continue to prevent renewable energy development in the IRAs.

In areas on the Tongass outside the IRAs, elimination of the TUS LUD removes a barrier to renewable energy access and development. The Forest Service admitted in a July 20, 2009 letter to Alaska Power & Telephone (AP&T) that a renewable energy project, specifically a hydropower project, sited in a Remote Recreation TUS Avoidance Area could not be analyzed consistent with NEPA because of a fatal flaw in the management direction for that LUD in the 2008 Amended TLMP, that required the Forest Plan to be amended.

The management direction that replaces the TUS LUD is set out in Chapter 5 of the EIS. Chapter 5 provides that:

All National Forest System lands may be suitable for renewable energy sites on a case-by-case basis in consideration of the LUD, ecological and social values, and benefit to Southeast Alaska communities.²⁹ Identifying renewable energy sites as

²⁸ Draft ROD at pages 16 – 17.

²⁹ Use of the term "communities" rather than "ratepayers" throughout the discussion of renewable energy development creates a bias which favors municipally-owned (i.e. "community owned") utilities at the expense of investor-owned or even cooperative utilities.

suitable is not a commitment but only an indication that the use might be appropriate. The addition of the Renewable Energy plan components does not change the need to ensure that resource protection measures are incorporated throughout project level planning, construction and operation of renewable energy sites.³⁰

Chapter 5 of the EIS states: “When a written proposal is submitted, beyond the initial stage, for a renewable energy project, the Chapter 5 plan components [Renewable Energy Standards and Guidelines] take precedence if there is a conflict with management direction in Chapters 3 and 4.” However, Chapter 5 also specifies “consideration of the LUD,” which indicates that Chapters 3 and 4 have precedence. The total effect is circular reasoning that is resolved through discretion of the Forest Service “on a case by case basis” rather than through some sort of predictable, repeatable, and objective process.

Thus, the new Renewable Energy Direction for areas outside IRAs leaves all decision-making power in the Forest Service without criteria for deciding. Saying that suitability as a renewable energy site “is only an indication that the use might be appropriate,” cannot be interpreted in any other way.

Leaving all decision-making power for areas outside IRAs in the Forest Service without criteria for deciding makes the new management direction priorities for responding to renewable energy projects meaningless. The order of priority is:

A decrease in the number of Southeast Alaska rural communities powered by diesel generators;

An increase in energy capacity, efficiency, or storage at existing projects, or

An export of renewable energy resources without power benefiting Southeast Alaska communities.

The flaws inherent in these priorities include:

A decrease in the number of Southeast Alaska rural communities powered by diesel generators. Every community in Southeast Alaska will continue to be “powered by diesel generation” to some extent, as diesel generators are required for guaranteeing adequate back-up capacity, system reliability, maintenance activities, the ability to follow load and meet peak demand, and in some cases frequency control. Thus, there will never be an actual “decrease in the number of Southeast Alaska rural communities powered by diesel generators.” This priority is therefore meaningless.

An increase in energy capacity, efficiency, or storage at existing projects. Every new renewable energy project results in “an increase in energy capacity, efficiency, or storage at existing projects” in that the new project can be operated

³⁰ Proposed new section 5 – 8 of the Forest Plan.

in a manner which displaces and thereby frees-up and increases capacity, energy, and or storage at existing projects. This priority is therefore meaningless in that it would apply to all renewable energy development projects, regardless of location.

An export of renewable energy resources without power benefiting Southeast Alaska communities. Due to the significant expenditures which occur through project development, construction, and operation, every renewable energy development produces significant economic benefits, and therefore fits the description of “power benefitting Southeast Alaska communities,” regardless of market. The same could be said regarding investor-owned projects which generate tax revenue in southeast Alaskan communities. This priority is therefore meaningless in that it would apply to all renewable energy development projects, regardless of market.

There is also a realistic possibility that communities in southeast Alaska might eventually complete additional transmission interconnections to one another, and possibly to the North American grid system through British Columbia; in this case, any renewable energy generation project which was developed within the Tongass under the TLMP may very well sell some of its output outside of Alaska, or engage in “export” activities of one type or another.

This ambiguous and flawed language demonstrates that the Forest Service should not be given broad, subjective discretion over such decisions; why reasonable criteria and guidance is necessary; and why the Forest Service should adopt the Renewable Energy Overlay LUD proposed by Alaska Power & Telephone, Alaska Electric Light & Power, and other utilities throughout Southeast Alaska:

A Renewable Energy Resource Development LUD should be added to the Forest Plan to promote and support all forms of renewable energy development (including geothermal) and related transmission lines within the TNF consistent with Public Laws and National Security and National Energy Policies. The Renewable Energy Development LUD would take precedence over any underlying LUD (subject to applicable laws) regardless of whether the underlying LUD is an “Avoidance LUD” or not. As such, it would represent a “window” through the underlying LUD through which renewable resources could be accessed and developed.

The attached Renewable Energy Overlay LUD has been submitted to the Forest Service numerous times. At one point, the Forest Service specifically indicated that it would be utilizing this approach.³¹ However, for unexplained reasons the Overlay LUD concept has been dropped.

³¹ A letter from Forrest Cole to Alaska Power & Telephone dated March 2nd, 2015 stated that: “A new Renewable Energy Overlay LUD is being developed that will also be included in the DEIS. Because we do not know where all

Chapter 5 has no effect on Renewable Energy projects in IRAs. For example, the Roadless Rule expressly prohibits new geothermal development which the draft ROD implies would be allowed by the Transition Plan.³² In fact, the Roadless Rule denies access to new leases for minerals subject to the Mineral Leasing Act of 1920, including geothermal resources, because of the “potentially significant environmental impacts that road construction could cause to inventory the roadless areas.”³³

The Roadless Rule’s Preambles’ Responses to Comments shows that the Rule also prohibits construction of roads needed to access future hydropower sites and develop support facilities:

Comment on Exiting Authorized Activities. Some respondents were concerned about the impact of the rule on special uses and requested clarification regarding the ability to construct or maintain roads in inventoried roadless areas to access electric power lines or telephone lines, pipelines, hydropower facilities, and reservoirs.

Response. Section 294.14(a) of the proposed rule stated that the rule would not suspend or modify any *existing* permit, contract, or other legal instrument authorizing the use and occupancy of the National Forest System lands. *Existing authorized uses* would be allowed to maintain and operate within the parameters of their current authorization, including any provisions regarding access.³⁴

This conclusion that the 2001 Roadless Rule limits road construction to, and development of, hydropower sites existing at the time the 2001 Roadless Rule was promulgated is specifically stated in the Rule’s Preamble:

The final rule retains all of the provisions that recognize *existing* rights of access and use. Where access to these facilities is needed to ensure safe operation, a utility company may pursue necessary authorizations pursuant to the terms of the *existing* permit or contract.³⁵

Finally, this conclusion is further supported by Table 1, which summarizes the costs and benefits of the Final Rule, describes the impact of the Final Rule on “Special Use authorizations (such as communications sites, electric transmission lines, pipelines)” as follows: “Current use and occupancies not affected, future developments requiring roads excluded in inventoried roadless areas unless one of the exceptions applies.”³⁶

Because there is no mention of *future* utilities, or any mention of hydropower, the application of the *inclusio unus, exclusion alterus* canon of construction, means that the 2001 Roadless Rule does not allow new roads for future development.

future potential projects are, this new Standard and Guide will be used as an overlay, similar to the TUS overlay, allowing projects to proceed through the environmental analysis phase.”

³² Draft ROD at page 16.

³³ 66 Fed. Reg. at page 3256.

³⁴ 66 Fed Reg. *supra.* at 3259. (Emphasis added).

³⁵ 66 Fed. Reg. *supra.* at 3256. (Emphasis added).

³⁶ 66 Fed Reg. *supra.* at 3270.

10. **The Forest Service Should Propose Amendments to the Roadless Rule to Allow Renewable Energy Development.** The draft ROD could have addressed this problem by proposing changes to the Roadless Rule. Alternatives 2 and 3 that were considered in the draft ROD, but not selected, provided for rulemakings to modify the Roadless Rule or to reinstate the Tongass Exemption to allow timber harvest in specified IRAs. Thus, proposing rulemaking to amend the Roadless Rule to allow access to hydropower sites and development of hydropower facilities and other forms of renewable energy including geothermal was demonstrably within the authority of the Forest Service and the scope of the Transition Plan.

Amending the 2001 Roadless Rule to provide access to hydropower sites and development of hydropower facilities is supported by Public Law 106-511 Title VI, which pre-dated the Roadless Rule and provides:

**SEC. 601. SOUTHEASTERN ALASKA INTERTIE
AUTHORIZATION LIMIT.**

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO-111005-105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97-01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed \$384,000,000. Nothing in this title shall be construed to limit or waive any otherwise applicable State or Federal law.

Southeast Conference Report #97-01, which was prepared in 1998, provides for a Southeast Alaska wide hydro power intertie that would substantially lower the cost of power throughout Southeast Alaska. However, neither Public Law 106-511 nor Report #97-01 of the Southeast Conference is even referenced in the draft ROD. Nor are the impacts of the 2001 Roadless Rule upon the Southeast Intertie Project analyzed.

The draft ROD should propose rulemaking to amend the Roadless Rule (36 CFR 294.13(b)(4)) to allow access to, and development of, all forms of renewable energy development (including geothermal) and related transmission lines. Such rulemaking would allow the implementation of Public Law 106-511 Title VI, which Congress enacted prior to the Roadless Rule on November 13, 2000. This Act authorized construction of a Southeast Alaska-wide intertie, (including in the Tongass National Forest).

In addition, the draft ROD needs to authorize implementation of the attached Renewable Energy LUD. The Renewable Energy Development LUD would take precedence over any underlying LUD (subject to applicable laws) regardless of whether the underlying LUD is in an IRA or not. As such, it would represent a “window” through the underlying LUD through which renewable resources could be accessed and developed.

The draft ROD contends that such amendments to the Roadless Rule are unnecessary because:

In May 2012 the Chief of the Forest Service identified a process where the Chief reviews and may authorize certain activities to occur within roadless areas, when consistent with the Roadless Rule. Projects are reviewed by the Chief to ensure the Forest Service is applying a consistent approach to implementation of the 2001 Roadless Rule and that the agency is doing all it can to protect roadless area characteristics. Since 2012, the Tongass has requested and received timely approval from the Chief for qualifying activities within roadless areas, including those in support of hydroelectric energy projects and transmission, and roads rights of way under applicable statutes. Accomplishing the goals of the transition through the Selected Alternative will not be prevented by continued application of the Roadless Rule to the Tongass.³⁷

This is a make weight argument. In essence it claims that decisions regarding projects on the Tongass are better made on the authority of one man in Washington D.C. than by criteria set out in law or regulation. Using the same logic, it could be argued that both the Transition and the Roadless Rule are unnecessary because the Forest Service already has complete authority regarding when and where to prepare a timber sale.

11. Renewable Energy Summary. While the unworkable Forest Service TUS overlay LUD has been removed, the Roadless Rule continues to prohibit geothermal development will continue to either prohibit, or constitute a significant barrier to hydropower access and development. The draft ROD provided for rulemaking to modify the Roadless Rule had Alternatives 2 or 3 been selected. It should have provided for rulemaking to modify the Roadless Rule to make renewable energy development possible on the Tongass.

12. Mining. The draft ROD fails to mention mining. This means that there will be no change from mining's status under the 2008 Amended TLMP.

This represents a missed opportunity to modify the Roadless Rule to increase access to mining claims and development. In its comments on the 5 Year Tongass review and on scoping for the Transition Plan Amendment the Alaska Miner' Association proposed that a Mineral LUD be added to the Plan:

A Mineral and Strategic Mineral LUD should be added to the 2008 Forest Plan to promote and support mineral and strategic mineral development and related access roads consistent with National Security and National Strategic Mineral Policies. The Mineral and Strategic Mineral LUD would take precedence over any underlying LUD (subject to applicable laws) regardless of whether the underlying LUD is an "Avoidance LUD" or not. As such, it would represent a "window" through the underlying LUD through which minerals and strategic minerals could be accessed and developed.

³⁷ Draft ROD at page 17.

The Mineral LUD is attached. It is still a good idea.

Conclusion. The draft ROD misleads by failing to address prior commitments. The draft ROD admits that there is no current market for young growth timber. The draft ROD misses opportunities to resolve problems. The draft ROD's only significant change is to reduce Market Demand from 200MMBF per year to 46MMBF and make economic timber harder to obtain. The commitment to a three-year supply of economic timber sufficient to support an integrated industry is abandoned without mention.

The decision to "protect" certain watersheds known as the "Tongass 77" identified by Trout Unlimited was made without complying with the no more clause - Section 1326 (a) of the Alaska National Interest Land Conservation Act.

Access to and development of geothermal and hydropower in IRAs is unchanged and continues to be prohibited. Access to and development of renewable energy in non-IRA portions of the Tongass is subject to the absolute discretion of the Forest Service without criteria for deciding. Access to and development of mining claims is unchanged. The attached Renewable Energy LUD and Mineral LUD should be adopted to provide access to the capability to develop these resources.

Duly Adopted August 3rd, 2016 by the Greater Ketchikan Chamber of Commerce Board of Directors.

RENEWABLE ENERGY RESOURCE

GOALS

To encourage, facilitate, and expedite the exploration, permitting, development, construction and operation of Renewable Energy Resources in areas of the Tongass National Forest having potential for renewable energy development, including those identified by agencies of the United States, including the Forest Service, the State of Alaska, the Alaska Energy Authority (AEA), and private developers. An existing data base is currently in place and maintained by AEA and can be found by using the following link:

<http://www.akenergyinventory.org/downloads/HYD2011-2/HYD2011-2.kmz>

OBJECTIVES

Apply this management prescription to those public and private project areas having an approved Federal Energy Regulatory Commission (FERC) preliminary permit or other authorization for non-hydropower type renewable energy projects. . Apply this management prescription to project areas having a geothermal lease or lease application with the Bureau of Land Management (BLM). Apply this management prescription to those projects for which application is made for a Special Use Permit to develop a Renewable Energy Resource project.

Use this prescription as criteria in the planning, design, permitting, and development of renewable energy resource projects and plans of operations.

During the period before actual construction of a new Renewable Energy Resource project, the management prescription(s) of the (initial) LUD(s) underlying the project area will remain applicable, but will not interfere with or impede the exploration, feasibility reviews, permitting and development of the Renewable Energy Resource. Upon initiation of construction, and during project operation this Renewable Energy Resource management prescription will apply. The Renewable Energy Resource LUD takes precedence over any underlying LUD (subject to applicable law) regardless of whether the underlying LUD is an Avoidance LUD or not. As such it represents a “window” through the underlying LUD through which renewable energy projects can be built along with road and infrastructure access to such projects.

For application of this LUD Renewable Energy Resources are defined as public and private hydropower, geothermal, wind, hydrokinetic, solar, tidal, wave and biomass.

Construction of a Renewable Energy Resource project requires a Special Use permit, which, in turn, requires a project level NEPA analysis and decisionmaking. Renewable Energy Resource projects may be located in an Avoidance LUD whether or not feasible alternatives exist outside the Avoidance LUD. As required by the Council of Environmental Quality regulations, only

“reasonable alternatives” to the proposed Renewable Energy Resource project need be considered.

Allow special uses and facilities associated with Renewable Energy Resource development. For application of this LUD “associated facility” is defined as any facility or corridor needed to access, develop, construct, and monitor Renewable Energy Resource projects. Examples of such associated facilities include roads, low voltage electrical, high voltage electrical systems, pipelines of any diameter, communication equipment (including radio, microwave, fiber optic cables, and high-speed broadband).

Allow special uses and facilities associated with Renewable Energy Resource development even if a portion of the project is based in waters adjacent to TNF land, such as ocean energy tidal and wave.

Allow special uses and facilities not related to Renewable Energy Resource development if compatible with present or future Renewable Energy Resource development.

If the development of Renewable Energy Resources changes the Recreation Opportunity System (ROS) setting, manage recreation and tourism in accordance with the new setting. Consider the development of recreation and tourism facilities in conjunction with the planning of state or federal highways, and Renewable Energy Resource projects.

Following construction of Renewable Energy Resource projects, lands that are permanently cleared for such projects will be considered unsuitable for timber production.

Renewable Energy Resource projects may dominate the seen foreground area, yet are designed with consideration for the existing form, line, color, and texture of the characteristic landscape.

Minimize and/or mitigate adverse effects to wildlife habitat and populations to the extent feasible.

Maintain the present and continued productivity of anadromous fish and fish habitat to the extent feasible.

DESIRED CONDITION

Renewable Energy Resource projects have been constructed in an efficient, economic, and orderly manner, and have been designed to be compatible with the adjacent LUD to the maximum extent feasible. The minimum land area consistent with an efficient, safe, economic, and maintainable Renewable Energy Resource project has been used for their development. Effects on other resources have been recognized and resource protection has been provided. Other resource uses and activities do not conflict with Renewable Energy Resource project operations.



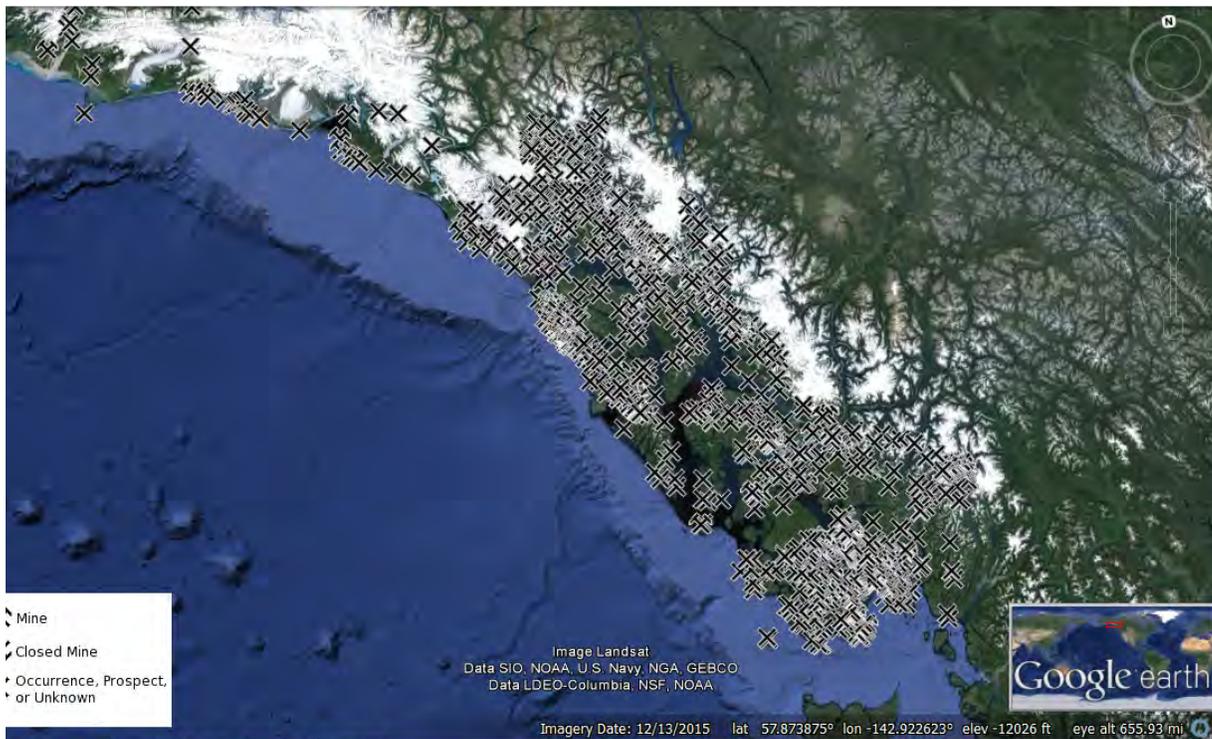
121 W. FIREWEED SUITE 120 | ANCHORAGE, ALASKA | 99503 | 907.563.9229 | ALASKAMINERS.ORG

MINERALS EXTRACTION AND/OR PROCESSING RESOURCE LUD (OVERLAY)

GOALS

To encourage, facilitate, and expedite the exploration, permitting, development, construction and operation of mineral extraction, processing, export, and value added resources in areas of the Tongass National Forest having potential for economic deposits of minerals, including those identified by agencies of the United States, including the Forest Service, Bureau of Land Management, and United States Geological Survey; the State of Alaska Department of Natural Resources; and private developers. Various inventories of mineral occurrences, permissive geology, geophysical anomalies, field mapping and soil, rock, and water geochemical sampling exist in federal, state, and private databases documenting the ubiquitous extent of potential mineral deposits on the Tongass National Forest (TNF). One such database can be found on the USGS website given below and depicted in the following diagram.

<http://mrdata.usgs.gov/general/map.html?x=-152.235438177814&y=64.2410308901166&z=10>



Mineral occurrences have been described in the literature¹. These specific areas should be given planning status under any and all other LUDs as objectives and/or guidelines for mineral development. A general overlay LUD should be incorporated into this planning exercise as described below.

OBJECTIVES

Apply this management prescription to properly located and maintained federal mining claims and those enjoying valid existing rights. Apply this management prescription to areas open to mineral entry and/or managed for locatable minerals, leasable, and saleable minerals. Apply this management prescription to all mineral proposals authorized by plans of operation. Apply this management prescription to those Mineral Extraction and/or Processing projects for which authorization is deemed necessary by a Special Use Permit.

Use this prescription as criteria in the planning, design, permitting, and development of mineral extraction and/or processing projects and plans of operations.

During the period before actual construction of a new Mineral Extraction and/or Processing project, the management prescription(s) of the (initial) LUD(s) underlying the project area will remain applicable, but will not interfere with or impede the exploration, feasibility reviews, permitting and development of the Mineral Extraction and/or Processing Resource. Upon initiation of construction, and during project operation this Mineral Extraction and/or Processing Resource management prescription will apply. The Mineral Extraction and/or Processing Resource LUD takes precedence over any underlying LUD (subject to applicable law) regardless of whether the underlying LUD is an Avoidance LUD or not. As such it represents a “window” through the underlying LUD through which mineral extraction and/or processing projects can be built along with road and infrastructure access to such projects.

For application of this LUD Mineral Extraction and/or Processing Resources are defined as metallic, industrial, and construction geologic materials extracted in situ or the same imported for purposes of value added processing. This would include locatable, leasable, and saleable minerals. Leasable and saleable minerals have not before been analyzed under NEPA for planning purposes. This is an essential step in the management of these minerals, which has potential to adversely affect AMA membership and others interested in leasable and saleable minerals, including but not limited to geothermal, coal, oil and gas, limestone, gravel (crushed or rounded to any degree).

Construction of a Mineral Extraction and/or Processing Resource project outside the bounds of a mining claim may require a plan of operations, which, in turn, may require a project level NEPA analysis and decision making. Mineral Extraction and/or Processing Resource projects may be located in an Avoidance LUD whether or not feasible alternatives exist outside the Avoidance LUD. As required by the Council of Environmental Quality regulations, only “reasonable alternatives” to the proposed Mineral Extraction and/or Processing Resource project need be considered.

¹ Caldwell, ___



Allow special uses and facilities associated with Mineral Extraction and/or Processing Resource development. For application of this LUD “associated facility” is defined as any facility or corridor needed to access, develop, construct, and monitor Mineral Extraction and/or Processing Resource projects. Examples of such associated facilities include roads, vessel loading/unloading facilities, wharves, tailings facilities, stockpiles, warehouses, milling facilities, electrical generation, housing facilities, fuel storage, low voltage electrical, high voltage electrical systems, pipelines of any diameter, conveyors, communication equipment (including radio, microwave, fiber optic cables, and high-speed broadband).

Allow special uses and facilities associated with Mineral Extraction and/or Processing Resource development even if a portion of the project is based on adjacent non-TNF land, such as State of Alaska or private land, including tidelands.

Allow special uses and facilities not related to Mineral Extraction and/or Processing Resource development if compatible with present or future Mineral Extraction and/or Processing Resource development.

If the development of Mineral Extraction and/or Processing Resources changes the Recreation Opportunity System (ROS) setting, manage recreation and tourism in accordance with the new setting. Consider the development of recreation and tourism facilities in conjunction with the planning of state or federal highways, and Mineral Extraction and/or Processing Resource projects.

Following construction of Mineral Extraction and/or Processing Resource projects, lands that are permanently cleared for such projects will be considered unsuitable for timber production. To the extent practicable, Mineral Extraction and/or Processing Resource projects would be reclaimed to a condition consistent with management for the pre-existing underlying LUD.

Mineral Extraction and/or Processing Resource projects may dominate the seen foreground area, yet are designed with consideration for the existing form, line, color, and texture of the characteristic landscape.

Minimize and/or mitigate adverse effects to wildlife habitat and populations to the extent practicable.

Maintain the present and continued productivity of anadromous fish and fish habitat to the extent practicable.

DESIRED CONDITION

Mineral Extraction and/or Processing Resource projects have been constructed in an efficient, economic, and orderly manner, and have been designed to be compatible with the adjacent LUD to the maximum extent practicable. The minimum reasonable land area consistent with an efficient, safe, economic, and maintainable Mineral Extraction and/or Processing Resource project has been used for their development. Effects on other resources have been recognized and resource avoidance, protection, or mitigation has been provided. Other resource uses and activities do not conflict with Mineral Extraction and/or Processing Resource project operations.

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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

SEP 17 2008

TO: Abigail Kimbell, Forest Service Chief
FROM: Mark Rey, Under Secretary Natural Resources and Environment *Mark Rey*
SUBJECT: Discretionary Review of the Tongass Land Management Appeal Decision

On August 22, 2008, you Chief transmitted your decision on the appeals of the Final Environmental Impact Statement and Record of Decision for the 2008 Amendment to the Tongass Land and Resource Management Plan (Amendment). In summary, the decision affirmed the selection of Alternative 6 with modifications and approved the Amendment with direction to clarify whether or not temporary roads were considered in the analysis of environmental consequences.

To date, I have received three requests from the Alaska Forest Association, the Southeast Conferences, and a private citizen to utilize my authorities under 36 CFR 217.7 (d)(2) to provide a discretionary review of appeal decisions by the Chief. I will not exercise this option to review the decision. Therefore, your decision becomes the final Agency action. I will, however, provide additional direction to the Forest Service to assist in plan implementation in order to achieve Agency's multiple use mandate.

Virtually all of the Tongass Futures Roundtable supported the continued existence of a sustainable forest products industry in southeast Alaska as an essential component of the region's economy. In order for the industry to become sustainable, it will require additional integration and further investments to properly utilize low value timber. Additionally, the better utilization of low value timber will by itself improve timber sale economics, as well as lower the harvesting pressure in sensitive areas driven by the need to secure higher value timber. Given the precarious nature of the Tongass timber sales program over the past few years, no prudent investor would underwrite the cost of additional infrastructure to achieve higher levels of fiber utilization and higher value manufacturing. This quandary must be addressed during plan implementation, specifically in the following areas:

1. **Comparison of 1997 Record of Decision with the 2008 Record of Decision Economic Differences:**
Numerous comments on the DEIS Amendment stated that insufficient changes in the 1997 Forest Plan were offered to provide cost efficiencies sufficient to generate economical timber sales. With the modifications provided in the FEIS and Record of Decision for the Amendment, I am directing the Forest to address more specifically how the current decision differs in cost effectiveness from the 1997 Decision. This assessment should address specific cost differences as a

result of modified Standards and Guides from the 1997 Decision to the present. To the extent the Standards and Guides as modified still fall short of allowing economic timber sales, the Forest should develop a plan of work to further improve timber sale economics through additional work, including (if necessary) modifications to Standards and Guides. If any Standards and Guides changes would require subsequent plan amendment that should be noted in the work plan before such a course of action is considered.

2. Timber Sale Economics:

Throughout the Amendment process the issue of the Forest Service's ability to produce economical timber sales has been a center of considerable controversy. I am directing the Forest to aggressively assess the economics of timber sales on the Tongass National Forest to address this issue. This assessment should address short-term and long-term abilities and any additional authorities necessary to make timber sales offered for sale economical.

3. Additional Acres Suitable for Timber Harvest:

As with the issue of economical timber sales, there is considerable controversy over whether or not the lands available for timber harvest provide sufficient volume necessary to re-establish an integrated industry in Southeast Alaska. I am directing the Forest to assess volume availabilities both inside timber harvest land use designations and outside those lands (with the exception of Congressionally designated lands) to determine if additional acres will need to be included to accomplish the objective of establishing a fully integrated industry in the Southeast Alaska. Conversely, I would like the Forest to develop an assessment of whether any potential changes resulting from the above analysis might also merit recommendations to place additional acres in non-development LUD's to meet ecosystem service goals of the Forest. Once again, any recommendations that would require subsequent plan amendment should be noted in the assessment before such a course of action is considered.

4. A Fully Integrated Forest Products Industry:

I am also directing the Forest to develop a work plan and proposed budget necessary to offer four ten-year timber sales, each with an average volume of 15-20 MMBF per year. These longer sales, each are the best way to provide sufficient assurances to support the necessary investment in new and upgraded manufacturing facilities.

5. Utilization and Management of Younger Stands:

It is also clear from discussions of the Tongass Futures Roundtable that both young growth commercial harvest and young growth management for wildlife and/or timber production are promising components of an integrated forest products industry. I would like the Forest to develop a work plan and proposed budget to accelerate opportunities for both commercial harvest of young growth and young growth management for wildlife and timber production, and to assess how this would contribute to the objective of establishing an integrated industry.

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I encourage the Forest to actively involve the Tongass Futures Roundtable in the efforts described above. In accordance with the Memoranda of Understanding with the State of Alaska, I expect the Forest to aggressively involve the State in implementing both this direction and the Tongass Plan. Please prepare a response by October 30, 2008 outlining how the Forest Service will address this direction. None of the above direction is outside of the Record of Decision. Therefore, plan amendments should not be necessary.

cc: Denny Eschor
Forrest Cole



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February 18, 2016

Forest Supervisor, Tongass National Forest
Attn: Forest Plan Amendment
648 Mission Street
Ketchikan, AK 99901

Subject: Comments on TLMP

The Greater Ketchikan Chamber of Commerce is a diverse community-based organization comprised of over 200 members, including private sector businesses, non-profit organizations, and local governments. The Ketchikan Chamber of Commerce believes that progress is best made through unity. We bring businesses, investors, and customers together, and work towards the common goal of encouraging a sustainable economy which can preserve the socioeconomic well-being of our community, and the families who call it home.

Approximately 90% of southeast Alaska is subject to federal ownership. The majority of this land is the Tongass National Forest, which comprises 16.9 million acres of Southeast Alaska. The Tongass is endowed with a wealth of timber and mineral wealth which helped support the initial development of Alaska Territory, the development of Ketchikan and many other rural communities, and the economic case for eventual statehood.

The Ketchikan Chamber of Commerce supports management of the Tongass in a manner which sustains the economic well-being of the region. In light of the limited economic and population growth in Southeast Alaska, it is essential that additional timber, mineral, and renewable energy resources within the Tongass be developed to grow the region's economy, and strengthen rural communities like Ketchikan. Our comments on the US Forest Service's Draft EIS for the proposed Tongass Transition Plan Amendment, which follow below, reflect this need.

The Ketchikan Chamber of Commerce comments incorporate by reference the comments made on this Transition Plan Amendment by the Alaska Forest Association (AFA), the Alaska Miners Association (AMA), Southeast Conference, and the Resource Development Council (RDC).

Comments on the DEIS for the USFS's Proposed Tongass Transition Plan Amendment to the Current 2008 Amended Tongass Land Management Plan (TLMP)

Management Practices in General

The Forest Service should re-delegate to the Forest Supervisor and District Rangers the authority to make permitting decisions within IRAs.

Logging roads constructed during initial timber harvest activities can be very beneficial to subsequent harvest rotations. The practice of road decommissioning is expensive, wasteful, unnecessary, and reduces ancillary community benefits

such as access for tourism, hunting, fishing, hiking, wildlife viewing, subsistence activities, and more.

Timber

Generally, the Ketchikan Chamber of Commerce concurs with the comments of the AFA. In addition, the following issues are of particular concern.

The DEIS erroneously blames the closure of pulp mills on poor markets. In fact, it was the USFS's changes to timber supply contracts which undermined the economic viability of the pulp mills, and led to their closure. Similarly, southeast Alaska's timber industry and employment has constricted severely over the last decade due to the USFS's inability to provide a reliable, meaningful, and consistent supply of timber.

Southeast Alaska's communities and businesses did not seek the transition to a young growth-based timber industry. The concept was not locally-generated in support of commonly-held community socioeconomic goals. The DEIS acknowledges that the Transition strategy originated from the Secretary of Agriculture, who imposed this concept upon the region. The DEIS fails to mention that the Transition strategy has met with significant opposition by the timber industry, the State of Alaska, the Alaska Congressional Delegation, and many communities in the region due to the fact that it has strong potential to undermine existing industry, and result in economic harm to communities, businesses, and families. The Ketchikan Chamber is concerned by the fact that the Transition seems motivated by political opportunity, rather than by economic opportunity, or commonly-held community values, goals, and objectives.

An expedited transition to a young growth-based industry is a highly speculative, risk-laden decision. There is a strong chance the transition may not be financially, economically, or technically feasible, and that it might fail. Ketchikan and other communities throughout southeast Alaska would bear the consequences of a failed experiment. The USFS is betting southeast Alaskan jobs and livelihoods upon a successful outcome. It would be far less risky for the USFS to follow-through on its existing commitment to meet demand and sustain businesses and families through a reliable, adequate supply of old growth timber. The DEIS does not analyze the potential impacts and costs to businesses and communities if the USFS's proposed experiment fails.

Alarmingly, much of the analysis which supports the USFS's gamble is inadequate, insufficiently developed and/or flawed, which sets up the proposed transition for failure, and southeast Alaskan communities for significant harm.

- The DEIS fails to acknowledge that the USFS does not have an adequate inventory of existing young growth stands which produces the sound information necessary to inform a Transition strategy, and support economically responsible decisions which can maintain the economic well-being of communities like Ketchikan. The agency's timber growth model appears to significantly overstate young growth timber volumes.
- A credible financial analysis is necessary to meet the Secretary of Agriculture's Memorandum 1044-009, which directs the USFS to "maintain

the existing industry.” The USFS has not completed a credible financial analysis of the feasibility of manufacturing timber products, exporting logs, or biomass manufacture/utilization under the proposed Transition. Instead, the DEIS relies heavily on a 2009 Nature Conservancy report to assert that young growth manufacturing in southeast Alaska is currently feasible. The DEIS fails to mention that the Nature Conservancy’s report indicates that current manufacturing of young growth would require federal subsidies.

- Timber and forest products businesses have identified a wide variety of very credible flaws and errors within the USFS’s draft, revised demand analysis. These concerns are detailed within the AFA’s comments. The Chamber is concerned that faulty assumptions and errors in the demand analysis result in flawed economic benefit and job creation benefit projections within the DEIS.
- There is a need for higher quality “investment grade” information, including detailed stand-by-stand analysis for all young growth stands within the identified young growth timber base, and bankable feasibility studies for suggested harvest and manufacturing operations. The private sector should conduct a peer review of this information, including detailed business plans with financial pro formas. The USFS should not attempt to invest in a transition to new industry sectors / business lines without “investment grade” analysis, and bankable feasibility information.
- On page 3-2, the EIS includes a brief paragraph on nonrenewable resources, which asserts that the gradual decline of old-growth habitat may be considered irreversible. This is incorrect; trees are considered renewable because they will regrow.
- There are 9.765 billion acres of forests on the earth. The 1.7 million acres of timber within the Tongass which were dedicated in the 1980s for timber harvest are equivalent to 0.017% of the earth’s forests. The 23,000 acres of old growth scheduled for harvest over the next 25 years is equal to 0.00023% of the earth’s forests.
- From a global carbon / climate change perspective, harvesting this timber has nearly inconsequential impacts on climate change – particularly because these trees will regrow. The cycle of regrowth is not considered within the analysis.
- Moreover, timber is a global commodity; if demand for timber is not met by the Tongass, it will be met by a supply from other sources. From a global perspective, saving a tree within the Tongass only means loss of a tree (and job creation) elsewhere. Thus, saving Tongass timber results in little to no net global climate change benefit; only displacement of Alaskan jobs to other regions.
- The USFS could maximize potential carbon reduction benefits through utilization of renewables and clean hydropower in the Tongass as an alternative to coal and natural gas-fired generation in the lower 48 States. However, this opportunity is not examined or even discussed within the DEIS.

Wolves

The DEIS should be updated to reflect the fact US Fish and Wildlife Service found that the so-called Alexander Archipelago wolf is not a subspecies, and denied the petition to have it listed as threatened or endangered. (Ex: statement on page 3-222). The DEIS should utilize the term “grey wolves” or “timber wolves” in place of the term “Alexander Archipelago wolves,” which is technically inaccurate, and misleading.

Tourism

The DEIS contains statements suggesting that southeast Alaska’s tourism industry is dependent upon the presence “undisturbed forest lands.” This is grossly inaccurate; the vast majority of tourists visiting southeast Alaska visit via cruise ships. The limited areas of the Tongass which they view have already been impacted by prior timber harvest activities. The few tourists who visit the forest by alternatives to cruise ships do so primarily by driving road systems which were constructed by the timber industry.

The DEIS should be updated to reflect the fact that southeast Alaska has supported a robust tourism industry that has grown over time despite the presence of previously-harvested areas.

The DEIS should also be updated to reflect the fact that road systems constructed by the timber industry have helped to support tourism by providing access for a wide variety of activities, including hunting, fishing, hiking, birding, wildlife viewing, photography, recreational vehicle use, boating/kayaking, and more.

Mining

Generally, the Ketchikan Chamber of Commerce concurs with the comments of the AMA. In addition, the following issues are of particular concern.

- 36 C.F.R. Part 228 provides for “reasonable access” to locatable minerals in both Wilderness Areas and Inventoried Roadless Areas. Due to the nature of equipment and processes involved in typical mining operations, the TLMP amendment must interpret “reasonable access” to mean road access. Rock is heavy and voluminous. Helicopters are oftentimes prohibitively expensive, and incapable of transporting heavy equipment required for mining exploration and development under standard industry practices. The DEIS should be updated to include clear guidelines requiring that “reasonable access” for mining operations in the Tongass be interpreted to mean “road access.”
- While the 2001 Roadless Rule allows “reasonable access” to locatable minerals, it denies access to new leases subject to the Mineral Leasing Act of 1920, as well as leases for geothermal energy resources “because of the potentially significant environmental impacts that road construction could cause to inventoried roadless areas.” There is no explanation in the 2001 Final Roadless Rule and ROD why the access impacts to IRAs associated with locatable minerals is different from the access impacts associated with leasable minerals.

- Prohibiting road construction to access future mineral leases and renewable geothermal resources constitutes a “withdraw” under ANILCA. Yet the USDA did not notify Congress, or seek a required Congressional joint resolution approving the withdraw, as required by law. Thus, the Mineral Leasing Act withdrawals made by the Roadless Rule are illegal, and should terminate consistent with ANILCA § 1326.
- The alternatives examined in the TLMP Amendment should include a specific requirement for timely (30 day turnaround) issuance of Forest Service Special Use Permits for those holding mining claims.

Renewable Energy (Including Hydropower)

Generally, the Ketchikan Chamber of Commerce concurs with the comments of the AMA. In addition, the following issues are of particular concern.

- Consistent with National Energy Policies, the TLMP Amendment should include alternatives with a clear, consistent, enforceable Renewable Energy Development LUD which promotes and supports renewable energy development and related transmission lines within the Tongass. The currently-proposed forest-wide standards and guides are too vague to be enforceable, and do not provide adequate direction to the USFS, or assurance and certainty to developers. The Ketchikan Chamber advocates use of the Renewable Energy Development LUD recommended by the AMA’s comments.
- The USFS should ensure that renewable energy developers are able to construct roads required in support of renewable energy project development. Roads are needed to transport heavy equipment, supplies, and materials in accordance with standard renewable energy sector construction practices. Attempting to develop renewable projects via helicopter neither technically nor economically infeasible.
- There is no renewable energy project in southeast Alaska that is “without benefit to Southeast Alaska communities.” Even if power is not utilized locally, renewable energy projects in the Tongass create rural “green jobs,” local expenditures, and local tax revenue in southeast Alaska – all of which are meaningful “benefits.” Benefits of this type are particularly important given the facts that southeast Alaska has lost many timber sector legacy jobs, has experienced anemic economic growth, and is at heightened risk of economic contraction due to the State of Alaska’s ongoing fiscal crisis.
- The USFS should provide for equal treatment of developers, and abandon language that prioritizes or deprioritizes projects based upon their intended market or user.
- The Ketchikan Chamber of Commerce agrees with the concept of prioritizing access to renewable energy (including hydropower) in all LUDs, whether they are an “avoidance LUD” or not.
- Despite the DEIS’s emphasis on climate change and carbon offset in regard to abstaining from cutting Tongass timber, there is no credible analysis or even discussion of the much greater carbon reduction benefits which can result from using renewable energy and clean hydropower in the Tongass as an alternative to fossil fuel-based generation in the lower 48

States. The benefits of this course of action are significantly greater than benefits of timber harvest avoidance and even displacement of remaining diesel-based generation in Alaska. These potential benefits should be identified, and quantified under Interagency Working Group for Social Cost of Carbon standards, consistent with EO 12866, and federal energy / environmental policy.

The Ketchikan Chamber of Commerce requests a detailed response to its comments as NEPA requires. As the Court observed in *Earth Island Institute vs. U.S. Forest Service*, 697 F.3d 1010, 1020 (9th Cir. 2012): “In the context of environmental impact statements, NEPA requires agencies to respond explicitly and directly to ‘responsible opposing view[s]’.” See also *Greenpeace vs. Cole* Fed. Appx. 925, 928 (stating the Forest Service must discuss in the final statement “any responsible opposing views”).

Thank you for the opportunity to comment. Please let me know if you have any questions regarding the Ketchikan Chamber’s comments and proposals.

Respectfully-

Julie Isom

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