

TONGASS NATIONAL FOREST PLAN AMENDMENT
OBJECTION RESOLUTION MEETING

VOLUME IV

KTOO Television Station

Media Room

Juneau, Alaska

October 17, 2016

BEFORE:

REVIEWING OFFICER BETH PENDLETON;

REGIONAL FORESTER ALASKA

EARL STEWART, TONGASS FOREST SUPERVISOR

FACILITATOR: JAN CAULFIELD

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1 PROCEEDINGS
 2 (Juneau, Alaska - 10/17/2016)
 3 (On record)
 4 MS. CAULFIELD: Good morning, everyone.
 5 It's 10:00 or a few minutes thereafter and I think we
 6 will go ahead and get started here. I want to welcome
 7 you all and thank you very much for coming to the
 8 Tongass National Forest Plan Amendment Objections
 9 Resolution Meeting here in Juneau.
 10 My name is Jan Caulfield and I'm a
 11 contract facilitator who lives here in Juneau, so
 12 appreciate all of you coming today and the next few
 13 days to discuss these important issues.
 14 I think as you all know the meeting
 15 process actually began last week in Ketchikan. We met
 16 for three days in Ketchikan and several of you were
 17 there and many of you were on the phone and we're happy
 18 to have you here in person.
 19 I just wanted to take a few minutes to
 20 get us started with some housekeeping things. The
 21 agenda is available out in the entry to this room. Of
 22 course we're on what we're calling Day 4, October 17th,
 23 Monday, here in Juneau. That outlines what we'll be
 24 talking about today and I'll be getting to that in more
 25 detail in a minute. It's also available online.

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1 Here in the room, please go ahead and
 2 turn your cell phones on something quiet so it doesn't
 3 disturb you, so please mute them. Very important if
 4 you are participating on the teleconference phone
 5 please do keep your phones on mute so that we don't
 6 hear background noise unless you're speaking.
 7 We are recording the meeting and there
 8 will be a full transcript, so that's why we're using
 9 microphones even though we're in a space where we could
 10 probably hear each other pretty well, but the
 11 microphones help with that. A simple push of the
 12 button and then pushing it back off when you're done.
 13 Looking a bit at the outcomes we're
 14 looking for from the meeting there's two key outcomes.
 15 One is those who are participating in the meeting
 16 understand the Tongass National Forest Plan Amendment
 17 Objection Review process and the status of the process,
 18 where we are in the process, how the information
 19 discussed at these meetings will inform the final
 20 decision on the Forest Plan Amendment and what the next
 21 steps are after these meeting days are over.
 22 The bulk of the meeting is really for
 23 the second outcome. For the topics that are identified
 24 for consideration at the meeting and those are all
 25 listed in the agenda. The objectors and interested

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1 persons have an opportunity to discuss and clarify
 2 those objections with the Reviewing Officer and that's
 3 Beth Pendleton and suggest opportunities for
 4 resolution.
 5 So that's what we're aiming for. My
 6 role as a facilitator is to help keep things organized
 7 and support you all in your discussions.
 8 In terms of sort of ground rules for
 9 how we're working, I think we had a really great
 10 several days in Ketchikan. We really appreciate the
 11 people are respecting the process that we laid out,
 12 respecting whatever time limits we have on speaking so
 13 that there's equitable opportunity for everybody and
 14 just really respectful communication and that's how it
 15 felt to me last week and I really appreciate that and
 16 that's what we're aiming for in these days too.
 17 What I want to say about the space that
 18 we're in, we're at KTOO, which is Juneau's public radio
 19 and television station. Amazingly enough they run
 20 three radio stations out of here. So it's a
 21 magnificent building. It's called At 360. It's a
 22 production space. They do things in here. But I think
 23 it's going to work really well for us as well.
 24 The exits for safety include the one
 25 that you came in and then this one is your best bet.

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1 These double doors go right out to the parking lot. So
 2 in case of an emergency heading out those doors.
 3 There's two restrooms down the hall here. If you don't
 4 want to wait for those, there's also restrooms upstairs
 5 right near the top of the stairs that are available.
 6 The one thing that I want to call your
 7 attention to on this little hallway is it is a little
 8 bit uneven. The floor goes up and it goes back down,
 9 so just be aware when you're heading that direction. I
 10 don't want anybody to trip.
 11 Getting into introductions, before we
 12 get started, both in the room here this morning and on
 13 the phone we have people that have been identified for
 14 purposes of this process as either objectors or
 15 interested persons for each of the issues that are on
 16 the agenda.
 17 The meetings are also open to the
 18 public just from the standpoint of listening only. So
 19 I see a few of you are here and I really appreciate
 20 your taking the time to come as well to listen to the
 21 conversations.
 22 I think what I'd like to do is let Beth
 23 and Earl introduce themselves and then I'll go through
 24 kind of polling to see which objectors and interested
 25 persons are here and then we'll introduce the rest of

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1 the Forest Service staff and then we'll be ready for
 2 you to do some opening remarks, Beth.
 3 MS. PENDLETON: Good morning,
 4 everybody. It's good to have you here. I'm looking
 5 forward to the next few days and the continuation of
 6 the discussion.
 7 I'm Beth Pendleton. I'm the Regional
 8 Forester. I've been in this position for about six and
 9 a half years. I'm located here in Juneau, but work
 10 Southeast and Southcentral wide.
 11 MR. STEWART: Good morning. My name is
 12 Earl Stewart. I'm the Forest Supervisor on the Tongass
 13 National Forest. Been in this position about two years
 14 at this point in time. Not only as Forest Supervisor,
 15 but my attendance here is as a responsible official.
 16 Thank you.
 17 MS. CAULFIELD: Chris.
 18 MR. FRENCH: Good morning. My name is
 19 Chris French. I'm the director of the Ecosystem
 20 Management Coordination in the National Headquarters,
 21 Washington office. EMC oversees the National
 22 Environmental Policy Act, land management planning and
 23 MFA litigation monitoring and those sorts of issues.
 24 Land management planning, the objection appeals process
 25 is something we manage nationally.

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1 MS. HOWLE: Good morning, everyone.
 2 I'm Susan Howle. I'm the project manager and team
 3 leader for the Forest Plan Amendment planning process.
 4 I'm located in Ketchikan.
 5 MS. LISOWSKI: Good morning, everyone.
 6 I'm Maria Lisowski. I'm the Director of Ecosystem
 7 Planning and Budget for the Alaska Region here in
 8 Juneau.
 9 MS. DALE: Good morning. I'm Robin
 10 Dale. I'm the Group Leader for Administrative Reviews,
 11 Litigation and FOIA for the regional office in Juneau
 12 and I'm the Review Coordinator for the Tongass
 13 Objections.
 14 MS. FENSTER: Good morning. I'm Dru
 15 Fenster. I'm a Public Affairs Specialist located at
 16 the Regional Office in Juneau, responsible for media
 17 outreach and I'm the timekeeper today.
 18 MS. CAULFIELD: Thanks. And although
 19 this feels a little bit like grammar school, what we
 20 have found works best since we aren't entirely sure
 21 who's on the phone is I'm going to read through the
 22 different listed objectors and interested persons and
 23 we'll see who is joining us on the phone.
 24 Alaska Forest Association. Anyone on
 25 from Alaska Forest Association this morning?

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1 (No response)
 2 MS. CAULFIELD: Not yet. He may join
 3 later. Alaska Miners Association. Frank, do you want
 4 to introduce yourself and who you're representing.
 5 MR. BERGSTROM: Frank Bergstrom
 6 representing Alaska Miners Association and First Thing
 7 First Alaska Foundation.
 8 MS. CAULFIELD: Thanks, Frank. Alaska
 9 Power and Telephone. Do we have Bob Grimm on the phone?
 10 (No response)
 11 MS. CAULFIELD: Not yet. Alaska
 12 Wilderness League?
 13 (No response)
 14 MS. CAULFIELD: Alcan Forest Products.
 15 (No response)
 16 MS. CAULFIELD: Audubon Society, Susan.
 17 MS. CULLINEY: This is Susan Culliney,
 18 Audubon Alaska.
 19 MS. CAULFIELD: Cascadia Wildlands.
 20 (No response)
 21 MS. CAULFIELD: Center for Biological
 22 Diversity.
 23 (No response)
 24 MS. CAULFIELD: City of Wrangell.
 25 Carol, are you on the phone?

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1 (No response)
 2 MS. CAULFIELD: Jim.
 3 MR. CLARK: Good morning. I'm
 4 representing myself.
 5 MS. CAULFIELD: Thanks. Defenders of
 6 Wildlife.
 7 MR. LAVIN: Yeah, Pat Lavin is on.
 8 MS. CAULFIELD: Hey, Pat. Good
 9 morning. Earthjustice.
 10 (No response)
 11 MS. CAULFIELD: GEOS Institute.
 12 (No response)
 13 MS. CAULFIELD: Greater Southeast
 14 Alaska Conservation Community.
 15 (No response)
 16 MS. CAULFIELD: Greenpeace.
 17 (No response)
 18 MS. CAULFIELD: Hyak Mining.
 19 (No response)
 20 MS. CAULFIELD: Eric Lee.
 21 (No response)
 22 MS. CAULFIELD: Ketchikan Chamber of
 23 Commerce.
 24 (No response)
 25 MS. CAULFIELD: Ketchikan Gateway

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1 Borough.
 2 (No response)
 3 MS. CAULFIELD: Jim, you're here
 4 representing Governor Murkowski as well?
 5 MR. CLARK: That's correct.
 6 MS. CAULFIELD: Natural Resources
 7 Defense Council.
 8 (No response)
 9 MS. CAULFIELD: Resource Development
 10 Council.
 11 (No response)
 12 MS. CAULFIELD: Southeast Conference.
 13 (No response)
 14 MS. CAULFIELD: Southeast Alaska
 15 Conservation Council. Meredith.
 16 MS. TRAINOR: Meredith Trainor,
 17 executive director of Southeast Alaska Conservation
 18 Council.
 19 MS. CAULFIELD: Thank you. Sealaska
 20 Corporation.
 21 (No response)
 22 MS. CAULFIELD: Sierra Club.
 23 (No response)
 24 MS. CAULFIELD: The Sitka Conservation
 25 Society.

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1 (No response)
 2 MS. CAULFIELD: Chris Maisch from the
 3 State. The Boat Company.
 4 (No response)
 5 MS. CAULFIELD: Trout Unlimited.
 6 MR. WILLIAMS: Hi. Austin Williams.
 7 MS. CAULFIELD: Trust Land Office.
 8 (No response)
 9 MS. CAULFIELD: Margo Waring.
 10 (No response)
 11 MS. CAULFIELD: George Woodbury.
 12 (No response)
 13 MS. CAULFIELD: And then four
 14 interested persons. Denise Boggs.
 15 (No response)
 16 MS. CAULFIELD: Jason Custer.
 17 (No response)
 18 MS. CAULFIELD: Tony Gallegos.
 19 (No response)
 20 MS. CAULFIELD: And Ara Marderosian.
 21 (No response)
 22 MS. CAULFIELD: Okay. Thank you.
 23 Because the topics that we're talking about first thing
 24 this morning are laying the groundwork and in a sense
 25 repeating a lot of information that we delivered the

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1 first day in Ketchikan because we were thinking we
 2 would have new people in Juneau and that is the case.
 3 I know that some people that aren't here with us yet
 4 will be here this afternoon.
 5 Beth, with that, I'll turn it over to
 6 you for opening.
 7 MS. PENDLETON: Welcome and glad to see
 8 you all here. I just wanted to set a little bit of a
 9 stage this morning. I'm the Reviewing Officer, so
 10 under the 2012 Planning Rule the sort of final pre-
 11 decisional administrative process is the objection
 12 resolution. So in the capacity of the Reviewing
 13 Officer I oversee the process really to ensure a timely
 14 review of all of the objections and also to consider
 15 and seek possible remedies before a final decision is
 16 made on the Plan Amendment.
 17 As we go through the proceedings and I
 18 know several of you were with us down in Ketchikan last
 19 week, but my interest is to seek clarity for each of
 20 these issues. I have a number of questions. I had the
 21 opportunity to review all of the objections and
 22 consider questions that I have to get a better
 23 understanding as well as to seek potential remedy.
 24 As I stated last week, this is a
 25 negotiation meeting, but it's more of a focus around

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1 inquiry, gaining greater understanding and an
 2 opportunity to explore potential remedy.
 3 No decisions are made at this meeting.
 4 However, the dialogue that occurs here all of the input
 5 from objectors and interested persons will be carefully
 6 reviewed as I prepare a final written response, which
 7 will go to all objectors and will also go to Earl
 8 Stewart, who is the responsible official.
 9 Earl is the decision-maker in this
 10 process, but we'll be providing input to Earl as it
 11 relates to a Final Record of Decision. So it's
 12 important that he is here listening. He may be asked
 13 on occasion to answer a question, but he is here to
 14 listen and to gain that greater clarity and
 15 understanding.
 16 I'll also be considering whether the
 17 decision in the draft is the right decision. If there
 18 are opportunities to strengthen that, also looking at
 19 what is in the Plan and the FEIS and do they support
 20 the draft decision that Earl has produced.
 21 So that's the focus for this week. I
 22 think we had some good conversation last week. I know
 23 that these discussions are helping me as I prepare that
 24 final response and direction to Earl.
 25 Thank you for carving out time this

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1 week. I know this is a commitment of everyone's time,
 2 but I'm glad that you're here and I'm looking forward
 3 to the next few days.

4 MS. CAULFIELD: Okay. Thanks, Beth.
 5 Just a little bit more about the agenda before I turn
 6 it over to Sue Howle for an overview of the Forest Plan
 7 Amendment process. After that Beth and I will do a
 8 little bit more on how the objection process works and
 9 how these meetings will work. At 1:00 today we'll
 10 begin our issue discussion on the application of the
 11 Roadless Rule.

12 Tomorrow we have morning and afternoon
 13 dedicated to one issue, harvest and components of the
 14 wildlife conservation strategy and other area. On
 15 Wednesday, the morning will have discussion of a few
 16 other topics, assessment of wolf and deer on Prince of
 17 Wales Island and impacts of the Amended Plan, forest
 18 plan on mining and mineral land use designations.
 19 Wednesday afternoon will be dedicated to the discussion
 20 of the issue of market demand.

21 One thing that's important to point out
 22 is that we've really tried on the agenda to give ample
 23 time for discussion, for questions, for conversation.
 24 Sessions may end early. We may take a longer lunch
 25 break if we end early this morning. We will always

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1 stick with the start time for each agenda topic that we
 2 listed in our agenda.

3 I think with that, Sue, I'll give you
 4 my spot up here and we'll let Sue introduce herself
 5 again and offer an overview of the Forest Plan
 6 Amendment and the process.

7 MS. HOWLE: Good morning, everyone.
 8 I'm Susan Howle. As I mentioned before, I was the team
 9 leader for the Interdisciplinary Team taking this team
 10 of about 20 program leads on the Tongass through the
 11 planning process. So what I want to do today is just
 12 kind of give a little bit of an overview, sort of talk
 13 about the milestones that we reached and just kind of a
 14 summary of our planning effort. So I'll just start out
 15 sort of highlighting some of our schedule milestones.

16 We had a Notice of Intent published in
 17 the Federal Register on May 27th, 2014 which was
 18 announcing our intent to do an EIS and a plan amendment
 19 developed under the 2012 Planning Rule. We had a
 20 scoping period from May 27th to June 26th in 2014.

21 Because there was going to be a lot of
 22 time between scoping and the release of the Draft EIS,
 23 we decided to have some open house meetings just as an
 24 opportunity to share with the public the direction we
 25 were going and what we had available to share at that

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1 time. So those meetings took place in Ketchikan,
 2 Juneau and Sitka back in January and February of 2015.

3 When Earl came on board, we also did a
 4 corrected Notice of Intent to assign him the duties of
 5 being the responsible official for the Plan Amendment
 6 and that occurred in June of 2015.

7 Our Notice of Availability for the
 8 Draft EIS went out on November 20th and then we had a
 9 90-day comment period. We also held open houses and
 10 subsistence hearings in nine communities and those took
 11 place in January and February of 2016. We received
 12 150,000 comments on our draft and I'll be talking about
 13 that in a little bit.

14 The Notice of Availability of the Final
 15 EIS and Draft ROD was published on July 1st and that
 16 initiated the objection filing period and that's kind
 17 of where we are now. We're having objection resolution
 18 meetings now. As Reviewing Officer, Beth will consider
 19 the objections and provide a response to the objections
 20 no later than November 28th. We plan to issue a
 21 decision approving the Final ROD and Plan in December
 22 of this year.

23 So let me just give you a little bit of
 24 context. I think if you've read the EIS you know in
 25 Chapter 1 we provided a little bit of background and I

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1 think it was entitled factors that led to the need for
 2 change. Those were just kind of taking you through
 3 like 2008 to 2013.

4 We had a five-year review of the Forest
 5 Plan in 2013 and received the Secretary's memo
 6 addressing sustainable forestry in Southeast Alaska in
 7 July of 2013. In the Secretary's memo, the Secretary
 8 asked the Forest Supervisor to come up with a
 9 determination about need for change. On September 30th
 10 Forrest Cole issued that to Beth. It stated that
 11 conditions on the land and demands of the public
 12 require the Tongass to modify the 2008 Forest Plan.

13 I'll talk briefly about the five-year
 14 review of the 2008 Plan. This was quite an effort put
 15 on by the Tongass. Again, lots of communities, lots of
 16 comments, public involvement. The one thing that came
 17 out of that that we focus on in this Plan Amendment is
 18 that concerns were consistently expressed regarding the
 19 impact of high fossil fuel prices, the adverse effect
 20 of high energy costs on economic diversification and
 21 sustainable economic development and increasing the
 22 impacts of climate change on the quality of life in
 23 Southeast Alaska.

24 In addition to that, concerns were also
 25 expressed that the 2008 Plan's direction regarding the

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1 transportation and utility system, including the TUS
 2 overlay LUD. Comments were saying that it was very
 3 complex, confusing and difficult to implement, creating
 4 an impediment to the development of hydropower and
 5 other types of renewable energy as well as the
 6 transmission lines needed to connect communities to
 7 sources of electric power. So that was one of the --
 8 the energy part from the five-year review was carried
 9 forward into this Forest Plan Amendment.

10 The Secretary of Agriculture's memo was
 11 also part of that. Our Plan Amendment is very narrowly
 12 focused on both the energy component as well as the
 13 transition part. The Secretary's memo asked the Forest
 14 Service to look at have a more ecologically, socially
 15 and economically sustainable forest management program.
 16 This was a high priority for Department. The USDA's
 17 goal was to effectuate this transition over the next 10
 18 to 15 years so that at the end of this period the vast
 19 majority of timber sold on the Tongass would be young
 20 growth.

21 So those are two kind of parts of what
 22 led to the need for change. So the scope of our Forest
 23 Plan Amendment focused on transitioning to young
 24 growth, speeding the transition away from old-growth
 25 timber harvesting towards a forest industry that

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1 utilizes second growth or young-growth forests and
 2 doing that in a way that preserves a viable timber
 3 industry and jobs and opportunities for residents of
 4 Southeast Alaska.

5 The renewable energy component of the
 6 scope focuses on a need to make the development of
 7 renewable energy resources more permissible by
 8 considering access and utility corridors to stimulate
 9 economic development in Southeast Alaska communities
 10 and also providing low carbon energy alternatives,
 11 thereby displacing the use of fossil fuel.

12 So the scope of the Plan Amendment. We
 13 conducted an environmental impact statement and this is
 14 a programmatic analysis prepared by the Forest Service
 15 that basically describes and analyzes changes to the
 16 2008 Forest Plan to accomplish the transition to young-
 17 growth management as provided in the Secretary's memo.

18 The Final EIS also evaluates which
 19 lands will be suitable for timber production,
 20 especially young-growth timber stands, and any changes
 21 or additions to management direction needed to promote
 22 and speed the transition to young-growth management
 23 while maintaining a viable timber industry in Southeast
 24 Alaska. Finally, the Final EIS describes and analyzes
 25 changes related to renewable energy development. So

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1 the scope of the analysis in our EIS is limited to
 2 these changes.

3 As you know, historically the Tongass
 4 Timber Program has focused on economical harvest of
 5 old-growth timber seeking to meet market demand as
 6 directed by the Tongass Timber Reform Act as well as to
 7 provide jobs and opportunities to local communities in
 8 Southeast Alaska.

9 Our current approved 2008 Forest Plan
 10 actually plans for a transition to young-growth timber
 11 harvesting primarily in about 30 years, which reflects
 12 when the oldest young-growth stands reach culmination
 13 of mean annual increment. That's basically when you
 14 would rotate your stands.

15 Normally this occurs in stands on the
 16 Tongass about 80 to 100 years, so you can imagine what
 17 we're faced with when we're being asked to transition
 18 faster. It's a difficult task. So what the team had to
 19 do is look at opportunities. If we have to look for
 20 young growth opportunities, where would we go.
 21 Obviously timber that was harvested in the past the
 22 oldest past harvest was what we were looking at.

23 In our EIS, several of our alternatives
 24 looked at going into places that we normally wouldn't
 25 go into for commercial timber harvest in our current

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1 plan. Those include some of the natural setting LUDs,
 2 such as remote recreations, scenic river. These are
 3 some of the alternatives that we looked at. Then also
 4 the old-growth habitat land use designation as another
 5 one. But there were about six non-development LUDs that
 6 we looked at possibly going into for young-growth
 7 management.

8

9 So there's tradeoffs to transitioning.

10 The advantage is we would be conserving old-growth
 11 forests into the future, but the disadvantage is that
 12 young-growth harvest you would need to do that in some
 13 areas that we consider non-suitable areas such as the
 14 beach and estuary fringe, riparian management areas and
 15 then some of the natural setting LUDs, such as the old-
 16 growth habitat LUD.

17 So a difficult task, but we developed a
 18 plan and it is based on Alternative 5 and I'll talk a
 19 little bit about that in a minute. If you looked
 20 through our plan, you noticed we have some new terms
 21 and meaning. In our current plan, our direction was
 22 primarily we'd talk about them in terms of standards
 23 and guidelines. Plan components include standards and
 24 guidelines, but also goals, objectives, desired
 25 conditions and suitability of lands. They have

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1 different definitions for the 2012 Planning Rule than
 2 in our previous Planning Rule.
 3 Another term that you'll see are called
 4 management approaches and these describe the principle
 5 strategies and program priorities the Responsible
 6 Official intends to employ to carry out projects and
 7 activities developed under the Plan. So those are just
 8 a couple of new terms and meanings that we have under
 9 the new Planning Rule.
 10 As a team leader for the last two-plus
 11 years, this project has been on a very accelerated
 12 timeline and to do that and to have complexities come
 13 up has not always been an easy thing to deal with. I
 14 just kind of wanted to highlight a few things that came
 15 up during this planning process.
 16 When we began, the applicability of the
 17 Roadless Rule was still in question on the Tongass.
 18 The Ninth Circuit had not made a decision on that. So
 19 we actually had to plan for that because we weren't
 20 sure which way the decision would go. So you probably
 21 notice that we had a couple of alternatives. It was
 22 Alternatives 2 and 3 that kind of looked at roadless in
 23 a little bit different way.
 24 I believe Alternative 3 we assumed that
 25 the Roadless Rule applicability would be like we were

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1 exempt again and then under Alternative 2 we looked at
 2 the possibility of asking the Department to allow us to
 3 do new rulemaking to be able to take out some of those
 4 areas that we consider roadless and basically
 5 take those out of the inventories roadless area and
 6 redraw the line.
 7 So we looked at different things
 8 because we weren't sure of the outcome of the Ninth
 9 Circuit so we wouldn't have to supplement our EIS.
 10 Then we had in December of 2014 we had
 11 the Natural Defense Authorization Act for fiscal year
 12 '15, which we all know as the Sealaska Lands Bill.
 13 This basically conveyed about 70,000 acres of National
 14 Forest system lands to Sealaska Native Corporation. It
 15 also added eight new LUD II management areas. This is
 16 also where the language for culmination of mean annual
 17 increment, the CMAI relaxation for young-growth
 18 harvest. It was in this bill as well.
 19 So we had to adjust for that because
 20 again when something becomes law it becomes your
 21 existing condition, so we had to go back and make a lot
 22 of changes to our affected environment sections that
 23 kind of set us back a little bit.
 24 We also worked closely with a Federal
 25 Advisory Committee, the Tongass Advisory Committee.

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1 The Secretary of Agriculture initiated to assist us on
 2 our Forest Plan Amendment. This was made up of about
 3 13 different interests, most of whom are here today.
 4 It was an interesting time to be working alongside a
 5 Federal advisory committee. They were on a schedule
 6 and we were on a schedule and we were trying to keep
 7 our schedules going in the same direction and get to
 8 the same point. We did get to that end point and it
 9 was very good. They had consensus recommendations and
 10 were able to provide us with their recommendations on
 11 transitioning to young growth.
 12 So those were just a few of the
 13 complexities that we had to deal with. In our EIS the
 14 scoping issues came out to be what we'll be talking
 15 about, what we've talked about during these meetings.
 16 Young-growth transition, renewable energy, inventoried
 17 roadless areas and wildlife habitat and the
 18 conservation strategy.
 19 We also had our Pacific Northwest
 20 Science Lab conduct a study on timber demand. This was
 21 done early on. The demand analysis supported the
 22 timber objectives that were included in the plan which
 23 were then they were modeled in the EIS.
 24 The Forest Service during scoping we
 25 did receive lots of proposals for different options to

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1 look at and we did strongly consider those, so we
 2 looked at a range of alternatives. We came up with
 3 some that didn't meet the purpose and need or were
 4 outside the scope of the Forest Plan Amendment. These
 5 are outlined in Chapter 2 of the Final EIS. I'll
 6 briefly go over those.
 7 So we looked at developing an amendment
 8 using the '82 Planning Rule procedures. The Alaska
 9 Mental Health Trust Land Exchange, the Trust Land
 10 Office had asked us to consider the Land Exchange in
 11 all the action alternatives.
 12 We also worked with the State of Alaska
 13 on an alternative. We looked at an alternative for
 14 immediately ending old-growth logging and then we
 15 worked with the conservation community on a transition
 16 to limited young-growth logging in five years. So
 17 these were just some of the alternatives that were not
 18 carried forward for detailed analysis.
 19 We carried forward five alternatives,
 20 four action alternative and a no-action. These are
 21 described in Chapter 2 of the Final EIS. As I
 22 mentioned, Alternative 5 is our selected alternative
 23 and is based on the Tongass Advisory Committee
 24 recommendations.
 25 I think most of you are aware the

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1 Tongass Advisory Committee was made up of
 2 representatives from Federally recognized tribes,
 3 Alaska Native organizations, Native corporations,
 4 national and regional environmental conservation
 5 organizations, the timber industry operators, Federal
 6 State and local governments, permittees and other
 7 commercial operators and the general public.

8 I can remember thinking back to the
 9 first meeting that the TAC had and it was here in
 10 Ketchikan. As an ID team, interdisciplinary team
 11 leader, I remember telling the Tongass Advisory
 12 Committee that what they're going to be going through
 13 is very similar to what we go through on an
 14 interdisciplinary team because we have different
 15 specialists that represent different resources and it
 16 was a very similar process in a way.

17 So the selected alternatives. Again, I
 18 won't go into too much details about Alternative 5. We
 19 are going to be talking about those in our meeting
 20 today, but those are in Chapter 2 of the EIS.

21 The Amended Forest Plan Direction was
 22 written in a new Chapter 5 in our plan and the title of
 23 that chapter is Plan Content Developed Under the 2012
 24 Planning Rule. If you really think about it, Chapter 5
 25 is the amendment to the Tongass Forest Plan and it

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1 includes plan content related to young growth,
 2 renewable energy and transportation systems corridors.

3

4 We also developed other Forest-wide
 5 direction which normally would go into Chapters 2 and
 6 4, but because it was a new Plan direction developed
 7 under the new Planning Rule we wanted it to be in one
 8 place so that during implementation it would be a
 9 little easier for folks on the Forest to understand.
 10 The reason I mention this is the new Planning Rule
 11 talks about and has direction for project consistency
 12 provisions.

13 I think, Mr. Clark, you were asking the
 14 other day does the current Plan direction still apply.
 15 Yes, it does and this will kind of explain that. The
 16 source of the plan direction, whether under the '82
 17 Planning Rule or this new direction under the 2012
 18 Planning Rule, that is going to dictate the consistency
 19 requirements as follows.

20 So the 2012 Planning Rule consistency
 21 provisions apply only to Plan components in Chapter 5
 22 that were written in conformance with and as described
 23 by the 2012 Planning Rule. With respect to Plan
 24 direction in Chapters 2, 3 and 4 projects need only be
 25 consistent with Plan standards and guidelines since

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1 they were developed under the 1982 Rule.

2 So this is a little different part that
 3 as we go through implementation will be all the
 4 decision documents on any project implementing the new
 5 Plan is going to have to spell out how we were
 6 consistent with all plan components. So this is just a
 7 new thing in the 2012 Planning Rule.

8 If you looked at the ROD there's a
 9 section in there called transition to the 2016 Forest
 10 Plan Amendment. We just wanted to make it clearer in
 11 the Draft ROD what does it mean if you have ongoing
 12 projects. Do they get grandfathered in or do they --
 13 you know, what does it mean having a new Plan. What
 14 does that mean to those projects.

15 So for activities or projects for which
 16 final decisions have been made, as long as we haven't
 17 signed our decision document, they can move forward
 18 under the previous Plan, but as soon as we sign this
 19 decision on this Plan any future projects would have to
 20 be consistent with the new Planning Rule.

21 So just to recap I wanted to go over
 22 some of our public participation that we did. As I
 23 mentioned, we had scoping, including three open house
 24 meetings. We invited several cooperating agencies. We
 25 have the Fish and Wildlife Service as a cooperating

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1 agency on this Plan Amendment. Government to
 2 government and government to corporation consultation.
 3 Outreach to youth. We had a Youth Advisory Council
 4 from the Ketchikan High School and they participated in
 5 the planning process with us and provided comments on
 6 the Draft EIS.

7 We also held public open house meetings
 8 in nine Southeast Alaska communities as well as
 9 subsistence hearings in January and February of 2016.
 10 And our Forest Plan Amendment website, we've been
 11 keeping that updated with our newsletters and
 12 information related to the Plan Amendment including
 13 documents and our maps. So we did receive over
 14 150,000 comments during our 90-day comment period on
 15 the Draft EIS and this amounted to a little over 1,000
 16 unique comments. In our Final EIS Appendix I entitled
 17 DEIS comments and responses, that's where we responded
 18 to the comments on the Draft EIS.

19 Just to kind of summarize or highlight
 20 some of the main substantive comments received on the
 21 DEIS they kind of fall into the categories that were
 22 discussed during these resolution meetings. Those
 23 include purpose and need, range of alternatives,
 24 application of the Planning Rule, transition timeframe,
 25 young growth inventory, market demand, Tongass

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1 conservation strategy, climate change and carbon
 2 storage, protection of the Nature Conservancy/Audubon
 3 priority conservation areas and Tongass 77 watersheds,
 4 public costs and removal of the transportation utility
 5 system LUD.
 6 So here we are. We're in our objection
 7 resolution process. You all filed your objections
 8 within 60 days of the date of the legal notice in the
 9 newspaper of record, so here we are now giving you the
 10 opportunity to provide Beth with what your concerns are
 11 for the clarity.
 12 With that I think I will end my
 13 discussion on the Forest Plan Amendment planning
 14 process. Thank you.
 15 MS. CAULFIELD: Any clarifying
 16 questions for Susan.
 17 (No response)
 18 MS. CAULFIELD: Thank you.
 19 MR. STEWART: This is Earl. I would be
 20 remiss if I didn't recognize and offer my sincere
 21 appreciation to Sue and the entire ID Team for their
 22 work getting us to where we're at today. Then also
 23 with those members of the Tongass Advisory Committee,
 24 recognizing and honoring their time and energy they put
 25 in, so thank you.

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1 MS. CAULFIELD: Thanks, Earl. Thank
 2 you, Sue, for that. Beth, I think we're at a point to
 3 look at the remarks you'd like to make about the
 4 objection process and resolution meetings. So thanks.
 5 MS. PENDLETON: Thanks, Jan. And, Sue,
 6 my appreciation to Sue and the Interdisciplinary Team
 7 as well as the Advisory Committee. Sue knows and
 8 probably a few of you know as well that I sat in Sue's
 9 shoes about 21 years ago, so it gives me a little
 10 history with the Tongass. I know the work that the
 11 Team goes through to come up with the Plan and the
 12 Environmental Impact Statement. It's considerable.
 13 I'm also appreciative of the public process as well.
 14 So I'm just going to take a few
 15 minutes. I want to cover a few things in a bit more
 16 detail and a little bit more on the objection process,
 17 the range of issues submitted, issues selected for
 18 objection and then how the information that has come
 19 forward in the past three days and the next few days
 20 together, how that will be used in the final decision
 21 on the Forest Plan.
 22 So as Sue described in the overview
 23 with the Plan Amendment, this Amendment was prepared
 24 under the 2012 Planning Rule, which includes a pre-
 25 decisional administrative review process, also known as

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1 the Objections Process.
 2 Under the Objections Process,
 3 individuals and entities who submitted substantive
 4 formal comment during the planning process
 5 may file objections after the Environmental Analysis is
 6 completed and before a final decision is signed.
 7 The Objections Process builds on the
 8 early participation and collaborative efforts that have
 9 occurred throughout the planning process with the
 10 intent of trying to seek remedy to concerns of those
 11 individuals and entities who participated in the
 12 planning process. It's an opportunity as well for an
 13 independent review and resolution of issues before a
 14 final decision is made on the Plan Amendment.
 15 As I stated earlier, I think it's
 16 important, my inquiry with each of these issues I'm
 17 looking at is has the right decision been made and do
 18 we have the right analysis in the supporting documents
 19 to support Earl's decision.
 20 As the objection Reviewing Officer,
 21 it's my responsibility to oversee this process, ensure
 22 timely review of all of the objections and consider and
 23 seek resolution of the objection issues.
 24 During our discussion in this
 25 resolution meeting I expect to ask questions that are

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1 going to help me to understand the concerns that you're
 2 bringing forward and to explore opportunities there may
 3 be to address those concerns.
 4 The responsible official for the
 5 Tongass Plan Amendment is Earl Stewart, the Forest
 6 Supervisor. Earl will be participating this week, as I
 7 mentioned before, listening to the discourse of our
 8 conversations.
 9 These discussions are open to the
 10 public for observation, but public comment will not be
 11 taken. The resolution meeting is intended to result in
 12 an exchange of ideas among the Reviewing Officer,
 13 yourselves as objectors and interested persons, to seek
 14 resolution to issues raised in the objections.
 15 So as may have been mentioned, there
 16 were 27 eligible objections received and all of the
 17 objections were posted to the Tongass website so that
 18 all objectors, interested persons and the public can
 19 review the content and get a better understanding of
 20 the issues that have been raised.
 21 Several individuals or entities
 22 requested what's called an interested person status.
 23 Interested persons have also participated in the
 24 planning process to date and have a particular interest
 25 in the resolution of an objection issue. Those with

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1 interested persons status also have an opportunity to
 2 participate in these discussions.
 3 The eligible objections that were
 4 raised cover many different issues from a broad range
 5 of concerns, but there's also a considerable overlap
 6 among many of the objections that were brought forward.
 7 I believe that we all know that there
 8 are very different perspectives on how the Tongass
 9 should be managed, so it's not a surprise that there
 10 are objections on both sides of nearly every issue and
 11 I expect those differing perspectives will be well
 12 represented in our discussions this week. It's my hope
 13 that we can all listen respectfully and as well offer
 14 solutions, offer remedies to the issues that we
 15 discuss.
 16 During the planning process the public
 17 identified its significant issues as Sue mentioned and
 18 these included young-growth transition, renewable
 19 energy, inventoried roadless areas and wildlife habitat
 20 and the conservation strategy. As we met last week and
 21 was posted and shared with all objectors and interested
 22 parties, we also provided an opportunity for objectors
 23 and interested persons to bring some additional issues
 24 forward. Specifically reserved Day 3 and this Wednesday
 25 to take up additional issues. Last Tuesday an updated

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1 agenda was provided that covers the additional issues
 2 that we're going to be discussing on those days.
 3 The last thing I wanted to visit on is
 4 how the discussions from this week and how they will
 5 relate to the Final Record of Decision on the Forest
 6 Plan Amendment. Again I want to make clear that these
 7 meetings aren't an opportunity for negotiation. The
 8 purpose is to discuss and clarify issues, to explore
 9 opportunities for resolution options.
 10 I'll carefully consider all of our
 11 discussion and will review a written record of this
 12 meeting, which will be prepared by the court reporter,
 13 Tina. Thank you for being here, Tina, and providing
 14 this service. Tina expects and we expect a post by the
 15 28th of this month of October the full proceedings and
 16 transcripts from these six days of resolution meetings.
 17 While I will not be making a final
 18 decision at this meeting, the discussions will
 19 contribute to my written response to all of the
 20 objections and also in direction to Forest Supervisor
 21 Earl Steward as it relates to the Final Record of
 22 Decision.
 23 So those are just a few bits of I think
 24 clarity to set the stage for the next two and a half
 25 day. I'm going to turn it over to you, Jan. You have

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1 a couple pieces you want to cover.
 2 MS. CAULFIELD: Thanks, Beth. I just
 3 have one more brief thing to talk about. We had two
 4 people join us after the introductions we did at the
 5 beginning of the meeting. Neil and Tom, I just wanted
 6 to give you a chance to say good morning.
 7 MR. MACKINNON: Neil MacKinnon from
 8 Hyak Mining Company.
 9 MR. WALDO: Tom Waldo with Earthjustice
 10 and I apologize for being late. It was a mistake on my
 11 part.
 12 MS. CAULFIELD: I don't think so. We
 13 kicked it off a little bit early this morning. Thanks
 14 for saying good morning. I think the last thing I want
 15 to go through is just to prepare us for how we work
 16 through each of the issues. Then we're going to have
 17 an early lunch break.
 18 This afternoon we're going to start on
 19 the application of the Roadless Rule and that will
 20 begin at 1:00. The way we've been working through
 21 these is the five steps you see. The objectors and
 22 interested persons listed in the agenda for that topic
 23 will be seated around the table.
 24 Beth will start the issue off with an
 25 introduction and sort of a framing of the issue as she

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1 understands it and the focus she'd like to give to the
 2 discussion on that topic. Then we'll go through the
 3 listing in alphabetical order of the objectors who are
 4 eligible to speak on that topic and invite you to do
 5 so.
 6 So we're asking that objectors speak
 7 for five minutes if you're representing just your
 8 organization. Dru is going to help with that with her
 9 one-minute warning sign. There are some instances
 10 where an objector may be speaking for a number of
 11 parties, so in those cases they may be doing 10 or 15
 12 minutes.
 13 We will ask for any additional input
 14 from interested persons on those topics and then we'll
 15 go into discussion. So we do appreciate you keeping
 16 with those time limits and keeping opening statements
 17 succinct because what we're really trying to emphasize
 18 is the time we have available for discussion with Beth.
 19 When we get to that discussion time,
 20 Beth will introduce that time and she has some pretty
 21 focused questions on each of these topics that she
 22 wants to work through with you and bring those up and
 23 get your responses. We're hoping those discussions can
 24 be conversational and complete and that's how it felt
 25 last week.

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1 Again, let me say we appreciate your
 2 flexibility with the timeframes and the timing. We are
 3 done now with what we wanted to cover with you for
 4 laying the groundwork. Any questions you may have and
 5 then we'll break until 1:00.
 6 Chris.
 7 MR. MAISCH: Good morning. I just
 8 wanted to give you a heads up. I've got a legislative
 9 budget hearing right around 1:30 to 2:30, so Tom
 10 Lenhart will be sitting in for me just to make sure
 11 we've got someone here. I'll be back for the
 12 discussion part.
 13 MS. CAULFIELD: That sounds great.
 14 Thanks. Any other questions here in the room before we
 15 take a break.
 16 (No response)
 17 MS. CAULFIELD: Let me check with
 18 people on the phone. Is there anyone on the phone who
 19 has a question about the process or the agenda,
 20 anything you'd like to cover before the break.
 21 (No response)
 22 MS. CAULFIELD: Okay. With that we'll
 23 go ahead and break until 1:00. We'll see you all at
 24 1:00 to talk about application of Roadless Rule.
 25 Thanks very much.

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1 (Off record)
 2 (On record)
 3 MS. CAULFIELD: Welcome back everyone.
 4 I appreciate you being here. This is Jan Caulfield.
 5 I'm the facilitator for the Tongass National Forest
 6 Plan Amendment Objections Resolution meetings. We're
 7 here in Juneau. Thanks for joining in. We're glad
 8 you're with us.
 9 This afternoon we're going to be
 10 talking about the issue of the application of the
 11 Roadless Rule. What Beth has asked me to do to start
 12 each of these sessions is just do a quick roll call to
 13 see who is going to be speaking to this issue and then
 14 we'll turn it over to her to frame it.
 15 So Alaska Forest Association. Owen, I
 16 see you're here. So Alaska Forest Association. Alaska
 17 Miners Association.
 18 MR. CLARK: Just to make it easy for
 19 you, let me name the people who have donated their five
 20 minutes to me.
 21 MS. CAULFIELD: I think I probably
 22 know, but go for it and we'll just double check.
 23 MR. CLARK: Let me go slowly and make
 24 sure you've got them. Alaska Miners Association, Hyak
 25 Mining Company, First Things First Foundation, Alaska

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1 Power and Telephone, the Ketchikan Chamber of Commerce,
 2 the Resource Development Council and the Ketchikan
 3 Gateway Borough.
 4 Don't worry, I don't intend to speak
 5 for 45 minutes. I need about 10 to 15.
 6 MS. CAULFIELD: That sounds great. Let
 7 me check to see is there anyone on the phone from the
 8 Alaska Wilderness League?
 9 MR. KIRKWOOD: This is Dan Kirkwood.
 10 I'm with the Alaska Wilderness League and on the phone.
 11 MS. CAULFIELD: Thanks, Dan. Alcan
 12 Forest Products.
 13 (No response)
 14 MS. CAULFIELD: Susan is here from
 15 Audubon Alaska. Anyone on the phone from Cascadia
 16 Wildlands.
 17 (No response)
 18 MS. CAULFIELD: Center for Biological
 19 Diversity.
 20 (No response)
 21 MS. CAULFIELD: City of Wrangell.
 22 Defenders of Wildlife.
 23 MR. LAVIN: I'm here. This is Pat.
 24 MS. CAULFIELD: Thanks, Pat. Tom is
 25 here from Earthjustice.

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1 Anyone on the phone from GEOS Institute.
 2 (No response)
 3 MS. CAULFIELD: Natural Resources
 4 Defense Council.
 5 (No response)
 6 MS. CAULFIELD: Meredith is here from
 7 Southeast Alaska Conservation Council. Jayleen is here
 8 from Sealaska. Anyone here from the Sierra Club.
 9 (No response)
 10 MS. CAULFIELD: Chris is here from the
 11 State and Tom. Austin is here from Trout Unlimited.
 12 George Woodbury, are you on the phone?
 13 (No response)
 14 MS. CAULFIELD: And then four
 15 interested persons. Denise Boggs.
 16 (No response)
 17 MS. CAULFIELD: Jason Custer.
 18 (No response)
 19 MS. CAULFIELD: Tony Gallegos.
 20 (No response)
 21 MS. CAULFIELD: And Ara Marderosian.
 22 (No response)
 23 MS. CAULFIELD: Okay. Thanks very
 24 much. Beth, I'll go ahead and turn it over to you.
 25 Thank you.

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1 MS. PENDLETON: Good afternoon.
 2 Welcome back. Some of you are new from last week, so
 3 this is an opportunity based on objections that were
 4 submitted to provide a little bit of background and
 5 frame the issue. Then I've got a number of questions,
 6 but before we dive into the questions and the
 7 discussion, those that will be speaking as objectors
 8 will have the opportunity and then interested persons
 9 to make some remarks.
 10 Let me share a little bit of framing
 11 from what came in on the objections as well as a little
 12 bit of background and how the selected alternative
 13 covers the Roadless Rule and inventoried roadless
 14 areas.
 15 So management of inventoried roadless
 16 areas has been a controversial issue since at least
 17 2001 when the roadless Rule was promulgated and was
 18 identified as a significant issue for the Plan
 19 Amendment based on comments received during the
 20 five-year review and the scoping period.
 21 Some comments were in favor of
 22 protections afforded under the Roadless Area
 23 Conservation Rule or also known as Roadless Rule and
 24 wanted to ensure that these protections would continue
 25 to apply while others believe that limiting roaded

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1 construction or reconstruction in other management
 2 activities in inventoried roadless areas restricts the
 3 delivery of goods, services and activities that these
 4 areas might otherwise provide.
 5 So in the selected alternative it
 6 prohibits all old growth and young growth harvest in
 7 the inventoried roadless areas identified in the 2001
 8 Roadless Rule and we lose all inventoried roadless
 9 areas from the suitable timber base.
 10 In addition, the selected alternative
 11 includes management of land use designations LUD II
 12 areas to retain their wilderness character and maintain
 13 their roadless state. This means commercial timber
 14 harvest is prohibited, but other uses may be allowed
 15 under certain circumstances, including mineral
 16 development.
 17 This is a change from the 2008 Tongass
 18 Plan Amendment, which assumed the 2001 Roadless Rule
 19 would not apply to the Tongass because at that time the
 20 2008 Plan was approved the Tongass exemption to the
 21 rule was in effect.
 22 The Ninth Circuit Court of Appeals
 23 recently upheld the Alaska District Court's 2011
 24 reinstatement of the Roadless Rule on the Tongass. The
 25 selected alternative described in the Draft ROD is

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1 fully consistent with the Roadless Rule.
 2 So I want to talk a little bit about
 3 the objections just to kind of frame what I received in
 4 objections. Objection points indicate concerns on both
 5 sides of the issue, including contentions that the
 6 Roadless Rule should not be implemented on the Tongass
 7 as it is still subject to active, ongoing litigation.
 8 The Roadless Rule prohibits the Forest Service from
 9 seeking to meet market demand by withdrawing IRAs from
 10 timber harvest and road construction.
 11 The Roadless Rule prohibits access and
 12 inventoried roadless areas for renewable energy
 13 development, mineral and strategic mineral development
 14 activities, subsistence use of the forest and
 15 recreation and tourism.
 16 The Forest Service must incorporate the
 17 Roadless Rule's protections into the selected
 18 alternative and continue to prohibit timber harvest and
 19 road construction in inventoried roadless areas
 20 regardless of the status of the Roadless Rule.
 21 Finally, the Forest Service should base
 22 the management of inventoried roadless areas on the
 23 most current roadless inventory for the Tongass instead
 24 of the inventory conducted prior to 2001.
 25 That kind of gives you a summary of the range of

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1 objections and issues that were brought forward.
 2 At this point in time I'm going to turn
 3 it back over to Jan and she's going to run us through
 4 an opportunity to hear from each of you with regard to
 5 your objections. I would encourage you as you present
 6 your recommendations if you have a remedy to offer,
 7 it's helpful for me to hear that.
 8 Thank you.
 9 MS. CAULFIELD: Beth, thank you. We
 10 have been going through these alphabetically. So the
 11 first three objectors are Alaska Forest Association,
 12 Alaska Miners Association, Alaska Power and Telephone.
 13 All of those are covered in the remarks that Jim is
 14 going to give. So we'll start with Jim Clark and then
 15 we'll continue down the list.
 16 Jim.
 17 MR. CLARK: Thank you and thanks for
 18 this opportunity. For the reasons that follow, the
 19 Forest Service should re-examine Alternative 2 which
 20 recommended rulemaking to reinstate the Tongass
 21 exemption to the Roadless Rule. The Roadless Rule was
 22 promulgated in 2001 and the State immediately brought
 23 suit. The
 24 case was settled in 2003 with the Department of
 25 Agriculture agreeing to conduct rulemaking to determine

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1 whether or not a Tongass exemption was warranted. The
 2 rulemaking in 2003 resulted in the Tongass exemption
 3 because, and I quote, the impacts of the Roadless Rule
 4 on local communities in the Tongass are particularly
 5 serious. Of the 32 communities in the region, 29 are
 6 unconnected to the nation's highway system. Most are
 7 surrounded by marine waters and undeveloped National
 8 Forest Service land.

9 The potential for economic development
 10 of these communities is closely linked to the ability
 11 to build roads and rights-of-way for utilities in
 12 roadless areas of the National Forest system. Although
 13 Federal highways are permitted under the Roadless Rule,
 14 many other road needs would not be met.

15 Part of the reason the USDA made that
 16 determination in 2003 was the Department now believes
 17 that considered together the abundance of roadless
 18 values on the Tongass, the protection of roadless
 19 values included in the Tongass Forest Plan and the
 20 socioeconomic cost to local communities of applying the
 21 Roadless Rule prohibitions to the Tongass all warrant
 22 treating the Tongass differently from the National
 23 Forest outside of Alaska.

24 They pointed out that more than 90
 25 percent of the Tongass Forest was already roadless and

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1 I'll get to the point in a second, but due to the road
 2 decommissioning you're creating more roadless areas as
 3 a consequence and all you'll need to do is make a map
 4 change to incorporate those as new IRAs.

5 The 2001 Roadless Rule did not consider
 6 the socioeconomic impacts of immediate application of
 7 the Roadless Rule on the Tongass for any resource other
 8 than timber. We contend that impact analysis was done
 9 incorrectly, but there's nothing there that considered
 10 the socioeconomics of immediate application of the
 11 Roadless Rule on other resources, specifically
 12 renewable energy, utilities and mining.

13 Environmental groups sued in 2009 and
 14 the Federal district court set the exemption aside in
 15 2011 as Beth said. The State appealed and won in the
 16 Ninth Circuit on a 2-1 decision and that case was set
 17 aside by an en banc decision on a 6-5 vote.

18 So there have been 15 judges opine on
 19 the Tongass exemption and eight have voted to set it
 20 aside and seven voted to uphold it. The point I want
 21 to make from that is that didn't change the
 22 socioeconomic findings that the Department made in
 23 2003. They're as applicable today as they were then.

24 The application of the Roadless Rule to
 25 the Tongass National Forest was significant new

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1 information which actually amended the 2008 Amended
 2 Forest Plan because it went into effect immediately,
 3 but the Forest Service did not prepare a supplemental
 4 environmental impact statement to describe the impacts
 5 of the Roadless Rule.

6 It is therefore hard to trust the
 7 Forest Service's proposal to implement the new
 8 transition ROD as written with the idea that it will
 9 fix problems as they arise with the transition timber,
 10 the young-growth timber, which we know today is not
 11 economic as a result of what you stated at Page 10 of
 12 the Draft ROD. We just don't know if you would make
 13 changes necessary just given the fact that when the
 14 Roadless Rule hit and came back into effect in 2011
 15 there was no change made in the 2008 Amended Plan.

16 The Roadless Rule changed the 2008
 17 Amended Plan by prohibiting new geothermal leases.
 18 That's a withdrawal. It violates the no more clause
 19 because ANILCA has made a withdrawal by prohibiting
 20 geothermal leasing for more than a year without
 21 informing Congress and getting its concurrence. That
 22 is a withdrawal by rule of new geothermal leasing for
 23 which the Forest Service has not met the obligations of
 24 the no more clause.

25 The Transition ROD should have included

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1 amendment to the Roadless Rule to at least allow
 2 geothermal leasing in the Tongass National Forest. The
 3 Roadless Rule is ambiguous on whether it also prohibits
 4 new hydropower development. The Roadless Rule says in
 5 the comment section that hydro projects existing in
 6 2001 could continue. Noticeably absent was any
 7 reference to new hydro projects.

8 It apparently is not clear and I really
 9 would urge that you take the opportunity in the ROD to
 10 clarify whether or not new hydro projects are allowed.
 11 I really believe this should be clarified in the
 12 Transition Plan ROD.

13 While the Alaska District Court's 2011
 14 judgment exempted a number of known hydro sites in
 15 Southeast Alaska from the Roadless Rule, the judgment
 16 does not exempt new sites. In November 2000, prior to
 17 promulgation of the Roadless Rule, Congress enacted the
 18 Southeastern Alaska Intertie Authorization Act. That
 19 Act appropriated funds to assist in the construction of
 20 the Southeastern Alaska intertie system as identified
 21 in Report 97-01 of the Southeast Conference.

22 Remarkably, this statute is not
 23 mentioned or analyzed in the 2001 ROD, the Roadless
 24 Rule decision or the Draft ROD. That transition plan
 25 should have discussed the impact of the Roadless Rule

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1 on the Southeastern Alaska Intertie Authorization and
 2 Report 97-01 to which that Act refers.
 3 The Roadless Rule limits access by road
 4 to hydropower sites and mining sites located in IRAs.
 5 For example, heavy equipment such as generators cannot
 6 be slung by helicopter to a hydropower or mining site.
 7 So if there is an IRA between tidewater and a hydro or
 8 mining site, a road would not be permitted to transport
 9 that equipment to the site.
 10 The Transition Plan ROD should have
 11 included an amendment to the Roadless Rule to allow
 12 such access. As you heard the other day, the renewable
 13 excess LUD, the combination of the renewable excess LUD
 14 and a modified TUS LUD would take care of that problem.
 15 A modified TUS LUD we mean one that takes out the TUS
 16 avoidance requirements that were set out by Forrest
 17 Cole in his July 20, 2009 letter explaining the
 18 problems in administering it.
 19 The new IRAs could spring into
 20 existence as a result of road decommissioning. The
 21 Draft ROD says that under the 1997 Forest Plan
 22 approximately 8,500 miles of road were anticipated to
 23 exist on the National Forest system lands by 2095
 24 whereas the selected alternative less than 6,100 miles
 25 of total road are expected to exist. This translates

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1 to substantially lower road densities than under the
 2 1997 plan. I'm quoting from page 20 and 21 of the Draft
 3 ROD.
 4 Thus the substantially greater spatial
 5 extent of the old growth forest on the landscape and
 6 fewer roads across the planning area will outweigh the
 7 local adverse effects of young growth harvest proposed
 8 by the selected alternative in old growth habitat LUD,
 9 the beach and estuary fringe and the RMAs.
 10 The Draft ROD says nothing about the
 11 potential of the Forest Service road decommissioning
 12 creating new IRAs on the Tongass. 36 CFR 294.11 says
 13 that inventoried roadless areas are areas identified in
 14 a set of inventoried roadless area maps contained in
 15 the Forest Service roadless area conservation Final
 16 Environmental Impact Statement dated November 2000,
 17 which are held at the national headquarters of the
 18 Forest Service or any subsequent update or revision of
 19 those maps.
 20 And then it says responsible official.
 21 The Forest Service line officer with the authority and
 22 responsibility to make decisions regarding protection
 23 and management of inventoried roadless areas pursuant
 24 to the subpart, which I understand to be Earl, the
 25 Forest Supervisor.

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1 So the fact is that by simply changing
 2 the maps based on road decommissioning more IRAs could
 3 be created. This is not covered at all in the Draft
 4 ROD. You point out that there will be fewer roads due
 5 to road decommissioning. There is absolutely no
 6 discussion of whether that will be used to create new
 7 IRAs and we would urge that that be clarified in the
 8 Draft ROD. What would be the process for the Forest
 9 Supervisor creating new IRAs on the Tongass.
 10 Just as a rhetorical question because I
 11 know we're not here to negotiate, but nonetheless I
 12 think it's a question. Do you have a map of IRAs in
 13 the Tongass that is different from the November 2000
 14 map? Do you have such a map in draft or do you have
 15 such a map at all?
 16 That concludes my remarks on the impact
 17 of Roadless Rule. Now that doesn't deal with the
 18 timber situation that I understand Owen will be dealing
 19 with that.
 20 MS. PENDLETON: Thank you, Jim. And
 21 thank you also for specifically identifying some
 22 remedy. That's really helpful to me.
 23 I would like to recognize that Senator
 24 Lisa Murkowski has joined us. It's good to have you
 25 here. We're going to take just a short 10-minute break

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1 and then we'll reconvene and pick up on the next round
 2 of remarks.
 3 MR. CLARK: Just to ask a question.
 4 While Senator Murkowski is here, could I yield some of
 5 my time to her if she has anything to say?
 6 MS. PENDLETON: That's what I'm going
 7 to visit with her about.
 8 MS. CAULFIELD: For those of you on the
 9 phone, we are taking a short break. We will just stay
 10 on the phone. We'll be back with you in just a few
 11 minutes, so thanks.
 12 (Off record)
 13 (On record)
 14 MS. PENDLETON: In our discussion on
 15 the objections we're inviting Senator Murkowski. She
 16 has a few remarks that she would like to make to the
 17 group while she's here in town. We welcome you,
 18 Senator Murkowski.
 19 SEN. MURKOWSKI: Thank you, Director
 20 Pendleton and Chief. Thank you for the opportunity to
 21 be with you and just take a couple minutes on your
 22 agenda. I appreciate the opportunity to speak to you.
 23 I understand that you have had constructive meetings in
 24 Ketchikan with good participation and here in Juneau as
 25 well.

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1 I think as most of the folks in this
 2 room know, most of the folks in the region, the Tongass
 3 accounts for over 85 percent of the land base here in
 4 Southeast, so really when we think about the future of
 5 Southeast, so much of it is tied with the future of the
 6 Tongass. This Plan Amendment is really the blueprint
 7 to that future.

8 There's a lot of different ideas out
 9 there about how to manage the resources within the
 10 Tongass right now. There's a lot of policies out of
 11 Washington, D.C. that further complicate the management
 12 of those resources including the inventoried Roadless
 13 Rule, which of course you are speaking at and
 14 addressing at this meeting.

15 I have filed substantive formal
 16 comments on this Forest Plan to give a voice to the
 17 concerns that I have received, but I'm here today
 18 simply to ensure that these concerns are considered,
 19 that they are not ignored or dismissed during these
 20 resolution meetings simply because they did not perhaps
 21 meet a process requirement.

22 I don't know how many concerned
 23 Alaskans filed objections that ere deemed ineligible
 24 for the meetings, but I did hear from Craig, the
 25 largest community on POW that had its objections

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1 excluded. So I will say to Forest Service that I
 2 believe that it's critical that you hear and consider
 3 all of the concerns from the people of Southeast, not
 4 just those whose concerns have met the procedural
 5 requirements to be formally eligible for resolution at
 6 this meeting.

7 We've had a little bit of an
 8 opportunity to discuss in a sidebar the process that
 9 you have laid down here not only today but throughout
 10 these multi-day meetings, so I appreciate that. But we
 11 recognize that this Plan will have a profound impact on
 12 the people who live and work here. We know that
 13 livelihoods are at stake, so getting it right is
 14 important because I think the future of the Southeast
 15 region depends upon it.

16 So I sincerely hope that the Forest
 17 Service listens to the people of Southeast. Know that
 18 I will continue to be monitoring, be engaged with the
 19 development of the Plan to be sure that it does
 20 contribute to that strong future that I think we all
 21 seek here within the region.

22 I would like to personally thank you
 23 for your commitment to a process and, again, one that
 24 is wholly and inclusive. Thank you for the opportunity
 25 to just very briefly make these comments and wish you

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1 well in your proceedings.

2 MS. PENDLETON: Thank you, Senator
 3 Murkowski. It's good to have you here.

4 SEN. MURKOWSKI: Good luck to you all.

5 MS. PENDLETON: So thank you again,
 6 Senator Murkowski, for visiting the group today.
 7 Appreciate your remarks as well. So we are going to
 8 reconvene the formal part of the objection meeting.

9 Thank you, Jim, for your comments and
 10 also your focus around some potential remedies that
 11 you're seeking. I'm going to turn it back over to Jan.
 12 She's going to help us through the listing so that we
 13 can hear from all of the objectors.

14 Thanks.

15 MS. CAULFIELD: Okay. Thank you, Beth.
 16 So we'll get started again. I'm going to check in.
 17 Dru is going to help with timing. Owen, let me just
 18 check with you, Alaska Forest Association. Did you
 19 have anything now or just during discussion?

20 MR. GRAHAM: I can make my comments now
 21 or I can do it later, whatever is convenient for you.

22 MS. CAULFIELD: I think it's your
 23 choice, so that's fine.

24 MR. GRAHAM: I'll do it now.

25 MS. CAULFIELD: And Dru will take care

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1 of the time. Thank you so much.

2 MR. GRAHAM: I looked up just this
 3 morning in the 2008 TLMP. It listed there was 6.6
 4 million acres of congressional set-asides, 40 percent
 5 of the Tongass and 9.5 million acres of administrative
 6 set-asides, another 56 percent. That only left
 7 4 percent of the Tongass for timber harvest activities.
 8 That's 676,000 acres. Of that 180,000 was young growth
 9 that's 30, 40 years from maturity and a half million
 10 acres of old growth.

11 With only a half million acres of old
 12 growth scheduled for the next 100 years, you know, on
 13 top of the 400 and some thousand acres of young growth
 14 that we have now, that would leave 4.5 million acres,
 15 more than 80 percent of the Tongass old growth
 16 untouched.

17 The idea that we can't manage 20
 18 percent of the commercial timberland over a 100-year
 19 period for a reliable timber supply doesn't make any
 20 sense. Certainly that small of an impact over a 100-
 21 year period isn't going to harm tourism, it won't harm
 22 wildlife, fisheries, biodiversity or anything else, but
 23 it will provide a stable timber supply to sustain local
 24 economies and jobs.

25 What the Forest Service should be

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1 focusing their efforts on right now is correcting the
 2 constraints in the 2008 Plan that prevents the Agency
 3 from implementing its own Plan. The Forest Service has
 4 achieved less than 25 percent implementation of their
 5 timber sale plans it says it's required to provide in
 6 order to comply with TTRA. It failed by more than 75
 7 percent in the last eight years and you're not
 8 addressing that with this transition EIS. You just
 9 completely ignored it.

10 As a result, I just mentioned last
 11 week, that you're not going to be able to implement the
 12 transition plan either without fixing those
 13 constraints. You're going to end up with the same or
 14 worse results. Even without the early transition to
 15 young growth, the Roadless Rule sets aside so much
 16 timberland that the Forest Service can't comply with
 17 the demand requirements of TTRA.

18 When you add the early transition to
 19 young growth to this already over-constrained timber
 20 supply, the last of the manufacturing industry in
 21 Southeast Alaska will be forced out of business. Your
 22 own 2010 report indicates that. Even your Transition
 23 EIS document acknowledges that the present net value of
 24 the young growth component of the Transition Plan is
 25 negative and, consequently, the young growth can't

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1 contribute to helping meet the TTRA requirements.
 2 The whole thing is going to be a
 3 complete failure and the consequences are going to be
 4 disastrous for what's left of the timber industry and
 5 nothing in this EIS has even discussed that issue let
 6 alone done anything about it.

7 That's my comments for now. Thank you.
 8 MS. PENDLETON: Thanks, Owen.
 9 MS. CAULFIELD: Okay. Appreciate that.

10 Let me check. Dan Kirkwood from Alaska Wilderness
 11 League, let me check if you're on the phone and if you
 12 were planning to make comments at this time or if your
 13 comments were being captured in somebody else's remarks
 14 today.

15 MR. KIRKWOOD: I am here and I believe
 16 that most of my comments will be captured, so I might
 17 just very briefly comment on some of the roadless
 18 values that I think have been dismissed because I think
 19 that they are unique because of their scale on this
 20 Forest and the incredible opportunity provided. That
 21 is really for not just the tourism industry but the
 22 recreation for folks in Southeast.

23 This is really one of the reasons why
 24 we live here, is the opportunity to hunt, fish in
 25 places where there aren't roads and that's a pretty

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1 unique opportunity. For the folks that come and visit,
 2 they're coming to Alaska where they can be in wild
 3 places such as this.

4 I think a lot of the other comments
 5 about the Roadless Rule's application will be captured
 6 by some of my other colleagues and I'll leave it at
 7 that for now, but thank you for the opportunity.

8 MS. CAULFIELD: Okay. Thanks, Dan.
 9 Just to clarify too for the objectors whose points are
 10 being made by say one party that you've invited to
 11 speak during this opening session, when we get to
 12 discussion you're welcome to join in those discussions.

13 Moving on down the list. Defenders of
 14 Wildlife, Pat Lavin, did you have anything you wanted
 15 to say in initial comments?

16 MR. LAVIN: Thanks, Jan. Nothing for
 17 now. I think Defenders' time for initial comments can
 18 go to our colleagues at Earthjustice.

19 MS. CAULFIELD: Okay. Thanks, Pat.
 20 Next on the list is Earthjustice, so Tom Waldo.

21 MR. WALDO: Thank you. I guess I have
 22 Defenders of Wildlife's time and also I think SEACC's
 23 time, but I don't think I should need that much.

24 The roadless areas of the Tongass are a
 25 national and international as well as a local treasure

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1 for the reasons that Dan was talking about. These are
 2 the wild and undeveloped parts of the Forest. They're
 3 vital refugia for wildlife and fish, they're magnets
 4 for recreation and tourism, for hunting and fishing and
 5 subsistence and they're great reservoirs of carbon.
 6 Any development in these roadless areas ought to happen
 7 only very cautiously.

8 I'd like to focus primarily on what the
 9 Plan does about roadless areas rather than the Roadless
 10 Rule because really the only thing that the Forest
 11 Service can do here in this process is about the Plan.
 12 The Roadless Rule is a Federal rule that's not at issue
 13 in the Forest Plan.

14 In 2010 when the Forest Service
 15 announced the transition framework that really kind of
 16 got this whole ball rolling, one of the purposes stated
 17 at that time was to transition quickly away from
 18 logging in the roadless areas of the Forest. When the
 19 Tongass Advisory Committee made its recommendation,
 20 there was a consensus recommendation including
 21 representatives from industry and state and other
 22 interests that there should be no further commercial
 23 logging of either old growth or second growth in the
 24 roadless areas.

25 That reflects I think a pretty broadly

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1 shared regional consensus that the days of logging, the
 2 days of commercial logging in the roadless areas of the
 3 Tongass are over.
 4 The proposed Plan, Alternative 5,
 5 follows up on that recommendation by prohibiting
 6 logging in both young growth and old growth,
 7 prohibiting commercial logging in the inventoried
 8 roadless areas. That is true regardless of what
 9 happens in the future with the Roadless Rule.
 10 The Roadless Rule has been under attack
 11 from a lot of lawsuits and political efforts in the
 12 past. They've been unsuccessful. I believe that
 13 future ones will be unsuccessful, but if in the future
 14 the Roadless Rule were to be in a future administration
 15 repealed or scaled back or perhaps struck down by a
 16 court or limited by a court in the lawsuit that Jim was
 17 talking about, this Plan, as we understand it, would
 18 continue to prohibit commercial logging in the roadless
 19 areas of the Forest regardless of what happens to the
 20 Roadless Rule. That's a great feature of the Plan.
 21 I spoke earlier today with Earl and Sue
 22 and Maria and confirmed that's a correct understanding
 23 of the intent of the Plan. We commend the Forest
 24 Service for it and thank you for your work on that.
 25 I'd like to speak to one issue about

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1 the Plan though, about the maps. The Forest Service
 2 kind of went backwards in this Plan to a set of maps
 3 from 2000. Jim asked earlier if there was a map of
 4 subsequent updated inventory. My understanding is,
 5 yes, there is. There was a new inventory in 2003 that
 6 corrected a lot of errors and more accurately reflects
 7 where the actual roadless areas are on the ground.
 8 Those are the maps that ought to be
 9 used in this Forest Plan Amendment. The 2012 Forest
 10 Planning Regulations require using the best available
 11 information and the most up-to-date maps are the best
 12 available information for inventoried roadless areas
 13 and those are the ones that ought to be used. I would
 14 argue the rules require to be used in the Plan
 15 Amendment.
 16 I'd like to turn now to the Roadless
 17 Rule itself. Jim went through a list of reasons why
 18 the Forest Service exempted the Tongass back in 2003.
 19 I just wanted to point out that the district court in
 20 Alaska as well as the Ninth Circuit held those reasons
 21 to be arbitrary because they didn't accurately reflect
 22 the facts and the law. The court struck down the
 23 Tongass exemption for those reasons.
 24 The fact of the matter is that when the
 25 Rule was adopted in 2001, the Forest Service did

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1 consider the social and economic impacts of a variety
 2 of uses other than just logging. The Roadless Rule was
 3 not intended to prohibit and doesn't have the effect of
 4 prohibiting new power lines or hydro plants or
 5 community access or hard rock mining. The assertions
 6 that we have often heard about those kinds of effects
 7 reflect a misunderstanding or misrepresentation of what
 8 the Rule actually does.
 9 I don't want to try to litigate that
 10 whole issue here and I don't think that it should be
 11 litigated in the Plan Amendment. Jim and Tom and I can
 12 argue about that before the District Court in
 13 Washington, D.C.
 14 I do want to perhaps offer a suggestion
 15 in response to your request of what the Forest Service
 16 might do to address these things. I think one thing
 17 the Forest Service could do that would be helpful would
 18 be to take some steps to help correct a lot of the
 19 misunderstanding that exists about what the Roadless
 20 Rule does and that might take the form of something
 21 like some facts sheets or a handbook about the Roadless
 22 Rule or something that clarifies some of these issues
 23 about what the effects of the Roadless Rule are on
 24 these different kinds of development other than
 25 logging.

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1 Another thing might be perhaps to have
 2 a point person in the region who is an expert on the
 3 Roadless Rule and can help both with members of the
 4 public and with staff and the Agency to cut through
 5 some of these misunderstandings, clarify what the Rule
 6 does and help resolve any uncertainty or confusion that
 7 might exist.
 8 Those are all my comments for now.
 9 MS. PENDLETON: Thank you, Tom.
 10 MS. CAULFIELD: Okay. Thank you, Tom.
 11 Let me check to see if anyone is on the phone from
 12 Natural Resources Defense Council.
 13 (No response)
 14 MS. CAULFIELD: Okay. Sealaska
 15 Corporation, Jamie.
 16 MS. ARAUJO: Thank you. Sorry I've
 17 missed all the fun. I was in Kansas for personal
 18 reasons. Good to see you all today. Jaeleen Araujo
 19 with Sealaska Corporation.
 20 I just wanted to make a few comments
 21 because for the most part we agree with the comments
 22 provided by Mr. Clark and the AFA in terms of wanting
 23 more flexibility in terms of the Roadless Rule and to
 24 reconsider where possible at the Agency level some for
 25 the applications of the Roadless Rule in the Tongass.

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1 I definitely have a concern about
 2 potentially adding more inventoried roadless areas
 3 through decommissioning and the idea of simply updating
 4 maps and going through the decommissioning process.
 5 My understanding is that there were
 6 proposals considered for amending or making adjustments
 7 to the roadless application in the Tongass and those
 8 were rejected, which basically leaves only the limited
 9 exemptions for roads and inventoried roadless areas
 10 that were contained in the 2001 Rule.
 11 I believe there is an ability to do
 12 some development, but they have to have been included
 13 back in that 2001 Rule and that's a small number.
 14 We're 15 years down the road now since that time.
 15 So that's our concern is that these
 16 limited exemptions really hinder the opportunity for
 17 further road access not only for timber but mineral and
 18 energy uses. Sealaska represents 22,000 shareholders
 19 and our company is based here in the region. Our
 20 concern is always about viability of our communities
 21 and the ability to have economic development and access
 22 to resources for economic, social, cultural needs. We
 23 have seen the negative impact of the Road Rule in these
 24 communities.
 25 So if not adopted, the Roadless Rule

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1 and its limited exemptions will continue to
 2 unnecessarily limit not only timber harvest but
 3 renewable energy and mineral development and other
 4 transportation access needs.
 5 So we do hope that you'll consider
 6 looking at what you as the Agency can do in terms of
 7 the Roadless Rule. I'm just available to talk about it
 8 further with all of you. Thank you.
 9 MS. CAULFIELD: Thanks very much.
 10 State of Alaska. Tom, do you want to introduce
 11 yourself again.
 12 MR. LENHART: I'm Tom Lenhart,
 13 Assistant Attorney General and I've been doing roadless
 14 for some time now. I apologize in advance if I
 15 accidentally call anybody Your Honor since that's the
 16 forum all the lawyers in this room normally meet.
 17 (Laughter)
 18 MR. LENHART: Like Tom, we're not here
 19 to litigate the Roadless Rule today. I'll simply say
 20 that I disagree with several things he said and we did
 21 attach the briefs in the roadless case to our objection
 22 and I would encourage you to look at that if you want
 23 any more information on actual issues in the roadless
 24 case.
 25 The State does fully support comments

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1 that have been made by Jim Clark and Owen and Sealaska.
 2 I'd like to pick up on a couple of things Jim said
 3 specifically. He mentioned that even without the
 4 Roadless Rule that the amount of unroaded in the
 5 Tongass is expected to increase.
 6 That comes from the road specialist
 7 report that was done in conjunction with the Roadless
 8 Rule in 2000 in which they estimated that over the next
 9 40 years 8.4 million acres of additional unroaded would
 10 be created in the Tongass due primarily to road
 11 decommissioning.
 12 The concluded that even with the
 13 Roadless Rule there would be a net increase in unroaded
 14 areas of many millions of acres. That's without the
 15 Roadless Rule. Now that information never got into the
 16 EIS or to the ROD and that's one of the points we're
 17 making in the D.C. court.
 18 Another point Jim made was regarding a
 19 withdrawal, a prohibited withdrawal under ANILCA.
 20 Primarily this would come up in terms of leasable
 21 minerals, which the Roadless Rule prohibits and
 22 therefore the Plan does.
 23 Back in the 2008 litigation on the 2008
 24 TLMP Plan, it was argued in that case that the
 25 restrictions on timber was a withdrawal. The District

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1 Court in D.C. disagreed with that, but as an example of
 2 what would be a withdrawal they said restriction on the
 3 access to leasable minerals would be a withdrawal under
 4 ANILCA. Now that wasn't a holding because it wasn't
 5 really an issue before the court, but that was one
 6 judge's opinion.
 7 Having said that, I want to go back and
 8 agree with Tom wholeheartedly that it's not the
 9 roadless issue that we're here to talk about today,
 10 it's actually the Amended Plan. Just like the Roadless
 11 Rule, the Amended Plan at the end of the day has to
 12 conform to Federal law. It also has to meet the
 13 requirements of ANILCA no more withdrawals and the TTRA
 14 seek to meet timber demand.
 15 Now there is certainly room to argue
 16 what the United States Congress meant when they said
 17 seek to meet demand. It's been argued a little bit in
 18 court and there's a lot of room for judicial decisions
 19 on that. The State believes if it means anything, it
 20 means that the management plan for the Forest has to
 21 allow the Forest Service at least a realistic
 22 possibility of maybe meeting timber demand.
 23 Now we recognize in this Plan on its
 24 face perhaps it does meet demand because we have a
 25 supply number, we have a demand number, but we heard

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1 last week a lot of questions about that supply number
 2 both in terms of its number and the fact that it's
 3 essentially an entirely different product than what
 4 demand has been for, that is old growth versus young
 5 growth.
 6 On the other side of the equation we
 7 have what is the demand and that's the topic for Day 6
 8 and I think you'll hear a lot of conversation on Day 6
 9 regarding the new demand study that cut the demand by
 10 threefold.
 11 So hopefully that clarifies a little
 12 bit the State's objection that this Plan going forward
 13 is, in our opinion, not going to meet Federal law.
 14 Again, it's a somewhat different issue than whether the
 15 Roadless Rule meets Federal law.
 16 In some ways, it actually more
 17 problematic because now you've taken the restrictions
 18 of the Roadless Rule, added to it the limitations from
 19 the transition to young growth and yet you still have
 20 to meet the Federal laws of ANILCA and TTRA. We
 21 question whether that's going to happen.
 22 I'll conclude my remarks with that.
 23 MS. CAULFIELD: Thank you, Tom. The
 24 last would be Trout Unlimited, Austin Williams.
 25 MR. WILLIAMS: Thank you. I'm Austin

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1 Williams with Trout Unlimited and thanks for the
 2 opportunity to participate and to offer our comments.
 3 I will be very brief and leave most of my comments for
 4 the discussion, but want to say that roadless areas on
 5 the Tongass are hugely important to the people in
 6 communities of Southeast and to the many tourism
 7 outfitter and guide fishing businesses that operate in
 8 the region.
 9 We wholeheartedly support the unanimous
 10 recommendations of the Tongass Advisory Committee in
 11 recommending a cessation of logging in roadless areas
 12 and commend the Forest Service for including that
 13 provision in the Forest Plan Amendment as proposed.
 14 Thank you.
 15 MS. CAULFIELD: Austin, thanks. Beth,
 16 I think that concludes the initial comments from
 17 objectors and interested persons, at least those that I
 18 had known were on the phone. Is there anyone on the
 19 phone that has status as an objector or interested
 20 person that I skipped over that has an initial
 21 comments.
 22 MS. RUSHMORE: Hi, this is Carol
 23 Rushmore for the City and Borough of Wrangell, but I
 24 think my comments are pretty much covered by others.
 25 MS. CAULFIELD: Okay. Thanks, Carol.

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1 We're glad to know you're on the phone.
 2 MS. PENDLETON: Thank you. So I do
 3 have a number of questions, some of which have been
 4 addressed by some objectors, but I'm going to go ahead
 5 and invite any other thoughts that perhaps may not have
 6 been expressed and I may have some further
 7 clarifications.
 8 The first question would be really
 9 helpful for me to hear why do you think the Roadless
 10 Rule impedes renewable energy development. Be as
 11 specific as you can.
 12 Jim.
 13 MR. CLARK: If you're okay with that,
 14 let me first talk about the leasable minerals and
 15 geothermal leasing. If you look at Page 66 Federal
 16 Register at 3256, it's very specific in terms of
 17 prohibiting renewable energy in the form of geothermal
 18 leasing. In fact, it deals with all that's under the
 19 Mineral Leasing Act, not just geothermal.
 20 If you would look at 66 Federal
 21 Register at Page 3259, you'll see that the comment and
 22 response that creates the concern about the hydro. Let
 23 me just read that because I think it's important to
 24 your question. It says comment on existing authorized
 25 activities. Some respondents were concerned about the

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1 impact of the Rule on special uses and requested
 2 clarification regarding the ability to construct or
 3 maintain roads in inventoried roadless areas to access
 4 electric power lines or telephone lines, pipelines,
 5 hydropower facilities and reservoirs.
 6 The response, Section 294.14(a) of the
 7 Proposed Rule, stated that the Rule would not suspend
 8 or modify any existing permit, contract or other legal
 9 instrument authorizing the use and occupancy of the
 10 National Forest System lands. Existing authorized uses
 11 would be allowed to maintain and operate within the
 12 parameters of their current authorization including
 13 regarding access. Nothing is said about future uses.
 14 Again the Roadless Rule preamble says
 15 the Final Rule retains all of the provision that
 16 recognize existing rights of access and use where
 17 access to these facilities is needed to ensure safe
 18 operation, a utility company may pursue necessary
 19 authorization to the terms of the existing permit
 20 contract. That is at Page 66 Federal Register 3256.
 21 So I think there's no question that new
 22 geothermal is absolutely prohibited and I think there's
 23 a real question about whether hydropower is permitted
 24 and I would, again as a remedy, suggest that you engage
 25 in limited rulemaking to allow mineral leasing on the

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1 Tongass National Forest and that you clarify that
 2 hydropower development should be allowed because, among
 3 other things, the 2000 Act that dealt with the
 4 Southeast intertie that predated the Roadless Rule
 5 authorizes it and that's a very good reason to do it.
 6 The Roadless Rule is at issue in this
 7 Plan because your Alternative 2 would have resulted in
 8 reinstating the Tongass exemption, which should occur.
 9 So I think there is a real impact on renewable energy
 10 in the Roadless Rule, which you have an opportunity to
 11 fix by recommending limited rulemaking. That's all you
 12 can do in the Plan.
 13 Thank you.
 14 MS. PENDLETON: Thank you, Jim. Others
 15 who would like to comment on that.
 16 Tom.
 17 MR. LENHART: If I could just add to
 18 what Jim just said, I'm holding the ROD from the 2003
 19 Exemption Rule. There USDA said the Roadless Rule
 20 significantly limits the ability of communities to
 21 develop road and utility connections that almost all of
 22 the communities in the United States take for granted.
 23 Under the Final Rule communities in Southeast Alaska
 24 can propose road and utility connections across
 25 National Forest System land that will benefit the

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1 communities.
 2 So as of 2003 USDA accepted the fact
 3 that there was a serious impact on utility connections.
 4 Thank you.
 5 MS. PENDLETON: Thank you.
 6 MS. CAULFIELD: Thanks, Tom. Tom Waldo
 7 and then I'll go to the phone and check if there's
 8 anyone there. So Tom Waldo.
 9 MR. WALDO: Yeah, I just want to
 10 respond to those points regarding what Tom just read
 11 from. That was the decision that was made on the
 12 Tongass exemption that was held arbitrary by the courts
 13 because it's not really an accurate reflection of what
 14 the Roadless Rule does.
 15 The Roadless Rule, it's important to
 16 understand it. It prohibits just two things. Cutting
 17 trees with numerous exceptions and building roads with
 18 numerous exceptions. It doesn't prohibit leasing. It
 19 doesn't prohibit hydro plant development. It doesn't
 20 prohibit power lines. The only thing that it limits is
 21 potentially roads to those. Even for those there are
 22 exceptions. For example, probably most importantly
 23 here with regard to hydro projects, there's an
 24 exception for if rights to build a road are allowed by
 25 statute.

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1 There is actually a statute that
 2 addresses conditions that the Forest Service can impose
 3 on FERC licensed power projects like hydro facilities.
 4 The statute is 16 USC 823D. It's a complicated statute
 5 and it's written in terms of the process you have to go
 6 through to get a FERC license and get Forest Service
 7 approval to do that on Federal lands, but it basically
 8 requires a couple of extra findings by the Forest
 9 Service, but it's a procedure by which it shouldn't be
 10 difficult to develop hydro projects in the Tongass.
 11 Certainly the Roadless Rule does not
 12 stand in the way of new power lines. Power lines have
 13 always in the past been built on the Tongass without
 14 new roads. In fact, when they've done economic
 15 analysis to try to figure out whether they ought to
 16 build new roads with the power lines, it turns out that
 17 it's so expensive to build and maintain the roads that
 18 it's cheaper to build the power lines without them.
 19 That's what past power line projects have concluded.
 20 So we don't think that the Roadless
 21 Rule actually stands as a real barrier to those kinds
 22 of developments.
 23 MR. CLARK: Can I just tailgate on
 24 Tom's remarks for one quick point. I certainly
 25 disagree with him on the law, but again we're not here

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1 to litigate it. The point for purposes of the Plan is
 2 none of this is discussed in the Plan. Your own
 3 attorney should take a look to see whether or not
 4 mineral leasing is prohibited as it says in the 2001
 5 Rule and what is the impact on hydro power.
 6 The problem for purposes of the Plan is
 7 that none of this is discussed. The public is not made
 8 aware of the potential problem with hydro power and the
 9 absolute prohibition of geothermal. If there's a means
 10 of getting around it through the Federal Power Act,
 11 which is what Tom's talking about, that needs to be
 12 spelled out and give people an opportunity to comment
 13 on it and you don't have it in the FEIS, you don't have
 14 it in the Plan and I think that's a real serious
 15 problem.
 16 MS. PENDLETON: Thank you, Jim. Thank
 17 you for all your comments. Are there any others that
 18 would like to specifically comment about what you think
 19 or how you think the Roadless may impede renewable
 20 energy development.
 21 MS. CAULFIELD: Let me check on the
 22 phone, Beth. Anyone on the phone with a response to
 23 that question that Beth just asked.
 24 MR. GRIMM: This is Bob Grimm.
 25 MS. CAULFIELD: Hi, Bob. Go ahead,

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1 please.
 2 MR. GRIMM: Okay. There's a vicious
 3 circle between the Federal Power Act and the TLMP. I'm
 4 sure if FERC would exercise its statutory authority to
 5 approve a project in a National Forest, a project may
 6 have the ability to use that statute to build a
 7 necessary road for the project.
 8 However, FERC also needs to make a
 9 finding that the project is consistent with the Forest
 10 Plan. If it's not consistent with the Forest Plan,
 11 they can't issue the license. So we need some clarity
 12 there as to just how that would work. An individual
 13 project proponent would have trouble figuring that out.
 14 It has been our experience that when we
 15 indicate that there's a need for a road on a renewable
 16 energy project, again I think some of the comments are
 17 only referencing hydro, but I'm sure that they mean the
 18 whole suite of renewable energy, is that the Forest
 19 Service says under the Roadless Rule you can have a
 20 road or a trail that's 50 inches wide. Well, that is
 21 impossible to move much material over that and so
 22 expensive that it is a prohibition to building that
 23 project on the National Forest.
 24 The implementation of the Rule and how
 25 that's going to work and what other guidelines there

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1 are is very important to have in the Plan because
 2 you're experiencing that the Roadless Rule and the Plan
 3 itself is an impediment to renewable energy
 4 development.
 5 That's what I have to say on that
 6 issue. The other issue is, and I brought it up on Day
 7 1, that if you looked right now, the FCC, we're talking
 8 to communications now, is prescribing that communities
 9 have at least 10 megawatts down and 1 up to meet
 10 current requirements. In some cases, it's higher than
 11 that.
 12 I think, in my opinion, 10/1 can be
 13 achieved with microwave. However, fiber is going to be
 14 required for 10/1 and it's a certainty that fiber will
 15 only be required for higher speeds. Fiber is a
 16 terrestrial type of a thing. It's got to be placed on
 17 the ground either in conjunction with some other
 18 utility corridor or on its own.
 19 So our job is to meet what the FCC is
 20 prescribing for the communities that we serve and this
 21 is a new prescription by the FCC. It's just coming
 22 out. Their intent is to continue to increase broadband
 23 speeds especially in rural areas. Now we're going to
 24 need some access to roadless areas to be able to place
 25 the fiber to hook these communities together and then

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1 hook those to the rest of the world so they can
 2 participate in the broadband that is occurring
 3 worldwide.
 4 Right now I believe that the Roadless
 5 Rule is an impediment to being able to provide high-
 6 speed broadband access in rural communities in
 7 Southeast Alaska.
 8 Thank you.
 9 MS. CAULFIELD: Thank you, Bob. Anyone
 10 else on the phone with a response to Beth's question on
 11 this issue or here in the room.
 12 (No response)
 13 MS. PENDLETON: Not seeing any. I'm
 14 going to go to my second question and that is why do
 15 you think the Roadless Rule impedes mineral access and
 16 development.
 17 MR. BERGSTROM: Frank Bergstrom here.
 18 No prepared comments, but I can certainly tell you that
 19 our experience with our members who have attempted to
 20 do exploration or project development work in Southeast
 21 have -- well, those that actually have successfully
 22 managed to obtain access to inventoried roadless areas
 23 have had to go through the process all the way up to
 24 the Secretary of Agriculture, which generally results
 25 in an additional season.

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1 So decisions are made in the
 2 exploration business in a fairly short timeframe. It's
 3 just the way the funding works. If every operator has
 4 to wait a year to get authorization to fly some kind of
 5 tiny little rig that you can sling from a helicopter to
 6 the top of the hill and cut down trees that are six
 7 inches or less in order to erect the rig, that is a
 8 huge impediment to time. So really that's one point,
 9 just the time delay in the decision-making process
 10 going over your heads.
 11 We would be happy to work with the
 12 folks in the State here and come up with good
 13 decisions, but I think just the additional process of
 14 having to go to D.C. creates such a time delay is
 15 extremely difficult for small junior miners to work
 16 under those kinds of constraints.
 17 The second issue would be the actual
 18 constraints such as I mentioned there. You have to fly
 19 everything in. You can't build a road for exploration.
 20 In my experience, I can't think of a single situation
 21 where an explorer or a junior mining company has had
 22 the ability to build a road.
 23 So if you have to sling everything in,
 24 as my colleague sitting next to me here said, if you're
 25 on the receiving end of even a small rig on the end of

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1 a cable that's coming in, you kind of want to have your
 2 will already filled out. It's not a pleasant
 3 situation. So it's unsafe.

4 You can't generally get the size of rig
 5 you might want to get in there, so your holes are
 6 shorter and thus it is an impediment for people to get
 7 the geologic data that they need for requirements under
 8 the SEC to come up with a resource and you can build a
 9 PEA or feasibility study on. It's a cost impediment
 10 and it's really a physical limitation on the geologic
 11 information you can obtain when you're only aircraft
 12 served.

13 I think the last one was that thing
 14 about the six-inch trees. At higher elevation, yeah,
 15 some of the trees are smaller, but for the most part
 16 trees in Southeast are generally bigger than six inches
 17 or thereabouts. So if the tree cutting is limited to
 18 such a small diameter, it's extremely difficult to
 19 build drill pads.

20 MR. CLARK: If I could just add one
 21 quick comment and an example. What we're talking about
 22 is getting heavy equipment from tidewater to an
 23 exploration or development site. Just a good example
 24 of that is in 1976 we had a wilderness study area of
 25 25,000 acres at Boca de Quadra. At that point in time

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1 U.S. Borax was looking to develop a molybdenum mine.
 2 The Forest Service said they wanted to do bulk sampling
 3 and they needed a road to do bulk sampling and the
 4 Forest Service said take it out by helicopter.

5 The matter was litigated for a number
 6 of years in a case called SEAK versus Watson.
 7 Ultimately a road was built to take it out. We're just
 8 afraid that with the Roadless Rule in place there will
 9 be all kinds of limitations on the access that's
 10 allowed under the 1872 Mining Act. I don't think they
 11 contemplated the Roadless Rule in 1872 and they didn't
 12 realize there would be an inability to build roads,
 13 trails or whatever was necessary to access and develop
 14 minerals.

15 So that's the concern.

16 MR. BERGSTROM: One more thing. In our
 17 discussion last week about a need for an expanded
 18 inventory of second growth, but to a miner such would
 19 be the luxury of being able to see our resource. It's
 20 difficult for the Forest Service, no doubt, because of
 21 the aerial extent of the forest to go out and just see
 22 what the resource is on the ground when you can see.

23 When you're a geologist, it's all below
 24 the surface and it's three-dimensional and you can't
 25 see that. So the only way to get defensible

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1 information is to go subsurface with a drill rig
 2 or by actually driving an addit and going underground
 3 and having a look see.

4 So we absolutely positively need the
 5 access for heavy equipment to get the information
 6 that's needed to come up with a bankable document that
 7 can be taken to investors and ask for their hard-earned
 8 money to build these projects, which generally these
 9 days a billion dollars to build a mine is pretty
 10 economical.

11 MS. CAULFIELD: Thanks, Frank. Neil
 12 MacKinnon.

13 MR. MACKINNON: I've had a fair amount
 14 of experience building roads in the Tongass. The first
 15 one being from tidewater and Slate Creek over in
 16 Berners Bay up to the mine at Jualin.

17 We concede to the idea, and actually it
 18 came about when we started pushing for it, sitting
 19 underneath a drill rig watching a 1,500-pound load
 20 coming down through the trees with wind blowing, bad
 21 light and when he misjudged the distance it came down
 22 on a platform with two people on it and just literally
 23 exploded into pieces. Nobody was hurt fortunately, but
 24 it was a horrifying experience. I wasn't on the drill
 25 platform. I was sitting there watching people that we

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1 had hired that we put in harm's way.

2 At that point it was like we've got to
 3 get away from this and we did. In less than one year
 4 we designed, permitted and constructed a five-mile road
 5 from tidewater to the mine and got the cost of that
 6 road back in the very next year's drill program in what
 7 we saved in just helicopter bills. Not to mention fuel
 8 and not to mention sleepless nights and terrorizing
 9 moments.

10 Now contrast that to several years ago.
 11 I spent five years permitting a 700-foot stretch across
 12 a piece of the Tongass that was not inventoried
 13 roadless. In fact, it had been roaded and logged. It
 14 took me five years to get that permit so we could get
 15 to our private land and continue construction of road
 16 so that we can continue mineral development.

17 We've had five holes on this property
 18 and it's apparent that we're going to have to drill it
 19 on a systematic continuous pattern that's going to say
 20 we have to do this on the ground. For two reasons, but
 21 primarily because we're going to have to, you know, 100
 22 foot, 100 foot, 100 foot. So this is what we have to
 23 do.

24 Now when it comes to cutting trees, the
 25 six-inch trees, I don't really worry about. It's the

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1 two-foot trees that stand up 100 and some feet that
 2 grab tail rotors, grab propellers and grab sling loads.
 3 You don't want to cut them because it's a lot of work
 4 and you have to deal with it. But to fly into some of
 5 those things, here's a big stick up there and it's
 6 going to grab you or grab the helicopter out of the
 7 air. When you're in a helicopter on the ground, it's
 8 still not a good thing because the pieces are coming
 9 down on you.

10 So the prohibition on cutting trees,
 11 it's like we can't not in places and it can't just be
 12 little trees. It's going to have to be the danger
 13 trees, the ones that could cause a problem. The other
 14 side is there's trees, but there's life safety and
 15 that's a major consideration especially when it's your
 16 life or it's the life of somebody you put out there.

17 The other thing is I spent 30 years on
 18 the Board of Alaska Electric Light and Power and during
 19 that time we permitted three FERC and the Forest
 20 Service, but FERC was the lead agency, the Lake Dorothy
 21 hydro plant. That was built. We had to build a road
 22 for part of it. The other part we didn't because you
 23 physically couldn't do it.

24 The helicopter portion that was
 25 extremely expensive and also time consuming in the

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1 project phases because you're limited by whether,
 2 elevation and all that stuff, so you end up backing the
 3 project up say a year because of time constraint. When
 4 you're building a big project like that or any hydro
 5 project, one of the things that comes in, it doesn't
 6 come in the start, but there's interest charged to the
 7 cost of construction, which is the money that's tied up
 8 over the time that it takes to get going.

9 One year's delay, especially towards
 10 the end of the project when you've got all your money
 11 dumped into it, adds up big time and where it shows up
 12 is in the rates that all of us pay as a user.

13 Also what made like Dorothy economic
 14 was that we could bring Greens Creek on to take the
 15 excess power, load the plan 100 percent from day one.
 16 That took a power line from Juneau, obviously from our
 17 system, into Greens Creek. It wouldn't have been
 18 economic in their case or our case or anybody's case
 19 had we not had that road to build that power line on.

20 Sure you can do it with a helicopter,
 21 but it's the same thing, that money goes out the door.
 22 When you do it on the road, it's a lot cheaper, a lot
 23 faster and a lot safer.

24 MS. PENDLETON: Thank you, Neil. Tom,
 25 did you have a....

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1 MR. WALDO: Thanks. I was going to
 2 respond to these points. Maybe make sure they're all
 3 done and then I could respond if anybody else has
 4 anymore.

5 MS. CAULFIELD: There has been a
 6 request for people on the phone for us to make more of
 7 an effort to indicate who's speaking here in the room.
 8 Anyway, that was Neil MacKinnon from Hyak Mining.
 9 We're going to switch to Tom Waldo now from
 10 Earthjustice. Thanks.

11 MR. WALDO: Thank you. This is Tom
 12 Waldo. So just a couple of quick responses in there.
 13 Really the two basic points that Frank summarized at
 14 the very outset which is the time delays and the
 15 challenges or the actual limitations that are imposed
 16 on some of the requests for access. Neither one of
 17 them is actually a function of the Roadless Rule is the
 18 only point that I wanted to make.

19 The requirement to go to the Secretary
 20 of Agriculture to get approval for access in roadless
 21 areas is not actually a requirement that exists in the
 22 Roadless Rule or in the Forest Plan. It's an internal
 23 Agency procedure that's been adopted by the Secretary
 24 of Agriculture and it's one that could be addressed
 25 separately and it shouldn't be something that should be

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1 used to undermine the whole Roadless Rule.

2 And a similar point about the
 3 restrictions that may have been imposed and I don't
 4 know anything about it. The right under the mining law
 5 of 1872 to reasonable access that trumps the Roadless
 6 Rule. So even if it's in a roadless area, they're
 7 entitled to get reasonable access and that includes
 8 access at the exploration stage.

9 So if the restriction -- and that's
 10 true whether you're in a roadless area or not in a
 11 roadless area. You're entitled to get that access. If
 12 the restrictions that are being put on are too strict
 13 such that it creates an unsafe operation, that's a
 14 problem with what's being deemed reasonable access.
 15 It's not actually a problem with the Roadless Rule.

16 Actually Neil made that point himself I
 17 thought by pointing out that it took five years to get
 18 a permit in a place that wasn't even an inventoried
 19 roadless area. It's not necessarily the Roadless Rule
 20 that's causing the problem, to the extent there's a
 21 problem and I can't speak to how much it's a real
 22 problem, it's one of getting approvals through the
 23 Forest Service process that exists both within roadless
 24 areas and outside roadless areas and it's not the
 25 Roadless Rule itself that's the problem.

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1 MS. PENDLETON: Thank you, Tom.
 2 MS. CAULFIELD: Tom, you go and then
 3 Jim.
 4 MR. LENHART: This is Tom Lenhart from
 5 the State of Alaska. Let me first say I'm going to
 6 speak somewhat here from memory, so if I misspeak, I'm
 7 sure Jim or maybe Tom will correct me.
 8 When you're talking about access to
 9 minerals under the Forest Plan, the Roadless Rule or
 10 whatever, again first we have to distinguish between
 11 the leasable and the hard rock. The leasable is just
 12 off the table under the Roadless Rule, so there is no
 13 access to geothermal, to coal, to sand, to gravel, so
 14 clearly there's an impact there.
 15 With the hard rock, as Tom said, there
 16 is a right to reasonable access. That in and of itself
 17 -- and here's where maybe I disagree, but my
 18 recollection is that in the Roadless Rule that language
 19 actually carries over. I think the Roadless Rule does
 20 give access for reasonable access.
 21 To the extent that we may sit here and
 22 each of us may think something different is reasonable
 23 access. Who is to say. When you have that kind of
 24 uncertainty in your planning, maybe we can get a road,
 25 maybe we can't, I'm sure that throws a huge kink into

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1 your planning and financing for mine expansion.
 2 And to the extent that we have that
 3 language that there would be reasonable access to hard
 4 rock mining, certainly we can sit here today and feel
 5 confident that current Forest Service Administration
 6 Secretary of Agriculture will in fact be reasonable.
 7 Who knows if in five years whether there would be a
 8 reasonable decision or not. There's a huge element of
 9 uncertainty even for hard rock mining, even for the
 10 current mines.
 11 Thank you.
 12 MS. CAULFIELD: Thank you, Tom. Jim.
 13 MR. CLARK: My point is that we've had
 14 a good discussion here. Tom is right and Tom Waldo is
 15 right that the issue is what does reasonable access
 16 mean. I would contend, as in the Watson case, that
 17 when the Forest Service is involved in a roadless area
 18 or in a wilderness area, reasonable access is defined
 19 much more constrictively than when you're in just the
 20 normal acres of the Forest.
 21 The key point is that none of this is
 22 discussed either in the 2001 Roadless Rule as it
 23 applies to Southeast Alaska. You'll remember that
 24 there was two parts to the 2001 Roadless Rule. One
 25 part applied nationally and then there was a subset

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1 that applied to the Tongass specifically. Nothing
 2 regarding the access issue in the Tongass, although the
 3 Watson case has occurred prior to the implementation of
 4 Roadless Rule.
 5 Nothing is said in this Forest Plan.
 6 There ought to be a discussion that describes how the
 7 Forest Service intends to try to implement. What are
 8 the standards and guidelines for determining reasonable
 9 access in the Forest Plan. When you just simply have
 10 no discussion whatsoever, I think that that's not
 11 helpful to the public and not helpful to the decision-
 12 maker in just looking at one more potential
 13 constriction that the Plan provides.
 14 One other point in connection with this
 15 that Tom made earlier, he said the Roadless Rule is not
 16 an issue here. Well, it is because Alternative 2 in
 17 the Plan would re-impose or recreate the Tongass
 18 exemption. So it's an issue that you thought about
 19 both in Alternatives 2 and 3.
 20 Therefore I would urge that you
 21 consider it with respect to renewable energy and
 22 mining, be a different way to discuss each one in the
 23 Plan, but the Plan contains no discussion of these
 24 things and they are -- both renewable energy and mining
 25 are impacted by the Roadless Rule and the Plan and you

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1 should discuss it.
 2 Thank you.
 3 MS. PENDLETON: Thank you, Jim. So
 4 you're leading me into my next question, but let me
 5 just pause for a minute and we'll check with the phone.
 6 So the question I had asked before I go
 7 to my next one is why do you think the Roadless Rule
 8 impedes mineral access and development. So I'd like to
 9 check with the phone.
 10 MS. CAULFIELD: Is there anyone on the
 11 phone who would like to join in this discussion on
 12 Beth's question with regard to your view of why the
 13 Roadless Rule would impede mineral access and
 14 development.
 15 (No response)
 16 MS. CAULFIELD: Thank you very much for
 17 that. Beth, before we go into your next question I'm
 18 going to suggest a short break so people can stretch 10
 19 minutes and be back at quarter to 3:00. Thanks very
 20 much.
 21 (Off record)
 22 (On record)
 23 MS. CAULFIELD: Okay. We'll go ahead
 24 and get started again. Welcome back. I'm going to
 25 turn it over to Beth. She has an additional question

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1 she'd like to pose for your consideration.
 2 MS. PENDLETON: Thanks for the input to
 3 my first couple of questions. I certainly realize the
 4 concerns on both sides of this issue.
 5 What I wanted to share is that since
 6 2011 the region -- and there are some areas where I
 7 have discretion to approve incidental removal of trees
 8 and inventoried roadless areas and it's the Chief, Tom
 9 Tidwell, where other projects go up to the Chief now.
 10 It's been delegated from the Secretary.
 11 Since 2011 we've moved 47 projects and
 12 I would like to say we've done that timely, including
 13 minerals exploration, hydropower, just recently an
 14 intertie. I realize that may be debatable with some on
 15 timeliness, but we've tried to move those within 30
 16 days once we've received the request here at the
 17 Regional Office.
 18 The other thing the region has done in
 19 2012 at a request from the Senate Energy and Natural
 20 Resources Committee was to put out a frequently asked
 21 questions document that addresses activities in
 22 roadless areas and we tried to keep that updated as
 23 well.
 24 I realize that there's always need for
 25 greater clarity, so here's my question because I do

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1 think that there appears to be -- I'm hearing some
 2 misconceptions on allowable activities in roadless. So
 3 how could the Forest Service provide sufficient clarity
 4 in the Final ROD or the Plan around activities in
 5 roadless and the process associated with approvals? So
 6 that's my question for you to respond to.
 7 MR. CLARK: This is Jim Clark. You had
 8 Alternative 2, which would have been a reinstatement of
 9 the Tongass exemption, so that's one of the
 10 alternatives that's considered. As you know, in the
 11 Final ROD you can change what was the alternative
 12 described in the Draft ROD. In fact, that's what you
 13 did on the roadless Rules Rule years ago.
 14 One of the things you can do is make
 15 recommendations such that you would clarify -- or first
 16 that you would ask for a rule change to provide for
 17 mineral leases. You would clarify whether it is only
 18 existing hydro and other utilities that are permitted
 19 or does it include future new ones and you could have
 20 in that discussion the point you were just raising.
 21 You were saying that this has not been
 22 a problem because of the approvals you have obtained,
 23 notwithstanding the language in the Roadless Rule.
 24 That should all be discussed so that the public is
 25 aware of how you are pursuing these things along with a

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1 discussion of mining access that we just talked about a
 2 little while ago.
 3 I mean none of this -- and I don't know
 4 that you can do this in the ROD. You'll have to decide
 5 that with your folks. You may need a supplemental
 6 environmental impact statement to do it. But these
 7 issues are important enough, particularly when you've
 8 identified renewable energy as one of the prime things
 9 you want to do here.
 10 If you need to go back to an SEIS to
 11 ask to change the Rule, provide reasons for that,
 12 describe what may need to be done to clarify the
 13 language in the Roadless Rule regarding the Tongass,
 14 and that may take a rule change too, but I would ask
 15 that you go back to the drawing board. Have your team
 16 go back to the drawing board to answer your own
 17 question, what do we need to do to clarify these
 18 points.
 19 You can't put the Plan forward without
 20 mentioning it in some way and still have a Plan that
 21 meets the requirements of the National Forest
 22 Management Act.
 23 Thank you.
 24 MS. PENDLETON: Thank you, Jim. Other
 25 thoughts on my question.

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1 MR. BERGSTROM: Beth, this is Frank.
 2 With your forbearance, I think AMA would request we
 3 could address that in our comments on Wednesday because
 4 that's a major piece of our comments to you then.
 5 MS. PENDLETON: Okay. We can hold
 6 until Wednesday to hear from you then on that. Thank
 7 you.
 8 MR. BERGSTROM: Appreciate it.
 9 MS. CAULFIELD: So Owen Graham, AFA.
 10 MR. GRAHAM: Yeah, I agreed with that
 11 last remark. This runs over into the demand analysis.
 12 The Forest Service practices or procedures for
 13 determining demand, if anything, have been very
 14 inconsistent. It seems like every time they want to do
 15 a new plan they miraculously come up with a demand
 16 analysis that seems to support it.
 17 Being that it's that inconsistent it's
 18 just not -- you know, it's not impossible the Forest
 19 Service determining at a higher level of demand would
 20 be required at some point and suddenly the Roadless
 21 Rule would be in conflict with TTRA. It's already in
 22 conflict with ANILCA.
 23 So, yeah, I think it's better to talk
 24 in more detail about this when we do the demand
 25 discussion.

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1 MS. CAULFIELD: Thanks, Owen. So are
 2 there others here in the room who have responses to
 3 Beth regarding her question about providing additional
 4 clarity about the Roadless Rule and the process by
 5 which it's applied in the Forest Plan or in the ROD.
 6 So Neil MacKinnon and then I will come
 7 to the phone.
 8 MR. MACKINNON: Maybe I don't know if
 9 it's clarity, but from a practical standpoint -- let's
 10 just go the Tongass has basically been redlined by most
 11 all major mining companies as a place that they won't
 12 work. Partially because of the uncertainties under the
 13 Tongass Plan itself it's under, but partially the
 14 uncertainties of this roadless thing. It's like what
 15 if we find something, where do we go.
 16 It may be a great project and I've had
 17 some great ideas come up and the guy goes I can't take
 18 this to my exploration manager. He'd throw me right
 19 out of the office and my job too because it's just kind
 20 of like a political jurisdiction that's tough to deal
 21 with. It's just the uncertainty.
 22 There's enough uncertainty in this
 23 business to walk into another known uncertainty and to
 24 expose yourself to that it just -- you're not going to
 25 get that beginning risk money that it takes to get you

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1 off the ground. I don't know. You have to put it in
 2 bold print the whole chapter. Yes, if you find
 3 something, you can cut a tree and build a road to your
 4 mind. Barring that, I don't know.
 5 MS. PENDLETON: Thank you, Neil.
 6 MS. CAULFIELD: Is there anyone on the
 7 phone who would like to respond to that question and
 8 discussion.
 9 (No response)
 10 MS. CAULFIELD: I'm not hearing anybody
 11 right now, so Jim Clark and we'll come back to the
 12 phone later.
 13 MR. CLARK: I just want to correct
 14 myself. I said the failure to include this in the
 15 Plan, the impacts on renewable energy and mining, would
 16 be a violation of the National Forest Management Act
 17 and of course I meant NEPA. So just let me correct
 18 myself.
 19 MS. PENDLETON: Thanks, Jim. Okay, not
 20 seeing any other input on that, I'll take that as folks
 21 are ready to move on to the next question.
 22 There are some objectors who have
 23 contended that the Forest Service should pursue
 24 rulemaking to amend the Roadless Rule to exclude roaded
 25 roadless from the roadless inventory and/or include the

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1 2008 roadless acreage in the inventory. I'd like to
 2 get your thoughts on that.
 3 MR. CLARK: Could you repeat that.
 4 MS. PENDLETON: I sure will. There are
 5 some objectors who have contended that the Forest
 6 Service should pursue rulemaking to amend the Roadless
 7 Rule to exclude roaded roadless from the roadless
 8 inventory and/or include the 2008 roadless acreage in
 9 the inventory. What are your thoughts on that.
 10 I was just going to see if there's a
 11 need for clarification on roaded roadless if that would
 12 be helpful.
 13 MR. CLARK: Jim Clark. The confusion
 14 is when you talk about including 2008 roadless in the
 15 inventory. It's already in the inventory. I mean I'm
 16 not quite sure what you mean by that. Could you
 17 clarify that, please.
 18 MS. PENDLETON: I'm going to have Robin
 19 provide some clarification on both those terms.
 20 MS. DALE: I think people probably have
 21 different interpretations of this but what I think is
 22 meant by the 2008 roadless inventory is the inventory
 23 that was used and considered in the 2001 Roadless Rule.
 24 I'm not even sure of the exact date that inventory was
 25 complete, but there was an inventory used for the 2001

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1 Roadless Rule.
 2 In 2003 when the supplemental EIS for
 3 the Tongass Forest Plan was prepared to consider
 4 additional wilderness recommendations, the Tongass
 5 updated their inventory at that time. It identified
 6 additional roadless areas and it also identified some
 7 areas that had not been inventoried -- that had been
 8 inventoried as roadless.
 9 So it identified some additional
 10 roadless areas that met the criteria for inventoried
 11 roadless areas, so they were bigger than 5,000 acres in
 12 size and they also identified unroaded areas that were
 13 smaller than 5,000 acres, but were not roaded.
 14 So that inventory, what I call the 2003
 15 inventory, was the inventory that the 2008 Forest Plan
 16 Amendment was based on. So when the 2008 Forest Plan
 17 Amendment ROD was signed and it had the Phase I, Phase
 18 II and Phase III roadless, it was based on that
 19 inventory that was actually completed in 2003.
 20 Again, you had the 2008 Forest Plan ROD
 21 that kind of dealt with the 2003 inventory and then the
 22 Roadless Rule itself, which is based on the original
 23 roadless inventories completed during the earlier
 24 process and used for the 2001 Roadless Rule. So that's
 25 the difference between the 2001 inventory in my mind

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1 and the 2008 inventory.
 2 The roaded roadless I believe refers to
 3 the areas of the Forest that are inventoried roadless
 4 areas but roads were built in them either before 2001
 5 or after 2003, during the time period that the Tongass
 6 exemption was in place.
 7 MS. PENDLETON: The only thing that I
 8 would add, thank you, Robin, is the roaded roadless
 9 acres is about 80,000 acres on the Tongass.
 10 MS. CAULFIELD: Do you want to repeat
 11 the question given that?
 12 MS. PENDLETON: I will repeat the
 13 question. There are some objectors who have contended
 14 that the Forest Service should pursue rulemaking to
 15 amend the Roadless Rule to exclude roaded roadless from
 16 the roadless inventory and/or include the 2008 roadless
 17 acreage in the inventory. I'd like to get your
 18 thoughts on doing that.
 19 MS. CAULFIELD: Owen.
 20 MR. GRAHAM: For timber, I think in the
 21 short term it would be a tiny little help, it's
 22 certainly not going to compensate for all the timber
 23 land that was taken off the table and for the inability
 24 to meet any reasonable market demand.
 25 I would say one of the places where it

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1 could help in the short-term, Earl, is there's a lot of
 2 areas where there's peculiar or maybe unintentional
 3 outcome of the Rule where you have this little fringe.
 4 It's something like 600 feet from an existing clearcut
 5 it becomes roadless.
 6 In the past they logged up part way up
 7 the hillsides, but there's a lot of timber above the
 8 back line. The Forest Service guys in the field are
 9 trying to mark timber up there and as soon as they 600
 10 feet from an existing clearcut boundary they've got to
 11 stop even though maybe it may be only another five or
 12 six hundred feet until you hit the alpine. That seems
 13 kind of like an arbitrary and foolish rule because
 14 you'll end up with these little fringes of timber up
 15 there that are accomplishing nothing.
 16 In total, that 80,000 acres isn't going
 17 to make any big difference in the grand scheme. Maybe
 18 in the short term for a temporary fix it might help,
 19 but that's about it.
 20 MS. PENDLETON: Thanks, Owen. Others
 21 with comments, thoughts. Tom.
 22 MR. WALDO: Thank you. This is Tom
 23 Waldo from Earthjustice again. The Roadless Rule
 24 itself in the definition of inventoried roadless areas
 25 refers to the maps that existed at that time in 2000,

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1 but concludes with the statement or any subsequent
 2 update or revision of those maps.
 3 So the Roadless Rule itself
 4 contemplated that the maps could be revised and updated
 5 and I think getting the maps as accurate as possible
 6 would be a relatively non-controversial thing to do.
 7 If you do it, of course it should go both ways. If
 8 you're going to take out the roaded roadless areas, you
 9 would also need to be adding back into those acres that
 10 are actually roadless but weren't shown that way on the
 11 maps.
 12 But making the maps as accurate as
 13 possible should be seen as largely a ministerial action
 14 and not something very controversial.
 15 I would also like to say though what
 16 I've just been speaking about is about the correction
 17 to the Roadless Rule. For purposes of the Forest Plan
 18 itself, it seems like there's no reason to use those
 19 older maps. We should be using the current maps and it
 20 wouldn't require any process other than in the ROD for
 21 the Plan actually adopting the current accurate maps
 22 rather than the old ones that are a bit out of date and
 23 inaccurate in some places.
 24 MS. PENDLETON: Thank you, Tom. Jim.
 25 MR. CLARK: Jim Clark. What Tom is

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1 saying about the ability to update the maps is the case
 2 and it is up to the responsible official under 36 CFR
 3 294.11. What your intent is with respect to new IRAs
 4 by updating maps by the Forest Supervisor should be
 5 something that is discussed in the Forest Plan.
 6 First, which maps are we using and I
 7 think it's been a little bit unclear. Robin's
 8 explanation was excellent in terms of the status of the
 9 maps, but Tom was confused as I have been whether the
 10 2001 or 2003 maps apply. Do you have, and it would
 11 seem you would, a draft updated map in your office
 12 somewhere that would reflect the roads that have been
 13 decommissioned since 2003 and that arguably -- I don't
 14 know if you call -- when you decommission a road, is
 15 that a roaded roadless area or is that a roadless area
 16 that has not yet been put into an IRA.
 17 In either case, how you plan to deal
 18 with that should be discussed in the Forest Plan and
 19 it's not. I would urge that, again thinking as I see
 20 it, an SEIS is needed here and I would ask that you
 21 address that in the SEIS.
 22 Thank you.
 23 MS. PENDLETON: Thank you, Jim. Any
 24 other thoughts. Austin.
 25 MR. WILLIAMS: I'll second some of

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1 Tom's comments about needing to use the most accurate
 2 and up-to-date maps. I guess also make the comment,
 3 Beth, your question initially confused me a little bit
 4 because at least in our written comments both to this
 5 Plan Amendment as well as two various projects, a
 6 rulemaking isn't necessary to include those maps. I
 7 think it's simply a matter of incorporating the
 8 existing 2003 supplement and the maps from the 2008
 9 into this Plan Amendment as opposed to doing a separate
 10 rulemaking.
 11 MS. PENDLETON: Thank you, Austin.
 12 MR. CLARK: This is Jim Clark. I think
 13 that's right, but again the way that the Roadless Rule
 14 reads and authorizes you to add areas and the Plan that
 15 we're talking about now and the Plan needs to reflect
 16 your intent and needs to discuss all this. It needs to
 17 discuss what the process is and how your intent is to
 18 implement it. Are there any standards and guidelines
 19 for updating the maps? Again, that needs to be in the Plan.
 20 Thank you.
 21 MS. CAULFIELD: Tom Waldo from
 22 Earthjustice and then I'm going to see if anyone on the
 23 phone has a comment. Tom.
 24 MR. WALDO: Just a quick response to
 25 Jim. I'm less certain than Jim is that correcting the

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1 maps would require a supplemental EIS. I think there's
 2 about at least a 95 percent overlap in the maps there.
 3 They're largely accurate. There are some changes at
 4 the fringes, but in terms of the impacts that would
 5 have on the environmental impacts of changing those, I
 6 don't think that in itself is significant enough to
 7 require a Forest Plan level for an analysis at the
 8 programmatic level.
 9 MS. CAULFIELD: Thanks, Tom. Is there
 10 anyone on the phone that has a comment for Beth in
 11 response to this question.
 12 (No response)
 13 MS. CAULFIELD: I'm not hearing any on
 14 the phone, so Tom Lenhart.
 15 MR. LENHART: Just kind of a generic
 16 thought that I would hate to see the Forest Service go
 17 down the path of rulemaking for something that would
 18 produce as small a benefit as Owen thinks so. The
 19 reason I say that, I refuse to believe that any
 20 rulemaking on the Tongass is going to be simple and not
 21 ultimately highly contested.
 22 I would prefer to see a hard look at
 23 whether the -- at the end of the day if the Plan is
 24 going to comply with Federal law and if it's not, if
 25 you undertake a rulemaking, I would hope it goes deeper

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1 than what you're talking about with these couple of
 2 tweaks on the edges because I think you have a battle
 3 on your hand either way and I would just hate to see
 4 two or three years of resources wasted on a rulemaking
 5 that only tweaks 80,000 acres.
 6 Not that that wouldn't be a good thing.
 7 Anything that increases the timber supply a bit would
 8 be a positive, but I'm just not sure it would be worth
 9 the effort. If you're going to do it, I would say take
 10 a hard look and do it right.
 11 Thank you.
 12 MS. PENDLETON: Thank you, Tom. Jim.
 13 MR. CLARK: Just a point of inquiry.
 14 Jim Clark. If the 80,000 acres is not included in the
 15 IRAs now, is the roaded roadless available for timber
 16 harvest right now? That's just a point of inquiry. If
 17 you take no action, is the roaded roadless available
 18 for harvest if it's not in an IRA?
 19 MS. PENDLETON: So it may not be
 20 included in the application of the Roadless Rule, is
 21 that right?
 22 MS. DALE: I think it's the flip of
 23 that.
 24 MS. PENDLETON: It's the flip of that.
 25 Would you come up and provide that clarification.

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1 Would you restate your question, Jim Clark. Thank you.
 2 MR. CLARK: Yes, and thank you. What I
 3 was asking was this, your question involved 80,000
 4 acres of roaded roadless, which I understood is not now
 5 in an IRA. If that's the case, then is that 80,000
 6 acres available for timber harvest?
 7 ROBIN DALE: No. The 80,000 acres of
 8 what is considered roaded roadless that is areas within
 9 the inventoried roadless areas that were either roaded
 10 before 2001 or roaded in the time period after 2003
 11 while the Tongass exemption was in place. So they are
 12 actually within the inventoried roadless areas.
 13 MR. CLARK: Thank you.
 14 MS. PENDLETON: Robin, thank you for
 15 the clarification.
 16 MS. ARAUJO: Just a simple quick point.
 17 This is Jaeleen from Sealaska. For me roaded roadless
 18 is just very -- is that not an oxymoron to the rest of
 19 you in this room? It just doesn't make any sense to
 20 me. For me, 80,000 acres might seem small to some of
 21 you, but we just had a land bill that had 70,000 acres
 22 and it was quite significant to us. So I think that's
 23 something worth thinking about.
 24 MS. PENDLETON: Thank you, Jaeleen.
 25 MS. CAULFIELD: Owen.

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1 MR. GRAHAM: I was just going to note
 2 in response to Jim's question the Forest Service Ranger
 3 Districts have told me a number of their timber sales
 4 they had in progress were enormously downsized because
 5 of the roaded roadless area and some of those areas
 6 they've been aggressively decommissioning the roads to
 7 prevent somebody from going back in in the future
 8 without a great expense if the Roadless Rule went away.
 9
 10 So, yeah, the roaded roadless is a
 11 problem, but it's only 80,000 acres and only a portion
 12 of that 80,000 has actually got timber on it.
 13 MS. PENDLETON: Thanks, Owen. Does
 14 anybody else have comments on this question.
 15 (No comment)
 16 MS. CAULFIELD: Anyone on the phone
 17 with a comment on this question.
 18 (No comment)
 19 MS. CAULFIELD: Okay, thanks. So what
 20 we're going to do is take another 10-minute break.
 21 That gives a little time to consider if there's any
 22 additional questions that Beth wants to bring into the
 23 discussion this afternoon. If there are, we'll come
 24 back and address those. If there's not any additional
 25 questions, then we'll just close for the day.

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1 Jim, before the break a question.
 2 MR. CLARK: Before we break I have one
 3 additional point that I would like to make that didn't
 4 come up in the questions. Should I make it now or wait
 5 until after the break is over?
 6 MS. PENDLETON: Why don't you go ahead
 7 and bring that up. Does it pertain to one of the
 8 questions that was asked?
 9 MR. CLARK: It has to do with the
 10 Roadless Rule and the application.....
 11 MS. PENDLETON: Okay.
 12 MR. CLARK:of the Roadless Rule.
 13 It goes like this. The 2008 Plan was conditionally
 14 approved by the Under-Secretary of Agriculture, who was
 15 the Reviewing Officer in that case, with four various
 16 requirements. One was that there be four 10-year
 17 timber sales. One was that the timber be -- that there
 18 be a determination made on how to make the timber
 19 economic.
 20 One dealt with the need for an
 21 integrated timber industry, which means the timber
 22 industry that can use pulp logs as well as saw logs.
 23 The Roadless Rule, the re-application of the Roadless
 24 Rule in 2011 of course must have had an impact on that.
 25 That too needs to be discussed in the Forest Plan. How

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1 the conditional approval made by the Under-Secretary of
 2 the 2008 Plan was modified by the re-application of the
 3 Roadless Rule in 2011.
 4 Thank you.
 5 MS. PENDLETON: Thanks, Jim.
 6 MS. CAULFIELD: Okay. Let's go ahead
 7 and take about a 10-minute stretch break. We'll come
 8 back at 3:25. Thanks very much. We'll see you then.
 9 (Off record)
 10 (On record)
 11 MS. CAULFIELD: Thank you. We're going
 12 to go ahead and get started again. Welcome back to
 13 people on the phone and those of you here in the room.
 14 If you want to take your seats, I'm going to turn it
 15 back over to Beth Pendleton.
 16 MS. PENDLETON: Thank you for the
 17 discussion and dialogue this afternoon. I appreciate
 18 it. I think it's been very helpful for me to hear and
 19 bring some greater clarity around particularly some of
 20 the issues that we discussed as it relates to mining
 21 activities, hydro activities in roadless areas.
 22 I've also really appreciated your
 23 thoughts in helping to suggest remedy and/or clarity
 24 that would help in preparation of the final decision
 25 associated with the amendments, so it's been very

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1 helpful.
 2 I don't have further questions at this
 3 time. I realize that there's a couple of topics that
 4 have come up that we're going to carry on tomorrow as
 5 we discuss the conservation strategy in particular,
 6 then the following day the demand. So there may be
 7 some questions that will come up either tomorrow or
 8 Wednesday.
 9 So I will hold those for then and just
 10 again thank folks for your input. Highly valued and
 11 appreciated as I consider the response to your
 12 objections as well as direction to the Forest
 13 Supervisor. It's been very helpful. I look forward to
 14 tomorrow and our discussions then.
 15 I'm going to turn it back over to Jan.
 16 I think she's going to go through just a little bit
 17 about our schedule for tomorrow and then we'll close.
 18 MS. CAULFIELD: Thanks, Beth. Just
 19 very quickly looking at our agenda for tomorrow. We'll
 20 be back in here starting at 9:00 tomorrow morning. The
 21 issue for the day is harvest and components of the
 22 wildlife conservation strategy in other areas.
 23 So we have both the morning and the
 24 afternoon for topics related to that and we'll run it
 25 the same way as we have been with opening remarks from

1 objectors and interested persons and then Beth will
 2 have follow-up questions. So really we have the entire
 3 day for elements of our discussion related to the
 4 wildlife conservation strategy.
 5 If you haven't had a chance to look
 6 ahead to Wednesday, I just wanted to point out for
 7 purposes of your planning we're starting at 10:00.
 8 Beth pointed out a change to the agenda on Wednesday in
 9 terms of our morning topics there was a discussion
 10 item related to assessment of wolf and deer on Prince
 11 of Wales and Audubon Alaska has asked that we take that
 12 off the agenda, so that won't be happening on Wednesday
 13 morning.
 14 What we will be doing is talking about
 15 mining, impacts on the Amended Plan on mining and
 16 mineral land use designations. So I'll remind you
 17 about that, but I just wanted to make sure you realized
 18 9:00 start Tuesday, 10:00 start Wednesday morning.
 19 Any questions? Jim.
 20 MR. CLARK: Just one point. I had
 21 mentioned that the mineral LUD is a solution to the
 22 minerals issue and Frank Bergstrom is going to deal
 23 with it all. Thank you.
 24 MS. CAULFIELD: Yeah, that's fine. Did
 25 Frank say that was okay? Right, those two bullet

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 2 UNITED STATES OF AMERICA)
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 4 I, Salena A. Hile, Notary Public in and
 5 for the state of Alaska and reporter for Computer
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 7 THAT the foregoing pages numbered 408
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 9 of the TONGASS NATIONAL FOREST PLAN AMENDMENT
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 12 Alaska;
 13 THAT the transcript is a true and
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 22 _____
 23 Salena A. Hile
 24 Notary Public, State of Alaska
 25 My Commission Expires: 09/16/18

1 points will be combined, sort of a general discussion
 2 of mining, so that will be on Wednesday morning.
 3 Thanks for all your time and thoughts today. We'll see
 4 you in the morning. So appreciate it.
 5 (Off record)
 6 (PROCEEDINGS TO BE CONTINUED)
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