

Alaska Roadless Rulemaking Questions and Answers

Updated April 16, 2019

What is the 2001 Roadless Rule?

The National Roadless Area Conservation Rule (Roadless Rule) was adopted in January 2001 to protect the social and ecological values and characteristics of inventoried roadless areas from road construction and reconstruction and certain timber harvest activities. Inventoried roadless areas provide large, relatively undisturbed blocks of important habitat for a variety of terrestrial and aquatic wildlife and plants; contribute to healthy watersheds and clean drinking water; and provide extensive opportunities for outdoor recreation and tourism. Protection of these roadless areas on both the Tongass and Chugach National Forests is of local and national importance. Inventoried roadless areas in the Alaska Region include 9.2 million acres (55 percent) of the Tongass National Forest and 5.4 million acres (99 percent) of the Chugach National Forest.

What does the 2001 Roadless Rule prohibit?

The 2001 Roadless Rule generally prohibits construction or reconstruction of roads in inventoried roadless areas of the National Forest System, but with some exceptions. The Roadless Rule allows the USDA Forest Service Line Officer to authorize construction or reconstruction of a road in an inventoried roadless area if he or she determines it is needed for specific reasons including some timber harvest as outlined in the Rule. Since the Roadless Rule has been in effect in Alaska, more than 50 projects including mines, hydropower and intertie, a timber sale, road reconstruction, and a U.S. Coast Guard GPA antenna among others have been approved.

What is the history of the Roadless Rule application to Alaska's National Forests?

The 2001 Roadless Rule is currently in effect in the Tongass and Chugach National Forests. The Roadless Rule was adopted in January 2001, but due to litigation did not become effective and operational until April 2003. After three months of being in effect on the Chugach and Tongass National Forests, the Roadless Rule was again judicially enjoined on a nationwide basis and was not operational for the next three years. In September 2006, the Roadless Rule was judicially reinstated and became operational on the Chugach National Forest, but the Tongass National Forest remained exempt from the Rule because USDA had issued a temporary rule in 2003 exempting the Tongass National Forest from the Roadless Rule while it examined whether a state-wide exemption was appropriate. In 2011, the U.S. District Court for the District of Alaska set aside the 2003 Tongass Exemption and reinstated the Roadless Rule (with special instructions) on the Tongass National Forest. The District Court's ruling was upheld by the U.S. Court of Appeals for the Ninth Circuit and the Supreme Court declined further review.

Alaska Petition and USDA Forest Service Actions

Why is the USDA Forest Service initiating a rulemaking process now to develop an Alaska Roadless Rule for the Tongass National Forest?

At the direction of the U.S. Secretary of Agriculture, the USDA Forest Service is responding to the State of Alaska's petition which requested an exemption of the Tongass National Forest from the 2001 Roadless Rule. The decision to pursue a state-specific rule seeks to address concerns raised over roadless area management and access. A state-specific roadless rule would determine which currently designated roadless areas in the Tongass National Forest might require a different management approach to further Alaska's economic development or other needs, while still conserving roadless areas for future generations.

Is the state-specific roadless rulemaking connected to congressional action?

The USDA Forest Service rulemaking is administrative and separate from any action Congress may take. The Forest Service has issued a Notice of Intent (NOI) initiating a public rulemaking process in response to a petition filed pursuant to the Administrative Procedure Act to develop a state-specific roadless rule focused on the Tongass National Forest.

Why did the Alaska Roadless Rulemaking continue during the recent government shutdown? Are there any plans to delay or adjust the timeline?

The USDA Forest Service Alaska Region moved forward with several high-priority projects during the most recent government shutdown, one of which was the Alaska Roadless Rule. A decision was made to stay as close to the original project timeline, since there was prior year funding available and a limited number of USDA Forest Service employees, working in exempt status, were able to be called back to complete focused work and move the project forward in a timely manner.

Who makes the final decision on the Alaska Roadless Rule?

The final decision resides with the U.S. Secretary of Agriculture. The Alaska Regional Forester has important input and influence and will ensure the Region is represented throughout the rulemaking process.

Alaska-Specific Roadless Rulemaking Process

What does a Rulemaking Process entail?

The USDA Forest Service is conducting a public rulemaking process pursuant to the Administrative Procedures Act (APA). In late August 2018, the USDA Forest Service issued a Notice of Intent (NOI) in the Federal Register to initiate the rulemaking process. The NOI opened a scoping and public comment period. As part of the scoping period, the USDA Forest

Service hosted community meetings to provide information and answer questions about the rulemaking process. Public comments received during the scoping period are helping the USDA Forest Service on the development of a range of preliminary alternatives to be analyzed in the Alaska Roadless Rule Environmental Impact Statement.

What is the timeframe for completion of the Alaska Roadless Rulemaking process?

These dates are projected and subject to change:

- *July 2019*—publish a draft Environmental Impact Statement and start a 60-day comment period
- *April 2020*—publish a final Environmental Impact Statement
- *June 1, 2020*—publish a final Alaska Roadless Rule

Proposed Alternatives

When will a summary of proposed alternatives for the Alaska Roadless Rulemaking be made available, and will we have an opportunity to review them and provide comments?

The alternatives are expected to be included in the Draft Environmental Impact Statement. The Statement and a proposed Alaska Roadless Rule could be published in mid-summer 2019.

Do any of the proposed alternatives affect the Tongass Land Management Plan?

The proposed Alaska Roadless Rule would not amend the Tongass Land and Resource Management Plan. However, there are possibilities that there could be a need for an administration change to the plan regarding overall suitability of land for timber production.

Cooperating Agencies

How will the State of Alaska be involved in the rulemaking process?

The State of Alaska is a cooperating agency and will work closely with USDA Forest Service during all phases of the rulemaking process. The State established an advisory group that will report to the Governor and inform the State's input to the USDA Forest Service during the rulemaking process. Additionally, as a cooperating agency the State will work closely with the NEPA Interdisciplinary Team.

How will Alaska Tribes be involved in the rulemaking process?

The USDA Forest Service invited federally recognized tribes to participate as cooperating agencies in the Alaska Roadless Rulemaking effort, alongside the State of Alaska. Six tribes have signed Memorandums of Understanding with the agency to establish protocols and processes for participation in the NEPA analysis as cooperating agencies. Tribes bring specialized expertise on land management, subsistence, natural resources, and potential impacts

to specific communities and traditional territories within Alaska. The benefits of cooperating status include establishing trust and cooperation and the ability to participate directly in the processes early in and throughout the analysis. Cooperating agency status does not replace Government-to-Government Consultation obligations, which is available at any time at the request of all tribes, and the region is proactively scheduling consultation through the completion of this project.

Who are the Cooperating Agencies?

As of February 2019, the Forest Service signed Memorandums of Understanding with the state and six federally recognized tribes. The seven Cooperating Agencies are:

- State of Alaska
- Angoon Community Association
- Hoonah Indian Association
- Hydaburg Cooperative Association
- Organized Village of Kake
- Organized Village of Kasaan
- Central Council Tlingit and Haida Indian Tribes of Alaska

Public Engagement

Where can I find a summary of the public comments submitted during the Notice of Intent comment period in the fall of 2018?

Comments received during from the public scoping period in the fall of 2018 as well a summary of those comments is available online at <https://www.fs.usda.gov/project/?project=54511>. Seventeen public meetings were conducted across Southeast Alaska, Washington, D.C., and Anchorage, Alaska in the fall of 2018 to explain the rulemaking process. Approximately 140,000 written entries were logged; all written comments were considered and summarized.

Are there more opportunities for the public to comment and participate in the rulemaking process?

Following publication of the draft Environmental Impact Statement in July 2019, the USDA Forest Service will open a public comment period. During this time. Written comments may be submitted via the project website or email. The USDA Forest Service also has online mapping tool that will allow users to submit geographic-based comments during the comment period. Additionally, the USDA Forest Service will host public meetings to share information about the anticipated schedule for the remainder of the rulemaking process and to answer questions about the draft and the preliminary alternatives.

How can I provide input?

During the public comment period, written comments can be submitted electronically at <https://www.fs.usda.gov/project/?project=54511>. All comments, including names and addresses, will be placed in the record and are available for public inspection and copying.

In addition, written comments can be submitted via hard-copy mail to:

Alaska Roadless Rule
USDA Forest Service
Alaska Region Ecosystem Planning and Budget Staff
P.O. Box 2628, Juneau, Alaska 99802-1628

or email akroadlessrule@fs.fed.us

Alaska Roadless Rule Results

Will a new Alaska Roadless Rule automatically authorize projects that include road construction or reconstruction and/or timber harvest that could affect fish, wildlife, and other subsistence resources, or other uses of the forest?

The Alaska Roadless Rule would determine which currently designated inventoried roadless areas would have a different roadless management approach that would allow for activities that are currently prohibited under the 2001 Roadless Rule, but would not automatically authorize any specific projects. Any projects would still need to comply with the Tongass Land Management Plan and would undergo further review under the National Environmental Policy Act (NEPA).

Is this process focused only on road building and timber?

It is about opening opportunities to support rural communities on the Tongass National Forest. A state-specific roadless rule will determine appropriate management direction for roadless areas within the State of Alaska, including appropriate exceptions to address essential infrastructure, timber, energy, mining, access, and transportation systems necessary to support economic development within some industry sectors, while at the same time conserving roadless areas in Alaska for future generations.

How will the Alaska Roadless Rule affect the implementation of the Tongass Land Management Plan and the transition from primarily old-growth harvest to a young-growth timber program?

The Alaska Roadless Rule will not make any changes to the 2016 Tongass Land Management Plan or projects currently being implemented or proposed to implement the transition to a primarily young-growth timber program. Following a final decision on a state-specific roadless rule, the Tongass National Forest Land Management Plan could be amended or revised to reflect any management designations established by the state-specific rule.

What are the expected economic benefits of the Alaska Roadless Rule?

During the rulemaking process, the USDA Forest Service will analyze and present the social and economic impacts of all proposed alternatives, including a no-action alternative. The range of alternatives will address how different management designations could facilitate rural prosperity and support sustainable communities and economies in southeast Alaska.

Are activities such as mining, cell tower construction, hydropower and geothermal power, transmission line, and infrastructure development prohibited under the 2001 Roadless Rule? If not, then why are they being discussed during the state-specific rulemaking process?

The 2001 Roadless Rule does not prohibit these activities. Under the current policy, most projects within inventoried roadless areas must be submitted to the Regional Forester for review and approval. In the Tongass National Forest, more than 57 projects have been approved. Some stakeholders with an interest in roadless areas, such as utility companies, mining interests, and local communities have raised concerns about how the 2001 Roadless Rule affects permits, contracts and other special uses involving access, road construction, and road maintenance in inventoried roadless areas. These issues are likely to remain part of the conversation.

Will important fish and wildlife habitat be protected?

The Roadless rulemaking process would determine whether currently designated roadless areas should have a different management designation that may allow for activity which is currently prohibited. It will not supersede other laws, including the Tongass Timber Reform Act, which provide specific protections for fish and wildlife habitat. Also, a state-specific rule will not authorize any specific project. Any projects would still need to comply with the 2016 Tongass Land Management Plan standards for fish and wildlife habitat and its impacts analyzed through a separate process under the National Environmental Policy Act (NEPA). The USDA Forest Service will uphold our mission to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations.

Information Resources

Where can I find all the information, comments, frequently asked questions and other details about the Alaska Roadless Rulemaking process from start to now?



Find all the information on the Alaska Roadless Rulemaking process on line at <https://www.fs.usda.gov/project/?project=54511>

Where can I find maps and information?

Maps and other information will be posted online at <https://www.fs.usda.gov/roadmain/roadless/alaskaroadlessrule>

Where can I find information about the 2001 Roadless Rule?

Information on the 2001 Roadless Rule and its application on the Tongass and Chugach National Forests is posted online at: <https://www.fs.usda.gov/detail/r10/home/?cid=fseprd595482>

