United States Department of Agriculture
Forest Service
Alaska Region
P.O. Box 21628
Juneau, AK 99802-1628

**File Code:** 1560
**Date:** July 30, 2018

Chairperson Melissa Kookesh
Kootznoowoo Inc.
8585 Old Dairy Road, Suite 104
Juneau, AK 99801

Dear Chairperson Kookesh:

The State of Alaska submitted a petition for rulemaking to the Secretary of Agriculture, Sonny Perdue. The Secretary and the Governor of Alaska, Bill Walker, have reached an agreement to cooperatively undertake a state-specific roadless rule to address the State of Alaska's roadless management and access concerns on the national forests in Alaska. The USDA Forest Service is in the process of convening the resources and personnel to move forward in support of this agreement.

With this letter, I am inviting government-to-corporation consultation in advance of a formal public comment period. I am seeking input from Alaska Native Corporations established under the Alaska Native Claims Settlement Act (ANSCA) concerning the development of an Alaska state-specific roadless rule for the Tongass and the Chugach National Forests. The Forest Service wants to ensure Alaska Native Corporation perspectives are heard and fully considered in the development of an Alaska roadless rule.

An Alaska state-specific roadless rule would replace the Roadless Area Conservation Rule (2001 Roadless Rule), which was adopted into regulation in January 2001. The 2001 Roadless Rule prohibits road construction/reconstruction and timber harvest in areas designated as roadless on National Forest System lands, with certain exceptions. Alaska has about 14.8 million acres of roadless areas subject to the 2001 Roadless Rule. Provisions of a new Alaska state-specific roadless rule would apply to these 14.8 million acres, and would be based on providing for activities needed to further Alaska's economic development, as defined by the State, while conserving roadless areas for future generations.

The USDA Forest Service retains the exclusive authority to make decisions on the land and resources it administers, and this authority cannot be delegated to a non-Federal entity. However, your input would enhance the analysis and result in a more informed USDA Forest Service decision.

Enclosed is a list of Frequently Asked Questions about the Roadless Rule and the USDA Forest Service response to the State of Alaska's petition for an Alaska state-specific rule. Alaska Native Corporations will be invited to consult in advance of any formal public comment periods. Consultation for rulemaking may occur at the regional, forest, and district levels, as well as at the Washington Office (WO) level. The Forest Service is committed to government-to-corporation consultation. I encourage you to request a consultation meeting with your local Forest Service line officer, and look forward to assisting you in meeting your consultation needs.

If you have any questions about the consultation process, please contact the Alaska Region Tribal Relations Program Manager, Melinda Hernandez Burke, at mhernandezburke@fs.fed.us or 907-586-7089.

Thank you for your consideration, and I look forward to working with you throughout this rulemaking effort and associated processes.

Sincerely,

DAVID E. SCHMID
Acting Regional Forester

Enclosure: (1)

cc: Ken Tu, Robin Dale, Chad VanOrmer, Terri Marceron, Earl Stewart, Melinda Hernandez Burke, Carla Casulucan, John Kinsner, R10 FLT's

# Topic: Frequently Asked Questions Concerning an Alaska Specific Roadless Rule

**When and Where Was the Roadless Rule In Effect in Alaska?** 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 NF and Tongass NF, 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 NF, but the Tongass NF 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.

**Why is USDA's Forest Service beginning to work on an Alaska Specific Roadless Rule now?**

The State of Alaska submitted a petition for rulemaking to the Secretary of Agriculture Sonny Perdue. The Secretary and Alaska Governor Bill Walker have reached agreement to cooperatively undertake a state-specific roadless rule to address roadless management and access concerns on the national forests in Alaska. The USDA Forest Service is in the process of convening the resources and personnel to move forward in support of this agreement.

**What are the next steps the Forest Service will be taking?**

The Secretary directed the USDA Forest Service to begin working with State of Alaska representatives to develop an Alaska state-specific roadless rule under the Administrative Procedures Act. The intent is to develop a state-specific roadless rule that will address the State of Alaska's concerns regarding roadless areas essential for infrastructure, timber, energy, mining, access, and transportation to further Alaska's economic development, while still protecting unique areas for generations to come.

**How will the State of Alaska be involved?**

The State of Alaska will work closely with the USDA Forest Service. The State will establish a task force reporting to the Governor concerning options for roadless management that will inform the USDA's consideration of the State's Petition for rulemaking. The rulemaking will be analyzed pursuant to the National Environmental Policy Act.

**What is the timeframe for completion of an Alaska-specific roadless rule?**

- *Late August, 2018* – begin a scoping period on the proposed rulemaking.
- *July 2019* – publish a draft environmental impact statement (EIS), start a comment period on the draft.
- *April 2020* – publish a final EIS.
- *June 1, 2020* – publish a final Alaska Roadless Rule

**July 27, 2018**