

Appendix G

Drafted Roadless Rule Regulatory Language by Alternative

Introduction

The following provides the drafted roadless rule language for Alternatives 2 through 6. Final rule language could vary from what is presented in this Appendix based on comments received and other considerations. Alternative 1 reflects the 2001 Roadless Rule as published in the Federal Register on January 12, 2001 (66 FR 3244). The 2001 Roadless Rule would remain in effect nation-wide except for Alaska, Colorado, and Idaho if one of the action alternatives were selected.

Alternative 1 – No Action

Subpart B—Protection of Inventoried Roadless Areas

§ 294.10 Purpose.

The purpose of this subpart is to provide, within the context of multiple use management, lasting protection for inventoried roadless areas within the National Forest System.

§ 294.11 Definitions.

The following terms and definitions apply to this subpart:

Inventoried roadless areas. Areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, which are held at the National headquarters office of the Forest Service, or any subsequent update or revision of those maps.

Responsible official. The Forest Service line officer with the authority and responsibility to make decisions regarding protection and management of inventoried roadless areas pursuant to this subpart.

Road. A motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified, or temporary.

(1) *Classified road.* A road wholly or partially within or adjacent to National Forest System lands that is determined to be needed for long-term motor vehicle access, including State roads, county roads, privately owned roads, National Forest System roads, and other roads authorized by the Forest Service.

(2) *Unclassified road.* A road on National Forest System lands that is not managed as part of the forest transportation system, such as unplanned roads, abandoned travelways, and off-road vehicle tracks that have not been designated and managed as a trail; and those roads that were once under permit or other authorization and were not decommissioned upon the termination of the authorization.

(3) *Temporary road.* A road authorized by contract, permit, lease, other written authorization, or emergency operation, not intended to be part of the forest transportation system and not necessary for long-term resource management.

Road construction. Activity that results in the addition of forest classified or temporary road miles.

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Road maintenance. The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective.

Road reconstruction. Activity that results in improvement or realignment of an existing classified road defined as follows:

- (1) Road improvement. Activity that results in an increase of an existing road's traffic service level, expansion of its capacity, or a change in its original design function.
- (2) Road realignment. Activity that results in a new location of an existing road or portions of an existing road, and treatment of the old roadway.

Roadless area characteristics. Resources or features that are often present in and characterize inventoried roadless areas, including:

- (1) High quality or undisturbed soil, water, and air;
- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;
- (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
- (5) Primitive, semi-primitive nonmotorized and semi-primitive motorized classes of dispersed recreation;
- (6) Reference landscapes;
- (7) Natural appearing landscapes with high scenic quality;
- (8) Traditional cultural properties and sacred sites; and
- (9) Other locally identified unique characteristics.

§ 294.12 Prohibition on road construction and road reconstruction in inventoried roadless areas.

(a) A road may not be constructed or reconstructed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an inventoried roadless area if the Responsible Official determines that one of the following circumstances exists:

- (1) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
- (2) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
- (3) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (4) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety;
- (5) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road;

(6) The Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable and prudent alternative exists; or

(7) A road is needed in conjunction with the continuation, extension, or renewal of a mineral lease on lands that are under lease by the Secretary of the Interior as of January 12, 2001 or for a new lease issued immediately upon expiration of an existing lease. Such road construction or reconstruction must be conducted in a manner that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbance, and complies with all applicable lease requirements, land and resource management plan direction, regulations, and laws. Roads constructed or reconstructed pursuant to this paragraph must be obliterated when no longer needed for the purposes of the lease or upon termination or expiration of the lease, whichever is sooner.

(c) Maintenance of classified roads is permissible in inventoried roadless areas.

§ 294.13 Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

(3) The cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223; or

(4) Roadless characteristics have been substantially altered in a portion of an inventoried roadless area due to the construction of a classified road and subsequent timber harvest. Both the road construction and subsequent timber harvest must have occurred after the area was designated an inventoried roadless area and prior to January 12, 2001. Timber may be cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.

§ 294.14 Scope and applicability.

(a) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to January 12, 2001.

(b) This subpart does not compel the amendment or revision of any land and resource management plan.

(c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to January 12, 2001.

(d) This subpart does not apply to road construction, reconstruction, or the cutting, sale, or removal of timber in inventoried roadless areas on the Tongass National Forest if a notice of availability of a draft

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environmental impact statement for such activities has been published in the Federal Register prior to January 12, 2001.

(e) The prohibitions and restrictions established in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(f) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

Table G-1

2001 Inventoried Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 1 (No Action).

2001 Inventoried Roadless Area Name	Acres
Aaron	78,700
Anan	43,300
Bay of Pillars	27,500
Brabazon Addition	498,700
Bradfield	198,900
Calder	9,900
Camden	36,700
Carroll	11,400
Castle	49,300
Central Wrangell	13,400
Chichagof	555,800
Chilkat-West Lynn Canal	199,700
Christoval	9,100
Cleveland	189,400
Cone	128,400
Crystal	19,000
Dall Island	105,800
Douglas Island	28,100
Duke	45,100
East Kuiu	27,600
East Mitkof	8,800
East Wrangell	7,600
East Zarembo	10,800
El Capitan	26,700
Eudora	195,000
Fake Pass	500
Fanshaw	48,200
Five Mile	19,500
Freshwater Bay	44,900
Frosty	33,300
Game Creek	54,500
Gravina	37,400
Green Rocks	11,100

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2001 Inventoried Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 1 (No Action).

2001 Inventoried Roadless Area Name	Acres
Greens Creek	27,200
Harding	174,400
Hoonah Sound	79,800
Hydaburg	11,200
Hyder	121,700
Juneau Urban	101,600
Juneau-Skagway Icefield	1,187,100
Kadin	2,000
Karta	52,100
Kasaan	7,600
Kasaan Bay	7,400
Kashevarof Islands	4,700
Keku	10,900
Kogish	65,200
Kosciusko	64,100
Lindenberg	25,800
Madan	68,500
Mansfield Peninsula	55,000
Manzanita	8,400
McKenzie	83,100
Middle Kruzof	14,700
Missionary	16,700
Mosman	53,500
Neka Bay	7,100
Neka Mountain	6,100
North Baranof	314,000
North Cleveland	105,300
North Etolin	41,000
North Kruzof	33,100
North Kuiu	6,400
North Kupreanof	114,600
North Revilla	215,400
North Wrangell	8,100
Nutkwa	53,700
Outer Islands	99,900
Pavlof-East Point	5,400
Point Augusta	15,500
Point Craven	10,900
Port Alexander	120,700
Quartz	143,000

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2001 Inventoried Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 1 (No Action).

2001 Inventoried Roadless Area Name	Acres
Ratz	5,300
Redoubt	68,300
Revilla	29,300
Rhine	16,700
Rocky Pass	78,100
Salmon Bay	22,800
Sarkar	51,900
Security	31,400
Sitka Sound	13,500
Sitka Urban	112,000
Soda Bay	78,100
South Etolin	26,300
South Kruzof	55,200
South Kuiu	62,400
South Kupreanof	216,800
South Revilla	52,100
South Wrangell	14,200
South Zarembo	36,300
Southeast Wrangell	18,400
Spires	533,700
Suemez Island	19,900
Sukkwan	44,400
Sullivan	67,300
Taku-Snettisham	671,200
Tenakee Ridge	20,500
Thomas	0
Thorne River	73,000
Trap Bay	13,200
Twelvemile	37,900
Upper Situk	16,800
West Wrangell	10,300
West Zarembo	6,800
Whitestone	5,600
Windham-Port Houghton	161,900
Woewodski	10,100
Woronkofski	11,100
Yakutat Forelands	323,500

Alternative 2

Subpart E – Alaska Roadless Areas Management

§294.50 Purpose.

The purpose of this subpart is to provide, in the context of multiple-use management, State-specific direction for the conservation of roadless areas for the Tongass National Forest while providing for local concerns for economic and community development. This subpart sets forth the procedures for management of Alaska Roadless Areas.

§294.51 Definitions.

The following terms and definitions apply to this subpart.

Alaska Native. Federally recognized tribes or individuals that are enrolled or eligible to enroll as a member of a federally recognized tribe.

Alaska Roadless Areas. Lands within the Tongass National Forest designated pursuant to this subpart and identified in a set of maps maintained by the national headquarters office of the Forest Service.

Commercial Old Growth Timber Harvest. Trees, portions of trees, and other forest products originating from an old growth stands on National Forest System lands that may be sold for the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 as amended, the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended, and the program thereunder. (See 36 CFR 223.1).

Public utility system. A system that provides a community or communities with services for public use or consumption such as municipal water, wastewater treatment, natural gas, telephone, and/or electricity.

Responsible official. The Forest Service line officer with the authority and responsibility to make and implement a decision on a proposed action within an Alaska Roadless Area.

Road. As defined at 36 CFR 212.1, the term means a motor vehicle route over 50 inches wide, unless identified and managed as a trail.

Road construction and reconstruction. As defined at 36 CFR 212.1, the terms mean supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.

Roadless Area Characteristics. Resources or features that are often present in and characterize Alaska Roadless Areas, including

- (1) *Physical Environment.* Roadless areas provide high-quality or undisturbed soil, water, and air.
- (2) *Water.* Roadless areas provide a variety of water resources including public drinking water sources, fish and aquatic resources, and hatchery aquatic resources.
- (3) *Diversity.* Roadless areas support a diversity of plant and animal communities including stands of old-growth forests.
- (4) *Habitat.* Roadless areas are expansive areas where high-quality intact habitat exists and ecosystems function with all their native species and components. Roadless areas may serve as habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.
- (5) *Remoteness.* Roadless areas provide economic opportunity due to rich primitive, semi-primitive motorized, and semi-primitive non-motorized classes of dispersed recreation.
- (6) *Landscape.* Roadless areas provide reference landscapes of relatively undisturbed areas that serve as a barometer to measure the effects of development on other parts of the landscape.

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(7) *Scenery*. Roadless areas have natural-appearing landscapes with high-scenic qualities that people value.

(8) *Cultural*. Roadless areas often include traditional cultural properties and sacred sites. In Alaska indigenous peoples have been on national forests for more than 10,000 years and the forests have cultural significance.

(9) *Locally-unique characteristics*. Roadless areas represent geographic areas with additional locally-unique characteristics specific to Alaska including: (a) important source of subsistence resources including terrestrial wildlife, waterfowl, mammals, fish, and plant-based resources; (b) rich habitat that supports multiple species of fish for personal, subsistence, sport, recreation, and commercial harvest; and (c) supports diverse economic opportunity that is especially important for rural community well-being.

Timber harvest. The cutting, removal, and sale of trees.

§294.52 Alaska Roadless Areas

(a) *Designations*. All National Forest System lands within the Tongass National Forest listed in § 294.57 are hereby designated as Alaska Roadless Areas. Alaska Roadless Areas established by this subpart shall constitute the exclusive set of National Forest System lands within the State of Alaska to which the provisions of this subpart shall apply.

(b) *Priority land management categories*. Alaska Roadless Areas are subdivided into three categories: LUD II Priority, Watershed Priority, and Roadless Priority

§294.53 Road construction and reconstruction in Alaska Roadless Areas.

(a) A road may not be constructed or reconstructed in Alaska Roadless Areas, except as provided in paragraphs (b), (c), and (d) of this section.

(b) *LUD II Priority*. Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as LUD II Priority if the Responsible Official determines that the road construction or reconstruction is consistent with the legislated management restrictions established in Section 201 of the Tongass Timber Reform Act or a road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(c) *Watershed Priority*. Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Watershed Priority if the Responsible Official determines that one or more of the following circumstances exists:

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty. To the maximum extent permissible under such authorities, roads authorized pursuant to this provision will be limited to situations where no other feasible routes exist or it can be demonstrated that routing through the ARA area is environmentally preferable and site-specific measures are designed to minimize effects on water quality, fish habitat, fish production, fish passage, aquatic biodiversity, or soil productivity;

(2) The Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable alternative exists;

(3) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;

(4) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety;

(5) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road; or

(6) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.

(d) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) The road is needed for the construction, expansion, or maintenance of essential public facilities such as airports, marine access points, and communication equipment;

(3) A road is needed to provide access to Alaska Native cultural site(s) if requested by an affected federally-recognized tribe(s);

(4) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the Alaska Roadless Area is the least environmentally damaging practicable alternative:

(i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, that the Secretary of Agriculture determines is in the public interest or is consistent with the purposes for which the land was reserved or acquired; or

(ii) transportation needs identified by the State of Alaska's Southeast Alaska Transportation Plan that are needed for the connection of communities and development of the regional transportation system;

(5) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;

(6) A road is needed within a designated experimental forest for research or administration or to provide administrative access to a designated experimental forest;

(7) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if deemed essential for authorized public or private access, natural resource management, or public health and safety;

(8) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(9) A road is needed for the construction, expansion, or maintenance of a public utility system such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;

(10) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility; or

(11) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

§294.54 Timber harvest in Alaska Roadless Areas.

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(a) Timber harvest is prohibited in Alaska Roadless Areas except as provided in paragraph (b), (c) and (d) of this section. Additionally, except as provided in paragraph (c), commercial old-growth timber harvest is prohibited on National Forest System lands as depicted in a map maintained by Chief's Office that identifies high priority watersheds that largely coincide with Alaska Roadless Areas, but extend beyond Alaska Roadless Area boundaries.

(b) *LUD II Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Areas designated as LUD II Priority if the Responsible Official determines that timber harvest is consistent with the legislated management restrictions established in Section 201 of the Tongass Timber Reform Act or timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(c) *Watershed Priority*. Timber harvest may occur if the Responsible Official determines that one or more of the following circumstances exists:

- (1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (2) The cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses, that does not degrade water quality, fish habitat, fish production, fish passage, aquatic diversity, or soil productivity;
- (3) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics:
 - (i) To maintain, restore or improve fish and wildlife habitat; or
 - (ii) To maintain or restore the characteristics of ecosystem composition and structure;
- (4) Timber harvest is incidental to trail or recreation development that does not degrade water quality, fish habitat, fish production, fish passage, aquatic biodiversity, or soil productivity; or
- (5) Timber harvest is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.

(d) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (2) Timber harvest is needed for mineral exploration and mine development, subject to existing laws and regulations;
- (3) Timber harvest is needed for the cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses;
- (4) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics:
 - (i) To maintain, restore, or improve fish and wildlife habitat; or
 - (ii) To maintain or restore the characteristics of ecosystem composition and structure, and processes;
- (5) Timber harvest is needed for personal or administrative use, as provided for in 36 CFR part 223;

- (6) Timber harvest is needed within a designated experimental forest for research or administration;
- (7) Timber harvest is needed for the construction, expansion, utilization, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;
- (8) Timber harvest is needed for public health and safety, including removal of hazard trees; or
- (9) Timber harvest is incidental to the implementation of a management activity not otherwise prohibited by this subpart, including the construction, expansion, or maintenance of authorized fishways, fish hatcheries, or aquaculture facilities.

§294.55 Corrections and modifications.

Administrative correction or modification of designations made pursuant to this subpart may be made as follows:

- (a) Administrative corrections to boundaries. The Regional Forester for the Alaska Region may issue administrative corrections to the boundaries of an Alaska Roadless Area and/or high priority watersheds after a 30-day public notice and opportunity to comment period. Administrative corrections are limited to adjustments that remedy clerical errors, typographical errors, mapping errors, improvements in mapping technology, conformance to statutory or regulatory changes, or incorporation of changes due to land exchanges.
- (b) Administrative modifications to Classifications and Boundaries. The Regional Forester for the Alaska Region may issue modifications to the classifications and boundaries of an Alaska Roadless Area and/or high priority watersheds after a 45-day public notice and opportunity to comment period.
- (c) The procedures set forth in paragraphs (a) and (b) of this subsection shall also apply to any correction or modification of an inventoried roadless area boundaries within the Chugach National Forest as established pursuant to 66 FR 3244 (Jan. 12, 2001).

§294.56 Scope and applicability.

- (a) After [final rule effective date], the Roadless Area Conservation Rule (66 FR 3244) published on January 12, 2001, shall have no effect within the Tongass National Forest.
- (b) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to the effective date of this subpart.
- (c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of this subpart.
- (d) The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component of the Tongass Land Management Plan. Land management plan components that are not inconsistent with this subpart will continue to provide guidance for projects and activities within Alaska Roadless Areas. This subpart does not compel the amendment or revision of any land management plan, but the Tongass Forest Supervisor shall issue a ministerial Notice of Administrative Change pursuant to 36 CFR 219.13(c) identifying plan changes made in conformance with the regulatory requirements of this subpart, including rescission of the portion of the December 9, 2016, Record of Decision concerning suitable timber lands attributed to implementation of the January 12, 2001, Roadless Area Conservation Rule (66 FR 3244).
- (e) The prohibitions and permissions set forth in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

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(f) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

§294.57 List of designated Alaska Roadless Areas Alternative 2.

Table G-2
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 2.

Alaska Roadless Area Name	LUD II (Acres)	Watershed Priority (Acres)	Roadless Priority (Acres)
Aaron	0	58,000	20,500
Alaska Roadless Area Islands	3,600	15,400	18,200
Anan	36,500	0	6,800
Bay of Pillars	20,100	5,800	1,300
Behm Islands	0	4,400	
Brabazon Addition	0	0	498,400
Bradfield	0	20,100	177,700
Calder	8,500	100	
Camden	0	30,900	5,800
Carroll	0	0	9,000
Castle	0	30,900	18,400
Central Wrangell	0	4,900	8,200
Chichagof	233,900	211,500	118,200
Chilkat-West Lynn Canal	0	97,600	96,100
Christoval	0	0	8,800
Cleveland	0	176,400	8,500
Cone	0	0	128,400
Crystal	0	9,600	8,700
Dall Island	0	61,700	42,800
Douglas Island	0	0	24,400
Duke	0	38,600	6,500
East Kuiu	3,200	33,000	4,700
East Mitkof	0	0	7,900
East Wrangell	0	6,100	1,100
East Zarembo	0	0	10,300
El Capitan	7,400	4,500	13,900
Eudora	0	102,200	87,400
Fake Pass	0	0	500
Fanshaw	0	31,700	16,500
Five Mile	0	10,900	7,900
Freshwater Bay	0	0	43,000
Frosty	0	16,800	9,400
Game Creek	0	3,400	44,400
Gravina	0	23,700	13,500

**Table G-2
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 2.**

Alaska Roadless Area Name	LUD II (Acres)	Watershed Priority (Acres)	Roadless Priority (Acres)
Green Rocks	0	2,500	7,100
Greens Creek	0	0	26,600
Harding	100	136,400	37,000
Hoonah Sound	51,400	42,500	0
Hydaburg	4,600	7,200	1,500
Hyder	0	0	121,500
Juneau Urban	6,200	66,500	27,800
Juneau-Skagway Icefield	35,700	129,600	1,021,600
Kadin	0	0	2,000
Karta	0	7,500	39,600
Kasaan	0	0	7,600
Kasaan Bay	0	0	2,800
Kashevarof Islands	0	0	4,700
Keku	0	0	9,100
Kogish	0	32,800	27,700
Kosciusko	47,000	3,600	15,000
Lindenberg	0	0	20,700
Madan	0	66,500	1,300
Mansfield Peninsula	0	0	52,800
Manzanita	0	0	8,400
McKenzie	0	42,500	29,600
Middle Kruzof	0	7,000	7,500
Missionary	0	0	14,500
Mosman	0	51,900	1,500
Neka Bay	0	4,800	2,300
Neka Mountain	0	3,800	4,600
North Baranof	0	175,800	143,100
North Cleveland	0	72,000	33,100
North Etolin	0	21,900	13,100
North Kruzof	0	20,600	11,600
North Kuiu	0	4,300	5,200
North Kupreanof	0	2,800	101,200
North Revilla	29,600	75,700	100,900
North Wrangell	0	0	7,200
Nutkwa	21,100	16,500	2,900
Outer Islands	73,700	10,100	15,100
Pavlof-East Point	0	0	4,900
Point Augusta	0	0	15,500

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**Table G-2
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 2.**

Alaska Roadless Area Name	LUD II (Acres)	Watershed Priority (Acres)	Roadless Priority (Acres)
Point Craven	0	8,500	2,200
Port Alexander	0	0	119,700
Quartz	0	0	142,400
Ratz	0	4,000	2,100
Redoubt	0	52,000	15,200
Revilla	0	0	28,800
Rhine	0	8,000	8,700
Rocky Pass	100	72,700	5,300
Salmon Bay	9,000	0	13,300
Sarkar	21,900	20,500	10,500
Security	0	24,800	6,600
Sitka Sound	0	7,600	5,800
Sitka Urban	0	53,100	57,700
Soda Bay	0	45,800	15,900
South Etolin	0	7,100	19,200
South Kruzof	0	53,500	1,800
South Kuiu	0	13,000	49,200
South Kupreanof	33,300	157,700	14,300
South Revilla	0	21,800	29,900
South Wrangell	0	4,000	10,200
South Zarembo	0	0	28,600
Southeast Wrangell	0	8,500	9,800
Spires	0	38,000	495,600
Suemez Island	0	16,500	7,600
Sukkwan	50,200	18,800	0
Sullivan	0	16,100	49,400
Taku-Snettisham	0	374,300	293,900
Tenakee Ridge	0	0	20,500
Thomas	0	0	4,600
Thorne River	18,700	29,100	23,800
Trap Bay	6,400	0	6,800
Twelvemile	0	0	27,200
Upper Situk	0	1,200	8,800
West Wrangell	0	3,500	1,200
West Zarembo	0	0	6,800
Whitestone	0	0	5,600
Windham-Port Houghton	0	102,300	58,300
Woewodski	0	10,000	0

Table G-2

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 2.

Alaska Roadless Area Name	LUD II (Acres)	Watershed Priority (Acres)	Roadless Priority (Acres)
Woronkofski	0	11,100	0
Yakutat Forelands	136,900	80,000	105,700

Alternative 3

Subpart E – Alaska Roadless Areas Management

§294.52 Alaska Roadless Areas

(a) *Designations.* All National Forest System lands within the Tongass National Forest listed in § 294.57 are hereby designated as Alaska Roadless Areas. Alaska Roadless Areas established by this subpart shall constitute the exclusive set of National Forest System lands within the State of Alaska to which the provisions of this subpart shall apply.

(b) *Priority land management categories.* Alaska Roadless Areas are subdivided into three categories: Watershed Priority, Roadless Priority, and Community Priority.

§294.53 Road construction and reconstruction in Alaska Roadless Areas.

(a) A road may not be constructed or reconstructed in Alaska Roadless Areas, except as provided in paragraphs (b), (c), and (d) of this section.

(b) *Watershed Priority.* Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Watershed Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty. To the maximum extent permissible under such authorities, roads authorized pursuant to this provision will be limited to situations where no other feasible routes exist or it can be demonstrated that routing through the ARA area is environmentally preferable and site-specific measures are designed to minimize effects on water quality, fish habitat, fish production, fish passage, aquatic biodiversity, or soil productivity;
- (2) The Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable alternative exists;
- (3) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
- (4) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety;
- (5) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road; or
- (6) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.

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(c) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (2) The road is needed for the construction, expansion, or maintenance of essential public facilities such as airports, marine access points, and communication equipment;
- (3) A road is needed to provide access to Alaska Native cultural site(s) if requested by an affected federally-recognized tribe(s);
- (4) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the Alaska Roadless Area is the least environmentally damaging practicable alternative:
 - (i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, that the Secretary of Agriculture determines is in the public interest or is consistent with the purposes for which the land was reserved or acquired; or
 - (ii) transportation needs identified by the State of Alaska's Southeast Alaska Transportation Plan that are needed for the connection of communities and development of the regional transportation system;
- (5) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
- (6) A road is needed within a designated experimental forest for research or administration or to provide administrative access to a designated experimental forest;
- (7) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if deemed essential for authorized public or private access, natural resource management, or public health and safety;
- (8) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
- (9) A road is needed for the construction, expansion, or maintenance of a public utility system such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;
- (10) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility; or
- (11) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

(d) *Community Priority*. Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Community Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty, and no other feasible routes exist or it can be demonstrated that routing through the ARA area is environmentally preferable and site-specific measures can be designed to minimize

effects on water quality, fish habitat, fish production, fish passage, aquatic biodiversity, or soil productivity;

(2) A road is needed to provide access to Alaska Native cultural site(s) if requested by an affected federally-recognized tribe(s);

(3) A road is needed for micro sales, salvage sales, and small commercial sales less than one million board feet of timber;

(4) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety;

(5) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;

(6) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(7) The road is needed for the construction, expansion, or maintenance of public facilities such as airports, marine access points, and communication equipment;

(8) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road;

(9) The Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable alternative exists;

(10) A road is needed for the construction, expansion, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;

(11) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility: or

(12) A road is needed in conjunction with the construction, expansion, or maintenance of a developed recreation site.

§294.54 Timber harvest in Alaska Roadless Areas.

(a) Timber harvest is prohibited in Alaska Roadless Areas except as provided in paragraph (b), (c) and (d) of this section. Additionally, except as provided in paragraph (c), commercial old-growth timber harvest is prohibited on National Forest System lands as depicted in a map maintained by Chief's Office that identifies high priority watersheds that largely coincide with Alaska Roadless Areas, but extend beyond Alaska Roadless Area boundaries.

(b) *Watershed Priority.* Timber harvest may occur if the Responsible Official determines that one or more of the following circumstances exists:

(1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) The cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses, that does not degrade water quality, fish habitat, fish production, fish passage, aquatic diversity, or soil productivity;

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(3) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics:

- (i) To maintain, restore or improve fish and wildlife habitat; or
- (ii) To maintain or restore the characteristics of ecosystem composition and structure;

(4) Timber harvest is incidental to trail or recreation development that does not degrade water quality, fish habitat, fish production, fish passage, aquatic biodiversity, or soil productivity; or

(5) Timber harvest is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.

(c) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

(1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) Timber harvest is needed for mineral exploration and mine development, subject to existing laws and regulations;

(3) Timber harvest is needed for the cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses;

(4) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics:

- (i) To maintain, restore, or improve fish and wildlife habitat; or
- (ii) To maintain or restore the characteristics of ecosystem composition and structure, and processes;

(5) Timber harvest is needed for personal or administrative use, as provided for in 36 CFR part 223;

(6) Timber harvest is needed within a designated experimental forest for research or administration;

(7) Timber harvest is needed for the construction, expansion, utilization, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;

(8) Timber harvest is needed for public health and safety, including removal of hazard trees; or

(9) Timber harvest is incidental to the implementation of a management activity not otherwise prohibited by this subpart, including the construction, expansion, or maintenance of authorized fishways, fish hatcheries, or aquaculture facilities.

(d) *Community Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Area designated as Community Priority if the Responsible Official determines that one or more of the following circumstances exists:

(1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) The cutting, customary trade, and removal of trees is for the purpose of Alaska Native customary and traditional uses;

(3) Timber harvest is undertaken as a micro sale, salvage sale, or small commercial sale less than one million board feet of timber;

(4) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics:

(i) To maintain, restore or improve fish and wildlife habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure;

(5) Timber harvest is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(6) Timber harvest is needed for personal or administrative use, as provided for in 36 CFR part 223;

(7) Timber harvest is needed for the construction, expansion, utilization, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines; or

(8) Timber harvest is incidental to the implementation of a management activity not otherwise prohibited by this subpart, including trail or recreation development; and the construction, expansion, or maintenance of authorized fishways, fish hatcheries, or aquaculture facilities.

§294.55 Corrections and modifications.

Administrative correction or modification of designations made pursuant to this subpart may be made as follows:

(a) Administrative corrections to boundaries. The Regional Forester for the Alaska Region may issue administrative corrections to the boundaries of an Alaska Roadless Area and/or high priority watersheds after a 30-day public notice and opportunity to comment period. Administrative corrections are limited to adjustments that remedy clerical errors, typographical errors, mapping errors, improvements in mapping technology, conformance to statutory or regulatory changes, or incorporation of changes due to land exchanges.

(b) Administrative modifications to Classifications and Boundaries. The Regional Forester for the Alaska Region may issue modifications to the classifications and boundaries of an Alaska Roadless Area and/or high priority watersheds after a 45-day public notice and opportunity to comment period.

(c) The procedures set forth in paragraphs (a) and (b) of this subsection shall also apply to any correction or modification of an inventoried roadless area boundaries within the Chugach National Forest as established pursuant to 66 FR 3244 (Jan. 12, 2001).

§294.56 Scope and applicability.

(a) After [final rule effective date], the Roadless Area Conservation Rule (66 FR 3244) published on January 12, 2001, shall have no effect within the Tongass National Forest.

(b) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to the effective date of this subpart.

(c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of this subpart.

(d) The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component of the Tongass Land Management Plan. Land management plan components that are not inconsistent with this subpart will continue to provide guidance for projects and activities within Alaska

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Roadless Areas. This subpart does not compel the amendment or revision of any land management plan, but the Tongass Forest Supervisor shall issue a ministerial Notice of Administrative Change pursuant to 36 CFR 219.13(c) identifying plan changes made in conformance with the regulatory requirements of this subpart, including rescission of the portion of the December 9, 2016, Record of Decision concerning suitable timber lands attributed to implementation of the January 12, 2001, Roadless Area Conservation Rule (66 FR 3244).

(e) The prohibitions and permissions set forth in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(f) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

§294.57 List of designated Alaska Roadless Areas Alternative 3.

Table G-3
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 3.

Alaska Roadless Area Name	Watershed Priority (acres)	Roadless Priority (acres)	Community Priority (acres)
Aaron	58,000	20,500	0
Alaska Roadless Area Islands	15,400	17,600	600
Anan	0	5,100	0
Bay of Pillars	5,800	1,300	0
Behm Islands	4,400	0	0
Brabazon Addition	0	498,400	0
Bradfield	20,100	177,700	0
Calder	0	0	0
Camden	30,900	300	0
Carroll	0	3,700	5,300
Castle	30,900	18,400	0
Central Wrangell	4,900	0	8,200
Chichagof	211,500	109,500	0
Chilkat-West Lynn Canal	97,600	96,100	0
Christoval	0	8,800	0
Cleveland	176,400	8,500	0
Cone	0	128,400	0
Crystal	9,600	7,300	0
Dall Island	61,700	42,800	0
Douglas Island	0	0	24,400
Duke	38,600	6,500	0
East Kuiu	33,000	4,700	0
East Mitkof	0	7,900	0
East Wrangell	6,100	0	0
East Zarembo	0	10,300	0
El Capitan	4,300	13,300	0

Table G-3
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 3.

Alaska Roadless Area Name	Watershed Priority (acres)	Roadless Priority (acres)	Community Priority (acres)
Eudora	102,200	86,900	0
Fake Pass	0	500	0
Fanshaw	31,700	16,500	0
Five Mile	10,900	3,800	0
Freshwater Bay	0	43,000	0
Frosty	14,800	9,400	0
Game Creek	3,400	42,900	0
Gravina	23,700	1,300	12,300
Green Rocks	2,500	6,700	0
Greens Creek	0	26,600	0
Harding	135,500	33,100	0
Hoonah Sound	42,500	0	0
Hydaburg	7,200	1,500	0
Hyder	0	121,500	0
Juneau Urban	42,400	29,600	22,300
Juneau-Skagway Icefield	129,600	997,900	23,700
Kadin	0	2,000	0
Karta	7,300	27,800	0
Kasaan	0	7,600	0
Kasaan Bay	0	100	0
Kashevarof Islands	0	4,700	0
Keku	0	9,000	0
Kogish	31,600	1,700	0
Kosciusko	3,200	10,400	0
Lindenberg	0	9,100	0
Madan	66,500	1,300	0
Mansfield Peninsula	0	52,800	0
Manzanita	0	5,700	0
McKenzie	41,900	23,600	0
Middle Kruzof	7,000	7,500	0
Missionary	0	9,100	0
Mosman	51,900	400	0
Neka Bay	4,800	2,300	0
Neka Mountain	3,800	4,600	0
North Baranof	175,800	142,800	300
North Cleveland	72,000	33,100	0
North Etolin	14,800	7,200	0
North Kruzof	20,600	11,600	0

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Table G-3
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 3.

Alaska Roadless Area Name	Watershed Priority (acres)	Roadless Priority (acres)	Community Priority (acres)
North Kuiu	4,300	5,200	0
North Kupreanof	2,800	89,800	0
North Revilla	75,700	71,800	10,000
North Wrangell	0	0	0
Nutkwa	16,500	2,900	0
Outer Islands	10,100	15,100	0
Pavlof-East Point	0	4,500	0
Point Augusta	0	12,500	0
Point Craven	8,500	2,200	0
Port Alexander	0	119,700	0
Quartz	0	142,400	0
Ratz	4,000	2,100	0
Redoubt	52,000	11,400	3,800
Revilla	0	0	26,500
Rhine	8,000	3,100	5,600
Rocky Pass	72,700	5,300	0
Salmon Bay	0	8,400	0
Sarkar	19,600	8,800	0
Security	24,800	5,000	0
Sitka Sound	7,600	5,800	0
Sitka Urban	53,100	6,900	50,900
Soda Bay	45,800	14,200	0
South Etolin	7,100	18,700	0
South Kruzof	53,500	1,800	0
South Kuiu	13,000	49,200	0
South Kupreanof	157,500	14,300	0
South Revilla	21,800	16,300	0
South Wrangell	4,000	0	10,200
South Zarembo	0	24,900	0
Southeast Wrangell	8,500	0	6,300
Spires	38,000	487,800	0
Suemez Island	16,500	7,600	0
Sukkwan	18,800	0	0
Sullivan	16,100	49,400	0
Taku-Snettisham	374,300	293,200	700
Tenakee Ridge	0	15,400	0
Thomas	0	4,600	0
Thorne River	29,000	9,900	0
Trap Bay	0	0	0

Table G-3

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 3.

Alaska Roadless Area Name	Watershed Priority (acres)	Roadless Priority (acres)	Community Priority (acres)
Twelvemile	0	19,400	0
Upper Situk	400	200	0
West Wrangell	800	0	0
West Zarembo	0	6,800	0
Whitestone	0	5,600	0
Windham-Port Houghton	102,300	58,300	0
Woewodski	10,000	0	0
Woronkofski	11,100	0	0
Yakutat Forelands	80,000	60,700	31,800

Alternative 4

Subpart E – Alaska Roadless Areas Management

§294.50 Purpose.

The purpose of this subpart is to provide, in the context of multiple-use management, State-specific direction for the conservation of roadless areas for the Tongass National Forest while providing for local concerns for economic and community development. This subpart sets forth the procedures for management of Alaska Roadless Areas.

§294.51 Definitions.

The following terms and definitions apply to this subpart.

Alaska Native. Federally recognized tribes or individuals that are enrolled or eligible to enroll as a member of a federally recognized tribe.

Alaska Roadless Areas. Lands within the Tongass National Forest designated pursuant to this subpart and identified in a set of maps maintained by the national headquarters office of the Forest Service.

Commercial Old Growth Timber Harvest. Trees, portions of trees, and other forest products originating from an old growth stands on National Forest System lands that may be sold for the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 as amended, the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended, and the program thereunder. (See 36 CFR 223.1).

Log transfer facility. The site and structures used for moving logs and timber products from land-based transportation forms to water-based transportation forms or vice-versa.

Public utility system. A system that provides a community or communities with services for public use or consumption such as municipal water, wastewater treatment, natural gas, telephone, and/or electricity.

Responsible official. The Forest Service line officer with the authority and responsibility to make and implement a decision on a proposed action within an Alaska Roadless Area.

Road. As defined at 36 CFR 212.1, the term means a motor vehicle route over 50 inches wide, unless identified and managed as a trail.

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Road construction and reconstruction. As defined at 36 CFR 212.1, the terms mean supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.

Roadless Area Characteristics. Resources or features that are often present in and characterize Alaska Roadless Areas, including

- (1) *Physical Environment.* Roadless areas provide high-quality or undisturbed soil, water, and air.
- (2) *Water.* Roadless areas provide a variety of water resources including public drinking water sources, fish and aquatic resources, and hatchery aquatic resources.
- (3) *Diversity.* Roadless areas support a diversity of plant and animal communities including stands of old-growth forests.
- (4) *Habitat.* Roadless areas are expansive areas where high-quality intact habitat exists and ecosystems function with all their native species and components. Roadless areas may serve as habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.
- (5) *Remoteness.* Roadless areas provide economic opportunity due to rich primitive, semi-primitive motorized, and semi-primitive non-motorized classes of dispersed recreation.
- (6) *Landscape.* Roadless areas provide reference landscapes of relatively undisturbed areas that serve as a barometer to measure the effects of development on other parts of the landscape.
- (7) *Scenery.* Roadless areas have natural-appearing landscapes with high-scenic qualities that people value.
- (8) *Cultural.* Roadless areas often include traditional cultural properties and sacred sites. In Alaska indigenous peoples have been on national forests for more than 10,000 years and the forests have cultural significance.
- (9) *Locally-unique characteristics.* Roadless areas represent geographic areas with additional locally-unique characteristics specific to Alaska including: (a) important source of subsistence resources including terrestrial wildlife, waterfowl, mammals, fish, and plant-based resources; (b) rich habitat that supports multiple species of fish for personal, subsistence, sport, recreation, and commercial harvest; and (c) supports diverse economic opportunity that is especially important for rural community well-being.

Timber harvest. The cutting, removal, and sale of trees.

Vital Forest transportation system linkages. Necessary additions to the permanent road network.

§294.52 Alaska Roadless Areas

(a) *Designations.* All National Forest System lands within the Tongass National Forest listed in § 294.57 are hereby designated as Alaska Roadless Areas. Alaska Roadless Areas established by this subpart shall constitute the exclusive set of National Forest System lands within the State of Alaska to which the provisions of this subpart shall apply.

(b) *Priority land management categories.* Alaska Roadless Areas are subdivided into three categories: LUD II Priority, Roadless Priority, and Timber Priority.

§294.53 Road construction and reconstruction in Alaska Roadless Areas.

(a) A road may not be constructed or reconstructed in Alaska Roadless Areas, except as provided in paragraphs (b), (c), and (d) of this section.

(b) *LUD II Priority.* Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as LUD II Priority if the Responsible

Official determines that the road construction or reconstruction is consistent with the legislated management restrictions established in Section 201 of the Tongass Timber Reform Act or a road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(c) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (2) The road is needed for the construction, expansion, or maintenance of essential public facilities such as airports, marine access points, and communication equipment;
- (3) A road is needed to provide access to Alaska Native cultural site(s) if requested by an affected federally-recognized tribe(s);
- (4) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the Alaska Roadless Area is the least environmentally damaging practicable alternative:
 - (i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, that the Secretary of Agriculture determines is in the public interest or is consistent with the purposes for which the land was reserved or acquired; or
 - (ii) transportation needs identified by the State of Alaska's Southeast Alaska Transportation Plan that are needed for the connection of communities and development of the regional transportation system;
- (5) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
- (6) A road is needed within a designated experimental forest for research or administration or to provide administrative access to a designated experimental forest;
- (7) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if deemed essential for authorized public or private access, natural resource management, or public health and safety;
- (8) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
- (9) A road is needed for the construction, expansion, or maintenance of a public utility system such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;
- (10) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility; or
- (11) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

(d) *Timber Priority*. Notwithstanding the prohibition in paragraph (a) of this section, permanent or temporary roads may be constructed, reconstructed, or maintained within the Timber Priority Alaska Roadless Areas.

§294.54 Timber harvest in Alaska Roadless Areas.

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(a) Timber harvest is prohibited in Alaska Roadless Areas except as provided in paragraph (b), (c) and (d) of this section. Additionally, except as provided in paragraph (c), commercial old-growth timber harvest is prohibited on National Forest System lands as depicted in a map maintained by Chief's Office that identifies high priority watersheds that largely coincide with Alaska Roadless Areas, but extend beyond Alaska Roadless Area boundaries.

(b) *LUD II Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Areas designated as LUD II Priority if the Responsible Official determines that timber harvest is consistent with the legislated management restrictions established in Section 201 of the Tongass Timber Reform Act or timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(c) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (2) Timber harvest is needed for mineral exploration and mine development, subject to existing laws and regulations;
- (3) Timber harvest is needed for the cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses;
- (4) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics:
 - (i) To maintain, restore, or improve fish and wildlife habitat; or
 - (ii) To maintain or restore the characteristics of ecosystem composition and structure, and processes;
- (5) Timber harvest is needed for personal or administrative use, as provided for in 36 CFR part 223;
- (6) Timber harvest is needed within a designated experimental forest for research or administration;
- (7) Timber harvest is needed for the construction, expansion, utilization, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;
- (8) Timber harvest is needed for public health and safety, including removal of hazard trees; or
- (9) Timber harvest is incidental to the implementation of a management activity not otherwise prohibited by this subpart, including the construction, expansion, or maintenance of authorized fishways, fish hatcheries, or aquaculture facilities.

(d) *Timber Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in lands designated Timber Priority Alaska Roadless Areas.

§294.55 Corrections and modifications.

Administrative correction or modification of designations made pursuant to this subpart may be made as follows:

(a) Administrative corrections to boundaries. The Regional Forester for the Alaska Region may issue administrative corrections to the boundaries of an Alaska Roadless Area and/or high priority watersheds after a 30-day public notice and opportunity to comment period. Administrative corrections are limited to

adjustments that remedy clerical errors, typographical errors, mapping errors, improvements in mapping technology, conformance to statutory or regulatory changes, or incorporation of changes due to land exchanges.

(b) Administrative modifications to Classifications and Boundaries. The Regional Forester for the Alaska Region may issue modifications to the classifications and boundaries of an Alaska Roadless Area and/or high priority watersheds after a 45-day public notice and opportunity to comment period.

(c) The procedures set forth in paragraphs (a) and (b) of this subsection shall also apply to any correction or modification of an inventoried roadless area boundaries within the Chugach National Forest as established pursuant to 66 FR 3244 (Jan. 12, 2001).

§294.56 Scope and applicability.

(a) After [final rule effective date], the Roadless Area Conservation Rule (66 FR 3244) published on January 12, 2001, shall have no effect within the Tongass National Forest.

(b) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to the effective date of this subpart.

(c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of this subpart.

(d) The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component of the Tongass Land Management Plan. Land management plan components that are not inconsistent with this subpart will continue to provide guidance for projects and activities within Alaska Roadless Areas. This subpart does not compel the amendment or revision of any land management plan, but the Tongass Forest Supervisor shall issue a ministerial Notice of Administrative Change pursuant to 36 CFR 219.13(c) identifying plan changes made in conformance with the regulatory requirements of this subpart, including rescission of the portion of the December 9, 2016, Record of Decision concerning suitable timber lands attributed to implementation of the January 12, 2001, Roadless Area Conservation Rule (66 FR 3244).

(e) The prohibitions and permissions set forth in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(f) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

§294.57 List of designated Alaska Roadless Areas Alternative 4.

Table G-4

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 4.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)	Timber Priority (acres)
Aaron	78,600	0	0
Alaska Roadless Area Islands	0	3,600	0
Anan	5,100	36,500	0
Bay of Pillars	7,100	20,100	0
Behm Islands	4,400	0	0
Brabazon Addition	498,400	0	0
Bradfield	91,800	0	106,000
Calder	0	8,500	0

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Table G-4

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 4.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)	Timber Priority (acres)
Camden	31,300	0	0
Carroll	0	0	8,900
Castle	39,600	0	9,600
Central Wrangell	6,400	0	6,700
Chichagof	259,100	233,900	50,600
Chilkat-West Lynn Canal	178,300	0	15,500
Christoval	7,700	0	1,100
Cleveland	184,800	0	0
Cone	128,400	0	0
Crystal	11,400	0	5,500
Dall Island	101,000	0	3,400
Douglas Island	24,400	0	0
Duke	45,100	0	0
East Kuiu	22,400	3,200	1,500
East Mitkof	4,000	0	3,900
East Wrangell	6,100	0	0
East Zarembo	2,200	0	8,100
El Capitan	7,300	7,400	10,300
Eudora	151,500	0	37,600
Fake Pass	500	0	0
Fanshaw	45,400	0	2,800
Five Mile	12,400	0	2,400
Freshwater Bay	25,800	0	17,300
Frosty	17,100	0	7,100
Game Creek	17,000	0	29,300
Gravina	34,000	0	3,200
Green Rocks	9,100	0	200
Greens Creek	26,600	0	0
Harding	152,200	100	16,400
Hoonah Sound	27,400	51,400	0
Hydaburg	8,700	4,600	0
Hyder	121,500	0	0
Juneau Urban	94,200	6,200	0
Juneau-Skagway Icefield	1,131,200	35,700	20,000
Kadin	2,000	0	0
Karta	17,700	0	17,400
Kasaan	7,600	0	0
Kasaan Bay	100	0	0

Table G-4
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 4.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)	Timber Priority (acres)
Kashevarof Islands	4,700	0	0
Keku	3,500	0	5,500
Kogish	31,800	0	0
Kosciusko	4,300	47,000	7,500
Lindenberg	1,100	0	8,000
Madan	67,700	0	0
Mansfield Peninsula	52,800	0	0
Manzanita	1,400	0	4,300
McKenzie	53,800	0	11,700
Middle Kruzof	8,300	0	6,300
Missionary	5,900	0	3,300
Mosman	52,300	0	0
Neka Bay	7,100	0	0
Neka Mountain	5,100	0	1,000
North Baranof	294,000	0	16,900
North Cleveland	105,100	0	0
North Etolin	21,600	0	300
North Kruzof	28,600	0	3,500
North Kuiu	5,500	0	800
North Kupreanof	51,700	0	40,900
North Revilla	111,300	29,600	46,100
North Wrangell	0	0	0
Nutkwa	16,400	21,100	3,000
Outer Islands	25,200	73,700	0
Pavlof-East Point	4,500	0	0
Point Augusta	10,100	0	2,400
Point Craven	10,700	0	0
Port Alexander	119,700	0	0
Quartz	142,400	0	0
Ratz	3,800	0	1,300
Redoubt	61,700	0	5,500
Revilla	24,200	0	2,400
Rhine	16,600	0	0
Rocky Pass	77,100	100	900
Salmon Bay	1,800	9,000	6,500
Sarkar	25,200	21,900	100
Security	25,200	0	4,600
Sitka Sound	13,300	0	0
Sitka Urban	95,400	0	15,400

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Table G-4
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 4.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)	Timber Priority (acres)
Soda Bay	53,800	0	6,200
South Etolin	12,000	0	13,800
South Kruzof	54,500	0	0
South Kuiu	62,200	0	0
South Kupreanof	159,500	33,300	12,300
South Revilla	36,800	0	1,300
South Wrangell	4,100	0	10,100
South Zarembo	13,500	0	11,400
Southeast Wrangell	14,800	0	0
Spires	503,000	0	22,700
Suemez Island	15,400	0	3,900
Sukkwan	18,800	50,200	0
Sullivan	61,900	0	3,600
Taku-Snettisham	668,200	0	0
Tenakee Ridge	6,300	0	9,100
Thomas	0	0	0
Thorne River	37,000	18,700	1,900
Trap Bay	0	6,400	0
Twelvemile	16,500	0	2,900
Upper Situk	600	0	0
West Wrangell	800	0	0
West Zarembo	6,100	0	600
Whitestone	3,100	0	2,600
Windham-Port Houghton	116,800	0	43,800
Woewodski	10,000	0	0
Woronkofski	11,100	0	0
Yakutat Forelands	152,200	136,900	20,300

Alternative 5

Subpart E – Alaska Roadless Areas Management

§294.50 Purpose.

The purpose of this subpart is to provide, in the context of multiple-use management, State-specific direction for the conservation of roadless areas for the Tongass National Forest while providing for local concerns for economic and community development. This subpart sets forth the procedures for management of Alaska Roadless Areas.

§294.51 Definitions.

The following terms and definitions apply to this subpart.

Alaska Native. Federally recognized tribes or individuals that are enrolled or eligible to enroll as a member of a federally recognized tribe.

Alaska Roadless Areas. Lands within the Tongass National Forest designated pursuant to this subpart and identified in a set of maps maintained by the national headquarters office of the Forest Service.

Commercial Old Growth Timber Harvest. Trees, portions of trees, and other forest products originating from an old growth stands on National Forest System lands that may be sold for the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 as amended, the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended, and the program thereunder. (See 36 CFR 223.1).

Log transfer facility. The site and structures used for moving logs and timber products from land-based transportation forms to water-based transportation forms or vice-versa.

Public utility system. A system that provides a community or communities with services for public use or consumption such as municipal water, wastewater treatment, natural gas, telephone, and/or electricity.

Responsible official. The Forest Service line officer with the authority and responsibility to make and implement a decision on a proposed action within an Alaska Roadless Area.

Road. As defined at 36 CFR 212.1, the term means a motor vehicle route over 50 inches wide, unless identified and managed as a trail.

Road construction and reconstruction. As defined at 36 CFR 212.1, the terms mean supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.

Roadless Area Characteristics. Resources or features that are often present in and characterize Alaska Roadless Areas, including

- (1) *Physical Environment.* Roadless areas provide high-quality or undisturbed soil, water, and air.
- (2) *Water.* Roadless areas provide a variety of water resources including public drinking water sources, fish and aquatic resources, and hatchery aquatic resources.
- (3) *Diversity.* Roadless areas support a diversity of plant and animal communities including stands of old-growth forests.
- (4) *Habitat.* Roadless areas are expansive areas where high-quality intact habitat exists and ecosystems function with all their native species and components. Roadless areas may serve as habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.
- (5) *Remoteness.* Roadless areas provide economic opportunity due to rich primitive, semi-primitive motorized, and semi-primitive non-motorized classes of dispersed recreation.
- (6) *Landscape.* Roadless areas provide reference landscapes of relatively undisturbed areas that serve as a barometer to measure the effects of development on other parts of the landscape.
- (7) *Scenery.* Roadless areas have natural-appearing landscapes with high-scenic qualities that people value.
- (8) *Cultural.* Roadless areas often include traditional cultural properties and sacred sites. In Alaska indigenous peoples have been on national forests for more than 10,000 years and the forests have cultural significance.
- (9) *Locally-unique characteristics.* Roadless areas represent geographic areas with additional locally-unique characteristics specific to Alaska including: (a) important source of subsistence

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resources including terrestrial wildlife, waterfowl, mammals, fish, and plant-based resources; (b) rich habitat that supports multiple species of fish for personal, subsistence, sport, recreation, and commercial harvest; and (c) supports diverse economic opportunity that is especially important for rural community well-being.

Timber harvest. The cutting, removal, and sale of trees.

§294.52 Alaska Roadless Areas

(a) *Designations.* All National Forest System lands within the Tongass National Forest listed in § 294.57 are hereby designated as Alaska Roadless Areas. Alaska Roadless Areas established by this subpart shall constitute the exclusive set of National Forest System lands within the State of Alaska to which the provisions of this subpart shall apply.

(b) *Priority land management categories.* Alaska Roadless Areas are subdivided into two categories: LUD II Priority and Roadless Priority.

§294.53 Road construction and reconstruction in Alaska Roadless Areas.

(a) A road may not be constructed or reconstructed in Alaska Roadless Areas, except as provided in paragraphs (b) and (c) of this section.

(b) *LUD II Priority.* Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as LUD II Priority if the Responsible Official determines that one or more of the following circumstances exist:

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the LUD II area is clearly environmentally preferable and site-specific measures can minimize effects on the primitive characteristics of the area or on recreational resources and scenery:

(i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code;

(ii) a transportation need identified by the State of Alaska; or

(iii) other vital linkage;

(3) A road is needed in conjunction with the construction, expansion, or maintenance of water and power developments, or renewable energy, and can be designed to retain the overall primitive characteristics of the area; or

(4) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility, and can be designed to retain the overall primitive characteristics of the area and to minimize impacts on recreation resources and scenery.

(c) *Roadless Priority.* Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exist:

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) The road is needed for the construction, expansion, or maintenance of essential public facilities such as airports, marine access points, and communication equipment;

- (3) A road is needed to provide access to Alaska Native cultural site(s) if requested by an affected federally-recognized tribe(s);
- (4) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the Alaska Roadless Area is the least environmentally damaging practicable alternative:
 - (i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, that the Secretary of Agriculture determines is in the public interest or is consistent with the purposes for which the land was reserved or acquired; or
 - (ii) transportation needs identified by the State of Alaska's Southeast Alaska Transportation Plan that are needed for the connection of communities and development of the regional transportation system;
- (5) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
- (6) A road is needed for research or administration of a designated experimental forest;
- (7) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for authorized public or private access, natural resource management, or public health and safety;
- (8) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
- (9) A road is needed for the construction, expansion, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;
- (10) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility; or
- (11) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

§294.54 Timber harvest in Alaska Roadless Areas.

- (a) Timber harvest is prohibited in Alaska Roadless Areas except as provided in paragraphs (b) and (c) of this section.
- (b) *LUD II Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Areas designated as LUD II Priority if the Responsible Official determines that one or more of the following circumstances exists:
 - (1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
 - (2) Timber harvest is needed for the development of a vital transportation system linkage, including a log transfer facility;
 - (3) Timber harvest is needed and appropriate for personal or administrative use, including cabin logs, fuelwood, float logs, trolling poles, etc. as provided for in 36 CFR part 223;
 - (4) Timber harvest is needed to maintain, restore or improve fish and wildlife habitat;

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(5) Timber harvest is incidental to authorized improvements for the purposes of maintaining and/or improving fish production, such as fishways, fish hatcheries, or aquaculture facilities, and can be designed to be compatible with the primitive characteristics of the area;

(6) Timber harvest is incidental to water and power developments that can be designed to be compatible with the primitive characteristics of the area;

(7) Timber harvest is incidental to recreation developments that can be designed to be compatible with the primitive characteristics of the area;

(8) Timber harvest is incidental to the construction of administrative facilities that can be designed to be compatible with the primitive characteristics of the area;

(9) Timber harvest is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property; or

(10) Timber harvest is needed to salvage dead or dying timber or for insect or disease management if needed to prevent significant damage to other resources.

(c) *Roadless Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Areas designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

(1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) Timber harvest is needed for mineral exploration and mine development, subject to existing laws and regulations;

(3) The cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses;

(4) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics in an Alaska Roadless Area:

(i) To maintain, restore, or improve fish and wildlife habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, and processes;

(5) Timber harvest is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223;

(6) Timber harvest is needed for research or administration of a designated experimental forest;

(7) Timber harvest is needed for to the construction, expansion, utilization, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;

(8) Timber harvest is incidental to the construction, expansion, or maintenance of authorized fishways, fish hatcheries, or aquaculture facilities;

(9) Timber harvest is needed for public health and safety, including removal of hazard trees; or

(10) Timber harvest is incidental to the implementation of a management activity not otherwise prohibited by this subpart.

§294.55 Corrections and modifications.

Administrative correction or modification of designations made pursuant to this subpart may be made as follows:

(a) Administrative corrections to boundaries. The Regional Forester for the Alaska Region may issue administrative corrections to the boundaries of an Alaska Roadless Area and/or high priority watersheds after a 30-day public notice and opportunity to comment period. Administrative corrections are limited to adjustments that remedy clerical errors, typographical errors, mapping errors, improvements in mapping technology, conformance to statutory or regulatory changes, or incorporation of changes due to land exchanges.

(b) Administrative modifications to Classifications and Boundaries. The Regional Forester for the Alaska Region may issue modifications to the classifications and boundaries of an Alaska Roadless Area and/or high priority watersheds after a 45-day public notice and opportunity to comment period.

(c) The procedures set forth in paragraphs (a) and (b) of this subsection shall also apply to any correction or modification of an inventoried roadless area boundaries within the Chugach National Forest as established pursuant to 66 FR 3244 (Jan. 12, 2001).

§294.56 Scope and applicability.

(a) After [final rule effective date], the Roadless Area Conservation Rule (66 FR 3244) published on January 12, 2001, shall have no effect within the Tongass National Forest.

(b) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to the effective date of this subpart.

(c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of this subpart.

(d) The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component of the Tongass Land Management Plan. Land management plan components that are not inconsistent with this subpart will continue to provide guidance for projects and activities within Alaska Roadless Areas. This subpart does not compel the amendment or revision of any land management plan, but the Tongass Forest Supervisor shall issue a ministerial Notice of Administrative Change pursuant to 36 CFR 219.13(c) identifying plan changes made in conformance with the regulatory requirements of this subpart, including rescission of the portion of the December 9, 2016, Record of Decision concerning suitable timber lands attributed to implementation of the January 12, 2001, Roadless Area Conservation Rule (66 FR 3244).

(e) The prohibitions and permissions set forth in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(f) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

§294.57 List of designated Alaska Roadless Areas Alternative 5.

**Table G-5
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.**

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Aaron	0	71,200
Anan	36,500	2,100
Bay of Pillars	20,100	7,100
Behm Islands	0	4,400

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Table G-5

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Brabazon Addition	0	498,400
Bradfield	0	74,400
Calder	8,500	100
Camden	0	7,000
Carroll	0	0
Castle	0	26,600
Central Wrangell	0	6,400
Chichagof	233,800	155,400
Chilkat-West Lynn Canal	0	151,500
Christoval	0	7,700
Cleveland	0	102,200
Cone	0	128,400
Crystal	0	7,100
Dall Island	0	92,300
Douglas Island	0	23,400
Duke	0	45,100
East Kuiu	3,200	11,200
East Mitkof	0	4,000
East Wrangell	0	0
East Zarembo	0	2,100
El Capitan	7,400	3,000
Eudora	0	102,600
Fake Pass	0	500
Fanshaw	0	16,200
Five Mile	0	3,500
Freshwater Bay	0	25,800
Frosty	0	6,900
Game Creek	0	17,000
Gravina	0	20,500
Green Rocks	0	9,300
Greens Creek	0	25,200
Harding	100	144,100
Hoonah Sound	51,300	6,600
Hydaburg	4,600	8,700
Hyder	0	82,300
Juneau Urban	6,200	49,800
Juneau-Skagway Icefield	35,300	1,122,400
Kadin	0	2,000

Table G-5

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Karta	0	16,000
Kasaan	0	7,600
Kasaan Bay	0	100
Kashevarof Islands	0	4,700
Keku	0	3,500
Kogish	0	25,800
Kosciusko	47,000	2,800
Lindenberg	0	2,300
Madan	0	13,400
Mansfield Peninsula	0	41,400
Manzanita	0	1,400
McKenzie	0	27,200
Middle Kruzof	0	2,900
Missionary	0	5,300
Mosman	0	25,300
Neka Bay	0	7,100
Neka Mountain	0	4,300
North Baranof	0	238,700
North Cleveland	0	104,100
North Etolin	0	15,800
North Kruzof	0	22,100
North Kuiu	0	3,300
North Kupreanof	0	52,800
North Revilla	29,600	101,300
North Wrangell	0	1,800
Nutkwa	21,100	6,800
Outer Islands	73,500	22,200
Pavlof-East Point	0	4,100
Point Augusta	0	10,800
Point Craven	0	9,600
Port Alexander	0	119,700
Quartz	0	142,400
Ratz	0	1,300
Redoubt	0	55,600
Revilla	0	24,200
Rhine	0	2,500
Rocky Pass	100	72,100
Salmon Bay	9,000	3,300

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Table G-5

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Sarkar	21,900	21,400
Security	0	24,300
Sitka Sound	0	13,300
Sitka Urban	0	91,300
Soda Bay	0	30,000
South Etoilin	0	5,500
South Kruzof	0	50,500
South Kuiu	0	62,200
South Kupreanof	33,300	38,600
South Revilla	0	28,100
South Wrangell	0	400
South Zarembo	0	13,700
Southeast Wrangell	0	7,800
Spires	0	489,500
Suemez Island	0	8,600
Sukkwan	25,600	600
Sullivan	0	51,900
Taku-Snettisham	0	601,300
Tenakee Ridge	0	6,200
Thomas	0	0
Thorne River	18,700	33,300
Trap Bay	6,400	3,200
Twelvemile	0	17,300
Upper Situk	0	10,100
West Wrangell	0	2,000
West Zarembo	0	6,100
Whitestone	0	2,200
Windham-Port Houghton	0	43,000
Woewodski	0	0
Woronkofski	0	2,300
Yakutat Forelands	136,900	157,000

Alternative 6 – Preferred Alternative

Subpart E – Alaska Roadless Areas Management

§294.50 Tongass National Forest.

(a) The 2001 Roadless Area Conservation Rule as published in the Federal Register on January 12, 2001 (66 FR 3244) shall not apply to the Tongass National Forest.

§294.51 Chugach National Forest.

(a) Administrative correction or modification of inventoried roadless area designations on the Chugach National Forest may be made as follows:

(1) Administrative corrections to boundaries. The Regional Forester for the Alaska Region may issue administrative corrections to the boundaries of an Inventoried Roadless Area after a 30-day public notice and opportunity to comment period. Administrative corrections are limited to adjustments that remedy clerical errors, typographical errors, mapping errors, improvements in mapping technology, conformance to statutory or regulatory changes, or incorporation of changes due to land exchanges.

(2) Administrative modifications to Classifications and Boundaries. The Regional Forester for the Alaska Region may issue modifications to the classifications and boundaries of an Inventoried Roadless Area after a 45-day public notice and opportunity to comment period.