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

File Code: 1010
Date: July 29, 2019

Mr. Don Hernandez
Chairman, Southeast Alaska Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, AK 99503-6199

Dear Chairman Hernandez:

Thank you for your recent letter regarding Alaska roadless rulemaking and the potential effects on subsistence resources in Southeast Alaska. I appreciate the opportunity to continue the dialogue, and look forward to further discussion with the Southeast Alaska Subsistence Regional Advisory Council to ensure that your comments and recommendations are thoroughly considered throughout this rulemaking process.

I believe that many of the points you discussed in your letter dated July 10, 2019 will be addressed in the Draft Environmental Impact Statement (DEIS) for the proposed Alaska Roadless Rule, which will soon be released for a 60-day public comment period. Many of the concerns you highlighted, including subsistence effects, climate change, user group patterns, and economics, are analyzed to varying extents in the DEIS. In recognition of the importance of subsistence resources to the rural residents of Southeast Alaska, the Forest Service has decided to include an Alaska National Interest Lands Conservation Act, Section 810 analysis. I look forward to your review of the DEIS and engagement on how we can better address your concerns as we prepare the Final Environmental Impact Statement.

In regards to the State of Alaska's Citizen Advisory Committee (SOACAC), the SOACAC is not a Federal Advisory Committee Act body as it was convened and led by the State of Alaska. The Forest Service was invited to committee meetings to provide technical advice, but did not participate in the development of or decisions regarding the SOACAC recommendations. The SOACAC provided recommendations to the State of Alaska, which informed the State's input to the Forest Service during public scoping and the development of the DEIS.

I acknowledge your comments related to the expedited timeframe of Alaska roadless rulemaking, and your concerns that the interests of Southeast Alaska residents are not being fully considered. The pace of the Alaska roadless rulemaking effort is in part due to the agency seeking to respond to a broader national public interest in improving efficiencies and reducing timelines for Forest Service environmental analysis and decision making processes. The Alaska roadless rulemaking effort is responsive to this national need, while still providing ample opportunity for meaningful engagement by tribes, other government agencies, stakeholder groups, communities, and the general public. The Forest Service values the comments that have been received during this rulemaking process to date. They have highlighted the issues important to rural communities in Southeast Alaska, and we are actively using them to develop alternatives that provide a range of management options that will be displayed in the DEIS.

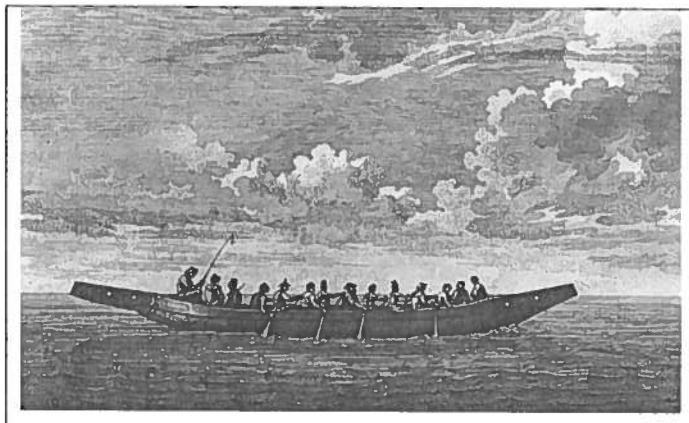
Upon publication of the DEIS and proposed Alaska Roadless Rule, public information meetings will be held throughout communities in Southeast Alaska and in Anchorage, Alaska, and Washington, DC during the 60-day comment period. Of noteworthy importance, subsistence hearings will also be held in Southeast Alaska communities. When available, the schedule for these meetings and hearings, with community times, locations, and other information, will be posted at https://www.fs.usda.gov/roadmain/roadless/alaskaroadlessrule.

Thank you, again, for your letter. I hope that the members of the Council can attend the public information meetings and subsistence hearings discussed above, and I look forward to continued dialogue. I remain committed to ensuring opportunities for broad public participation throughout this rulemaking process.

Sincerely,

DAVID E. SCHMID
Regional Forester

cc: Sitka Pence, Melinda Hernandez Burke, Robin Dale



Southeast Alaska Subsistence Regional Advisory Council

Don Hernandez, Chairman
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JUL 10 2019

Mr. David Schmid, Regional Forester
USDA Forest Service – Alaska Region
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Mr. Earl Stewart, Forest Supervisor
U.S. Forest Service Tongass National Forest
648 Mission Street
Ketchikan, Alaska 99901-6591

Mr. Chad VanOrmer, Co-Team Leader
Alaska Roadless Rule
USDA Forest Service – Alaska Region
Ecosystem Planning and Budget
P.O. Box 21628
Juneau, Alaska 99802-1628

Dear Messrs. Schmid, Stewart and VanOrmer:

The Southeast Alaska Subsistence Regional Advisory Council (Council) would like to thank you for the USDA – Forest Service (Forest Service) Regional Forester's response letter of April 16, 2019, and appreciates the opportunity to continue the conversation regarding the proposed Roadless Area Conservation Rule; National Forest System in Alaska (Roadless Rule) and its potential impacts on subsistence resources in this region.

In the Alaska National Interest Lands Conservation Act (ANILCA), Congress recognized that Subsistence Regional Advisory Councils have specialized knowledge about subsistence uses in their respective regions and should have a meaningful role in providing input on any significant restrictions to these uses. For several years, the Council has reviewed numerous resource management actions and received significant and relevant statements from the public on how

these actions may impact subsistence resources critical to those users. Since its inception, this Council has regularly tracked Forest Service land use action plans and has weighed in on actions that could have significantly restricted subsistence uses. The major legal protection for subsistence uses of fish and wildlife on Federal public lands and waters in Alaska is provided through ANILCA Section 810. Essentially, this section of ANILCA requires Federal agencies to examine the effects of possible land use actions on subsistence uses. To do this, Federal agencies are mandated by law to provide adequate data documenting subsistence uses and possible effects on those uses.

As you are aware, information regarding the Alaska Roadless Rulemaking process was presented to the Council at its last two public meetings. We received reports from the Forest Service, as well as heard public and Council member testimony concerning the Forest Service's intention to revise the very successful and well-received Roadless Rule. We would like to supplement our initial comments made to you via correspondence dated March 5, 2019, by sharing further details. The Council is compelled to contribute this information in an effort to "work together to develop an Alaska Roadless Rule that responds to the needs of all Southeast Alaska residents," a view that has been shared in the past by the Regional Forester.

Due to the importance of wild resources for subsistence uses on the Tongass National Forest, the experience of Council members in forest management issues, the drastic cumulative effects to subsistence uses of past Forest Service road building and resource extraction, and the public comments received at our public meetings, our comments and recommendations on this issue are necessarily lengthy.

This Council strongly opposes changes to the existing Roadless Rule that has successfully provided protection for subsistence uses. The existing Roadless Rule has also limited further degradation and diminution of the Tongass National Forest resources upon which subsistence users in Southeast Alaska depend. Changes to the existing Rule are not needed and will invariably affect the availability of subsistence resources and continued subsistence opportunities.

Our detailed comments follow:

1. **Federal Advisory Committee Act (FACA) concerns**. The Council understands that the Forest Service entered into a cooperative agreement with the State of Alaska (State). The State convened a public body, the Alaska Roadless Rule Citizen Advisory Committee (Committee), to provide recommendations for state-specific roadless rule that will determine roadless areas essential for infrastructure, timber, energy, mining, access and transportation to further Alaska's economic development. The Committee's work was facilitated by Meridian Institute which is headquartered in Washington D.C. The Committee submitted a report outlining four potential options, including a range of potential changes to inventories of roadless areas in the Tongass National Forest. These options were passed on to the state cooperating agency team to provide as input to the Forest Service rulemaking process. In the Council's opinion, the advisory Committee is doing exactly that: advising the Federal government and suggesting action alternatives. The Committee reports produced for this effort lacked subsistence (or environmental) information and appeared to represent the

remnant timber industry rather than a representative cross section of Southeast Alaska residents and communities. The Council believes that FACA may require that a group formed to advise the Federal government be a chartered committee with a designated Federal official, fulfilling the notice and reporting requirements of the law.

2. **Rulemaking development**. The Council notes that proposed revisions to the successful Roadless Rule were contracted out and appear to involve only two professional Forest Service staff from the Tongass National Forest. We also note that decision-making authority was taken from the region, instead handled by the Secretary of Agriculture and fast tracked, requiring staff to work on this project during the December 2018 Federal government shutdown. The timing of the release of the Draft Environmental Impact Statement and short comment period does not accommodate significant public input. These actions give the impression that significant changes in the existing Roadless Rule are being steamrolled over the concerns, interests, and desires of a large number of Southeast Alaska residents.

3. **ANILCA Section 810 determinations**. In March 2019, Alaska Roadless Public Engagement Coordinator Nicole Grewe stated in her testimony before the Council that the Forest Service does not believe that ANILCA Section 810 requirements apply to the rule-making process regarding this major land use action. We unequivocally disagree with this opinion.

In ANILCA Section 810, the law provides for the assessment of impacts to subsistence uses from Federal agency actions. The Federal government does not have a free hand to degrade or diminish subsistence resources, which could make subsistence harvesting difficult or impossible.

ANILCA Section 810 outlines states the following requirements:

a. In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservations, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;
(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and
(3) determines that – (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to

accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

b. If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the *National Environmental Policy Act*, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

c. Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the *Alaska Statehood Act* or the *Alaska Native Claims Settlement Act*.

d. After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

The Council believes that the Roadless Rule revision is exactly the sort of land use action that is covered by Section 810, since subsistence resources and uses are likely to be adversely affected as a result of all alternatives that call for more road building and timber harvest in the Tongass. The Council would like to see the following:

a. Decision documents must include adequate data on subsistence uses and likely future impacts on subsistence uses. Data and analysis must include evaluation of cumulative effects of past timber harvest.

b. If data and analysis show that a proposed land use decision may significantly restrict subsistence uses, a determination to this effect is made by the Federal agency. This determination needs to spell out likely/expected effects. If there is a positive 'Section 810 determination,' the Federal agency must hold hearings.

c. Formal Section 810 hearings are required in potentially affected communities. Hearings are different from public informational meetings. These typically have a hearing officer, may produce a transcript or recordings of hearings, and a hearing summary or record.

d. After hearings the decision maker may cancel the proposed action, if it is detrimental to subsistence uses. The decision maker could proceed with an action that impacts subsistence uses. In the second case, the decision maker must show that **such a significant restriction of subsistence uses is necessary and consistent with sound management principles for the utilization of the public lands** (and other conditions in the law). In this Council's view, trying to resuscitate the Southeast's moribund timber industry is not "necessary."

The Council believes this process would best serve the Section 810 analysis/evaluation requirement by analyzing the potential and significant direct, indirect, and cumulative impacts to subsistence uses. Specifically, if access is expanded in the proposed Roadless Rule alternatives, the Council would like to see the following addressed:

Direct impacts: rural residents subsist on deer and it is the most important subsistence species in this region;

Indirect impacts: previous clear-cut areas harvested at unsustainable rates have had a significant impact on deer productivity; and

Cumulative impacts: deer winter habitat need further analysis and evaluation. A Section 810 analysis would help supply this needed baseline information

ANILCA Section 810 was subject to litigation in the 1980s and beyond. The Council expects that there will be further litigation, particularly as tribes move to protect clan and Kwaan territory and to maintain the fish and wildlife resources members need for subsistence.

The alternative chosen in the new Roadless Rule may reduce or eliminate the use of some Federal public lands currently covered under the existing 2001 Roadless Rule for the purposes of subsistence. All action alternatives hold the potential for development, logging, and other permitted uses of the original Roadless Rule on Federal public lands. Lastly, if the proposed Rule alters the boundaries of the roadless areas in any way, this would constitute a disposition of public lands because it would remove those lands from the Tongass National Forest Federal public lands subject to the Federal subsistence priority provided in ANILCA. The Council believes that the increased restrictions of subsistence uses caused by this proposed Roadless Rule are not necessary and are not consistent with sound management principles for the utilization of Federal public lands.

4. **Carbon sequestration, carbon credit economics, Tongass carbon inventory**. The Tongass National Forest may not be suitable for further logging, but the forest is a national treasure for carbon sequestration. The earth is warming partly because of the increase in carbon dioxide and other greenhouse gasses from human use of fossil fuels, deforestation, animal husbandry, and use of other finite natural resources by Earth's 7.7 billion people.

As the nation's largest national forest, the Tongass is also the nation's largest carbon reservoir. The forest has the capability, particularly as extensive clear cut areas refoliate, to hold even more carbon. It is in the national interest to maintain and enhance the Tongass National Forest for sequestering of atmospheric carbon. Limiting or eliminating further carbon releases from the Tongass through defoliation and removal of biomass should be encouraged.

Interestingly enough, recent sales of carbon credits by Sealaska and Kootsnoowoo Corporations, as well as other carbon trading opportunities, provide data to estimate the economic value of the carbon currently sequestered in the forest. Furthermore, examining the effects of the proposed Roadless Rule revisions on carbon sequestration could provide an economic metric for possible changes in economic worth of the Tongass National Forest.

An essential part of evaluating carbon sequestration, its value, and importance in mitigating climate change is to establish a carbon inventory for the Tongass National Forest. Such an inventory would include an estimate of carbon sequestered before the advent of industrial

logging, a current inventory of carbon sequestered, and best estimates of the effects on carbon carrying capacity of proposed alternatives. The Council considers carbon carrying capacity to be a key value of the Tongass National Forest.

The Forest Plan needs to evolve with the reality of carbon sequestration and the economic value it can provide the Tongass National Forest. Carbon sequestration makes much more economic sense and allows for the continued harvest of fish and wildlife for nonwasteful subsistence uses, which pursuant to Section 804 of ANILCA is the priority consumptive use on Federal public lands in Alaska.

The National Environmental Policy Act (NEPA) requires a complete analysis of potential impacts and we believe that carbon sequestration, carbon credit economics, and a Tongass carbon inventory must be part of analysis for this proposed change.

5. **Foreseeable climate emergency.** The International Panel on Climate Change (IPCC) released its 6th assessment on October. 8, 2018. The United States released its Fourth National Climate Assessment (NCA) on November 23, 2018. Both reports document existing global warming and identify future effects of high global temperatures on world ecosystems. The NCA includes breakout information for Alaska.

The proposed Roadless Rule and Environmental Impact Statement should include analysis and discussion of what rapid climate change means for the Tongass National Forest. This analysis and discussion should consider local effects including: increased forest fire likelihood, rainfall changes that could limit salmon productivity, changes in vegetation patterns, diminished snow cover, increased weather extremes and variability, and possible massive tree blow down events from severe storms. In addition, the IPCC report calls for a 50 percent reduction in emission of greenhouse gases by about 2030, total elimination by 2050, and increased removal of greenhouse gases (including carbon sequestration strategies) as soon as possible.

Since climate changes are already upon us and because effects are likely to increase in the future, the Council believes that the proposed Roadless Rule revision must include a robust analysis and discussion of these possible future changes.

6. **Restoring and Rehabilitating the Tongass National Forest**. In the extensive wildlife planning for Prince of Wales Island completed some years ago, the Council identified restoring and rehabilitating the Tongass National Forest to its pre-logged state as a long-term policy goal needed to ensure continuation of subsistence uses. The Council recognized that ecological damage has been done and restrictions to subsistence uses have resulted from reduced availability of wildlife species, changed predator-prey-human relationships, diminished salmon returns, and altered vegetative composition and availability of subsistence plant foods.

7. **Transition from Old Growth**. This Council has supported alternatives to timber clear-cuts and adaptive management strategies to improve renewable subsistence resources in the Tongass National Forest. Unfortunately, Council members see no evidence that a transition from harvesting old growth is taking place. Forest sales egregiously allow and encourage round log export of old growth and second growth. The current Roadless Rule protects some of the last old-growth forest but the proposed Roadless Rule would reverse this successful conservation policy.

8. **User Group Conflicts**. Numerous rural Alaskans live off the land, relying on fish, wildlife, and other wild resources. Many of these rural residents depend on access to public land for subsistence opportunities. At its last meeting, several Council members shared their traditional ecological knowledge of local conditions and access. If users are required to travel farther to hunt, fish, and forage, as a result of the proposed Roadless Rule, it will likely create conflicts between users for access to subsistence resources.

Thank you for the opportunity to comment on the development of the proposed Roadless Rule. The Council will provide additional comments upon receiving the Alaska Roadless Rule Draft Environmental Impact Statement. If you have any questions regarding this letter, they can be addressed through our Council Coordinator, DeAnna Perry at (907) 283-7918 or via email at deanna.perry@usda.gov.

Sincerely,

Donald Hernandez

Donald Hernandez
Chair

cc: Federal Subsistence Board
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