

## Opening Comments

- Thank You – For the opportunity to continue the discussion of Alaska Roadless Rulemaking.
- Introduction – Regional Economist and a coordinator on the Alaska Roadless Rulemaking Project.
- Outline – outline of activities since public comment period (1), current project status (2), and next steps (3).

## Topic 1 – Recent Activities (since DEIS published)

The Alaska Roadless Rule team has maintained an aggressive schedule as evidenced by DEIS published mid-October, public comment closed mid-December, and PFEIS created by early March.

### Public Meetings Conducted

- 20 Total Meetings
- 18 Southeast Meetings (56%)
- Anchorage, AK + Washington, DC
- Subsistence hearings conducted in 17 of 20 Southeast communities – not in JNU, ANC, or DC.

### IDT Work Completed

- Meetings – 20 public meetings and 18 subsistence hearings.
- Comments – Public comment consolidated, aggregated, and analyzed.
- Subsistence Hearings – transcribed, translated, and content analyzed. Transcripts posted to AKRR website.
- Cooperating Agencies – ongoing meetings with cooperating agencies.
- Tribal Engagement and Consultations – by request of tribal governments and native corporations.
- Public Engagement – Additional public engagement as requested by different groups.

### Public Comment Overview

- 267,000 total letters
- 6,978 unique Letters (3%)
- 57,991 duplicate Letters
- 183,551 form letters
- 11 letters with petitions with total of 117,364 signatures.
- 17 resolutions in support of 2001 RACR – Fish and Game Advisory Committees (4), municipal governments (5), tribal governments (5), or larger tribal entity (3)
- 4 resolutions in support of rule change – KGB, WRG, Whale Pass, Coffman Cove
- Public Comment Content:
  1. Outreach and Public Involvement
  2. Purpose and Need
  3. Alternatives
  4. Analysis
  5. Environmental Justice
  6. DEIS Editorial Changes
  7. Other Comments
  8. Regulatory Framework
  9. Resolutions
  10. Forest Management

### Subsistence Hearing Overview

- 196 total testifiers – Sitka, Hoonah, Ketchikan, and Pelican with larger numbers of testifiers.
- 18 Subsistence Hearings
- Subsistence Hearing Content:
  1. Procedural concerns
  2. Subsistence resource concerns – abundance and distribution, access, and competition
  3. DEIS concerns and related analysis concerns

Hearing	Location within Alaska	Date	Unique Testifiers on Record
1	Angoon	11/12/19	11
2	Craig	11/06/19	7
3	Ketchikan	11/05/19	15
4	Petersburg	11/07/19	13

5	Sitka	11/12/19	42
6	Tenakee Springs	11/05/19	10
7	Wrangell	11/06/19	8
8	Yakutat	11/05/19	5
9	Point Baker	11/19/19	9
10	Hoonah	11/14/19	14
11	Skagway	11/26/19	8
12	Gustavus	12/07/19	9
13	Haines	12/07/19	6
14	Thorne Bay	11/13/19	3
15	Kake	11/22/19	9
16	Kasaan	11/12/19	4
17	Hydaburg	11/12/19	10
18	Pelican	12/12/19	13
<b>Total</b>			<b>196</b>

**Topic 2 – Current Project Status**

The interdisciplinary team continues to work to meet and aggressive timeline as proposed by the USDA.

- PFEIS has been produced by the contractor and submitted to USFS for further review.
- Cooperating agencies have reviewed PFEIS and submitted comments.
- Interdisciplinary Team and additional USFS staff have reviewed PFEIS and submitted comments.
- All aforementioned input is being consolidated and reviewed by IDT this week with final changes provided to the contractor by this weekend to create the FEIS for leadership review.
- Next Step – Finalize the PFEIS (to FEIS) for submission to USFS leadership and USDA leadership.
- Private Information – All is held private to preserve decision space for the USDA secretary.

*SERAC Letter (12/12/19)*

- Thank you for your thoughtful and substantive comments provided 12/12/19. 21 points of consideration the IDT and Alaska Region considered. There have been changes to the DEIS per your input including:
  1. Dropped Chugach National Forest from the proposed rule (i.e., administrative changes).
  2. Less reliance on 2016 FPA and more original analysis.
  3. Dropped conditioning language across the alternatives.

*Subsistence Analysis (Chapter 3 – Environment and Effects, Subsistence)*

ANILCA provides for “the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands.”. ANILCA requires analysis of potential effects on subsistence uses of all actions on federal lands in Alaska. Analysis generally focuses on food-related resources most likely to be impacted by potential habitat degradation.

- Three substantive topics for analysis are required by ANILCA including:
  1. Resource abundance and distribution. FEIS – all alternatives harvest same YG and OG timber, therefore, risk of significant restriction would be the same under all action alternatives.
  2. Access to resources. FEIS– programmatic EIS therefore makes it difficult to predict effects to access of site-specific projects. Programmatic is means broad in direction and without specific activities on specific pieces of land. Considered in this fashion, none of the alternatives would directly limit the use of public lands for the purposes of subsistence gathering activities. Road construction may favor some users and disadvantage others. Harvest may temporarily displace some users.
  3. Competition for the use of resources. FEIS– NRG requested additional analysis on this point as PFEIS is weak in this discussion. Not sure where this will lead as the impacts of roadless will likely be focused on specific subregions of Southeast and not across the region.

*ANILCA Section 810*

Requires USFS, “in determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of NFS lands in Alaska, to evaluate the potential effects on subsistence uses and needs, followed by specific notice and determination procedures should there be a significant possibility of a significant restriction of subsistence uses....

“A proposed action shall be considered to significantly restrict subsistence uses, if after any modification warranted by consideration of alternatives, conditions, or stipulations, it can be expected to result in a substantial reduction in the opportunity to continue subsistence uses of renewable resources.”

*FEIS ANILCA Determination*

“... an ANILCA determination may be made in the record of decision, if appropriate.”

*How was subsistence hearing intel used in the FEIS?*

- Recorded, transcribed, translated, and summarized via written report.
- Qualitative coding of transcripts occurred with related analysis.
- Results drafted regarding three subtopics including: procedural concerns, DEIS concerns, and subsistence.

**Topic 3 – Next Steps and Timeline**

Task	Timeframe	Comment
Publish Proposed Rule/DEIS	Mid October	October 18, 2019
Public Comment Period	Mid October – Mid December	60 Day Public Comment Period
IDT Work	Mid December – Current	Comment work, regulatory impact documents, cooperator work.
PFEIS Circulated	Early March	Internal Access Only
Final PFEIS Adjustments	Now	This weekend all final work to be completed.
Print Ready FEIS	Mid April	April 13, 2020
USDA Clearance	Late April – Mid May	USDA Opportunity to Review
Advance Tribal Notification	Mid May	Tribal Engagement
Public FEIS/NOA	Late May	May 29, 2020
30 Day Stay of Decision	June	May 30 – June 29, 2020
Final Rule Publish	Early July	July 3, 2020

**Topic 4 – Open Discussion**

Yield the floor to SERAC for discussion, comments, and questions.

Attending the meeting today, but also available during the next three days for further discussion.

*Is there room for additional public input?*

- Changes to regulation are conducted under the Administrative Procedures Act (APA), which provides maximum authority to the USDA secretary for final decision making.
- Notably, the proposed rule language is for all six alternatives. USDA has stated a preference for Alternative 6, but there has been a significant amount of water under the roadless bridge since DEIS published.
- We won’t know until USDA review the documents and provides a decision.

**Topic 5 – SERAC December 2019 Letter Responses**

To prepare for the meeting, Ken Tu and myself walked through the December 12 SERAC letter that provided 22 points for consideration for the DEIS. It was submitted during the 60-day DEIS public comment period. The questions below are our internal cheat sheet only – not to be circulated. They are very short responses to much longer topics. None of these arose at the meeting yesterday. I don’t expect they will arise tomorrow, either.

1. Inappropriate Scale – Forest-wide analysis is appropriate for a programmatic EIS. Furthermore, the EIS utilizes community use areas to supplement.
2. Subsistence Use Intel Outdated – Consulted SOA for improved intel. It is not consistent and only updated for a handful of communities. Subsistence use by community use area is sufficient for this analysis – provides enough information to inform a decision.
3. 2016 FPA too Heavily Relied Upon – USFS attempted to rely less upon 2016 FPA. Analysis was re-ran instead of relying upon the 2016 FPA.
4. Cumulative Effects Insufficient – Many of their concerns are addressed in the Response to Comments.
5. EJ Insufficient – USFS stands by the EJ analysis. Programmatic EIS and impacts everyone equally at this point.
6. SERAC Supports Tribes – Thanks!

7. Supports use of Traditional Kwaan and Clan Territories – Dilutes the analysis.
  8. Support for No Action Users – thanks
  9. ANILCA 810 Determination – Not required, but we will make a determination.
  10. ANILCA 810 Determination Participation – Thanks!
  11. Carbon Accounting Insufficient – Alternative 1 is the “no action” alternative and represents maximum carbon sequestration potential.
  12. Full Exemption = Max Timber Harvest – 2016 FPA still in effect and will guide timber harvest levels.
  13. Large Blocks OG to Combat Climate Change – Thanks. 2016 FPA will guide timber harvest.
  14. Support TNF Restoration – Thanks. USFS concurs.
  15. Roadless Inventory is Inaccurate – Thanks. USFS concurs. We updated the inventory through AKRR. There are now 2002, 2008, and 2019 IRA inventories reflecting corrections along the way. Placed unfragmented blocks of roadless greater than 5,000 into IRA status.
  16. Harvest and Roadbuilding Expenditures/Returns Need to be Evaluated – Roadbuilding paid for by purchaser. Cost of potential timber harvest is disclosed in the EIS.
  17. Roadbuilding Detrimental to Fish – 2016 FPA remains in effect. Standards and Guides will continue to protect fish and fish habitat. EIS indicates very little roadbuilding will occur. Harvest guided by 2016 FPA.
  18. Do not Support IRA Characteristics – Not applicable as exemption is preferred alternative.
  19. SOACAC Recommendations Inappropriate – Same weight given to SOACAC as any other group.
  20. Southcentral RAC Should Have Been Engaged – CNF now dropped. They were not engaged as the CNF was not a substantive matter in roadless rulemaking
  21. 2 Hours at DEIS Meeting Insufficient – Sorry.
  22. AKRR Should Remain at R10 – R10 staff and leadership have participated all the way through.
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### **Topic 6 – Closing Comments**

Moving forward, I am hearing the SERAC believe there is more work for them on the AKRR project. To help, I will remain transparent and provide the following information (subject to USFS approval):

1. Public Comment Report
  2. Subsistence Hearing Report
  3. Subsistence Resource FEIS Section (highly unlikely, but will ask USFS)
  4. Am available for further discussion regarding ANILCA determination – USFS could use more intel regarding access, competition, and abundance/distribution.
  5. Proposed Rule Language – Still includes 6 rules! I believe there is still water to pass under the bridge and remain optimistic USDA secretary will thoroughly deliberate public input, subsistence hearing input, and EIS analysis.
  6. There is limited time left to make a difference, and I encouraged the SERAC to remain engaged with USFS leadership.
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### **Topic 7 – SERAC Meeting Hot Topics**

While the AKRR agenda item went on for nearly two hours, substantive comments or questions were only offered by four members – Don Hernandez, Cathy Needham, John Yaeger, and Bob Schroeder. Below is a quick summary of the salient points of discussion that require alignment between Nicole and Dave.

#### *Procedural Flaw per ANILCA*

SERAC is highly-concerned that USFS has violated ANILCA by not providing subsistence resource findings to inform the ANILCA determination. In short, the SERAC believes subsistence resource findings should have been made available to the public before subsistence hearings to ensure meaningful participation and input by testifiers.

*NRG Response*

Chapter 3 in the DEIS contains significant analysis of subsistence resources, as guided by ANILCA, and including access, competition, and abundance. Subsistence hearings inform the FEIS and the ANILCA determination. Notably, the PFEIS currently including language detailing “... an ANILCA determination may be made in the record of decision, if appropriate.” Recommended the SERAC remain vigilant, maintain communication with R10, and that I believed the USFS would make a determination in the ROD. While I was transparent regarding the current PFEIS language, I also reaffirmed I was confident there would be a determination.

*Additional Opportunity for Public Comment or Objection*

Confusion (and discontent) on the SERAC regarding no formal objection period or further public comment to the PFEIS.

*NRG Response*

1. There is no formal public comment period moving forward. The USFS will always accept comment, input, and feedback, but it will not be considered in the same manner as the DEIS 60-day public comment period.
2. This is a regulatory rulemaking carried out under the Administrative Procedures Act (APA). The USFS is charged with the analysis (via EIS), but the USDA secretary is the decision-maker and has broad authority as provided by the Organic Act, MUSYA, and NFMA.
3. There is no objective period or path for appeal. Instead, there is a 30-day “stay” between publishing the FEIS and final rule. There is opportunity for public input or objection during this period, rather it is a period of time litigants use to prepare they legal complaints.
4. Encourage you to remain engaged with USFS and USDA leadership and to recognize the very limited time between now and PFEIS to engage in meaningful dialogue.

*Forest Service Role*

During my update, I provided reminder the USFS is carrying out the analysis as tasked by the USDA. Some SERAC members felt the USFS was not taking full ownership of the project.

*NRG Response*

As the NOI indicated, the USDA secretary believes the USFS can better balance IRA conservation with local economic opportunity. The USFS role is to produce a range of alternatives, analyze the range of alternatives, and inform the USDA’s decision. The USFS owns the EIS and analysis. The analysis provides a far range of alternatives with enough analysis to make a decision. However, the Forest Service also recognizes the USDA secretary has broad authority to make the final discretionary decision per Organic Act, MUSYA, and NFMA. As the DEIS states: “... the USDA desires...” (see proposed action).