



Talking Points for Phone Call with Alaska Governor Walker

Alaska Roadless

- **It's important to resolve this longstanding issue and facilitate the economic development of Southeast Alaska.**
 - I recognize the central role Forest Service land management has on Alaska and
 - I am committed to a focused and expeditious rule making.
- **I understand, as a governor, why you want the exemption and the history that has led us to this point.**
 - You believe the exemption violates the Alaska National Interest Lands Conservation Act “no more clause” and
 - That we previously agreed to restore the exemption as a settlement to the earlier lawsuit.
- **Fundamentally – I agree with the state requesting an exemption**
- **I want to discuss practical and enduring outcomes that provide a long term solution –**
- **There are two options for us -**
 - **USDA can propose a complete exemption**, as it did in 2003, or
 - **We can propose the exemption as an alternative within a state specific rule.** This is similar to our approach in Idaho and Colorado.
 - A state specific rule would also include a redetermination of Roadless acres in Alaska
- **After careful review, I recommend the second option, a state specific rule, because it will**
 - **Have similar outcomes to an exemption**
 - It will locally determine which roadless acres are needed for infrastructure, timber, energy, mining, access, transportation, and further Alaska economic development
 - It will reduce roadless but likely keep those that are inaccessible – rock, ice, and mountain tops
 - **Gives a central role to the state in developing the proposal**
 - As a cooperating agency, we could fund the state to pull together a task force to provide us a proposal
 - **More likely survive litigation**
 - Precedent in the 9th Circuit supports this approach
 - We have litigated both approaches to modifying the application of the 2001 Roadless Rule – a State specific rules and a Tongass exemption - and successfully defended the State specific rules in Colorado and Idaho in the Ninth Circuit.





- We were not successful in defending a Tongass exemption.
- The bottom line is that we have court decisions on the books that support using a State-specific rule to negotiate a compromise that supports active forest management.
 - The Ninth Circuit upheld the Idaho rulemaking and struck down the Tongass Exemption. The D.C. Circuit rejected two separate challenges concerning the Colorado rule.
 - ANILCA does not prevent us from using a State specific rule to modify the application of the 2001 rule in Alaska. We have litigated both of the ANILCA provisions of concern to Alaska (the “no more” study areas and the mineral withdrawal provisions of Section 1326), and won.
- **Keeps the issues and process more local to Alaska.**
 - An exemption will be a national issue.
- **Maintain the broadest coalition of support.**
 - Middle ground recreation, fishing and conservation groups tell us they *support a realignment of roadless but oppose the exemption.*
- **I am committing the resources, money and support of the administration to make this happen as expeditiously as possible**
- **Given that commitment, I am concerned that a rulemaking just for an exemption will**
 - **Become a truly national issue** – it will dominate everything we do for the next few years
 - Additional states, such as Utah, have indicated they may ask for a full exemption as well. This creates issues for Colorado and Idaho that have state specific rules.
 - Environmental Groups are pouring in money to oppose a full exemption.
 - **Repeat our failed approaches due to litigation risk**
 - **Shut down sales on the Tongass** – every sale will be litigated for the next 5-8 years
 - **Affect our work in the lower 48.** This becomes a national issue for us.
 - We expect this to significantly increase litigation on our timber sales and hazardous fuel reduction work across the country
 - Greater opposition for our national NEPA policy and permitting reforms
 - These will significantly help in Alaska –
 - Quicker and cheaper permitting for the recreation industry in AK
 - Faster authorization of timber sales, mining, and hydroelectric

