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April 10, 2018

Sonny Perdue, Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Perdue,

On behalf of millions of people across the country, we write to oppose the State of Alaska's petition for rulemaking to exempt the Tongass National Forest in Alaska from the Roadless Area Conservation Rule (the Roadless Rule or the Rule). Granting the petition will mire the U.S.

Department of Agriculture (USDA) in an exhaustive and unnecessary controversy. We urge you to deny the petition and maintain the Roadless Rule's important legacy of protecting our country's roadless areas.

The Roadless Rule, one of our country's most important conservation laws, was the product of three years of deliberation, more than one million public comments, and a robust administrative review of options for managing and protecting the approximately 58.5 million acres of inventoried roadless areas within the National Forest System. USDA concluded inventoried roadless areas serve numerous important functions, including providing unparalleled recreational and business opportunities, drinking water sources for millions of Americans, and habitat important to the long-term survival of innumerable fish and wildlife populations. USDA also concluded that the Rule responded to serious environmental, human safety, and fiscal concerns relating to the \$8.4 billion maintenance backlog on the existing forest road system.<sup>1</sup> USDA's thoughtful and deliberate approach to the Roadless Rule has withstood decades of legal challenges and stands as a lasting contribution to our country's conservation efforts.

In contrast, the State of Alaska's petition perpetuates stale, tired efforts by Roadless Rule opponents to mischaracterize the Rule's actual scope and effect. The petition ignores the fact that USDA narrowly tailored the Roadless Rule to limit only two activities in roadless areas, road construction/reconstruction and logging, because those activities pose the greatest likelihood of irretrievably altering and fragmenting roadless landscapes.<sup>2</sup> The petition also ignores the Rule's series of established exceptions that "honor existing law or address social or economic concerns."<sup>3</sup> Most importantly, for example, the State of Alaska ignores the fact that the Roadless Rule already allows for road connections between communities and other state highway projects, access to mining claims under the General Mining Law of 1872, and logging incidental to otherwise permitted activities, including utility corridors and hydropower projects.<sup>4</sup> As the U.S. Forest Service (Forest Service) itself recently noted, "[a]s of January 2018, 55 projects within roadless areas in Alaska have been submitted for Secretarial or Chief's review and all have been approved. . . . Under the current review process, most projects are approved by the Chief of the Forest Service within a month of submission."<sup>5</sup>

The State of Alaska's decision to ignore all of the Roadless Rule's existing exemptions makes it clear that the real purpose of the petition is to allow logging in the roadless portions of the Tongass. This poorly-veiled effort aims to prop up an industrial-scale old-growth logging program that has only one remaining mid-sized mill and contributed less than one percent in

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<sup>1</sup> See generally Roadless Area Conservation Rule, 66 Fed. Reg. 3,244, 3,244–48 (Jan. 12, 2001).

<sup>2</sup> *Id.* at 3,244.

<sup>3</sup> *Id.*

<sup>4</sup> See *id.* at 3,255, 3,257-58, 3,264, 3,272–73.

<sup>5</sup> U.S. Forest Service Alaska Region, Frequently Asked Questions Regarding Inventoried Roadless Areas at 6 (Jan. 2018), [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd495343.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd495343.pdf).

employment-related earnings to the southeast Alaska economy in 2016.<sup>6</sup> The fact that the Tongass old-growth logging program is completely dependent on tens of millions of dollars in annual subsidies from U.S. taxpayers further eviscerates the petition's purported justification.<sup>7</sup>

For all of these reasons, the State of Alaska's petition for rulemaking should be denied. Initiating rulemaking regarding the Roadless Rule will drain USDA resources that are already stretched precariously thin. It will mire the Forest Service in a protracted, multi-year process to overturn long-standing and well-reasoned decisions, all but ensuring years of litigation. And given the complexity of USDA's existing administrative record, the sheer size of the Tongass in the overall National Forest System, and the unique contribution the Tongass plays in accomplishing the Roadless Rule's established goals and objectives, the environmental review associated with any exemption rulemaking would necessitate a national process, including public meetings held throughout the country. If, despite all of these concerns, USDA seeks to revisit the decision to apply the Roadless Rule to the crown jewel of the National Forest System, then it should provide a minimum scoping comment period of 90 days to ensure sufficient opportunity for communities, tribes, and the public to engage on an issue of such enormous controversy.

Finally, the State of Alaska's efforts to undermine the Roadless Rule by revising or amending the Tongass Land Management Plan (the Tongass Forest Plan) should also be denied. The Tongass Forest Plan reflects the unanimous recommendation of a diverse collaborative committee, including representatives from the State of Alaska and the timber industry, which unanimously recommended that the Forest Service should prohibit logging on roadless areas. The State of Alaska's post hoc efforts to disavow its own recommendations should be rejected.

We urge you to maintain the Roadless Rule and its vital protections for the National Forest System and the Tongass.

Respectfully,

Richard A. Jahnke  
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<sup>6</sup> See Southeast Conference, Southeast Alaska by the Numbers at 4 (Sept. 2017), <http://www.seconference.org/sites/default/files/Southeast%20Alaska%20by%20the%20numbers%202017%20FINAL.pdf>.

<sup>7</sup> See, e.g., U. S. Government Accountability Office, Tongass National Forest: Forest Service's Actions Related to its Planned Timber Program Transition at 7 (Apr. 2016), <https://www.gao.gov/assets/680/676788.pdf>.

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