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Contact: Jim Clark
(907) 723-6952
Email: ljfclarkiii@gmail.com

Statewide coalition files suit challenging reimposition of Tongass National Forest’s Roadless Rule

JUNEAU – Sept. 12, 2023 — On Friday, Sept. 8, 2023, a group of 24 diverse, statewide Alaska resource associations, Southeast Alaska communities, utilities, and businesses filed a Complaint opposing the U.S. Department of Agriculture’s (USDA) reimposition of the 2001 Roadless Rule on the Tongass National Forest in Southeast Alaska.

WHY: This challenge is about Alaskans’ broader rights of access – to communities and resources. This lawsuit seeks *to reverse* the reimposition of the roadless rule in Alaska that currently blocks access for mining and hydroelectric facilities.

Roadless Rule Impacts:

Hydropower: The ability to provide inexpensive, efficient, and clean hydropower to Southeast residents and businesses is severely limited by the Roadless Rule. **Robert Siedman, chief executive officer of the Southeast Alaska Power Agency (SEAPA)** that provides hydropower to Ketchikan, Petersburg and Wrangell: “Given the strong environmental safeguards required to build them and the economic and climate change benefits they provide, USDA should make it easier, not harder and more expensive, to access and build new hydropower facilities and maintain existing power lines and facilities. Maintaining power lines with roads rather than helicopters is significantly less expensive and saves ratepayers money.”

Minerals: The United States urgently needs more minerals to keep up with growing demand for the minerals used in Americans’ daily lives. Most Americans would prefer to source them domestically rather than overseas. **Deantha Skibinski, executive director of the Alaska Miners Association:** “It is counterproductive to make access for mining more difficult and expensive, because mining provides year-round family supporting jobs and the raw materials our country needs while only affecting a few hundred acres of land. If not for the obstacles thrown up by USDA, Southeast Alaska should have as many mining projects in advanced exploration and development as in northeast British Columbia, which has a similar geology.”

More than timber: Timber harvest is currently prohibited in the 9.4 million acres known as Inventoried Roadless Areas (IRAs) by the 2016 Tongass Forest Plan. This lawsuit does not seek to change that. It would take Forest Service rulemaking and the Environmental Impact Statement process to change that Forest Plan.

Background: In 2001, the Clinton Administration imposed what has become known as the “roadless rule” in national forests, including the Tongass National Forest located in southeast Alaska. With limited exceptions based on need (as determined by USDA officials in their sole discretion), **the roadless rule prohibits roadbuilding on 9.4 million acres of the 16.9-million-acre Tongass (an area the size of West Virginia).** This sweeping rule effectively closes off access to most of Southeast Alaska for any means – not just timber harvest, but also access to critical mineral resources, hydropower to offset high-cost diesel fuel as a source for local electricity needs, and more.

For the next several years, the Alaska Congressional Delegation worked to resolve the need for access with several federal administrations and, in 2003, successfully negotiated a limited exemption to the burdensome roadless rule for Southeast Alaska. Regretfully, in early 2023, the Biden Administration unilaterally repealed the exemption, resulting in a sweeping reversal and consequent denial of access to important resources for Alaskans. The Biden Administration’s actions also disregard the multiple use mandate for our national forests that supports the access today’s lawsuit seeks.

“It is unfortunate that our Southeast Alaska partners, like the rest of our great state, must continually fight the federal government to responsibly develop our resources,” said **Leila Kimbrell, executive director of the Resource Development Council for Alaska (RDC)**. “The federal government should be our partner in achieving sustainable resource development, to include meaningful access to our resources, together with responsible environmental outcomes for the people of our state and country. When the Statehood Act was adopted, the federal government recognized Alaska’s need for resource development to sustain its economy. Hopefully, this litigation will remind the federal government of that obligation to allow the necessary access to do so.”

Former Alaska U.S. Senator and Governor Frank H. Murkowski, who grew up in Southeast Alaska and was responsible for settling the original Roadless Rule litigation in 2003, said: “Congress set aside those areas of the Tongass it determined to be worthy of preservation in the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, the Tongass Timber Reform Act (TTRA) of 1990, and the FY 2015 Defense Authorization Act. It is not USDA’s role under our federal Constitution to add 9.4 million acres of Inventoried Roadless Areas (IRAs) to areas of the Tongass that Congress has set aside. If

USDA thinks more of the Tongass should be designated for preservation it should make recommendations to Congress instead of unilaterally acting on its own. The Complaint filed today will help resolve whether USDA has authority to act in place of Congress.”

Alaska Chamber President & CEO Kati Capozzi observed: “The Roadless Rule has been the quintessential poster child for the negative consequences of USDA’s “one-size fits all” Roadless Rule approach. Alaskans have spent more than twenty years fighting this ill-conceived and inequitable rule, which has prevented an entire region of the State from providing affordable energy, needed minerals and economic opportunities to its citizens and the country. The purpose of the litigation filed today is to stop USDA from reimposing the 2001 Roadless Rule on the Tongass, and once again provide economic and social justice to Southeast Alaska.”

Coalition members supporting the lawsuit:

Alaska Bankers Association
Alaska Chamber
Alaska Electric Light & Power Company
Alaska Marine Lines, Inc.
Alaska Miners Association
Alaska Power & Telephone
Associated General Contractors of Alaska
Boyer Towing Inc.
Coastal Helicopters, Inc.
First Bank, Alaska
First Things First Alaska Foundation
(Former) Governor Frank H. Murkowski
Greater Ketchikan Chamber of Commerce
Hyak Mining Company
Juneau Chamber of Commerce
Resource Development Council of Alaska, Inc.
Samson Tug and Barge Company, Inc.
Southeast Alaska Power Agency
Southeast Conference
Southeast Stevedoring Corporation
Temsco Helicopters, Inc.
The City of Ketchikan, Alaska
The Ketchikan Gateway Borough, Alaska
Tyler Rental Inc.

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