

## **REASONS WHY THE TONGASS NATIONAL FOREST SHOULD BE EXEMPT FROM THE 2001 ROADLESS RULE**

As a result of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), the Tongass Timber Reform Act of 1990 (TTRA), and the FY 2015 Defense Authorization Act Congress designated approximately 6.8 million acres of the Tongass (40%) as Wilderness and LUD II areas.

In 2001 and again on January 27, 2023, USDA designated 9.34 million acres of the Tongass National Forest (Tongass) as Inventoried Roadless Areas (IRAs). When added to the Congressional Wilderness and LUD II designations this sets aside 90% of the Tongass in unroaded status. The 2001 Roadless Rule IRA addition thus destroys the balance between conservation and economic development of the Tongass sought by Congress in Section 101(d) of ANILCA: "... the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition..."

USDA's designation of 9.34 million acres of IRAs adversely impacts access and economic development in Southeast Alaska. The State of Alaska, the Pacific Legal Foundation on behalf of Alaska Native-owned Inside Passage Electric Cooperative (IPEC) and the Alaska Power Association, and a group of 25 Alaska communities, development associations, and businesses seek restoration of the October 29, 2020, Rule that exempted the Tongass National Forest from the 2001 Roadless Rule. Exemption of the Tongass from the 2001 Roadless Rule is needed to:

1. Allow roads to access mineral operations authorized by the United States mining laws (30 U.S.C. § 22 et seq.) for operators meeting the requirements of 36 C.F.R. Part 228. This is the same process and set of environmental requirements for obtaining road access to mineral operations on non-IRA National Forest lands.
2. Allow the cutting and removal of trees associated with mining exploration and development. Currently, 36 C.F.R. § 294.13(b)(2) only authorizes the cutting or removal of trees in IRAs that is "incidental to implementation of a management activity not otherwise prohibited by this subpart." The level of exploration needed to develop a mine on the Tongass requires the cutting and removal of trees. Mine development would require even more cutting and removal of trees.

3. Assure road access to leasable minerals (such as geothermal resources) if the operator meets the environmental criteria of 36 C.F.R. Part 228.
4. Allow roads in Transportation Utility System (TUS) corridors identified in the Southeast Alaska Transportation Plan (SATP) for development and/or essential for reservation for the connection of communities and development of the regional transportation system would be permitted.
5. Assure access to new hydropower and other renewable energy projects and their transmission infrastructure, including their maintenance. The current language in the 2001 Roadless Rule is ambiguous with respect to new hydropower sites.
6. Allow road access to Congressionally authorized Southeastern Alaska Intertie System Plan Routes (PL 106-511, February 1, 2001) as identified in report #97-01 of the Southeast Conference.
7. Allow roads included in a community, municipal, or tribal government plan to provide access and development of water resources, renewable energy resources, sanitary landfills, connecting isolated road networks, and subsistence resources, including maintenance of such roads and facilities.
8. Allow road access to an authorized facility or location for fishery research, management, enhancement, and rehabilitation activities; fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other permitted aquaculture facility or activity, including mariculture.
9. Allow hunters, including older hunters, greater access to the Tongass and avoid concentrating hunting within 1.5 miles of the beach.
10. While some will claim that the 2001 Roadless Rule already allows some of these developments, time and experience have shown it does not work that way in practice. Total Exemption is needed to assure that these developments are allowed.

In conclusion, the State of Alaska, the PLF, and the Group of 25 Alaska communities, development associations, and businesses are filing their Complaints because the social and economic hardships to Southeast Alaska from the 2001 Roadless Rule outweigh the need to withdraw 90% of the Tongass from road development.