



Craig Tribal Association
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CTA Resolution 2019-26

TITLE: AUTHORIZATION OF TRIBAL SUPPORT FOR THE APPLICATION OF THE 2001 ROADLESS AREA CONSERVATION RULE ('ROADLESS RULE') ON THE TONGASS NATIONAL FOREST and THE AUTHORIZATION OF STRONG SUPPORT FOR LASTING PROTECTION AND IMPLEMENTATION OF THE ROADLESS RULE.

WHEREAS, the Craig Tribal Association a federally recognized Indian tribe, organized pursuant to the authority of Section 16 of the Act of Congress of June 18, 1934, (48 Stat.984), as amended by the acts of Congress, June 15th, 1935, (49 Stat.378 and May 1, 1936, (49 Stat. 1250); and,

WHEREAS, the aforementioned tribes represent the majority of tribal residents on Prince of Wales Island and are empowered under their respective Constitutions and By-Laws to preserve, protect, and promote the history, culture, and traditions of the Tribal citizens they represent, through the exercise of their powers and authority to make rules and regulations; and,

WHEREAS, protection of the inherent right to harvest and use traditional and customary foods require careful stewardship and protection of the environmental and natural resources; and,

WHEREAS, the care of the lands now classified as "inventoried roadless areas" in the Tongass National Forest stretches for millennia; and

WHEREAS, these lands not only provide our Alaska Native people with food, they essentially define who are and where we come from; and

WHEREAS, inventoried roadless areas contain many sites sacred to Tribal citizens and other Alaska Natives who use these roadless areas for spiritual and religious practices and other customary uses and activities; and,

WHEREAS, inventoried roadless areas conserve natural biodiversity and serve as a bulwark against the spread of invasive species; and,

WHEREAS, inventoried roadless areas protect healthy watersheds to ensure a clean drinking water supply, and help ensure the continued protection of fish and wildlife habitat that is essential to the pursuit of our social, nutritional, and ecological values and our traditional way of life; and,

WHEREAS, the Tongass National Forest represents one of the highest carbon stores in the world and the conservation of the remaining intact inventoried roadless areas on Prince of

Wales Island and the wider Tongass National Forest is essential for maintaining our local ability to adapt and mitigate to climate change; and,

WHEREAS, the Roadless Rule prevents the disturbance of soils and wasteful construction of damaging roads in inventoried roadless areas that negatively impact fish habitat and winter deer habitat and therefore the subsistence harvest opportunities available to our Tribal members; and,

WHEREAS, according to the State of Alaska's own economic experts, Tongass timber is uncompetitive because of permanent and fundamental changes in global timber markets, high labor costs, distance from markets, and less expensive substitutes; and,

WHEREAS, continuing to spend millions of taxpayer dollars to build roads in inventoried Tongass roadless areas makes no economic sense, particularly given the agency's enormous road maintenance backlog; and

WHEREAS, there are already more than 5,000 miles of roads across the entire Tongass National Forest, which fragment valuable wildlife habitat, threaten salmon by blocking fish passage, and serve as the primary source of sediment into fish streams; and,

WHEREAS, over 1,000 miles of roads are found on Prince of Wales Island alone, and the Island has suffered the brunt of the industrial-scale logging industry since its inception in the 1950s; and,

WHEREAS, Prince of Wales Island and surrounding islands that comprise the traditional territories of the aforementioned tribes continue to be the location of the majority of large-scale timber sales on the Tongass National Forest, including the recent authorization of some of the largest old growth timber sales that Southeast Alaska has experienced in years, known as the Prince of Wales Landscape Level Assessment and the Big Thorne Project; and,

WHEREAS, these large-scale timber sales on our traditional territories have been pursued with the Roadless Rule in effect on the Tongass National Forest, to the detriment of subsistence opportunities for community members and wildlife habitat and populations; and,

WHEREAS, the presence of the extensive logging road system on Prince of Wales Island has been continuously used as justification for the development of the logging industry on this island, as opposed to elsewhere in the Tongass National Forest, which compounds the negative effects that these logging practices have on subsistence resources; and,

WHEREAS, tribal members on Prince of Wales have repeatedly testified in public forums including the federally-convened Southeast Subsistence Regional Advisory Council, which was established by provisions in the Alaska National Interest Lands Conservation Act, regarding the concerns related to the effects of industrial-scale logging on wildlife habitat and subsistence harvest opportunities for tribal members;

WHEREAS, at hearings held across Southeast Alaska in 2000 on the proposed Roadless Rule, nearly 60 percent of the Southeast Alaskans supported including the Tongass National Forest in the 2001 Roadless Area Conservation Rule, and support for the rule has only grown to upwards of 80 percent to date; and,

WHEREAS, the State of Alaska petitioned the United States Department of Agriculture (USDA) to exempt Tongass inventoried roadless areas from the Roadless Rule on January 19, 2018;

WHEREAS, for all the above reasons, the State's petition severely mischaracterizes the actual extent and impacts of the Roadless Rule on Southeast Alaska; and,

WHEREAS, the State's petition ignores the fact that the USDA narrowly tailored the Roadless Rule to limit only two activities in roadless areas, road construction and commercial logging; and,

WHEREAS, the State of Alaska's petition ignores the Rule's established exceptions, including Federal Aid Highway projects connecting communities, access to mining claims, and logging incidental to otherwise permitted activities, including utility corridors and hydropower projects; and,

WHEREAS, on August 2, 2018 the Forest Service signed a Memorandum of Understanding (MOU) with the State of Alaska to develop an Alaska-specific Roadless Rule that addresses management of inventoried roadless areas on the Tongass National Forest; and,

WHEREAS, three days before the MOU was signed and six months after the State filed its petition, the Forest Service informed the tribe by letter dated 30 July 2018 that the U.S. Secretary of Agriculture Perdue and State of Alaska Governor Walker had reached an agreement to prepare an Alaska-specific rule that would replace the 2001 Roadless Rule and "provide for activities needed to further the State of Alaska's economic development while conserving roadless areas for future generations;" and,

WHEREAS, the July 30th letters served as an invitation from Acting Regional Forester, David E. Schmid to "Tribal Leader[s]" inviting "government-to-government consultation in advance of a formal public comment period and an opportunity for your Tribe[s] to participate as a cooperative agency," because of our "expertise on subsistence and potential impacts to specific communities within Alaska" during preparation of an environmental impact statement (EIS) to evaluate the proposed Alaska-specific Roadless Rule for the Tongass National Forest; and,

WHEREAS, the U.S. Department of Agriculture, which includes the Forest Service, published a Notice of Intent (NOI) published on August 30, 2018, announcing an intent to prepare an environmental impact statement (EIS) and initiate a public rulemaking process; and,

WHEREAS, representatives from *three of the federally recognized Tribes* participated in the Alaska Roadless Rule Public Scoping Meeting conducted by the Forest Service in Craig on September 18th, 2019 and voiced significant concern regarding tribal consultation efforts and the overall timeline of the Rulemaking process; and,

WHEREAS, the aforementioned Tribes are unified in our criticism of the imposition of an arbitrarily rushed timeline that appears to be solely for political purposes and is not respectful of the inherent controversy and substantial implications that this Rulemaking process will have on the integrity of our lands and the ability of our Tribal governments to fulfill obligations and protect the wellbeing of our Tribal citizens; and,

WHEREAS, the aforementioned Tribes are skeptical of the motivations given by the State of Alaska regarding the necessity of pursuing a Tongass-specific Roadless Rule,

WHEREAS, the aforementioned tribes are concerned that the effects of the Roadless Rulemaking process will be concentrated on Prince of Wales Island instead of spreading across the region, due to the extensive logging infrastructure that is already in place as well as the vast road system on the Island; and,

WHEREAS, it is critical that Prince of Wales Island continue its recovery from industrial scale logging, which has contributed to the significantly reduced deer harvest experienced by Tribal citizens over the past three years; and,

WHEREAS, Prince of Wales Island and the surrounding smaller islands are important to the tribal residents of Prince of Wales Island, especially the coastal areas and areas associated with higher wildlife values, which include the Roadless areas around [REDACTED]

WHEREAS, any rule that weakens or eliminates Roadless Rule protections in what became Inventoried Roadless Areas of the Tongass National Forest will substantially affect the existing 2016 Tongass Land Management Plan Amendment and the decades of work, millions of dollars, and extensive amount of time and effort that went into crafting this Plan and associated documents; and,

WHEREAS, the 2016 Plan Amendment excluded all roadless areas from the available timber base, and the agency's failure to consult and coordinate forest planning with the aforementioned tribes will impair the ability of the Tribes to fulfill their responsibility to "protect the general welfare and security" of their tribal citizens; and,

WHEREAS, the USDA and Forest Service entered into a MOU with the State of Alaska and issued the NOI for preparation of an EIS for an Alaska-specific Roadless Rule without prior consultation or collaboration with the aforementioned tribes that claim jurisdiction over their respective traditional territories; and,

WHEREAS, as provided in FSM 1563.03, the policy of the Forest Service that "Indian tribes will be provided the opportunity for timely and meaningful government to government consultation regarding actions which may have tribal implications" and such consultation requires the agency to "[c]ollaboratively involve Indian tribes, as early as possible, in the development of regulatory and management policies, resource and land management plans, study plans and actions, and Federal undertakings that may have tribal implications;" and,

WHEREAS, the aforementioned Tribes have specialized knowledge and should have a meaningful role in providing input and information on any significant actions that could lead to any restrictions or reductions in subsistence harvest opportunities or wildlife populations that are used for subsistence harvest; and,

WHEREAS, the Alaska Roadless Rulemaking process is a significant action that will make more acres on Prince of Wales Island and the surrounding islands available for industrial-scale timber harvest and associated roadbuilding, thus further negatively impacting winter habitat for Sitka black-tail deer populations and other important subsistence resources that the Tribal citizens depend on for their traditional way of life, practice of culture, and food security; and,

WHEREAS, the Forest Service and the USDA have failed to fulfill their obligation for timely and meaningful government-to-government consultation time and time again, which is evident through the denial of requests on the behalf of the Tribal cooperating agencies for an extended

commenting period and the lack of technical support and expertise provided to assist the Tribes with the analysis of the effects of the proposed rulemaking on the traditional lands of the aforementioned Tribes; and,

WHEREAS, the State of Alaska has resisted and continues to resist all efforts to develop and work in a government-to-government relationship with the aforementioned Tribes and did not consult with the Tribes before filing its' petition with the USDA; and,

WHEREAS, Governor Walker issued Administrative Order 299, establishing the Alaska Roadless Rule Citizen Advisory Committee (CAC) on September 5, 2018; and

WHEREAS, Alaska Governor Walker appointed 13 members to the CAC, including the Alaska State Forester, to advise the State of Alaska on the future management of inventoried roadless area in the Tongass National Forest; and

WHEREAS, the Governor appointed a single Alaska Native to represent the plurality of all tribal perspectives for the seventeen federally-recognized Tribes located in Southeast Alaska on the CAC, a gigantic and unrealistic burden for one person; and

WHEREAS, seventeen federally-recognized Tribes located in Southeast Alaska face diverse challenges and have divergent priorities for their tribal citizens and tribal communities, making the representation of all these perspectives a gigantic and unrealistic burden for one person; and,

WHEREAS, the only other Alaska Native on the CAC represents Sealaska Corporation, which is an Alaska Native for-profit Corporation established under the Alaska Native Claims Settlement Act, and is not a federally-recognized Tribe.

THEREFORE, BE IT RESOLVED, the Forest Service must initiate consultation, coordination and accommodation of tribal interest in any changes to the 2016 TLMP Amendment connected with this rulemaking process; and

THEREFORE, BE IT FURTHER RESOLVED, given the serious and long-lasting Tribal implications from any reduction in current Roadless Rule protections, the aforementioned Tribes strongly object to the Forest Service's failure to engage in meaningful consultation with these federally-recognized sovereign governments before deciding to grant the State of Alaska's petition and begin a review under the National Environmental Policy Act and the public rulemaking process; and

THEREFORE, BE IT FURTHER RESOLVED, the only changes to the Roadless Rule that CTA can support is an update to the inventory used to define inventoried roadless areas subject to the Rule on the Tongass to include approximately 350,000 acres excluded from the 1995 inventory used for developing the 2001 Roadless Rule, because the agency assumed approved logging development would occur - when it did not; and

NOW, THEREFORE BE IT NOW RESOLVED, the aforementioned Tribes strongly support lasting protection for all inventoried roadless areas within the Tongass National Forest as provided in the 2001 Roadless Rule; and,

NOW, THEREFORE, BE IT RESOLVED that the federally-recognized sovereign tribal governments representing tribal citizens in the communities of Craig hereby urge the Secretary of Agriculture to select a 'no-action alternative' as the preferred alternative in the Alaska Roadless Rulemaking process.

CERTIFICATION

The undersigned do hereby certify that the Tribal Council of the Craig Tribal Association is composed of seven (7) members, of which an established quorum was present at a duly convened meeting, and this resolution was adopted by the following votes and has not been rescinded, amended, or modified in any way this 21st day of May, 2019.

Yes No Abstained Absent Excused

Attest:



Clinton E. Cook, Sr., Tribal President



June E. Durgan, Tribal Secretary