

Appendix G

Drafted Roadless Rule Regulatory Language by Alternative

Introduction

The following provides the drafted roadless rule language for Alternatives 2 through 6. Final rule language could vary from what is presented in this Appendix based on comments received and other considerations. Alternative 1 reflects the 2001 Roadless Rule as published in the Federal Register on January 12, 2001 (66 FR 3244). The 2001 Roadless Rule would remain in effect nation-wide except for Alaska, Colorado, and Idaho if one of the action alternatives were selected.

Alternative 1 – No Action

Subpart B—Protection of Inventoried Roadless Areas

§ 294.10 Purpose.

The purpose of this subpart is to provide, within the context of multiple use management, lasting protection for inventoried roadless areas within the National Forest System.

§ 294.11 Definitions.

The following terms and definitions apply to this subpart:

Inventoried roadless areas. Areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, which are held at the National headquarters office of the Forest Service, or any subsequent update or revision of those maps.

Responsible official. The Forest Service line officer with the authority and responsibility to make decisions regarding protection and management of inventoried roadless areas pursuant to this subpart.

Road. A motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified, or temporary.

(1) ***Classified road.*** A road wholly or partially within or adjacent to National Forest System lands that is determined to be needed for long-term motor vehicle access, including State roads, county roads, privately owned roads, National Forest System roads, and other roads authorized by the Forest Service.

(2) ***Unclassified road.*** A road on National Forest System lands that is not managed as part of the forest transportation system, such as unplanned roads, abandoned travelways, and off-road vehicle tracks that have not been designated and managed as a trail; and those roads that were once under permit or other authorization and were not decommissioned upon the termination of the authorization.

(3) ***Temporary road.*** A road authorized by contract, permit, lease, other written authorization, or emergency operation, not intended to be part of the forest transportation system and not necessary for long-term resource management.

Road construction. Activity that results in the addition of forest classified or temporary road miles.

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Table G-4
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 4.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)	Timber Priority (acres)
Soda Bay	53,800	0	6,200
South Etolin	12,000	0	13,800
South Kruzof	54,500	0	0
South Kuiu	62,200	0	0
South Kupreanof	159,500	33,300	12,300
South Revilla	36,800	0	1,300
South Wrangell	4,100	0	10,100
South Zarembo	13,500	0	11,400
Southeast Wrangell	14,800	0	0
Spires	503,000	0	22,700
Suemez Island	15,400	0	3,900
Sukkwan	18,800	50,200	0
Sullivan	61,900	0	3,600
Taku-Snettisham	668,200	0	0
Tenakee Ridge	6,300	0	9,100
Thomas	0	0	0
Thome River	37,000	18,700	1,900
Trap Bay	0	6,400	0
Twelvemile	16,500	0	2,900
Upper Situk	600	0	0
West Wrangell	800	0	0
West Zarembo	6,100	0	600
Whitestone	3,100	0	2,600
Windham-Port Houghton	116,800	0	43,800
Woewodski	10,000	0	0
Woronkofski	11,100	0	0
Yakutat Forelands	152,200	136,900	20,300

Alternative 5

Subpart E – Alaska Roadless Areas Management

§294.50 Purpose.

The purpose of this subpart is to provide, in the context of multiple-use management, State-specific direction for the conservation of roadless areas for the Tongass National Forest while providing for local concerns for economic and community development. This subpart sets forth the procedures for management of Alaska Roadless Areas.

§294.51 Definitions.

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The following terms and definitions apply to this subpart.

Alaska Native. Federally recognized tribes or individuals that are enrolled or eligible to enroll as a member of a federally recognized tribe.

Alaska Roadless Areas. Lands within the Tongass National Forest designated pursuant to this subpart and identified in a set of maps maintained by the national headquarters office of the Forest Service.

Commercial Old Growth Timber Harvest. Trees, portions of trees, and other forest products originating from an old growth stands on National Forest System lands that may be sold for the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 as amended, the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended, and the program thereunder. (See 36 CFR 223.1).

Log transfer facility. The site and structures used for moving logs and timber products from land-based transportation forms to water-based transportation forms or vice-versa.

Public utility system. A system that provides a community or communities with services for public use or consumption such as municipal water, wastewater treatment, natural gas, telephone, and/or electricity.

Responsible official. The Forest Service line officer with the authority and responsibility to make and implement a decision on a proposed action within an Alaska Roadless Area.

Road. As defined at 36 CFR 212.1, the term means a motor vehicle route over 50 inches wide, unless identified and managed as a trail.

Road construction and reconstruction. As defined at 36 CFR 212.1, the terms mean supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.

Roadless Area Characteristics. Resources or features that are often present in and characterize Alaska Roadless Areas, including

- (1) **Physical Environment.** Roadless areas provide high-quality or undisturbed soil, water, and air.
- (2) **Water.** Roadless areas provide a variety of water resources including public drinking water sources, fish and aquatic resources, and hatchery aquatic resources.
- (3) **Diversity.** Roadless areas support a diversity of plant and animal communities including stands of old-growth forests.
- (4) **Habitat.** Roadless areas are expansive areas where high-quality intact habitat exists and ecosystems function with all their native species and components. Roadless areas may serve as habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.
- (5) **Remoteness.** Roadless areas provide economic opportunity due to rich primitive, semi-primitive motorized, and semi-primitive non-motorized classes of dispersed recreation.
- (6) **Landscape.** Roadless areas provide reference landscapes of relatively undisturbed areas that serve as a barometer to measure the effects of development on other parts of the landscape.
- (7) **Scenery.** Roadless areas have natural-appearing landscapes with high-scenic qualities that people value.
- (8) **Cultural.** Roadless areas often include traditional cultural properties and sacred sites. In Alaska indigenous peoples have been on national forests for more than 10,000 years and the forests have cultural significance.
- (9) **Locally-unique characteristics.** Roadless areas represent geographic areas with additional locally-unique characteristics specific to Alaska including: (a) important source of subsistence

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resources including terrestrial wildlife, waterfowl, mammals, fish, and plant-based resources; (b) rich habitat that supports multiple species of fish for personal, subsistence, sport, recreation, and commercial harvest; and (c) supports diverse economic opportunity that is especially important for rural community well-being.

Timber harvest. The cutting, removal, and sale of trees.

§294.52 Alaska Roadless Areas

(a) *Designations.* All National Forest System lands within the Tongass National Forest listed in § 294.57 are hereby designated as Alaska Roadless Areas. Alaska Roadless Areas established by this subpart shall constitute the exclusive set of National Forest System lands within the State of Alaska to which the provisions of this subpart shall apply.

(b) *Priority land management categories.* Alaska Roadless Areas are subdivided into two categories: LUD II Priority and Roadless Priority.

§294.53 Road construction and reconstruction in Alaska Roadless Areas.

(a) A road may not be constructed or reconstructed in Alaska Roadless Areas, except as provided in paragraphs (b) and (c) of this section.

(b) *LUD II Priority.* Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as LUD II Priority if the Responsible Official determines that one or more of the following circumstances exist:

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the LUD II area is clearly environmentally preferable and site-specific measures can minimize effects on the primitive characteristics of the area or on recreational resources and scenery:

(i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code;

(ii) a transportation need identified by the State of Alaska; or

(iii) other vital linkage;

(3) A road is needed in conjunction with the construction, expansion, or maintenance of water and power developments, or renewable energy, and can be designed to retain the overall primitive characteristics of the area; or

(4) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility, and can be designed to retain the overall primitive characteristics of the area and to minimize impacts on recreation resources and scenery.

(c) *Roadless Priority.* Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an Alaska Roadless Area designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exist:

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) The road is needed for the construction, expansion, or maintenance of essential public facilities such as airports, marine access points, and communication equipment;

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- (3) A road is needed to provide access to Alaska Native cultural site(s) if requested by an affected federally-recognized tribe(s);
- (4) A road is needed for one of the following reasons and no other feasible routes exist or it can be demonstrated that routing through the Alaska Roadless Area is the least environmentally damaging practicable alternative:
 - (i) a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, that the Secretary of Agriculture determines is in the public interest or is consistent with the purposes for which the land was reserved or acquired; or
 - (ii) transportation needs identified by the State of Alaska's Southeast Alaska Transportation Plan that are needed for the connection of communities and development of the regional transportation system;
- (5) A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
- (6) A road is needed for research or administration of a designated experimental forest;
- (7) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for authorized public or private access, natural resource management, or public health and safety;
- (8) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
- (9) A road is needed for the construction, expansion, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;
- (10) A road is needed in conjunction with the construction, expansion, or maintenance of an authorized fishway, fish hatchery, or aquaculture facility; or
- (11) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

§294.54 Timber harvest in Alaska Roadless Areas.

(a) Timber harvest is prohibited in Alaska Roadless Areas except as provided in paragraphs (b) and (c) of this section.

(b) *LUD II Priority*. Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Areas designated as LUD II Priority if the Responsible Official determines that one or more of the following circumstances exists:

- (1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;
- (2) Timber harvest is needed for the development of a vital transportation system linkage, including a log transfer facility;
- (3) Timber harvest is needed and appropriate for personal or administrative use, including cabin logs, fuelwood, float logs, trolling poles, etc. as provided for in 36 CFR part 223;
- (4) Timber harvest is needed to maintain, restore or improve fish and wildlife habitat;

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(5) Timber harvest is incidental to authorized improvements for the purposes of maintaining and/or improving fish production, such as fishways, fish hatcheries, or aquaculture facilities, and can be designed to be compatible with the primitive characteristics of the area;

(6) Timber harvest is incidental to water and power developments that can be designed to be compatible with the primitive characteristics of the area;

(7) Timber harvest is incidental to recreation developments that can be designed to be compatible with the primitive characteristics of the area;

(8) Timber harvest is incidental to the construction of administrative facilities that can be designed to be compatible with the primitive characteristics of the area;

(9) Timber harvest is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property; or

(10) Timber harvest is needed to salvage dead or dying timber or for insect or disease management if needed to prevent significant damage to other resources.

(c) *Roadless Priority.* Notwithstanding the prohibition in paragraph (a) of this section, timber harvest may occur in Alaska Roadless Areas designated as Roadless Priority if the Responsible Official determines that one or more of the following circumstances exists:

(1) Timber harvest is conducted pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(2) Timber harvest is needed for mineral exploration and mine development, subject to existing laws and regulations;

(3) The cutting, customary trade, and removal of trees for the purposes of Alaska Native customary and traditional uses;

(4) Timber harvest is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics in an Alaska Roadless Area:

(i) To maintain, restore, or improve fish and wildlife habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, and processes;

(5) Timber harvest is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223;

(6) Timber harvest is needed for research or administration of a designated experimental forest;

(7) Timber harvest is needed for to the construction, expansion, utilization, or maintenance of a public utility system, such as municipal water and wastewater systems, biomass heating and energy systems, and hydroelectric and other renewable energy projects and related infrastructure, including transmission lines;

(8) Timber harvest is incidental to the construction, expansion, or maintenance of authorized fishways, fish hatcheries, or aquaculture facilities;

(9) Timber harvest is needed for public health and safety, including removal of hazard trees; or

(10) Timber harvest is incidental to the implementation of a management activity not otherwise prohibited by this subpart.

§294.55 Corrections and modifications.

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Administrative correction or modification of designations made pursuant to this subpart may be made as follows:

- (a) **Administrative corrections to boundaries.** The Regional Forester for the Alaska Region may issue administrative corrections to the boundaries of an Alaska Roadless Area and/or high priority watersheds after a 30-day public notice and opportunity to comment period. Administrative corrections are limited to adjustments that remedy clerical errors, typographical errors, mapping errors, improvements in mapping technology, conformance to statutory or regulatory changes, or incorporation of changes due to land exchanges.
- (b) **Administrative modifications to Classifications and Boundaries.** The Regional Forester for the Alaska Region may issue modifications to the classifications and boundaries of an Alaska Roadless Area and/or high priority watersheds after a 45-day public notice and opportunity to comment period.
- (c) The procedures set forth in paragraphs (a) and (b) of this subsection shall also apply to any correction or modification of an inventoried roadless area boundaries within the Chugach National Forest as established pursuant to 66 FR 3244 (Jan. 12, 2001).

§294.56 Scope and applicability.

- (a) After [final rule effective date], the Roadless Area Conservation Rule (66 FR 3244) published on January 12, 2001, shall have no effect within the Tongass National Forest.
- (b) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to the effective date of this subpart.
- (c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of this subpart.
- (d) The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component of the Tongass Land Management Plan. Land management plan components that are not inconsistent with this subpart will continue to provide guidance for projects and activities within Alaska Roadless Areas. This subpart does not compel the amendment or revision of any land management plan, but the Tongass Forest Supervisor shall issue a ministerial Notice of Administrative Change pursuant to 36 CFR 219.13(c) identifying plan changes made in conformance with the regulatory requirements of this subpart, including rescission of the portion of the December 9, 2016, Record of Decision concerning suitable timber lands attributed to implementation of the January 12, 2001, Roadless Area Conservation Rule (66 FR 3244).
- (e) The prohibitions and permissions set forth in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.
- (f) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

§294.57 List of designated Alaska Roadless Areas Alternative 5.

Table G-5

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Aaron	0	71,200
Anan	36,500	2,100
Bay of Pillars	20,100	7,100
Behm Islands	0	4,400

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Table G-5

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Brabazon Addition	0	498,400
Bradfield	0	74,400
Calder	8,500	100
Camden	0	7,000
Carroll	0	0
Castle	0	26,600
Central Wrangell	0	6,400
Chichagof	233,800	155,400
Chilkat-West Lynn Canal	0	151,500
Christoval	0	7,700
Cleveland	0	102,200
Cone	0	128,400
Crystal	0	7,100
Dall Island	0	92,300
Douglas Island	0	23,400
Duke	0	45,100
East Kuiu	3,200	11,200
East Mitkof	0	4,000
East Wrangell	0	0
East Zarembo	0	2,100
El Capitan	7,400	3,000
Eudora	0	102,600
Fake Pass	0	500
Fanshaw	0	16,200
Five Mile	0	3,500
Freshwater Bay	0	25,800
Frosty	0	6,900
Game Creek	0	17,000
Gravina	0	20,500
Green Rocks	0	9,300
Greens Creek	0	25,200
Harding	100	144,100
Hoonah Sound	51,300	6,600
Hydaburg	4,600	8,700
Hyder	0	82,300
Juneau Urban	6,200	49,800
Juneau-Skagway Icefield	35,300	1,122,400
Kadin	0	2,000

Table G-5
Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Karta	0	16,000
Kasaan	0	7,600
Kasaan Bay	0	100
Kashevarof Islands	0	4,700
Keku	0	3,500
Kogish	0	25,800
Kosciusko	47,000	2,800
Lindenberg	0	2,300
Madan	0	13,400
Mansfield Peninsula	0	41,400
Manzanita	0	1,400
McKenzie	0	27,200
Middle Kruzof	0	2,900
Missionary	0	5,300
Mosman	0	25,300
Neka Bay	0	7,100
Neka Mountain	0	4,300
North Baranof	0	238,700
North Cleveland	0	104,100
North Etolin	0	15,800
North Kruzof	0	22,100
North Kuiu	0	3,300
North Kupreanof	0	52,800
North Revilla	29,600	101,300
North Wrangell	0	1,800
Nutkwa	21,100	6,800
Outer Islands	73,500	22,200
Pavlof-East Point	0	4,100
Point Augusta	0	10,800
Point Craven	0	9,600
Port Alexander	0	119,700
Quartz	0	142,400
Ratz	0	1,300
Redoubt	0	55,600
Revilla	0	24,200
Rhine	0	2,500
Rocky Pass	100	72,100
Salmon Bay	9,000	3,300

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Table G-5

Alaska Roadless Area name and approximate acres contained within that are subject to the prohibitions and exemptions of Alternative 5.

Alaska Roadless Area Name	LUD II Priority (acres)	Roadless Priority (acres)
Sarkar	21,900	21,400
Security	0	24,300
Sitka Sound	0	13,300
Sitka Urban	0	91,300
Soda Bay	0	30,000
South Etolin	0	5,500
South Kruzof	0	50,500
South Kuiu	0	62,200
South Kupreanof	33,300	38,600
South Revilla	0	28,100
South Wrangell	0	400
South Zarembo	0	13,700
Southeast Wrangell	0	7,800
Spires	0	489,500
Suemez Island	0	8,600
Sukkwan	25,600	600
Sullivan	0	51,900
Taku-Snettisham	0	601,300
Tenakee Ridge	0	6,200
Thomas	0	0
Thorne River	18,700	33,300
Trap Bay	6,400	3,200
Twelvemile	0	17,300
Upper Situk	0	10,100
West Wrangell	0	2,000
West Zarembo	0	6,100
Whitestone	0	2,200
Windham-Port Houghton	0	43,000
Woewodski	0	0
Woronkofski	0	2,300
Yakutat Forelands	136,900	157,000

Alternative 6 – Preferred Alternative

Subpart E – Alaska Roadless Areas Management

§294.50 Tongass National Forest.

(a) The 2001 Roadless Area Conservation Rule as published in the Federal Register on January 12, 2001 (66 FR 3244) shall not apply to the Tongass National Forest.