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Comments: The following text was copy/pasted from an attached letter. The system cannot display the formatting, graphics, or tables from the attached original.

December 13, 2019

USDA Forest Service

Attn: Alaska Roadless Rule

PO Box 21628

Juneau, AK 99802-1628

Good Morning,

Thank you for the opportunity to provide comments about the Preferred Alternative 6, full exemption for the Tongass National Forest from the 2001 Roadless Rule.

In 2001, the Clinton Administration, in the last minute of then President Clinton's term, proceeded to designate 58 million acres of the Nations Forests as Roadless areas. This included 9.4 million acres of the Tongass National Forest even though this decision went against previous Congressional intent and decimated the timber industry in Southeast Alaska and 4200 high payment jobs along with it.

This Roadless rule failed to take the following items into consideration when it was implemented:

1. Prohibition of road access to new hydropower sites. Future hydropower and support facilities, such as those envisioned by Report #97- 01, will be subject to the prohibition on road construction. See 66 Fed. Reg. at 3256 ("The final rule retains all of the provisions that recognize existing rights of access and use. Where access to these facilities is needed to ensure safe operation, a utility company may pursue necessary authorizations pursuant to the terms of the existing permit or contract.") (emphasis added). Future facilities do not fall within that exception.

Likewise, the summary of Roadless Rule costs and benefits displayed in Table 1 indicates that for "[s]pecial-use authorizations (such as communications sites, electric transmission lines, pipelines)," existing facilities are not affected but "future developments requiring roads [are] excluded in inventoried roadless areas unless one of the exceptions applies."

1. Prohibition on access to Tongass geothermal resources. Although the Roadless Rule allows access to locatable minerals, it denies access to new leases for minerals subject to the Mineral Leasing Act of 1920, including geothermal resources, "because of the potentially significant environmental impacts that road construction could cause to inventoried roadless areas." There also is no explanation as to why the access impacts associated with locatable minerals, which are allowed, are different from the access impacts associated with leasable minerals.

2. Wind Power. There is no exception for wind power or other renewable energy projects [mdash]trees cannot be cut in roadless areas to provide sites for wind turbines and roads cannot be constructed to wind power sites to install the turbines.

1. Practical Impacts on Mining Access of Prohibiting Road Construction. Locatable minerals, like gold, must be provided "reasonable access." But, the Rule specifically says that "reasonable access" does not mean road access;" The Roadless Rule Record of Decision states that "[r]easonable rights of access may include, but are not limited to, road construction, reconstruction, helicopters or other nonmotorized access." Experience has shown that "reasonable rights of access" typically does not translate into needed roads.

The same regulations (36 C.F.R. Part 228) that provide for "reasonable access" in roadless areas also provide for reasonable access in Wilderness Areas [mdash] there are very few mines in Wilderness Areas.

Special use permits allowing road access in or near wilderness areas are very difficult to obtain. For example, in 1977 the USFS denied a special use permit to U.S. Borax to construct a road for a bulk sample of 5,000 tons of ore at the Quartz Hill Project in a national monument, requiring access to be by helicopter. Southeast Alaska Conservation Council, Inc. v. Watson, 697 F.2d 1305 (9th Cir. 1983). As the opinion shows, six years later U.S. Borax still did not have a road permit needed to move that volume of ore.

Mining exploration generally requires the drilling of multiple exploratory holes to determine the value of the mineral resource. If exploration establishes there are viable deposits, mine development normally requires site clearing for facilities. When a development is in a forest like the Tongass, exploration and development would typically require the substantial cutting of trees. Yet while "reasonable access" is technically permitted in inventoried roadless areas, cutting trees associated with mining exploration and development does not appear to be allowed.

1. Impacts on Timber. The 2008 Amended Tongass Land Management Plan (TLMP) provided for phased timber development which kept the industry out of medium to high value roadless areas until it had harvested 100 MMBF for two years in a row. The Roadless Rule reduces the ASQ for timber sales from 267MMBF under the 2008 Amended TLMP to 50MMBF. (FEIS at 3-378 to 3-379). Since historically timber offerings run about 2/3 of the ASQ, this reduces timber sale offerings to around 35MMBF

This Roadless rule also failed to consider the Laws it was violating when it was implemented:

\* The Roadless Rule violates section 101 of the TTRA, 16 U.S.C. [sect] 539d(a), by setting aside so much suitable Tongass forest land from timber harvest that it nullifies the TTRA requirement that Congress seek to meet the market demand for Tongass timber on an annual and decadal basis. Essentially, the Forest Service executed an end-run around the TTRA through intentional action making it impossible for the agency to seek to meet market demand for Tongass timber as directed by Congress.

\* The Roadless Rule violates section 1326(a) of ANILCA, 16 U.S.C. [sect]3213(a), by withdrawing more than 5,000 acres of national forest lands within the State of Alaska without complying with ANILCA's statutory requirements. ANILCA section 1326(a) prohibits "executive branch action which withdraws more than five

thousand acres . . . of public lands within the State of Alaska . . . except by compliance with this subsection." Compliance with the statute requires that

Congress "pass[] a joint resolution of approval within one year after the notice. of such withdrawal [was]

submitted to Congress." Id. The Roadless Rule withdrew nearly 15 million acres in the aggregate on Alaska's two national forests, the Chugach and the Tongass, when it prohibited road construction, road reconstruction and timber harvesting in Forest Service inventoried roadless areas, and it did so without seeking or obtaining congressional approval as required by the statute.

\* The Roadless Rule violates section 708 of ANILCA which specifically found that an earlier inventory of Roadless Areas in National Forests in Alaska was adequate, and no further review was required.

As you can tell, 2001 Roadless Rule violated Alaska National Interest Lands Conservation Act multiple times and in doing so, it has impacted our communities and our families. By adapting the preferred Alternative 6 as law, this will help our local communities recover from the destructive decisions by previous administrations. The economic and health of Southeast Alaska would be strengthened if the Tongass were removed from the federal Roadless rule and managed as originally envisioned. Tourism, fishing, mining, energy development and a renewable timber industry can coexist to the benefit of all in Southeast Alaska. By making the Tongass National Forest exemption permanent, it will give us back the ability to work towards our future.

Thank you for your time.  
Sincerely,

[signature]

Randy Johnson,

President

Tyler Rental, Inc.

i 66 Fed. Reg. at 3269 (emphasis added).

ii 66 Fed. Reg. at 3256.

iii 66 Fed. Reg. at 3264

iv (FEIS Vol.1, 3-329 to 350). 66 Fed. Reg. at 3264.

[Position]