

Data Submitted (UTC 11): 12/16/2019 9:00:00 AM

First name: Joel

Last name: Jackson

Organization: Organized Village of Kake

Title: President

Comments: HC3088

Organized Village of Kake

OVK'S COMMENTS ON THE MEETING WITH THE FORREST SERVICE ON JOINING THE COOPERATING AGENCIES FOR THE ROADLESS RULE OF THE TONGASS NATIONAL FORREST.

THE ORGANIZED VILLAGE OF KAKE STAND ON THE ROADLESS RULE IS NOT TO CHANGE IT AS IT PROTECTS OUR AREAS OF CONCERNS.

- \* WE DO NOT WANT TO SEE COMMERCIAL LOGGING IN OUR AREAS OF CONCERN, ALL OF KUPPERNOF ISLAND AND ALL OF KUIU ISLANDS.
- \* WE WOULD LIKE TO MAKE THE ROAD CONNECTION BETWEEN KAKE AND PORTAGE BAY. TO BE ABLE TO HAVE ACCESS TO OUR TRADITIONAL AREAS AGAIN.
- \* THE TRIBE WOULD LIKE ACCESS TO FOREST SERVICE FACILITIES FOR ACTIVITIES PROMOTING WELLNESS AND DV AWARENESS.
- \* WE WANT TO PROTECT OUR SACRED SITES TO PRESERVE FOR FUTURE GENERATIONS TO COME.
- \* WE ARE LOOKING EXPAND PROTECTION OF RED CEDAR AND YELLOW CEDAR AREAS FOR CULTURAL PURPOSES. ALSO ACCESS TO THESE AREAS.
- \* WE DO NOT WANT WATERSHED AREAS TO BE REDUCED IN ANYWAY.
- \* WE WOULD LIKE THE FOREST SERVICE TO CONCENTRATE ON MAINTAINING EXISTING ROADS RATHER THE TRYING TO BUILD MORE FOR EXPANDING LOGGING PURPOSES.
- \* WE WANT TO EXPAND MICRO SALES TO LOCAL MILLS IN KAKE.
- \* WE DO NOT WANT A CAP LIMIT ON THE USE OF NATURAL RESOURCES.

IN CONCLUSION WE WANT THE ROADLESS RULE INTACTED AS IS WITH THE RECOMMENDATIONS STATED AS ABOVE BUT NOT LIMITED TO. THANKS FOR TAKING OUR

COMMENTS GUNALCHEESH ORGANIZED VILLAGE OF KAKE.

**\*The National Congress of American Indians Resolution #ABQ-19-029\*** [ Text bolded for emphasis]

**\*TITLE: oppose Rulemaking that Weaken or Eliminates Protections of the Roadless Rule within Tribal Traditional Territories and Support the 'No-Action Alternative' in the Alaska-Specific Roadless Rulemaking \*** [ Text bolded for emphasis]

**\*WHEREAS\*** [ Text bolded for emphasis], we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**\*WHEREAS\*** [ Text bolded for emphasis], the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**\*WHEREAS\*** [ Text bolded for emphasis], tribes of Alaska's southeast region are federally recognized Indian tribes under federal law and these tribes' traditional territory includes homelands within and around the Tongass National Forest; and

**\*WHEREAS\*** [ Text bolded for emphasis], protection of the inherent right to harvest and use tribal traditional and customary foods requires careful cultural stewardship and protection of tribal traditional environmental and natural resources; and

**\*WHEREAS\*** [ Text bolded for emphasis], indigenous peoples' longstanding care of the ancestral lands now classified as "inventoried roadless areas" (IRA) within the Tongass National Forest has been in place for millennia and these lands not only provide indigenous people with food, they essentially define who we are and where we come from; and

**\*WHEREAS\*** [ Text bolded for emphasis], inventoried roadless areas protect healthy watersheds that ensure a clean drinking water for our tribal citizens and inventoried roadless areas contain many sites sacred to tribal citizens who use these roadless areas for spiritual, religious, and traditional practices and other customary uses and activities; and

**\*WHEREAS\*** [ Text bolded for emphasis], inventoried roadless areas conserve natural diversity and help ensure the continued protection of indigenous fish and wildlife habitat as it relates to our spiritual, social, nutritional, and ecological values; and

**\*WHEREAS\*** [ Text bolded for emphasis], given Southeast Alaska's cool wet weather, the amount of stored carbon in intact old-growth forest and soils, the Tongass National Forest represents one of the highest carbon stores in the world; and

**\*WHEREAS\*** [ Text bolded for emphasis], the conservation of intact inventoried roadless areas in, for example, the Tongass National Forest - the largest temperate rainforest in the United States - is essential for slowing down climate change throughout the world; and

**\*WHEREAS\*** [ Text bolded for emphasis], according to the State of Alaska's economic experts, Tongass National Forest timber is uncompetitive because of permanent and fundamental changes in global timber markets, high labor costs, distance from markets, and less expensive substitutes and they also note that the Tongass timber industry represents less than one percent of today's jobs and earnings in Southeast Alaska; and

**\*WHEREAS\*** [ Text bolded for emphasis], at hearings held across Southeast Alaska in 2000 on the proposed roadless rule, nearly 60 percent of the Southeast Alaskans who spoke at the hearings supported including the Tongass National Forest in the final roadless rule, and this support has only grown to upward of 80 percent to date; and

**\*WHEREAS\*** [ Text bolded for emphasis], the best available science and traditional ecological knowledge support the conclusion that the 'no action alternative' should be the preferred alternative to the roadless rule changes.

**\*NOW THEREFORE BE IT RESOLVED\***[Text bolded for emphasis], that the National Congress of American Indians (NCAI) opposes any rulemaking that weakens or eliminates Roadless Rule protections within tribal

traditional territories, including the Tongass National Forest; and

**\*BE IT FURTHER RESOLVED\***[Text bolded for emphasis], such change would substantially and negatively affect the inherent rights of tribes to use the land in traditional and customary ways; and

**\*BE IT FURTHER RESOLVED\***[Text bolded for emphasis], that NCAI opposes any action that negatively affects traditional lands and waters without the affected tribes' consent; and

**\*BE IT FURTHER RESOLVED\***[Text bolded for emphasis], that in light of proposed changes to the Roadless Rule protections as applied to the Tongass National Forest, the National Congress of American Indians strongly supports a 'no-action alternative' to narrowing the protections provided by the Roadless Rule to all National Forest lands within tribal traditional territories; and

**\*BE IT FINALLY RESOLVED\***[Text bolded for emphasis], that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**\*CERTIFICATION \***[Text bolded for emphasis]

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.

[Signature]

Fawn Sharp, President

ATTEST:

[Signature]

Juana Majel Dixon, Recording Secretary

2019 Annual Convention

Suquamish, Washington

RESOLUTION #19 - 58

"SUPPORT OF THE 'NO-ACTION ALTERNATIVE' As THE PREFERRED  
ALTERNATIVE IN THE TONGASS NATIONAL FOREST, ALASKA ROADLESS  
RULEMAKING PROCESS"

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**\*WHEREAS\*** [ Text bolded for emphasis], the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**\*WHEREAS\*** [ Text bolded for emphasis], ATNI is a regional organization comprised of American Indians/Alaska

Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**\*WHEREAS\*** [ Text bolded for emphasis], the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

**\*WHEREAS\*** [ Text bolded for emphasis], tribes of Alaska's southeast region are federally recognized Indian Tribes under federal law and these Tribes' traditional territory includes lands within and around the Tongass National Forest; and

**\*WHEREAS\*** [ Text bolded for emphasis], protection of the inherent right to harvest and use tribal traditional and customary foods requires careful cultural stewardship and protection of tribal traditional environmental and natural resources; and

**\*WHEREAS\*** [ Text bolded for emphasis], indigenous peoples' longstanding care of the ancestral lands, now classified as "inventoried roadless areas" (IRA) and, within the Tongass National Forest, has been in place for millennia and these lands not only provide indigenous people with food, they essentially define who we are and where we come from; and

**\*WHEREAS\*** [ Text bolded for emphasis], inventoried roadless areas protect healthy watersheds which provide cold, clean water that has sustained Tribal ways of life since time immemorial and, inventoried roadless areas contain many sacred sites integral to Tribal spiritual, religious, and traditional practices; and

**\*WHEREAS\*** [ Text bolded for emphasis], inventoried roadless areas conserve natural diversity and help ensure the continued protection of indigenous fish and wildlife habitat as it relates to our spiritual, social, nutritional, and ecological values; and

**\*WHEREAS\*** [ Text bolded for emphasis], given Southeast Alaska's cool wet weather, the amount of stored carbon in our intact old-growth forest and soils, the Tongass National Forest represents one of the highest carbon stores in the world and the conservation of intact inventoried roadless areas on the Tongass is essential for slowing down climate change throughout the world; and

**\*WHEREAS\*** [ Text bolded for emphasis], 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 the Tongass timber industry represents less than one percent of today's jobs and earnings in Southeast Alaska; and

**\*WHEREAS\*** [ Text bolded for emphasis], at hearings held across Southeast Alaska in 2000 on the proposed roadless rule, nearly 60 percent of the Southeast Alaskans who spoke at the hearings supported including the Tongass National Forest in the final roadless rule, and has grown to upward of 80 percent to date; and

**\*WHEREAS\*** [ Text bolded for emphasis], any rule that weakens or eliminates Roadless Rule protections within Tribal traditional territory of the Tongass National Forest will substantially affect Southeast Tribes' inherent Tribal rights to traditional and customary uses of the land; now

**\*THEREFORE BE IT RESOLVED\*** [Text bolded for emphasis], the Tribes enjoying customary and traditional uses of the Tongass National Forest strongly support lasting protection for inventoried roadless areas within the Tongass National Forest as provided in the 2001 Roadless Rule; and

**\*BE IT FURTHER RESOLVED\*** [Text bolded for emphasis] that ATNI requests the Secretary of Agriculture to select the 'no-action alternative' as the preferred alternative in the Tongass National Forest, Alaska - Roadless

Rulemaking process.

## CERTIFICATION

The foregoing resolution was adopted at the 2019 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Suquamish Clearwater Casino Resort, Suquamish, Washington, on October 7-10, 2019, with a quorum present.

[Signature]

Leonard Forsman, President

[Signature]

Norma Jean Louie, Secretary

February 28, 2019

Dear Honorable Secretary Perdue:

On behalf of the Organized Village of Kake (OVK), a Tribal Cooperating Agency, please accept this cover letter, track-changes and comments in the preliminary Draft Environmental Impact Statement (DEIS) Word document, and associated attachments referenced in the DEIS as OVK's official comments. The hurried and poorly written DEIS indicates how rushed this rulemaking is and needs to take more time to reflect all the concerns of the indigenous people who actually live in the Tongass National Forest and face the most adverse impacts from the proposed action. (the summary of 144,000 comments was only shared 3 weeks ago). As track-changed on page D-5, timber does not employ Kake and it hasn't in over 20 years. Government, education, and tourism are the main sustainable employment opportunities in Kake.

Our future generations are the basis of the Kake Lingit stewardship of our lands since time immemorial. With increased threats to and from their environment, our children will bear the impacts of this rule-making process. The protection of the ecological integrity of these lands for future generations should be the most important aspect of the Alaska Roadless Rule process; these lands are worth more intact and standing than fragmented and cut down. As explained at the Cooperating Tribal Agency meeting on 2/14/2019 in Juneau, an overwhelming majority (approx. 95%) of the comments received by the USFS from Southeast Alaskans supported application of the roadless rule on the Tongass

## Alternatives

OVK from the beginning supported Alternative 1 and still supports the no-action alternative.

\* Alternative 1 (no action) or Alternative 2 should be the only alternatives considered for the preferred alternative since they are the only alternatives consistent with public input as documented by the Forest Service.

\* Official written scoping comment summary, public scoping comment summary (attached)

\* Alternatives 2, 3, and 4 should be changed so they do NOT exempt any roadless lands extensions near communities where a majority of the public comments express support for the roadless rule; i.e., no lands should be exempted within 50 miles of a community that commented in support of the roadless rule.

\* OVK requests co-management authority over all management activities allowed within Kake territory under all Alternatives (see attached OVK Community Use Area map).

\* The traditional use areas of communities such as Kake, that commented heavily in support of the no action alternative, should receive complete roadless protections under all alternatives.

\* For Kake, this encompasses all the lands from Seymour Canal to Cape Decision, with documented traditional use areas including lands on: Admiralty Island, the mainland around Hobart Bay, Port Houghton, Farragut Bay, and Windham Bay, Kupreanof Island, Keku Islands, and all roadless portions of Kuiu Island, including Port Camden, Saginaw, Kadake Bay and Creek, Three-mile Arm, Rocky Pass, and East Kuiu (see attached map).

\* Alternative 3, 4, and 5 should be modified to include all roadless rule protections for T77/TNC ecological priority areas. The ecological value of Kake's traditional use areas is documented through traditional ecological knowledge, as well as the conservation assessment conducted by the Nature Conservancy, and the Tongass 77 (T77) proposal to protect the most productive salmon producing watersheds still at risk from logging on the Tongass National forest. The following watersheds in Kake's traditional use areas are also T77/TNC 'ecological priority areas'; many of them were allocated by the Forest Service to 'Development LUDs' and at risk of being opened to industrial timber harvest and roadbuilding under Alternatives 3, 4, 5, and 6.

1. between Port Houghton and Farragut Bay, the center and south of Kupreanof Island, Port Camden and east Kuiu, Security Bay, Washington Bay, and Bay of Pillars.

These areas must absolutely receive roadless protections.

\* **\*Alternative 6 should be eliminated\*** [Text bolded for emphasis] because it does not meet the stated purpose and need and is unnecessary since the applicable mining laws and regulations (and not the roadless rule) govern access to mining claims on the Tongass.

\* The DEIS should be consistent about how it treats LUD II lands across each alternative. Right now, some alternatives appear to include LUD II lands as having 'roadless' protections, while other alternatives do not. What is the purpose of these different management designations? This is misleading and makes it difficult to compare the effects between alternatives.

DEIS (2-4): Alternatives 2 and 4 designate LUD II acreage as Alaska Roadless Areas; Alternative 3 removes LUD II areas from roadless designation as a means of "eliminating confusion and ensuring congressional intent". The Forest Service lacks authority to change permanent Congressional designations for lands "chosen for special management because of their critical importance for fish and wildlife habitat and their high value to tourism and recreation." These lands must be managed in a roadless state to retain wildland character." \*Why is the FS removing Roadless protections from lands for which the congressional intent is for the lands to be "maintained in a roadless state \* [Text bolded for emphasis] to preserve their wilderness character"?

\*Cultural heritage \* [Text bolded for emphasis]

\* The FS should undertake a study of the written and oral history of the Alaska Native communities directly affected by this proposed Alaska Roadless Rule to ensure it is consistent with the traditional uses of the land as desired by the adjacent communities to these areas.

a The community of Kake and OVK, since time of contact, have advocated for the conservation and use of all resources on our traditional lands. Our uses are well documented throughout the 1800's and in government documents starting in 1912, historical Tongass proceedings such as the Hanna hearings of 1944, through today as we try and protect what we have left in and around Kake.

\* The Idaho Roadless Rule identifies certain areas as Special Areas of Historic or Tribal Significance. \* [Text underlined for emphasis] The AKRR should do the same for areas around Alaska Native communities, places of importance for our cultural or subsistence uses and resources. These areas should include restrictions for commercial timber harvest (with allowances for roads and harvest for cultural purposes).

In Kake, we depend on Red and Yellow cedar stands that surround the remaining road system around the village. Red and Yellow cedar trees are an important cultural resource and are experiencing mass die-off due to climate change and environmental stressors. It is crucial to protect this habitat from more intensive stressors, such as increased roadbuilding or industrial logging.

ALASKA FEDERATION OF NATIVES  
2019 ANNUAL CONVENTION  
RESOLUTION 19-57

TITLE: PROTECT CLEAN WATER AND WATER DEPENDENT SPECIES

WHEREAS: The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 191 federally recognized tribes, 171 village corporations, 12 regional corporations and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and

WHEREAS: the mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

WHEREAS: the First Alaskans Institute Elders and Youth Conference is the largest statewide convening of Alaska Native Elders and youth representing our diverse Alaska Native cultures and language groups in order to enhance and perpetuate the unique spirits and identities of our peoples; and

WHEREAS: the purpose of the Elders and Youth Conference is to connect Elders and youth for cultural knowledge transmission, strengthen statewide relationships, amplify the power of participants as leaders today, and advance solutions such as these resolutions to challenges faced by our Native peoples and our communities; and

WHEREAS: Water was always treated with the utmost respect, and traditional and customary foods requires careful cultural stewardship and protection of indigenous environmental and natural resources; and

WHEREAS: Alaska's indigenous peoples have relied on clean water; the health of our water is the most important issue in protecting our wild salmon, the entire ecosystem, and all species that rely on water; and

WHEREAS: Our spiritual connection to the land, air, sea and resources which are abundant; gives our people purpose and identity which is more than just water and food, it provides the ability to harvest resources from nature which gives each person, family, and community a reason to live in the areas we have inhabited for millennia.

NOW THEREFORE BE IT RESOLVED that the delegates of the 2019 Annual Convention of the Alaska Federation of Natives agree that the future of the generations yet to come hinge upon actions taken today by tribal, regional non-profits, ANCSA Corporations, state and federal leaders to protect the health of our waters and wild salmon therefore any current or future regulation, statute change, or new statute must meet this standard of

protecting our traditional Native ways of living and will use the tribal consultation to do so.

[Signature]

Julie Kitka

President

January 31, 2019

RE: Timeline for Alaska Roadless Rule Process

Dear Mr. Schmid,

The Organized Village of Kake (OVK), a cooperating agency in the Alaska Roadless Rule process, would like to formally object to the pace at which Alaska Roadless Rule Process is being pursued and advocate for a delay in the proposed timeline to allow for a more thorough analysis of the concerns identified in the scoping process.

OVK does not believe that it is possible to sufficiently analyze the issues inherent in the creation of an Alaska-specific Roadless Rule in a four-month period which includes a 35-day government shutdown that affected not only agency staff, but tribal entities in Alaska which had their operations severely impacted by the shutdown. We request that the U.S. Forest Service delay the extremely expedited timeline with which they have been pursuing the creation of the Alaska Roadless Rule, and create a timeline that is more appropriate to analyze the complex issues and concerns brought forth by the federally-recognized sovereign nations and communities in Southeast Alaska.

The Tongass is the largest National Forest and contains the most Inventoried Roadless Area acreage in the nation. It has historically been subject to extreme controversy as the U.S. Forest Service was overwhelming focused on supplying pulp and timber mills with Tongass timber, while trampling and ignoring the rights and concerns of the Native Alaskans who have lived in this place since time immemorial. In Kake, we have endured the pillaging of our land for the profits of overseas corporations at the economic, environmental, cultural, and social expense of our people for over 50 years. Now, the U.S. Forest Service is rushing through a process that could significantly alter the ecological integrity of the land and watersheds that we depend on for our cultural traditions, our food security, and our economic livelihoods.

Idaho filed a petition for a state-specific rule on October 5th, 2006; the DEIS for the Idaho rule was released on December 21st, 2007 [mdash] over a year after the original petition had been filed. The final rule was not codified into law until October 16th, 2008 - over two years after the process began. Colorado filed a petition for a state-specific rule on November 13th, 2006; their DEIS was a year and a half later, on July 25th, 2008. Their final rule took effect four years later, in 2012. Both states contain less Inventoried Roadless acreage than the Tongass, and their national forests are substantially less controversial, at least on a national level. It is ludicrous to assume that the complex issues that characterize the Tongass, which contains the most Inventoried Roadless Acreage and the health and future of which is critical to the thirty-two communities that live within it, can be sufficiently analyzed and satisfactorily addressed in a DEIS conducted in just three and a half months.

This time period is especially insufficient since the government has been shut down for 35 days during this aforementioned period, during which the Alaska Roadless Rule team was not operating at full capacity.

Furthermore, OVK was also affected by this shutdown, as 98% of our funding comes from the federal government. The result of this funding lapse has made it extremely difficult to provide services to our tribal citizens, as well as do the necessary preparation for us to be able to assess the impact of the draft environmental impact statement on our island and locations of community use.

For OVK, cooperating agency status is meant to build relationships of trust and cooperation between the Forest Service and us, as well as facilitating the use of our local knowledge of economic, environmental, and social conditions. Thus, we request that the Forest Service do their due diligence in making wide-ranging decisions for this Forest by taking the time to consider the concerns of OVK with the pace of this process and reducing the pace accordingly. We would like to see an extended deadline of at least two months for reviewing and commenting on the draft environmental impact statement that we are expecting to see on February 14th, 2019. We are overwhelmed by the two-week deadline for us to analyze this complex document and its undoubtedly wide-ranging effects. We request a justification for the Forest Service's imposition of a seemingly arbitrary and unsensitive deadline on a project with such controversial and far-reaching implications. We also request a full report on the scoping comments received by the agency with an attached analysis of the number of comments made in support of/in opposition against changes to the Roadless Rule. Furthermore, so that we may appropriately plan for the year ahead, we request a detailed timeline of future actions that are in planning, especially those done in conjunction with and necessitating the support of the cooperating agencies. We require a timeline to plan for these expedited requests of analysis and feedback on critical project documents, so that we may solicit insights from our Tribal Council regarding this extensive rulemaking process and its effects.

We appreciate our involvement in this process and look forward to your timely response.

Gunalcheesh,

[Signature]

Joel Jackson

President

October 10, 2018

RE: Organized Village of Kake Comments for Roadless Rule in Alaska  
To Whom it may concern,

The Organized Village of Kake (OVK) is the federally recognized Indian Tribe organized under the authority of the Indian Reorganization Acts of 1934 and 1936. OVK is empowered under its Constitution and By-Laws "to aid needy citizens and protect the general welfare and security of the village." One of OVK's highest priorities is to protect the Village's customary and traditional hunting, fishing and gathering areas and uses within the Keex' Kwaan's traditional territory. [1: Goldschmidt & Haas (1946). A map of the traditional territory of the Kake Tlingit prepared by Goldschmidt and Haas is attached, for your information] These lands include national forest lands on Kuiu, Kupreanof, and portions of Baranof & Admiralty Islands, as well as portions of the mainland. OVK would like to engage with the USFS and State of Alaska as a co-manager/co-operator of resources in the traditional Kake, AK area. Many of OVK's citizens are on the ground utilizing all of the areas around Kake and are the first impacted by decision makers 100 miles away in Juneau and 3,000+ miles away in Washington D.C.

On August 2, 2018, in response to the State of Alaska's petition for a full exemption from the 2001 Roadless Area Conservation Rule (Roadless Rule), the Forest Service signed a Memorandum of Understanding with the State of Alaska to develop an Alaska state-specific roadless rule to address the management of inventoried roadless areas on the Tongass National Forest in Southeast Alaska. The U.S. Department of Agriculture announced on August 30, 2018 its intent to prepare an environmental impact statement (EIS) and public rulemaking process to. According to the Notice of Intent, the State of Alaska will participate as a cooperating agency in the preparation of the EIS and "Federally recognized Tribes within the Tongass National Forest have been invited to participate as a cooperating agency." The notice further gave notice of eleven public meetings planned in Southeast Alaska, including Kake on September 26, 2018 (Postponed to Oct. 10, 2018).

Pursuant to Executive Order 13175, Departmental Regulation No. 1350-002, and Forest Service Manual (FSM), the United States Forest Service has adopted official policy regarding American Indian and Alaska Native relations. Pursuant to FSM 1563.02, paragraph 4, agency

American Indian and Alaska Native relations. Pursuant to FSM 1563.02, paragraph 4, agency officials are to 'support the aspirations of the UN Declaration on the Rights of Indigenous Peoples. "Specifically, this means' that agency officials should consult with indigenous people [mdash]the duly elected officials of federally recognized tribes and the traditional holders of Indian religions, knowledge, and practices [mdash]early in their decision-making processes. "To further this objective, it is 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. "See FSM 1563.03. Such consultation requires the agency to 'collaboratively 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.' Id. at lb.

The U.S.D.A. and Forest Service entered into the MOU with the State of Alaska and issued the NOI for preparation of an EIS for an Alaska-specific roadless rule without any consulting or collaboration with OVK, in violation of policies under Executive Order 13175, Departmental Regulation No. 1350-002, and the Forest Service Manual. OVK strongly objects to the agency's utter failure to consult with OVK prior to responding to the State of Alaska's petition and initiating preparation of an EIS to support the rulemaking process. The belated invitation to the Tribe to participate as a cooperating agency, and holding a scoping hearing in Kake, cannot compensate for the agency's abject failure to consult and collaborate with the Tribe before proceeding with this Alaska-specific rulemaking [mdash]particularly when the proposed rulemaking has such grave and drastic tribal implications for the many tribal citizens who rely on these lands. Likewise, the State of Alaska's establishment of the Alaska Roadless Rule Citizen Advisory Committee, which will include at least one member representing a federally recognized Tribe, will not address our concerns; every tribe should be represented on the committee. First, it appears that this committee by design will not assure fair and balanced representation of both development and non-development interests. Secondly, the proposed schedule for the committee providing recommendations to the Governor and State Forester elevates satisfying the State's hurried and arbitrary timeline above the interests of any other stakeholders in this process.

OVK is concerned that the Forest Service will delay revising the Tongass Land Management Plan, (TLMP) and amend it to authorize logging in roadless areas on a project-by-project basis. In such circumstances, it is likely the agency will tie to the analysis contained in any EIS prepared for this rulemaking. Given the agency must consult and coordinate forest planning on the Tongass with Alaska Native Tribes (36 C.F.R. 291.4), we are gravely concerned that the agency's failure to consult and collaborate adequately with the Tribe on this Alaska-specific rule will impair the agency's performance of its responsibility to consult and coordinate with the Tribe regarding forest planning. Both outcomes impair the Tribe's responsibility to 'Protect the general welfare and security of the village." As OVK listens to the Public comment 'at other community meetings a large majority of the Alaska citizens are wanting the roadless rule intact and not changed; in fact, more protections are being asked for. In this world of changing climate, the State of Alaska should preserve what is left rather than loosening

the regulations to have more development on pristine Tongass roadless areas.

In conclusion, OVK would like to be at the table while decisions are being made on an Alaska-specific Roadless Rule. OVK would like to engage with the USFS and State of Alaska to guide the projects and activity in the traditional Kake area, from increasing some protections in important cultural areas, to lessening regulations in other areas to promote a sustainable economy. All of the aforementioned decisions should be driven by the communities that utilize that area.

Gunalcheesh,

[Signature]

Joel Jackson  
President

Figure 15. Traditional Territory of the Kake Tlingit, circa 1943 [Map]

#### Resolution No. 2018-24: Continued Tribal Support for Application of National Roadless Rule on the Tongass National Forest

**\*WHEREAS\*** [Text bolded for emphasis], the Organized Village of Kake (hereinafter OVK) is a federally recognized Indian Tribe under federal law and is empowered under its Constitution & By-Laws to execute agreements and contracts with the United States to benefit its members;

**\*WHEREAS\*** [Text bolded for emphasis], OVK is further defined as an Indian Tribe in the Indian Self-determination and Education Assistance Act, PL 93-638 and as such is entitled to contract with the Federal Government for the operation of any federal programs, services, activities or functions serving its member; and

**\*WHEREAS\*** [Text bolded for emphasis], our traditional territory includes lands on Kupreanof, Kuiu, Eastern Baranof, and southern Admiralty Islands, and along the mainland, including Port Houghton and as far as Taku River south to Port Houghton; and

**\*WHEREAS\*** [Text bolded for emphasis], protection of our inherent right to harvest and use our traditional and customary foods requires careful cultural stewardship and protection of our environmental and natural resources; and

**\*WHEREAS\*** [Text bolded for emphasis], our care of the lands now classified as "inventoried roadless areas" (IRA) and within the Tongass National Forest stretches for millennia; and

**\*WHEREAS\*** [Text bolded for emphasis], these lands not only provide our people with food, they essentially define who we are and where we come from; and

**\*WHEREAS\*** [Text bolded for emphasis], inventoried roadless areas protect healthy watersheds that ensure a clean drinking water supply for our Tribal citizens

**\*WHEREAS\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis], inventoried roadless areas conserve natural diversity, serve as a bulwark against the spread of invasive species; and

**\*WHEREAS\*** [Text bolded for emphasis], inventoried roadless areas help ensure the continued protection of indigenous fish and wildlife habitat as it relates to our spiritual, social, nutritional, and ecological values; and

**\*WHEREAS\*** [Text bolded for emphasis], given Southeast Alaska's cool wet weather, the amount of stored

carbon in our intact old-growth forest and soils, the Tongass National Forest represents one of the highest on the Tongass is essential for maintain America's resilience and slowing down climate change throughout the world; and

**\*WHEREAS\*** [Text bolded for emphasis], the Roadless Rule prevents the disturbance of soils and wasteful construction of damaging roads in inventoried roadless areas; and

**\*WHEREAS\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis], the Tongass timber industry represents less than one percent of today's jobs and earnings in Southeast Alaska; and

**\*WHEREAS\*** [Text bolded for emphasis], there are over 5,000 miles of roads already crisscrossing the Tongass National Forest, fragmenting valuable wildlife habitat, threatening salmon by blocking fish passage, and serving as the primary source of sediment into fish streams; and

**\*WHEREAS\*** [Text bolded for emphasis], spending 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\*** [Text bolded for emphasis], at hearings held across Southeast Alaska in 2000 on the proposed roadless rule, nearly 60 percent of the Southeast Alaskans who spoke at the hearings supported including the Tongass National Forest in the final roadless rule, and has only grown to upward of 80 percent to date; and

**\*WHEREAS\*** [Text bolded for emphasis], after the hearing held in Ketchikan during the summer of 2002 on the draft supplemental environmental impact prepared to evaluate recommendations for designating additional inventoried roadless areas on the Tongass as Wilderness, the Ketchikan Daily News reported that roughly 85 percent of the public who testified supported more Wilderness;

**\*WHEREAS\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis], 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\*** [Text bolded for emphasis] three days before the MOU was signed and six months after the State filed its petition, the Forest Service informed OVK by a 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 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\*** [Text bolded for emphasis], the July 30th letter served as an invitation from Acting Regional Forester David E. Schmid to a "Tribal Leader" inviting "government-to-government consultation in advance of a formal public comment period and an opportunity for your Tribe to participate as a cooperating 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 other alternative; and.

**\*WHEREAS\*** [Text bolded for emphasis], the U.S. Department of Agriculture, which includes the Forest Service, published a Notice of Intent (N01) published on August 30, 2018 announcing its intent to prepare an environmental impact statement (EIS) and initiate a public rulemaking process; and

**\*WHEREAS\*** [Text bolded for emphasis], the joint announcement issued by the Forest Service when the MOU was signed promises to leave unaffected Tongass lands designated Wilderness by Congress, no mention is made of the fate of nearly 900,000 acres of Legislated LUD II lands designated for perpetual protection from logging and roadbuilding by Congress in the 1990 Tongass Timber Reform Act and the 2014 Sealaska Lands Bill; and

**\*WHEREAS\*** [Text bolded for emphasis, Kuiu Island and the surrounding smaller islands are important to the residents of Kake, especially the coastal areas near Kake. Areas most often associated with higher values include the Keku Islands, Kadake Bay and Creek, Port Camden, Rocky Pass, and the East Kuiu Roadless Area on the south and east side of Kuiu Island in addition to all of Kupreanof;

**\*WHEREAS\*** [Text bolded for emphasis], any rule that weakens or eliminates Roadless Rule protections within our traditional territory in what became Inventoried Roadless Areas of the Tongass National Forest will substantially affect the existing 2016 Tongass Land Management Plan Amendment; and

**\*WHEREAS\*** [Text bolded for emphasis] the 2016 Plan Amendment excluded all roadless areas from the available timber base, the agency's failure to consult and coordinate forest planning with OVK will impair the Tribe's ability to fulfill its responsibility to "protect the general welfare and security" of Tribal citizens; and

**\*WHEREAS\*** [Text bolded for emphasis], pursuant to Executive Order 13175, Departmental Regulation No. 1350-002, and Forest Service Manual (FSM), the United States Forest Service adopted an official policy (FSM 1563.02, paragraph 4) to "support the aspirations of the UN Declaration on the Rights of Indigenous Peoples." Specifically, this means "that agency officials should consult with indigenous people [mdash] the duly elected officials of federally recognized tribes and the traditional holders of Indian religions, knowledge, and practices [mdash] early in their decision-making processes;" and

**\*WHEREAS\*** [Text bolded for emphasis], as provided in FSM 1563.03, it is 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 "collaboratively 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\*** [Text bolded for emphasis], the USDA and Forest Service entered into an 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 OVK; and

**\*WHEREAS\*** [Text bolded for emphasis], the Forest Service has not explained adequately why it failed to fulfill its responsibilities to consult with the Tribe; and

**\*WHEREAS\*** [Text bolded for emphasis], the State of Alaska continues to resist all efforts to develop and work in a government to government relationship with the Tribes and never consulted with the OVS before filing its petition with the USDA; and

**\*WHEREAS\*** [Text bolded for emphasis], Governor Walker issued Administrative Order 299, establishing the Alaska Roadless Rule Citizen Advisory Committee (CAC) on September 5, 2018; and

**\*WHEREAS\*** [Text bolded for emphasis], Alaska Governor Walker appointed 13 Alaskans 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\*** [Text bolded for emphasis], the Governor appointed a single Alaska Native to represent all Tribal perspectives for the seventeen federally-recognized Tribes of Alaska Natives in Southeast Alaska on the CAC, a gigantic and unrealistic burden for one person; and

**\*WHEREAS\*** [Text bolded for emphasis], the only other Alaska Native on the CAC represents Sealaska Corporation; and

**\*WHEREAS\*** [Text bolded for emphasis], Sealaska is an Alaska Native for-profit Corporation established under the Alaska Native Claims Settlement Act [mdash] not a Tribe; and

THEREFORE BE IT RESOLVED, OVK strongly supports lasting protection for all inventoried roadless areas within OVK's traditional territory now within the Tongass National Forest as provided for in the Roadless Rule; and

THEREFORE BE IT FURTHER RESOLVED, given the serious and long lasting Tribal implications from any reduction in current Roadless Rule protections, we strongly object to the Forest Service's failure to consult with OVK before deciding to grant the State of Alaska's petition and begin a review under the National Environmental Policy Act and public rulemaking process;

THEREFORE BE IT FURTHER RESOLVED, the only changes to the Roadless Rule that OVK 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 [mdash] when it did not;

BE IT FINALLY RESOLVED, the Forest Service must also initiate consultation, coordination, and accommodation of Tribal interests in any changes to TLMP connected with this rulemaking process.

## CERTIFICATION

This resolution was duly adopted at an IRA Council meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by a quorum of \_\_\_\_\_ (includes president as non-voting chairperson except in case of tie vote) with \_\_\_\_\_ yes votes, \_\_\_\_\_ no votes, and \_\_\_\_\_ abstaining.

[Signature]

Joel Jackson, President

[Signature]

Attested by

Dear Honorable Secretary Perdue:

On behalf of the Organized Village of Kake and the Organized Village of Saxman, we request an official government to government consultation with you regarding the proposed Alaska-specific roadless rule. As federally recognized Indian Tribes organized under the Indian Reorganization Acts of 1934 and 1936, our citizens share a deep connection with the incredible waters, lands, and resources of Southeast Alaska; a connection forged by our ancestors over the past 10,000 years [mdash] since time immemorial.

On August 30, 2018, you announced the U.S. Department of Agriculture's intent to initiate an environmental impact statement (EIS) and public rulemaking process to address an Alaska-specific roadless rule for management of inventoried roadless areas on the Tongass National Forest in Southeast Alaska. Before that announcement, neither your office, the Forest Service, nor State of Alaska attempted to consult or collaborate with our Tribes.

Alaska Governor Walker convened a Citizen Advisory Committee (CAC) last fall to advise the State of Alaska on this important topic; however, only one Alaska Native was appointed to represent the interests of all seventeen federally recognized Indian Tribes from Southeast Alaska. This was a gigantic and unrealistic burden for one individual. The other Alaska Native appointed to the CAC represented Sealaska Corporation, the for-profit Alaska Native Regional Corporation established under the Alaska Native Claims Settlement Act and state law for Southeast Alaska [mdash]is not an Indian Tribe.

While the Forest Service has included some Southeast Alaska Indian Tribes as "cooperating agencies" during preparation of this EIS, the frantic pace necessary to satisfy some preordained timeline imposes substantial burdens on those Tribes hoping to be at the table when decisions are made on an Alaska-specific roadless rule. Given the harms and delays caused by President Trump's shutdown, we are further concerned that careful and informed consultation between our Tribes, your office, and the Forest Service may become little more than an afterthought.

Consequently, as elected leaders of our Tribes, we respectfully request to consult with you directly about the Alaska-specific roadless rule this spring. Since the decision to proceed with this rulemaking, and the ultimate decision, is yours, we believe speaking directly with you is the most effective way of assuring you hear what we need to say. It takes effort, resources, and coordination to travel all the way to Washington D.C., but we hope our willingness indicates how important this issue is to our Tribe's citizens. Please let us know, as soon as possible, when we could meet directly with you. Thank you.

Respectfully,

[Signature]

Joel Jackson, President

[Signature]

Lee Wallace, President

THEREFORE BE IT FURTHER RESOLVED, given the serious and long lasting Tribal implications from any reduction in current Roadless Rule protections, we strongly object to the Forest Service's failure to consult with OVK before deciding to grant the State of Alaska's petition and begin a review under the National Environmental Policy Act and public rulemaking process;

THEREFORE BE IT FURTHER RESOLVED, the only changes to the Roadless Rule that OVK 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 [mdash] when it did not;

BE IT FINALLY RESOLVED, the Forest Service must also initiate consultation, coordination, and accommodation of Tribal interests in any changes to TLMP connected with this rulemaking process.

#### CERTIFICATION

This resolution was duly adopted at an IRA Council meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by a quorum of \_\_\_\_ (includes president as non-voting chairperson except in case of tie vote) with \_\_\_\_\_ yes votes, \_\_\_\_\_ no votes, and \_\_\_\_\_ abstaining.

[Signature]

Joel Jackson, President

[Signature]

Attested by

September 7, 2018

RE: Scoping Period for the Roadless Rule

Dear Mr. Stewart,

The Organized Village of Kake (OVK) is the federally recognized Indian Tribe organized under the authority of the Indian Reorganization Acts of 1934 and 1936. OVK is empowered under its Constitution and By-Laws "to aid needy citizens and protect the general welfare and security of the village." One of OVK's highest priorities is to protect the Village's customary and traditional hunting, fishing and gathering areas and uses within the Keex' Kwaan's (Children of Kake) traditional territory.' These lands include national forest lands on Kuiu and Kupreanof Islands, as well as portions of the mainland.

On August 2, 2018, in response to the State of Alaska's petition for a full exemption from the 2001 Roadless Area Conservation Rule (Roadless Rule), the Forest Service signed a Memorandum of Understanding with the State of Alaska to develop an Alaska state-specific roadless rule to address the management of inventoried roadless areas on the Tongass National Forest in Southeast Alaska. The U.S. Department of Agriculture announced on August 30, 2018 its intent to prepare an environmental impact statement (EIS) and public rulemaking process to According to the Notice of Intent, the State of Alaska will participate as a cooperating agency in the preparation of the EIS and "Federally recognized Tribes within the Tongass National Forest have been invited to participate as a cooperating agency." The notice further gave notice of eleven public meetings planned in Southeast Alaska, including Kake on September 26, 2018.

Pursuant to Executive Order 13175, Departmental Regulation No. 1350-002, and Forest Service Manual (FSM), the United States Forest Service has adopted official policy regarding American Indian and Alaska Native relations. Pursuant to FSM 1563.02, paragraph 4, agency

officials are to "support the aspirations of the UN Declaration on the Rights of Indigenous Peoples." Specifically, this means "that agency officials should consult with indigenous people -[shy]the duly elected officials of federally recognized tribes and the traditional holders of Indian religions, knowledge, and practices [mdash] early in their decision-making processes." To further this

objective, it is 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." See FSM 1563.03. Such consultation requires the agency to "collaboratively 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." Id. at 3.b.

The U.S.D.A. and Forest Service entered into the MOU with the State of Alaska and issued the NOI for preparation of an EIS for an Alaska-specific roadless rule without any consulting or collaboration with OVK, in violation of policies under Executive Order 13175, Departmental Regulation No. 1350-002, and the Forest Service Manual. OVK strongly object to the agency's utter failure to consult with OVK prior to responding to the State of Alaska's petition and initiating preparation of an EIS to support the rulemaking process. The belated invitation to the Tribe to participate as a cooperating agency, and holding a scoping hearing in Kake, cannot compensate for the agency's abject failure to consult and collaborate with the Tribe before proceeding with this Alaska-specific rulemaking - particularly when the proposed rulemaking has such grave and drastic tribal implications for the many tribal citizens who rely on these lands. Likewise, the State of Alaska's establishment the Alaska Roadless Rule Citizen Advisory Committee, which will include at least one member representing a federally recognized Tribe, will not address our concerns. First, it appears that this committee by design will not assure fair and balanced representation of both development and non-development interests. Secondly, the proposed schedule for the committee providing recommendations to the Governor and State Forester elevates satisfying the State's hurried and arbitrary timeline above the interests of any other stakeholders in this process.

In a recent fact sheet put on \*the agency's Alaska Roadless Rule web site\* [Text underlined for emphasis], the agency clarifies what this rulemaking process will affect the 2016 Tongass Plan Amendment by stating:

The Alaska Roadless Rule will not make any changes to the 2016 Tongass Land Management Plan or projects currently being implemented or proposed to implement the transition to a primarily young-growth timber program. Following a final decision on a state-specific roadless rule, the Tongass National Forest Land Management Plan could be amended or revised to reflect any management designations established by the state-specific rule.

We disagree. Since the Plan incorporated the recommendation from the Tongass Advisory Committee to exclude roadless areas from the timber base, clearly adoption of a rule that weakens or eliminates Roadless Area protections on the Tongass will have a substantial effect on the existing plan. We are particularly concerned that the Forest Service will delay revising the Plan and amend it to authorize logging in roadless areas on a project-by-project basis. In such circumstances, it is likely the agency will tier to the analysis contained in any EIS prepared for this rulemaking. Given the agency must consult and coordinate forest planning on the Tongass with Alaska Native Tribes (16 C.F.R. 291.4), we are gravely concerned that the agency's failure to consult and collaborate adequately with the Tribe on this Alaska-specific rule will impair the agency's performance of its responsibility to consult and coordinate with the Tribe regarding forest planning. Both outcomes impair the Tribe's responsibility to "protect the general welfare and security of the village."

Given where we are at this process, we recommend the Forest Service withdraw the August 30th notice and immediately comply with its responsibilities to consult and collaborate with the Tribes. Another, less preferable option, would be to extend the deadline for submitting scoping comments from October 15th until at least December 3rd. Such an extension would help ensure that OVK has at least 90 days to engage with its citizens and the Forest Service on this issue of such enormous controversy.

Gunalcheesh,

[Signature]

Joel Jackson  
President

February 28, 2019

Dear Honorable Secretary Perdue:

On behalf of the Organized Village of Kake (OVK), a Tribal Cooperating Agency, please accept this cover letter, track-changes and comments in the preliminary Draft Environmental Impact Statement (DEIS) Word document, and associated attachments referenced in the DEIS as OVK's official comments. The hurried and poorly written DEIS indicates how rushed this rulemaking is and needs to take more time to reflect all the concerns of the indigenous people who actually live in the Tongass National Forest and face the most adverse impacts from the proposed action. (the summary of 144,000 comments was only shared 3 weeks ago). As track-changed on page D-5, timber does not employ Kake and it hasn't in over 20 years. Government, education, and tourism are the main sustainable employment opportunities in Kake.

Our future generations are the basis of the Kake Lingit stewardship of our lands since time immemorial. With increased threats to and from their environment, our children will bear the impacts of this rule-making process. The protection of the ecological integrity of these lands for future generations should be the most important aspect of the Alaska Roadless Rule process; these lands are worth more intact and standing than fragmented and cut down. As explained at the Cooperating Tribal Agency meeting on 2/14/2019 in Juneau, an overwhelming majority (approx. 95%) of the comments received by the USFS from Southeast Alaskans supported application of the roadless rule on the Tongass

#### Alternatives

OVK from the beginning supported Alternative 1 and still supports the no-action alternative.

\* Alternative 1 (no action) or Alternative 2 should be the only alternatives considered for the preferred alternative since they are the only alternatives consistent with public input as documented by the Forest Service.

\* Official written scoping comment summary, public scoping comment summary (attached)

\* Alternatives 2, 3, and 4 should be changed so they do NOT exempt any roadless lands extensions near communities where a majority of the public comments express support for the roadless rule; i.e., no lands should be exempted within 50 miles of a community that commented in support of the roadless rule.

\* OVK requests co-management authority over all management activities allowed within Kake territory under all Alternatives (see attached OVK Community Use Area map).

\* The traditional use areas of communities such as Kake, that commented heavily in support of the no action alternative, should receive complete roadless protections under all alternatives.

\* For Kake, this encompasses all the lands from Seymour Canal to Cape Decision, with documented traditional use areas including lands on: Admiralty Island, the mainland around Hobart Bay, Port Houghton, Farragut Bay, and Windham Bay, Kupreanof Island, Keku Islands, and all roadless portions of Kuiu Island, including Port Camden, Saginaw, Kadake Bay and Creek, Three-mile Arm, Rocky Pass, and East Kuiu (see attached map).

\* Alternative 3, 4, and 5 should be modified to include all roadless rule protections for T77/TNC ecological priority areas. The ecological value of Kake's traditional use areas is documented through traditional ecological knowledge, as well as the conservation assessment conducted by the Nature Conservancy, and the Tongass 77 (T77) proposal to protect the most productive salmon producing watersheds still at risk from logging on the Tongass National forest. The following watersheds in Kake's traditional use areas are also T77/TNC 'ecological

priority areas'; many of them were allocated by the Forest Service to 'Development LUDs' and at risk of being opened to industrial timber harvest and roadbuilding under Alternatives 3, 4, 5, and 6.

\* Mainland between Port Houghton and Farragut Bay, the center and south of Kupreanof Island, Port Camden and east Kuiu, Security Bay, Washington Bay, and Bay of Pillars.

\* These areas must absolutely receive road less protections.

\* **\*Alternative 6 should be eliminated\*** [Text bolded for emphasis] because it does not meet the stated purpose and need and is unnecessary since the applicable mining laws and regulations (and not the roadless rule) govern access to mining claims on the Tongass.

\* The DEIS should be consistent about how it treats LUD 11 lands across each alternative. Right now, some alternatives appear to include LUD II lands as having 'roadless' protections, while other alternatives do not. What is the purpose of these different management designations? This is misleading and makes it difficult to compare the effects between alternatives.

\* DEIS (2-4): Alternatives 2 and 4 designate LUD 11 acreage as Alaska Roadless Areas; Alternative 3 removes LUD II areas from roadless designation as a means of "eliminating confusion and ensuring congressional intent". The Forest Service lacks authority to change permanent Congressional designations for lands "chosen for special management because of their critical importance for fish and wildlife habitat and their high value to tourism and recreation." These lands must be managed in a roadless state to retain wildland character." \*Why is the FS removing Roadless protections from lands for which the congressional intent is for the lands to be "maintained in a roadless state" [Text bolded for emphasis] to preserve their wilderness character"?

\*Cultural heritage\* [Text bolded for emphasis]

\* The FS should undertake a study of the written and oral history of the Alaska Native communities directly affected by this proposed Alaska Roadless Rule to ensure it is consistent with the traditional uses of the land as desired by the adjacent communities to these areas.

\* The community of Kake and OVK, since time of contact, have advocated for the conservation and use of all resources on our traditional lands. Our uses are well documented throughout the 1800's and in government documents starting in 1912, historical Tongass proceedings such as the Hanna hearings of 1944, through today as we try and protect what we have left in and around Kake.

\* The Idaho Roadless Rule identifies certain areas as **"Special Areas of Historic or Tribal Significance."** [Text underlined for emphasis] The AKRR should do the same for areas around Alaska Native communities, places of importance for our cultural or subsistence uses and resources. These areas should include restrictions for commercial timber harvest (with allowances for roads and harvest for cultural purposes).

\* In Kake, we depend on Red and Yellow cedar stands that surround the remaining road system around the village. Red and Yellow cedar trees are an important cultural resource and are experiencing mass die-off due to climate change and environmental stressors. It is crucial to protect this habitat from more intensive stressors, such as increased roadbuilding or industrial logging.

#### Specific Areas

\* There are traditional use areas around Kake of particular importance to our culture and spirituality, our customary & traditional (subsistence) harvest, and customary use; increased protections are needed for all these areas. No commercial logging and no roadbuilding should be allowed in the following high-value subsistence and demonstrated traditional use areas. These areas are essential to the Tribe's ability to "Strengthen Tribal Community and Culture" of Tribal citizens, which is our stated mission. These lands need to

be maintained in a roadless state to preserve and enhance our subsistence areas and traditional uses of the land.

\*

\* These areas are:

\* Keku Islands (VCU 3980)

\* Kadake Bay and Creek (VCU 4210)

\* Three-mile Ann (VCU 4190, 4280)

\* Port Camden (VCU 4200)

\* Rocky Pass (VCU 4280)

\* East Kuiu Roadless Area (VCUs 4160, 4170, 4180)

\* Security Bay (VCU 4000)

\* Rowan Bay (VCU 4020)

\* Saginaw Bay (VCU 3990)

\* Washington Bay (VCU 4010)

\* Bay of Pillars (VCU 4030)

\* Seclusion Bay (VCU 4180)

\* No Name Bay (VCU 4170)

\* Reid & Alvin Bays (VCU 4160)

\* All of central and Southern Kupreanof Island [Text underlined for emphasis] (VCUs 4270, 4280, 4290, 4400, 4380, 4360, 4350, 4320, 4300, 4310, 4330, 4340).

\* Mainland around Windham Bay, Port Houghton, Hobart Bay, and Farragut Bays (VCUs 4830, 680, 690, 700, 710, 760, 770, 790, 800, 840, 830, 820, 850, 860, 870, 890, 880, 900)

\* The Legislated LUD II lands on Kupreanof and Kuiu Islands should remain protected from logging and roadbuilding according to their congressionally designated intent.

\* Protecting the remaining productive, intact, old growth habitat of Kake's traditional use areas is essential for the continued viability of Kake's subsistence harvest, ability to adapt to climate change, and cultural traditions.

\* We are observing the effects from previous clear-cuts and industrial logging in low salmon runs and small deer populations that are very slow to rebound.

\* Central North Kupreanof would experience an increase in suitable old growth timber acreage under every alternative. However, considering the recovering nature of the area from past clearcutting and the vicinity to Kake, we request that this area receive full protection from additional road buildings under any new iteration of the rule.

**\*Requests for an Alaska Roadless Rule\*** [Text bolded for emphasis]

OVK reaffirms its support for the no action alternative because it is the best option for Kake and our Tribal citizens. However, if any action alternative is selected as the preferred alternative, the following provisions should be incorporated into the alternatives:

\* OVK requests that the Forest Service update the 1995 Tongass inventory used to define inventoried roadless areas and include approximately 350,000 acres that were excluded from the 2001 rule due to assumed logging development that did not occur

\* The road connection between Kake and Portage Bay should be completed to increase ferry services and subsistence harvest opportunities for community members. We urge the Forest Service to maintain the roads they already have and build those that are important for community uses, not those used for industrial logging.

\* Any iteration of an Alaska Roadless Rule needs to include provisions for workforce development of local youth and utilization of local labor for Forest Service projects on adjacent lands, such as restoration, wildlife and timber thinning, stream and habitat restoration in the Petersburg Ranger district. Collaborative partnerships and

indigenous resource stewardship contracts should be prioritized.

- \* Microsales should be developed to support local small-scale timber operators and sawmills.

- \* Carbon credits have been heavily discussed in the region with the ANC's, where is this in the DEIS?

Gunalcheesh,

[Signature]

Joel Jackson

President

#### Attachments

- \* Goldschmidt Haas (1998) Haa Aani map of Kake's traditional use areas (historically attached to OVK's comments with USFS the past 3 decades at least)

- \* Scoping meeting summary(s)

- \* OVK Community Use Area map

- \* OVK Letter to Forest Supervisor Stewart (Sept. 7, 2018)

- \* OVK Comments on Proposed Rule (Oct. 10, 2018)

- \* OVK Res. No. 2018-24

- \* Letter to Sec. Perdue seeking Government-to-government Consultation (Feb. 5, 2019)

- \* OVK request for extension [mdash] AK Specific Roadless Rule (Jan. 31, 2019)

- \* Dawson studies

- \* Alaska DOT letter closing out Kake Access Project (2016)

[Position]