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First name: Dale

Last name: Michael

Organization:

Title:

Comments: Please see attached comment letter.

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To: Secretary Purdue, United States Forest Service, and Alaska Roadless Team

I am submitting these comments in opposition to the proposed Alaska Roadless Rule, Alternative 6 (full exemption) as identified in the Draft Environmental Impact Statement and the Federal Register Notice of the Proposed Rule.

The Notice of Intent (NOI) to prepare an environmental impact statement (EIS) and begin a public rulemaking process (published on August 30, 2018) stated that [ldquo]the Department, Forest Service, and State of Alaska agree that the controversy surrounding the management of roadless areas on the Tongass National Forest may be resolved through state-specific rulemaking.[rdquo] The purpose and need statement, as identified in the NOI, went on to state that a [ldquo]long-term, durable approach to roadless area management is needed,[rdquo] and that [ldquo]the current timber harvest and road construction/reconstruction restrictions can be adjusted for the Tongass National Forest in a manner than meaningfully addresses local economic and development concerns while balancing roadless area conservation needs.[rdquo] Please tell me how you believe you have responded to this need when, in the face of overwhelming support for continuation of the 2001 Roadless Rule (as evidenced by the vast majority of public comments in response to scoping), you now propose a full exemption from the 2001 Roadless Rule as your preferred alternative?

I call your attention to the proposed action, as stated in the NOI:

The Department proposes to develop a durable and long-lasting regulation for the conservation and management of roadless areas on the Tongass National Forest. The state-specific roadless rule would establish a land classification system designed to conserve roadless area characteristics on the Tongass National Forest while accommodating timber harvesting and road construction/reconstruction activities that are determined to be needed for forest management, economic development opportunities, and the exercise of valid existing rights or other non-discretionary authorities.

This is what you proposed to do in August 2018. This is what you told the public you would be pursuing, and, based on that proposal, you accepted comments, identified the issues the public was concerned about, developed alternatives to your proposed action in response to those issues, and analyzed the effects of those alternatives. That is what the roadless team speaker explained in the recent public meeting I attended. That process made sense, and could have led to an Alaska-specific rule that resolved controversy and provided for the unique needs of the communities in Southeast Alaska. It could have, if that process was actually followed.

All of the input you received, considered, and responded to was based on what you told the public you intended to do just over a year ago. Now I call your attention to the proposed action as stated in the DEIS:

The USDA desires a durable and long-lasting regulation for the management of roadless areas in Alaska on the Tongass. The State-specific roadless rule would discontinue the existing regulation's prohibitions and instead rely on existing statutory and management plan direction to manage roadless area characteristics on the Tongass.

The proposed action obviously changed at some point along the way, and now says nothing about conservation of roadless area characteristics or any balancing of the need to conserve roadless area characteristics, which provide for community economic well-being in various ways, while accommodating other economic development needs.

When did your proposed action change, and, when it changed, why didn't you go back out to the public with a revised NOI to tell them you were now proposing a full exemption and no longer intended to "develop a durable and long-lasting regulation" that was "designed to conserve roadless area characteristics while accommodating ... (other activities)?" What comments would you have received in response to that revised NOI? What issues would you have heard then? How would that have affected this process? Or had your decision already been made and you simply don't care?

By failing to update the public on your actual proposal and seek input on it when it changed, I believe you violated NEPA. Section 1501.7 states that "there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." Doesn't it follow, then, that if the proposed action changes, as it did between the NOI and DEIS here, the issues (including significant issues) to be addressed in the EIS might also change?

In response to the NOI, you received over 144,000 comments, according to agency staff, and the vast majority of those comments were in support of maintaining the 2001 Roadless Rule on the Tongass. The key issues identified, based on the comments, were 1) the conservation of roadless area characteristics; 2) support for local and regional socio-economic well-being, Alaska Native culture, rural subsistence activities, and economic

opportunity across multiple economic sectors; and 3) conservation of terrestrial habitat, aquatic habitat, and biological diversity. How does the preferred alternative, a full exemption, respond to those issues? And don't tell me that the Tongass Forest Plan will remain in place to respond to those issues because you know the Plan is subject to change. In fact, the State of Alaska and resource extraction industries have already requested changes to the Forest Plan.

In fact, you are already changing the Forest Plan. In 2016, Regional Forester Beth Pendleton said that the suitability of the forest lands for timber harvest was a decision made in the Forest Plan and, regardless of the status of the Roadless Rule, any changes to that suitability would require a forest plan amendment. This was repeated by the Forest Service official at the Juneau scoping meeting in 2018. Yet now you say that suitability will be changed in the rule [ldquo]as an administrative change.[rdquo] How can you change the suitability, a forest plan decision, as an [ldquo]administrative change,[rdquo] without complying with the National Forest Management Act and the planning regulations?

You include other [ldquo]administrative corrections or modifications[rdquo] in the proposed rule that were not discussed or identified in the NOI or earlier public meetings, notably the provisions related to the Chugach National Forest. What is your intent there? To allow development on that forest as well, through back-door [ldquo]administrative changes[rdquo] to the boundaries of the roadless areas?

The USDA has a pattern of telling the public and other entities one thing, while doing something radically different, so why should anyone trust that the [ldquo]administrative changes[rdquo] would be minor and only administrative? In June of this year, you told the Alaska tribes and corporations that your preferred alternatives were Alternatives 3 and 4, yet just weeks later it was revealed that the agency was moving forward with a full exemption. In failing to update your communication with the tribes and corporations, you violated the responsibilities you have to consult with them, government to government. One might even say you lied to them.

Secretary Purdue, Forest Service, and Alaska Roadless Team, it's time to be honest. And it's time to respond to the misrepresentations of the rule that you, the State of Alaska, and the timber industry want the public to believe. The 2001 Roadless Rule does not prohibit renewable energy, recreation projects, electrical intertie projects, mining activities, or vital roads and transportation systems. Review the exceptions to the Rule, which you have relied on in approving nearly 60 projects in roadless areas since 2001 Rule. Given the costs of road construction in Southeast Alaska, I doubt that it even makes those projects that rely on helicopter or other access more expensive. Regardless of that [ndash] the Forest Service apparently heard those concerns and addressed them in the exceptions that were included in the alternatives that were developed for the DEIS. It does not need a full exemption to respond to those concerns.

I ask you to consider the comments you have heard from the people who live in Southeast Alaska, who rely on the Tongass National Forest. I ask you to consider what you have said you want to achieve [ndash] a durable and long-lasting regulation that resolves the controversy. Please do not select Alternative 6, the full exemption. It will only lead to more controversy. Please listen to the majority of the comments you have received, especially the comments from the tribes and communities in Southeast Alaska, and select an alternative that conserves the

roadless areas they rely on for subsistence and recreation while at the same time provides for the access they need for infrastructure, utility systems, and the socio-economic well being of their people. I believe Alternative 2 does all of that.

Thank you,

C. Dale Michael

Douglas, Alaska

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Douglas, Alaska

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