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Title:
Comments: See attached file(s)

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Honorable Sonny Perdue
Secretary of Agriculture

U.S. Department of Agriculture

1400 Independence Ave. SW
Washington, D.C. 20250

Re: NCAI Comments in Response to Docket ID No. 2019-22638 - Special Areas; Roadless Area Conservation: National Forest System in Alaska

Dear Secretary Perdue:

The National Congress of American Indians (NCAI) is the oldest and largest national organization made up of Alaska Native and American Indian tribal governments and their citizens. NCAI submits the following comment on the proposed Alaska-Specific Roadless Rule discussed in the "Draft Environmental Impact Statement: Rulemaking for Alaska Roadless Areas" (DEIS).

In response to a 2018 petition for rule change by the State of Alaska, the United States Department of Agriculture (USDA), U.S. Forest Service's (USFS) published a Notice of Proposed Rule Making (NPRM) on October 17, 2019 regarding Alaska roadless areas. USFS presented for public comment six potential Alaska-specific alternatives to the 2001 Roadless Rule.¹ In the NPRM, USFS indicated "the overarching goal of the proposed rule is to reach a long-term, durable, approach to roadless area management that accommodates the unique biological, social, and economic situation found in and around the Tongass National Forest."² USFS also indicated that Alternative 6 was the federal government's preferred alternative because it "provides [for the] maximum additional timber harvest opportunity."

During the 76th Annual Convention of the National Congress of American Indians, tribal nations and citizens expressed its strong opposition to the USFS's preference in Resolution #ABQ-19-029, titled: "Oppose Rulemaking that Weakens or Eliminates Protections of the Roadless Rule within Tribal Traditional Territories and Support the 'No-Action Alternative' in the Alaska-Specific Roadless Rulemaking."

¹ 36 C.F.R. [sect]294.

² 84 Fed. Reg. 55,524 (Oct. 17, 2019).

The Tongass National Forest is the largest National Forest in the United States and the largest remaining temperate rainforest on the planet.³ Maintenance of the Tongass National Forest is essential to the protection of healthy watersheds that ensure clean drinking water for tribal citizens; conservation of natural biological diversity, including fish populations; and the preservation of numerous sacred sites essential to the social, cultural, and physical wellbeing and welfare of tribal nations and communities.

In light of the importance of the Tongass National Forest to Alaska Native tribal nations, NCAI highlights concerns regarding USFS's process for tribal involvement. On July 30, 2018, USFS initiated consultation with 32 Alaska Native federally-recognized tribal nations and 27 Alaska Native Corporations as cooperating agencies.⁴ In response, six tribal nations agreed to participate as cooperating agencies. In taking this approach, tribal nations have expressed concern that USFS did not meaningfully engage with them on a government-to-government basis regarding the full and wide-ranging impacts of the proposed rule.⁵ Additionally, in contrast to other cooperating agencies and partners, tribal nations were not paid for their time and expertise incurred in engaging in the roadless rule-making process. Given the status of tribal nations as cooperating agencies, the non-funding of tribal nations for their cooperating agency work, and the USFS's preference for Alternative 6 in spite of expressed tribal opposition to Alternative 6, there exist serious concerns about the adequacy and meaningfulness of tribal consultation.

As a result of the issues associated with USFS's consultation process with Alaska Native tribal nations, NCAI supports Alternative 1, the "no action alternative." Further, in accordance with Executive Order 13175, we request that USFS immediately commence full and meaningful consultation with affected tribal nations regarding this federal action, which proposes to have significant effects on their communities, lands, rights, resources, and public safety.

If you have additional comments or questions, please contact Darren Modzelewski, NCAI Policy Counsel.

Sincerely,

[signature]

Kevin J. Allis

Chief Executive Officer

National Congress of American Indians

³ The Tongass Visitor Guide, U.S. Forest Service, www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd504868.pdf.

⁴ 84 Fed. Reg. 55,528 (Oct. 17, 2019).

⁵ Press Release, Richard Chalyee Eesh Peterson, President Central Council of Tlingit & Haida Indians and Joel Jackson, President, Organized village of Kake, Southeast Alaska Tribal Governments Call for Protection of Tongass National Forest (October 29, 2019) (viewable at, www.hia-env.org/wp-content/uploads/2019/10/Tribal-CA-Press-Release-2019.pdf; see also, Richard Peterson, Respect Alaska Tribes' Rights on the Tongass Question, Indianz.com <https://www.indianz.com/News/2019/10/21/respect-alaska-tribes-rights-on-the-tong.asp>).

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