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Comments: Against Exemption of the Tongass Rainforest from the Roadless Rule

The proposed exemption of the Tongass rainforest from the United States Department of Agriculture's ("USDA") 2001 Roadless Rule [See 36 CFR Part 294 (2001)]. The "Roadless Rule" is the prohibition "on road construction, road reconstruction, and timber harvesting in inventoried roadless areas on National Forest System lands." Organized Vill. of Kake v. U.S. Dept. of Agric., 795 F.3d 956, 959 (9th Cir. 2015), (quoting Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3,244, 3,245, 3,251 (Jan. 12, 2001))) is a disgrace to previously fought for ecological rights, especially flying in the face of Roadless Values. [Roadless values are "a variety of scientific environmental, recreational and aesthetic attributes and characteristics unique to roadless areas." Id. (citing 66 Fed. Reg. at 3,245).] This was demonstrated in the court case of the Organized Village of Kake vs The United States Department of Agriculture (USDA).[795 F.3d 956.] The Ninth Circuit Court of Appeals held that the Tongass Rainforest was not exempt from the operation of the Roadless Rule. The Court held that the USDA had failed to provide sufficiently convincing reasons to overturn a 2001 administrative decision that "the long-term ecological benefits to the nation of conserving these inventoried roadless areas outweigh the potential economic loss to [southeast Alaska] communities" caused by application of the Roadless Rule. [Id. at 967 (quoting 66 Fed. Reg. at 3,255).]

The Trump administration is now effectively overturning the decision and is in the process of exempting the nation's largest rainforest from protective legislation to enable environmental devastating timber harvesting. In doing so it is ignoring the "long-term ecological benefits to the nation of conserving" the Tongass Rainforest. This is another of the many recent symbols of the failure of liberal democracy to uphold civil procedure and the doctrine of separation of powers. Furthermore, it ignores the efforts of countless native activists and their desire to preserve their community, despite the potential jobs gained. Now, while the Amazon is burning and we are facing the greatest ecological crisis in history, the Trump administration is acting contrary to previously found, democratically decided wisdom.

The Tongass Rainforest currently possesses Roadless Values, which don't go away simply because it would be in the interest of major manufacturers to abolish them. One example of a Roadless Value is clean water, which is important for maintaining biological diversity. The assertion that the exemption of the Tongass River from the Roadless Rule will create jobs in South-East Alaska ignores the job losses resulting from ecological destruction. A job that would be destroyed by the construction of roads in the Tongass is the local salmon industry, which relies on clean, accessible water. There are seventy-seven areas within the Tongass rainforest that are crucial to salmon and trout populations. The current legislation to make the Tongass an exemption to the Roadless Rule does not take these areas of incredible importance into account.

In short, if the Trump administration were to exempt the Tongass Rainforest to the Roadless Rule, it would be yet another failure of the power of state policy to protect the interests of local populations. The line of reasoning that defends this action by suggesting that native communities would benefit by increased job creation is the same one that has been consistently used to destroy the culture of small communities throughout the history of urbanization. I cannot speak for the native population, but I would prefer my way of life did not become absorbed by the dominant monoculture, even if it means potentially less industrial jobs.

The only correct course of action is no action. Allowing activity, such as limited harvesting, legitimizes further destruction of protective legislation. The preferred course of action of the United States Government is the most ecologically disastrous: to maximize timber potential, removing all 9.2 acres of the Tongass rainforest from protection. We should put our foot down, and not stand for the continued debasement of native culture. There is

no room for compromise when the entire way of life of a community is at stake.

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