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Comments: Siegel - Env. Lit Comment ANPR

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The Tongass National Forest was designated by President Theodore Roosevelt in 1907. Spanning more than 17 million acres, the Tongass is the largest national forest in the United States, and is part of the largest coastal temperate rainforest in the world. Also designated as a true [ldquo]salmon forest[rdquo] with its 15,000 miles of rivers and streams, the Tongass supports five species of wild Pacific Salmon, steelhead, Char, and trout. The Tongass is also home to brown bears, black bears, bald eagles, Sitka Black-tailed deer, moose, mountain goats, wolves, and many species of birds and waterfowl. Nearly a third of all of the old-growth trees left on earth lie within the Tongass borders.

Although cherished as the [ldquo]crown jewel[rdquo] of the national forest system, the Tongass has had a turbulent development and logging history. From the 1880 to the 1950s, logging in the Tongass consisted of relatively small-scaled operations. However, after World War II, the United States granted 50-year contracts to pulp companies, like Ketchikan Pulp Company and Alaska Lumber. These 50-year contracts increased the pace of logging to an unsustainable rate amounting to a loss of 94 percent of all large-tree old growth forest in the Tongass.

In May 2010 the Forest Service intended to phase out old-growth logging in the Tongass and [ldquo]prioritize second-growth management, fisheries, tourism, restoration and other emerging and renewable industries. This agenda was memorialized in the 2016 forest plan.

Congress passed the Wilderness Act of 1964 ([ldquo]Wilderness Act[rdquo]), which created the nine-million acre National Wilderness Preservation System in order to protect public lands. In addition to preserving [ldquo]wilderness[rdquo] land, the Wilderness Act requires the Forest Service to identify areas of National Forest land that are suitable for legislative protection. The lands that were found to be suitable for legislative protection, but not yet protected as wilderness, are known as Inventoried Roadless Areas ([ldquo]IRAs[rdquo]).

The Forest Service[rsquo]s \$8.4 billion backlog of road maintenance and construction combined with a [ldquo]strong public sentiment[rdquo] for environmental protection and conservation of wild lands, prompted President Clinton to promulgate a rule protecting remaining roadless areas within the National Forest System in 1999. The Roadless Area Conservation Act was thus promulgated in the final days of President Clinton[rsquo]s term in 2001. Notably, the Department of Agriculture expressly refused to exempt the Tongass from the Roadless Rule.

The Roadless Rule prohibited [ldquo]road construction, reconstruction, and timber harvest in inventoried roadless areas because they have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics.[rdquo] [ldquo]Roadless values[rdquo] intended to be protected by the Roadless rule included: natural appearing landscapes with high scenic quality, traditional cultural properties and sacred sites, dispersed recreation opportunities, and diversity of plant and animal communities.[1] In addition, roadless area attributes also included habitats for threatened and endangered species and a setting for research.

The Roadless Rule restricted only the construction of new roads and reconstruction of existing roads. It did not, however, restrict access to inventoried roadless areas or prohibit any sort of activity or development in an area. Although timber harvesting was prohibited in the IRAs, the Roadless Rule provided exceptions. These exceptions included forest management activities that did not require newly constructed roads, road construction for public safety and response actions, and even provided for certain exceptions to the general prohibition of logging. Unlike designated wilderness areas, the Roadless Rule allowed activities such as [ldquo]motorized uses, grazing, and oil and gas development that did not require new roads to continue in[rdquo] IRAs.

The Tongass National Forest, being the largest national forest at 16.8 million acres, was specifically considered in the promulgation of the Roadless Rule. The proposed rule considered exempting the Tongass from the Roadless Rule. The Tongass was the only national forest to receive such special consideration during the rulemaking process. Ultimately, while the 2001 Record of Decision acknowledged that the Roadless Rule may have a negative local economic impact for the Tongass, the Department decided that the Roadless Rule would apply to the Tongass with limited exceptions. In the Tongass, the Roadless Rule does not apply to:

(1) road construction and reconstruction in certain mineral-leasing areas, (2) timber harvest in areas where roadless characteristics had been substantially altered by road construction or timber harvest since the area was designated an inventoried roadless area but before implementation of the Roadless Rule, and (3) planned timber harvest and road construction in areas where a notice of availability of a draft environmental impact statement had been published in the Federal Register prior to publication of the Roadless Rule.

Repealing the protections provided by the Roadless Rule in the Tongass would be detrimental to the fragile ecosystem in the Tongass, will exacerbate the impacts of climate change, and put the region[rsquo]s tourism industry at risk.

Roadless areas provide many public benefits such as opportunity for recreation, clean public water, animal habitat for endangered species, and clean air. Specifically, IRAs are habitat to thousands of threatened, endangered, or proposed-endangered species. Roadless areas in the Tongass are especially critical due to the extremely sensitive nature of the Tongass National Forest, particularly in regard to fisheries.

Notwithstanding the activities that roads inevitably lead to, such as logging and development, just construction of the roads themselves are detrimental to the environmental conditions of these sensitive areas. Construction of roads degrade water quality by increasing erosion, in addition to fragmenting wildlife habitat. If the Tongass National Forest is exempted from the roadless rule, road construction would certainly take place, compromising the value of these areas. The millions of trees within the Tongass national forest serve [ldquo]the greatest carbon sanctuary[rdquo] in the U.S. National forest system.

Further, as a whole, the national forests provide approximately four percent of the lumber and pulp used in the United States. Removing roadless areas from the timber base would reduce the amount of timber theoretically available from the national forest by a trivial amount. In addition, intact forests have economic benefits that are not always apparent and taken into account. Likewise, logging programs have costs that are often masked and misunderstood.

In addition, the Tongass Exemption does not consider reasonable alternatives. NEPA requires the Forest Service to [ldquo]study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.[rdquo] 42 U.S.C.

[sect] 4332(E). The Forest Service should consider alternatives to accommodate concerns about community infrastructure and timber demands that do not completely exempt the Tongass from the Roadless Rule.

[1] 66 FR 3244

[Position]

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