



Alaska Roadless Rule Citizen Advisory Committee: Meeting Summary

October 24 - 26, 2018, Ketchikan, Alaska

The Alaska Roadless Rule Citizen Advisory Committee (the Committee) held its second meeting on October 24-26, 2018 in Ketchikan, Alaska. The objectives of this meeting were to review and agree to a common purpose and principles for the Alaska Roadless rulemaking effort; review previous state-specific rulemaking efforts and identify applicable approaches and components to Alaska's process; begin the process of identifying options to be considered by the State; and identify next steps for the development of final options. For a copy of the agenda and meeting materials, visit www.merid.org/akroadless. A copy of the participant list is included in Appendix A.

Committee Purpose and Common Principles

The Committee reviewed its charge and common guiding principles.

- **Administrative Order:** Committee members reviewed their charge as outlined in the [Administrative Order](#) to develop options for consideration by the State for use in their cooperating agency status with the US Forest Service (USFS) for the Alaska state-specific Roadless rulemaking process. The USFS has agreed to analyze a no-action alternative and a full exemption from the Roadless Rule in their environmental impact statement (EIS), so the Committee will develop up to three alternatives in addition to these options.
- **Geographic considerations:** The Committee confirmed that their discussion and charge is focused solely on the Tongass National Forest and does not include the Chugach.
- **Principles:** The Committee reviewed [the principles](#) developed at their first meeting. They discussed additional considerations for inclusion in the principles, specifically the need to identify the Tongass as a multi-use forest. They decided to move forward with the list as a set of working assumptions that do not represent full consensus, but do reflect the key issues they will consider when drafting options. The group will consider whether options reflect the following revised principles:
 - Pragmatic;
 - Flexible;
 - Durable/sustainable (i.e., stand the test of time);
 - Balanced between protection and access;

- Beneficial for sustainable community economic development;
 - Affordable/economically feasible;
 - Workable at the local decision-making level;
 - Consider the Tongass as a multi-use forest;
 - Provide certainty and predictability; and
 - In addition to the no-action alternative and complete exemption options.
- **State scoping comments:** Kyle Moselle, the lead for the State cooperating agency team, explained that the Committee's [high-level first meeting summary](#) had been included in the [State's scoping comments](#) as an enclosure. The State will share the Committee's final options and report with the USFS under their cooperating agency status.
-

Data and Information Requests

The Committee reviewed the status of their information requests. Nicole Grewe, *ex officio* member and USFS staff, reviewed the maps and acreage tables available for the Committee's reference, which can be accessed [here](#). Tom Heutte, USFS Cartographer, and Sheila Spores, USFS Silviculturist, were also in attendance to present mapping and timber data, provide expertise, and answer questions.

The Committee identified consideration for the tourism industry as a specific challenge associated with the available data. Because the tourism industry uses land and viewsheds beyond specific permitted use areas, it is difficult to accurately map the tourism industry's use of the Forest. In addition, the outfitter/guide use area map developed by the USFS does not show specific permit areas, only broad use areas with annual visitor numbers that do not align directly with other USFS maps. The Committee discussed the challenges of using this limited information to accurately analyze the tourism industry's needs in the Tongass.

Applying Lessons Learned from Colorado and Idaho Rulemaking Efforts

Ken Tu, USFS Regional Administrative Review Coordinator and Interdisciplinary Team (IDT) Lead for the Alaska Roadless Rulemaking process, discussed the [Colorado](#) and [Idaho](#) rulemaking efforts. Below are high-level themes provided during the overview and discussion.

Themes from both Rulemaking efforts

- Both rulemaking efforts established a clear process for making boundary changes to inventoried roadless areas (IRAs)
- Both rulemaking efforts delegated authority to the Regional Forester in-state to make decisions regarding exceptions to the Roadless Rule.
- Both rules faced legal challenges but have proved durable. Legal challenges to the Colorado and Idaho rules have primarily occurred at the project level, in some cases with a simultaneous challenge to both the project and the state-specific rule itself. At this point, the only legal challenge to succeed at the rule level was an administrative shortcoming rather than a shortcoming to the rule because the National Environmental Policy Act (NEPA) analysis had failed to fully address a public comment in its review of the state-specific rule for Colorado.

Themes from Idaho Rulemaking

- The Idaho Roadless Rule maintained existing inventoried roadless area boundaries besides correcting some minor mapping errors.
- The Idaho Rule assigned five management themes, assigned all IRAs to a theme, and specified what activities were allowable in each theme. Two of the management themes have stricter protections than the 2001 Roadless Rule, two provide intermediary levels of protection, and the least restrictive theme allows roadbuilding and timber harvest.
- The Idaho rule has specific exceptions for phosphate mining but forbids other types of mining and oil and gas drilling in roadless areas.

Themes from Colorado Rulemaking

- The Colorado Rule undertook a fresh inventory of roadless areas in the state, removing 4670,000 acres from IRAs and adding 409,000 acres. The areas that were removed from IRAs represented areas that were already significantly developed or altered landscapes, and the areas that were added met many roadless area characteristics and were added for their conservation value.
- The Colorado Rule has specific exceptions for ski areas and mining but forbids oil and gas drilling in Roadless Areas.
- The Colorado Rule faced legal challenges over expansion of a coal mine into a Roadless Area, although the case was primarily procedural, because the USFS had failed to quantitatively analyze the negative impacts of coal mining in relation to climate change and greenhouse gas emissions.

Process Components from Rulemaking

Throughout the discussion, several themes emerged regarding the process that Colorado and Idaho used in their state-specific rulemaking processes that may be applicable in Alaska, including the following process steps:

- Identify key regional concerns
- Determine exceptions to address concerns
- Change IRA boundaries to allow for specific needs
- Allow commercial uses that address multiple resource values
- Define approach for future IRA boundary changes
- Define an approach for temporary vs. permanent road construction
- Analyze the effects of the proposed rule and iterate on drafts
- Address litigation at the project-level

The Committee discussed similarities between the Idaho and Colorado Rulemaking process and Alaska, including similar management LUDs and a similar degree of wild-urban interface between communities and the Forest(s). The Committee also discussed unique Alaskan characteristics, including extensive Congressionally-legislated protections and a lack of listed endangered species.

Developing Options for Consideration for the Alaska Roadless Rule

The Committee members discussed key issues as they began to develop options to consider for the Alaska roadless rule. These included:

- **Project permitting process.** The Committee questioned the existing process for permitting in Roadless Areas, expressing frustration about project delays and financial uncertainty. Ken Tu clarified that the Roadless Rule adds an extra layer of regulation for permitting processes, and proposed projects must assess how their work will impact roadless characteristics in IRAs as part of the NEPA process to be granted a specific exception. However, he clarified that it is typically the standard NEPA process, not Roadless Rule exceptions, that result in project delays. Committee members discussed possible solutions to these challenges, including bringing the authority to grant exceptions to the Roadless Rule to a more local line officer (e.g., Forest Supervisor) and clarifying a priority framework for the USFS to use in granting permits for new projects in Roadless Areas. They discussed the potential role of a committee with a range of local representatives who could consult on project proposals and make decisions. However, they ultimately decided against such a process because it would add an additional layer of bureaucracy and further complicate the process.
- **Alaska-specific characteristics.** The Committee discussed developing preamble language to define Alaska or Tongass-specific Roadless Area characteristics for USFS use when assessing project exceptions. These characteristics represent key criteria for identifying, protecting, and maintaining IRAs, especially when permitting a project that could alter a roadless landscape, although all roadless areas do not need to meet all criteria on the list. They discussed including

acknowledgement of the Tongass' impact on communities by both providing abundant resources and limiting development, the importance of clean water for fish and people, the abundance of old growth forest and reference landscape in the Tongass, and the importance of the forests' resources for subsistence lifestyles.

- **Protecting fish habitat.** The Committee discussed the importance of protecting valuable salmon-producing habitat within the options they develop, although they did not reach consensus on the use of the Tongass 77 watersheds as a metric for protection. Some member objected to the use of value comparison units (VCUs) to demarcate these areas rather than watershed boundaries, which resulted in more acreage under protection than the actual watersheds.
- **Timber resources.** The Committee discussed the best way to approach ensuring long-term sustainable timber harvest in the Tongass. Some suggested that larger blocks of productive, well-managed forest were preferable for maintaining conservation values in some parts of the Forest and managing timber harvest in others.

After identifying key issues, the Committee began drafting language for incorporation into the final options for both activity-specific exemptions and geographic considerations. These drafts are in development and not yet ready to share publicly, but final language will be available in the report the Committee will prepare for the Governor's office by November 30th.

Activity-specific Exceptions

The Committee discussed and began drafting language for activity-specific, Forest-wide exceptions for the following uses:

- Road access for transportation and utility projects, including deviation from legislated transportation and utility corridors when such deviation makes a project more economically feasible;
- Mineral exploration and development; and
- Access for clean energy development.

These Forest-wide exceptions would allow roadbuilding and commercial sale of incidental timber harvest. As they work to develop their options, the Committee discussed including this exception language in all the options developed and presented to the State for consideration. They also discussed whether or not to include the seven exceptions outlined in the original 2001 Roadless Rule in their options.

Geographic Considerations

The Committee discussed potential geographic changes to the Rule to allow timber harvest and roadbuilding in some parts of the Forest, while protecting other Forest uses. Below are the potential changes that the Committee discussed for consideration:

- **Removing roadless designations from all development LUDs.** This potential option has the advantage of simplifying mapping considerations for the Committee and reverting forest management to pre-determined, previously analyzed LUDs. However, some Committee members expressed concerns that the tourism industry relies on development LUDs because it is easier for large groups to obtain permits in these areas than wilderness or LUD II, and timber harvest or other development would disturb the pristine wilderness experience they are selling.
- **Community buffer zones.** The Committee discussed the possibility of establishing buffer zones surrounding Southeast Alaskan communities to allow these areas to self-determine what development could occur in their neighborhood, since some communities might prefer increased access while others may have a preference for continued or increased conservation.
- **Tourism buffer zones.** To address some of the tourism industry's concerns about lifting the Roadless Rule from development LUDs, the Committee discussed the possibility of creating development-free buffer zones around important tourism areas. However, Committee members had serious concerns with this approach because it could limit future growth and it is very difficult to accurately map current land use by the industry to determine important and high-volume tourism areas. Because specific geographic allowances and protections are difficult to identify, the Committee discussed the importance of planning-level rather than Rule-level processes to address the industry's needs. They considered adding language delineating the concept that the USFS could be required to consult with tour operators before permitting a project to thoroughly assess project-level impacts to the industry.

Options Development

The Committee began drafting three potential options for consideration. The options are not necessarily the options the Committee will present in their final report, they do not represent consensus, nor have they been voted on by the Committee. However, they do represent the primary options discussed in detail at the meeting.

1. Lifting development LUDs out of IRAs while maintaining the Roadless Rule on some key conservation areas within development LUDs.

The Committee discussed the importance of conserving key habitat areas, particularly valuable watersheds for fish habitat. They discussed maintaining all T77 and TNC/Audubon Areas as Roadless but did not reach agreement for how to appropriately reflect needed conservation values while ensuring a sufficient land base for timber development in this option.

2. Lifting only roaded Roadless Areas out of IRAs.

The Committee discussed this option as representative of the conservation values they have heard in public comment and potentially valuable for consideration for NEPA analysis as a limited change to the existing Rule.

3. Making specific geographic boundary changes to the Roadless Rule.

The Committee discussed challenges associated with this approach due to the in-depth mapping it would require. However, they discussed that it provides a potential opportunity for the Committee to identify high-value/high-productivity timber stands and high-value conservation areas to ensure both values are fully represented in the recommendation without blanket changes to Roadless Area boundaries. They discussed a potential process of identifying criteria for the USFS to use in identifying geographic boundaries, rather than identifying specific geographic areas at this time. That would allow for greater analysis for future consideration.

Public Comment

28 members of the public shared comment at the meeting, both in person and over the phone. Out of those who spoke, fifteen expressed support for increasing protections on the Tongass, leaving the Roadless Rule in place, and/or prioritizing conservation values when discussing making changes to the Rule. Twelve spoke in favor of exempting the Tongass from the Rule or decreasing regulations to allow increased access to the forest. The specific issues they discussed included:

- **Financial growth and prosperity.** One commenter encouraged a full exemption from the Roadless Rule to ensure future prosperity for local communities. They felt that environmental regulations are getting stronger and will continue to ensure a healthy environment, so lifting the Roadless Rule will simultaneously help ensure a healthy economy.
- **Active management.** Several commenters spoke in favor of active forest management and encouraged the Committee to consider recommending a full exemption to allow the underlying LUDs to take management precedence. Other commenters took issue with the idea that cutting trees is necessary to manage a forest, encouraging the Committee to leave the timber restrictions of the Rule in place.
- **Geographic limitations.** One commenter expressed the belief that 92% of the Tongass is “locked up” as wilderness, Roadless, or some other preservation designation, and that communities need more access for development to ensure a multi-use forest. Another commenter said that the primary portions of the Tongass that have not been logged are in areas with unproductive forests, and they believe the best land has already been harvested extensively.

- **Timber industry.** Several commenters criticized the timber industry and spoke against amending the Roadless Rule to allow timber harvest. A few commenters stated that they thought most timber logged in Alaska is exported, and several suggested that the timber industry focus on logging young growth in existing roaded areas rather than logging new land. One commenter criticized logging additional old growth forest, saying that old growth forests hold greater conservation values than young growth, vast tracts of old growth have already been harvested, and that they felt logging and other forms of development can lead to irreversible loss. One referenced the “boom and bust” nature of the timber economy and said they felt forests are a rapidly dwindling resource, and what is left should be preserved.

Other commenters spoke in favor of the timber industry, saying that they felt additional old growth acreage should be logged to ensure the necessary land base for a long-term sustainable industry. They criticized what they feel is a reliance on government subsidies and handouts in Southeast Alaska, saying that the timber industry represents private business and is preferable to what they view as increased reliance on public-sector employment. They encouraged an exemption to the Roadless Rule to stimulate the timber industry and foster economic independence and development.

- **Tourism industry.** Two commenters spoke against allowing roadless development, citing the importance of the tourism industry for Southeast Alaska and the need for pristine wilderness to support the industry. Another commenter felt that additional roadbuilding could expand tourism opportunities, particularly to provide more affordable bus or car tour options than float planes and cruises.
- **Roadless Rule exceptions.** One commenter felt that existing permitted projects in roadless areas are evidence that the 2001 Roadless Rule is effective and allows necessary power and utility project construction, so changes to the Rule are unnecessary.
- **Conservation option.** One commenter encouraged the Committee to consider including a conservation-focused option as one of the alternatives they present to the State.
- **Alaska-specific Roadless area characteristics.** One commenter encouraged the Committee to include salmon and wildlife values in their Alaska-specific preamble language and asked them to align their work with past efforts such as the TAC and the identification of the TNC/Audubon Conservation Areas and the T77.
- **TNC/Audubon Conservation Areas and T77.** One commenter encouraged the Committee to maintain protections on these conservation areas, and to maintain VCU rather than watershed boundaries for the T77. They felt that these conservation areas are backed by strong scientific data supporting their high conservation value and merit protection.

- **Preserving subsistence resources.** One commenter urged the Committee to protect the forest for its subsistence resources, since the forest serves as a “pantry” and source of livelihood for many Native communities.
- **Access.** One commenter encouraged the Committee and the public to think of the Roadless Rule not as a timber or mining or other activity-specific rule, but as a question of access. They encouraged the Committee to allow an exemption to the Roadless Rule to ensure reasonable and economically affordable access for maintenance and development of transportation and utility corridors. Another commenter also pushed for access for all industry through an exemption or new state-specific Roadless Rule.
- **Wildlife impacts.** One commenter expressed concerns about compounding wildlife impacts on the Tongass from increased development, describing perceived decreases in bear populations over time. Another shared concerns about impacted salmon runs and decreased wildlife from habitat destruction due to development.
- **Mining.** One commenter encouraged the Committee to retain Roadless conditions on the Tongass, citing the Mining Act of 1872, which guarantees access to existing mining claims from before the institution of the Rule. They criticized existing mining projects in the Tongass for what they feel is unreasonable levels of pollution and contamination of local air, water, and forest resources.
- **Future generations.** Several commenters spoke on the importance of preserving the Tongass’ resources for future generations, covering issues such as combatting global warming, preserving fish stocks, and maintaining habitat.
- **Existing roads.** A few commenters referenced existing roads in Southeast Alaska. One criticized building additional roads in the region, saying that the Department of Transportation and Public Facilities can’t afford to maintain its existing roads. Another spoke in favor of old logging roads on Prince of Wales island, but said that many of these roads had been decommissioned, and they were concerned about the potential impacts of building more.

The Committee reflected on and discussed the public comment. They expressed appreciation for all the people who had come to share their views. They also agreed to more clearly delineate the Committee’s charge to the public at the next meeting in Sitka, so the public would be more likely to be able to comment on options beyond a no-action alternative or a full exemption from the Roadless Rule, and to improve communications on their process.

Next Steps

The Committee concluded by discussing next steps for finalizing options development for inclusion in their final report. Members will work on individual writing tasks before the next meeting. A small working group from the Committee plans to meet the evening

before the next meeting, which will take place in Sitka from November 6 – November 8. At the next meeting, the Committee will work to finalize options and draft a report to share with the Governor’s Office by November 30th.

Appendix A: Participant List

Committee members:

- Trey Acteson, Southeast Alaska Power Agency
- Bert Burkhart, Alaska Forest Association
- Brian Holst, Juneau Economic Development Council (*absent*)
- Andrew Hughes, Regional Planning Chief, Southcoast Region, DOT&PF (retired)
- Michael Kamprich, The Nature Conservancy
- Jaeleen Kookesh, Sealaska Corporation (*In-person, then via teleconference on 10/25 and 10/26*)
- Chris Maisch, Alaska Division of Forestry
- Eric Nichols, Alcan Forest Products
- Andrew Thoms, Sitka Conservation Society
- Jan Trigg, Coeur Alaska Kensington Mine
- Robert Venables, Southeast Conference
- Mark Vinsel, United Fishermen of Alaska
- Ralph Wolfe, Mayor of Yakutat (*teleconference*)
- Nicole Grewe, U.S. USFS District 10 (*ex officio – in person, then via teleconference on 10/26*)

Alternate Committee members:

- Dan Kirkwood, Pack Creek Bear Tours (*serving as an alternate for Brian Holst*)

Facilitation staff:

- Connie Lewis, Meridian Institute
- Cassidy Gasteiger, Meridian Institute
- Diana Portner, Meridian Institute

Technical expertise:

- Tom Heutte, USFS Cartographer
- Sheila Spores, USFS Silviculturist
- Ken Tu, USFS Regional Administrative Review Coordinator and IDT Lead for the Alaska Roadless Rulemaking process
- Kyle Moselle, Associate Director at Alaska Department of Natural Resources and State Cooperating Agency Team Lead

Public attendees:¹

- Guy Archibald*
- Tracy Benedict*
- Jill Bohr Jacob*
- Brian Brown*
- Carol Cairnes
- Norbert Chaudhary*
- Jim Clarke
- Cathryn Coats*
- Dick Coose*
- Zach Decker*
- Alisha Decker*
- Nora DeWitt*
- Eric Dippold*
- Jennifer Dippold*
- Rubin Durand*
- Heather Evoy
- Tony Gallegos
- Chelsea Goucher*
- Owen Graham*
- Ellie Hamner*
- Caroline Hamp
- Harlan Heaton*
- Tim Hemme*
- Edward John
- David Landis*
- Kyle Moselle
- Eric Muench*
- Graham Neale*
- Katherine Riley*
- Conor Reynolds
- Mike Sallee*
- Bob Siversten*
- Andrew Spokely*
- Susan Walsh*
- Doug Ward
- Dave Wieb
- Austin Williams*
- Wayne Wollner*

¹ This list includes everyone who signed in or announced themselves during the public comment period and may not represent a comprehensive list of everyone who attended the meeting. An asterisk (*) denotes that they shared a public comment during the comment period.