



Alaska Roadless Rule Citizen Advisory Committee: Meeting Summary

October 2 -3, 2018, Juneau, Alaska

The Alaska Roadless Rule Citizen Advisory Committee (the Committee) held its first meeting on October 2-3, 2018 in Juneau, Alaska. The objectives of the first meeting were to review and discuss the Roadless Rulemaking process, lessons from previous Roadless rulemaking efforts, and the Committee's charge, timeline, process, and desired outcomes; articulate the interests of each Committee member and define commonly held principles to underpin future deliberations; and identify specific topics and background information that will be needed to develop options for the rulemaking effort. 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.

Roadless Rulemaking 101

Nicole Grewe, US Forest Service (USFS) Region 10, and Chris Maisch, Alaska Division of Forestry, gave a presentation describing the Roadless Rule history and the State-specific Roadless Rulemaking process for Alaska, which can be accessed [here](#). Following the presentation, Committee members requested clarification on the following topics:

- **Inclusion of the Tongass in the 2001 Rule:** Committee members questioned why the original 2001 Roadless Rule specified the economic impacts of the Rule on the Tongass National Forest but no other specific National Forests. It was clarified that during the development of the rule, the Department of Agriculture (USDA) considered exempting the Tongass, so it was analyzed as an alternative to the rule.
- **The Charge of the Committee:** The charge for the Committee is to develop options for the State of Alaska to consider in the rulemaking process. These options will be in addition to the USFS alternatives of a full exemption to the Roadless Rule or a "no action" alternative that would leave the Roadless Rule in its present form.
- **Timing for Submitting Information:** Because the State has cooperating agency status to the USFS throughout the rulemaking process, they can submit Committee feedback even after the USFS public scoping period has concluded.
- **Aligning Changes with the Tongass Land Management Plan:** The rulemaking process will be reconciled with the underlying Tongass Land Management Plan, but at this point there is no pre-determined conclusion for how reconciliation will

be addressed. Depending on the final changes to the rule, it may require no change to the land management plan, an amendment, or a full revision.

Committee Structure and Process

The Committee agreed to a set of operating protocols, which can be accessed [here](#). During their discussion of the operating protocols, they clarified the following points:

- **The Role of Alternates:** Committee members agreed to send alternates if they are unable to attend a meeting. Alternates will fully participate in the discussion, and they can serve as an interim voice in the decision-making process. However, no final determinations can be made until the seated Committee member has been consulted for his/her vote.
 - **The Role of Committee Chair/Co-chairs:** Chris Maisch was selected as the Committee Chair due to his expertise with the issue at hand and his dual role as a member of the State cooperating agency team. The Committee agreed that co-chairs were unnecessary for process because it is a small group operating within a short timeframe. Therefore, the Committee agreed that the role of the Chair would be limited, and a single Chair would suffice.
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Member Interests and Shared Principles

The Committee members each shared their individual interests and goals for the Roadless Rulemaking process, which included the following:

- Broad economic interests, with an emphasis on simplifying processes, increasing certainty to facilitate economic development for diverse self-sustaining economies throughout Southeast Alaska.
- Energy interests and the goal to allow sustainable and affordable energy development throughout the region to ensure access to affordable clean energy for all Southeast Alaskan communities.
- Timber interests, with the goal of ensuring longevity and viability of timber operations in the region and easing restrictions on small-scale harvesting of forest products.
- Tourism interests, with the goal of protecting small-scale tourism operators' business opportunities.
- Transportation interests, with the goal of establishing transportation corridors through the Forest to connect communities with each other and outside of the region, supporting economic development opportunities.
- Conservation interests, with support for the Tongass Advisory Committee (TAC) process and recommendations, and the goal of developing an option that

considers the triple bottom line of economic development, socially healthy communities, and natural resource preservation.

- Alaska Native tribal and corporation interests, with the goal of developing a balanced option that allows for necessary economic diversification to ensure rural community health and protects important natural resources for subsistence uses.
- The State of Alaska's interests in seeking a full exemption from the Roadless Rule, while noting that the State can and will consider the options identified by the Committee.
- Commercial fishing interests, with the goal of ensuring protection for clean water for wild fish and hatcheries.
- Mining interests, with a stated goal for a full exemption and recognition of the need to develop an option that allows for a new, economically viable definition of "reasonable access" to mining opportunities.

The Committee developed a list of key principles to frame the development of options to be considered by the State of Alaska in the rulemaking process. Throughout the Committee's deliberations, the group will consider whether options reflect those that are:

- 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;
- Provide certainty and predictability; and
- In addition to the no-action alternative and complete exemption options.

As the Committee continues its deliberations, they will refer to this list as a general guide for identifying options. Their continued discussions will allow the opportunity to provide greater context regarding how to define and interpret each principle in greater detail.

Identifying Challenges and Opportunities

Each Committee member articulated his/her interest(s) in the process; in other words, they discussed the issues that need to be explored through the rulemaking process, challenges that they currently face due to the Roadless Rule, and opportunities that may emerge through options development. This list of issues does not represent consensus

among the Committee but provides an overview of the issues mentioned through their discussions.

Access for resource development

Several Committee members discussed issues and challenges associated with resource development and projects associated with resource extraction in currently designated Roadless Areas. Across several industries, members expressed the need for roads to allow for economically viable projects, which may require a different view of what the USFS currently considers “reasonable access.”. Ultimately, the more affordable access is for a project, the more cost-effective the overall project will be. Specific comments included the following:

- **Enable continuity of small timber-based operations by providing better access to the resource.** In addition to the restriction on road-building, the Rule also currently restricts timber harvest, regardless of scale. Some members noted that in order to keep a viable timber industry in Southeast Alaska, there must be a sufficient land base from which to harvest timber. Concerns ranged from the ability to sustain local mills, individual or small-scale logging for specific niche products, personal use harvest for firewood or other uses, and cultural/ceremonial use for Alaska Native tribes.
- **Provide affordable clean energy for Alaskans.** Members discussed the need for better and more flexible access to affordable and economically-viable energy sources, such as hydroelectric power. They noted the need to connect communities that currently rely on diesel generation to existing and future hydropower facilities, and that this would allow for options that are better for the environment (e.g., not hauling fuel over open water and reducing carbon outputs) and the economy (e.g., costs are reflected as rate decreases/increases for the rate payer/consumer). In addition to access for new energy sites, the long-term value of road access for installation, operations, and maintenance of electrical transmission infrastructure was also expressed as a key component to economic delivery of energy.
- **Allow for tourism-based businesses to thrive.** Some members noted the importance of the perception of remoteness and undisturbed nature for the tourism and visitor services industries. Some questioned whether changes to the Roadless Rule could create the ability to disperse more tourists and provide more tourism opportunities by allowing greater access. However, this needs to be balanced with ensuring that areas of pristine nature exist for these visitors (see protection below).
- **Offer more economically stable mining exploration and development.** The Mining Law of 1872 guarantees reasonable access across federal lands to mining claims; however, the Roadless Rule, as applied, negates such rights for access based on the interpretation of “reasonable access.” While several mining

exploration projects have been approved in Roadless Areas, they did not involve the construction of roads because of this restriction. In addition to addressing economic feasibility and right-of-way property rights, roads could also address safety precautions associated with mining exploration (e.g., removing the need to find a safe space for landing a helicopter without the ability to cut hazard trees).

- **Align the Rule with the land management planning process.** Several members identified the disconnect between the restrictions placed by the Roadless Rule and the underlying land use designations (LUDs) identified through the forest planning process. Specifically, members highlighted that 2/3 of the current LUDs designated for development are within Roadless area boundaries, which restricts development that is intended by the land management plan.
- **Consider a full exemption alternative in the analysis of options.** A few members stated that their preference for the rulemaking process is for a full exemption from the Roadless Rule to remove restrictions from resource access (i.e., the full exemption “bookend”).

Protection of conservation values

While many comments focused on needs for access to resources (as described above), some comments focused on the importance of environmental protections for fish and wildlife habitat and other conservation values. Some members shared concern that there are already many areas of the Forest that are protected for conservation (e.g., wilderness, LUD II, etc.), while others emphasized the importance of balancing access with resource protection. One member noted this as the need for considering the triple bottom line – environmental, economic, and social considerations. Specific comments included the following:

- **Protect habitat for fisheries resources.** Some members highlighted the importance of clean water and suitable habitat for wild salmon, and access to clean water and electricity needed for fish hatcheries, which provide for commercial, sport, and subsistence fishing. It was noted that while the 2001 Roadless Rule refers to water for drinking, the prevalent standard for water quality in Alaska is to sustain aquatic life, typically a higher standard than drinking water for human consumption.
- **Relieve environmental pressures and ensure development minimizes impact.** While some members emphasized that project-level environmental protections are required already, others emphasized that the scale of the disturbance/impact should also be considered. Members suggested balancing impacts during the Rulemaking process and avoiding a “one-size-fits-all” or “blanket” restriction.
- **Consider how increased access may impact existing uses in current Roadless Areas.** There are many existing uses within Roadless Areas on the Tongass, including fishing and hunting for subsistence and commercial interests, as well as

recreation outfitter/guide services, that rely on the natural environment. With that in mind, there was a suggestion to take into account the value of the pristine nature and wilderness character found in the Tongass and consider whether protection of undisturbed nature offers the most economically beneficial use for some areas. In other cases, different forms of resource development may represent the best use of a particular area.

- **Consider increased protection in some high value conservation areas.** One member highlighted that in both the Idaho and Colorado State-specific Roadless Rules, there were areas with increased environmental protections. In that context, the Tongass 77 (T77) watersheds and TNC/Audubon High-Value Conservation Areas were mentioned as areas with special importance for fish and wildlife habitat, and therefore, potential areas to consider continued (or increased) protections.
- **Consider the context of existing protected areas throughout the region.** Several comments were made regarding the proportion of existing protected areas throughout Southeast Alaska. Specifically, the Tongass National Forest represents approximately 80% of the land base in the region, and 90% of the Forest is under some form of protected status, including Roadless Areas, Wilderness, and LUD II designations. In this context, a concern was also expressed that the current Rule provides authority to the Forest Supervisor to add acres to the inventoried Roadless Areas (and thereby to the proportion of protected areas) if/when roads are decommissioned.

Community stability and economic development

Several members commented on the communities that are surrounded by the Tongass National Forest and the importance of access to forest resources for these communities for community sustainability, economic opportunities for the region, and subsistence uses for community and tribal members. Specific comments are included below:

- **Provide better access to resources near communities.** This includes considerations for diversifying local economies to include a variety of forest-based industries, thereby providing opportunities to support multiple interests, offer more options for year-round employment, and preserve the ability to maintain the “Alaska way of life” for future generations. Access needs may include resource access to improve economic development for local businesses, access to recreational opportunities that encourage Alaskans to assume stewardship responsibility, and access to subsistence resources for current and future generations.
- **Connect communities through transportation and energy corridors.** Currently there are restrictions on developing roads that would connect communities with each other and the rest of the area. One member questioned the impact of the Roadless Rule on the ability to build roads in legislated transportation rights-of-

way. There are also issues with powerline interconnection between communities. As described above, access to affordable energy is important to community sustainability.

- **Ensure access to the commons for subsistence resources.** In a forest-based region, many Southeast Alaska residents rely on subsistence resources, including berry-picking, hunting, fishing, and firewood gathering, among other uses. One member noted that especially for older residents, roads are important for accessing these resources.

Certainty and predictability

In addition to the specific comments outlined above regarding resource development, environmental protection, and community sustainability, members also discussed the amount of uncertainty caused by the current Roadless Rule. They mentioned that this uncertainty is tied to political decision-making, lengthy and costly planning, and the top-down decision-making structure. Specific comments are included below:

- **Avoid endless planning processes to create something long-term and durable.** Current planning processes risk changes during every change in administration. As noted by the term “durable” in the list of principles, there was a desire to see a Rule that withstands the changing political climate.
- **Increase certainty for project-level planning.** The Roadless Rule currently adds tremendous uncertainty around development projects. In the preliminary phases of a project, it can take millions of dollars and an extensive environmental assessment process before the project reaches the point of determining whether it can proceed. Due to these costs and timelines, projects often do not make it past the exploration phase, or the economic feasibility of the project may diminish by the time the project reaches the decision-maker. This uncertainty also restricts the ability to secure project financing.
- **Improve and localize decision-making.** In some cases, decisions about project approval is made at the national level, by the Secretary of Agriculture, rather than a local decision-maker. Related, there is not a process for prioritizing decision-making; therefore, it is unclear whether different types of projects will be prioritized for approval, which is directly related to the uncertainty described above.

Overview of Public Input and Scoping Process

Committee members discussed their process for soliciting and sharing public comments. They will have access to a synthesis of the USFS public comments collected as part of the scoping process. In addition, they agreed to create a form on the Committee website to

collect public comments on their own process, including soliciting input from community leaders (e.g., town councils) in Southeast Alaska.

The USFS shared summary points from their scoping meetings to date across 14 communities in Southeast Alaska. The primary, most prevalent concerns raised during those scoping meetings included:

- The short timeframe, particularly for the State-led process;
- Tribal trust responsibilities;
- The perception of pre-determined outcomes, and whether the no-action alternative is being seriously considered; and
- The risk of the process undermining the 2016 Forest Plan Amendment, and the consensus recommendations of the TAC.

Considerations for Options Development

The Committee discussed initial ideas for developing options for the State to consider, including both *geographic* and *activity-specific* considerations. The group did not reach any conclusions about the development of specific options but outlined the following topics for consideration.

Geographic Considerations

- **Community approach:** Committee members discussed taking a local approach to considering option development around each community, preserving the Roadless Rule around communities who express a clear desire for the no-action alternative and allowing additional uses around communities with a desire or need for economic development, and transportation, energy, and/or communication corridors.
- **Development Land Use Designations (LUDs):** The Committee discussed using development LUDs as a basis for options development, with some members suggesting the possibility of lifting the Roadless Rule in those areas to allow the underlying forest plan to take precedent. Some other Committee members raised concerns that this would affect tourism operators who rely on areas in development LUDs with Roadless designation for tourism opportunities.
- **Roaded Roadless** Several Committee members highlighted the opportunity of focusing option development on existing “roaded” Roadless areas, almost all of which fall into development LUDs.
- **Tongass 77 and TNC/Audubon Conservation Priority Areas:** Some Committee members expressed a desire to continue protections for the Tongass 77 watershed areas and TNC/Audubon Conservation Priority Areas, thereby removing them from consideration for relaxing Roadless Rule protections.

Activity-specific Considerations

- **Reasonable access:** Some Committee members stressed the need to re-define “reasonable access,” which the USFSUSFS currently lists as its consideration for granting/permitting projects to operate in Roadless Areas. Currently, “reasonable access” often does not allow for road-building, resulting in helicopter access only, even if this makes a project economically inviable. Committee members discussed developing an option that allows roaded access for more economically viable development projects.
- **Small/micro-scale logging:** Some members expressed an interest in creating an option that allowed select timber harvest for monumental logs for culturally significant uses like canoes and totems across the entire Forest. Others wanted such an exception for a broader range of select, high-grade timber for artistic or specialty uses.
- **Trails or restoration efforts:** Some Committee members discussed the need for more active management for trails or restoration efforts in Roadless areas, which may require felling trees.
- **Timber land base:** Some Committee members emphasized the importance of adding the necessary geographic area to a Roadless Rule exception to ensure an adequate timber land base for the timber transition to young growth. If possible to identify, the exempt area could be confined to just economically viable timber stands.
- **Energy development:** Some Committee members discussed the need for a Forest-wide exception from the Roadless Rule for energy development and operations, because energy projects are often site-specific and deliver critical affordable and clean energy options for Southeast Alaskan communities.
- **Mining development.** Some Committee members also considered the need for a Forest-wide exception for mining exploration and development, because economically viable mineral deposits are also site-specific and difficult to identify in advance.

Unique Considerations for Rulemaking in the Tongass

Throughout the discussion, Committee members highlighted characteristics of the Tongass National Forest and Southeast Alaska that offer unique considerations for Roadless Rulemaking for the State. A subset of members discussed these considerations and developed the following list:

- The Tongass is the largest national forest in the United States.
- There are 34 communities spread across Southeast Alaska, many of which are isolated and surrounded by federal lands.

- Southeast Alaska is an archipelago region consisting of significant amounts of shoreline and islands.
 - Roadless Areas in the Tongass are comprised of 80,000 acres of “roaded” Roadless.
 - The Tongass has a complicated planning history, representing over three decades of planning, which further complicates implementation of a plan for the Forest.
 - The Tongass is frequently the focus of national and political interest and attention.
 - There have been several instances of legislative Congressional actions unique to the Tongass and/or the State of Alaska, including the Tongass Timber Reform Act (TTRA), the Alaska National Interest Lands Conservation Act (ANILCA) and the “no more” clause, and 4407 transportation corridor easements.
 - There is abundant sea life and wildlife with no federally listed species, primarily due to good habitat with clean air and water.
 - There is a lack of diverse ownership in the region with very little private land.
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Unique Community and Economic Development Needs

A subset of Committee members discussed unique economic development needs by industry, considering how options for changing the current Roadless Rule could benefit the largest industries in Southeast Alaska. In their discussion, they outlined the following industries and potential benefits for each:

- Visitor services: More roads could create better access for visitor disbursement.
- Seafood/fishing: Changes to the Roadless Rule could lead to better availability of maricultural permits and lower transportation and processing costs.
- Construction: Changes to the Roadless Rule could create more construction opportunities for new roads and new communities.
- Mining: Changes to the Roadless Rule could open up additional areas for mineral exploration.
- Telecommunications: A less stringent Roadless Rule could lower installation and maintenance costs.
- Timber: The current Roadless Rule forbids any harvest in Roadless areas, so changes to the Rule could create opportunities for new harvest and raise the economic viability of timber harvest through new roadbuilding efforts.
- Energy: Changes to the Roadless Rule could lower construction costs for energy projects.
- Transportation: Increased community connectivity lowers costs for all other industries.

Public Comment

25 members of the public shared comment at the meeting, both in person and over the phone. Out of those who spoke, 24 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. One spoke in favor of exempting the Tongass from the Rule. Below is a high-level summary of the categories and topics of comments that were shared at the meeting.

Tongass 77/TNC Audubon Conservation Areas – One public commenter explained the conservation value of these lands, saying that they believe only 1/3 of the Tongass lies in productive forest, and TNC and the Audubon Society inventoried the Forest to identify the most ecologically valuable regions, with Tongass 77 representing the top salmon-producing watersheds in the forest, and TNC/Audubon Conservation Areas as key wildlife habitat.

Many commenters expressed the need for protections for the T77, saying that they represent only 12% of the land base in the forest but 24% of all salmon rearing habitat. Commenters cited their reliance on healthy rivers and fish for food, recreation, and livelihood, urging the Committee to consider the importance of Alaska's \$2 billion fishing industry when undertaking the rulemaking process.

Tourism industry – Commenters expressed that increased tourism opportunities should not come at the expense of increased development in old growth forests and encouraged preservation of roadless area characteristics. Several commenters shared that their tourism business model relies on Roadless Areas and the pristine nature of Southeast Alaska's forests, and encouraged continued roadless protections on the forest to ensure the health and longevity of their industry. Some commenters cited the industry's rapid growth and that tourism represents 25% of the region's economy. One highlighted the importance of roadless development LUDs for many operators and the need for more detailed information about current use before making a new Roadless Rule.

Timber industry – Several commenters criticized the timber industry, saying that it represents less than 1% of Southeast Alaska's economy and therefore should not receive strong consideration in the roadless rulemaking process. Some said they thought it had long been a drain on taxpayers and the US Treasury, and changes to the Roadless Rule to support the industry was unjustified.

Strengthening protections – Several commenters encouraged the Committee to consider increased protections on the Tongass, particularly in the T77 watersheds.

Value of an intact forest – Several commenters asked the Committee to consider the value of the Forest in its "alive state," saying that they believe it is a valuable carbon sink

to combat global warming and a valuable resource for the tourism and recreation industries.

Timeline – One commenter expressed concern over what they feel is a rushed State process, including the last-minute selection of the Committee and the fact that the first meeting was noticed before the Committee was named. Several others requested an extended public comment period.

Committee membership – Two commenters expressed concern over the make-up of the Committee, saying that they feel it is biased in favor of development interests, particularly timber. One commenter expressed concern that Chris Maisch, the State Forester, has a voting seat on the Committee, considering the State’s position to seek a full exemption from the Roadless Rule.

Existing Rule exceptions – One commenter cited existing hydro and mining projects in Roadless Areas to support their belief that the current Rule is working, saying that there is no need for specific economic interests to influence a re-negotiation of the rule.

Multiple use forest – One commenter encouraged the Committee to consider exempting the Tongass from the Roadless Rule to allow the underlying forest plan’s multiple use model to take precedence, because they believe that the Roadless Rule restricts long-term proactive forest management.

Appendix A: Participant List

Committee members:

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

Alternate Committee members:

- Austin Williams, Trout Unlimited (*serving as an alternate for Andrew Thoms*)
- Frank Bergstrom, Alaska Miners Association (*serving as an alternate for Jan Trigg*)

Facilitation staff:

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

Public attendees:¹

- David Albert, The Nature Conservancy
- Mike Anderson, The Wilderness Society (*via teleconference*)
- Dan Blaidorn, CBJ- Lands and Resources
- Matt Boline, Guide
- Carl Broderson

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.

- Greg Chaney, City and Borough of Juneau
- Jim Clark
- Dick Coose (via teleconference)
- Clay Frick (*via teleconference*)
- Karla Hart, SEACC member
- John Heifetz, Volunteer with Trout Unlimited
- Mark Hieronymus, Outfitter/Guide
- Mark Kaelke, Trout Unlimited
- Daniel Kirkwood, Pack Creek Bear Tours
- Sam Kito III, Alaska Legislature
- Brian Kleinhenz, Terra Verde Inc.
- Steve Lewis (via teleconference)
- Buck Lindekugel, SEACC
- Dorene Lorenz, Coeur Alaska
- Joan McBeen, Tenakee Springs resident
- Connie McKenzie, Senator Murkowski and Senator Sullivan's Office
- Luann McVey
- Daniel Monteith
- Kyle Moselle, Alaska Department of Natural Resources
- Zach Resnick (via teleconference)
- Conor Reynolds, The Nature Conservancy
- Catherine Riley (via teleconference)
- Kayla Roys, Fishing Industry
- Jeff Short
- Laura Stats
- Brock Tabor, Guide
- Meredith Trainor, SEACC
- Mike Vigue, City and Borough of Juneau
- Jennifer Walker
- Margo Waring (via teleconference)
- Gordon Williams
- Christine Woll, The Nature Conservancy