

Before the House Natural Resource Committee Subcommittee on Federal Lands

Legislative hearing on H.R. 7695, to provide that the final rule titled “Special Areas; Roadless Area Conservation” and issued on January 12, 2001 (66 Fed. Reg. 3244), shall have no force or effect and require the Secretary of Agriculture to construct certain roads on National Forest System lands, and for other purposes.

June 2, 2026

Chairman Tiffany, Ranking Member Neguse, and Subcommittee Members:

This letter follows the testimony of Chris Wood, President and CEO of Trout Unlimited, and provides additional information regarding the Kake to Petersburg Transmission Line Intertie (“Intertie”), which is a proposed utility transmission project crossing inventoried roadless areas of the Tongass National Forest. The Organized Village of Kake, located at the terminus of the Intertie, has long supported the Roadless Rule, successfully defended the Rule against repeated legal challenges, and valiantly protested prior regulatory efforts to repeal the Rule. See President Joel Jackson, Organized Village of Kake, *Testimony to House Natural Resources Committee* (Nov. 11, 2019) attached.

Testimony and discussion at the recent hearing inaccurately suggested the Roadless Rule prohibited construction of the Intertie. In fact, the Roadless Rule allows for transmission lines across inventoried roadless areas. As the Forest Service indicated in response to questions from this committee in 2018, the agency has approved every single application submitted to it for projects in Alaska roadless areas. U.S.D.A. Forest Service, *Questions for Mr. Quigley* at 1 (June 2018) attached.

The Forest Service signed a Record of Decision authorizing the construction, operation, and maintenance of the Intertie in November, 2016. See U.S.D.A. Forest Service, *Kake to Petersburg Transmission Line Intertie Project, Tongass National Forest Final Record of Decision* (Nov. 2016) available at www.govinfo.gov/content/pkg/GOVPUB-A13-PURL-gpo94171/pdf/GOVPUB-A13-PURL-gpo94171.pdf. The decision allowed the Intertie along the project proponent’s preferred route through inventoried roadless areas without an accompanying road. When discussing the main challenge facing construction of the project at the time it was approved, the project proponent did not raise the lack of a road as the project’s main challenge. Rather, the project proponent made clear that the Intertie relied entirely on state funding and that the project’s big challenge was Alaska’s uncertain fiscal climate. See KFSK, *Forest Service Oks Review of Powerline Project in Southeast*

Alaska (Dec. 7, 2016) available at www.kfsk.org/2016/12/07/forest-service-oks-review-of-powerline-project-in-southeast-alaska/.

Due to Southeast Alaska's geography and the desire for electrical connectivity to remote communities, the Forest Service again considered the Roadless Rule's possible effect on transmission lines across the Tongass in 2023 and concluded that:

based on analysis for previous transmission projects on the Tongass, roaded alternatives are not necessarily less expensive to construct and maintain than those relying on other means of access Helicopter access, temporary construction zones, and/or trails can also be used to provide access and may even be less expensive than the road construction and maintenance costs associated with permanent roads in remote areas. In addition, the rights-of-way granted in section 4407 of Public Law 109-59, as amended, also allows for specified roaded access in the forest for transmission lines and other utility systems.

U.S.D.A. Forest Service, *Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska* 88 Fed. Reg. 5252, 5263 (Jan. 27, 2023).

There is cruel irony in using the Kake-Petersburg Intertie as an argument to repeal the Roadless Rule when the Organized Village of Kake, which should be the primary beneficiary of the project, has time and again made clear its support for the Rule. Thank you for your consideration of this important matter. Trout Unlimited takes pride in its long partnership with the Forest Service and remains ready to help lawmakers and the agency chart a collaborative path forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Austin Williams", written over a light blue horizontal line.

Austin Williams
Trout Unlimited



Organized Village of Kake

P.O. Box 316

Kake, Alaska 99830-0316

Telephone 907-785-6471

Fax 907-785-4902 / www.kake-nsn.gov

(Federally Recognized Tribal Government serving the Kake, Alaska area)



November 11, 2019

To the Esteemed Congressmembers of the House Natural Resources Committee:

Tlingit culture is based on oral tradition. Our rituals, our practices, our entire culture has been passed down through millennia of storytelling. In that tradition, I have a story to tell you. It is a story of injustice, colonialism, and intergenerational trauma and dehumanization writ over several centuries. The Alaska Roadless Rulemaking process is the latest chapter in a long book of injustice against the Tlingit people of Southeast Alaska.

Kake's history of colonization began long before the United States illegally purchased the Alaska territory from Russia in 1867. The decimation of our Tlingit people began with diseases spread from Spanish, Russian, and American colonizers in the 1700s. Our first experiences with the American government were particularly traumatizing, when Kake was shelled into submission by the U.S.S. Saginaw in 1869. One hundred and fifty years later, the means have changed but much of the intent remains the same. The erasure of indigenous voices and indigenous knowledge from this rulemaking process is intended to marginalize us and our experiences. The U.S. Forest Service treats us as a box to be checked, an obstacle to be worked around or overcome so that corporations can access our homelands and pilfer the resources we depend on. We are not an obstacle. We are the Tlingit people. We are the embodiment of resilience. We have experienced cultural genocide, the stealing of our people, the raping and pillaging of our lands and waters, and we have lived through these challenges to sit before you here today and tell you that the Alaska Roadless Rulemaking process is just one more attempt to pillage our lands, sell them off for corporate profit, impoverish our people, and degrade our resources and way of life. We will not accept this dehumanization sitting down. We are fighters, and we are still here.

I've lived on the traditional homelands of Keex' Kwaan all my life; I've spent 63 years in this community. I grew up immersed in our Tlingit way of life, and was forced into the Western world at a young age. I had to work in it to make a living, and thus was trained in many different skills. I've been a commercial fisherman, a roadbuilder, a logger, and a Chief of Police. When the mills shut down in Southeast Alaska, we were forced to stop logging and look at the results of our activities. The results were sobering - and ever since then, my most important occupation has been advocating for my community and the protection of what we have left.

In 2001, the Roadless Rule was instituted on the Tongass. The State of Alaska immediately filed suit against it, but Kake was in favor of this Rule. Our lands were suffering from heavy clearcutting over the previous twenty years, which was supposed to bring our communities jobs, money, and prosperity. I myself took part in this economic boom, thinking that it would improve our economic and social conditions and challenges. Only now do I realize the damage that has been done, and ever since I have advocated for the healing of our homelands

and our community. In 2003, the Bush Administration attempted to illegally exempt the Tongass National Forest from the 2001 Roadless Rule. The Organized Village of Kake was the original litigant in this court case, which was taken all the way to the Alaska Supreme Court. We won our original lawsuit and all the subsequent appeals, although the State of Alaska has never accepted this loss and has continually fought to appeal the decision. Once the State saw a favorable administration change in Washington D.C., they pounced on the opportunity to again exempt the Tongass from the Roadless Rule, and we are back where we were before - this time, with a political disadvantage.

We will do what we have to do to protect our ancestral grounds, and that is why I am here today. I know the effects of logging and we have had to live with them. We see them in our degraded forests, waterways, streams. We see them in the reduced populations of deer that overwinter in these forests, the diminished salmon that spawn in our streams. The land is starting to heal, and the wildlife is coming back - but this is a precarious, careful balancing act that would be threatened by removing the Roadless Rule. You may ask why our lands and waters, our fish and wildlife are so important to us. And I will tell you - these homelands have sustained our people and culture since time immemorial. They allowed us to thrive, to flourish in what is for the most part a cold, inhospitable landscape.

Participating in harvesting, processing, sharing, distributing amongst our community; this is our culture. Living off our lands is our way of life - it is who we are. This also means that when the deer were chased off our land by the lack of habitat, we have to go further afield. We have to provide for our families, for our community; we must engage in our traditional harvesting. A couple years ago, we lost three men crossing over from Admiralty Island to Kupreanof Island. One was a young teen - him and his father both died. The teen's body was never recovered. These tragic deaths make it all the more important to protect the resources on our island, Kupreanof. Our ability to harvest is essential to our food security in rural Alaska.

In 2019 we have had our biggest year in many years - over 25 deer were harvested from our island. These are promising improvements to years prior, but we must not endanger the ability of these lands to recuperate from past effects of logging. We have lived off these lands for thousands of years, from the alpine, to the old growth valleys, to the wetlands, all the way to the tidelands and depths of the ocean. We must protect our lands and waters so that we can continue to teach our youth to survive off our land, to practice our traditional ways of life, to ensure the survival of our culture, as our ancestors did before us.

We do not live in a city. Shopping for all our meat and produce at the grocery store is simply not an option, as costs of goods, gas, and electricity in rural Alaska are extremely high. We harvest our food from the land - and as long as we take care of it, the land will provide for us. Unemployment rates in Kake hover around 85%. It is very hard to get jobs. Our tribal government, the city, and the village ANCSA corporation are trying to get sustainable economic development and workforce development initiatives started. Logging is not the economic stimulus for this region that it once was - the pulp mills already took all the economical timber. There have been sales sitting on the books for years, like the North Kuiu timber sale - Tongass timber simply doesn't pencil out.

The pulp mills in Sitka and Ketchikan have been gone for over twenty years, and the big sawmill in Wrangell has gone along with them. There are small, mom-and-pop logging operations, and only one medium-sized mill in the entire region in Klawock. Logging makes up less than 1% of the industry in Southeast Alaska, but seems to claim 100% of the Forest Service's attention. It has always been a boom and bust operation. Now the State is saying that it wants to create jobs in rural communities - but all the loggers are retired. The logging operations bring in their own men, their own food, and fuel. Man camps for logging have created violence near our communities and lead to increased rates of missing and murdered indigenous women. Nothing is contributed to our community and no economic gain is experienced by us, an experience that has been felt in other communities as well. It is no longer a viable economic activity. We've seen the effects and have lived with them for years. Destruction of our forests. Streams no longer filled with fish. It will not work for our lands, our community to go through that experience again. We would rather have our fish and our animals, and keep our culture.

We are currently investing in tourism as an economic opportunity. Tourists that come here are very impressed with our area even though it has been logged - the green, young growth forests are coming back and disguising the scars that the clearcuts left. The tourists assure us that they would not want to come back to see new clearcuts. They also don't depend on Sitka black-tail deer for their meals throughout the winter, and cannot tell the difference in productivity between these new forests and the large, old growth stands that we mowed down 50 years ago.

Since we are hunter gatherers, our food is important. Salmon are one of our keystone species, on which our whole culture depends. We look forward to their return every year; their healthy, nutritious meat nourishes our bodies and our souls. We don't have to buy this food in the grocery store, without knowing who touched it and where it came from; we can harvest it ourselves, and continue honoring our ancestors by perpetuating our culture.

Protecting our homelands is essential for perpetuating our culture. We originally signed on as cooperating agencies in the Alaska Roadless Rulemaking process with five other tribes in Southeast Alaska. Kake signed on because we wanted to know what the Forest Service was planning to do. We didn't want to be on the outside looking in, we wanted to be at the table where the decisions were being made. The process was rushed from the start, and we experienced a year of talking, biweekly teleconferences, rushing to meet seemingly arbitrary deadlines to provide comments on preliminary draft environmental impact statements. However, after we provided comments for the preliminary draft environmental impact statement, suddenly the documents stopped returning to us for comment. We did not get to review the final draft of the draft environmental impact statement before it was released to the public, nor did we receive written notification of the document. We only discovered upon the release of the draft environmental impact statement that all our input had been for naught, as the Forest Service didn't include any of our suggestions or concerns when they chose a full exemption as the preferred alternative.

Throughout the process we were talking with and working the other tribes, the multiple sovereign governments that were participating in this process. In Southeast Alaska, we are one people but we have different communities with different needs, so we tried to respect each other for that. We spent a lot of our own resources and money to travel, participate in these

teleconferences, committed extensive staff time, and lost productivity for other projects - it cost us hundreds of thousands of dollars to participate in this process. The State of Alaska was granted \$2 million from the Forest Service to participate. The State then contracted the Alaska Forest Association, a timber industry group, for "consultation and expertise". Meanwhile, our local and indigenous knowledge of the land, gathered and tested over millennia, was disregarded and degraded. The process was designed to shut us out. The tribes received no money to participate in the process as cooperating agencies, nor did they have their resources, expertise, or staff time reimbursed. We did not receive a cent from the Forest Service or the State.

In February of 2019, myself and President Lee Wallace of the Organized Village of Saxman requested in-person government-to-government consultation between Secretary of Agriculture Sonny Perdue and our tribes, offering. We offered to fly back to Washington D.C. for the occasion, due to the importance of the issue to us. We did not hear a response for four months. When we did receive one, the Secretary denied to meet with us in Washington D.C., even despite the fact that he had met with representatives of conservation interests and timber interests. We, as presidents of our tribal councils and representatives of our communities, were denied a meeting with the Secretary of Agriculture. We were offered a meeting with the Undersecretary Jim Hubbard in Washington D.C., which we denied because we didn't desire to travel 3000 miles to meet with an official that has no actual decision-making power. We took a call from the Undersecretary, and he said he was going to continue the process with all 6 alternatives on the table. Little did we know that at this point, the decision to pursue a full exemption had already been made after an Air Force One meeting between President Trump and Alaska Governor Mike Dunleavy.

Shortly after, the cooperating agencies were called to Juneau for another meeting. The Forest Service announced that the USDA would be pushing for a full exemption in the Alaska Roadless Rulemaking process. The tribes expressed that we were very upset and felt very disrespected by this choice. We contributed our time, money, expertise, and effort to this process; all things that could have been better spent improving the lives of our tribal citizens and working on a sustainable economic, social, and ecological future for our communities. Instead, these efforts, resources, and knowledge were wasted, disregarded and thrown aside due to a politically motivated decision.

President Wallace of Saxman and I invited Undersecretary Hubbard to meet us on our homelands, before we knew about the full exemption; however, after we learned of it we did not withdraw our invite. We wanted him to come to these lands so that he could see and experience for himself what they mean to us. We extended an invite to the other four tribes acting as cooperating agencies, and met with him in Juneau on November 2, 2019. We told him that we were very dissatisfied with the whole process, and that as a response, the tribes had come together in an unprecedented show of unity against a full exemption. All of us had continually voiced preferences that ranged between a no action alternative and a partial exemption; not a single tribe advocated for a full exemption. Even though we have different ideas of what is needed in our communities, we are united in the belief that a full exemption is the wrong decision for Southeast Alaska.

In response to the discrimination and dehumanization that we experienced, the Organized Village of Kake has made the difficult decision to withdraw as a cooperating agency. This is how strongly I feel about being disrespected. We do not wish to withdraw our expertise, to abandon our place at the table, but it has been obvious that the table has already been set, the meal has already been eaten, and we were not invited to partake. The Forest Service and the State of Alaska have colluded to disregard input from tribal governments in this process, and we simply cannot stand by and watch this happen as 'cooperating agencies'. We will not 'cooperate' in the destruction of our homelands and way of life. We will not 'cooperate' to give this process the sheen of legitimacy it desires so that the Forest Service can state that they fulfilled their NEPA requirements. We will continue to engage in government to government consultation to stay up to date on how the rulemaking progresses, but we will not be complicit in this sham of a public process.

We will continue to try and work with the Forest Service on a regional level to accomplish objectives that enhance our community. Undesired timber sales for corporate actors are not part of these objectives. We understand that the regional line officers are just doing their job, and we will continue to engage with them. However, the damage has been done between the Forest Service's Washington office and our community. The trust will take years to repair, if it ever can be. We understand that these short-sighted actions are the political whims of a tempestuous president that has no understanding of the situation on the ground. The Undersecretary confirmed as much to us when he said that 'of course, you all know about the meeting with your governor and the President on Air Force One back in June'.

We will not stay in the dark with our heads down, working on meeting arbitrary deadlines to contribute valuable local knowledge that is disregarded and unaddressed by the Forest Service. We had misgivings about being a cooperating agency from the beginning, from the first meeting when the Forest Service expressed forcefully to us that we were not to discuss the happenings of these meetings with anyone, not to receive consultation, basically putting a gag order on us. This is further harmful to our reputation as we used our public money to participate in this process. I cannot hide from my tribal citizens where I am going and what I am doing while I am using their public funds. We live in a small community, and everyone knows who is coming and going - we have a responsibility to them to tell them what is going on, how their money is being spent. At the end of the day, I am only responsible to my community, my tribal citizens, my ancestors, and this land itself.

As is to be expected from our long history, the trust that tribes have had with the federal government has always been on shaky, unstable ground. Now, it has been dealt another blow. How much can this trust be degraded before it is irreparably harmed? I recently welcomed the Sustainable Southeast Partnership to Kake, a group of young, innovative entrepreneurs, creative minds, and community leaders that seek to move our region past boom and bust economics towards a future for Southeast Alaska that is socially, economically, and ecologically resilient. I told them on the first day that I have a very big issue with trust and outsiders, one that is extremely hard to work past. I realize that catalyzing creative solutions to the problems that we face today depend on cultivating collaboration and trust between partners - and I work hard to engage in this trust-building with people who come in good faith.

The Forest Service's Washington Office officials did not engage in the Alaska Roadless Rulemaking process in good faith. The State of Alaska did not engage in this rulemaking process in good faith. It was a process that was designed from the start to diminish our voices, exclude our input, and break down our resistance. The State repeatedly lobbied the Forest Service to reduce tribal engagement in the rulemaking process by complaining when tribes were signed on as cooperating agencies and claiming that tribes couldn't engage in a meaningful way and had no expertise or insight to offer the process. I believe strongly that the agency will not show us respect, and I will not be a willing participant of what they intend to accomplish on the Tongass National Forest. Just as my ancestors and my community have guided me to Washington D.C. to deliver this message, they will guide my fight into the future. The land needs to heal, and we will not be deterred from our responsibilities to future generations. We will continue to fight for our ancestral grounds, to fight for our culture, to fight for our future.

Gunalchéesh for listening to my words today,

A handwritten signature in cursive script that reads "Joel Jackson pres.".

Joel Jackson
President, Organized Village of Kake

Joel Dáxhajóon Jackson of the Kàach.ádi clan, a child of the Tsaqueidi clan, is a lifelong resident of Kake, Alaska. He currently serves as the council president of the federally recognised tribe, the Organized Village of Kake. He has been on the tribal council for almost 30 years. He was formerly employed as a road builder for the Kake Tribal Corporation for twenty-two years, the Chief of Police for Kake for three years, and as a commercial fisherman.

Questions from Mr. Quigley:

Maintenance Backlog

Quigley Q1: What is the forest service's road maintenance backlog for the National Forest System nationally? In Utah? In Alaska?

Answer: The current Forest Service road maintenance backlog as discussed in the FY 2020 Congressional Justification is \$3.4 billion, including road bridges, on our passenger car network. In Utah, the backlog is \$112 million, and in Alaska the road maintenance backlog is \$68 million.

Quigley Q2: As you know the State of Alaska and State of Utah have both asked your agency to rewrite one of the most important conservation rules in our country-the "Roadless Rule". They have effectively asked you to roll it back within their states. Nationally, the road maintenance backlog has been estimated to be about \$3.2 billion. How can the Forest Service justify building new roads, which is an almost certain result from roadless state specific rulemakings, when it can't afford the ones it has?

Answer: The 2001 Roadless Rule establishes prohibitions on road construction, road reconstruction, and timber harvesting. While those prohibitions may change in a state-specific roadless rule, it does not necessarily mean that new roads would be constructed. Any proposed new road construction project would be subject to NEPA analysis, which would establish a project-specific justification for the new road and evaluate the environmental effects of the proposed project and consider alternatives.

Rulemaking Priorities/Rationale

Quigley Q3: What criteria does the USDA consider when reviewing a petition for a rulemaking?

Answer: In accordance with 7 CFR 1.28, the Secretary responds to petitions in a timely manner and considers each petition on its own merits.

Quigley Q4: My understanding is that 100% of the projects proposed in roadless areas in Alaska, at least 54 in total, have been approved. Is that correct? This includes renewable energy development projects, mining projects, utility projects, among various other types of projects, right? Isn't that also correct for Utah? And on average, how long has it taken to approve these projects? You recently delegated authority to approve these projects to the regional foresters in order to be even more responsive to local concerns and to speed up the approval process, right?

Answer: All 58 applications submitted for projects in Alaska roadless areas have been approved. The majority of them pertain to surface exploration of potential mining and hydropower. Recently approved projects in Utah pertain to mining and road realignments. On October 24, 2018 Chief Christensen delegated authority for all exceptions to the Regional Foresters in an effort to better support agency decision-making. Projects within Alaska and Utah under the

delegated authority of the Regional Forester generally take one to three weeks for approval. Projects that previously required approval from the Chief took from one to three months for approval.

Quigley Q5: What actions will the USDA take if the rationale in a petition for a rulemaking is not justified?

Answer: In accordance with 7 CFR 1.28, the Secretary will notify petitioners promptly of any decisions regarding a petition.

Quigley Q6: The Forest Service spent years and countless agency resources to adopt a forest plan for the Tongass in 2016 that transitions away from old-growth logging, and focuses on a young-growth model. How is rolling back the Roadless Rule to allow thousands of acres of old-growth forest to be logged in line with that commitment?

Answer: The 2001 Roadless Rule establishes prohibitions on road construction, road reconstruction, and timber harvesting. While those prohibitions may change in a state-specific roadless rule, it does not necessarily mean that additional old growth harvesting would occur. The 2016 Forest Plan establishes the transition from an old-growth timber program to a predominantly young-growth timber program. That transition will not be affected by a state-specific roadless rule. Any proposed project would be subject to NEPA analysis, which would evaluate the environmental effects of the proposed project and consider alternatives.

Cost of Rulemakings

Quigley Q7: We understand that the early estimates put the cost the Alaska rulemaking between \$5-6 million and the potential Utah rulemaking between \$3-4 million. Given the myriad responsibilities, backlogged work, and budget challenges of the Forest Service, how does the agency justify spending considerable staff time and nearly \$10 million on undertaking state-based exceptions to the Roadless Area Conservation Rule?

Answer: The Roadless Rule recognizes the need for state-specific solutions to meet the intent of the Rule. These actions follow in the spirit of the Roadless Rule and are designed to meet state-specific needs. Rule-making and regulation development are normal activities of the Forest Service. Costs associated with any rule-making are inherent to the agency's budget and function.

Quigley Q8: From which appropriated accounts are these staff and other resources being taken?

Answer: The Roadless Rule analyses are primarily funded by allocations from the Land Management Planning, Inventory, and Monitoring account, with lesser allocations from timber and vegetation management funds.

Quigley Q9: What work is not getting done in order to process these state exception rules?

Answer: Some regional and forest-level planning work has been delayed in order to pay for these efforts.

Quigley Q10: What is the estimated cost of additional roadbuilding, which is likely to occur under state rules?

Answer: We cannot answer that question with the information that we have available at this time.

Quigley Q11: Given that the last Tongass Roadless rulemaking was declared invalid in federal district court in a decision it unsuccessfully appealed all the way to the U.S. Supreme Court, where the Court left the lower court rulings in place. Please estimate for the hearing record total federal expenditures, including all staff time, for defending a new Tongass Roadless Rule in court up to the Supreme Court and explain what the agency's priority uses would be for a supplemental appropriation in that amount that was not spend on judicial proceedings.

Answer: In 2011, a federal court set aside the rulemaking that temporarily exempted the Tongass National Forest from the 2001 Roadless Area Conservation Rule. The Alaska District Court's ruling was initially reversed by a three-judge panel of the Ninth Circuit, but the District Court's ruling was ultimately upheld in a 6–5 en banc ruling in 2015. The Supreme Court declined to review the *en banc* decision in 2016. USDA did not appeal the adverse ruling of the District Court and did not participate in appellate briefing in the Ninth Circuit. In 2016 the Department of Justice, on USDA's behalf, filed a motion opposing review of the Ninth Circuit's *en banc* ruling by the Supreme Court. Due to varying complexity and duration of individual cases, USDA does not have an estimate of the costs associated with defending a new Tongass Roadless Rule.

Economic Balance in Tongass

Quigley Q12: How much did the Forest Service spend in 2018 and in the previous 5, 10, 20 year period on managing timber sales in the Tongass? How much did the Forest Service spend on other priorities in those same time periods, such as stream restoration, recreation, tourism?

Answer: In FY 2018, direct support for the Tongass National Forest timber sale program was \$6.3 million, including primary timber management (NFTM) and engineering (CMRD) budget line items (BLIs). Direct support figures are based on average historical direct costs to plan, prepare, offer, award, and administer timber sales on the Tongass National Forest. The analysis of direct support for the timber sale program excludes costs for the Regional Office and Supervisor's Office program management, operations support, pre-NEPA activities, facilities maintenance, travel, training, and fleet not related to producing timber outputs and generic supply costs. The total FY 2018 allocations to the Tongass National Forest for primary timber management (NFTM) and engineering (CMRD) budget line items were \$10,746,320 and \$6,321,381 respectively.

Annual data are available from FY 2010 through FY 2018 due to records retention requirements. The average annual total allocation for this period was \$11,134,000 for timber program management, of which \$6,047,000 was direct support to the timber sale program. For the same time period, the average annual total allocation for engineering support was \$6,893,000, of which \$1,696,000 was incurred for direct support to the timber sale program.

Timber Program Allocations with Engineering Support:				
Fiscal Year	Primary Timber Management allocation (BLI NFTM)	Portion of NFTM, direct support to timber sale program	Primary Engineering allocation (BLI CMRD)	Portion of CMRD, direct support to timber sale program
2018	\$10,746,320	\$4,920,000	\$6,321,381	\$1,380,000
2010-2018 Average	\$11,134,497	\$6,046,361	\$6,893,331	\$1,695,931

The Forest Service manages for multiple uses on the Tongass National Forest, including restoration, recreation, and tourism. BLIs to support these priorities include Wildlife and Fisheries (NFWF), Recreation and Wilderness (NFRW), and Trails (CMTL), which are the primary program areas for restoration and recreation management. These include activities that support the tourism industry. The FY 2018 final allocations and the average annual allocation for the period for FYs 2010-2018 are as follows:

Tongass National Forest Allocations for Wildlife and Fisheries, and Recreation (not including facilities)			
Fiscal Year	Wildlife and Fisheries (NFWF)	Recreation and Wilderness (NFRW)	Trails (CMTL)
2018	\$4,169,281	\$3,663,383	\$1,650,300
2010-2018 Average	\$4,296,850	\$3,839,984	\$1,398,256

Significant restoration activities are also implemented through partnerships and contracts which are not represented in the allocation chart above. In addition to appropriated funding, the Tongass National Forest reinvests recreation fee revenues into programs of work which support recreational uses of the forest, which includes support of tourism.

Quigley Q13: For how much did the timber sell for over these same time periods?

Answer: The available summary data available for the years 2012 through 2018 are displayed below, including total thousand board feet (MBF) and the award value.

Summary FY12-FY18			
Fiscal Year	# of sales	Total MBF	Total award value
2012	37	52,483	1,506,780
2013	38	15,866	266,002
2014	46	105,523	8,151,762

Summary FY12-FY18			
Fiscal Year	# of sales	Total MBF	Total award value
2015	45	22,625	2,072,083
2016	42	13,535	344,622
2017	45	30,808	1,021,291
2018	48	9,211	1,203,853
Average or Total	43	250,051	14,566,392

Quigley Q14: How many sales received no bids and went unsold?

Answer: In 2018, there was one large sale on the Tongass National Forest which received no bids and it has not been resold. For the period between 2012 and 2017, an average of 1 to 2 small sales per year on the Tongass National Forest received no bids and those sales were subsequently reoffered and awarded. There were no ‘No Bid’ sales in 2010 or 2011. The period between 2005 and 2009 experienced a higher incidence of ‘No Bid’ sales and those, for the most part, have been reoffered, sold, awarded, and completed. Market conditions during the 2005 to 2009 period were particularly challenging.

Quigley Q15: In a report in Northwest Science in 1998, federal fisheries experts Dr. Fred Everest and Dr. Buck Bryant described retaining the existing intact, roadless watersheds and wilderness areas of the Tongass as a “key element” in sustaining the region’s extraordinary salmon runs which support unmatched commercial, subsistence, and recreational fisheries, and thus the economy of Southeast Alaska. Does the Forest Service now dispute that finding?”

Answer: The Forest Service does not dispute the finding. The Tongass National Forest Land Management Plan recognizes that the Forest is a productive landscape which sustains robust fish stocks for subsistence, commercial, and sport fisheries as well as supports traditional and cultural values. Maintaining the habitat diversity and connections among watersheds is essential to the continued productivity of the Forest’s salmon fisheries. Irrespective of land status, the Forest Service manages the landscape consistent with the conservation provisions outlined within the 2016 Forest Plan to maintain and improve fish habitat.

Quigley Q16: Given the losses sustained by the American taxpayer on Tongass timber sales, would it numerically make more sense for the taxpayer to simply buy out the salaries of the timber workers and forego the logging or pay to transition these individuals into other jobs such as building and maintaining additional recreation sites?

Answer: There are many policy factors involved in this question, so the Forest Service cannot reasonably speculate on an answer.

Quigley Q17: Even in roaded portions of the Tongass, the Forest Service is paying millions for timber sale related road construction. Assuming portions of Tongass roadless areas are opened

up to timber sales and logging road construction under a new roadless rule, please provide an upper bound estimate of what the agency could incur in added road construction costs in those areas over the next decade. If appropriate, please indicate how that figure differs among alternatives under consideration in the Tongass rulemaking.

Answer: We cannot answer that question with the information that we have available at this time.

Restoration

Quigley Q18: What portion of the USFS budget is directly or indirectly associated with offering public trees for sale, as lumber or biomass, to logging companies, without regard to the USFS's claimed reasons or justifications for such sales?

Answer: The FY 2020 President's Budget proposes \$375 million for Forest Products, which is 7.3 percent of the total discretionary budget and an increase of \$7 million over the 2019 enacted level. This program conducts the sale and disposal of National Forest System timber.

Quigley Q19: Given the need to significantly reduce fire risk on million acres across the West, what percent of this need is the proposed budget expected to accomplish in 2020?

Answer: The FY 2020 President's Budget proposes \$450 million for Hazardous Fuels, an increase of \$15 million over the 2019 enacted level. With this funding, the agency aims to reduce hazardous fuels on 3.4 million acres in 2020, working with state partners to prioritize investments in places where the greatest wildfire risk exists and where fuels treatments have a high probability of reducing that risk.

Quigley Q20: At current budget levels, coupled with changing climate and continuous growth of small understory trees, how many years would it take to address the backlog of needed restoration at current budgets? Are you even keeping pace with the problem?

Answer: The Forest Service is committed to working with partners to increase active management and treat larger landscapes. Through a shared stewardship framework, the agency will work with States to jointly prioritize investments where they will be the most effective. The agency will put any funds appropriated by Congress, along with tools and authorities in place, to good use in order to improve the condition of the national forests and grasslands.

Quigley Q21: I see that the agency has retired the use of watershed conditions as a Key Performance Indicator. Just last week your agency posted on its official Twitter account that in the United States approximately 180 million people in more than 68,000 communities rely on forested lands to capture and filter their drinking water. Given that nearly one-fifth of the nation's water supply originates from national forests, and quality water is arguably our most precious and at-risk resource, how does the agency justify dropping watershed conditions as a Key Performance Indicator? Can you describe in specific terms how this budget proposal

provides accounts for investments in watershed, wildlife habitat and recreation values, given the emphasis on timber and fuels?

Answer: USDA works closely with the Forest Service to determine which agency performance measures are suitable for a Departmental-level Key Performance Indicator. The Forest Service continues to track a broader suite of measures internally that align with major program activities, including percent of watersheds in properly functioning condition (see page 145 of the agency's 2020 Congressional Budget Justification).

Quigley Q22: Given the importance of community protection from wildfires, what percent of your budget and fuels reduction is focused in the areas immediately adjacent to communities?

Answer: The FY 2020 President's Budget proposes \$450 million for Hazardous Fuels, which is 8.75 percent of the total discretionary budget and an increase of \$15 million over the 2019 enacted level. With this funding, the agency aims to reduce hazardous fuels on 3.4 million acres in 2020, working with state partners to prioritize investments in places where the greatest wildfire risk exists and where fuels treatments have a high probability of reducing that risk. In 2018, the Forest Service completed fuels treatments on over 3.4 million acres, 2 million of which were in the wildland-urban interface to protect communities. This budget request continues the upward trajectory to increase treatments of fuels and protect communities.

Quigley Q23: Given the proposed simplification and bundling of budget line items in the Forest Service's budget, as well as the simplification of targets and performance measures, how will the USFS demonstrate continued commitment to other stakeholder/environmental values?

Answer: The integration of budget line items will allow for improved prioritization of activities at a landscape scale and streamlining of administrative costs. The proposed budget structure will also facilitate improved collaboration across program areas to focus on outcomes across all program areas at a landscape scale rather than simply the outputs of any one program. With reduced administrative costs, agency experts will be able to focus on land management priorities and accomplishing work for the broad range of stakeholders we support. The Forest Service intends to deliver on all existing performance expectations regardless of the agency's budget structure.

Quigley Q24: How will simplified performance measures proposed in the budget track (and demonstrate to Congress) the implementation of prescribed fire – a necessary final step for reducing fire risk? The forest service has indicated that of the 52 million "high priority" acres, 35 million are best treated by prescribed fire. Does your budget support a 2 to 1 ratio for prescribed fire as the treatment?

Answer: The Forest Service has not proposed simplified performance measures and will continue to use a suite of performance measures that align with major program activities (see page 145 in the Forest Service 2020 President's Budget). Prescribed fire is a crucial component

of hazardous fuels reduction and reducing the risk of fire. The 2020 President's Budget requests \$450 million for hazardous fuels reduction, which will include prescribed fire where appropriate to achieve the desired fuel conditions to reduce risk.

The Forest Service tracks the implementation of prescribed fire within hazardous fuels work. In the majority of instances, prescribed fire is used to achieve the final desired condition. We are able to see the ratio of prescribed fire that contributes to measures that track the extent to which prescribed fire is being used to accomplish our goals. At present, prescribed fire typically accounts for roughly half of our hazardous fuels accomplishments on an annual basis. Fuels treatments are developed collaboratively with partners, and funds will be invested where the greatest risk from wildfire exists and where fuel treatments have a high probability of reducing that risk.

Quigley Q25: What portion of the USFS budget is associated with fire suppression?

Answer: The FY 2020 President's Budget requests \$1.011 billion for Suppression Operations, about 20 percent of the total discretionary request. If spending requirements exceed that amount, the Budget also requests \$1.95 billion in wildfire suppression cap adjustment funds.

Quigley Q26: How do simplified or "flagship" targets capture the commitment of the USFS to address climate change in a meaningful way?

Answer: Flagship targets capture the absolute amount of land management projects in terms of volume and acres treated for hazardous fuels. Many projects are informed and guided by R&D science-management partnerships including inventory and climate science. These partnerships ensure that forests are resilient to future climates and climate variability. Forest Inventory and Analysis (FIA) provides the basis for broad land-landscape level planning and captures the national impact of forest land management on greenhouse gas mitigation. The Forest Service remains committed to addressing the impacts of a changing climate on the Nation's forests. Many of the Forest Service internal performance measures track progress towards improving forest condition, which in turn helps address the impacts of a changing climate.

Good Neighbor Authority

Quigley Q27: What is the plan for the USFS to track and report on the value of federal timber being used to support restoration projects?

Answer: The Forest Service tracks all timber sale volume and value sold through our Forest Products information systems. With this system we can track not only all timber sales, but projects carried out under the Collaborative Forest Landscape Restoration Program (CFLRP), Joint Chief's Projects, Stewardship projects, and Good Neighbor sales. Within the contracts we can analyze the various forest products sold along with the size of contract.

Quigley Q28: More specifically, given the change in the authority to allow states to manage program income, how does the USFS plan on demonstrating accountability to Congress and ensuring that program income is used for restoration as required in the statute?

Answer: We are developing policies to implement the new authorities under the 2018 Farm Bill. Part of the implementation guidelines will be the specific requirements to report the volume and value of all forest products sold through the Good Neighbor and Stewardship authorities. We are working closely with our Financial Policy staff to ensure we meet all requirements. We are committed to demonstrating accountability and complying with the intent of the statute.

Quigley Q29: It seems that GNA creates an incentive to use it in high-value forests, yet these are not the forests most in need of restoration. Do you expect that relatively low value, fire prone forests will contain sufficient timber value to complete restoration and can you support that with studies?

Answer: We have placed an emphasis on integrating low-value treatments with higher value timber sales to allow for more acres to be treated in each project. The Forest Service conducts not only a NEPA analysis on all projects, but also a financial analysis. Projects are selected to be either a Good Neighbor authority, Stewardship, or a traditional sale depending on the estimated costs and revenues identified in the appraisal process. Sales are directed to states or partners when the appraisal shows that it is more cost effective to have the state or partner do the project, or there are opportunities for them to financially contribute to the project to help offset the costs. When a project is better suited to integrate other federal funding sources to help support all of the restoration activities, then the project most likely will be implemented directly by the Forest Service.

Lawsuits

Quigley Q30: Given that the USFS budget justification indicated that the agency paid out for only two substantive lawsuits in 2018, and at only around \$250k at that, how does this indicate that environmental litigation is slowing the process in any meaningful way? Even considering 11 lawsuits in FY18, how does this demonstrate that litigation is precluding active forest management?

Answer: Because lawsuits typically take multiple years to resolve, it is important to look at the trend in litigation and the multiplying effects of lawsuits filed over time. In the period between fiscal years 2009-2018, the Forest Service recorded 134 lawsuits filed against projects with a primary activity of vegetation management, including timber production and timber salvage treatments. In total, 46 of those lawsuits were filed between FYs 2015 and 2016. In addition to delays in project implementation due to litigation, there is considerable work associated with supporting the defense of those project decisions. This lawsuit-related work diverts Forest Service staff from their primary resource management responsibilities and delays work on current activities and planning for future projects.

In addition, it is important to note that litigation trends vary across the country. For example, in the Forest Service's Northern Region (Montana, Northern Idaho, North Dakota) 12 lawsuits were filed over project decisions with active forest management activities between fiscal years 2015 and 2018. In the same time period in the Rocky Mountain Region (Colorado, Wyoming, South Dakota, Nebraska, Kansas), 1 lawsuit was filed on an active forest management decision. Consequently, the effects of litigation on active forest management decisions are more concentrated and acutely felt on national forests in certain regions.

Shared Stewardship

Quigley Q31: How will the Forest Service ensure accountability- public, legal, and fiscal- with its Shared Stewardship Initiative, which the agency characterizes as “allowing the states to lead on federal forest management”?

Answer: The agency's characterization of “allowing the states to lead on federal forest management” is an acknowledgement that:

- National Forests and Grasslands exist within a state's boundary;
- the mission of the agency is “To sustain the health, diversity and productivity of the Nation's forests and grasslands to meet the needs of present and future generations”;
- The issues we are facing span federal, tribal, state, private and other legal jurisdictions and are of interest to many stakeholders.

Our intent for Shared Stewardship is to expand our relationship and partnership with states, and others, to address improving forest conditions, and take advantage of opportunities such as: reducing risk of large wildland fires; reducing impact of insect and disease outbreaks; increasing resiliency; supporting economies and communities; and providing goods, services, values and resources to meet the needs of the American public.

Accountability is important to the Forest Service. We promote partnerships and engagement with a wide variety of entities, including states, tribes, counties, and communities in general. While the Forest Service has been out reaching to states to engage in Shared Stewardship, we will continue to be inclusive of other groups and responsive to the broader public's needs.

We use a wide array of agreement types to document our partnerships. Each type of agreement has an oversight process to insure compliance with federal appropriations law, best accounting practices, and other legal requirements. Agreements for Shared Stewardship or other such titled documentation have been general commitments. Promoting Shared Stewardship does not change our requirements to comply with federal laws and policies. Rather, this strategy is a recognition that, to achieve landscapes that are healthy and resilient to fire and other disturbances, we must take a more integrated approach to prioritizing investments in order to realize these goals.

Accomplishments so far under Shared Stewardship include a USDA MOU with the Western Governors' Association and a Shared Stewardship Agreement with the State of Idaho to implement a shared vision for improving forest health conditions across Idaho. Others State

agreements are in development, but we do not have specific performance targets for Shared Stewardship.

Quigley Q32: According to the agency's Shared Stewardship report science-based tools will be used to identify the highest priority areas for restoration. Can you describe how these science-based prioritization processes are playing out in the states? How is the Forest Service ensuring consistency across states? How are stakeholders plugging into the process, including at the national scale? And how will the Forest Service evaluate the effectiveness of Shared Stewardship agreements, including for watershed restoration, recreation, and wildlife habitat outcomes?

Answer: We are using several tools and working with states to establish a science-based prioritization process and stakeholder engagement approach specific to each state's needs.

At the national level, we are developing a new scenario investment planning tool that builds upon the National Cohesive Strategy for Wildland Fire Management. Scenario investment planning allows the agency to assess forest health risks across broad landscapes and project outcomes and tradeoffs for various management actions. Working with tribes, states, and other partners, we can then jointly set priorities for investing in management activities at the appropriate scale and place.

At the state level, we will assess the additional strategies and tools tribes, states, and partners offer. In many cases we will build off State Forest Action Plans. We will work with tribes and states to convene additional stakeholders and develop evaluation criteria for our joint efforts. While the specifics will vary by location, in all cases our goal is work with our partners to establish joint priorities, work across boundaries, and conduct active management at the scale needed to achieve the desired outcomes.

Collaborative Forest Landscape Restoration Program

Quigley Q33: The President's budget zeros out the CFLRP program, alleging that other programs essentially do the same work and accomplish the same outcomes. What are those programs, and what are their track records of success?

Answer: While the Collaborative Forest Landscape Restoration Program taught us additional lessons about the benefits of working with collaborative groups, the Forest Service has a number of programs that encourage collaborative engagement with stakeholders and leverage partner dollars:

- The Joint Chiefs Landscape Restoration Program provides funding to accomplish shared restoration objectives across boundaries. In 2019, the Forest Service and the National Resources Conservation Service will invest \$12 million in 13 projects.
- The Good Neighbor Authority allows the Forest Service to enter into agreements with tribes, states, and counties to work together to keep forests healthy and productive. Since Good Neighbor Authority was first authorized, the number of projects and participating

states has continued to grow. Nearly 200 Good Neighbor agreements in 37 states have been executed to perform a variety of restoration services.

- Stewardship contracting is another collaborative authority that we use. In FY 2018, 24% of the national total of timber sold was done under stewardship contracts. We are working with industry and communities to understand where and how we will most effectively use the new 20-year stewardship contracting authority that was granted in the FY 2018 Omnibus Appropriation.

Quigley Q34: What steps is the Forest Service taking to implement the extension of the CFLRP program authorized in the 2018 Farm Bill? Has the Forest Service stood up a federal advisory committee to approve new projects? What is the timing of the committee's first meeting? Has the Forest Service provided direction to existing CFLRP projects that want to apply for an extension of their projects about how to seek re-enrollment?

Answer: The Forest Service and the Secretary's office are working to establish Federal Advisory Committee Act (FACA) committee for Collaborative Forest Landscape Restoration Program (CFLRP). Once approved, the agency will publish a Federal Register Notice to solicit applications for review. An initial FACA committee meeting may occur in early 2020. The 13 CFLRP projects selected in 2012 have the Chief's approval to complete the last two years of their original 10-year proposal, depending on available resources. Proponents of the 10 CFLRP projects selected in 2010 have been notified that they must apply for extensions.