

TESTIMONY OF ROBERT VENABLES
before the
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
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Good afternoon. My name is Robert Venables, Executive Director for Southeast Conference, the regional development organization for southeast Alaska and the Economic Development District as designated by the U.S. Department of Commerce's Economic Development Administration.

INTRODUCTION

The Southeast Conference represents over 200 members, comprised of the 32 communities in Southeast Alaska, Tribes and businesses, including industry representatives from transportation, fisheries, renewable energy, tourism, timber, mining, and other businesses throughout the region. We request your support for the Total Exemption from the federal 2001 Roadless Area Conservation Rule. The Tongass is the size of West Virginia but has very limited access to its resources. Millions of acres were set aside as Wilderness in the Alaska National Interest Lands Conservation Act (ANILCA) and significant restrictions were placed on timber harvest in the Tongass Timber Reform Act (TTRA).

Application of the 2001 Roadless Rule to the Tongass.

USDA's preferred approach was to exempt the Tongass when it promulgated its interim Roadless Rule in 1999. It was not until the final decision in the 2001 Record of Decision (ROD), that USDA unexpectedly fully and immediately applied the 2001 Roadless Rule to the Tongass.

The State of Alaska sued (and numerous communities and businesses intervened in support of the litigation) on the ground that application of the Roadless Rule to the Tongass violated ANILCA and the TTRA.¹

¹ Six Alaska Governors – Democratic, Republican, and Independent – have litigated application of the Roadless Rule to the Tongass. Every member of the Alaska Congressional Delegation, Republican and Democrat, has called for total exemption of the Tongass.

Moreover, the Tongass did not fit the Purpose and Need for the 2001 Roadless Rule. The Clinton Administration justified the 2001 Roadless Rule's on the ground that there was a Need for a national level "whole picture" review of National Forest roadless areas because: "Local management planning efforts may not always recognize the significance of inventoried roadless areas."

But, unlike all other National Forests subject to the Roadless Rule, the Tongass had undergone two Congressional reviews and a Washington Office, Secretarial review in 1999 that collectively set aside over 6.6 million acres of Tongass roadless areas as Wilderness and other restrictive land use categories prior to promulgation of the Roadless Rule. The Roadless Rule's Purpose and Need statement did not explain why a fourth review of the Tongass roadless areas was needed to achieve the objectives of the Roadless Rule.

In 2003 the USDA settled the litigation with the State by agreeing to temporarily exempt the Tongass from the Roadless Rule. USDA said "the roadless values on the Tongass are sufficiently protected under the Tongass Forest Plan and the additional restrictions associated with the roadless rule are not required." The 2003 Record of Decision also stated:

The agency also recognized the unique situation on the Tongass during the development of the roadless rule and proposed treating the Tongass differently from other national forests until the final rule was adopted in January 2001. At that time, the Department decided that ensuring lasting protection of roadless values on the Tongass outweighed the attendant socioeconomic losses to local communities. The Department now believes that, considered together, the abundance of roadless values on the Tongass, the protection of roadless values included in the Tongass Forest Plan, and the socioeconomic costs to local communities of applying the roadless rule's prohibitions to the Tongass, all warrant treating the Tongass differently from the national forests outside of Alaska.²

After reviewing ANILCA the U.S. Department of Agriculture identified total exemption of the Tongass as the best alternative during its 2003 Rulemaking because:

² 68 Fed. Reg. December 30, 2003 75136 at 75139

The Department has concluded that the social and economic hardships to Southeast Alaska outweigh the potential long-term ecological benefits because the Tongass Forest plan adequately provides for the ecological sustainability of the Tongass. Every facet of Southeast Alaska's economy is important and the potential adverse impacts from application of the roadless rule are not warranted, given the abundance of roadless areas and protections already afforded in the Tongass Forest Plan. Approximately 90 percent of the 16.8 million acres in the Tongass National Forest is roadless and undeveloped. Over three-quarters (78 percent) of these 16.8 million acres are either Congressionally designated or managed under the forest plan as areas where timber harvest and road construction are not allowed. About four percent are designated suitable for commercial timber harvest, with about half of that area (300,000 acres) contained within inventoried roadless areas.

In its 2003 Rulemaking USDA determined that the Tongass is and will continue to be roadless even without the Roadless Rule and that a far greater percentage of the Tongass would remain roadless even without the Roadless Rule than exists in nearly all other National Forests.

USDA vigorously defended the Tongass Exemption when environmental groups challenged it in 2009. USDA argued that "the Tongass Exemption was a well-reasoned decision, supported on the evidence" and that after reweighing the same economic, social and environmental factors considered in the 2001 Record of Decision (ROD), USDA concluded that the roadless values on the Tongass could be protected and social and economic impacts minimized by exempting the Tongass. (USDA Brief at 1 – 4).

Accordingly, the above *policy* determination has not been changed by the Department of Agriculture or overturned by a Court. Total Exemption remains the best option today as it was in 2003.

Nevertheless, in March 2011 the Federal District Court for the District of Alaska invalidated the 2003 Tongass Exemption on an Administrative Procedure Act (APA) process point. In its 2003 rulemaking that resulted in exemption of the Tongass from the Roadless Rule, USDA had failed to adequately justify its change in policy from the application of the Roadless Rule to the Tongass in 2001. The State of Alaska appealed and prevailed on the process point before a three-judge panel of the Ninth

Circuit, only to lose 6 – 5 on the process point before an *en banc* panel of the Ninth Circuit in 2015.

Alaska again filed suit against the Roadless Rule and its application to the Tongass in August 2011. That case is fully briefed and before the D.C. Circuit Court of Appeals.

Alaska’s 2018 Petition for Rulemaking to Again Exempt the Tongass from the Roadless Rule.

In January 2018 the Governor Bill Walker petitioned USDA Secretary Sonny Perdue to engage in rulemaking “to permanently exempt the Tongass National Forest from application of the Roadless Rule.” On January 18, 2018 the State filed a Petition with the Secretary of Agriculture for “rulemaking to permanently exempt the Tongass from application of the Roadless Rule. The State’s Petition correctly observes:

The rationale USDA provided for exempting the Tongass in the 2003 ROD and again in the 2010 USDA Brief remains valid today. The extensive damage resulting from the application of the Roadless Rule to the economic and social fabric of Southeast Alaska remains as real today as it was 15 years ago, while the Tongass roadless values remain more than adequately protected without the Roadless Rule. Therefore, for the reasons more fully explained below, the State of Alaska respectfully requests that the Secretary of Agriculture grant this petition and direct the USDA and USFS to immediately undertake rulemaking to consider once again exempting the Tongass from the Roadless Rule.³

In June 2018 the Secretary of Agriculture “agreed to address the State’s concerns on roadless area management and economic development opportunities in Southeast Alaska.” (October 17, 2019 Notice of Proposed Rulemaking (NPRM) Fed Reg. Vol 84, No.201 55523).

As reported in the NPRM Governor Walker appointed a Citizen’ Advisory Committee (CAC) “to present a written report on the rulemaking process to the Governor and State Forester, which included options for a state-specific roadless rule.” “[R]ecommendations from the Committee informed the State of Alaska’s input, as a cooperating agency, to the Forest Service in the development of alternatives.” *Id.*

³ State’s January 18, 2018 Petition for Rulemaking at page 2.

It consisted of 13 members who were “intended to represent a diversity of perspectives, including Alaska Native Corporations and tribes, fishing, timber, conservation, tourism, utilities, mining, transportation, local government, and the Alaska Division of Forestry.” *Id.*

I was a member of the CAC. The purpose of my testimony is to make certain that its views, which are fully supported by the Southeast Conference, are presented to this Honorable Committee.

TOTAL EXEMPTION WILL NOT SIGNIFICANTLY AFFECT TIMBER HARVEST OR CLEARCUTTING

The 2008 Amended TLMP was in effect when the Tongass Exemption was enjoined in March 2011. Because they were in Roadless Areas, approximately 185,000 acres of forest land available for timber sales in the 2008 Amended TLMP were designated as unsuitable for timber production by the elimination of the Exemption.

As explained in the middle column on page 55524 USDA’s NPRM, total exemption will only restore those 185,000 acres to the suitable timber land base which in turn will do nothing more than restore flexibility to the timber sale program by allowing more economic timber to be offered for sale:

The analysis set out in the DEIS indicates that removal of regulatory roadless designations and prohibitions on the Tongass National Forest would not cause a substantial loss of roadless protection. The proposed rule would effectively bring only 185,000 acres (~2%) out of 9.2 million designated as inventoried roadless areas on the Tongass National Forest into the set of lands that may be considered for timber harvest. When examined in 2016, the Forest Service projected that only 17,000 acres of old-growth and 11,800 acres of young-growth might be harvested over the next 100 years. That modest addition of suitable timber lands would allow local managers greater flexibility in the selection and design of future timber sale areas. This improved flexibility could, in turn, improve the Forest Service’s ability to offer economic timber sales that better meet the needs of the timber industry and contribute to rural economies. Despite the proposed regulatory exemption, the remaining 9 million acres would not be scheduled or expected to be subject to timber harvest activities.

While restoring 185,000 acres of forest land to the suitable timber base will allow the Forest Service to produce and offer more economic timber sales, which is

important to the 350 people who are still working in the industry, the reality is that most of the infrastructure for large scale timber harvest has long ago left Alaska. There will likely be no more timber harvest after Total Exemption than there was before the Exemption was taken away in 2011.

TOTAL EXEMPTION FROM THE ROADLESS RULE WILL BENEFICIALLY AFFECT ACCESS AND ECONOMIC DEVELOPMENT IN SOUTHEAST ALASKA.

The CAC recommendations seek important new exceptions to the Roadless Rule. Specifically:

- 1. Allow road access to mineral operations authorized by the 1872 Mining Act (30 U.S.C. § 22 et seq.) for operators meeting the requirements of 36 C.F.R. Part 228 whether their mineral operations are on IRA or on non-IRA National Forest lands. The Total Exemption Alternative would eliminate this access barrier to mining.**

EXPLANATION:

Road access is needed to access claims and for exploration and mine development whether those claims are located within Tongass IRAs or non-IRA Forest land. We cannot protect mining opportunities on the Tongass or miners' rights under the 1872 Mining Act with geographic Tongass-specific IRA selections because no one knows where economic mineralization is until an area is explored to determine size and grade.

The 2001 Roadless Rule (36 C.F.R. § 294.12(b)(3)) provides an exception to the prohibition on road construction in IRAs: "A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty." But, there are simply no criteria by which the Responsible Forest Service official determines when a road is *needed* to support mining exploration and development. Thus, what is "reasonable access" is completely up to the Forest Supervisor.

"Leaving it up" to the responsible Forest Service official to determine what is "reasonable access" or when a road is "needed" does not adequately protect access rights under the Mining Act of 1872. For example, the Quartz Hill

Project was adjacent to the Misty Fjords Wilderness Study Area. In 1977 the Forest Service denied a Special Use Permit to U.S. Borax to construct a road for a bulk sample of 5,000 tons of ore at the Quartz Hill Project, requiring access to be by helicopter. *SEACC v. Watson*, 697 F.2d 1305 (9th Cir. 1983). As the opinion shows, six years later Borax still did not have a permit to build the road needed to move that volume of ore.

We are also told that notwithstanding the Roadless Rule the Forest Service has issued 57 permits in IRAs - mostly for mineral exploration. However, these are all for non-roaded helicopter supported drilling. This limits the size of rig and volume of core that can be extracted. While NQ (1.9 inch dia) core can be obtained with lighter drills, HQ (2.5 inch dia) or PQ (3.4 inch dia) core is necessary for higher certainty of assay and structure. Thus, without roads, only *INITIAL* exploration data can be obtained. In order to advance a project, the Security and Exchange Commission requires greater certainty of resource/reserve estimation.

However, larger core and underground drilling cannot occur without roads, let alone extraction of large tonnage metallurgical test mill ‘bulk’ samples. Thus, exploration requires an ever-increasing level of investigation to add certainty to resource/reserve information to support financing in public markets. This cannot be accomplished without roads. Exploration budgets would shoot up dramatically - by millions to tens of millions - to fly in large rigs, underground excavation equipment, camps, personnel, infrastructure, emergency response, environmental controls, etc. Yet, it is highly doubtful that the current 36 C.F.R. § 294.12(b)(3) exception would allow roads for these purposes.

For that reason, Southeast Conference supports Total Exemption, - i.e., an Alaska-specific rule that authorizes roads for mining and other mining related activities in IRAs that meet the environmental criteria of 36 C.F.R. § 228 (a). Thus, the requirements for authorizing mining exploration on non-IRA Tongass land and Tongass IRAs would be the same.

When mining is done the road would be reclaimed, the culverts would be pulled, and water bars installed. And then the old roads grow over, just as old Tongass logging roads have done.

Accordingly, a new exception for Alaska-specific rulemaking should be added to 36 C.F.R. § 294.12(b) as follows:

(8) a road to access mineral operations authorized by the United States mining laws (30 U.S.C. § 22 et seq.) would be permitted under 36 C.F.R. Part 228 as if the application for a road to access such mineral operations were on non-IRA National Forest land;

2. **Allow the cutting and removal of trees associated with mining exploration and development. Currently, 36 C.F.R. § 294.13(b)(2) only authorizes the cutting or removal of trees in IRAs that is “incidental to implementation of a management activity not otherwise prohibited by this subpart.” The level of exploration needed to develop a mine on the Tongass requires the cutting and removal of trees. Mine development requires even more cutting and removal of trees. The Total Exemption Alternative would eliminate this barrier to mining.**

EXPLANATION:

While “reasonable access” is technically permitted in IRAs, cutting and removal of trees associated with mining exploration and development does not appear to be allowed. 36 C.F.R. § 294.13 (b) (2) authorizes the cutting or removal of timber “incidental to implementation of a management activity not otherwise prohibited by this subpart.” The needed level of exploration to develop a mine on the Tongass National Forest *requires* the substantial cutting and removal of trees. Mine development would typically require even significantly more cutting and removal of trees. How could the Forest Service permit a portal and development rock stockpile if trees could not be cut?

However, there is no mention of mining in the examples provided in the 2001 Rule and ROD of what this section authorizes.⁴ Moreover, in describing this section the 2001 Rule and ROD states: “Such management activities are expected to be rare and to focus on small diameter trees.”⁵

The Total Exemption Alternative is needed to resolve this access issue.

⁴ *Ibid.*, at page 3258.

⁵ *Ibid.*, at page 3257.

3. The Total Exemption Alternative to the 2001 Roadless Rule is needed to assure road access to renewable energy sites.

EXPLANATION:

Renewable energy is important to Southeast Alaska because it will often be more economic and environmentally preferred than diesel to power communities and mines in rural Southeast Alaska.

Hydropower has been used in Southeast Alaska for over 120 years. Given the federal government's involvement in the construction of Southeast Alaska hydropower facilities, USDA certainly was aware of the Tongass hydropower potential.

The 1947 Water Powers of Southeast Alaska Report, conducted in part with the Forest Service, identified over 200 such potential hydropower sites in Southeast Alaska, many of which lay in the 2008 Forest Plan Transportation and Utility System (TUS) avoidance LUDs. Such access is severely restricted by Remote Recreation Land Use Designations (LUDs)⁶ and the 2001 Roadless Rule.

The 2001 Roadless Rule and 2016 Forest Plan are fatally flawed, because neither included a commercially reasonable or realistic renewable energy resource plan and neither recognized pre-existing power site classifications and other potential renewable energy resources on the Tongass such as hydropower, geothermal, wind or other renewable energy sites.

Moreover, the plans give the USFS broad discretion over how, when, and why renewable energy development applications might be processed and authorized, rather than providing standardized guidance and predictable timelines for agency responses to developer proposals. Lack of assured, predictable processes and timelines creates an uncertain and commercially unreasonable investment environment which does not meet the threshold criteria of most investors and developers. Accordingly, neither the 2001 Roadless Rule nor the 2016 Forest Plan is consistent with national energy policy and national energy security policy.

⁶ The Forest Service has admitted that the criteria set out in the Forest Plan to apply the TUS LUD to hydropower projects within TUS Avoidance Areas are unworkable and need to be amended.

On November 13, 2000, two months prior to the January 12, 2001 ROD, Congress authorized a Southeast Alaska-wide intertie.⁷ Remarkably, neither Public Law 106-511 nor Report #97-01 of the Southeast Conference – which Public Law 106-511 implemented – is referenced in the 2001 Roadless Rule. It does not mention the power cost savings the Southeast Alaska Intertie program could bring to rural communities if not for the Roadless Rule.

Given the fact that there are 9.6 million acres of IRAs in the Tongass and 5.6 million acres of Wilderness on the Tongass National Forest, it is highly probable that the new hydropower and other renewable energy projects needed to provide lower cost power to remote mining operations and rural communities throughout Southeast Alaska and other markets are being prohibited, or made more difficult to access and develop, because they are located in IRAs and Wilderness Areas and because the power lines needed to distribute that power will need to cross IRAs and Wilderness Areas.

This loses, without reason, the synergies that can exist among mining, renewable energy and community energy costs. For example, Green Creek, is an interruptible power customer of AEL&P that will take any power – at all – not otherwise sold to others. Greens Creek consumes a huge base load that reduces the cost of electricity to Juneau consumers. If the mine goes away, electricity rates would increase by 40%. Without the mine the Lake Dorothy Hydro Project would probably not have been built.

Currently in the Final Rule, there are seven exceptions⁸ in subsection (b) of 36 C.F.R. § 294.12 which a road may be constructed or reconstructed in an inventoried roadless area (notwithstanding the prohibition in paragraph (a) of § 294.12) if the Responsible Official determines that one of those seven exceptions exists. A new exception (in addition to exception (8) suggested earlier herein) for Alaska-specific rulemaking should be added to those seven exceptions in 36 C.F.R. § 294.12(b) as follows:

9) A road shall be authorized to access existing and/or future renewable energy projects and their transmission infrastructure if construction of such a road meets the criteria of 36 C.F.R. Part 228. Renewable energy includes energy that is collected from renewable resources, which are

⁷ Pub. Law 106-511, 114 Stat. 2365 (Nov. 13, 2000).

⁸ 66 Fed Reg. *supra*, at page 3272

naturally replenished on a human timescale, such as sunlight, wind, rain, tides, waves, geothermal heat, or other forms of energy.

A Total Exemption from the Roadless Rule will assure road access to renewable energy sites.

4. The Total Exemption Alternative to the 2001 Roadless Rule is needed to assure road access to leasable minerals (such as geothermal resources).

EXPLANATION:

Although the Roadless Rule allows access to locatable minerals, it denies access to new leases for minerals subject to the Mineral Leasing Act of 1920, including geothermal resources, “because of the potentially significant environmental impacts that road construction could cause to inventoried roadless areas.”⁹ There also is no explanation as to why the access impacts associated with locatable minerals, which are allowed, are different from the access impacts associated with leasable minerals.

5. The Total Exemption Alternative to the 2001 Roadless Rule is needed to assure road access new hydropower sites.

EXPLANATION

Future hydropower and support facilities, such as those envisioned by Report #97- 01, will be subject to the prohibition on road construction. *See* 66 Fed. Reg. at 3256 (“The final rule retains all of the provisions that recognize **existing** rights of access and use. Where access to these facilities is needed to ensure safe operation, a utility company may pursue necessary authorizations pursuant to the terms of the **existing** permit or contract.”) (emphasis added). Future facilities do not fall within that exception.

Likewise, the summary of Roadless Rule costs and benefits displayed in Table 1 indicates that for “[s]pecial-use authorizations (such as communications

⁹ 66 Fed. Reg. at 3256.

sites, electric transmission lines, pipelines),” **existing** facilities are not affected but “future developments requiring roads [are] excluded in inventoried roadless areas unless one of the exceptions applies.”¹⁰

There is a short discussion in the Rule’s Preamble regarding application of § 294-14 (a) to continued access to **existing** facilities operated by utilities:

The final rule retains all of the provisions that recognize **existing** rights of access and use. Where access to these facilities is needed to ensure safe operation, a utility company may pursue necessary authorizations pursuant to the terms of the **existing** permit or contract.¹¹

Because there is no mention of **future** utilities, or any mention of hydropower, the application of the *inclusio unus, exclusion alterus* canon of construction, would mean that the 2001 Roadless Rule does not allow new roads for such development.

The response to comments discussion in the Preamble leads to the same conclusion that road construction in support of **future** hydropower projects is prohibited in IRAs:

Comment on Exiting Authorized Activities. Some respondents were concerned about the impact of the rule on special uses and requested clarification regarding the ability to construct or maintain roads in inventoried roadless areas to access electric power lines or telephone lines, pipelines, hydropower facilities, and reservoirs.

Response. Section 294.14(a) of the proposed rule stated that the rule would not suspend or modify any **existing** permit, contract, or other legal instrument authorizing the use and occupancy of the National Forest System lands. **Existing authorized uses** would be allowed to maintain and operate within the parameters of their current authorization, including any provisions regarding access.¹²

Finally, Table 1, attached to the Final Rule, summarizes the costs and benefits of the Final Rule, describes the impact of the Final Rule on “Special Use authorizations (such as communications sites, electric transmission lines, pipelines)” as follows: “Current use and occupancies not affected, future

¹⁰ 66 Fed. Reg. at 3269 (emphasis added).

¹¹ 66 Fed. Reg. *supra.*, at page 3256. (Emphasis added).

¹² 66 Fed. Reg. *supra.*, at page 3259. (Emphasis added).

developments requiring roads excluded in inventoried roadless areas unless one of the exceptions applies.”¹³

It is thus clear that the Forest Service simply failed to address the contradiction between Public Law 106-511, Title VI, and the Roadless Rule. Passage of this authorization was a change in conditions since publication of the FEIS. This ambiguity should be addressed in the Alaska-specific Rule. A Total Exemption from the Roadless Rule will assure road access to hydropower sites.

Each of the foregoing recommendations should be included as exceptions to the Alaska Specific Roadless Rule in Alternatives 2 through 5 in the DEIS. Their implementation would be assured by selection of the Total Exemption Alternative.

SPECIFIC CAC RECOMMENDATIONS FOR EXCEPTIONS TO THE 2001 ROADLESS RULE AS APPLIED TO ALASKA

In addition to the foregoing the Southeast Conference supports the following CAC recommendations for exceptions to the Alaska specific Roadless Rule, each of which would be assured by adopting the Total Exemption Alternative:

1. **Forest Health.** The Committee recommends that the following new exception for Forest Health should be added to 36 C.F.R. § 294.13:

The cutting and removal of trees incidental to fire prevention, removal of hazard trees that reduce risk to the public, blowdown/windfall management, and/or insect and disease management, is authorized. Such trees may be sold and/or utilized on the project.

2. **Alaska Native Culture.** The Committee recommends that the following new exception for Alaska Native Culture should be added to 36 C.F.R. § 294.13:

The cutting and removal of trees in connection with Alaska Native custom and traditional uses is authorized.

3. **Fish and Wildlife Habitat Improvement.** The Committee recommends that the following new exception for fish and wildlife habitat should be added to 36 C.F.R. § 294.13:

¹³ 66 Fed Reg.*supra.*, at page 3270.

The cutting and removal of trees for fish and wildlife habitat improvement is authorized. Such trees may be sold and/or utilized on the project.

4. **Road Building.** The Committee recommends that the following new exception for road building should be added to 36 C.F.R. § 294.13:

The cutting and removal of trees for permitted road building (as described in 36 C.F.R. § 294.12) is authorized. Such trees may be sold and/or utilized on the project.

5. **Biofuels.** The Committee recommends that the following new exception for biofuels should be added to 36 C.F.R. § 294.13(b):

The cutting and removal of trees for biofuel for Southeast Alaska residential and municipal needs is authorized and will comply with current standards and regulations for harvest.

6. **Municipal Watersheds.** The Committee recommends that the following new exception for municipal watersheds should be added to 36 C.F.R. § 294.13:

The cutting and removal of trees for municipal watershed construction and management is authorized and such trees may be sold and/or utilized on the project.

7. **Roads to Connect Communities.** The Committee recommends that a new exception for Roads in Transportation Utility System (TUS) corridors identified in the Southeast Alaska Transportation Plan (SATP) for development and/or essential for reservation for the connection of communities and development of the regional transportation system should be added to 36 C.F.R. § 294.13. This includes roads included in a community, municipal, or tribal government plan to provide access and development of water resources, renewable energy resources, sanitary landfills, connecting isolated road networks, and subsistence resources, including maintenance of such roads and facilities.

8. **Roads for Fisheries.** The Committee recommends that a new exception to allow road access to an authorized facility or location for fishery research, management, enhancement and rehabilitation activities; fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other

permitted aquaculture facility or activity, including mariculture should be added to 36 C.F.R. § 294.13.

Each of the foregoing recommendations should be included as exceptions to the Alaska Specific Roadless Rule in Alternatives 2 through 5 in the DEIS. Their implementation would be assured by selection of the Total Exemption Alternative.

CONCLUSION

As USDA determined in 2003, the 2001 Roadless Rule is an unnecessary barrier to the social and economic welfare of the residents of Southeast Alaska. It is unnecessary because there are over 6.6 million acres of Congressional designations that protect wild areas on the Tongass. The 2016 Tongass Transition Land and Resource Management Plan provides additional land and resource protection. Any development must meet the requirements of the Forest Plan and 36 C.F.R. Part 228, compliance with which is examined by decision makers and the public through the NEPA process. The blanket proscriptions of the 2001 Roadless Rule do not provide protection – just barriers.

The Southeast Conference requests the Committee's support for selection of the Total Exemption Alternative from the 2001 Roadless Alternative.

Thank you.