

Congress of the United States
Washington, DC 20515

October 5, 2020

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Perdue:

We write today in opposition to the Final Environmental Impact Statement (FEIS) that your Department has released, indicating it will fully exempt the Tongass National Forest from protections under the Roadless Area Conservation Rule. We urge an indefinite delay or reversal of this decision which will in effect remove existing protections from more than 9 million acres of National Forest System land with established climate mitigation potential and open new areas to logging, roadbuilding, and other industrial development.

From the start of this process it has been clear that the effort to carve out an Alaska Roadless Rule (Alaska Roadless Exemption) would not be based on science or facts. For decades, Southeast Alaska communities have fought for stability and certainty in the management of the Tongass, but that was all upended when USDA agreed to pursue this rulemaking on a political whim. The timing, the process, and the outcome are badly misguided and ignore the input and opposition of Alaska Natives, the American public, and Members of Congress.

The decision to rush an Alaska Roadless Exemption only serves to open a fresh round of controversy and conflict over a highly contentious issue that the agency and the region had previously put behind them. Additionally, to do so during a global pandemic places an undue and ill-conceived burden on the people of Alaska, businesses, and government officials who would prefer to devote themselves to other, far more pressing matters. We do not believe that the process leading to this point followed the spirit or letter of the law, leaving little recourse except for the fate of the Roadless Rule in the Tongass to be decided by an act of Congress or in the courts.

One of our top concerns is that the decision to push ahead with the FEIS for the Alaska Roadless Rulemaking during the pandemic violated your responsibility to properly consult with Alaska Native Tribes that live in the Tongass. Throughout the pandemic the Trump administration has repeatedly refused to be subject to Congressional oversight unless those meetings were held in person. Yet, the United States Forest Service (USFS) denied native Tribes in Southeast Alaska their requests for the agency to hold face-to-face, government-to-government consultations and subsistence hearings prior to finalizing the FEIS. Under the law and binding agency guidance, and out of simple respect, USFS has an obligation to conduct such meetings in person. There is no urgent need to move forward with this rulemaking. In consideration of the health and welfare concerns of tribal villages the agency should have postponed work on the Final Environmental Impact Statement until it was safe to hold such meetings.

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As you are also aware, nine of Southeast Alaska's sovereign Tribes have recently come together to petition the USDA under the Administrative Procedures Act (APA) for the creation of a Traditional Homelands Conservation Rule to better protect the traditional and customary uses of the land and their cultural survival. Considering that the Alaska Roadless Exemption has been promulgated in response to a similar APA petition filed by the State, we would expect the USDA to give the same weight and consideration to this petition from tribal governments. Although the Traditional Homelands Conservation Rule petition requests a rule that is separate from and in addition to the Roadless Rule, an Alaska Roadless Exemption would negatively affect efforts to conserve traditional homelands in the Tongass. Therefore, USDA should not finalize an Alaska Roadless Exemption while a related petition from tribal governments is still pending. We urge postponement of the Alaska Roadless Exemption until sometime in the future in order to allow for in-person meetings with the Tribes regarding the traditional homelands petition and government-to-government consultation on the Alaska Roadless Exemption.

The Forest Service not only has a duty to listen to Native Tribes, but at a time of nationwide crisis has a responsibility to prioritize projects that can put Americans to work restoring our forests, supporting public lands and outdoor recreation, and helping Indigenous communities prepare for climate change. The fact that the Forest Service has spent millions on this rulemaking while other priorities in the Tongass and elsewhere have faltered makes it clear that no substantial reason for abandoning the Roadless Rule has been identified, let alone an urgent one. An Alaska Roadless Exemption could actually harm important industries. The FEIS itself predicts that logging and timber jobs would not increase as a result of the change, while fishing and tourism, the primary economic drivers of the region, would suffer under such a rule change.

Moreover, in the current economic circumstances, there is no realistic near-term probability of demand for Tongass logs or funding for new logging roads. Even before the pandemic, in part due to the administration's disastrous trade policies, the Tongass was selling virtually no timber and the Forest Service was subsidizing the remaining Tongass timber industry at the rate of \$30 million per year. That is why fiscal conservatives are overwhelmingly opposed to this exemption, including groups such as Taxpayers for Commonsense, Citizens for the Republic and National Taxpayers Union.

In addition, contrary to the Forest Service's assertions, the rulemaking is not needed to allow road-building, hydroelectric, or other projects to move forward in the Tongass. The Forest Service has a long track record of expeditiously granting requests for projects, including building roads, under the Rule's existing exemptions. During the rulemaking process alone, USFS has approved four of these projects.

We also believe the FEIS has failed to fully analyze the impacts of an Alaska Roadless Exemption. Scientists have repeatedly urged maintaining protection for this largely intact temperate rainforest. The Tongass would rightly be managed as America's climate forest because of the Tongass' critical capacity for carbon storage and climate change mitigation. The protection of these lands for their conservation value also supports healthy populations of salmon and other wildlife essential to the people of the region. There is no justification for such an abrupt departure from the long-standing and successful application of the Roadless Rule in the Tongass. Roadless protections in Southeast Alaska support the values most important for the people of the region, the nation, and the world.

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All of this, unsurprisingly, has led to bipartisan opposition to this irrational exemption. Forest Service data shows essentially no public support for dropping the Rule on the Tongass, with less than 1% of hundreds of thousands of commenters favoring that approach. In the last two fiscal years House-passed Interior and Environment Appropriations bills have limited funding for new logging roads in the Tongass, while bicameral legislation has been introduced to codify the protections afforded under the 2001 Roadless Rule, including in the Tongass National Forest.

For all these reasons and numerous others, we firmly disagree with the administration's conclusions in the FEIS seeking to justify an Alaska Roadless Exemption and urge this administration to reverse course. Should you choose to finalize the Alaska Roadless Exemption we request a reply to this letter with detailed responses to each of the several inadequacies we've identified and a clear rationale for the proposed exemption along with the FEIS analysis supporting it. We also ask that your reply include a written explanation for the Department's decision to move forward with this FEIS and any Record of Decision at a time of nationwide emergency and grave uncertainty while omitting in-person consultation with all affected Tribes. Additionally, we request that your response include your full analysis of the economic impact of an Alaska Roadless Exemption, and any correspondence and documents regarding contracts, grants, and costs associated with the rulemaking. We are prepared to use the congressional tools available to us, including oversight hearings, appropriations restrictions, and legislation, to rein in further misuse of the authority and responsibility entrusted to your Department for the long-term welfare of the forests of the American people.

An economically sustainable, collaborative, and science-based management policy for the National Forest System depends on maintaining strong Roadless Rule protections, especially in the Tongass National Forest. Thank you for your consideration.

Sincerely,



Maria Cantwell
United States Senator



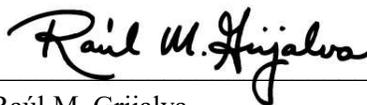
Debbie Stabenow
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List of Signatories

United States Senators

/s/ Mazie K. Hirono

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United States Senator



Edward J. Markey
United States Senator



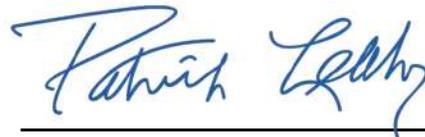
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Tammy Baldwin
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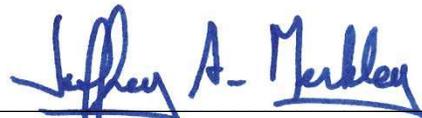
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/s/ Bernard Sanders

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/s/ Benjamin L. Cardin

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Sheldon Whitehouse
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