

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 10, 2019

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

Dear Secretary Perdue,

We write to express our concerns regarding the U.S. Forest Service's (USFS)¹ inadequate consultation and cooperation with Alaska Native communities and stakeholders, specifically with the Organized Village of Kake (OVK), the Organized Village of Saxman, and the Southeast Alaska Subsistence Regional Advisory Council during the development of a state-specific roadless rule for Alaska's Tongass National Forest.

In Southeast Alaska, the 2001 Roadless Rule has effectively protected lands that Alaska Natives have cared for and relied on since time immemorial. Seventeen federally-recognized tribes and thirty-two communities call the Tongass home. The Tongass National Forest, over half of which is currently protected as roadless, provides numerous traditional, cultural, spiritual, religious and subsistence values to Alaska Natives, including clean drinking water, habitat for hunting and fishing, and old-growth forests and soils which provide food, medicine, and contain sacred sites. Furthermore, at a time when many Indigenous communities and their traditional ways of life are being forced to face direct and worsening impacts associated with climate change, the Tongass should also be recognized as a globally significant carbon store – important for both climate change mitigation and resilience. As such, it is imperative that USFS is responsive to requests made by Alaska Native tribes and communities and are kept meaningfully involved throughout the rule-making process.

The historical exploitation of the Tongass has created extreme controversy and too often ignored the rights and concerns of Alaska Natives. The U.S. Forest Service's focus on large-scale industrial logging in the Tongass for wood pulp and timber, often for the profit of foreign companies, has significantly impacted Southeast Alaska's lands and waters, often at the expense of Alaska Native' health, culture, food security, and economic well-being. Now, in the present day, without consulting or collaborating with any of the Alaska Native Communities, USDA submitted its Memorandum of Understanding (MOU) with the State of Alaska and issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and a public rulemaking process for a state-specific roadless rule. As the Secretary of a federal agency, your failure to consult with members of Alaska Native communities before responding to the State of

¹ Acting on behalf of the United States Department of Agriculture (USDA).

Alaska's petition demonstrates a complete disregard for the implications of the rule-making on members of these communities.

The creation of an Alaska roadless rule, and the likelihood of these lands being opened to road construction and industrial logging, would have a disproportional impact on Alaska Native communities. Large-scale industrial logging in Alaskan national forests has and will likely continue to damage the deer habitats and salmon streams Alaska Natives depend on for subsistence. Despite these clear concerns, your agencies have held no subsistence hearings for the Alaska Roadless Rule and the federally convened Southeast Alaska Subsistence Regional Advisory Council was not approached for consultation. The scoping period ended on October 15, 2019, one day before their fall subsistence meeting was held on October 16-18, 2019 and thus precluded the possibility of proper engagement with the Council. Furthermore, it would seem appropriate for the Forest Service to include a Section 810 analysis under the Alaska National Interest Lands Conservation Act (ANILCA) in the EIS to evaluate the effects of such a rule on subsistence uses and needs.

The USDA and USFS have a duty to provide timely responses to tribal correspondences addressing the tribal implications of any agency actions. Yet, both agencies seem to consider the established rulemaking timeline more of a priority than responding in a timely manner to the many tribal correspondences and concerns regarding Alaska's Roadless Rule process. The concerns of tribes regarding the pace of the rulemaking and their ability to meaningfully participate as cooperating agencies have been raised numerous times throughout this process. On September 7, 2018, OVK sent a letter to urge USFS to withdraw its August 30th MOU announcement and ensure that any future agreement reflects tribal concerns on the matter. On October 10th, OVK sent another letter to USFS requesting to provide input in the decisions regarding activity in the Kake area. A January 31, 2019 OVK correspondence requested a two-month extension of the deadline for reviewing and commenting on the preliminary draft environmental impact statement (DEIS), in addition to several other requests regarding the pace of the process. Finally, in a February 5, 2019, letter, both the presidents of OVK and the Organized Village of Saxman requested to meet with you directly—stating that it would be the most effective way to ensure that their voices are considered in this process.

The membership of Governor Walker's Citizen Advisory Board (CAC) is another example of how the Alaska roadless process has prioritized the interests of other parties at the expense of Alaska Natives. Of the fourteen-member CAC, only one member represents 'tribal interest.' It is unreasonable to expect one individual to represent the interests of all the tribes and native communities that would be directly affected by a state-specific roadless rule. Thus, USFS's failure to properly engage with and involve relevant tribes in this process is a failure to abide by its' own policy, as its actions have failed to meaningfully include Native communities throughout this process.

Overall, the inadequacy of tribal engagement to date seems to be driven by an arbitrarily rushed deadline designed to favor specific interests rather than taking the time to hear the voices and concerns of those most likely to be impacted. Further illuminating this point is the fact that work on a Draft Environmental Impact Statement for an Alaska roadless rule was prioritized for funding during the 35-day government shutdown, even though funding for tribes was severely limited. For

OVK, which receives 98-percent of their funding from the federal government, the shutdown meant difficulties in providing services to tribal members and made it nearly impossible to devote resources to engaging in the preliminary DEIS process.

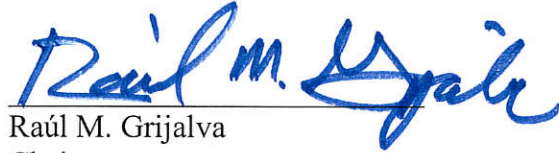
Finally, we take issue with several specifics regarding how USFS is carrying out this process. First, we are concerned that the Forest Service is providing federal funding to the State of Alaska to support their role as a cooperating agency, without providing similar financial considerations to tribes with the same status. Second, the agency has insisted on using old data that fails to account for all roadless areas, including many Native cultural sites, even though contemporary data that accounts for such sites exists. Further, the agency insists that the change to a state-specific Roadless Rule would only be programmatic, or administrative, and asserting that a full site-specific review of environmental impacts of the change would be unnecessary. Any change that would open these federally protected lands to roadbuilding and industrial logging is clearly not administrative in nature, especially given that the environmental harms associated with these activities are well understood.

Considering the issues laid out in this correspondence, we request the following:

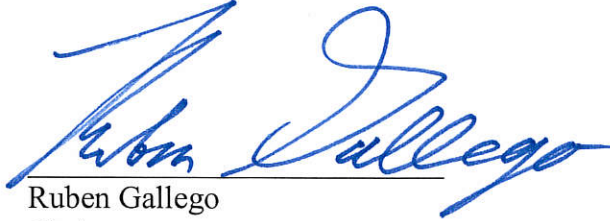
1. Any grants, contracts, or agreement with the State of Alaska obligating federal funds to, in whole or in part, fund their participation in the rulemaking process.
2. Your official and thorough responses to the letters described above.
3. Per the February 5, 2019, letter mentioned above, your intentions to conduct a formal government-to-government consultation with OVK and the Organized Village of Saxman, or any other tribal governments that have raised similar concerns, regarding the proposed Alaska Roadless Rule.
4. That you hold at a subsistence hearing with the Southeast Alaska Subsistence Regional Advisory Council to carefully examine how an Alaska Roadless Rule could alter the subsistence practices of Alaska Natives, as well as subsistence meetings as part of all future public meetings in Southeast Alaska.
5. A list of all the parties that requested an extension to comment on the preliminary DEIS, submitted in either written form or verbally requested during cooperating agency meetings, and whether their requests were accepted, denied, or ignored.
6. An extension to the review timeframe for the preliminary DEIS to allow for a more thorough analysis of concerns put forth during the scoping process and to account for the effects of the government shutdown on tribal government operations.
7. A thorough explanation for the Forest Service's refusal to use existing contemporary data to identify all roadless areas in the region.
8. A reclassification of this proposal from Programmatic to Project Specific to allow for the environmental impacts of this proposal to be more seriously considered.

We look forward to your timely response.

Sincerely,



Raúl M. Grijalva
Chairman
House Committee on Natural Resources



Ruben Gallego
Chairman
Subcommittee for the Indigenous Peoples
of the United States



Debra Haaland
Chair
Subcommittee on National Parks,
Forests, and Public Lands



Jared Huffman
Chairman
Subcommittee on Waters, Oceans,
and Wildlife



Alan Lowenthal
Chairman
Subcommittee on Energy and Mineral
Resources