



Resolution 18-04

SOUTHEAST CONFERENCE RESOLUTION REQUESTING CONGRESSIONAL RELIEF FROM THE TONGASS TRANSITION PLAN AND THE 2001 ROADLESS RULE

WHEREAS, the Tongass National Forest Plan Amendment, known as the Tongass Transition Plan, which came into effect during the final days of the Previous Administration, and interlocks with the 2001 Roadless Rule, which came into effect during the final days of the Clinton Administration, to preclude roadbuilding and timber harvest of Old Growth timber and to preclude or limit roadbuilding for the development of renewable energy projects and mining exploration and development on 9.6 million acres of the Tongass National Forest; and

WHEREAS, when the acreage set aside by the Transition Plan and Roadless Rule is combined with the 4.5 million acres of the Tongass National Forest designated as Wilderness by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) and the 1.1 million acres of the Tongass National Forest designated as Wilderness and LUD II by the Tongass Timber Reform Act of 1990 (TTRA), resource development is limited or prohibited on approximately 15.2 million acres of the 16.9 million acre Tongass National Forest; and

WHEREAS, the Statehood Act of 1958 made a compact with the people of Alaska to provide for themselves and Alaska through reasonable resource development; and

WHEREAS, Section 101 (d) of ANILCA finds that the land it set aside and the land remaining open to development "represent a proper balance between the preservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition;" and

WHEREAS, Section 1326 (a) of ANILCA provides that the executive branch may withdraw "No More" than 5,000 acres of public land without a joint resolution of approval by Congress; and

WHEREAS, the State of Alaska is currently litigating the application of the 2001 Roadless Rule to the Tongass National Forest on the ground, among others, that it violates the No More clause of ANILCA; and

WHEREAS, the Alaska Congressional Delegation has introduced legislation that would repeal the application of the Roadless Rule to the Tongass National Forest; and

WHEREAS, because the Tongass Transition Plan precludes timber harvest and precludes or limits renewable energy development and mining and exploration development on the same 9.6 million

acres of Inventory Roadless Areas to which the Roadless Rule applies, it is necessary to also terminate the Tongass Transition Plan, i.e. getting rid of one without getting rid of the other does not solve the problem; and

WHEREAS, at page 12 of the Record of Decision for the Tongass Transition Plan the Forest recognizes that the young growth timber to which the Plan requires the timber industry to transition is currently neither economic nor marketable; and

WHEREAS, at page 23 of its May 2010 *Economic Analysis of Southeast Alaska* the Forest Service explains:

Young growth management is not currently economically viable without substantial public investments to pay for thinning. This is because the vast majority of young growth currently available on the developed land base is too young and small to generate profits in excess of the logging and transportation costs used in this analysis.

But the Transition Plan fails to provide a basis for assuming that *substantial public investments to pay for thinning* will be proposed to the President by USDA or made available by Congress; and

WHEREAS, there are a number of infrastructure projects essential to renewable energy development on the Tongass that are authorized by ANILCA and allowable under the 2008 Amended Plan Transportation and Utility System (TUS) Overlay LUD that would be restricted by the Tongass Transition Plan Renewable Energy Standard and Guidelines or the Transportation Systems Corridors Direction – for example, pipelines, communication systems, and more; and

WHEREAS, for the foregoing reasons the combination of the 2001 Roadless Rule and the Tongass Transition Plan presents a major barrier to reasonable resource development in Southeast Alaska; and

WHEREAS, for the foregoing reasons twenty-seven individuals, statewide organizations, and Southeast Alaska business entities - including Governor Bill Sheffield, Governor Frank H. Murkowski, Former R-10 Regional Forester John Sandor, Former R-10 Regional Forester and Alaska Commissioner of the Department of Transportation and Public Facilities Mike Barton, Former R-10 Deputy Regional Forester Steve Brink, Former R-10 Director of Minerals John Kato, The Southeast Conference, The City of Craig, the Ketchikan Gateway Borough, The City and Borough of Wrangell, Alaska Power & Telephone Inc., the Alaska Miners' Association, The Resource Development Council of Alaska, The Alaska Chamber, The Juneau Chamber of Commerce, Southeast Roadbuilders, Inc., Icy Straits Lumber and Milling Inc., Alaska Electric Light & Power, Inc., Tyler Rental Inc., Alaska Marine Lines Inc., the First Things First Foundation, The Greater Ketchikan Chamber of Commerce, DuRette Construction Company, Inc., Hyak Mining Co., Inc., First Bank of Ketchikan, Southeast Stevedoring Company - formally requested that Senator Murkowski work with Congress and the new Administration to place a moratorium on application of the Tongass Transition Plan to the Tongass National Forest; and

WHEREAS, the Transition Plan can be repealed by a Resolution of Disapproval under the Congressional Regulatory and Review Act 5 U.S.C. § 801,802, and 804 (CRA); and

WHEREAS, the 1997 Tongass Land Management Plan was determined by the Government Accountability Office (GAO) to be a Rule for purposes of the CRA. In the same way, the Tongass Transition Plan is a Rule for purposes of the CRA. If the CRA is used to eliminate the Transition Plan, it cannot be filibustered, litigated by opposition groups, and “a new rule that is substantially the same as [the disapproved rule] may not be issued” 5 U.S.C. § 801(b)(2); and

WHEREAS on February 13, 2017 Senator Murkowski requested a determination from the GAO whether the 2016 Tongass Transition Plan is a Rule for CRA purposes; and

WHEREAS, on October 23, 2017 GAO determined that the 2016 Tongass Transition Plan is a Rule for CRA purposes; and

WHEREAS, on October 24, 2017 Senator Murkowski entered the GAO determination into the Congressional Record thereby starting the 60 day clock (which may terminate on December 23, 2017) by which, if it is still in session, Congress must pass a Resolution of Disapproval to rescind the 2016 Tongass Transition Plan or lose the opportunity to use the CRA; ; and

WHEREAS, on September 20, 2017 the District Court for the District of Columbia ruled against the State in its litigation to set aside the 2001 Roadless Rule;; and

WHEREAS, the State, the Southeast Conference, and 19 other community, organizational, and individual Alaskans have appealed the District Court’s Decision to the Court of Appeals for the District of Columbia; and

WHEREAS, section 508 of the 2018 Interior Appropriations Bill would effectively rescind the 2016 Tongass Transition Plan pending certain modifications and section 509 of the 2018 Interior Appropriations Bill would repeal the application of the 2001 Roadless Rule to the National Forests in Alaska; ;

NOW THEREFORE BE IT RESOLVED, that the Southeast Conference expresses its support and appreciation to Senator Murkowski and the Alaska Congressional Delegation for Section 509 of the 2018 Interior Appropriations Bill that it has introduced in Congress that would repeal the application of the 2001 Roadless Rule to the National Forests in Alaska; and

BE IT FURTHER RESOLVED, that the Southeast Conference expresses its support and appreciation to Governor Walker for his Administration’s endeavor to terminate the application of the 2001 Roadless Rule to the Tongass National Forest, including the State’s appeal to the D.C. Circuit Court of Appeals the adverse decision of the District Court for the District of Columbia; and

BE IT FURTHER RESOLVED, that the Southeast Conference expresses its support and appreciation to Senator Murkowski and the Alaska Congressional Delegation for Section 508 of the 2018 Interior Appropriations Bill that it has introduced in Congress that would effectively rescind the 2016 Tongass Transition Plan; and

BE IT FURTHER RESOLVED, that the Southeast Conference urges the Congressional Delegation to seek a Resolution of Disapproval regarding the 2016 Tongass Transition Rule before the time within which such a Resolution can be brought expires.

ADOPTED BY THE SOUTHEAST CONFERENCE BOARD OF DIRECTORS ON, December 21st 2017.

Witness by:



Jan Hill
President

Attest:



Robert Venables
Executive Director