



***Southeast Alaska
Subsistence Regional
Advisory Council***

**Don Hernandez, Chairman
c/o Office of Subsistence Management
1011 E. Tudor Rd., MS 121
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R26077

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Roadless Rulemaking Team
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USDA - USFS Tongass National Forest
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Dear Director of Ecosystem Management Coordination, Alaska Regional Forester, and Tongass National Forest Supervisor:

The Southeast Alaska Subsistence Regional Advisory Council (Council) is extremely concerned about potential impacts of the proposed rescission of the 2001 Alaska Roadless Rule on subsistence uses in the Tongass National Forest and is submitting this letter to convey those concerns.

The Council is one of ten subsistence regional advisory councils that were established by the authority in Title VIII of the Alaska National Interests Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the

Council's charter establish its authority to initiate, review and evaluate regulations, policies, management plans, and other matters related to subsistence within the Southeast Alaska region (ANILCA §805). The Council represents the federally qualified subsistence user and reviews resource management actions that may impact subsistence resources critical to those users.

This Council holds essential and relevant expertise on how land management issues can impact fish and wildlife resources and would like to share that knowledge on behalf of subsistence users. Its role merits recognition for the meaningful insight it can contribute. As representatives of numerous subsistence users and communities, the Council is uniquely positioned to comment on any significant restrictions of subsistence uses and to offer information that may be used in identifying options to minimize adverse impacts on subsistence resources.

History of Council's Recent Engagement with Roadless Rulemaking

This Council has been actively involved in this matter since the 2020 proposed rulemaking. It submitted a 29-page comprehensive comment letter on the proposed rule and Draft Environmental Impact Statement, sent multiple letters to the Alaska Roadless Rulemaking Team, and to regional and forest-level leadership. Some Council members also participated in an Office of Information and Regulatory Affairs, Office of Management and Budget meeting in September 2020, to provide testimony highlighting the critical importance of protecting the habitat for subsistence resources that rural residents of Southeast Alaska depend upon. Despite these efforts, the concerns raised by the Council on behalf of subsistence users did not prevent adoption of the 2020 Alaska Roadless Rule from being enacted with full exemption allowing road construction in previously designated roadless areas.

In 2023, the Council welcomed the repeal of the Alaska Roadless Rule and reinstatement of the 2001 Roadless Rule, which returned limits to development. The Council believes the protections afforded under the 2001 Roadless Rule help safeguard the wildlife and fisheries resources vital to subsistence users in Southeast Alaska.

In 2025, the Council was notified of the national roadless rulemaking effort that may again reverse the protections established under the 2001 rule. The Council offers necessary comments as rescinding the 2001 Roadless Rule could substantially affect the use of public lands and significantly limit subsistence opportunity, which is contrary to Title VIII of ANILCA.

Council's Limited Ability to Provide Substantial and Timely Input

This Council has participated in the United States Department of Agriculture Forest Service (Forest Service) planning on the Tongass National Forest for decades. As far back as 1997, the Council, in its Annual Report, noted concerns regarding land management decisions and the process by which the five federal agencies evaluated the effects of proposed land use actions on subsistence:

Section 810 analyses are insufficient. The agencies have completed many of these analyses and though it is often determined that there would be a significant restriction of customary and traditional use as a result of planned actions, the agencies come to us with the actions regardless. As it stands, the agencies can say “go to the Federal Subsistence Board” for protections at the same time that the Board refers our concerns to the land managing agency. The subsistence users and the resources on which they depend end up stuck in the middle. This catch 22 is unacceptable and the FSB, with its members as representatives of the involved agencies, is in the position to take a stand to help. We recommend that the Board issue policy statements to all agencies who have members on the Board to review and evaluate their methods and policies regarding Section 810, and to take appropriate steps to make sure their actions are more than simply lip service to ANILCA.

The Council specifically encouraged the Forest Service to apply a holistic approach to ecosystem management:

“... we encourage a comprehensive approach to ecosystem management and the integration of landscape and multiple landscape level analyses. Some of the policies we suggest include:

- Do not further fragment existing largest blocks of contiguous high volume old growth by timber harvesting or road building;*
- Strictly adhere to Tongass Timber Reform Action Title 111 SEC 302(C)(2) in order to help reduce high-grading;*
- Manage second growth to produce the necessary kinds and distribution of habitats for species diversity;*
- Habitat conservation areas do not always correspond to community traditional and customary use areas. Additional work needs to go into correlating these two types of areas, highlighting the overlap and differences, and making accommodation for subsistence resources and uses on those lands;*
- Tongass Land Management Plan should be adaptive, learning from experience and changing in response to new ideas, information, and conditions. It should also be based on natural patterns of disturbance and integrate a species approach with a landscape approach;*
- The pattern of long-term contracting is inflexible over a long period of time and does not allow incremental changes in response to changes in information. This needs to change to accommodate changes in markets, demographics, and new information;*
- The Council should be commenting on all withdrawals. The Council needs to be involved in Forest Service planning at an early stage in order to inform the agency in ways that may prevent many of the problems now inherent in the Section 810 process.”*

Clearly, the Council has an established history and habit of reviewing and evaluating management plans on the Tongass National Forest, which may have substantial effects on subsistence uses of fish and wildlife in Southeast Alaska. The Council continues its commitment to provide information and input on the development, amendment, and revisions of land and resource management that may alter the ability of subsistence users to harvest and use resources

on the forest. The Council, therefore, reiterates its reservations regarding any proposed changes to the 2001 Roadless Rule.

The current Proposed Rule has been submitted to supplant the national 2001 Roadless Rule as it applies to Alaska. The 2001 Roadless Rule was adopted to protect the social and ecological values and characteristics of inventoried roadless areas by prohibiting, with some exceptions, road construction and timber harvest on inventoried roadless areas on National Forest System lands nationwide. The Proposed Rule would rescind many of those protections. Council members have heard an increasing number of comments from rural residents, Tribal members, and members of their respective communities, for several years. All were expressing concerns about the detrimental effects that changes to the 2001 Alaska Roadless Rule could have on subsistence resources in the Tongass National Forest.

The request for public comment on the Proposed Rule and Draft Environmental Impact Statement (DEIS) published August 20, 2026, only allowed 30 days for public input. On September 11, 2026, an extension of public comment period was published providing for an additional 15 days for the public to comment. This important 45-day comment period will have opened and closed prior to the Council's next scheduled meeting in October 20-22, 2026, so the Council will not have an opportunity to review and discuss the DEIS properly before the comment deadline. Specifically, the Council will be deprived of the opportunity to receive information on the proposed alternatives, ask questions and deliberate on the information, and develop new comments on impacts to subsistence resources from the road construction and anticipated timber development that may result from implementing this new Proposed Rule.

To exercise its authority under ANILCA Section 805 to review and comment, the Council would need to convene a special meeting to fully address the issue. As this Council is a FACA committee, this meeting would require public notice, an appropriate venue, travel arrangements, and staff support. Even with sufficient funding, holding such a meeting and submitting comments within the required timeframe would be extremely difficult, if not impossible. It is disappointing that the Council's ability to act as a FACA committee on a matter of such importance is restricted in this manner – once again¹.

The Council's limited ability to participate is a direct result of the agency fast-tracking a significant regulatory change without adequate public process. The Council seeks to provide its expert knowledge on subsistence uses and the effects of management actions on assets resources essential for feeding thousands of Southeast Alaska residents. Its only option at this point is to reiterate comments previously made on the Alaska Roadless Rulemaking matter through letters forwarded to leadership in 2019-2020, such as the Secretary of Agriculture, the Alaska Regional Forester, the Tongass National Forest - Forest Supervisor, the Alaska Roadless Rulemaking Team, and the Federal Subsistence Board.

¹ The Council was unable to provide comments during the scoping period in 2018 due to the agency's unusually-accelerated timeline for the 2019 Roadless Rulemaking.

ANILCA §805 Provides For Local & Regional Participation

Congress, through enacting Section 805 of ANILCA, and the Secretaries of Agriculture and Interior, through appointing the membership of this Council, has recognized that this Council has specialized knowledge and should have a meaningful role in reviewing and evaluating policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region. The Council feels obligated to share that knowledge in hopes that this information will be seriously considered by the agency and that any action taken will include plans to minimize adverse impacts upon the ability of both Native and non-Native Alaskans to continue traditional subsistence uses of public lands.

Since the national 2001 Roadless Rule was adopted, this Council has learned much more about how a decision to withdraw protections afforded by that rule may affect subsistence resources. The Council has reviewed scientific evidence and heard testimony from rural residents, providing fundamental regional insight that should be integrated into the analysis before any final decision is made.

ANILCA §810 Analysis is Required:

The Council would like to remind the agency that the Federal land use manager needs to make a finding of whether the proposed action will significantly restrict subsistence uses due to the land use action. Section 810 of ANILCA provides that:

“the head of the Federal agency having primary jurisdiction over such lands . . . shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.”

The Council understands that all three evaluations may occur, depending on the alternative selected. The alternative, and eventually the rulemaking, may reduce or eliminate the use of some Federal public lands currently covered under the 2001 Roadless Rule, for the purposes of subsistence. Alternatives are sure to hold the potential for development, logging, and other permitted uses of the original roadless Federal public lands, which could significantly restrict subsistence uses. Lastly, if the proposed rule alters the boundaries of the roadless areas in any way, this would constitute a disposition of public lands, and land use activities could be permitted on those lands that affect subsistence opportunity provided by ANILCA as it would remove those lands from the Tongass National Forest Federal public lands being sourced by federally qualified subsistence users. Rescinding the 2001 Roadless Rule is not consistent with sound management principles for the utilization of these Federal public lands and the resulting restrictions to subsistence uses would likely be significant.

Summary of Initial Comments in anticipation of 2020 Roadless Rulemaking DEIS (from letter dated March 5, 2019, to Alaska Roadless Rulemaking Team, Alaska Regional Forester, Tongass National Forest Supervisor):

These initial comments were based on years of testimony and numerous discussions of potential development of the Tongass National Forest and its impact on subsistence resources, and these statements are relevant for the current rulemaking process:

1. For any proposed areas where the use of public lands could be changed, special attention should be made to determine in which tribal and clan territories these lands lay. Now, there is much greater recognition of tribes and tribal territories in Southeast Alaska than in 2001. Many tribal and rural communities have customary and traditional use determinations, which recognize the history of consistent harvests and use of fish or wildlife in the Southeast. At a bare minimum, analysis should show what clan and tribal territories may be included in the inventoried roadless areas. The appropriate clan and tribe should be contacted and advised that an inventoried roadless area is within their traditional territory. Since 2001, there has been real growth of community and tribal expertise on land use matters and there should be a great deal more involvement of tribes and communities in the development of alternatives for the Proposed Rule.
2. The Council is very concerned that the Forest Service may be contracting this process out and may not have an internal Forest Service team working on the list of alternatives or each alternative's ramifications. Alternatives should be prepared by a well-advised group who has intimate knowledge of the unique characteristics of the landscape and uses of the Tongass National Forest.
3. The Council is apprehensive of the expedited timeline for this rulemaking. It creates further limitations to the Council's and the public's ability to provide essential information regarding significant impacts to subsistence uses on these federal public lands.
4. Comments on expected specific impacts on subsistence resources, based on anticipated potential development as a result of an 'Alaska Roadless Rule,' are as follows:
 - a. **Old-Growth Forest Protection:** The current Rule protects some of the last old-growth forests in the entire United States. The Rule is performing as it should: limiting road construction and the resulting environmental impact on designated areas of Federal public land. The Proposed Rule is an effort to quickly alter a successful conservation policy and there is no need to develop a rule that singles out the Tongass National Forest. It is believed permits are currently being issued in the Tongass for a variety of uses, such as transportation and power lines, and there is no reason to develop a different management designation to further Alaska's economic development or other needs.
 - b. **Development:** Over the years, this Council has heard testimony from the Forest Service Forest Sciences Lab personnel who have shared their research, along with reports from research conducted by the Alaska Department of Fish and Game, of timber harvest and development and the impacts each has had on habitat and abundance of subsistence resources. These known effects directly contribute to how successful subsistence users are each year with their harvests of wildlife, fish, and other foods, such as berries, to fulfill their sustenance needs.

- c. **Roading:** Prince of Wales Island (POW) is the most heavily roaded island in the region and several negative impacts to subsistence resources experienced on this island are directly related to access, development, and timber harvest. The Council has heard from residents of POW that the remaining roadless areas are vital to many residents' continuation of subsistence activities. Testimony from subsistence users, expressing local knowledge and traditional ecological knowledge, as well as the awareness this Council has of the earlier habitat and resource abundance prior to the increase in roads through these areas, should be considered as valuable evidence. For example, as a result of severe winters in 2006 and 2007, the Council spent a significant amount of time reviewing regulations in its efforts to deal with Northeast Chichagof roaded portion of Unit 4 that was experiencing the heaviest impacts from the harsh winter. The Council was tasked with trying to find a way to provide for the people of Hoonah to make sure they met their subsistence needs. Testimony provided constructive information for the Council to make recommendations, and this type of knowledge should be considered in any alternatives developed for the Proposed Rule.
- d. **Logging:** POW has experienced the logging of over a million acres, with many areas logged into stem exclusion. Residents are worried about deer habitat, particularly winter habitat, which requires old growth timber. The biggest, best, and easiest accessible timber has already been logged and there are only patches of timber now on POW, which are essential for wildlife purposes. There has been a decline in the amount of deer on Prince of Wales Island, and the Council believes that, in addition to wolves and a high timber harvest rate, that stem exclusion is having a substantial impact on the habitat for deer and other wildlife, and that this will continue for years to come. Private enterprise has logged more than a half million acres under State regulations, which has no wildlife corridors and no buffer strips, making it possible to log within 65 feet of streams. Local observation indicates that in response to some of this logging, there is a negative effect on stream flow and watershed activity, which ultimately affect fisheries resources.
- e. **Ecosystem:** Healthy old growth forests are incredibly valuable. They are beneficial for salmon streams and are more effective for absorption of carbon dioxide than a clearcut forest. With the increasing concerns of climate change, the positive influence of old growth forest areas should not be dismissed, and any potential changes of old growth forests should be considered carefully. There is a magnitude of community interests throughout Southeast Alaska concerning the future of the Tongass National Forest, especially the effects that access and development may have on the overall ecosystem supported by the forest.
- f. **Access:** Changes to the rule, which alter the boundaries or areas of public land available, will have a direct effect on what areas the subsistence user may utilize. There could be significant impacts on access to public lands for subsistence activities. If the amount of public lands is decreased, subsistence users may experience localized impacts, which would require them to travel farther to hunt, fish, and forage. This would then have a Tongass-wide impact.

Additional Previous Comments on DEIS incorporated by reference:

The 2001 Roadless Area Conservation Rule Rescission – Draft Environmental Impact Statement, dated August 2026, specifically addresses the Tongass National Forest on page 3, noting that “*Consistent with past rulemaking, USDA puts additional focus on the Tongass National Forest throughout this EIS. The analysis in this EIS relies on and incorporates by reference the 2020 Final Environmental Impact Statement (2020 FEIS) for the Alaska Roadless Rule...*” Therefore, the Council would like to bring your attention to its comment letter (dated Dec 12, 2019), which provided comprehensive, consequential, and profound insights into the potential impacts of the 2020 Roadless Area Conservation Rule: National Forest System in Alaska. Some of the main points are listed below; however, the Council implores you to take the time to read the details contained in the enclosure as these particular sections² remain pertinent:

- The Council believes the subsistence use information is outdated and recommends that current subsistence harvest and use patterns by community be shown and considered. (¶ 2)
- The Council believes that the Cumulative Effects analysis in the DEIS is insufficient. (¶ 4)
- The Council believes the DEIS does not provide an adequate analysis for environmental justice, and that any of the action alternatives will most assuredly prompt an amendment or revision to the 2016 Forest Plan. (¶ 5)
- The Council supports the Federally recognized tribes and tribal cooperating agencies that support the No Action Alternative. (¶ 6)
- The Council supports the use of traditional Kwaan and clan territories in the DEIS. (¶ 7)
- The Council supports and advocates for subsistence users who have testified on the record their recommendation of no change to the 2001 Roadless Rule. (¶ 8)
- The Council supports the development of a strong ANILCA Section 810 analysis, which includes an evaluation of cumulative effects needed to make a determination of significant restriction to subsistence uses. A Record of Decision would need to establish a rationale that the action is ‘necessary.’ (¶ 9)
- The Council wishes to remain engaged with the Alaska Roadless Rule team through the ANILCA Section 810 analysis and ANILCA Section 810 determination. (¶ 10)
- The Council requested a carbon accounting analysis for the Tongass National Forest, which was not fulfilled. Further, the DEIS discussion on carbon is inadequate. (¶ 11)

² Paragraph numbers from the enclosed 2019 comment letter are noted for easy cross-reference.

- The Council believes that the full exemption of the 2001 Roadless Rule will allow for more timber harvest, which could lead to long-term harm or permanent harm to habitat. (§ 12)
- The Council encourages maintaining large blocks of old growth in order to offset future impacts of climate change to subsistence fish and wildlife. (§ 13)
- The Council supports the restoration and rehabilitation of the Tongass National Forest to its natural state, which is supportive of the subsistence-based economies of Southeast Alaska rural communities. (§ 14)
- The Council questions the roadless inventory used in the DEIS analysis, including how it compares the amount of suitable old growth between the alternatives. (§ 15)
- The Council believes the DEIS should report expenditures and returns from past timber harvest and road building, as well as projected economic expenditures and returns from anticipated increased logging and timber harvests. (§ 16)
- The Council believes road building has been detrimental to fish and fish habitat and new road building would do the same. (§ 17)
- The Council does not support the proposed change in the Roadless Area Value and Characteristics as the proposed changes lack the specificity of the existing original legal definitions in the 2001 Roadless Rule and greatly weakened the definitions as plan and management tools. (§ 18)
- The Council believes that the Southcentral Alaska Subsistence Regional Advisory Council (a FACA committee) should have been engaged in the public process in order to comment on how the Proposed Rule would affect the Chugach National Forest. (§ 20)
- The Council believes the Alaska Roadless Rule planning effort should remain in the Alaska Region and not be directed by the Secretary of Agriculture in Washington, D.C. because local, regional staff share our love for the amazing, though stressed, national forest and the sustainable resources it provides. (§ 22)

Conclusion

The proposed changes to the national 2001 Roadless Rule will invariably affect federal subsistence opportunities for Southeast Alaska rural residents guaranteed by ANILCA. These impacts will be felt, not only locally, but Tongass-wide. Reasonable steps must be taken to minimize harmful impacts resulting from rescission of the rule because these changes threaten the continuation of subsistence uses and activities for our entire region. This Council would prefer the current Roadless Rule be maintained, or in the alternative, a more restrictive rule in terms of development activities on the Tongass to provide more protection for roadless areas and, thus, to subsistence resources.

The Council appreciates the opportunity to convey its concerns regarding the proposed rescission of the 2001 Roadless Area Conservation Rule. We thank you in advance for your careful consideration of our comments. If you have any questions regarding this letter, they can be addressed through our Council Coordinator/Designated Federal Officer DeAnna Perry at 907-586-7918 or deanna.perry@usda.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donald Hernandez", with a long, sweeping horizontal stroke extending to the right.

Donald Hernandez
Chair

Enclosure: *Council's comment letter on Alaska Roadless Rulemaking (2020) DEIS,*
dated Dec 12, 2019

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council Members
Office of Subsistence Management
Interagency Staff Committee
Administrative Record