

# The Roadless Rule in the Tongass

## *Myth v. Fact*

**Myth:** The Roadless Rule will prevent new road connections between isolated communities in Southeast Alaska.

**Fact:** The Roadless Rule contains a specific exception for Federal Aid Highways, the principal funding source for new road connections between communities. 36 C.F.R. § 294.12(b)(6). Judge Sedwick addressed the argument that the Rule would obstruct new community road connections and found it “not supported by any evidence” and “speculative at best.”

**Myth:** The Roadless Rule will prohibit cutting trees for personal use.

**Fact:** The Rule contains a specific provision allowing personal use tree-cutting. 36 C.F.R. § 294.13(b)(3).

**Myth:** The Roadless Rule will hinder mining in Southeast Alaska.

**Fact:** Reasonable access to mining claims is guaranteed by the Mining Law of 1872, and the Roadless Rule does not alter that statutory right. 36 C.F.R. § 294.12(b)(3).

**Myth:** The Roadless Rule will prevent the construction of new power lines to connect Southeast Alaska communities to inexpensive, renewable hydropower.

**Fact:** The Roadless Rule does not prohibit construction of electric transmission lines and other utility lines. When the rule was adopted, the Forest Service studied this question and determined that any impact of the rule on power lines would be “minimal.” Power lines in Southeast Alaska are routinely built without road access because of the high cost of building and maintaining roads. Examples include Swan Lake to Lake Tyee, Lake Tyee to Wrangell, Wrangell to Petersburg, and Juneau’s Snettisham line. Judge Sedwick rejected the argument that the Roadless Rule would adversely affect construction of new electric transmission lines, finding the argument “contrary to the evidence” and “arbitrary.”

**Myth:** The Roadless Rule will prevent construction of hydro projects.

**Fact:** The Roadless Rule was not intended to prevent hydro development. Supporters of the Roadless Rule also support fish-friendly hydro development in Southeast Alaska and would support measures needed to avoid conflicts.

**Myth:** The Roadless Rule will cause job losses in the Southeast Alaska timber industry.

**Fact:** The Roadless Rule does not affect the current timber sale program on the Tongass. Roadless area logging has become unaffordable. From 2002 to 2009, the Forest Service spent \$29.9 million of taxpayer money building roads for timber sales that brought returns of only \$2.2 million. For this reason and others, the Forest Service has been shifting away from roadless area logging on the Tongass for the last decade, and there are no roadless area timber sales on the Forest Service's five-year schedule. Judge Sedwick rejected contentions that the Roadless Rule would cause job losses on the Tongass, finding them "implausible," "counter to the evidence," and "arbitrary."

**Myth:** The Roadless Rule will hurt the economy of Southeast Alaska.

**Fact:** The protection of old growth forests in the remote backcountry areas of Southeast Alaska will be good for tourism, fishing, hunting, and customary and traditional uses, without harming other sectors of the economy.

**Myth:** The Roadless Rule requires approval by the Secretary of Agriculture for projects in roadless areas, creating further red tape.

**Fact:** The Roadless Rule contains no requirement of Secretarial approval. As an interim measure to address legal uncertainty created by a lawsuit filed by the State of Wyoming, the Secretary has temporarily reserved decision-making power over roadless area projects. The Wyoming lawsuit is ripe for decision in the Tenth Circuit Court of Appeals, with arguments heard in March 2010.

**Myth:** The Alaska National Interest Lands Conservation Act (ANILCA) and the Tongass Timber Reform Act (TTRA) prohibit the application of the Roadless Rule in the Tongass.

**Fact:** Neither ANILCA nor TTRA precludes implementation of the Roadless Rule in the Tongass. The Forest Service—in both Democratic and Republican administrations—has consistently rejected arguments to the contrary, as did Judge Sedwick in his recent decision.