

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500
fax: 907-465-3532



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450
fax 907-269-7463
<https://gov.alaska.gov/>

Governor Bill Walker STATE OF ALASKA

ADMINISTRATIVE ORDER NO. 299

I, Bill Walker, Governor of the State of Alaska, under the authority of Article III, Sections 1 and 24 of the Constitution of the State of Alaska, and in accordance with AS 44.19.145(c), establish the Alaska Roadless Rule Citizen Advisory Committee.

FINDINGS

In 2001, the State of Alaska filed a complaint in the United States District Court, District of Alaska, challenging the United States Department of Agriculture (USDA), Forest Service's adoption of the 2001 Roadless Area Conservation Rule (Roadless Rule) and its application in Alaska. The Forest Service and the State of Alaska reached a settlement in 2003, and the Forest Service subsequently issued a rule temporarily exempting the Tongass National Forest from the Roadless Rule. The exemption was challenged, and on July 29, 2015, a bare majority of the Ninth Circuit Court of Appeals held that the USDA's justification for the Tongass exemption was inadequate under the Administrative Procedure Act, holding it did not provide a reasoned explanation for contradicting the findings in the 2001 Record of Decision for the Roadless Rule. Consequently, the Roadless Rule remains in effect in the Tongass and Chugach National Forests in Alaska.

The USDA is initiating an Environmental Impact Statement (EIS) and public rulemaking process to address the management of inventoried roadless areas, on the Tongass National Forest System lands, within the State of Alaska. This rulemaking is the result of a petition submitted by the State of Alaska in January 2018 under the federal Administrative Procedure Act. The petition was accepted by the United States Secretary of Agriculture in April 2018.

The purpose of the USDA's rulemaking process is to develop a state-specific roadless rule that establishes a land classification system designed to conserve roadless area characteristics in the Tongass National Forest, while accommodating timber harvesting and road construction and reconstruction activities that are determined by the state to be necessary for forest management, economic development opportunities, and the exercise of valid existing rights or other nondiscretionary legal authorities. The United States Forest Service will prepare an EIS to analyze and disclose potential environmental consequences associated with this rulemaking.

As part of the rulemaking process, the State entered into a Memorandum of Understanding (MOU) with the USDA on August 2, 2018. Under the MOU, both parties agree to establish a State-Forest Service Executive Steering Committee to coordinate implementation of the MOU and the rulemaking process. The MOU also requires that the state convene an advisory committee consisting of a diverse mix of stakeholders to provide input to the State during the rulemaking process.

PURPOSE AND RECOMMENDATIONS

The purpose of this Order is to establish the Alaska Roadless Rule Citizen Advisory Committee (Committee) to provide recommendations to the Governor and the State Forester to assist the state in fulfilling its role as a cooperating agency under the MOU.

The Committee shall present an initial written report on the rulemaking process to the Governor and State Forester not later than November 30, 2018. This report may include up to three options for a state-specific roadless rule for possible inclusion in the National Environmental Policy Act review process. These options would be in addition to the no action alternative and restoration of the full Tongass exemption alternatives.

The Committee may be asked to provide additional input and recommendations at various points during the rulemaking process. The State Forester will notify the Committee of critical decision points and documents that the Committee should consider.

COMMITTEE COMPOSITION

The Committee will consist of up to 13 voting members. The State Forester is one of those voting members. The remaining voting members shall be appointed by, and serve at the pleasure of, the Governor. The Governor may select members from among the following stakeholder groups:

- federally recognized tribes in Alaska;
- Alaska Native Claims Settlement Act regional corporations;
- environmental or conservation organizations;
- energy industry;
- timber industry;
- mining industry;
- tourism industry;
- commercial fishing industry;
- organizations or individuals representing state, regional, or local government; and
- other commercial interests, to include transportation, those holding land use permits, or the public at large.

A representative of the United States Forest Service may also be appointed to serve as an ex officio, non-voting member.

A majority of the seated members of the Committee constitutes a quorum for conducting business.

Under the MOU, Committee members may request that the United States Forest Service help coordinate and provide technical support for information and data needed by the Committee for its deliberations.

Committee co-chairs shall be selected by the membership.

ADMINISTRATIVE SUPPORT

In addition to the assistance from the United States Forest Service under the MOU, the Department of Natural Resources shall provide the necessary administrative support.

GENERAL PROVISIONS

The Committee may adopt operating procedures, appoint workgroups as it deems appropriate, and solicit participation from relevant experts and practitioners. Workgroups may include individuals who are not members of the Committee.

Committee members receive no compensation, but members who are not serving as representatives of a state, federal, or local government agency are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180. Per diem and travel expenses for members who are representing a government agency are the responsibility of that agency.

The Committee shall meet as necessary to meet the objectives identified in the Purpose and Recommendations section. The Committee shall call meetings at the request of the co-chairs or a majority of the members. Meetings of the Committee or its workgroups will be held telephonically or by video conference to the extent practicable, to minimize travel expenses and gain the widest participation at minimum cost.

All meetings of the Committee or its workgroups shall be conducted in accordance with AS 44.62.310 - 44.62.319 (Open Meetings Act). The Committee may hold public hearings and request information from the public and other interested persons necessary to carry out its advisory functions. Records of the Committee and any workgroups are subject to inspection and copying as public records under AS 40.25.100 - 40.25.295 (Alaska Public Records Act).

DURATION

This Order takes effect immediately and remains in effect until December 31, 2020.

Dated this 6th day of September, 2018.



Bill Walker
Governor