

**CITY OF CRAIG  
RESOLUTION NO. 17-04**

**REQUESTING CONGRESSIONAL RELIEF FROM THE TONGASS NATIONAL FOREST PLAN AMENDMENT, KNOWN AS THE TONGASS TRANSITION PLAN, AND THE 2001 ROADLESS RULE**

**WHEREAS**, the City of Craig with a population of approximately 3,000 people, is the largest of 10 communities located on Prince of Wales Island; and

**WHEREAS**, City of Craig is highly dependent for jobs and revenue upon the Viking Lumber Mill, which is located six miles away; and

**WHEREAS**, the Tongass National Forest Plan Amendment, known as the Tongass Transition Plan, which came into effect during the final days of the Obama Administration, 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 Land Use Designation (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 (90 percent of the Forest); and

**WHEREAS**, As a consequence of the combination of the Alaska District Court's Opinion and Order vacating the Tongass Exemption and reinstating the 2001 Roadless Rule and the Tongass Transition Plan, the ASQ has been reduced to 46MMBF per year, which the 2001 Roadless Rule Final Environmental Impact Statement (FEIS) admits will close mills and cost timber related jobs.<sup>1</sup> The ability of the Forest Service to construct the roads into IRAs and to offer the economic timber sales needed to meet market demand in accordance with 2008 Amended TLMP has, in effect, been repealed by the reinstatement of the 2001 Roadless Rule and implementation of the Tongass Transition Plan; and

**WHEREAS**, the Alaska 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 reservation of national conservation system units and those public lands necessary and appropriate or more intensive use and disposition;" and

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<sup>1</sup> 2001 Roadless Rule FEIS at 3-378 to 3-379.

**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 Service 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:

[Y]oung 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 (see appendices C, D and E for cost and price details).

**WHEREAS**, despite the admission by the Forest Service in the 2010 Economic Analysis that “young growth management is not currently economically viable without substantial public investments to pay for thinning,” the Transition Plan fails to provide a basis for assuming that the necessary investments will be proposed to the President by USDA or made available by Congress; and

**WHEREAS**, the ability to develop infrastructure essential to renewable energy projects and access on the Tongass (for example, roads, pipelines, communication systems, and utility corridors) that is authorized by ANILCA and allowable under the 2008 Amended Plan Transportation and Utility System (TUS) Overlay LUD has been made subjective and uncertain by the Tongass Transition Plan Renewable Energy Standard and Guidelines or the Transportation Systems Corridors Direction; 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 entities - including the State of Alaska, the City of Craig, the Ketchikan Gateway Borough, the City and Borough of Wrangell, former Governors, former Regional Foresters and Deputy Regional Foresters, statewide organizations, Southeast Alaska businesses, and individuals - formally objected to the proposed Tongass Transition Plan; 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**, Senator Murkowski has submitted a letter to GAO requesting a determination whether the Tongass Transition Plan is a Rule for CRA purposes; and

**WHEREAS**, the GAO has told Senator Murkowski that it will take it four months to render a decision; and

**WHEREAS**, a GAO decision delayed until June will run into the July and August Congressional recesses, at which time tax, healthcare, and budget issues will make it difficult for there to be sufficient Floor time for the Congress to consider a Resolution of Disapproval regarding the Tongass Transition Plan; and

**WHEREAS**, Section 801 of the CRA would apparently recognize the Tongass Transition Plan as a Rule were it to be submitted as a Rule to the Comptroller General by the Secretary of Agriculture, thereby allowing a Resolution of Disapproval to be considered before the Floor time that national legislation will take in September and October.

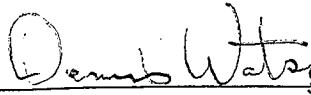
**NOW, THEREFORE, BE IT RESOLVED** that the City of Craig strongly supports and appreciates the legislation the Alaska Congressional Delegation has introduced in Congress that would repeal the application of the 2001 Roadless Rule to the Tongass National Forest.

**BE IT FURTHER RESOLVED** that the City of Craig enthusiastically supports and appreciates Governor Walker's Administration's unwavering efforts to terminate the application of the 2001 Roadless Rule to the Tongass National Forest through litigation.


**BE IT FURTHER RESOLVED** that the City of Craig expresses its strong support and appreciation to Senator Murkowski for submitting a letter to GAO requesting a determination whether the Tongass Transition Plan is a Rule for CRA purposes. The City of Craig urges the Congressional Delegation to ask the incoming Secretary of Agriculture to submit the Tongass Transition Plan to the Comptroller General as a Rule for CRA purposes.

**BE IT FURTHER RESOLVED** that the Mayor is requested to transmit a copy of this resolution to Senator Murkowski, Senator Sullivan, Congressman Young, and Governor Walker.

ADOPTED this 6th day of April, 2017.

  
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Dennis Watson, Mayor



  
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Kassi Mackie, City Clerk