

## Federal court shuts Tongass national forest roadless loophole

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Coastal section of Tongass rainforest, via USFS.

### ***Country's largest rainforest to be protected from destructive logging***

#### **Staff Report**

FRISCO — A federal court has overturned yet another lawless environmental decision made by the former Bush administration by striking down a huge roadless rule exemption for logging in Alaska's Tongass National Forest — the country's largest.

Conservation groups hailed the decision by the U.S. Court of Appeals for the 9th Circuit as a major victory for efforts to preserve southeast Alaska's environment. The national roadless rule, issued in 2001, protected about 60 million acres of public lands across the country, which the Bush administration promptly tried to undermine with all sorts of administrative exemptions.

In last week's ruling, the court held the Bush administration failed to provide a reasoned explanation for reversing course on the Tongass. It concluded the Roadless Rule "remains in effect and applies to the Tongass."

"Today's decision is great news for the Tongass National Forest and for all those who rely on its roadless areas. The remaining wild and undeveloped parts of the Tongass are important fish and wildlife habitat and vital to residents and visitors alike for hunting, fishing, recreation, and tourism, the driving forces of the regional economy," said Earthjustice attorney Tom Waldo.

"The decision is consistent with the real transition Southeast Alaska has already made toward a diverse and resilient regional economy," said SEACC Executive Director Malena Marvin. "We hope that our leaders, including Senator Lisa Murkowski, Governor Bill Walker, and Forest Supervisor Earl Stewart recognize that longterm economic prosperity for local communities means keeping the Tongass's wild salmon strongholds working for fishing families, and supporting our booming tourism and fishing industries."

The case goes back to 2009, when a coalition of Alaska Native, tourism industry, and environmental organizations, represented by attorneys from Earthjustice and Natural Resources Defense Council, challenged the Bush Administration's 2003 rule "temporarily" exempting the Tongass from the Roadless Rule.

The Roadless Rule blocks expensive and controversial new logging roads and clearcuts in intact forests while allowing other economic development — including hydropower, transmission lines, mining, and tourism projects — to proceed. The Tongass — occupying most of Southeast Alaska—is the nation's largest and wildest national forest

In 2011 a federal judge in Alaska ruled in the coalition's favor, vacating the Tongass exemption and reinstating the Roadless Rule's application to the Tongass. The State of Alaska then appealed the decision to the 9th Circuit Court of Appeals, where a three-judge panel last year reversed the Alaska judge's opinion by a 2-1 split vote. Today's order affirmed the district court's decision and maintains protections for the roadless areas of the Tongass.

"The roadless rule will help small businesses like ours," said Hunter McIntosh of The Boat Company, which operates a small tour business in the region. "The natural values of intact watersheds are essential for the visitor industry in Southeast Alaska. Very few folks will pay to go see clearcuts and decaying logging roads. There are thousands of jobs in Southeast Alaska in recreation and tourism. And there are thousands more in the seafood industry, which depends critically on salmon spawning streams in the old growth forests of the Tongass."

*Attorneys from Earthjustice and the Natural Resources Defense Council represent the following groups in the case: Organized Village of Kake, The Boat Company, Alaska Wilderness Recreation and Tourism Association, Southeast Alaska Conservation Council, Natural Resources Defense Council, Tongass Conservation Society, Greenpeace, Wrangell Resource Council, Center for Biological Diversity, Defenders of Wildlife, Cascadia Wildlands, and Sierra Club.*

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