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NEWS RELEASE



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ALASKA AND FEDERAL GOVERNMENT REACH SETTLEMENT IN ROADLESS RULE LAWSUIT

*Department of Agriculture to Undertake Rulemaking Process that would exempt
the Tongass and Chugach National Forests from National Forest Roadless Rule*

(Juneau) - Governor Frank H. Murkowski and Alaska Attorney General Gregg Renkes were advised today by the US Forest Service of a settlement of the state's Roadless Rule lawsuit against the federal government. The settlement would return approximately 300,000 acres of Southeast Alaska forestland that was intended to be available for timber harvest under the 1997 Tongass Land Management Plan (TLMP).

The State of Alaska filed suit in federal district court against the United States Department of Agriculture in 2001, seeking to halt implementation of the Roadless Area Conservation Final Rule and Record of Decision, known as the "Roadless Rule," in the Tongass and Chugach National Forests. The rule would have prohibited road construction, reconstruction, and timber harvesting, except for some stewardship purposes, in all inventoried roadless areas.

Murkowski congratulated the Alaska Congressional Delegation for its efforts to help settle this litigation. He agreed with the Delegation that the Roadless Rule should never have been applied to Alaska because of the "no more" clause of the Alaska National Interest Lands Conservation Act (ANILCA).

"Congress specifically found in 1980 that ANILCA's division of conservation and development lands in Alaska 'represented a proper balance' and that no more land in Alaska would be set aside," Murkowski said. "The Clinton administration, which had already forced the closure of the two pulp mills in Sitka and Ketchikan, ignored the no more provision of ANILCA and attempted to starve out what remained of the timber industry in Southeast by applying the Roadless Rule to Alaska. President Bush, who has lived in Alaska, is to be commended for following the law.

"This does not do all that is necessary to revitalize the timber industry in Alaska. Ninety-six percent of the Tongass is still unavailable for timber harvest. Only 300,000 acres will be made available for potential harvest by this settlement. We need to make more of the Tongass available for timber harvest to attract additional mills. But this action gives hope to the hearty Southeast Alaska folks who constitute the timber industry that has

survived. This is only the first stop in my administration's plan to restore the timber industry in Southeast."

The Alaska Forest Association, Chugach Alaska Corporation, the City of Wrangell, the Ketchikan Gateway Borough, and two individuals joined the suit as plaintiff-intervenors. A group of eight conservation organizations, represented by Earthjustice and the Natural Resources Defense Council, intervened as defendants.

All plaintiffs and the federal defendants have entered into an agreement to settle the case. The agreement calls for the United States, within 60 days, (1) to publish for notice and comment a proposed temporary regulation that would exempt the Tongass National Forest from the Roadless Rule until completion of a rulemaking process for permanent amendments to the rule, and (2) to publish an advance notice of proposed rulemaking (ANPR) to permanently exempt both the Tongass and the Chugach National Forests from the rule. Both notices will provide for public comment on the proposals.

In return, the state and the plaintiff-intervenors will move for a dismissal of the present lawsuit. The settlement does not preclude the state or other plaintiffs from filing a new complaint if they become dissatisfied with the pace or substantive results of the rulemaking processes.

The state believes that the temporary regulation exempting the Tongass National Forest and the permanent amendments to the Roadless Rule exempting both forests will, if adopted, give the state essentially the relief it sought from the court in a timely and more cost effective manner.

Application of the Roadless Rule in Alaska would place 94.7% of the Tongass National Forest (including designated wilderness areas) and 99% of the Chugach National Forest off-limits to development, resulting in de facto wilderness for these areas. Application of the Roadless Rule to Alaska's forests would have long-term social and economic impacts on transportation, access to and development of inholdings, power transmission, fish and game management, water use projects, timber harvest, insect and disease control, recreation, and mining.

Alaska's case was stayed until recently because a federal court in Idaho had issued a preliminary injunction that prevented implementation of the Roadless Rule nationwide. That ruling was overturned by the Court of Appeals for the Ninth Circuit, and briefing in Alaska's case was scheduled to occur this summer.

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