

Alaska Rainforest Defenders

A regional environmental organization established in 2011 (formerly GSACC)

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Attn: USDA Secretary Perdue
Alaska Roadless Rule
USDA Forest Service, Alaska Region
Ecosystem Planning and Budget Staff
P.O. Box 21628
Juneau, Alaska 99802-1628
Submitted via: www.fs.usda.gov/project/?project=54511

Re: Alaska Roadless Rulemaking

Dear Secretary Perdue,

These are timely scoping comments of the Alaska Rainforest Defenders (“Defenders”) for the proposed USDA Forest Service Alaska Roadless Rulemaking process. We urge that you select the No-Action alternative, and more that you immediately terminate the rulemaking process.

Defenders’ members use the Tongass National Forest for recreation, commercial fisheries, subsistence, wildlife viewing, scientific research and other activities. We have a long-standing interest in the ecological integrity of the Alaska Alexander Archipelago and the importance of that to our local and regional economies, both cash and subsistence. In particular, our board members have engaged in considerable advocacy on behalf of iconic Tongass wildlife species, such as the Alexander Archipelago Wolf, Queen Charlotte Goshawk, black and brown bear, and Sitka black-tailed deer and have a long history of participation in and dependence on southeast Alaska’s commercial salmon fisheries.

As over 200 scientists wrote in January 2018,

“No where are the benefits of protecting roadless areas and similar ecologically important lands greater than on the Tongass. With towering old-growth trees that can live 700 to 1000 years, it is our country's largest expanse of native forest and one of the last remaining intact coastal rain forests in the world.”¹

We agree. The 2001 Roadless Rule is working quite well on the Tongass in nurturing the “economic and social fabric of Southeast Alaska”- not the opposite as

¹ Scientists letter on Alaska forest riders to Members of Congress United States Senate and House of Representatives. January 26, 2018.
<https://www.dropbox.com/s/pukgfha9fn4x6j6/Scientists%20ltr%20re%20Alaska%20forest%20riders.pdf?dl=0>

the timber industry and their sycophants purport. Perpetuation of the 2001 Roadless Rule is the one easy thing the Forest Service and State of Alaska can do to “improve forest ecosystem health.”—not mowing it down—as most Tongass timber sale purpose and need statements allege logging would do. We support the current 2001 Roadless Rule— in whole—and demand that the Governor of the State of Alaska withdraw his petition for this contentious, costly, and poorly vetted Tongass-specific Roadless Rulemaking.

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Introduction

As explained below, the proposed Tongass Roadless Rule Exemption is a transparent attempt by Alaska Governor Bill Walker, the Forest Service, and the Alaska Delegation—at the behest of the SE Alaska timber industry which contributes less than one percent to the regional economy—to access the best remaining timber on the Tongass—nothing more. The potential levels of timber extraction posed by the proposed Tongass Roadless exemption are unacceptable, particularly in light of the damaged ecological condition of Alexander Archipelago islands in central and southern southeast Alaska. Further, the State of Alaska’s and Forest Service’s transparent attempt to grab the last bastions of the best and most ecologically important Tongass old growth during a time when the region is supposed to be transitioning away from old growth logging, is at best bizarre and at worst a blatant lie since there is no timber industry in southeast Alaska operating at even a small fraction of the potential scale of logging this Rulemaking would unleash.

This proposed Rulemaking if approved, will continue the trend of mismanaging Southeast Alaska’s public old-growth forests as a subsidized federal timber colony that provides high value cedar to Viking Lumber’s de facto parent corporation in Washington State or other Pacific Rim wood processors far outside the region. The

Forest Service would then manage its maturing second-growth forests as a plantation for some other out-of-state timber broker, delaying watershed recovery and permanently eliminating habitat for wildlife.

From the outset, agency representatives have pushed the Rulemaking process as a map-marking exercise, and also have repeatedly prompted the public to submit written comments about their “favorite places”. They have even provided a “Comment - Interactive Web Map”² for the public to mark up. For a variety of reasons, this map and/or favorite place comments should not be used as a justification for “splitting the Roadless baby.” First, very few individuals know of the maps’ existence, but most importantly it promotes carving up the Tongass based on which areas receive the most interest and is an *underhanded* method to approve a “Roadless compromise” rather than leaving the Rule standing as-is. Most importantly, the Rule decision needs to be about the integrity of Tongass ecosystems and their functions (in view of cumulative impacts to date), not about identifying a few favorite places that people show interest in and opening the rest to irreversible degradation. Please dispense entirely with this underhanded means for unraveling the Roadless Rule.

There have long been concerns for deer populations on many central and southern southeast Alaska islands and elsewhere in the Tongass. While blindly and consciously ignoring those concerns, the Forest Service and State of Alaska have authorized Viking Lumber and Alcan Forest Products/Transpac³ to destroy much of the best remaining publicly owned winter deer habitat throughout SE Alaska, especially central and southern Southeast. Further removals could cause local wildlife extirpations and force the few survivors into isolated patches of lower quality habitat.

There have been recent (2016-2018) severe declines in pink salmon harvests in Alaska Department of Fish and Game (ADF&G) regulatory districts in southeast Alaska. In 2016 the pink salmon fishery was a disaster and in 2018 returns were far worse.⁴ These declines make it essential for the Forest Service to consider whether the need to provide aquatic habitat for fishery resources used by hundreds of local fishermen and processors should take priority over the interests of raw log exporters⁵

² Comment -Interactive Web Map

<https://usfs.maps.arcgis.com/apps/MapSeries/index.html?appid=a44ad6db8ed04af0a6cc83c4e21cd0c4>

³ Alcan Forest Products operates under various names in Southeast Alaska, and is part of international timber exporter Transpac, which is based in Vancouver, B.C. Because an Alcan/Transpac representative (Eric Nichols) has a seat on the State of Alaska's advisory committee for the Roadless rulemaking and otherwise has a significant role in government motivation for the rulemaking, the EIS must fully disclose the structure and business of Alcan/Transpac here, in the Pacific Northwest and British Columbia.

⁴ See <https://www.kfsk.org/2018/08/29/southeast-pink-salmon-catch-lowest-in-over-four-decades/>

⁵ Defenders acknowledge that one of the Forest Service’s two primary timber sale program beneficiaries operates a small mill. But that operator, Viking Lumber, sends of all the high value timber – cedar, to its de facto (literally and operationally) “parent” corporation in Washington State. It also exports to Asia a large portion of its spruce and hemlock logs. As a

whose economic “contributions” to the region are negative given the massive public cost of the federal timber program.⁶ The Forest Service and other timber agencies have allowed watersheds throughout the region to be logged so intensively that in some, less than half of Tongass timber sale project area watersheds provide intact salmon spawning and rearing habitat.⁷

A Taxpayers for Common Sense analysis using Forest Service budget data calculated that implementation of Tongass Advisory Committee’s 2016 Forest Plan Amendment timber sales will generate taxpayer losses of \$367.5 million over the next fifteen years.⁸ If approved, the Secretary of Agriculture (the decision maker) and Governor of Alaska (the petitioner) will both, as Responsible Officials, be responsible for throwing away hard-earned taxpayer money in similar fashion, a staggering loss for the benefit of a minor industry.

This Rulemaking is in reality a gambit to provide for traditional timber sales and provide Viking Lumber and Alcan/Transpac with a long-term supply of hundreds of millions—perhaps billions—of board feet of federal old-growth and second growth timber. The rest is fake news. Even if the Forest Service would mitigate some of the harm caused by its past and present mismanagement of southeast Alaska’s public lands, the adverse cumulative impacts of further federal logging will more than offset any small improvements in fish or wildlife habitat. Industrial activities associated with the removal of remaining old-growth forest and implementation of plantation forestry for recovering second-growth forests will also render the southeast Alaska island shorelines and interior areas undesirable or even inhospitable for visitors to the region who come for recreation – particularly sport fishing and hunting.

Defenders requests that you cease this misguided Rulemaking exercise to build new roads into Tongass wildlands.

Defenders supports the no-action alternative, and we discuss our specific concerns in the following sections.

1. Despite agency claims to the contrary, the intent of the rulemaking is to prop up the Southeast Alaska timber industry

We believe the singular goal of this Roadless Tongass-specific rulemaking is to allow the two remaining timber operators⁹ on the Tongass access to the last bastions

matter of business, Viking Lumber is primarily a timber exporter and it is reasonable to assume its primary interest in Roadless timber.

⁶ See <https://alaskarainforest.org/essays/> (Mehrkens 2013).

⁷ Forest Service. 2016. Tongass Land and Resource Management Plan FEIS at 3-197. R10-MB-769e.

⁸ <https://www.taxpayer.net/energy-natural-resources/u-s-forest-services-tongass-timber-plan-proposes-increased-costs-for-taxpa/>

⁹ *Namely*, Alcan/Transpac Group, an international raw log exporter headquartered in Vancouver B.C., and Viking Lumber of Klawock, which does operate a mill but relies largely on

of ecologically important Tongass old growth. These operators will export the bulk of it, in the round, to Pacific-rim nations and elsewhere, bolstering the economy of other nations and to the long-term, irretrievable loss of economic, subsistence, recreation, and sport opportunities for Alaskans and all Americans.

While one-sidedly touting all the alleged benefits for development/timber interests of a Roadless exemption during their recent open house presentations, the state and Forest Service representatives dodged discussing the benefits to other sectors of leaving the Rule in place. This is a significant issue and must be considered and disclosed in your analysis. If approved, the Roadless exemption will continue the trend of managing Tongass public lands as a subsidized timber colony in perpetuity.

This rulemaking is the result of a petition submitted by Governor Bill Walker's administration in January 2018 on behalf of the State of Alaska, pursuant to the Administrative Procedures Act.¹⁰ The petition was accepted by the Secretary of Agriculture in April 2018.¹¹ A Memorandum of Understanding was signed August 2, 2018 between the Forest Service and the State of Alaska to cooperate on the establishment of rules governing the management of inventoried roadless areas within the National Forests in Alaska.¹²

Evidence abounds that the proposed exemption is indeed for the benefit of the timber industry. First, in a cover letter which accompanied Walker's Petition and signed by Alaska Department of Natural Resources Commissioner Andrew Mack:

*"We see this as one of many significant opportunities to work with you to support a diverse and robust **forest** sector in Southeast Alaska. **Rebuilding this sector** [emphasis added] will create jobs and prosperity for our rural communities located in the Tongass National Forest."*

The letter and Walker's petition made absolutely no mention of mining, hydro, road connections between communities or telemedicine concerns, etc.. In contrast however, "timber" was cited 23 times in the eight page document and is clearly the driving force behind the rulemaking petition.

Second, during open house scoping meetings recently conducted throughout the region and Washington DC, agency officials alleged that the proposed rule is about more than just the timber industry. Various handouts provided to the public for the

raw log exports, particularly high-value cedar for what is quite literally its parent corporation in Washington state.

¹⁰ Jan 19 2018 letter and petition from Gov Walker to Secretary Perdue.
https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4406959.pdf

¹¹ Notice of intent to prepare an environmental impact statement. Roadless Area Conservation; National Forest System Lands in Alaska.
<https://www.federalregister.gov/documents/2018/08/30/2018-18937/roadless-area-conservation-national-forest-system-lands-in-alaska>

¹² MOU USFS AK State Roadless August 2 2018.
https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4406958.pdf

exemption also repeat the claim that the rulemaking also provides for “...energy, mining, access, and transportation systems necessary to further Alaska’s economic development interests”¹³ “Telemedicine” was even cited as an industry that is harmed by the existing Rule.¹⁴ Simply saying so does not make it so. Despite agency valiant efforts to paint the rulemaking about being more than about propping up the timber industry, the public has repeatedly found that claim to be unbelievable.

For instance, as reported by local media, for the Petersburg Roadless Open House:

“But many weren’t convinced, like Don Hernandez of Point Baker on northern Prince of Wales Island. “I think the state has a big credibility issue here because nobody really believes that the effort to do away with the roadless rule has to do with power lines and community access,” Hernandez said. “It’s pretty well understood that the driving force for the last 17 years is the state wants to be able to access more old growth timber.”¹⁵

Similar perceptions were reported from the open houses held in Pt. Baker, Craig, (a Prince of Wales Island community built during the timber heyday), and former pulp mill towns Ketchikan and Sitka also add to the lack of credibility that the rule making is about more than just timber. That agency officials failed to secure the support they thought they could garner from a community formerly built during the timber heyday is telling. But ever vigilant, and in a transparent and last ditch effort to accumulate support for the exemption, they scheduled a meeting (outside the original publicly posted schedule)¹⁶ in another Prince of Wales Island community built during the timber peak—Thorne Bay.¹⁷ Whether they were rewarded during this last desperate attempt to garner support is unknown, but the team certainly made desperate efforts seeking whatever sparse support, they may have found – and generally it was none at all.

Finally, it is notable that the “Alaska state-specific” petition requested only that the Tongass National Forest be permanently exempted, making no mention of the Chugach National Forest, the other national forest in Alaska. Inventoried roadless areas in the Alaska region include 9.2 million acres (55%) of the Tongass National

¹³ For instance, USDA Forest Service Alaska Roadless Rulemaking. Questions and Answers. Updated September 13, 2018.

https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4415768.pdf

¹⁴ As alleged by DNR Deputy Commissioner Heidi Hansen during her overview of Alaska’s role in the rule making process. Washington DC Scoping Open House, Oct. 3, 2018.

¹⁵ Southeast residents say no to development at Roadless Rule meeting. Posted by Angela Denning. 27Sep2018. <https://www.kfsk.org/2018/09/27/southeast-residents-say-no-to-development-atroadless-rule-meeting/>

¹⁶ Updated Meeting Schedule 09252018

https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4435144.pdf

¹⁷ Alaska Roadless Rulemaking Community Meeting.THORNE BAY_20181009_NOI-ScopingPublicMtgFlyer.

https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4436817.pdf

Forest and 5.4 million acres (99%) of the Chugach National Forest.¹⁸ How can it be that Governor Walker had no concerns for the impact of the existing Roadless Rule on mining, hydro, road connections between communities, and telemedicine, etc. on the Chugach National Forest? If the rule really was a hinderance to these potential projects on the Tongass then it would follow that there would be a similar hinderance on the Chugach, and it would have been included in the petition. *In fact, the only thing the Chugach lacks which the Tongass has, is a large-scale timber industry.*

Overwhelming evidence points to the reality that the rulemaking is about timber-only.

II. During the open houses agency officials avoided mention of the permissive nature of the existing Roadless Rule.

During recent Roadless open houses agency officials avoided mention of the permissive nature of the existing Roadless Rule, in an apparent attempt to downplay that it allows for far more projects than the governor and the Forest Service want to admit. Clearly, the open houses were being used as a PR stunt to promote the exemption, not to offer facts to better enable the public to make informed comments. Facts that may bolster the arguments in favor of keeping the current Rule in place were not disclosed, and were denied when raised (repeatedly) by the public. Impacts to other economic sectors, both cash and non-cash and including scenic resources, tourism, recreation, subsistence uses, hunting, and sport and commercial fishing were not even mentioned by agency officials.

In fact, during the Sept. 25 Petersburg open house, when asked to identify what projects had been hindered by the Roadless Rule, the state and federal officials could not name even one example. Instead DNR Deputy Commissioner Heidi Hansen claimed “It’s hard to prove a negative” [to back up rumored and unidentified projects that had been hindered]. Bogus claims about impediments to hydro, community access issues for the proposed roadless exemption were played as having primacy above all other uses of the Tongass.

Moreover, according to the Agency’s own documents,

*“To date, the Alaska Region has requested and received approval for approximately 57 projects within inventoried roadless areas, including, among other things, several energy (hydroelectric) and mineral exploration projects and two intertie projects. **These projects have been cleared in a timely manner.** [emphasis added]”¹⁹*

¹⁸ 2016 Tongass Plan Amendment FEIS, p. 3-445.

¹⁹ US Forest Service Alaska Region open house handout issue paper. Roadless Area Conservation. September 2018.

Additionally, in an attempt to add fuel to the fire, the petition included untrue, draconian phrases like, “devastating socioeconomic effects on Alaskans”²⁰ and, “the extensive damage resulting from the application of the roadless rule to the economic and social fabric of Southeast Alaska remains as real today as it was 15 years ago...” The “damage and devastation” is to ordinary Alaskan's piece of mind, caused by the timber industry's and (under its undue influence) the State's 17-year quest to undo the Rule. This has kept Alaskans in a perpetual state of contention until, like a spoiled child, the industry hopes to get what it wants by brute force, orchestrated politically out of public view.

The public sees right through the PR, as was obvious at the recent public scoping meetings (which the state and the Forest Service refused to record). Southeast Alaskans have moved on from the boom and bust timber culture of yesteryear;²¹ we have a vibrant economy that depends on intact ecosystems. Wisely, most real Alaskans do not advocate for fouling our own nest for short term benefits, and to which the Tongass has been providing for generations upon generations. That the Southeast Alaska timber industry occupies far less than 1% of the regional economy is simply a symptom of the fact that they have cut themselves out of a sustainable future. The rest of us do not owe them the last and remaining best stands of timber, which our livelihoods and quality of life depend on.

III. The Alaska-Specific Roadless Rulemaking process is flawed

A. State of Alaska did no public scoping prior to its Petition; USFS did no scoping before the MOU

At no time did Governor Walker scope the citizens of Alaska prior to petitioning the federal government in order to exempt Alaska forests from the 2001 Roadless Rule or before entering into a Memorandum of Understanding with the Forest Service. Citizens and all economic sectors, not just those of the timber industry and its traditional pro-development supporters, should have been consulted prior to launching this major dedication of resources and personnel for the rulemaking process. We believe the Secretary and the Forest Service should have denied the state's Petition, and that early scoping would have demonstrated this clearly. This is especially so since the timber industry amounts to far less than 1% of the regional economy, but due to decades of immense cumulative impacts now harms other sectors which contribute far more to the economy. These are sectors dependent on intact Tongass landscapes and ecosystems. By failing to consult with these other stakeholders prior to filing his Petition, Governor Walker has entered into a misguided, contentious and costly pursuit, which the federal government has blindly followed. In sharp contrast, the governor's highly controversial directive to greatly reduce the annual Alaska Permanent Fund Dividend payments to individuals was afforded far more public outreach prior to his action, than that employed by this process.

²⁰ Jan 19 2018 letter and petition from Gov Walker to Sec'y Perdue. p. 8.
https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4406959.pdf

²¹ See: Edwards (2015). "On the jobs and the timber base on the Tongass NF". Unpublished. (Edwards is submitting this as an attachment to his personal comments.)

B. Proceedings of the open houses were not recorded, preventing public sentiment from being entered in to the public record.

During the public open houses, agency officials failed to record the proceedings or submit them as part of the official record. Throughout the region, the public was repeatedly dismayed by that failure. For instance:

“This meeting format is a bunch of B.S. — just a pile of bear scat,” Koehler said. “You come, you’re interested and you want to say something and none of these conversations are being recorded.”²²

It is asking much of the public to attend a meeting for which their sentiments are not even given the courtesy of recording and entered into the record. Forest Service and State officials owe the public the simple courtesy of at least feigning interest, by taking notes and recording the proceedings. Clearly the team is again simply going through the motions, rather than trying to actually find consensus among the public for the roadless exemption.

For the record, we are submitting along with these comments, recordings of the Sitka and Petersburg Roadless Open House meeting proceedings (likely as additional submissions on the comments-submission webpage).

IV. The Roadless Rule Citizens Advisory Committee is a farce and should be disbanded

The Roadless Rule Citizens Advisory Committee is composed of nothing more than a group of yes men and women, handpicked to achieve the singular purpose of advancing the State’s and Forest Service’s interest in throwing out the 2001 Roadless Rule.

On Sept. 6, 2018 Governor Walker announced he would establish a 13-member Alaska Roadless Rule Citizen Advisory Committee.²³ There was no well-circulated public advertisement issued in local Southeast Alaska media that the group was being formed or to solicit its members. Moreover, there was no deadline stipulated in the administrative order for applications to be received. When asked about the failure to identify a deadline, the public was told that it was a “soft deadline”—whatever that is. In fact, it appears most committee members had previously been appointed by Sept. 17 when the Ketchikan meeting was held—only 11 days following Walker’s poorly advertised Administrative Order establishing the group.^{24,25} A 12 member committee,

²² Juneau crowd questions forest service on new roads in the Tongass. Elizabeth Jenkins, Alaska's Energy Desk. September 16, 2018. <https://www.ktoo.org/2018/09/16/juneau-crowd-questions-forest-service-on-new-roads-in-the-tongass/>

²³ Establishing the Alaska Roadless Rule Citizen Advisory Committee Signed. AO 299. 06Sept18 - https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4414314.pdf

²⁴ Roadless Rule meeting held: USFS hosts public info meeting by Billy Singleton. Ketchikan Daily News. 20 Sept 2018.

instead of 13, was formally appointed on September 28, only 22 days after Walker's AO was issued.²⁶ Clearly, southeast residents were unaware of Walker's directive to form such a committee.²⁷

"Several in the room commented that Monday night was the first time they heard about the proposal or formation of a committee. Chaudhary feels a decision has already been made."

"You say you're trying to keep on a deadline and it's a soft close and you want to keep this thing moving along. It sure sounds to me like the state and the feds are (in) collusion. It's already preordained what the decision is and you guys are just pretending to go through a process here."

"Why are these positions already filled?" Chaudhary asked, referring to citizen's advisory committee positions. "It seems like the deal's already done without any input, without any information on our part."²⁸

Why wasn't a full 13 member team chosen since there was a field of 39 applicants available to choose from? Were the remaining applicants a potential threat to the state's intent to orchestrate dismemberment of the existing Rule? This, while the Roadless Exemption Open Houses were in progress, the comment period had not even closed, and local residents were still engaged in their end-of season livelihoods. The committee's first meeting was held, in short order, on October 2-3, only four days following their "official" appointment. Clearly, appointment to the committee was fast-tracked in order to get their pre-determined recommendation finalized following the self-imposed deadline of Nov. 30—to be only 59 days after convening. It is a travesty that a stilted and handpicked committee intends to advance a recommendation for the disposition of 9.2 million acres of Tongass National Forest land and purport it to be a Product of the People and with such a constricted time for consideration. It is especially troublesome given that the committee members are in no way representative of the people and many should be conflicted out.

In stark contrast, Governor Bill Walker allowed a much greater time for his Climate Action for Alaska Leadership Team (CALT) to "advise the governor on critical

<https://www.ketchikandailynews.com/article/20180920/ARTICLE/180929997> "Maisch said that not all positions have been filled..."

²⁵ Citizens express concerns/hopes about Roadless Rule changes. By Maria Dudzak. Sep 19, 2018. <https://www.krbd.org/2018/09/19/80197/> "...the team was still looking for more applicants to represent several interest groups including mining, tourism and tribal interests."

²⁶ Press Release. Governor Walker announces appointments to the Alaska Roadless Rule Citizen Advisory Committee. <https://gov.alaska.gov/newsroom/2018/09/governor-walker-announces-appointments-to-the-alaska-roadless-rule-citizen-advisory-committee/>

²⁷ Citizens express concerns/hopes about Roadless Rule changes. By Maria Dudzak. Sep 19, 2018. <https://www.krbd.org/2018/09/19/80197/>

²⁸ Roadless Rule meeting held: USFS hosts public info meeting by Billy Singleton. Ketchikan Daily News. 20 Sept 2018.

<https://www.ketchikandailynews.com/article/20180920/ARTICLE/180929997>

and timely actions to address climate change challenges that will safeguard now and for future generations” as well as generous opportunity for public involvement.²⁹ The fate of 9.2 millions acres of Roadless public land is a similarly important issue for all Alaskans.

The Governor signed Administrative Order 289³⁰ on October 31, 2017 which established the Alaska Climate Change Strategy and the Climate Action for Alaska Leadership Team (CALT).³¹ The team was appointed on Dec. 12, 2017 and the first meeting was convened December 18, 2017. This provided for 42 days between establishment and appointment of the committee—almost twice the time allowed for the Roadless Citizens Advisory Committee to be established and appointed, at a time of year when those with seasonal livelihoods are unable to engage. Since October 2017, “the {CALT} team met more than 20 times, looked at more than 300 pages of public comments, hosted eight listening sessions, formed two technical advisory panels and hosted 25 young Alaskans for a Young Leaders’ Dialogue on Climate Change.” On September 26, 2018 Walker’s Climate Action Leadership Team delivered its recommendations to the Governor—almost one year after convening, in sharp contrast to the mere 59 days allowed for the Roadless committee. The CALT team actively sought public involvement and allowed generous time to receive input from other interested Alaskans. This is in stark contrast to the insulated bubble the Roadless panel comprises and their self-imposed fast-track process which allows less than two months from beginning to end to advance a proposal which will no doubt be the preferred alternative.

Although the Roadless panel has held one of three hastily called “hearings” (in Juneau)³², the meetings are so far unadvertised to the general public, do not even appear on the Rulemaking Website, nor will they provide equal access to all Alaskans and Americans since they are to be held only in three SE Alaska Communities.

The committee does not in any way represent everyday Alaskan residents. There are no individuals who represent the needs of wildlife, guides, real subsistence users, or tourism. Despite there being a reported 39 applicants, only 12 of the 13 seats stipulated in Walker’s Administrative Order were filled. The committee makeup is skewed—almost exclusively—in favor of development/industry advocates, and even the native-held seats are occupied by individuals who have a long history of promoting timber extraction interests. The fishing and so-called conservation seats are occupied

²⁹ Action team delivers recommendations to address climate change. Fairbanks Daily News-Miner. Erin McGroarty. Sep 27, 2018 http://www.newsminer.com/news/local_news/action-team-delivers-recommendations-to-address-climate-change/article_a89096f6-c22d-11e8-9f7a-6b58428ad670.html

³⁰ Administrative Order No. 289 establishing the Alaska Climate Change Strategy and the Climate Action for Alaska Leadership Team (CALT). <https://gov.alaska.gov/admin-orders/289.html>

³¹ *Id.* http://www.newsminer.com/news/local_news/action-team-delivers-recommendations-to-address-climate-change/article_a89096f6-c22d-11e8-9f7a-6b58428ad670.html

³² Roadless advocates pack Tongass hearing. Jacob Resneck, CoastAlaska. October 8, 2018. <https://www.ktoo.org/2018/10/08/roadless-advocates-pack-tongass-hearing/>

by individuals who routinely capitulate to development interests and were surely chosen precisely for that well-established reputation.

Walker wrote in a prepared statement announcing establishment of the committee and its members:

“It is critical for Alaskans to be part of this important decision-making process that, in the end, will impact many lives,” **Governor Walker said.** *“These twelve diverse Alaskans are passionate about one of our state’s greatest resources: our land.”*

Indeed, Governor Walker—“Alaskans” does not mean a small group of special interest representatives and “yes” women and men. Indeed, in the end, the committee’s recommendations will impact many lives including those who depend on intact forest ecosystems for their livelihoods, sustenance, and peace of mind. Clearly, from the get-go, the process has been fast-tracked, the panel was largely predetermined, and the Governor had no real interest in selecting from a broad base of qualified candidates, but instead those who would quickly sanction his and the timber industry’s wishes. Please identify who served on the advisory group “selection committee”. Was this task placed exclusively under the authority of one individual/the State Forester? Judging by the process so far, we can only conclude, that any product derived from the proceedings of the so-called Citizen’s Advisory Committee is not a “Product of the People,” but rather a product of industry-friendly skills—nothing more.

We believe the only way to have truly democratic and fair citizen participation is through the gold-standard NEPA process, where all citizen’s can voice their interests and concerns and expect them to be impartially considered. The Citizen’s Advisory Committee must be disbanded in favor of using the NEPA process exclusively. Otherwise the process will have no credibility.

To better inform you regarding just a few of the general reasons that the many so-called collaboratives nationally that have involved timber are a dangerous farce and should be disbanded, we provide these notes taken from a recent interview³³:

- 1) The makeup of collaboratives are almost always skewed. Members are not elected but rather handpicked participants who have a vested conflict of interest, often financial. They often work for industry or well-funded and larger so-called conservation groups who are sympathetic to the timber interests. It is unethical that they are allowed a prominent role in any decision making process;
- 2) Those who wind up participating are sympathetic to the collaborative process, which means what becomes more important is reaching an agreement than what

³³ Adapted from George Wuerthner interviewed by Derrick Jensen on the dangers of "collaboration." March 18, 2018. George Wuerthner is the former Ecological Projects Director for the Foundation for Deep Ecology. He is an ecologist and wildlands activist. He has published 38 books on environmental issues and natural history including such environmentally focused books as Welfare Ranching, Wildfire, Thrillcraft, Energy and most recently Protecting the Wild. https://www.youtube.com/watch?v=D_GNjKkbEXk

the agreement actually does on the land or the ground. It becomes more important to maintain collaborative partnerships than good objectives for the land;

- 3) You will often see mention in media interviews that the collaborators sat down and “had a beer” with their fellow committee members, as if that is the most important function they are accomplishing. They become embroiled in a condition similar to the Stockholm syndrome—and it is more important to be liked—it is hard to be disliked or the odd man or woman out;
- 4) Collaborators often are mostly interest in reaching an agreement; ultimately the unrepresented entities end up being the wildlife, the real subsistence users, and those whose lives and livelihoods are impacted by forest degradation;
- 5) Another problem is that collaborative processes often start out with basic assumptions, like “our National forests are sick and the best way to fix them is to log them.” Individual participants won’t get anywhere by challenging the basic assumptions. It is not “whether” certain proposed activities will be done on the national forest, it becomes when and how. In the case of the Roadless Rule, the starting presumption will likely be some form of exemption—not keeping the Rule intact. The No-action alternative is just thrown-in for token appearance sake, and a place-by-place dismantling ensues;
- 6) After many meetings, participants wind up getting in the collaborative trap. They don’t want to be part of something that just continues the status quo since it will be perceived as a waste of time. The average person, who often knows no better, is misled that it is good that the collaborative came up with a recommendation;
- 7) Collaboration ends up being greenwashing. Participants become brainwashed into thinking that whatever recommendation they make is good;
- 8) Often individuals who have an opposing viewpoint are given less time to present, or are outnumbered by the stacked group. They are only allowed to speak to give the appearance of neutrality. The larger group is not really interested in anything that does not fit in the paradigm;
- 9) Sometimes collaborators are forced into a voting situations where one “no” vote kills the whole process or they are forced to sign agreements that they will not speak against whatever the group decides upon;
- 10) Often, participants get worn down with the process, and simply “go-along to get-along” and put their stamp of approval on something they know is counter to good environmental policy. They find themselves unable to disagree with the collaborative result;
- 11) Most participants are paid to attend by their employers. Those who can’t afford to go never even apply or if selected drop out. Those paid to go have a vested interest just by the fact that they are paid to be there, but they also, often have financial interests beyond that;
- 12) Average people often cannot participate or can only give so much time because they have to pay rent and feed themselves and their family;
- 13) Agency people don’t show up on weekends, when there would be would broader participation. This is an institutional bias;
- 14) Collaborative groups often end up applauding more logging and not mentioning wildlife or wilderness. Participants assume that there must not be any negative impacts;
- 15) Some so-called environmental groups are so good at raising money that they

become colonized by those who can raise money, and lose sight of their issue and focus more on collaboration;

- 16) Many of the collaborators have little experience in ecology or natural resource issues and when they do get to participate are overwhelmed by the so-called experts. They are often prohibited or frowned upon by speaking up;
- 17) Politicians and agency people don't have to make hard decisions because but really know the more or less predetermined outcome from the outset and simply rely on the collaborative to be the defacto decision maker.

The takeaway from the previous points is that:

1. The public should be very suspect of the collaborative process, especially when legislation is involved:
2. By its very nature, collaboration will only end up providing for less protection for wildlands.

In fact, a perfect example of *the second and fifth items above* are where one newly appointed collaborative member of the Citizen's committee, only 5 days into the process, has already capitulated to the process during the first meeting in the "hopes to find some compromise". He says, "our task is to generate alternatives somewhere in the middle":

*"There's a lot of passion around this issue," said Brian Holst, executive director of the Juneau Economic Development Council. He's one of the 12 appointed to sit on the advisory committee. Holst said the group hopes to find some compromise. The historic fight has been between keeping the roadless rule intact or doing away with it altogether. "Our task is not to endorse either of those sides because both of those options are out there," Holst said, "but is to generate alternatives somewhere in the middle and that's challenging, that will be challenging."*³⁴

And as pointed out above, the first Oct. 2-3 Citizen's Advisory Group meeting was hastily called with no regional public advertisement. The Rulemaking website provided no notice of the meetings and we only stumbled upon the Meridian website for the Rulemaking after the first hearing. That website was likely created after the first Oct. 2-3 meeting since for that meeting it reads, "Public **were** welcome [past tense-emphasis added] to attend both days or join via conference line." How was the public to become informed of either the meeting or hearing in the absence of any public notification? In fact, with only four days between appointment of the committee and the first hearing, plane fares to attend had to be quite expensive for participants and our cash-strapped State. *That is unless members were informed long before the official announcement of their appointment.* When were the Citizen Advisory members notified they were appointed to the committee? Further, any out of town publics who somehow

³⁴ Roadless advocates pack Tongass hearing. Jacob Resneck, CoastAlaska. October 8, 2018 <https://www.ktoo.org/2018/10/08/roadless-advocates-pack-tongass-hearing/>

found out about the meetings and wished to attend would have been forced to make last minute arrangements and at great expense. Shouldn't there be allowance of more time for the public to be notified? Regardless, it is hard for everyday Alaskans, who work for a living, to attend or even listen-in if that capability really exists. Moreover, what arrangements were made for listening telephonically? The DEIS should provide answers to all of the above questions.

Finally, we believe that the Forest Service and State of Alaska should convene a scientific panel regarding the impacts of old growth logging in currently Roadless areas.

V. Governor Walker's Roadless Petition reneges on the expensive and time consuming commitment to the 2016 Tongass Advisory Committee recommendations

Alaskans and Americans are tired of the repeated, costly, time consuming infringements on their personal lives that these repeated plays by the timber industry have waged. They are quite literally fed up. Moreover, Governor Walker's Roadless Petition reneges on his commitment to the 2016 Tongass Advisory Committee and recommendations to the TLMP which they fully participated in during the TAC proceedings and for the purpose of providing an alternative to the 2016 TLMP Amendment. The governor's Roadless petition is an indication that the State (through its representative, DNR Chief Forester Chris Maisch) was bargaining in bad faith at the Tongass Advisory Committee meetings.

The Forest Service claims an approved state-specific roadless rule "could" make changes to the 2016 TLMP:

*"The Alaska Roadless Rule will not make any changes to the 2016 Tongass Land Management Plan or projects currently being implemented or proposed to implement the transition to a primarily young-growth timber program. Following a final decision on a state-specific roadless rule, the Tongass National Forest Land Management Plan **could be amended or revised** [emphasis added] to reflect any management designations established by the state-specific rule."³⁵*

And, according to the Roadless Rulemaking petition submitted Governor Walker,

"The state also requests that the Secretary of Agriculture direct the USFS to commence a TLMP revision or an amendment to remove provisions of the Roadless Rule that have been incorporated into the plan and to reconsider

³⁵ USDA Forest Service Alaska Roadless Rulemaking. Questions and Answers. Q17. Updated Sept. 13, 2018.
https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4415768.pdf

*the state objections set forth in Ex. 6 that were not addressed in the final TLMP.*³⁶

So, here we go again. Clearly, the TLMP is likely to be revised again, causing Alaskans who only a few years ago thought it was settled, to go through the grueling and contentious process yet again—and at the behest of the 1% timber industry. Just who is the Governor listening to?

The State of Alaska recently participated in the Tongass Advisory Committee (TAC) for the purpose of developing an alternative for the 2016 Tongass Land Management Plan. Following numerous meetings and expense the Committee developed an alternative and submitted it to the TLMP planning process. The TAC's alternative was adopted. Now, the SoA is in effect renegeing on that expensive, contentious, and time consuming process with its request to redo the recently adopted TLMP. This is absolutely unacceptable.

In its quest to access every last bastion of economic old growth on the Tongass, the SoA once again keeps Tongass management on a treadmill of uncertainty and ensures that the region remains in constant upheaval. The Governor has caved to a welfare industry which for decades has enjoyed massive subsidies, but somehow still can't manage to stand on its own two feet and pay its own way. The push behind Walker's ill-conceived Petition is the export timber industry, who occupies less than one percent of the Regional economy, not most Alaskans and the American people who have tired of the ever persistent drone of the industries cries to feed it rapacious appetite.

It is time to put the Roadless issue to rest and allow Alaskans to live their lives free of the constant threat of having their public lands turned into an export colony.

V. Aquatic habitat: The proposed Roadless Exemption presents unacceptable and undisclosed risks to fishery resources, at great cost to the taxpayer.

A. Logging roads are a drain on the taxpayer with little benefit but to the timber industry.

On a national level, the Forest Service has an estimated \$3.2 billion backlog of road maintenance needs. In particular, the Tongass, with over 5,000 miles of logging roads has many stream miles damaged by logging, and many red pipes blocking an undisclosed number of miles of salmon habitat, and a need for a number of watershed treatments deemed necessary to mitigate losses to salmon production.

It is clear that island anadromous salmon systems in Southeast Alaska are at risk for a number of reasons related to federal mismanagement. Landscape scale modifications, such as the system of logging roads, impair and reduce salmon production capacity. This proposed Roadless Rule exemption would further reduce

³⁶ [Jan 19 2018 letter and petition from Gov Walker to Secy Perdue. p. 8.](https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4406959.pdf)
https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4406959.pdf

southeast Alaska's salmon production by building roads in fish habitat accompanied by intensive logging of old growth and second growth recovering forests – and do so at a time when the region's salmon production capacity is at risk due to multiple environmental factors. In the DEIS the Forest Service must disclose the road maintenance backlog existing, both monetary and physical on the Tongass in its Roadless analysis.

Southeast Alaska communities are heavily dependent on the salmon fishery.³⁷ In 2017, the estimated ex-vessel value of the Southeast Alaska Salmon fishery alone in was \$161 million.³⁸ In terms of just the salmon fisheries, over 800 commercial salmon permit holders depend on Southeast Alaska salmon fisheries³⁹ as well as many more crew members. These vessels generate multimillions in fishing income that additionally support over thousands of processing jobs generating millions in wages. Multiple businesses in Southeast Alaska communities benefit from fishing dollars and state and local governments receive fishery enhancement taxes. This level of economic activity in the region is in stark contrast to the activity generated by decades of deficit federal spending on the timber sale program.

B. The USFS needs to disclose and analyze in the DEIS the proposed exemption's risks to fisheries and the fishery economy

The Forest Service recently produced a DEIS for the Prince of Wales Landscape Level Annihilation project that purported to discuss aquatic impacts but shockingly failed to discuss the current status of southeast Alaska fish populations or the relevance of salmon production trends across southeast Alaska. The year 2016 was a pink salmon fishery disaster for southeast Alaska.⁴⁰ Although the final numbers are not yet in, 2018 appears to be worse.⁴¹ A large part of the problem is poor pink production in northern southeast Alaska inside waters, particularly during even year cycles.

Across southeast Alaska the pink salmon run failed to meet even low expectations, with 7.3 million fish harvested 2017 – the lowest since 1976 and over ten million fewer fish than fishermen caught during the 2016 disaster

³⁷ US Forest Service. Tongass Land and Resource Management Plan at 5-6.

³⁸ 2017 Alaska Commercial Salmon Harvests — Exvessel Values Source: ADF&G.Preliminary data: 2017 Salmon Season. Updated 10/3/2017 Subject to change. http://www.adfg.alaska.gov/Static/fishing/pdfs/commercial_2017_preliminary_salmon_summary_table.pdf

³⁹ Commercial Fisheries Entry Commission Public Lookup database. <https://www.cfec.state.ak.us/plook/#lists>

⁴⁰ Southeast pink salmon catch lowest in over four decades. Joe Viechnicki. Aug 29, 2018 <https://www.kfsk.org/2018/08/29/southeast-pink-salmon-catch-lowest-in-over-four-decades/>

⁴¹ Alaska's 2018 commercial salmon harvest is 30 percent below what was forecast, yet some fisheries have boomed. Alaska Daily News. 26Aug2018. <https://www.adn.com/business-economy/2018/08/24/alaskas-2018-commercial-salmon-harvest-is-30-percent-below-what-was-forecast-yet-some-fisheries-have-boomed/>

year.⁴² Importantly, ADF&G seine fishery announcements and test fisheries in 2018 showed that the poorest returns were in central southeast Alaska – fishing districts 9 and 10 in Frederick Sound and Chatham Strait.⁴³

The Forest Service’s 1995 Anadromous Fish Habitat Assessment made numerous findings and recommendations related to reducing the impacts of industrial clearcut logging on salmon habitat in southeast Alaska. The Assessment explained that:

The cumulative effects of frequent disturbances in the Pacific Northwest have been shown to substantially reduce the quality of freshwater fish habitats resulting in negative consequences for species, stocks, and populations of fish that depend on them, even if coniferous cover is left in buffer strips along the fish-bearing streams. Fish-bearing streams represent only a small portion of stream mileage in any watershed. Because recovery of fish habitat from the effects of extensive logging in a watershed may take a century or more, recovery may never be complete if forests are clearcut harvested and watersheds are disturbed extensively on rotation cycles of about 100 years. Few refuges remain in a watershed that fish can use during such widespread, intense, and recurrent disturbances.

...Should freshwater habitats be degraded for long periods, salmon and steelhead stocks will eventually be confronted simultaneously with low marine productivity and degraded freshwater habitat. The likely result of such double jeopardy could be high, long-term risk of extinction. ⁴⁴

Given current trends in pink salmon production, the proposed Rule exemption would present the “double jeopardy” situation described above. It would be reckless to proceed with this rulemaking because of likely long-term adverse impacts on the salmon themselves and salmon dependent species such as bears and commercial fishermen. Scientific studies have found strong negative correlations between logging road density, timber extraction and salmon productivity.⁴⁵ Also, the combined effects of climate change and habitat degradation increase these risks and warrant disclosure and analysis in Roadless Rule Rulemaking DEIS. For example, NMFS has found that logging has:

⁴² <https://www.kfsk.org/2018/08/29/southeast-pink-salmon-catch-lowest-in-over-four-decades/>

⁴³ <http://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareaseoutheast.salmon>

⁴⁴ U.S. Forest Service. 1995. Report to Congress: Anadromous fish habitat assessment. Pacific Northwest Research Station, Alaska Region. R10-MB-279.

⁴⁵ The Forest Service can obtain this document from the new Prince of Wales project DEIS planning record #833_0971 (Halupka et al 2000). We request that the Forest Service obtain, and include in the planning record, Firman, Julie C., et al.. 2011 Landscape models of adult coho salmon density.

“... degraded coho salmon habitat through removal and disturbance of natural vegetation, disturbance and compaction of soils, construction of roads and installation of culverts. Timber harvest activities can result in sediment delivered to streams through mass wasting and surface erosion that can elevate the level of fine sediments in spawning gravels and fill the substrate interstices inhabited by invertebrates. The most pervasive cumulative effect of past forest practices on habitats for anadromous salmonids has been an overall reduction of habitat complexity from loss of multiple habitat components. Habitat complexity has declined principally because of reduced size and frequency of pools due to filling with sediment and loss of LWD (large woody debris)... As previously mentioned, sedimentation of stream beds has been implicated as a principal cause of declining salmonid populations throughout their range’

.... ‘Several studies have indicated that, in [southern Oregon/northern California], catastrophic erosion and subsequent stream sedimentation [from major floods] resulted from areas which had been clearcut or which had roads constructed on unstable soils.’⁴⁶

Given these findings and recent declines in fishery outputs, the Rulemaking DEIS needs to evaluate losses associated with lost fishing revenues caused by logging and road construction. Habitat loss has a substantial impact on the commercial fisheries. It is possible to estimate the loss of salmon-related economic values caused by logging and related road construction.⁴⁷ Canadian researchers in 2003 developed habitat values (which the authors described as conservative estimates) that ranged from \$.026 to \$1.40 per acre of watershed, or \$1,491 to \$7,914 per mile of spawning stream (converted to 2003 U.S. dollars – or roughly \$10,000 per mile of spawning stream today).⁴⁸ A 1988 study identified significant economic losses to salmon fisheries caused by logging and road construction on just 21% of the Siuslaw National Forest.⁴⁹ The author noted that even “while improved timber harvesting practices of leaving

⁴⁶ Endangered and Threatened Species: Threatened status for Southern Oregon/Northern California Evolutionarily Significant Unit (ESU) of coho salmon. 62 Fed. Reg. 24588 at 24593 and 24599. May 6, 1997.

⁴⁷ Foley, et al. 2012. A review of bioeconomic modelling of habitat-fisheries interactions. In: *International Journal of Ecology*, Vol. 2012. Doi:10.1155/2012/861635; Exh. 46, Knowler, D. et al. 2001. Valuing the quality of freshwater salmon habitat – a pilot project. Simon Fraser University. Burnaby, B.C.: January 2001; Knowler, D.J., B.W. MacGregor, M.J. Bradford, and R.M. Peterman. 2003. Valuing freshwater salmon habitat on the west coast of Canada. In: *Journal of Environmental Management*, 69: 261-273 (Nov. 2003). Available at: <http://www.sciencedirect.com/science/article/pii/S0301479703001543>.

⁴⁸ *Id.*

⁴⁹ Loomis, J.B. 1988. The bioeconomic effects of timber harvesting on recreational and commercial salmon and steelhead fishing: a case study of the Siuslaw National Forest. In: *Marine Resource Economics*, Vol. 5; 43-60 (1988). This article can be reviewed in its entirety (but not downloaded) at www.jstor.org/stable/42871964?seq+2#page_scan_tab_contents. We request that the Forest Service obtain this study and include it in the planning record.

buffer strips and use of better road design have reduced the extent of fisheries losses, there are still substantial ‘unavoidable’ losses associated with timber harvesting.” Another study found that “if habitat improvements resulting from salmon-related logging restrictions generated one additional fish for the recreational fishery per year per acre for the foreseeable future, the per acre” or seven times the forgone timber asset value of the land.⁵⁰

In other words, the Roadless Rule exemption will significantly sacrifice annually renewable economic outputs in order to supply Viking Lumber’s parent corporation in Aberdeen with some old-growth cedar and Alcan/Transpac from Vancouver, British Columbia with some immature timber to ship off to China. The DEIS needs to assess the significant positive economic impacts of the no-action alternative in terms of reducing risks of further declines in fishery outputs and disclose the significant risks that further aquatic degradation presents to fishery resources.

C. The Forest Service must develop a funded plan to replace red pipes

Any Forest Service action to improve watershed function “must” prioritize fish passage improvements by replacing culverts and creating a valid process to fix fish passage on the island. Reliance on the Forest Service Access and Travel Management Plan is inadequate since the agency has repaired roughly only a handful of red pipes per year over the past fifteen years, meaning it may take a century or more to address the potential thousands of red pipes on the Tongass. There is an unfunded goal of improving the repair rate to ten per year in the Central Tongass Project for example, leaving two-thirds of the existing red pipes in place.

The issue of blocked culverts is so important to salmon habitat that tribes have sued the state of Washington in order to require it to fix barrier culverts in order to increase salmon populations in the region.⁵¹ As explained by EarthJustice in an amicus brief filed on behalf of commercial fishermen in the state of Washington:

“... because barrier culverts block access to habitat entirely, barrier removal is frequently the most effective recovery measure (and often the measure with the most immediate positive impact) when compared with other habitat recovery efforts, such as reforestation, repairing stream straightening or channelization, or increasing flows. And obviously, other habitat restoration efforts will be futile if salmon are unable to access the restored habitat.”

EarthJustice’s brief noted that the district court agreed that barrier culverts “have a significant total impact on salmon production” due to “a negative impact on spawning success, growth and survival of young salmon, upstream and downstream migration, and overall production.” Thus, removing them “provides immediate benefit in terms of salmon production, as salmon rapidly re-colonize the upstream area and returning

⁵⁰ ECONorthwest. 1999. Salmon, timber and the economy. Numbers in 1999 dollars. http://www.wildriverscoastalliance.com/wp-content/uploads/2015/04/salmon_handbook.pdf

⁵¹ Exh. 43 (PCFFA 2017) (from our scoping comments to the Central Tongass Project).

adults spawn there.” We believe that fixing these problems is an obligation under the Clean Water Act and Alaska state law, and that there is a NEPA obligation to develop an alternative or mitigation measure that prioritizes the remediation of fish passage problems.

D. Log-transfer facilities: The USFS must consider alternatives and mitigation measures for estuarine habitat affected by LTFs

Additionally, the Forest Service should more carefully assess adverse impacts to estuarine habitat. The Forest Service intends to utilize or reconstruct a large number of log transfer facilities across the Tongass. During the 1990s, the use of LTFs by the Forest Service and other landowners caused severe damage to sixteen saltwater ecosystems in southeast Alaska, resulting the designation of Category 5 impaired waterbodies.⁵² Fortunately, a significant decline in timber industry activity has reduced or eliminated use of many of these LTFs, resulting in partial attainment of water quality standards and some recovery of aquatic after several decades of nonuse or reduced use.⁵³

Defenders has significant concerns about the plan to expand the number of active LTFs in southeast Alaska and increase the volume of timber moved through LTFs by state and private timber operators. The potential direct, indirect and cumulative effects of federal and non-federal log rafting on fisheries and fishery habitat associated with a federal program to fund and develop marine transportation infrastructure presents a significant concern and requires detailed NEPA analysis.⁵⁴

In-water log storage degrades water quality to below levels necessary to protect existing commercial fisheries. There is a significant body of science that shows the incompatibility of the marine log storage with benthic habitat. Scientists and nontimber agency resource managers recognize that toxins, bark debris accumulations and the low dissolved oxygen levels they cause adversely impact shellfish species such as Dungeness crab in numerous ways, causing reproductive problems, disease, deformities, prey depletion.⁵⁵

⁵² Alaska Division of Environmental Conservation. __. PUBLIC NOTICE DRAFT Integrated Water Quality Monitoring and Assessment Report at 41-50, 80.

⁵³ *Id.* at 41-50.

⁵⁴ 40 C.F.R. § 1508.18.

⁵⁵ The Forest Service can obtain the following documents related to log transfer facilities from the Prince of Wales project planning record: Washington Dept. of Fish and Wildlife. 2008. Management Recommendations for Washington’s Priority Habitats and Species: Dungeness Crab; Sedell, J.R., F.N.Leone and W.S. Duval. Water Transportation and Storage of Logs. IN: Meehan, W.R. 1991. Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats. American Fisheries Society Special Publication 19; O’Clair, C.E., and J.L. Freese. 1988. Reproductive condition of Dungeness crabs, Cancer magister, at or near log transfer facilities in Southeastern Alaska. Marine Environmental Research 26:57-81; Morado, O’Clair & Sparks. 1988. Preliminary Study of Idiopathic lesions in the Dungeness crab, Cancer magister from Rowan Bay, Alaska; O’Clair, C.E. and L. Freese. 1985. Responses of Dungeness crabs, Cancer magister, exposed to bark debris from benthic deposits at log transfer facilities: Survival, feeding and reproduction. Pages 227-229 in B.R. Melteff, Symposium Coordinator.

For these and other reasons related to water quality degradation and impacts to the region's more important economic sectors, the LRMP provides that "[w]here feasible, preference should be given to onshore storage and barging of logs." Because the large volume of timber potentially made available under the proposed exemption will likely meet or exceed the volumes that caused Category V water quality impairments throughout the region, the Forest Service needs to prohibit in-water log storage in LTFs utilized by or operated by the Forest Service.

The 2016 LRMP requires that the Forest Service "[a]void, where practicable, siting log transfer, rafting and storage facilities in areas with established commercial, subsistence, and sport fishing activity, high levels of recreation use, areas of high scenic quality, or documented concentrations of species commonly pursued by commercial, subsistence, and sport fishers." Also, LTFs should not be located "in areas known to be important for fish spawning and rearing because of "the high value of the fisheries resources." However, these guidelines are too discretionary, and readily waived every time Viking Lumber whines that barging is too expensive.

The Forest Service needs to provide detailed information about the actual amount of timber transferred through existing or new LTFs, and analyze whether those locations would be consistent Appendix G guidelines. The discussion needs to disclose the adverse environmental impacts caused by bark accumulation and the numerous other adverse and potentially long-term impacts caused by anaerobic conditions and benthic pollution that is toxic to many marine organisms. The DEIS also needs to consider the cumulative effects of developing new infrastructure for inwater log storage and facilitating increased use of existing LTF sites through federal and non-federal timber sale programs.

The Forest Service must comply with the consultation and best available science requirements of the Magnuson-Stevens Fishery Conservation and Management Act with regard to Essential Fish Habitat. The development of an expanded LTF network, and increased use of federally funded or operated LTFs by state and private operators is clearly a "large scale planning effort" that involves "potentially large numbers of individual actions that may adversely affect EFH."⁵⁶ Further, the level of detail in an EFH should reflect the best science, and provide an analysis of adverse effects and proposed mitigation.⁵⁷ The significance of nearshore areas to the commercial fisheries warrants a literature review, further site-investigations, and consideration of alternatives that could minimize or avoid adverse effects, including a prohibition on in-water log storage.⁵⁸

Proceedings of the symposium on Dungeness crab biology and management. Univ. of Alaska Sea Grant Rep. 85-3; Kirkpatrick, B., T.C. Shirley and C.E. O'Clair. 1998. Deepwater bark accumulations and benthos richness at log transfer and storage facilities. Alaska Fishery Research Bulletin, vol 5(2): 103-115; NMFS 2006

⁵⁶ 16 U.S.C. § 1855(b)(2); 50 C.F.R. § 600.920(j)(1).

⁵⁷ 50 C.F.R. § 600.920 (d), (e)(3).

⁵⁸ *Id.*

A NEPA analysis must provide a detailed discussion of means to mitigate adverse environmental impacts and the effectiveness of those measures, and cannot forgo this analysis by deferring to state regulatory agencies.⁵⁹ The Forest Service needs to evaluate how it will minimize the effects of in-water log storage or clean up the mess afterwards. Timber operators in British Columbia employ site deactivation procedures in order to minimize long-term impacts and conduct baseline assessments prior to development. The Washington Department of Fish and Wildlife recommends replanting marine vegetation and removing woody debris in order to mitigate LTF effects on crab.

In sum, the DEIS must provide detailed information about existing proposed new LTF sites, the impacts on the commercial fisheries, consult with NMFS and provide a full analysis of LTF impacts to fish and shellfish habitat, and includes means to mitigate impacts, including a prohibition on in-water log storage, contemporary mitigation measures, and seasonal and timing restrictions on log transfer activities to mitigate disruptions to commercial and recreational users of southeast Alaska's bays and inlets.

E. Conclusion-Aquatics section.

Southeast Alaska island ecosystems are highly significant in terms of historical salmon production, and resource recovery is critical for commercial fisheries at this time especially given the pink salmon crisis during the even year cycles. The Forest Service's plans to sacrifice aquatic ecosystems for the benefit of Viking Lumber and international raw log exporter Alcan of second growth timber poses unacceptable risks to the region's economic drivers, particularly sport fishing and commercial fishing. The Roadless Rulemaking vegetation and access management components would cause immense ecological and economic harm. The Rulemaking DEIS must candidly discuss and disclose the current status of southeast Alaska's salmon populations and the risks presented by the proposed action.

VI. The Rulemaking DEIS must disclose serious problems with the Tongass administration of large timber sales

Defenders requests that the Governor and Forest Service cease this rulemaking process because of, for example, the Petersburg Ranger District's and Prince of Wales ranger districts' inability to adequately administer timber sales, as has been demonstrated (but not resolved) regarding timber sale oversight, contractual and appraisal issues. As reported in 1996 by the Public Employees for Environmental Responsibility, the Tongass National Forest has a long history of permitting timber operators such as Viking Lumber Company to operate in a lawless manner in Southeast Alaska, ignoring timber export violations, scaling fraud, and outright timber theft. Defender's Board is well aware that the "Alaska Rules" still apply through ground truthing the Tonka Timber project, where Viking would clearcut deer winter

⁵⁹ 40 C.F.R. § 1502.16(h); *Oregon Natural Resources Council v. Marsh*, 382 F.2d 1489 (9th Cir. 1987); *Friends of the Earth v. Hall*, 120 (W.D. Wash. 1988 (state agencies cannot address the sufficiency of a federal EIS under NEPA)).

range prescribed for selective cutting, and expand cutting units beyond the prescribed acreage to whatever size Viking deemed fit.

In 2016, the Washington Office reviewed the Alaska Region's timber sale and administration processes for two Viking Lumber timber sales – the Petersburg Ranger District's Tonka Timber Sale on Lindenberg Peninsula and recent Big Thorne Project on Prince of Wales Island. The review showed that (1) instead of improving “forest ecosystem health,” the Tongass National Forest allowed Viking to high-grade the most ecologically valuable trees rather than the trees intended for removal to achieve the desired “forest ecosystem health” effects; (2) the Forest Service failed to conduct timber-theft prevention inspections and (3) all monitoring and reports of timber removals, etc. were self-reporting by Viking Lumber Company.⁶⁰ These problems are a particular concern given that a major purpose of many forest service timber sales are to “improve forest ecosystem health.”

Information from PEER's website indicates that the Petersburg Ranger District's failure to inspect Viking's activities and require adherence to the timber sale contract for the Tonka sale cost taxpayers \$2 million alone – more than twice the amount Viking paid for the timber. On-the-ground operators admit that harvest prescription or contract terms were irrelevant to what happened on the ground – they cut only according to Viking Lumber's instructions. Petersburg Ranger District timber sale maladministration through various avenues cost taxpayers hundreds of thousands of dollars. Its appraisal methods resulted in artificially low appraisal rates for higher value species such as Alaska Yellow Cedar and Sitka Spruce. Logging and haul costs were much lower than estimated by the Forest Service, resulting additional windfalls to Viking Lumber. Moreover, the Activity Review found that the “Region had not updated the appraisal program to the most recent set of cost and selling value ⁶¹ Under the current appraisal, required removal of the Hemlock saw timber represents a reduction in sale value exceeding \$1.7 million” for the Big Thorne timber sale. ⁶²

Now, after adding to the taxpayer costs of the program through poor oversight and erroneous cost analyses, the Forest Service and Governor want to provide access to hundreds of millions - perhaps billions - of board feet of timber from Roadless areas. This, for timber operators to run amok cutting some of the most ecologically important forested, while the Forest Service looks the other way or pulls out the check book any time Viking or Alcan/Transpac needs more timber to boost cash flow.

Defenders submits these issues also bear significantly on the agency's ability to implement standards and guidelines, such as they are, intended to protect other resource values. How can the Forest Service rely on Viking Lumber to apply Forest

⁶⁰ See, e.g. https://www.peer.org/assets/docs/fs/4_3_17_Timber_Sale_Review.pdf and <https://www.peer.org/news/news-releases/forest-service-scalped-on-tongass-timber-sales.html>

⁶¹ USDA Forest Service Washington Office Activity Review of timber sale administration. sale preparation, stewardship contracting, NEPA, and timber theft prevention. Region 10. June 2016. p. 13. https://www.peer.org/assets/docs/fs/4_3_17_Timber_Sale_Review.pdf

⁶² *Id.* p. 18.

Plan Standards and Guidelines for other forest values such as den, nest or riparian in the absence of responsible oversight?

In sum, the Tongass National Forest lacks the institutional capacity and will to administer large timber sales. The DEIS must disclose and discuss the Forest Service's present ability and capacity to ensure the accountability of its timber sale program. This lack of accountability was particularly evident in the recent public hearing in Petersburg for the Central Tongass Project – despite the serious loss of public funds and program audit, the Forest Supervisor had no answers and appeared to be ignorant of this issue.

VII. Wildlife habitat impacts

Defenders requests that the Forest Service do and document surveys for wildlife species present in all Roadless areas and discuss their locations and preferred habitat uses in the DEIS. This analysis should entail more than a quantitative approach to measuring productive old growth losses at various scales. Instead, there needs to be consideration of specific habitat features that contribute to wildlife viability and abundance, particularly in light of the high degree of fragmentation in roaded portions of the Tongass. No doubt, wildlife populations in the various project areas would benefit from delaying any subsequent entries for some time.

In this section we begin with a discussion of impacts to Sitka black-tailed deer, Alexander Archipelago wolves and Queen Charlotte goshawks and bears. We believe impacts to the four aforementioned species and their habitats merit treatment as significant issues given the importance of deer for hunting in southeast Alaska communities, cumulative impacts of logging on bears now that salmon foraging habitat is a significant resource concern, and the precarious population status of wolves and Queen Charlotte Goshawks.

A. The DEIS should provide a detailed analysis of impacts to Sitka black-tailed deer and deer winter range.

We have significant concerns about the lack of high value winter deer range remaining on the Tongass, particularly in central and southern southeast and consequently the impacts of this Rulemaking on remaining deer habitat. Many of the proposed timber analysis areas abut past clearcuts where canopy closures are now or will soon be occurring. Logging in current Roadless areas may also further fragment or directly remove the little remaining winter deer habitat. Many southeast Alaska islands and mainland are already heavily fragmented and contain large portions of what is currently, or soon to be, unsuitable deer habitat due to canopy closure in the extensive created openings and second-growth stands. Given the importance of deer, the Rulemaking DEIS should also consider adjusting OGR boundaries in a way that would provide additional protection.

In the Alaska National Interest Lands Conservation Act (ANILCA), Congress announced the following policy: “[c]onsistent with sound management principles, and

the conservation of healthy populations of fish and wildlife, the utilization of public lands in Alaska is to cause the least adverse impact possible on rural residents who depend on subsistence uses of the lands.”⁶³

Congress intended for federal agencies to incorporate a factor of safety into resource management decisions:

The committee intends the phrase “the conservation of healthy populations of fish and wildlife” to mean the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems, including recognition that rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimize the likelihood of irreversible or long-term effects of such populations and species; and ensures maximum practicable diversity of options for the future. The greater the ignorance of resource parameters, particularly of the ability of a population or species to respond to changes in its ecosystem, the greater the safety factor must be.⁶⁴

The Tongass NF has failed to meet this standard for decades by disproportionately removing deer winter range. According to a conservation assessment included in the TLMP planning record, most of the logging on the Tongass occurred on low-elevation, south facing slopes favored by deer. The disproportionate effect on important deer winter habitat raises serious questions about alternative hunting areas. Previous Forest Service analyses has shown that in some areas, For instance, Wrangell Island to name but one, deer numbers are lower than on surrounding islands based on browse indications, pellet density data and hunter harvest information. These low population numbers may reflect the significant loss of winter deer habitat in many Wrangell landscape units and others. Pending state timber throughout Southeast Alaska, particularly central and southern, have had or will have a significant impact on whatever high value winter deer range remains. Indeed, an older Forest Service analysis, the Shady project EA, noted that “any additional loss of important deer habitat could reduce the ability of an already depressed population to recover.” Given the cumulative loss, and existing scarcity of high value winter deer range in many areas on the Tongass, we believe that the Forest Service must stop logging all remaining moderate and lower value deer habitat.

The Rulemaking DEIS should take in account that, for instance, in some Southeast locals roughly a decade ago, a series of above average snowfall winters, including a record snowfalls caused serious impacts to central southeast Alaska deer populations. Specifically, from 2006-2009, the central Alaska panhandle, including Game Management Unit 3, experienced 3 consecutive winters with well above average

⁶³ 16 U.S.C. § 3112(1).

⁶⁴ Senate Committee on Energy and Natural Resources, Alaska National Interest Lands Conservation Act, S.Rep. No. 413, 96th Cong., 1st Sess. 233 (1979), reprinted in 1979 U.S.C.C.A.N. 5070, 5177.

snowfall. In fact, snow depths in combination with habitat loss at least partly influenced the Alaska Board of Game's January 2013 decision to limit the deer hunting seasons and bag limits in some areas⁶⁵. As ADFG personnel explained, “maintaining adequate reserves of old growth will be important for maintaining deer numbers at higher levels once recovery of the deer population has occurred.”⁶⁶ In sum, the Forest Service must take reasonable steps to ensure not just viable, but harvestable levels of wildlife populations, in particular - for deer.

Findings in the DEIS must account for ANILCA’s emphasis on special consideration for subsistence resources, the uncertainty about climate change impacts on wildlife populations, and the extensive high grading of prime winter deer habitat throughout the Tongass.

B. Impacts to Alexander Archipelago Wolves: consider abundance and significance of all Tongass populations

The DEIS should consider and disclose a reasonable, place-specific population estimates for southeast Alaska wolves. Many areas of Southeast Alaska where wolves historically were abundant have conditions similar to the Prince of Wales Archipelago, where suppression of the population to a very low level has been a critical concern in recent years. Extensive logging and road construction have similarly changed conditions for deer and wolves on Kuiu, Kupreanof, Mitkof, Zarembo, Revillagigedo, and Wrangell Islands. In conjunction with the Prince of Wales Archipelago, those islands sustain most of the wolf population in Southeast Alaska. (Person et al. 1996). Decline in sustainable predator-prey communities will occur throughout the most productive areas for deer and wolves in Southeast Alaska because those areas are correlated with the most productive forest stands selected for timber harvest. [David Person Declaration on Big Thorne, 2015, at ¶13e].

We also request a detailed discussion of the impacts of increased road density on wolves in all Roadless Areas, on a wildlife analysis area (WAA) basis, including the 80,000 acres that are classified as "roaded roadless" areas.

C. Comments on analysis of impacts to Queen Charlotte Goshawks

There are significant uncertainties about the current status of goshawk populations and the adequacy of nest protection measures. The Fish and Wildlife Service’s 2007 Status Review explained that Queen Charlotte goshawks in southeast Alaska are highly vulnerable to additional stresses – because of the low population level, “low survival or reproductive rates could not be sustained long before viability of the subspecies would be at risk.” Population levels are unknown; according to the Status Review, southeast Alaska may support just a few to several hundred breeding pairs. These findings and other results from risk assessments and scientific studies

⁶⁵ KFSK. Board of Game shortens deer season near Petersburg. Joe Viechnicki. Jan. 15, 2013. <https://www.kfsk.org/2013/01/15/board-of-game-shortens-deer-season-near-petersburg/>

⁶⁶ ADF&G. Division of Wildlife Conservation. Feasibility Assessment for Increasing Sustainable Harvest of Sitka Black-Tailed Deer in A Portion of Game Management Unit 3. October 2012.

demonstrate the risks of continued and serious population decline associated with further loss of habitat caused by old-growth logging. Queen Charlotte Goshawks will likely face at the very least additional localized extirpations on Prince of Wales Island pending implementation of the Prince of Wales Landscape Level Annihilation (POWLLA). Many of the few remaining active nest sites are in southeast Alaskan old growth forest stands and will be at direct or indirect risk due to any logging in Roadless acres.⁶⁷

The DEIS must specifically consider prey availability and other features such as alternative nest sites for Roadless area Queen Charlotte Goshawks. The Forest Service's 1996 conservation assessment found that a "broad scale of analysis fails to consider distribution of habitat throughout southeast Alaska." Subsequent studies also have verified that it is unreasonable to rely on habitat measurements outside of known nests. Based on these findings, we question the Forest Service's recent approach of using impacts to high-probability nesting habitat as the primary metric for impact assessment.⁶⁸ This approach masks degradation to specific goshawk foraging habitat caused by logging in the vicinity of the nests. A site-specific analysis is possible and will generate a more accurate evaluation of impacts and viability risks. For example, the Forest Service has in the past evaluated timber projects by considering impacts to foraging habitat and disruptions within a 6,000 acre foraging area surrounding each nest.

1. *The DEIS should include a goshawk population inventory and site-specific analysis of known southeast Alaska nest sites*

⁶⁷ Sources for our discussion of impacts to the Queen Charlotte Goshawk include the 2007 U.S. Fish and Wildlife Status Review, 1996 Forest Service Conservation Assessment, Appendix N to the 1997 Tongass Land Management Plan, and numerous other studies - Smith, W.P. 2013. Spatially explicit analysis of contributions of a regional conservation strategy toward sustaining northern goshawk habitat; McLaren, E.L. et al. 2005. Northern Goshawk (*Accipiter gentilis laingi*) post-fledgling areas on Vancouver Island, British Columbia. *J. Raptor Res.* 39(3): 253-263; Flatten, C., K. Titus, and R. Lowell, 2001. Northern goshawk population monitoring, population ecology and diet on the Tongass National Forest. Alaska Dept. of Fish and Game, Juneau, Alaska; Doyle 2005 In our last few sets of timber sale scoping comments, we have provided USB drives by mail containing scientific reference materials. While this submission format previously worked well, recently these jump drives have been lost or found left unopened months after mailing. Due to the time involved with preparing and collecting scientific reference materials, we will not be submitting them during scoping.

The Forest Supervisor's office should have a complete record of scientific materials related to the Queen Charlotte Goshawk as part of the NEPA process for recent timber projects proposed on the Tongass. Please include those materials in the proposed Roadless exemption record.

⁶⁸ See *Native Ecosystems Council v. U.S. Forest Serv.* 428 F.3d 1233, 1250 (9th Cir. 2005)(the Forest Service may "meet the species viability requirements by preserving habitat, but only where both the Forest Service's knowledge of what quality and quantity of habitat is necessary to support the species and the Forest Service's method for measuring the existing amount of that habitat are reasonably reliable and accurate"). The choice of analysis scale must represent a reasoned decision and cannot be arbitrary. *Pac. Coast Fed. Fishermen's Ass'ns v. NMFS*, 265 F.3d 1028, 1037-38 (9th Cir. 2001).

There are a number of historical known goshawk nests in roadless areas in southeast Alaska. The Forest Service needs to survey these sites and discuss and disclose potential nest and breeding failures. Alexander Archipelago Queen Charlotte Goshawks – potentially among the most important remaining populations - are particularly at risk. Individual impacts, such as impact to individual QCGs, can have more significant impacts in relation to other impacts on overall species viability – across the Alexander Archipelago:

Cumulative impacts of multiple projects can be significant in different ways. The most obvious way is that the greater total magnitude of the environmental effects – such as the number of acres affected or the total amount of sediment to be added to streams within a watershed- may demonstrate by itself that the environmental impact may be significant. Sometimes the total impact from a set of actions may be greater than the sum of the parts. For example, the addition of a small amount of sediment to a creek may have only a limited impact on salmon survival, or perhaps no impact at all. But the addition of a small amount here, a small amount here, and still more at another point could add up to something with a much greater impact, until there comes a point where even a marginal increase will mean that no salmon will survive.⁶⁹

The Ninth Circuit’s explanation of sediment impacts to salmon has a direct bearing on how the DEIS should analyze risks to individual Queen Charlotte Goshawks in the project area. The cumulative effects analysis must explain how the proposed Rulemaking exemption, in combination with other past, planned and other ongoing projects threatens QCG viability in light of the low population of the species, and the importance of individual breeding pairs in the project area to the broader persistence of the species.

The DEIS must review the Forest Service’s 1996 Conservation Assessment which included a risk assessment that identified areas with harvest rates exceeding percent by 1995 or 33% by 2055 as presenting “a higher risk of not providing the amount and distribution of habitat necessary to sustain goshawks.” Where do Roadless area VCUs fit within these risk thresholds? NEPA analysis must address and answer these questions.

The Rulemaking DEIS needs to review the locations of any known current or historical nests and any other observations of goshawk habitat use, including information about foraging habitat. Please also indicate how many surveys have been conducted and describe the survey methodologies.

2. The DEIS should address risks to Queen Charlotte Goshawks

The proposed exemption, if approved will likely will affect the fitness and breeding potential of Roadless area goshawks due to reduced foraging capacity. The Fish and Wildlife Service’s 2007 status review explained that QCGs in southeast

⁶⁹ Klamath-Siskiyou Wildlands Center v. BLM, 387 F.3d 989, 994 (9th Cir. 2004).

Alaska are highly vulnerable to additional stresses – because of the low population level, “low survival or reproductive rates could not be sustained long before viability of the subspecies would be at risk.”

Further, a 2005 study of Queen Charlotte Goshawks on similarly degraded island ecosystem habitat in British Columbia concluded that they experience more breeding failures than other northern goshawks, and raised the concern that “at the present rate of productivity, insufficient young are possibly being produced to allow the population to be maintained.” The study identifies a number of risks that are highly relevant to the analysis in the DEIS, including risks associated with low productivity, specific flaws with the use of the Forest Service’s high probability foraging habitat methodology and uncertainties about using different timber management prescriptions to mitigate population effects:

- (1) QCGs produce few young fledglings per breeding attempt relative to other northern goshawks, and were possibly not producing sufficient young in the study area (Haida Gwaii), raising the question of whether small insulated island populations with low breeding rates can maintain a viable population;
 - (2) successful breeding may require greater than 60% productive old growth;
 - (3) because of an absence of nest activities outside of known nests, it is unreasonable to rely on measurements of highly productive habitat as goshawks are not being detected in those areas;
 - (4) raising uncertainties about the effectiveness of a variable retention approach.
- In other words, the DEIS must focus on the availability of foraging habitat and other critical features in the vicinity of historical nest sites rather than rely on broad scale habitat measurements.

3. The DEIS should address scientific critiques of the TLMP Conservation Strategy pertaining to Queen Charlotte Goshawks

Also, the Roadless exemption DEIS should review responsible scientific opinion raising serious questions about whether current TLMP standards and guidelines and the conservation strategy effectively sustain viability. For example, federal and state wildlife agencies believe that measures implemented in the 2008 TLMP Amendment will reduce conservation standards and necessitate a reconsideration of the 2007 status review.⁷⁰ A subsequent study by one of the region’s leading Queen Charlotte Goshawk experts, Dr. Winston Smith, identified uncertainties pertaining to whether TLMP conservation measures provide the habitat features necessary to sustain well-distributed goshawk populations across the Alexander Archipelago.

Dr. Smith’s analysis indicated that risks to goshawks under the TLMP are likely even greater than anticipated under the 1996 risk assessments. Specifically, the 1996 risk assessment assumed that the TLMP conservation strategy, particularly the reserve system, would in part mitigate habitat loss from excessive timber harvest.

⁷⁰ 2008 TLMP FEIS, Appx. H at HA 14, 17, 39.

However, Dr. Smith's study indicates that contributions from reserves and other conservation elements (buffers) "might not mitigate the cumulative habitat loss in intensively managed landscapes." Dr. Smith added that there is "evidence on nearby islands that extensive loss and fragmentation of habitat from clearcut logging contributed to population declines of QCGs." His analysis explicitly stated that TLMP standards and guidelines "are unlikely to meet breeding-season habitat objectives established for goshawk populations" in other areas. Specifically, Smith's study showed that:

- TLMP conservation measures contribute about half the secure habitat recommended for post-fledgling areas of breeding pairs in other portions of the northern goshawk's range
- Guidelines for northern goshawk populations in other areas may underestimate habitat needed by goshawks due to limitations in prey resources
- Breeding pairs in southeast Alaska "likely rely almost entirely on productive old-growth forest as foraging and nesting habitat as few mammal species inhabit low-volume or managed forests and the structure of second growth stands renders prey unavailable to foraging QCGs. [(Exh. 45 at 6-7].

Another recent study, Sonsthagen et al 2012, also is relevant to the analysis of cumulative effects and site-specific impacts. Sonsthagen et al indicate that a metapopulation framework actually suggests a heightened need for specific individual nest site protections because without those, the individuals would blink out, resulting in the loss of source populations and over time, the metapopulation would cease to exist.

In sum, Dr. Smith's study in particular identified significant uncertainties and adverse risks to QCGs associated with the inadequacy of the TLMP conservation strategy. Further NEPA analysis should discuss and respond to Smith's analysis of the conservation strategy, and assess the implications of Sonsthagen's discussion of metapopulations.

4. The Roadless DEIS must consider larger buffers & other measures to protect known nest & forage habitat

TLMP standards provide that "[s]pecial consideration should be given to the possible adverse impacts on habitat of sensitive, threatened and endangered species."

We request consideration of mitigation/alternative nest management measures as required by the TLMP, such as increased buffers for nests and increased forest structure retention requirements in the vicinity of known goshawk nests. The DEIS needs to include a site-specific habitat quality analysis that takes into account all available information on differential utilization of various forest types and structures.

During the 2008 TLMP Amendment process, ADF&G, the FWS, and the Forest Service's Pacific Northwest Research Station each recommended, at a minimum, a 500-acre buffer as needed to minimize risks to QCGs. The TLMP required the Responsible Official to "[c]onsider surrounding landscapes when managing for

goshawk nest sites” and provide for alternative nest management measures as appropriate.

5. Conclusion

In sum, there are significant uncertainties about immediate and long term risks to southeast Alaska Queen Charlotte Goshawks, and consequently, the viability of the species throughout southeast Alaska. The DEIS must consider the population status and particular vulnerabilities of Roadless area populations, and address uncertainties about the viability of the population, particularly in response to further logging in the vicinity of known nests.

D. Comments on Impacts to other wildlife species

We request that the DEIS provide comprehensive analysis of exemption impacts on other Roadless area wildlife species and consider measures that will mitigate adverse impacts such as increased buffers, increased forest structure retention requirements and effective road closures. The DEIS should document surveys for wildlife species present in the Roadless areas and discuss their locations and preferred habitat uses and that the analysis do more than a quantitative assessment of productive old growth losses at various scales. In particular, we requested consideration of specific types of old growth forests that are valuable to old-growth dependent species.

In general, the cumulative loss of key habitat features for bear, marten and other MIS such as endemic voles and interior forest birds in particular is alarming and it is hard to see how there will be sufficient habitat available to meet NFMA requirements maintain well-distributed, viable populations of existing native species in the planning area. The scale of the proposed timber sales raises serious questions about the Rulemaking’s inconsistency with numerous TLMP goals and objectives for wildlife, which range from maintaining sufficient habitat capability needed to provide opportunities for hunting, trapping and wildlife viewing and preventing species from being listed as sensitive due to degraded habitat conditions.

1. Comments on impacts to bears

In its most recent game management report on black and brown bears, ADF&G has continued to express concerns about habitat changes from logging. According to that state agency, “timber harvest poses the most serious threat to black bear habitat in [GMU 3] over the long term.”⁷¹

Black and brown bears are umbrella species with large area requirements and varied habitat uses. The health of black and brown bear populations can be an indicator of overall ecosystem integrity. The 2008 TLMP FEIS explains that “[b]lack

⁷¹ Lowell, R.E. 2011. Unit 3 black bear management report. Pages 96-117 in P. Harper, editor. Black bear management reports of survey and inventory activities 1 July 2007-30 June 2010. Alaska Department of Fish and Game. 17.0. Juneau, Alaska.

and brown bears were chosen as an MIS because of their importance for hunting and for recreation and tourism.”⁷²

The DEIS should disclose impacts to high value bear habitat – low-elevation, old-growth forest with abundant and productive salmon streams - and discuss how much summer black and brown bear habitat and denning habitat will be lost because of this proposed exemption. We also request an analysis of human caused disturbances to bears, particularly those related to roads and summer habitat loss and thinning activities near streams during spawning season. Finally, we request that the DEIS recognize the impact of canopy closures and resulting loss of understory vegetation and habitat value for bear and consider impacts on forage availability due to impending canopy closures in past and future clearcuts.

In general, we are concerned about the proposed Roadless exemption’s impacts, if approved, to black and brown bear viability in light of these concerns. Please address the following issues in the DEIS with regard to the viability of both black and brown bear MIS and include site-specific analyses of impacts to both species by alternative:

1. The DEIS should clarify whether black and brown bear foraging areas will receive additional protections, following from experts' recommendations for 500 foot riparian buffers to meet foraging needs. It should carefully evaluate expanded riparian buffers for black and brown bears and evaluate the recommendations of the recent studies on the importance of riparian buffers to bear populations.⁷³ . The TLMP does not delineate specific buffers for black and brown bear but does direct that riparian buffers be increased from the standard buffer to 500 feet in important brown bear foraging areas. Black bear are more secretive than brown bear and should receive additional protection. The availability of spawning salmon as a food resource is a major influence on bear habitat quality and bears have the highest vulnerability to human activities in low elevation riparian areas during summer months.

Consequently, the DEIS should evaluate the value of 500 foot riparian bear buffers on all class I streams. The failure to include this measure in any action alternative means that the Forest Service has failed to consider its statutory mandates to take a hard look at adverse impacts to bear or meets its NFMA obligations to provide for wildlife viability. In general, 100 foot buffers are inadequate to meet bear foraging needs. Studies of brown bear riparian habitat utilization found that: (1) 500 foot riparian buffers should be applied “universally to all salmon streams”; (2) a 1,000 foot buffer would provide for 73% of female bear riparian habitat use in lightly altered

⁷² 2008 TLMP FEIS at 3-233.

⁷³ Flynn, R.W.; S.B. Lewis; R.B. LaVern & G.W. Pendleton (2007). “Brown bear use of riparian & beach zones of N.E. Chichagof Island: Implications for Streamside Management in Coastal Alaska.” Alaska Dept. of Fish & Game, Douglas, Alaska.

landscapes and (3) 1,000 foot buffers are appropriate in areas where management objectives include healthy, abundant bear populations for hunting and viewing.⁷⁴

2. The Roadless DEIS should discuss impacts to bear habitat at a fine scale, and we request that the DEIS do more than catalog old-growth removals at broad scales. Black and brown bears repeatedly use specific habitats, and even small stream reaches may be important, thus triggering a need to identify high use riparian areas

3. Old-Growth Forest Dependency: The DEIS should include information about black and brown bear utilization of and impacts to large tree old-growth forest, which is the most used habitat type by all bears in all seasons. Wildlife managers are increasingly associated black and brown bear habitat with large-tree old-growth and expect population declines to correlate with reductions in this specific type of habitat.

4. Denning habitat: The DEIS should disclose that black and brown bears in southeast Alaska select for specific denning habitats, meaning that further NEPA analysis should consider site-specific features, and avoid clearcutting in areas that provide suitable denning habitat. There is considerable re-use of existing den sites, which may indicate in part a lack of adequate alternative sites. In light of the likely importance of adequate den sites to black and brown bear survivability and reproductive success, further analysis and consideration of mitigation measures are needed.

5. Habitat capability model: Please use the interagency habitat capability model in further analyses in order to systematically assess proposed exemption impacts to black and brown bears.

6. Road density impacts: The DEIS should address road density impacts to bears.

7. Further NEPA analysis should consider specific riparian habitat needs and discuss site-specific mitigation measures: the extensive rate of past planned harvest in the vicinity of Roadless area anadromous streams is likely to significantly reduce riparian bear habitat and lead to population declines. Access to riparian habitat is a major influence on bear habitat quality and critical to black and brown bear cub production and survival. Bears strongly select for less altered, closed forest riparian habitats. Bears using heavily altered habitats consume less salmon and restricted access to salmon means that there will be reduced survival and fewer hunting and viewing opportunities.

8. Bear population status: The DEIS discuss current trends in black and brown bear abundance in Roadless areas and disclose indicia of a population decline. Analyze the extent to which intensive habitat alteration caused by logging may reduce carrying capacity for bears and exacerbate other environmental factors contributing to a

⁷⁴ The Forest Service can obtain this study from the Saddle Lakes Timber planning record; #740-0814.

suspected population decline. In particular, the Forest Service should consult ADF&G and/or its Division of Wildlife Conservation and disclose and discuss any ongoing scientific research related to the effects of southeast Alaska's pink salmon crisis on black and brown bears.

2. Comments on proposed Roadless exemption to Impacts to marten

The DEIS must discuss significant marten viability concerns for southeast Alaska island ecosystems. We request that the Forest Service undertake systematic surveys given the potential for extinction of marten or at least excessive mortality on roadless ecosystems under threat of logging and roading, The DEIS should provide information on current trapping effort or the existing status of marten populations rather than rely on overall habitat measurements to assess impacts. We request that further analysis address the following concerns:

1. Road density risks: The DEIS needs to identify relevant thresholds or to what extent road density increases would result in the entire population being vulnerable to overharvest or the potential for local extirpations.
2. Further NEPA analysis should include use of the habitat capability model: The TLMP specifically recommends using a habitat capability model for MIS in order to systematically assess the proposed exemption impacts. The need for an interagency model is particularly critical in light of the species low tolerance for habitat loss.
3. Consider forest retention prescriptions for marten: The Forest Service should consider additional retention requirements in clearcut units. When planned logging will threaten viability, partial harvest aimed at maintaining productivity of small mammals, retaining habitat features for dens and nest sites, leaving substantial amounts of vertical structure are key features that must be considered in further NEPA analysis.
4. Trapping Refugia and Prey Availability: The DEIS should include some additional discussion of trapping refugia and prey availability. The analysis would be improved by reviewing the recommendations of expert scientists from the 2006 Conservation Strategy Review Workshop and considering responsive measures, such as matrix management and enhanced corridors between OGRs.
5. Review updated scientific literature on logging impacts to marten: The DEIS should review two recent studies we submitted to the Wrangell Ranger District during the Wrangell Island Project NEPA process – one indicates how marten are one of the most sensitive species to environmental changes, including climate change, and bears on project impacts, and the second address how even lighter touch logging prescriptions can adversely affect marten movement patterns and ecological needs, and indicates that partial harvest prescriptions thus can also have adverse impacts and should not be relied on to mitigate project impacts.

VIII. Cedar decline; high-grading of large trees and cedar; and the warming climate

We request that you consider cedar and large-tree old-growth high-grading, cedar decline and silvicultural prescriptions as a significant and alternative driving

issue in the DEIS. We have repeatedly emphasized concerns about a trend across the forest to high-grade certain types of forest structure stands and cedar species.

This problem is magnified in Roadless areas because if history is any guide, intensive highgrading of large-tree old-growth forests will result. The DEIS thus needs to include a discussion and disclose data relevant to high-grading high volume large tree old-growth forests that provide optimum fish habitat and winter carrying capacity for deer.

The DEIS should also address cedar high-grading, consider yellow cedar decline and climate change, and provide information about regeneration in logged areas. In particular, there should be alternatives that avoid healthy yellow cedar stands. The DEIS should provide enough information to assess the impacts of removing high levels of yellow cedar and how this project fits in with biome-wide red cedar removals now that the Tongass functions as a refuge for this species. The Forest Service has removed disproportionate amounts of cedar in order to generate positive appraisal sales for decades with no end in sight.

The DEIS also should discuss the Alaska Region's developing strategy for cedar conservation and how it is relevant to this project. Because of the forest-wide significance of this issue and because of the extent of cedar decline in the Roadless areas, there should be a description of specific areas that prohibit taking yellow cedar, for instance areas of adequate soil drainage where cedar decline is less likely to occur.

We also request that the DEIS evaluate this project in terms of how logging impacts climate change and consider and disclose threats posed by climate change to project area forest resources. It is widely recognized that old-growth logging (in particular) and also second-growth logging contribute to global carbon emissions and that climate change has significant ramifications for forests and biodiversity. The DEIS also needs to address and disclose real threats to Tongass NF fish, wildlife and vegetation resources that result from scientifically recognized changes in climate.

Every section of the DEIS, including the timber economics section, should consider the impacts of our changing climate. There are also numerous scientifically credible views pertaining to climate change impacts on the Tongass and project prescriptions should add an extra factor of caution due to the projected changes for the Tongass and increased risks to fish and wildlife. For example, the DEIS should review the unusually dry weather in 2018, and consider the cumulative effects of climate induced low streams flows and logging together. The DEIS should also consider the effects of new clearings and additional roads on abnormal heating and drying of the surrounding forest.

IX. In Conclusion

If approved, *any* diminishment of the current Roadless Rule would do irreparable harm to Tongass wildlands including their fish and wildlife populations, Alaskans who depend on intact Tongass ecosystems for their livelihoods, the tourism and recreation sectors, and all American taxpayers.

We understand that you will likely continue to frame this exemption around timber, as well as hydro, mining, telecommunications, and community access issues which are not really at threat from the Rule.

We however ask, if the overwhelming sense of Alaskans and the American citizen's continue to support the current 2001 roadless area policy, and are they willing to forego the manufactured Roadless obstacles to development that your agency has concocted, will you continue to persist in your "big government knows best" philosophy, or instead allow the will of the American people and Alaskans to finally rest in peace?.

We urge you to drop this foolhardy Rulemaking venture and cease the relentless attacks on Tongass old growth forests, once and for all.

Sincerely,

A handwritten signature in black ink that reads "Larry Edwards". The signature is written in a cursive style with a large, stylized initial "L".

Larry Edwards, president
Alaska Rainforest Defenders
907-752-7557