

Alaska Rainforest Defenders

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Subj: Scoping comments on the Central Tongass Project

Ms. Case:

These are scoping comments of Alaska Rainforest Defenders (“Defenders”). The Forest Service’s proposed action for the Central Tongass Project would remove nearly a quarter of a billion board feet of federal timber over the next fifteen years.¹ We support the no-action alternative, and more so we request you to cease planning on this destructive project.

The Forest Service has funded and planned clearcut logging on public lands in central southeast Alaska for decades. The remaining public forests are essential to a 21st century the southeast Alaska market-based economy that relies on fish, wildlife, scenery and outdoor recreation. The Forest Service’s proposed action is an archaic economic model that harms southeast Alaska communities by liquidating remaining old-growth habitat and preventing the recovery of second growth forests.

Defenders’ members use the Tongass National Forest, including the project area, for recreation, commercial fisheries, subsistence, wildlife viewing, scientific research and other activities. In particular, our board members have engaged in considerable advocacy on behalf of iconic southeast Alaska wildlife species, such as the Alexander Archipelago Wolf, Queen Charlotte Goshawk and Sitka black-tailed deer and have a long history of participation in and dependence on southeast Alaska’s commercial salmon fisheries.

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¹ 83 Fed. Reg. 154 at 39,403.

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I. Introduction

The Forest Service's proposed action would remove 150 million board feet (MMBF) of old growth timber and 80 MMBF of immature recovering forests ("young growth") over the next fifteen years.² The agency would then construct/reconstruct 175 miles of temporary and permanent system road, adding to the economic and ecological cost of the project.³

These levels of timber extraction are unreasonable, particularly in light of the damaged ecological condition of Alexander Archipelago islands in central southeast Alaska. Further, the proposed volume – purportedly intended for local employment and local sawmills – 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 proposed scale of the timber sale.

This project continues the trend of mismanaging public old-growth forests around Petersburg and Wrangell 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.

There has long been a concern for deer on many central southeast Alaska islands, particularly in the Petersburg Ranger District portion of the project area. The Forest Service authorized Viking Lumber to destroy much of the best remaining publicly owned winter deer habitat on Lindenberg Peninsula through the recent Tonka project. Additional clearcuts on Kuiu, Kupreanof or Mitkof Islands could cause local wildlife extirpations and force 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 central 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 distant raw log exporters⁵ 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 logged watersheds in the Wrangell and Petersburg Ranger

² *Id.*.

³ *Id.*

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 all the high value timber – cedar, to its de facto (literally and operationally) "parent" corporation in Washington State. As a matter of business, Viking Lumber is primarily a timber exporter and it is reasonable to assume its primary interest in Central Tongass Project timber will be to highgrade high value yellow cedar to send down south to Daddy.

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

Districts so intensively that less half of the project area watersheds provide intact salmon spawning and rearing habitat.⁷

A Taxpayers for Common Sense analysis using Forest Service budget data calculated that the Petersburg and Wrangell Ranger Districts would have been responsible for a \$89.2 million taxpayer loss had they fully implemented the recent Wrangell Island, Navy (Etolin Island) and Mitkof Island timber sales, which would have removed roughly 113 MMBF of federal timber.⁸ Taxpayers for Common Sense also 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.⁹ The Central Tongass Project will be the second largest timber sale program implemented pursuant to the Tongass Advisory Committee's plan. The District Rangers for the Petersburg and Wrangell ranger districts as Responsible Officials will thus be Responsible for throwing away a significant portion of this staggering loss – as much as \$172.5 million to support timber sales of 230 million board feet in two communities that lack any sizable timber industry. Forest Service reports indicate that the two island communities together processed 40 thousand board feet of federal timber in 2016.¹⁰

Defenders acknowledges that the Notice of Intent and scoping materials suggest a broad program that would include non-timber resource uses aimed at southeast Alaska's market-based visitor products and commercial fishing industries and other actions such as invasive species treatments. But those materials also show that the Forest Service has allocated funding only for the timber component of the project or for project components that benefit plantation forestry such as thinning.¹¹ All recreation components of the project require outside funding, private investment or volunteer work – combined with staffing resources that currently do not exist. And the Forest Service nationally faces a severe budget crisis, exacerbating what is already a dismal record of providing the special uses administration necessary to authorize even externally funded recreation projects.¹²

This project is thus in reality a traditional timber sale with the administrative planning and other resources and infrastructure subsidies allocated for the purpose

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/upcoming-and-ongoing-taxpayer-losses-from-timber-sales-in-the-tongass-natio/>

⁹ <https://www.taxpayer.net/energy-natural-resources/u-s-forest-services-tongass-timber-plan-proposes-increased-costs-for-taxpa/>

¹⁰ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd561662.pdf. This link is to the Forest Service's 2016 sawmill capacity report; Defender recognizes that mill capacity in Petersburg and Wrangell is one-third larger than estimated in the report because it entirely omits a small mill in Wrangell that is likely similar in capacity to the two operating Petersburg mills – 20,000 board per year.

¹¹ See also <https://www.kcaw.org/2018/02/27/forest-service-fighting-lower-48-wildfires-is-hurting-the-tongass/> (explaining that wildfires have consumed the national Forest Service budget, further casting doubt on the agency's ability to issue special use or other permits needed to implement recreation projects).

¹² See <https://www.kcaw.org/2018/02/27/forest-service-fighting-lower-48-wildfires-is-hurting-the-tongass/>.

of providing Viking Lumber and an international timber broker (Alcan/Transpac) with a long-term supply of a quarter billion 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 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 central southeast Alaska island shorelines and interior areas undesirable or even inhospitable for visitors from the region and beyond who come for recreation – particularly sport fishing and hunting.

Defenders requests that you cease planning on the timber sale and new road construction components of this misguided project. The Forest Service has the authority and relevant planning material under the Petersburg Ranger District's Access and Travel Management Plan to address the most critical fish habitat improvement needs. Although investments in recreation could provide additional economic stimuli, the visitor products industry economy is thriving even in the absence of federal funding and would be better by increased staff resources and implementation of specific projects rather than a broad unfunded program. Defenders supports the no-action alternative, and we discuss our specific concerns in the following sections.

II. The Purpose and Need for the Central Tongass Project arbitrarily identifies a timber industry need

The scoping report claims that the purpose of the project is to meet multiple resource needs, including improving forest ecosystem health, support community resiliency through economic development opportunities in southeast Alaska communities and “offer a variety of wood products to regional mills and local communities.” While the Forest Service suggests multiple objectives, it fails to show how the Forest Service will provide the funding and other resources needed to accomplish those objectives.

Non-timber objectives are clearly subordinate to the true purpose of the Central Tongass Project – providing nearly a quarter billion board feet of old-growth timber and second growth timber to raw log export markets with some small token amount milled by Viking Lumber to maintain the illusion of local employment. The actual purpose and need for the project is unreasonable – allowing Viking Lumber and other raw log exporters to further liquidate publicly owned forests, harming the economic viability of communities that depend on fisheries and wildlife.

The NEPA analysis needs to consider whether the federal government can provide a better return from the massive public expenditures on Petersburg and Wrangell Ranger District management activities made by local and national taxpayers. The need statement concerning wood products continues a costly course of producing taxpayer-funded, large-scale old-growth timber sales as long as deemed necessary to maintain Viking Lumber's large export business and small mill production and then shifts that subsidy to the logging of recovering forests. Instead, the Forest Service needs to cease planning on this massive project and instead

commit local ranger district resources to replacing all red pipes and addressing major sources of sedimentation in island ecosystem watersheds using existing authorities such as the applicable Access and Travel Management Plans.

The non-timber objectives of the Central Tongass Project appear to be empty promises. Can the Forest Service show that it has appropriated funds to achieve appropriate watershed and recreation objectives?

Are the “restoration” needs dominated by thinning projects which primarily aim at timber industry objectives such as plantation forestry and accelerating growth for future logging?

Does the Forest Service intend to remove mature second growth trees in riparian, beach fringe or other sensitive areas and then experiment with mechanized equipment placing them in otherwise functioning watersheds during spawning season or other sensitive stages of the anadromous fish life cycle and call it “restoration?”

Does red pipe replacement, as suggested in the draft activity cards, depend on concurrent construction of timber roads and additional stream crossings?

Simply put, Defenders does not trust the Forest Service to develop a cost-effective approach to cleaning up the mess left by Viking Lumber and other timber operators so long as the agency intends to integrate timber harvest with restoration opportunities. Until the Forest Service develops realistic priorities that actually benefit salmon production such as red pipe replacement or even expensive treatments aimed at wildlife habitat needs such as small (less than an acre) canopy gap treatments, the “restoration” need is just greenwashing the agency’s forest landscaping experiments.

Defenders thus submits that the other components of the purpose and need are empty promises meant to obscure and greenwash the agency’s priority for timber development “over the competing environmental and recreational goals without justification sufficient to support the agency’s balancing of these goals.”¹³

Defenders submits that the agency’s true purpose reflects an overly narrow focus on providing timber for the federal government’s favored corporate welfare recipients. Even if the Forest Service could somehow remediate the damage Viking Lumber Company and other operators have done to central southeast Alaska in a cost effective manner, the decision to remove nearly a quarter of a billion board feet of old growth and recovering forest from the island wholly undermines the value of such efforts.

The misleading purpose and need violate the Administrative Procedure Act (APA) and NEPA. NEPA requires federal agencies to disclose sufficient information as need to ensure “informed decisionmaking and informed public participation.”¹⁴ NEPA requires that federal agencies (1) take a hard look at the environmental impacts of proposed projects and (2) ensure the availability of information to the

¹³ *Natural Resources Defense Council v. U.S. Forest Service*, 421 F.3d 797, 808 (9th Cir. 2005).

¹⁴ 40 C.F.R. § 1502.1

public so as to enable public participation in the decisionmaking process.¹⁵ In particular, NEPA analyses cannot serve this second essential function if they reflect misleading economic assumptions “by skewing the public’s evaluation of a project.”¹⁶ NEPA thus requires that “[a]gencies shall insure the professional integrity ... of the discussions and analyses.”¹⁷

The future DEIS for this project will fail these standards if it continues to suggest the possibility of recreation projects and fixed fish habitat without ever analyzing whether or not the Forest Service has the capacity and funding to achieve any non-timber objectives. Further, the DEIS must provide data to support the Forest Service’s assumption that clearcutting nearly a quarter of a billion board feet will provide socio-economic benefits in central southeast Alaska communities. How many actual Alaskans are employees of federal timber sale purchasers? How many successful seafood products providers will suffer economic loss from further ecological degradation of central southeast Alaska aquatic ecosystems? How many visitor products providers will lose their competitive advantage over other areas due to weakened scenery standards and prime recreational habitat wrecked by out of state loggers?

The Forest Service is proposing a landscape scale project over an extended time frame that emphasizes old and second growth forest removals for Viking Lumber or some other raw log exporter. As explained by the CEQ, “the purpose and need statement for a programmatic review will differ from the purpose and need for a project- or site-specific EA or EIS.”¹⁸ “The purpose and need for a [Programmatic] EA or a [Programmatic] EIS should be written to avoid eliminating reasonable alternatives and focused enough for the agency to conduct a rational analysis of the impacts and allow for the public to provide meaningful comment on the programmatic proposal.”¹⁹

The emphasis on providing timber for Viking Lumber in the need statement is an overly narrow purpose and need that would preclude alternatives that would respond to other, more important programmatic considerations. An agency “cannot define its objectives in unreasonably narrow terms.”²⁰ Congress enacted NFMA in part to respond to “widespread public distress and scientific concern over the Forest Service’s post-World War II shift to massive, heavily subsidized timber production in the National Forests.”²¹ The goal was to ensure that timber production would not be

¹⁵ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989)

¹⁶ *Hughes River Watershed Conservancy v. Glickman*, 81 F.3d, 437, 446 (4th Cir. 1996).

¹⁷ 40 C.F.R. § 1502.24.

¹⁸ CEQ. 2014. Memorandum for heads of federal departments and agencies: effective use of Programmatic NEPA reviews at 18. Council on Environmental Quality, Washington D.C. December 2014.

¹⁹ *Id.* at 18-19.

²⁰ *City of Carmel-by-the-Sea v. U.S. Dep’t of Transportation*, 123 F.3d 1142, 1155 (9th Cir. 1997).

²¹ *Sierra Club v. Peterson*, 185 F.3d 349, 353-54 (5th Cir. 1999)(*superseded* on other grounds, 228 F.3d 559 (5th Cir. 2000).

the “sole objective” of the Forest Service and to direct forest managers to protect other resources such as fish and wildlife habitats.²²

As explained in more detail in our discussion of timber economics in Section III., the Forest Service’s myopic focus on supplying timber for Viking or Vancouver, British Columbia’s Alcan/Transpac at a massive public cost fails to recognize the market-based transition away from federal timber dependency and toward a more diversified and sustainable economy. The Forest Service’s economic model is dead; indeed, the industry is smaller than it was over a century ago.²³ Timber worker earnings are less than 1% of total employment related earnings in the region; federal timber generated a fraction of a percent (0.2%) of regional employment in 2013.²⁴

The timber industry makes no positive economic contribution to the majority of southeast Alaska communities, yet the habitat damage it causes reduces economic outputs from their primary business sectors. Only two of the 24 smaller rural communities have any timber activity at all, while the rest depend primarily on fishing and tourism.²⁵ The amended Forest Plan FEIS addresses the needs of those two communities (both on Prince of Wales Island) separately with an old-growth set-aside for the cottage industry.²⁶ Larger communities such as Petersburg, Wrangell and Ketchikan have fully transitioned toward economies based on tourism and fishing.²⁷

In other words, the Central Tongass Project will do significant harm to the economic viability of southeast Alaska communities in general and further inhibit market-based economic growth by perpetuating a federal land use policy that has been unsuccessful for decades and inhibits the transition toward proven and successful 21st century southeast Alaska economic models. The Forest Service isn’t planning this project for an industry in the conventional sense of businesses employing workers – this is merely a corporate welfare program for Viking that simultaneously supports a massive number of federal, state, and other for-profit and not-for-profit corporate bureaucrats.

For the above reasons, we request that any further planning of federal activity on central southeast Alaska island ecosystems reflect a *new* purpose and need statement that reflects the broader economic and ecological needs of southeast Alaska residents and wildlife. For example, the Forest Service could develop a comprehensive plan to address water quality issues with an emphasis on red pipe replacement and remediating road conditions that cause excessive sediment input into streams.

²² S. Rep. 94-893, *reprinted in* 1976 U.S.C.C.A.N. 6662, 6671.

²³ See 2016 LRMP FEIS PR 769_05_000340 at 10 (Southeast Conference 2014).

²⁴ *Id.* at 3; *Cf.* 2016 LRMP FEIS at 3-480, Table 3.22-2 (53,145 total jobs); *id.* at 3-485, Table 3.22-4 (federal timber provided 123 jobs)

²⁵ 2016 LRMP FEIS at 3-547-3-689.

²⁶ *Id.* at 3-152.

²⁷ *Id.* at 3-613, 3-639, 3-684-685.

III. The Forest Service lacks local customers to support the proposed cut-levels in central southeast Alaska

Defenders objected to the recent Forest Plan amendment in part because the Forest Service’s timber sale planning procedures and methodology have consistently overestimated market demand for federal timber in southeast Alaska. The amendment process failed to fix an ongoing programmatic failure and provide a realistic assessment of markets and demand for federal timber. The proposed cut levels for this project rely on hypothetical scenarios developed in Daniels (2015) that *imagine* a competitive timber industry that can retain historical market shares. But the projections *ignore* explicit demand determinants such as real price and cost data and market trends. The new scenarios upon which this project relies thus reflect misleading economic assumptions.

The DEIS must address the timber economy decline and disclose that large timber sale purchasers employ a small amount of people in southeast Alaska, likely none at all in central southeast Alaska, and that the primary employment benefit will accrue to the United States’ chief trade rival, China, where large timber sale purchasers send federal timber for processing.

An EIS serves two functions: (1) to ensure that agencies take a hard look at the environmental impacts of proposed projects and (2) to ensure the availability of information to the public so as to enable public participation in the decisionmaking process.²⁸ An EIS cannot serve these functions if it reflects misleading economic assumptions.²⁹ This includes an obligation to disclose any uncertainties about the feasibility of an agency plan or project, such as the relationship between long-term, global timber market declines and the agency’s projections. As explained by the Fourth Circuit:

Misleading economic assumptions can defeat the first function of an EIS by impairing the agency’s consideration of the adverse environmental effects of a proposed project. NEPA requires agencies to balance a project’s economic benefits against its adverse environmental effects. The use of inflated economic benefits in this balancing process may result in approval of a project that otherwise would not have been approved because of its adverse environmental effects. Similarly, misleading economic assumptions can also defeat the second function of an EIS by skewing the public’s evaluation of a project.³⁰

Further, the Administrative Procedure Act (APA) requires that an agency “examine the relevant data and articulate a satisfactory explanation for its action, including a “rational connection between the facts found and the choice made.”³¹ An agency action is “arbitrary and capricious if the agency ... entirely failed to consider

²⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989); *State of Cal. v. Block*, 690 F.2d 753, 767 (9th Cir. 1982).

²⁹ *Hughes River Watershed Conservancy v. Glickman*, 81 F.3d, 437, 446 (4th Cir. 1996).

³⁰ *Hughes River Watershed Conservancy*, 81 F.3d at 446; *see also Columbia Basin Land Protection Ass’n*, 643 F.2d at 594-95 (explaining that NEPA requires an EIS to balance the environmental costs of a project against its economic and technological benefits).

³¹ *Motor Vehicle Manufacturers Ass’n v. State Farm Mutual Automobile Ins. Co.*, 463 U.S. 29, 43 (1983).

an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” [Id.]. The Forest Plan analysis – particularly the three market demand scenarios - ignored actual market trends and data, thus also violating the APA.

A. The Forest Service’s assumptions on a need for a massive old-growth timber supply are misleading

Defenders submits that the Forest Service’s stated need for large volumes of timber to supply local employment and support a local wood products industry is wrong. The southeast Alaska workforce has shifted to employment opportunities in other business sectors, making the “need” to maintain infrastructure and workforce superfluous. The actual habitat remediation needs – reducing sediment inputs into streams from the poorly maintained transportation system and repairing red pipes – are road construction projects for which there is existing local labor and infrastructure that function independently of the Forest Service’s timber sale program.

The planning record for the 2016 LRMP Amendment shows a broad decline in the U.S. share of the global timber economy – declines that reflect “powerful, on-going changes in the role the U.S. plays in global markets.”³² The competitive disadvantage is particularly significant for southeast Alaska timber.³³ The Pacific Northwest Research Station’s own publications verify these significant downward trends.³⁴

Defenders objected to old growth cut levels established in the Amendment because the Forest Service’s approach to setting desired levels of timber removals ignores market factors entirely – factors that have changed considerably since the 2008 TLMP Amendment.³⁵ The timber industry in southeast Alaska has become very small during the 21st century. There have been no new sawmills established since 2000 and the overall number of sawmills declined by more than half to nine active operations since 2000.³⁶

B. The DEIS must assess potential Alaska resident employment in the timber industry

The Notice of Intent for this project insists that old-growth and second growth removals would “support local employment.” The Forest Service wrongly assumes that a project aimed primarily at supplying Viking Lumber and Alcan/Transpac with federal timber would provide a meaningful number of jobs. It is beyond dispute that there is very little timber manufacturing employment in the region.³⁷ Timber

³² See 2016 LRMP FEIS PR Folder 763_02_000084 (Niemi 2016, Socioeconomic Comments on Timber Demand at 12.

³³ *Id.* at 14.

³⁴ See 2016 LRMP FEIS PR Folder 763_02_000088, documents PNW RB-265 (Zhou 2013)) and PNW RB-266.

³⁵ See 2016 LRMP FEIS PR Folder 763_02_000084 (Niemi 2016, Socioeconomic Comments on Timber Demand at 15-16.

³⁶ 2016 LRMP FEIS PR 833_00509 at 2 (Parrent & Grewe 2016).

³⁷ 2016 LRMP FEIS at 3-485, Table 3.22-4.

removals in southeast Alaska overall at best provide 1% of total regional employment and 3% of total resource-based employment in the region.³⁸ Federal timber was responsible for a fraction of a percent (0.2%) of regional employment in 2013.³⁹ Timber worker earnings are less than 1% of total employment related earnings in the region.⁴⁰ The significance of these jobs relative to the overall economy is even smaller because employment data do not include the thousands of workers who are self-employed in the commercial fishing industry.⁴¹

And how many loggers are Alaskan residents? Broadly, non-resident employment accounts for a significant amount of jobs in southeast Alaska's resource-dependent sectors.⁴² The LRMP FEIS record similarly shows that overall, workers from areas other than southeast Alaska comprise a significant proportion of the natural resource-based work force, and nearly half of the timber related jobs in southeast Alaska are held by non-residents.⁴³ The number of actual timber workers across the region is so small that reports by the Alaska Department of Labor lump logging jobs with other natural resource-based job categories, such as fishing, mining and agriculture.⁴⁴

As noted by Forest Service personnel, the region's large timber sale purchasers import loggers from other states.⁴⁵ There is no existing logging company in nearby Ketchikan, requiring timber sale purchasers to import workers from elsewhere.⁴⁶ Thus, in all likelihood, the majority of logging employment generated by this project will likely accrue to reality TV show "Axe Men" from Oregon and Washington. Federal timber provides such a small amount of jobs that it would not difficult to answer this question, but the DEIS arbitrarily fails to seek out this information.

Further, there appears to be little workforce interested in or available for the 20th century jobs the Forest Service envisions as the future for the region. The Southeast Conference reports a "graying" of the regional timber workforce and states that the "workforce is aging/in decline while the new workforce does not have the same work ethic or interest in physical work."⁴⁷ But the industry itself believes that young people can't or won't do physical work, and the Southeast Conference's

³⁸ *Id.* at 3-481, Table 3.22-3.

³⁹ *Cf. id.* at 3-480, Table 3.22-2 (53,145 total jobs); *id.* at 3-485, Table 3.22-4 (federal timber provided 123 jobs).

⁴⁰ Raincoast Data 2017 at 3. Available at <http://raincoastdata.com/portfolio>

⁴¹ *Id.* at 4, 6.

⁴² 2016 LRMP FEIS at 3-483.

⁴³ 2016 LRMP FEIS PR 769_05_000329 at 16-18, 22 (ADOL 2015).

⁴⁴ 2016 LRMP FEIS PR 769_05_000344; -000314; -000318; - 000319 (Alaska Department of Labor data).

⁴⁵ https://cara.ecosystem-management.org/Public/DownloadCommentFile?dmdId=FSPLT3_4326267

⁴⁶ <https://www.fs.usda.gov/project/?project=51766>

⁴⁷ <http://raincoastdata.com/portfolio/southeast-alaska-2020-economic-plan>

recognizes that “[l]ogging has become a socially unacceptably business to be in.”⁴⁸ And these jobs can be unpleasant or even dangerous experiences.⁴⁹

In sum, the DEIS needs to confront significant economic issues and changing workforce needs in order to assess whether providing a timber supply Viking Lumber, its de facto parent corporation in southwest Washington, and Pacific Rim processors would meet the stated local employment need.

C. The DEIS must address the inconsistency between raw log exports and local jobs

The recent LRMP Amendment and this project purport to provide employment opportunities for southeast Alaska residents in the timber “industry.” The 2016 LRMP timber goals and objectives require the Forest Service to provide for a timber processing industry. The plan goal for timber directs the Forest Service to “[m]anage the timber resource for *production of saw timber and other wood products* from lands suitable for timber production.”⁵⁰ The amended objective similarly directs the Forest Service to “[m]anage young growth to provide commercial timber products” and to supply volume to “local mills.”⁵¹ It is impossible to reconcile the stated local employment and wood products need for this project, which would remove nearly a quarter billion board feet of public forest in Alaska for processing in Asian mills under the Alaska Region’s export policy.

In 2007, the Regional Forester developed a limited interstate shipment policy that it expanded in 2009 to allow timber sale purchasers to export 50 percent of total Sitka spruce and western hemlock sawlog volume.⁵² The export policy further reduces the return to the local economy from the public spending on the timber program by diminishing local utilization of timber and local manufacturing employment. The 2016 LRMP FEIS makes clear that the Forest Service intends to authorize the export of roughly two-thirds of the timber removed from federal forests as unprocessed logs.⁵³ According to the Alaska Division of Forestry, raw log exports significantly reduce local employment – a position that recognizes that transportation and logging workers are less likely to be residents than sawmill workers.⁵⁴

Given the Petersburg Ranger District’s recent practice of authorizing 100% raw log export from federal lands on Kuiu Island, it seems possible that the Forest Service may be planning to export all federal timber to Chinese mills. This job transfer to foreign timber processors should be critical to ascertaining whether the Central Project would meet even the purported purpose of providing a forest products industry that provides jobs for southeast Alaskans. Why is the Forest Service

⁴⁸ *Id.*

⁴⁹ https://www.osha.gov/pls/imis/establishment.inspection_detail?id=314290701
<https://www.ripoffreport.com/reports/phoenix-logging-company/klawock-alaska-99925/phoenix-logging-company-phoenix-loggingphoenix-logging-company-that-does-not-care-about-t-1276625>

⁵⁰ 2016 LRMP at 2-5.

⁵¹ *Id.*

⁵² 2016 LRMP FEIS, Appx. H at H-4-5.

⁵³ 2016 LRMP FEIS at 3-492-3-493, Tables 3.22-8, 3.22-9

⁵⁴ <http://forestry.alaska.gov/timber/index>

spending millions of dollars providing timber for Chinese mills at a time when the President of the United States is taking action to address unfair trade practices?⁵⁵

Because the Forest Service's justification for this project relies primarily on local economic benefits, raw log exports and interstate shipments are an important issue with regard to the economic analysis for this project. The DEIS must adequately consider the environmental and employment consequences of the policy.

D. The DEIS fails to disclose serious problems with the Petersburg Ranger District's administration of large timber sales

Defenders requests that the Forest Service cease planning on this project because of the Petersburg Ranger District's inability to administer timber sales because of 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 groundtruthing the Tonka Timber project, where Viking would clearcut deer winter 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.⁵⁶ These problems are a particular concern given that a major purpose of this project is 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.

⁵⁵ <https://www.nytimes.com/2018/09/17/us/politics/trump-china-tariffs-trade.html>

⁵⁶ See, e.g. https://www.peer.org/assets/docs/fs/4_3_17_Timber_Sale_Review.pdf
<https://www.peer.org/news/news-releases/forest-service-scalped-on-tongass-timber-sales.html>

Now, after adding to the taxpayer costs of the program through poor oversight and erroneous cost analyses, the Petersburg Ranger District wants to design a nearly quarter of a billion board foot timber sale on heavily fragmented islands with significant ecological problems for a timber operator to run amok cutting the most ecologically important forested areas remaining for the sake of “ecosystem health” while the Forest Service looks the other way or pulls out the check book any time Viking needs more 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 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 and Petersburg Ranger District lack the institutional capacity and will to administer a large timber sale for a lawless timber operator like Viking. Further NEPA analysis must disclose and discuss the Forest Service’s ability to ensure the accountability of its timber sale program. This lack of accountability was particularly evident in the recent public hearing in Petersburg for this 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.

IV. Wildlife habitat impacts

Defenders requests that the Forest Service do and document surveys for wildlife species present in the project area 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 are essential to wildlife viability and abundance, particularly in light of the high degree of fragmentation in the project area. Project area watersheds have been subject to intensive management during the past six decades. This means that numerous second-growth stands have reached the stem exclusion stage concurrently or shortly after implementation of Central Tongass Project timber sales. No doubt, wildlife populations in the project area 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 black 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 central 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 include alternatives that avoid clearcutting and set aside additional habitat protections for remaining areas that provide functional habitat for deer winter range

We have significant concerns about the lack of high value winter deer range in the project area, whether on Mitkof, Kupreanof or Wrangell Island or the mainland

and consequently the impacts of this project on remaining deer habitat. Many of the proposed timber analysis areas abut past clearcuts where canopy closures are now or will soon be occurring. The Central Tongass Project may also further fragment or directly remove the little remaining winter deer habitat. Most central southeast Alaska islands 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 DEIS for this project 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.”⁵⁷ 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.⁵⁸

The Petersburg and Wrangell Ranger Districts have 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 in these ranger districts occurred on low-elevation, south facing slopes favored by deer – for example, the southern portion of Mitkof designated for more logging as part of this project. Nearly half of all the large-tree old growth forest has already been removed from the Kupreanof/Mitkof biogeographic province. Nearly a quarter of the prime winter deer habitat across the province is gone. More than half of the winter deer habitat is in areas managed for timber. The disproportionate effect on important deer winter habitat raises serious questions about alternative hunting areas.

Similarly, the recent Wrangell Island NEPA analysis indicated a loss of more than a third of deer winter habitat below 800 feet in elevation. Previous Forest Service analyses indicated deer numbers are lower on Wrangell Island 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 Island landscape units. Pending state timber

⁵⁷ 16 U.S.C. § 3112(1).

⁵⁸ 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.

projects have had or will have a significant impact on whatever high value winter deer range remains on the island. 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 on the island, we believe that the Forest Service must stop logging the remaining moderate and lower value deer habitat.

It is important to note that locally, roughly a decade ago, a series of above average snowfall winters, including a record snowfall on Mitkof Island, 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 snowfall. During the winter of 2006–2007, the Petersburg and Wrangell areas broke all-time records for snowfall (229.7 inches for Petersburg and 148.5 inches for Wrangell) (NOAA 2010). The winter of 2008–2009 also resulted in above average snowpack though not as severe as the 2 preceding winters.⁵⁹

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 nearby Lindenberg deer hunting season and bag limit to mirror the already very restricted regulations on Mitkof. The season on Lindenberg was previously open four months, from August through November, with a two-buck bag limit. ADF&G proposed the hunting reduction because of concerns over low deer numbers. The Department's area wildlife biologist told the board there are a number of factors that have impacted the deer population in the area. “Those include deep snow winters, predation, reductions in deer carrying capacity and potential influences of competition from an increasing moose herd.”⁶⁰ Further, according to ADF&G, the department submitted the proposal because of “continued low deer numbers and a concern for additional habitat loss due to logging practices.” Clearly, “maintaining adequate reserves of old growth will be important for maintaining deer numbers at higher levels once recovery of the deer population has occurred.”⁶¹

The DEIS must thus acknowledge that Mitkof and Kupreanof Island have been closed to deer hunting for extensive time periods due to population declines associated with severe winters and intensive logging. In fact, as noted above, due at least in part to these impacts the deer-hunting season on the Lindenberg Peninsula near Petersburg will be much shorter this fall. Recent statistics suggest a significant likelihood that project area deer populations are again declining. For instance, according to figures supplied by ADF&G, estimated Mitkof Island deer harvests have declined considerably – from 216 deer in 1998 to 33 deer in 2011.⁶² This reduced harvest also coincides with the low pellet group counts and downward trend of recent

⁵⁹ 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.

⁶⁰ KFSK. Board of Game shortens deer season near Petersburg. Jan. 15, 2013. Exhibit D.

⁶¹ 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.

⁶² ADF&G. Personal communication – ADF&G Area Management Biologist. Mitkof Island 2011 Deer Harvest Reports (based on 100% report requirements and 67% compliance).

years on Mitkof.⁶³ These figures clearly translate to significantly fewer deer on Mitkof.

ADF&G has also noted that population recovery has been slower than anticipated – likely because of predation from bears and wolves.⁶⁴ But there are “unfavorable long-term changes in habitat conditions resulting from decades of clearcut logging” and ongoing clearcut logging that removes winter deer habitat.⁶⁵

In sum, the Forest Service must take reasonable steps to ensure not just viable, but harvestable levels of wildlife populations, in particular - deer. Findings in the EIS 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 in the project area.

B. Impacts to Alexander Archipelago Wolves: consider abundance and significance of GMU 3 populations

According to ADF&G estimates, roughly two-thirds of the Alexander Archipelago wolves outside of the Prince of Wales Archipelago inhabit GMUs 1A and 3. GMUs 1A and 3 have also experienced a disproportionate amount of past habitat loss – cumulatively comprising roughly 25% of past federal, state and private logging in southeast Alaska through 2006. We have significant concerns about the impacts of continued intensive logging and road construction in GMU 3.

The DEIS should consider and disclose a reasonable population estimates for central southeast Alaska wolves and break them down into the southern and northern GMU 3 islands complexes. Alexander Archipelago wolf expert Dr. Dave Person statement identifies project area island ecosystems, as areas of significant concern:

Other areas of Southeast Alaska where wolves historically were abundant have conditions similar to the Prince of Wales Archipelago. 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). Decay 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].

ADF&G considers the wolves on southern GMU 3 island complex (Etolin, Wrangell and Zarembo Islands) and the northern GMU 3 island complex (Kuiu,

⁶³ 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. Figure 3.

⁶⁴ Lowell, R.E. Unit 3 deer. Chapter 5, pages 5-1 through 5-16 [In] P. Harper and L.A. McCarthy, editors. Deer management report of survey and inventory activities 1 July 2012-30 June 2014. Alaska Department of Fish and Game, Species Management Report ADF&G/DWC/SMR-2015-3, Juneau. Available at: http://www.adfg.alaska.gov/static/research/wildlife/speciesmanagementreports/pdfs/deer_2015_3_chapter_5_unit_3.pdf

⁶⁵ *Id.*

Kupreanof, Woewodski and Mitkof Islands) to be a separate population for management purposes. The agency's GMU 3 AA wolf population estimates are "crude" and rely on Dr. Person's Prince of Wales Island research and reflect average territory and pack size from similar habitat.⁶⁶ Historical population estimates for the GMU 3 wolf population are between 125 and 235 wolves in 21 packs based on the amount of suitable habitat below 1,800 feet in elevation. However, the agency recently determined that its population estimates for AA wolves in GMUs 3 and 1A may be high because the wolf population model used habitat capability for deer rather than actual deer numbers.

Actual deer population numbers are extremely low in portions of GMU 3, and, according to ADF&G, "have existed largely at levels well below carrying capacity since the 1960s." In particularly the northern island complex (Kuiu, Kupreanof and Mitkof) pellet densities and deer harvests are at extremely low levels following a series of severe winters.

We also request a detailed discussion of the impacts of increased road density on wolves in the project area. The construction of significant additional roads will increase road density. 2004 road densities disclosed in 2004 Shady timber project EA were .64 mi/mi² on Wrangell Island as a whole, with higher road densities at the watershed scale. The Forest Service's 2006 Wrangell Ranger District Roads Analysis identifies the portions of Wrangell Island that have the highest quality wolf habitat (WAA 1903) as having road densities higher than 1 mi/mi². In particular, the Pat and Salamander Landscape Units have road densities of 1.38 mi/mi² and 1.23 mi/mi² respectively, leading to a Forest Service concern about wolf viability in its 1998 Wrangell Island Analysis Report. These concerns persist throughout the project area, with high road densities in the Tonka, Mitkof and Portage Bay timber analysis areas all having road densities at or above thresholds that pose viability risks to wolves. Timber sale related road construction would significantly increase road densities.

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

⁶⁶ Scientific reference materials used for this section include Dr. Dave Person's Declaration for the Big Thorne Project, ADF&G's 2012 analysis in support of intensive management for wolf populations; ADF&G, Division of Wildlife Conservation. 2012. Status of Wolves in Southeast Alaska. October 2012; Lowell, R.E. 2013. Powerpoint Feasibility Assessment for Intensive Management; Lowell, R.E. 2006. Unit 3 wolf management report. Pages 38 - 44 in P. Harper, editor. Wolf management report of survey and inventory activities 1 July 2002-30 June 2005. Alaska Department of Fish and Game. Project 14.0 Juneau, Alaska; Lowell, R.E. 2009. Unit 3 wolf management report. Pages 41 – 48 in P. Harper, editor. Wolf management report of survey and inventory activities 1 July 2005-30 June 2008. Alaska Department of Fish and Game. Juneau, Alaska. The Forest Service has these documents in the planning record for the recent Wrangell Island Timber Sale FEIS.

pairs. These findings and other results from risk assessments and scientific studies 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 central southeast Alaska old-growth forest stands and will be at risk due to the additional 13,500 acres of logging proposed for this project.⁶⁷

The DEIS must specifically consider prey availability and other features such as alternative nest sites for project 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 population inventory and site-specific analysis of known central southeast Alaska nest sites

There are a number of historical known goshawk nests in central southeast Alaska. The Forest Service needs to survey these sites and discuss and disclose potential nest and breeding failures. Central Alexander Archipelago Queen Charlotte

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 Petersburg and Wrangell Ranger Districts 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 Wrangell Island, Etolin Island, Mitkof Island and Lindenberg Peninsula. Please include those materials in the project 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).

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 – in the Mitkof/Kupreanof Island biogeographic province, and 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 bears directly on how the DEIS should analyze risks to individual Queen Charlotte Goshawks in the project area. The cumulative effects analysis must explain how the Central Tongass Project, in combination with the Prince of Wales Landscape Level Annihilation, Big Thorne Project, Tonka Project, Wrangell Project, and 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.

Indeed, comments to the Petersburg Ranger District from the Alaska Department of Fish and Game identified the Overlook project as presenting significant cumulative risks, including to forest-wide populations:

The EA notes that there is a goshawk nest approximately 1.5 miles from the project area. Radiotelemetry data from northern goshawks in Southeast Alaska indicates that adult goshawks have large home ranges, forage up to several miles from the nest, and select for high volume old growth forest. Furthermore, goshawks are known to use alternate nest stands up to two miles apart. Therefore, it is entirely possible that timber harvest within the Overlook project area will negatively impact important goshawk foraging and nesting habitat. The EA states that “No negative cumulative effects to goshawk population viability are expected as a result of this project.” However, when proposed timber harvest in the Overlook area is considered in conjunction with past, present and future harvest activities, the ability of the project area, Mitkof Island, and the Tongass as a whole to support goshawks will continue to decline.

The DEIS must review the Forest Service’s 1996 Conservation Assessment which included a risk assessment that identified areas with harvest rates exceeding 13 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 project area VCUs fit within these risk thresholds? Further NEPA analysis must address and answer these questions. Our review of Appendix N to the 1997 Forest Plan

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

showed that only two other biogeographic provinces considered in the risk assessment had higher short-term levels of old-growth removals and higher long-term old-growth removals than the Mitkof/Kupreanof Island province.

Survey efforts during the 1990s identified only 62 known nest areas, concentrated in significant part (27/62, or 44%) in the central portion of the Alexander Archipelago (Stikine District) – in other words, nearly half of the historical Queen Charlotte Goshawk nest sites are within the jurisdiction of the Petersburg and Wrangell Ranger Districts. By 2005, experts had identified only 72 unique nest areas, with most of them reportedly inactive, and new nests were not being found. The 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.

There have been six historic known QCG nests on Mitkof Island. All but one of the Mitkof Island watersheds (VCUs) exceed the 1996 Conservation Assessment risk threshold, particularly VCUs 4500, 4520 and 4530, which contain or are immediately adjacent to the few remaining goshawk nests on the island. The Forest Service's most recent (2014) survey identified nests or activity in only three areas. This means that the only information available shows that there is a substantial risk that the logging in managed lands is having the effect predicted by scientific experts as other historic nests may have been abandoned. There are substantial questions about impacts to the few remaining breeding pairs, particularly in terms of their home ranges. The Forest Service's most recent effort to degrade Mitkof Island with additional old-growth logging would have all prescribed additional clearcuts in the immediate vicinity of Queen Charlotte Goshawk nest sites. There has been a historical scientific concern regarding significant risks associated with further logging in this and other watersheds on the island:

The [Overlook] project is well within the home range of the Queen Charlotte goshawk nest site known as the "Dry Straights" nesting area. The lack of a nest within the boundaries of this project area does not preclude this project from impacts to the existing adult pair by the potential alteration of important alternate nesting sites and existing highly suitable foraging habitat in the project area. Nesting home ranges for adult goshawks on this Forest range from 9,600 to 10,500 acres, winter home ranges averaging over 29,000 acres making the home range of this goshawk pair well within the boundaries of the project area.

The Dry Straights nesting area is one of two known active goshawk nesting areas located on Mitkof Island this year. Impacts to important habitat should be considered in depth because many of the units are located in highly suitable goshawk habitat, located in low elevation high volume POG.

VCU 450 is one of five VCUs where risk analysis conducted as part of the Forest Plan FEIS suggests the reduction of POG may present an elevated risk of not maintain habitat in this VCU to sustain goshawks. (Appendix to "Appendix N" of the FEIS TLMP REVISION, 1997). This predicted elevated risk conducted as part of the analysis of the Forest Plan and specific to this VCU should be disclosed

Similarly, previous Forest Service analyses such as the 1998 Wrangell Island Report indicated that there were Queen Charlotte Goshawk observations on Wrangell

Island. Our review of Wrangell Ranger District EAs and other analyses raise serious concerns about breeding and nesting failures on the island. The DEIS should include a discussion of possible reasons for these failures. Please also indicate how many surveys have been conducted and describe the survey methodologies. For example, there was an active nest found in the Shady project area, with a failed nesting attempt in 2001, and no successful nesting activity since that time despite goshawk observations in the project area (surveys done 2000 – 2003).

The Navy Timber Sale Project FEIS identified 7 known goshawk nests in WAA 1901 on Etolin Island. Expert comments in the record have indicated significant risks associated with further logging in the vicinity of the nests. The 2008 TLMP planning record shows that by 2005 the total harvest of productive old-growth in VCUs 4640 (the Anita Bay pinch-point) and 4670 – exceeded Forest Service risk thresholds. Only two other biogeographic provinces considered in the risk assessment had higher short-term levels of old-growth removals and higher long-term old-growth removals than the central Tongass biogeographic provinces. The DEIS needs to address how these thresholds relate to the project – both at the site-specific level and in terms of species viability across the forest.

2. The DEIS should address risks to Queen Charlotte Goshawks

The Central Tongass Project likely will affect the fitness and breeding potential of project area goshawks due to reduced foraging capacity. The Fish and Wildlife Service’s 2007 status review explained that QCGs 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.”

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 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. 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

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

the conservation strategy, and assess the implications of Sonsthagen's discussion of metapopulations.

4. *The 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. Proposed timber analysis areas in the project area have high levels of past logging and fragmentation, exemplifying the type of landscape that requires alternative nest management measures in order to adequately implement the Forest Plan guideline.

5. *Conclusion*

In sum, there are significant uncertainties about immediate and long term risks to central 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 project 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 project impacts on other project 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 project area 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 black 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 project'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 black bears

Over a third of the high value summer bear habitat on Wrangell, Zarembo and Etolin islands has been damaged.⁷¹ In its most recent game management report on black 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.”⁷²

Black bears are an umbrella species with large area requirements and varied habitat uses. The health of black bear populations can be an indicator of overall ecosystem integrity. The 2008 TLMP FEIS explains that “[b]lack bears were chosen as an MIS because of their importance for hunting and for recreation and tourism.”⁷³ There is considerable uncertainty about actual black bear populations on GMU 3 islands but clear indicia of a general population decline.⁷⁴

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 bear habitat and denning habitat will be lost because of this project. 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 project’s impacts to black bear viability in light of these concerns. Please address the following issues in the DEIS with regard to the viability of the black bear MIS and include site-specific analyses of impacts to black bears by alternative:

1. The DEIS should clarify whether black 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 bears and evaluate the recommendations of the recent studies on the importance of riparian buffers to bear populations.⁷⁵ The

⁷¹ See, e.g. Audubon/TNC Conservation Assessment (Albert & Schoen 2007) Ch. 4.18.

⁷² 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. Project 17.0. Juneau, Alaska.

⁷³ 2008 TLMP FEIS at 3-233.

⁷⁴ 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. Project 17.0. Juneau, Alaska.

⁷⁵ 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.

recent Wrangell Island Project DEIS indicated that the Forest Service or other landowners have already removed nearly 20 percent of historical old-growth habitat within 500 feet of Class I streams in the project area. The TLMP does not delineate specific buffers for black 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 landscapes and (3) 1,000 foot buffers are appropriate in areas where management objectives include healthy, abundant bear populations for hunting and viewing.⁷⁶

2. The DEIS should discuss impacts to bear habitat at a fine scale, and requested that the DEIS do more than catalog old-growth removals at broad scales. Black 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 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 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 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 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 project impacts to black bears.

⁷⁶ The Forest Service can obtain this study from the Saddle Lakes Timber Project planning record; #740-0814.

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 project 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 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 bear abundance in GMU 3 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 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 bears.

2. Comments on Project Impacts to marten

The DEIS must discuss significant marten viability concerns for central southeast Alaska island ecosystems. During the Mitkof Island Project NEPA process we provided the Forest Service with 2013 ADF&G presentations that recommend restrictions on trapping effort in portions of GMU 3 in large part because of habitat loss and mortality risks caused by the Forest Service's timber program and the associated transportation system. For example, in 2013, in response to the Tonka Timber Sale, ADF&G proposed prohibiting the use of motorized vehicles on the Lindenberg Peninsula road system. The agency cited a "[h]igh potential for overharvest" due to continued reductions in marten habitat carrying capacity, increased road density, little remaining refugia, and the demonstrated slow recovery of martens on Kuiu Island. The Mitkof Island landscape condition is at best similar and likely worse than Lindenberg Peninsula. By 2009, marten trapping on Kuiu Island was closed due to chronic low densities, low survival, low recruitment, and low prey abundance.

Similarly, there has long been a significant concern about marten mortality on Wrangell Island due primarily to the limited amount of roadless refugia on the island and the large proportion of land area accessible within 0.9 miles of existing roads. We thus request that the Forest Service undertake systematic surveys given the potential for extinction of marten on Wrangell Island, or at least excessive mortality.

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 project 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.

E. The DEIS should evaluate deferring 2nd-growth logging to meet long-term wildlife viability needs

Defenders requests that the Forest Service reconsider its aggressive approach to second growth logging on the Petersburg and Wrangell Ranger Districts and assess the value of allowing those forests to recover to the point of attaining some old-growth habitat features of value for wildlife. Uncut or lightly treated second-growth forests can have some value for wildlife despite the limited availability of biological characteristics associated with old-growth forests. In particular, wildlife will utilize second-growth forests in areas where there is a deficit of preferred habitats. Maintaining these recovering forests would have multiple benefits to wildlife by reducing edge effects, extending the size of forested acres, enhancing interior habitat, reducing blowdown risks, reducing disturbances of nesting and breeding areas and providing refugia.

The Central Tongass Project would authorize the removal of over four thousand acres of recovering forest that would otherwise eventually become old-growth habitat. Plans for massive clearcutting of maturing second growth forest fail to meet the long-term wildlife viability need to allow for a mix of forested habitats. The delay of the forest recovery process, displacement caused by logging activities and impairment to

travel corridors will have significant long-term adverse effects that the DEIS must disclose and evaluate.

Many older second-growth stands in biogeographic provinces with high levels of past old-growth logging would recover fully into the understory re-initiation stage over the next 40 to 50 years. However, this project would delay this recovery process so that clearcut second-growth forests would require another half century to reach the same inhospitable stand conditions present today, and at least a century to recover into understory re-initiation structure. The DEIS needs to disclose and consider whether this planned plantation rotation of 100 to 110 years old (or less) would prevent the development of quality wildlife habitat and thus increase long-term species extirpation risks.

The Forest Service refused to convene a scientific panel or consult scientific experts regarding the short rotation logging plan proposed by the Tongass Advisory Committee – a group consisting primarily of engaged timber industry representatives, timber industry collaborator/”conservationists,” and a few bystanders. It is not surprising that the Tongass Advisory Committee’s eagerness to clearcut massive swaths of immature, recovering forest ignores the scientifically established need to provide long-term understory forage production and habitat quality for wildlife.

1. *The DEIS needs to discuss the need for maturing 2nd-growth forested habitat for deer & wolves*

The Forest Service proposes to remove as much as 80 MMBF of immature trees – both for commercial timber and because of the Forest Service’s belief that some large partial cuts can yield meaningful benefits for wildlife. However, given the deficit of old-growth habitat, particularly deer winter range, Defenders questions the Forest Service’s reliance on providing wildlife habitat throughout the landscape in thinned second-growth stands. Thinning treatments may provide forage for a short period of time, but at the same time there is also a need to reduce the scale of impacts to recovering second-growth forest so as to allow for succession to old-growth conditions that provide long term habitat for deer. Defenders submits that the DEIS should evaluate longer rotations with second growth treatments limited to smaller openings of an acre or less.

One of the most significant adverse impacts to deer pertains to the need for varying habitat needs within seasons or even over periods of years, particularly for snow interception.⁷⁷ The Forest Service’s myopic focus on forage in clearcuts arbitrarily fails to address key winter habitat needs:

For ungulates at temperate and higher latitudes, winter is often the limiting season for survival, when cold temperatures and snowfall restrict the availability of forage and increase costs of movement. In addition, vulnerability of ungulates to predators can be higher in snow-covered landscapes because of reduced nutritional condition and increased cost of movements for prey relative to predators. Subsequently, habitat selection of ungulates in winter can be strongly shaped by the

⁷⁷ The Forest Service can obtain this study from the new Prince of Wales timber project record #PR 833_0832 at 247 (Gilbert et al 2017).

landscapes of energetic costs and risk of death. As snow depth increases, values of habitat to wildlife may be completely reversed from low-snow conditions. As habitat types with abundant forage but little canopy cover to intercept snow become unusable, habitats with adequate forage and good canopy cover become preferred.⁷⁸

There is little the Forest Service can do to address the need for forest cover to reduce snow accumulation other than allow juvenile trees to mature – indeed, silvicultural treatments will worsen the problem.⁷⁹ Deer do utilize older second-growth as snow depths increase.⁸⁰ As Person and Brinkman, explain, even if climate change results in milder winters, precipitation and extreme storm probabilities may increase, increasing risks of deep snow events that can substantially reduce deer numbers to low levels for extended periods of time.⁸¹ Because central southeast Alaska deer are susceptible to both wolves and severe winter die-offs, the Forest Service’s failure to plan for long-term winter range needs presents serious species-specific risks that the DEIS must disclose and analyze.⁸²

2. Maturing second-growth forests provide habitat for Queen Charlotte goshawks

The record is clear, for example, that new clearcuts do not provide forage for all wildlife species – fresh clearcuts will not provide foraging opportunities for Queen Charlotte goshawks, but the Forest Service’s 1996 Conservation for the species recognizes that stands in the understory initiation phases will provide improving foraging habitat and even nesting trees. The DEIS must consider the additional risks associated with logging recovering second growth forests that the agency was aware are or soon will be mature enough to provide nesting habitat. There are significant risks of continued and serious declines of wildlife populations, associated with further loss of habitat caused by old-growth logging and future logging of recovering forests.

This project will likely maintain an excess amount of early seral forest (90 – 100 years old), and increase viability risks to QCGs. New clearcut and early seral stage habitats do not provide critical habitat features for Queen Charlotte goshawks. In its 2007 Status Review, the Fish and Wildlife Service stated that “[f]orest management must... emphasize continued existence of mature and old forest to ensure preservation of the species.” The status review notes that Forest Service scientists who considered the influence of forest rotations on the long-term viability of the species “generally agreed that older second growth resulting from timber rotations of 200 to 300 years could provide useful habitat, and would reduce risk to goshawks, as compared to 100-year rotations.” The FWS anticipated that habitat

⁷⁸ *Id.* (emphasis added)(internal citations omitted).

⁷⁹ The Forest Service can obtain this study from the new Prince of Wales timber project record # 833_0837 at 47 (Hanley et al 1989).

⁸⁰ Gilbert et al 2017.

⁸¹ The Forest Service can obtain this study from the new Prince of Wales timber project record #833_0820 (Person and Brinkman 2013).

⁸² The Forest Service can obtain this study from the new Prince of Wales timber project record # 833_0836 at 16 (Hanley 1984).

quality could improve over the long-term as recovering forests mature – but not under a 100 year rotation as proposed here.

The premature removal of recovering forests at the scale proposed for the Central Tongass Project significantly diverges from the assumptions about rotations the formed a critical part of the conservation strategy. The DEIS needs to analyze habitat loss for QCGs at a finer scale and in areas at-risk of further habitat loss and provide the public with an appropriate level of analysis about the impacts of logging recovering forests.

3. The DEIS should disclose uncertainties surrounding the purported benefits of second growth logging “restorative” treatments

The Forest Service’s plan for logging recovering forests in central southeast Alaska island ecosystems are, at best, highly experimental with regard to potential impacts on forest resources. The Forest Service must consider uncertain risks associated with relying on thinning or similar treatments to mitigate adverse impacts to wildlife given the uncertainty about impacts to wildlife and forest structure and significant uncertainties regarding the effectiveness of the treatments identified by scientific experts.

There is a limited number of peer-reviewed scientific studies regarding the efficacy of second-growth treatments. Those studies review thinning and gap treatments and provide no support for the proposition that ten acre patch clearcuts, or even commercial thinning, would benefit wildlife to the extent suggested in Central Tongass Project scoping materials. The primary silvicultural studies reflect an historical focus on thinning treatments for tree growth and wood product quality rather than wildlife benefits. Indeed, reviews of wildlife based silvicultural treatments in the record consistently describe the Forest Service’s work on wildlife habitat as “experiments” that are mere descriptions of results at one point in time.⁸³ Thus the agency’s understanding of the long-term consequences of these habitat manipulation experiments “is only in its infancy today.”⁸⁴ A recent 2017 study authored by five wildlife experts notes that the Forest Service has proposed treating older second growth stands but explains that “[c]urrently, there are no data for deer use of such treatments and their value is purely speculative.”⁸⁵

The 2008 TLMP FEIS acknowledged that “there are many unanswered questions as to how to implement thinning treatments that provide a sustainable source of high value wood products while maintaining biological diversity.”⁸⁶ The Forest Service identified considerable experience with pre-commercial thinning as the “only intermediate treatment commonly used on the Tongass.”⁸⁷ There was “much less experience with other young-growth management techniques, such as pruning

⁸³ The Forest Service can obtain this study from the new Prince of Wales timber project record # 833_0841 (Hanley et al. 2013).

⁸⁴ *Id.*

⁸⁵ Gilbert et al 2017.

⁸⁶ 2008 TLMP FEIS at 3-330.

⁸⁷ *Id.* at 3-329, 3-342.

and commercial thinning.”⁸⁸ Thus, silvicultural prescriptions for recovering second-growth forests other than pre-commercial thinning were described as “experiments.”⁸⁹

The interagency wolf habitat work group similarly identified the experimental nature of second-growth “logging for wildlife” treatments. The group notes that studies have assessed effects of thinning on understory response, but:

... research on effects of young-age thinning on use and vital rates of deer are more limited. To learn whether young growth treatments are having the desired effect and whether they can be improved, additional monitoring and research to evaluate population response of deer to young growth treatments are needed. The need to treat second growth forest presents an opportunity to experimentally test the effects of treatments on deer and other species. Some of the early efforts to treat young growth should be developed in an experimental framework to evaluate effectiveness of the treatments. Information from monitoring will assist and adaptive management and planning for subsequent treatments, and help avoid inadvertent creation of long-term impacts to deer habitat.”⁹⁰

Further:

In timber lands “more small treatments as opposed to fewer large treatments, spread across larger or contiguous even-aged stands, can improve deer habitat value of the area. Staggering treatments in time (cutting only a small percentage of a large stand each decade, for example) can reduce fluctuations in deer habitat quality and help stabilize deer numbers.”⁹¹

In a letter to the non-scientists on the Tongass Advisory Committee, deer expert Matt Kirchhoff explained that the committee's rationale for “rehabilitating” recovering forests was “gibberish”:

By clearcutting, in any shape or size in a 70 – 90 year old stand, you are setting back succession to its earliest stage, and perpetuating an even-aged management regime on the land. Yes, it may be somewhat better for wildlife in the short term. But no, it will not advance old-growth conditions, and it will not be beneficial to any resource but timber in the long term.

Kirchhoff also repeatedly questioned whether there was any scientific basis for the TAC’s assumptions that second-growth logging would shorten the time frame needed to attain old growth conditions. In May 2015, a group of actual scientists,

⁸⁸ *Id.*

⁸⁹ *Id.* at 330.

⁹⁰ The Forest Service can obtain this study from the new Prince of Wales timber project record # 833_0847 at 10 (Interagency Wolf Habitat Management Program Recommendations for GMU 2 (2017); see also *id.* at 11-12: “the influences of opening shapes and sizes on forage and deer response over time are not well understood”).

⁹¹ *Id.*

including some of the leading experts on southeast Alaska wildlife, wrote a letter to the timber bureaucrats and bystanders on the Tongass Advisory Committee. The scientists disagreed with the assumptions that today form the mistaken rationale for the LRMP's second-growth components:

- (1) there was very little research or experience in silvicultural treatments for older second-growth stands, and none of the available studies contemplated 10 acre clearcuts;
- (2) there is “no empirical research on secondary succession following clearcutting of young-growth forests in Southeast Alaska, and there is no theoretical reason to assume that it might better for wildlife habitat than clearcutting old-growth forest;
- (3) artificial canopy gaps smaller than one acre may have some value in some applications, but these treatments “are ecologically distinct” from treatments used in timber sales;
- (4) increased use of thinned stands by wildlife is not proven and may be misleading when it does occur
- (5) there is “no empirical data to support the contention that one can log 60 – 80 year young growth in ways that ... achieve desired wildlife benefits.”

Thus, the DEIS must address the risks and significant adverse environmental impacts associated with clearcutting by relying on these second-growth clearcuts as a mitigation measure without any support for the efficacy of the treatments – a result that is unacceptable when a project poses, as here, a long-term risk caused by maintaining project area second-growth acres in the stem exclusion phase.

4. The Forest Service should avoid logging in the beach fringe or other protected areas

Forest plan components authorize logging in old-growth habitat reserves, riparian management areas and the beach fringe.⁹² The plan assumes that logging will “improve or maintain fish and wildlife habitat by accelerating old-growth characteristics.”⁹³ These “improvements” will occur through “patch [clear]cuts” of up to 10 acres removing up to 35% of the forest in the beach and estuary fringe, and commercial thinning (removing up to 33% of the stand volume) in the beach fringe, riparian management areas and old-growth reserves. There is no scientific support for the assumptions used to justify logging in these important conservation areas.

In December 2014, biologists with significant experience in southeast Alaska wildlife research and forest ecology, including involvement in the development and implementation of the conservation strategy, wrote to the Forest Service and the TAC in order raise concerns about logging recovering forests in beach fringes, riparian areas and old growth reserves. The experts explained that “[a]cre for acre, beach fringe and riparian are two of the most important habitats for sustaining wildlife populations on the Tongass.” They opposed the changes, particularly in the absence of any review by actual scientists. One of those experts, Matt Kirchhoff, wrote the

⁹² LRMP at 5-6.

⁹³ *Id.*

TAC again the next year, and requested that it take the beach fringe and OGRs “off the table” except for “very limited” research.

Again, in May 2015, a larger group of biologists, including some of the same experts, again addressed the TAC. Their letter reiterated that “[a]llowing commercial logging in [old-growth reserves, beach fringe buffers and riparian management areas] risks the integrity of [the conservation strategy].”⁹⁴ Given the significant concern about implementing 10 acre clearcuts in the beach fringe and other protected areas, the Forest Service must address these critiques in its DEIS.

V. Aquatic habitat: The project presents unacceptable and undisclosed risks to fishery resources

The scoping report identifies a number of stream miles damaged by logging, 454 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 central southeast Alaska island anadromous salmon systems 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 project would further reduce southeast Alaska’s salmon production by building road 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.

Central southeast Alaska communities are heavily dependent on the salmon fishery.⁹⁵ There are over 700 commercial fishing permit owners in the two communities who own 1,516 permits and over 800 vessels home ported in Wrangell and Petersburg.⁹⁶ Over a thousand individual fishermen live in the two communities, and the vessels generate over \$50 million in fishing income that additionally supports over 800 processing jobs generating over \$9 million in wages.⁹⁷ Virtually every business in the two communities benefits from fishing dollars and state and local governments receive \$2.4 million in fishery enhancement taxes.⁹⁸ This level of economic activity in the region is in stark contrast to the activity generated by federal spending on the timber sale program.

A. The USFS needs to disclose & analyze in the DEIS the project’s risks to fisheries & 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

⁹⁴ Exh. 26 at 45-46 (TAC 2015).

⁹⁵ <http://www.ufafish.org/wp-content/uploads/2017/01/Comm-Fish-Facts-CY2015-all-012017-v6.2-redux.pdf>

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

relevance of salmon production trends across southeast Alaska. 2016 was a pink salmon fishery disaster for southeast Alaska.⁹⁹ A large part of the problem is poor pink production in northern southeast Alaska inside waters, particularly during even year cycles. Fishery managers projected significant restrictions in northern southeast Alaska in 2018. Across southeast Alaska the pink salmon run failed to meet even low expectations, with a 7.3 million fish harvest – the lowest since 1976 and over ten million fewer fish than fishermen caught during the 2016 disaster year.¹⁰⁰ 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.¹⁰¹

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.*¹⁰²

Given current trends in pink salmon production, this project would present the “double jeopardy” situation described above. It would be reckless to proceed with this project 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.¹⁰³ Also, the combined effects of climate change

⁹⁹ <https://www.kfsk.org/2018/08/29/southeast-pink-salmon-catch-lowest-in-over-four-decades/>

¹⁰⁰ <https://www.kfsk.org/2018/08/29/southeast-pink-salmon-catch-lowest-in-over-four-decades/>

¹⁰¹ <http://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareasoutheast.salmon>

¹⁰² U.S. Forest Service. 1995. Report to Congress: Anadromous fish habitat assessment. Pacific Northwest Research Station, Alaska Region. R10-MB-279.

¹⁰³ 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

and habitat degradation increase these risks and warrant disclosure and analysis in a revised DEIS. For example, NMFS has found that logging has:

... 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 indicate 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.¹⁰⁴

Given these findings and recent declines in fishery outputs, the 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.¹⁰⁵ 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).¹⁰⁶ A 1988 study identified significant economic losses to salmon fisheries caused by logging and road construction on just 21% of the Siuslaw National Forest.¹⁰⁷ The author noted that even “while improved timber harvesting

examined at four spatial extents. In: Transactions of the American Fisheries Society, 140:2, 440-455. 2011. Available at: <http://dx.doi.org/10.1080/00028487.2011.567854>.

¹⁰⁴ 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.

¹⁰⁵ 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: www.sciencedirect.com/science/article/pii/S0301479703001543.

¹⁰⁶ *Id.*

¹⁰⁷ 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.

practices of leaving 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 asset value of the habitat would be about \$2,800 per acre” or seven times the forgone timber asset value of the land.¹⁰⁸

In other words, the Central Tongass Project 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.

B. 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. The “activity cards” and implementation process described in the scoping materials provide little assurance that the Forest Service will do a better job with this project than it has under the Access and Travel Management Plan or previous timber projects. The Forest Service has repaired roughly a handful of red pipes per year over the past fifteen years, meaning it may take a century to address the 454 red pipes on the two ranger districts. There is an unfunded goal of improving the repair rate to ten per year, 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.¹⁰⁹ 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 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

¹⁰⁸ ECONorthwest. 1999. Salmon, timber and the economy. Numbers in 1999 dollars.

¹⁰⁹ Exh. 43 (PCFFA 2017).

obligation to develop an alternative or mitigation measure that prioritizes the remediation of fish passage problems.

C. 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 as part of this project. 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.¹¹⁰ 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 non-use or reduced use.¹¹¹

Defenders has significant concerns about the plan to expand the number of active LTFs in central 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.¹¹²

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 non-timber 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.¹¹³

¹¹⁰ Alaska Division of Environmental Conservation. __. PUBLIC NOTICE DRAFT Integrated Water Quality Monitoring and Assessment Report at 41-50, 80.

¹¹¹ *Id.* at 41-50.

¹¹² 40 C.F.R. § 1508.18.

¹¹³ 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. 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. Deep-water bark accumulations and benthos richness at log transfer and storage facilities. Alaska Fishery Research Bulletin, vol 5(2): 103-115; NMFS 2006

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 for this project meets or exceeds 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 in-water 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."¹¹⁴ Further, the level of detail in an EFH should reflect the best available science, and provide an analysis of adverse effects and proposed mitigation.¹¹⁵ 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.¹¹⁶

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.¹¹⁷ The Forest Service needs to evaluate how it will minimize the effects of in-water log storage or clean up

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

¹¹⁵ 50 C.F.R. § 600.920 (d), (e)(3).

¹¹⁶ *Id.*

¹¹⁷ 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).

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.

D. Conclusion

Central 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 potentially some other international raw log exporter of second growth timber poses unacceptable risks to the region's economic drivers, particularly sport fishing and commercial fishing. The proposed action's vegetation and access management components would cause immense ecological and economic harm. The DEIS must candidly discuss and disclose the current status of southeast Alaska's salmon populations and the risks presented by the proposed action.

VI. Additional issues:

A. 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 the project area because of history of intensive high-grading of large-tree old-growth forests. 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 project area, there should be a description of specific cutting units for any alternatives that do involve taking yellow cedar. The body of the DEIS should disclose how many cutting units occur in 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.

B. The project's proposed "relaxation" of Scenic Integrity Objectives is a welfare-giveaway to the timber industry

The proposed action for the Central Tongass Project includes a provision to "relax"¹¹⁸ (in truth debilitate) Scenic Integrity Objective (SIO) standards and guidelines at a number of locales in the project area, via a Forest Plan Amendment. We ask that this provision not be included in any of the alternatives considered in detail in the DEIS. The rationale behind the proposed "relaxation" is to make logging cheaper and more profitable for timber companies:

*"We're looking at making this whole project economic," said Petersburg district ranger Dave Zimmerman. "So we wouldn't approach that project specific amendment unless we needed to make a project economical."*¹¹⁹

You can bet your bottom dollar that the "need to make the project more economical" for the purchaser (Viking and/or Alcan) is the number one goal of agency timber sale planners. In fact, "From 1982-2012 the Forest Service spent \$1.19 billion more to log the Tongass than it received in timber revenues."¹²⁰ Despite these massive public subsidies, the timber industry consistently contributes less than one percent in total employment earnings for Southeast Alaska.¹²¹ In fact, "[i]n terms of workforce

¹¹⁸ As described in the Federal Register scoping notice.

¹¹⁹ KFSK. Forest Service holds meetings for Central Tongass project. Posted by Joe Viechnicki | Sep 12, 2018. <https://www.kfsk.org/2018/09/12/forest-service-holds-meetings-for-central-tongass-project/>

¹²⁰ J. Mehrkens Former R-10 Economist, Scoping Comments for Proposed TLMP Amendment at 2 (June 19, 2014).

¹²¹ See Southeast Conference, Southeast Alaska by the Numbers 2017 at 4 (Sept. 2017); Southeast

earnings, the arts sector is nearly twice the size of the regional timber industry”!

All of the proposed locales where scenic standards would be relaxed are high use recreation areas and/or are highly visible from routes used by independent travelers, ferries, eco-tour boats, and cruise ships. In fact, the inside passage is on a world-recognized “Scenic Byway”.

If the project cannot comply with the SIO S&Gs, the project (or the relevant portions of it) should simply be scrapped. It is inconceivable that you would consider relaxing Scenic Quality Objectives to further subsidize a welfare-dependent timber industry at the expense of forest values that other users enjoy. The effects of this substantial corner-cutting upon the vistas and natural wealth of our world-famous Scenic By-Ways of the Inside Passage and world-class recreation areas will be long lasting and cause disproportionate harm. Please abandon this ill conceived plan to further subsidize this industry with this inexcusable sacrifice.

VII. Conclusion: Cancel the action

For the above reasons, Defenders requests that you cease planning on this destructive project.

Sincerely,



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

Conference, Southeast Alaska by the Numbers 2016 at 3 (Sept. 2016); Southeast Conference, Alaska by the Numbers 2015 at 4 (Sept. 2015); Southeast Conference, Southeast Alaska by the Numbers 2014 at 4 (Sept. 2014); Southeast Conference, Southeast Alaska by the Numbers 2013 at 4 (Sept. 2013); see also Southeast Conference, The Arts Economy of Southeast Alaska at 1 (Sept. 2014) (“[i]n terms of workforce earnings, the arts sector is nearly twice the size of the regional timber industry”).