



Photo, © RJK

Alaska Rainforest Defenders 2020 Year In Review

A MESSAGE FROM OUR BOARD

2020 was a hard year in so many ways. In the midst of a pandemic, the Trump administration dismantled much of what Southeast Alaska’s great environment depends on in terms of regulations. But we are determined to press forward, hopeful that new days are ahead, and that what was undone can be restored with the new administration. Below are summaries of some of our Achievements for 2020. We look forward to your continued support in 2021.

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1. Our Big Win for the Tongass – POWLLA timber sale X'd by Court

On June 24, 2020 federal District Court Judge Sharon Gleason, granted a complete victory to Alaska Rainforest Defenders and eight other environmental plaintiffs (represented by Earthjustice), vacating the Forest Service's 2019 decision to conduct massive logging and road building for the "Prince of Wales Landscape Level Analysis" (POWLLA). In short, POWLLA's fatal flaw was a new planning approach called a "condition-based analysis." Use of this type of analysis failed to include enough site-specific detail in its planning for logging and road construction to comply with the National Environmental Policy Act (NEPA), the National Forest Management Act, and the Alaska National Interest Lands Conservation Act (ANILCA).

The June ruling was the final seal to an earlier [March 11 ruling](#) deciding the merits in our favor, but asking the parties to file a supplemental briefing on the appropriate remedy before entering a final



judgment. After further briefs, Gleason's final judgement was in favor of the plaintiffs, that the POWLLA Final Environmental Impact Statement be vacated as applied to POWLLA's logging and road construction activities. This means that the Forest Service must go back to the drawing board in any future attempts in the POWLLA project area to resurrect these two activities rather than use the flawed EIS.

Sitka black-tailed deer-an old growth dependent species. Photo © RJK.

Gleason's ruling has serious ramifications for other timber projects currently in planning like the massive Central Tongass Project, which was also to rely on this style of analysis. In a [press release](#) the same day of the original ruling, ARD spokesperson, Larry Edwards said, "What the court has cut short is flagrant attempts by the Forest Service to trample not only the remaining old-growth forest on Southeast Alaska's most heavily-logged major island, but also NEPA, which is America's bedrock law for protecting the environment from contrived decision-making."

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## 2. Jan. 2020 – An ARD Exposé – USFS Pays Industry to Choose Trees to Cut

In 2019, in conjunction with Alaska Rainforest Defenders, Earthjustice uncovered documents obtained through the Freedom of Information Act, documenting a series of agreements linking the Forest Service, the Alaska Forest Association, and the Alaska Division of Forestry "in a public-private partnership arrangement that ultimately grants logging companies first pick in the largest timber sale undertaken in any national forest in more than 30 years." The timber sale nicknamed the Prince of Wales Landscape Level Analysis (POWLLA) was slated for logging within a roughly 1.8 million acre landscape.

In a January 2020 [press release](#) which documented this shady arrangement, ARD spokesperson Larry Edwards said:

"Even though many people rely on the area slated for logging on Prince of Wales for a variety of livelihoods and recreation, the Forest Service approved this mammoth timber sale without giving the public basic information about where it intends to log. **The secret agreements uncovered through public-records requests show the timber industry is not only privy to such information, but actively influencing**

**what the Forest Service will let it chop down.** That’s a conflict of interest and, worse, the Forest Service is paying industry to hold this special seat at the table.”

This cozy relationship with the timber industry and State Division of Forestry appears to be status quo for the Forest Service. “In 2018, the Forest Service granted \$2 million to the State of Alaska to remove existing protections for roadless areas of the Tongass National Forest. In 2019 the State passed \$200,000 of that to the Alaska Forest Association. That use of federal funds spurred a Congressional inquiry.”

That is corrupt governance.

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3. March – ARD Acts Against Trump’s Rulemaking to Gut NEPA

Alaska Rainforest Defenders signed onto 26 pages of joint comments submitted by Rocky Smith (an independent natural resources consultant) on behalf of 25 small ENGO’s, responding to the Council for Environmental Quality’s (CEQ) proposed rule change for procedures implementing the National Environmental Policy Act (NEPA). The CEQ alleged that since NEPA had not been updated for over four decades it was in need of “modernization “to reduce paperwork and delays.



President Nixon signs the National Environment Policy Act, January 1,1970.

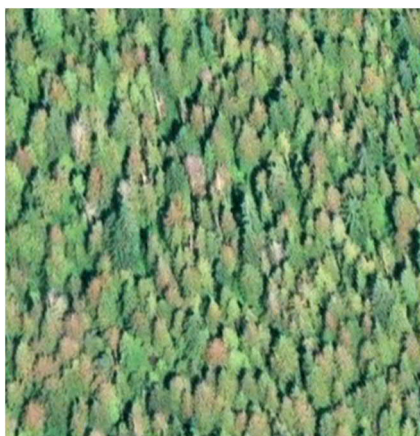
In 2020 Americans celebrated the 50th anniversary of the gold-standard NEPA.

Photo-Wikipedia

The comments detail why, although some minor modernization of the current rule would be appropriate, the proposed rule would gut the application of this bedrock environmental law. “A strong NEPA is essential to ensure conservation of the nation’s natural resources and for ensuring public involvement in decisions affecting these resources. The rule change would reduce requirements for agencies to consider all impacts of their proposals and weaken application of NEPA across the board. Removing the requirement to consider cumulative impacts is especially egregious. The rule must not be finalized in anything resembling its current form.” The Trump administration’s CEQ finalized its rule change on July 16. Reversing this rule change should be among the first things the Biden administration takes on, but the formal rulemaking process may take some time.

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### **4. March – ARD Successfully Pushes the Forest Service’s Central Tongass Project into Limbo**



In March, ARD led a joint letter from environmental groups, asking the Forest Service to avoid taking, in its environmental impact statements for the Central Tongass Project (CTP) and South Revilla timber projects, an approach like the one the court found illegal in the Prince of Wales Project (POWLLA) EIS.

The Forest Service can only pursue these projects if it prepares supplemental draft EISs to provide the public and subsistence users with the site-specific analysis and disclosure that NEPA, NFMA, and ANILCA, and the Tongass National Forest Plan require. And both had already started off on the same wrong foot that has now invalidated the POWLLA project.

As of press time, the CTP continues to be “On hold,” with continued planning not presently scheduled. A final EIS and decision on the South Revilla project is scheduled for July. ARD will challenge it.

An old-growth stand. Photo by RJK.

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5. July – ARD Acts to Stop the Kake “Access Project” – a \$40 Million Road to Nowhere

Representing Alaska Rainforest Defenders, the Organized Village of Kake (OVK), and the Southeast Alaska Conservation Council (SEACC), Earthjustice (EJ) submitted comments to the U.S. Army Corps of Engineers’ in response to Alaska’s DOT/PF’s permit application for constructing parts of the Kake Access Project, aka the “Kake Road to Nowhere,” that affect wetlands. We requested that the Corps deny the permit because the proposed Kake Access Project is not in the public interest and neither the Corps nor the U.S. Forest Service has met its legal obligations to consult with OVK regarding the project.

The project is [opposed](#) by the Organized Village of Kake and Kake Residents, the City of Kupreanof and is widely opposed by Petersburg residents.

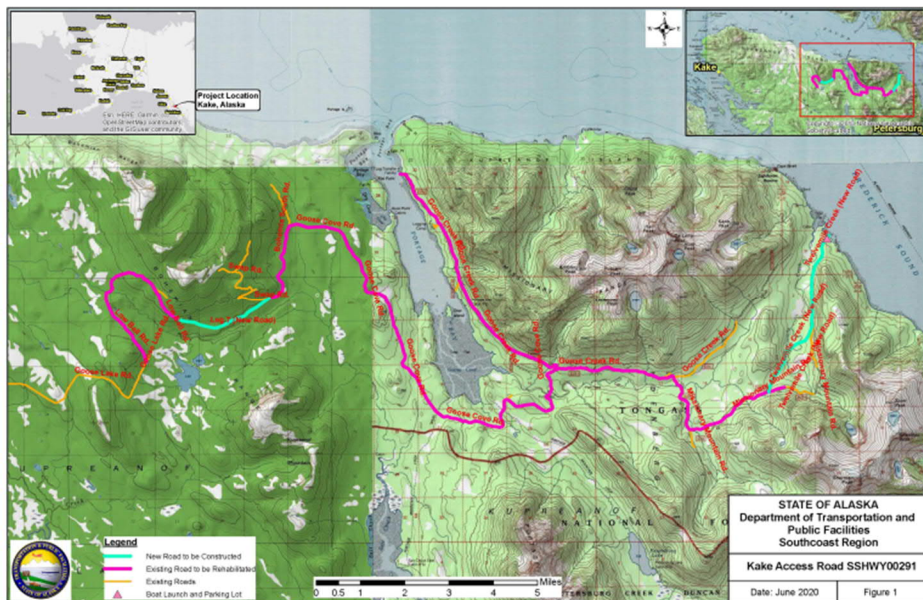
Funding for this \$40 million pet project of Senator Stedman was approved in 2012 for the “Kake-Petersburg Road” by the Alaska legislature under a midnight rider. According to the [official approval document](#) (bottom of p.3) the project had not been “through a public review process at the local level” nor was it “a community priority.” The project was wisely mothballed under Governor Walker’s administration due to protracted budgetary shortfalls, however the new Dunleavy administration, oblivious to Alaskan’s needs, immediately resurrected it following Dunleavy’s election.

The earlier, Spring/Summer 2020 DOT project website listed this boondoggle project as a new one-lane, 13.5-mile, gravel road to incorporate approximately 21.6 miles of existing unpaved road, and to construct a new boat launch. The recently revamped website now re-describes the project to construct approximately 5.39 miles of two-lane new road, incorporate approximately 21.6 miles of existing unpaved road, and construct a new boat launch. To add even more confusion, the [permit application](#) claims to incorporate 42 miles of existing road. At any rate, that’s a whopping \$7.4 million per mile (including the boat launch) for the project. Similar Forest Service roads cost an average of \$250 thousand per mile.

Some locals are under the mistaken impression that the road would connect Kake and Petersburg. But in fact, to do that, many more miles of construction would be necessary. It would literally be a “road-to-nowhere,” ending at a “proposed” boat launch 12 miles from Petersburg, on the exposed, wave-swept north shore of Kupreanof Island. It will serve no one and no commerce.

After the legislature approved funds for the project, Alaska DOT/PF changed the Purpose and Need from connecting Kake and Petersburg to a vague, unsupported claim that the road will support “subsistence and recreation.” It is a preordained project desperately grasping for any justification. Of course, DOT’s project description avoids trying to explain the claimed new purpose.

We asked the Corps to deny the permit application and, in any event, to not proceed with this project until it has: 1) engaged in meaningful in-person consultation with OVK to fulfill its obligations for meaningful consultation and collaboration with tribal officials; 2) worked with the U.S. Forest Service to complete subsistence findings required under the Alaska National Interest Lands Conservation Act (ANILCA); 3) completed an environmental impact statement pursuant to the National Environmental Policy Act (NEPA); and 4) ensured compliance with all applicable Clean Water Act (CWA) regulations, to protect wetlands.



Map from AKDOT & PF Kake Access Project route.

[Click on map to enlarge.](#)

In November 2020, Earthjustice followed up with the Corps, asking for an update and reiterating our above request for remedy. We also requested the Corps provide the public with a timeline for its decision-making

process for this project. As of the writing of this newsletter, the Corps has been unresponsive. Despite requests by the Petersburg Borough Assembly to hold a public hearing to better inform the public about the project, Senator Stedman, the Corps and DOT have been unresponsive.

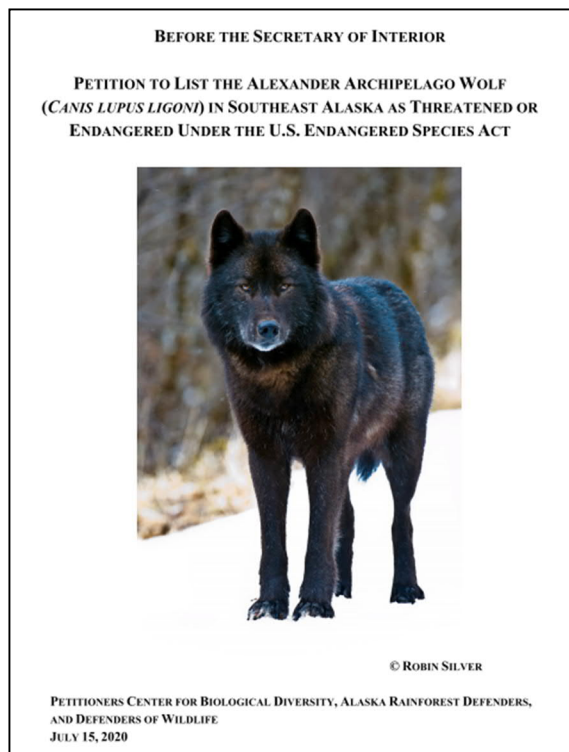
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## 6. July – ARD & Allies Petition for ESA Listing of Southeast’s Wolves

Working closely together, ARD was one of three [petitioners](#) along with the Center for Biological Diversity and Defenders of Wildlife to ask the U.S. Fish and Wildlife Service to list the Alexander Archipelago wolf (*Canis lupus ligoni*) throughout Southeast Alaska as a threatened or endangered species. We also requested that critical habitat be designated for the species in Southeast Alaska concurrently with it being listed.

The genetically distinct species is in low numbers, on Prince of Wales Island. In 2015 the island’s population dropped to only an estimated 89 wolves, but in 2018 increased to an estimated 170, by following more rigid trapping regulations. However, in 2019 the Alaska Board of Game dropped the harvest quota and instituted a population objective-based management system instead, hoping to sustain POW wolf numbers at 150-200. ADF&G then opened a two-month season with unlimited take, and allowed trappers to seal (record) their wolf skins within 30 days of the end of the season, instead of within 14 days of take.

Consequently, management of the population is proving unreliable, putting the population in jeopardy.



## **7. July – ARD & ESA Co-petitioners Update Earlier Comments on the Alaska Roadless Rule Draft EIS, with New Information from Wolf Petition**

Alaska Rainforest Defenders, along with the Center for Biological Diversity and Defenders of Wildlife, submitted supplemental comments on the Alaska Roadless Rule Draft Environmental Impact Statement (DEIS) regarding the ESA petition to list the Alexander Archipelago wolf. Those additional comments were necessary because significant new information became available after the DEIS comment period closed concerning the need to list AA wolf in Southeast Alaska as a threatened or endangered species. The Forest Service's then preferred Roadless Rule alternative (since adopted) would open protected areas of national forest to road construction and logging, thereby making it more likely that Endangered Species Act protection is necessary to prevent the extinction of the wolf in a significant portion of its range.

We wrote, "The new information – the petition itself and the many studies upon which it is based – is significant, and demonstrates that the wolf is threatened with extinction in Southeast Alaska. For example, the petition shows that the wolf's persistence is extremely precarious in the southern portion of the region (south of Fredrick Sound) and especially on Prince of Wales Island, particularly in light of a [study](#) published in December 2019 (after the Draft EIS was issued) which found evidence of significant genetic inbreeding among wolves there."

We asked, due to this new genetic and other evidence, that the Forest Service revise its Alaska Roadless Rule Draft EIS to at a minimum assess the cumulative threats to Alexander Archipelago wolf on Prince of Wales Island specifically and Region-wide, including the likelihood that opening the door to clearcutting old-growth forest within inventoried roadless areas will lead to an ESA listing for the wolf. We also reminded the Forest Service that it must also demonstrate how it will comply with its National Forest Management Act duty to maintain viable populations of wolves on the Tongass, apart from its duty under the ESA. Threats to the wolves from opening inventoried roadless areas is greatest in Game Management Units 1A, 2 and 3, especially on Prince of Wales Island.

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8. August – ARD Defends Karst Landscapes Across the Tongass

Alaska Rainforest Defenders (ARD) submitted comments on a proposed amendment to standards and guidelines in the Tongass National Forest Land and Resource Management Plan (Forest Plan) governing moderate vulnerability karst. ARD requested that the proposed action not be adopted and that a decision be made that a "categorical exemption" from NEPA process is unsuited to such a change in land management.



Old growth Sitka spruce and Western Red Cedar on island karst, Nossuk Bay, Prince of Wales Island.

Photo © Archipelagan

The "Need for Change Determination" document (the "Determination") supporting the amendment and signed by Forest Supervisor Stewart concludes with a determination of need based on meeting a few desired conditions and objectives that are stated in the 2016 Forest Plan Amendment. The basis for the determination is purported new information that results in changed circumstances. The determination and the Young Growth Suitability Synopsis it relies upon are specific to conditions on Prince of Wales Island, yet the proposed Forest Plan amendment would apply to moderate vulnerability karst throughout the Tongass. We contended that the determination and the proposed amendment are ill-advised both for

Prince of Wales Island specifically or the Tongass more generally, and that the determination and the proposed Forest Plan amendment should be withdrawn.

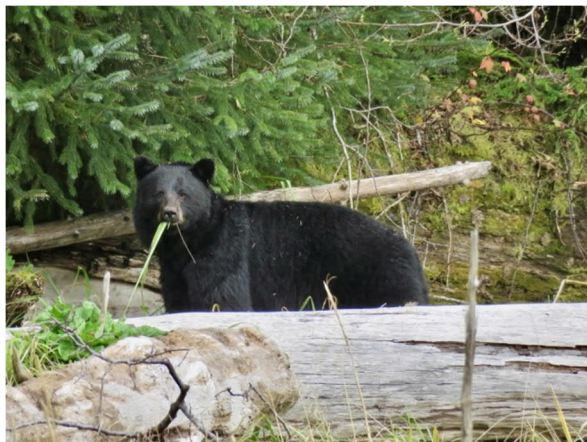
We requested that, if the Forest Service continues pursuit of an amendment to those karst standards, it do so with at least a NEPA environmental assessment, not a categorical exclusion. We uncovered disclosure failures and the concealment of evidence in the agency's supporting materials. That and the potential intensity and scale of environmental impacts dictate the need for full NEPA process. That is, the decision-maker should determine either that "it is uncertain whether the proposed action may have a significant effect on the environment" which requires an EA, or that "the proposed action may have a significant environmental effect" (text in NEPA) which requires an EIS. Contrary to a statement in the scoping letter, significant effects can be expected to occur if the Standards and Guidelines are approved, because a categorical exclusion is blanket approval for future activities. Activities in moderate vulnerability karst can be expected to cause significant harm to karst in at least some circumstances. Under a categorical exclusion from NEPA process, there need not be a close consideration of impacts, nor must public comment be sought.

Finally, if the viability of the Tongass timber program hinges on, at the most, 10.7 MMBF of timber for which amendment would provide faster decisions, the Forest Service should immediately commence a revision of the Forest Plan. If that is not the case, the proposed amendment is a heavy-handed and unjustified timber grab which, now that we have exposed it, should be foregone.

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### **9. August – ARD Defends State Forest Lands, in Comments on DNR's Draft Five-Year Schedule of Timber Sales (FYSTS) 2021-2025 for Southern Southeast Alaska**

ARD submitted [detailed comments](#) on the State of Alaska Division of Forestry Draft Five-Year Schedule of Timber Sales (FYSTS) 2021-2025 for the Southeast State Forest (SESF) and other lands within the southern southeast area. The FYSTS would log 2 million board feet (mmbf) of timber for small timber



sales each year and an estimated 66.9 mmbf of larger sales over the five-year planning period. This would include 43.1 mmbf on Prince of Wales Island, 6 mmbf on Gravina, 6.3 mmbf at George Inlet, and another 12.5 mmbf on Wrangell Island in the Earl West Cove area. We requested that the DOF prepare a revised FYSTS that substantially downscales the large sale program to address fish and wildlife habitat needs, reduce public costs associated with the timber sale program and reduce the amount of raw logs exported by purchasers of the larger timber sale. Work on our comments was supported by a grant from the [Fund for Wild Nature](#), for which we are very grateful.

Photo, RJK.

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10. Sept. – ARD & ESA Co-petitioners Request Closure of Unit 2 Wolf Trapping & Hunting Season

We requested that the State of Alaska close the trapping and hunting seasons for Alexander Archipelago wolves in Game Management Unit 2 due to the inadequacy of existing management and the precarious status of this population. Our letter went to the Alaska Board of Game and at the Department of Fish & Game's the commissioner and the regional supervisor.

Of urgent concern, the current Unit 2 Wolf Harvest Management Strategy for RY2019 - RY2021 (“Harvest Strategy”) is inadequate to prevent the further decimation of the wolf population on Prince of Wales and surrounding islands in 2020-2021 and beyond.

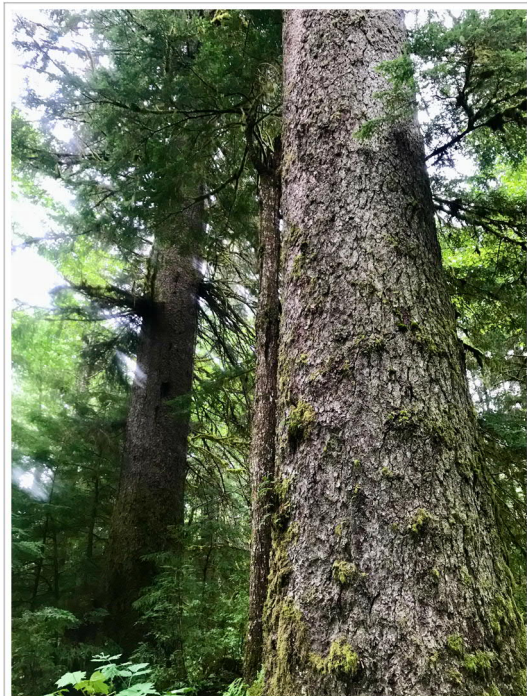
Under the flawed Harvest Strategy, ADF&G can open a trapping and hunting season provided that the fall population estimate (which for technical reason is always one-year stale) is 100 wolves or more. As an example of the estimate’s staleness, the decision on whether to open the season starting in fall 2020 was made on the basis of the fall 2019 population estimate, because the fall 2020 estimate wouldn’t be determined until about 12 more months. If the prior year’s fall population estimate is between 100-149 wolves, the harvest strategy allows the season to be open up to 6 weeks; or up to 2 months if the estimate is 150-200 wolves; or up to 4 months if it is over 200 wolves.

A second fatal flaw of the Harvest Strategy is that it does not require ADF&G to factor in mortality from the prior trapping and hunting season (a known number) and to estimate natural mortality and illegal take, when setting the length of the upcoming trapping and hunting season. As a result, the regulations allow ADF&G to open a trapping and hunting season even though the current population may be much lower than the stale estimate from one year prior suggests.

During the winter 2019-2020 trapping season, an unprecedented 165 wolves were trapped from a population estimated a year prior to be 147 to 202 wolves (with a central estimate of 170).

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### **11. Oct. – ARD Commented in Forest Service’s Twin Mountain II Timber Sale Project Scoping**



This project would extract roughly 42 million board feet (MMBF) of timber from about 3,000 acres of old-growth forest in the Staney Creek and Red Bay areas within the Thorne Bay Ranger District on Prince of Wales Island. Our [detailed scoping comments](#) requested that the FS cease planning on the project.

Prince of Wales Island is the largest island in southeast Alaska and the 4th largest island in the United States (behind Hawaii, Kodiak and Puerto Rico), and its remaining public forests are vital to a 21st century southeast Alaska economy that relies on fish, wildlife, scenery and outdoor recreation. The Forest Service’s proposed action reflects an archaic economic model and undermines the regional economy by liquidating remaining old-growth habitat.

*Photo, © RJK.*

The Forest Service should cease planning timber sales on Prince of Wales Island, in light of the damaged ecological condition of the island and pending and continuing extensive timber extraction activities on non-federal land.

Due to privatization of large swaths of Tongass NF lands on the island, large amounts of old-growth and second growth timber are being cut and funneled into the Chinese export market. This includes lands acquired in recent years by the Alaska Mental Health Trust’s Land Office, the University of Alaska, and Sealaska Corporation. The concept of the proposed Twin Mountain II project amounts to mismanagement of remaining, vital public old-growth forest stands on Prince of Wales Island, especially when the cumulative amount of logging – past and ongoing – on the



island is considered. It is unconscionable for the Forest Service to treat the island as a subsidized timber colony, in order to provide high value cedar and spruce to a favored timber operator which in large part will export unprocessed logs to Asia (primarily China).

North Prince of Wales Island ecosystems historically amounted to the largest amount of natural capital in Southeast Alaska, including key natural assets such as 22.3 percent of the large-tree forest, nearly 15 percent of the salmon habitat and nearly 20 percent of the deer habitat. Past logging and timber road construction has substantially diminished these resources Island-wide, the Forest Service and other landowners have degraded over a third of the salmon habitat, 38 percent of the deer habitat, 40 percent of the large tree forest, and over half of the black bear habitat. Even more alarming is that this project targets timber in the most degraded parts of the island, where less than half or even a third of the pre-industrial habitat remains, and road densities exceed 1.5 miles per square miles. These habitat losses vastly exceed established loss thresholds for fish, deer, wolves, bears and other species. The Forest Service’s decision on the Twin Mountain II Timber Sale is due in August 2021.

Work on our comments was supported by a grant from the Fund for Wild Nature, for which we are very grateful.

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12. Oct. – ARD Comments on the Forest Service South Revilla Draft Environmental Impact Statement

ARD commented on the Forest Service’s South Revilla DEIS. The 44,000 acre project area is largely in the Carroll Inlet area, and includes over 8,000 acres likely to be conveyed to and clearcut by an Alaska Mental Health Trust Authority. “We can’t do much about what’s happening with the Mental Health Trust,” said Larry Edwards of Alaska Rainforest Defenders in [a radio news story](#), “But on the public lands that either the state or the federal government own, we shouldn’t be doing any more logging in this area at all.”

The Proposed Action would maximize raw log exports for Alcan/Transpac, a General Partner of a Canadian multinational company which would destroy over 5,000 acres of Tongass National Forest old growth forest, including the remaining winter deer habitat in the project area, as well as another 1,239 acres of recovering, regenerating second growth forest. The Forest Service would need to construct and/or maintain more than 70 miles of road and other transportation infrastructure at a cost – sure to be borne by taxpayers – of over \$12 million. The Proposed Action would also destroy scenic values around Carroll Inlet.



The western shores of Carroll Inlet in 2015. This region, about 10 miles northeast of Ketchikan, includes the South Revilla project area. Rampant clearcuts of many ages.

(Photo by Larry Edwards / Alaska Rainforest Defenders)

[For reasons detailed in our comments](#), we requested that the FS rescind the DEIS and cancel any further planning on

this project. If they do proceed, we requested that a revised DEIS be prepared, to do a better job as discussed in our detailed comments and to include several additional issues as detailed in those comments. A decision on the sale is due in July. Work on our comments was supported by a grant from the Fund for Wild Nature, for which we are very grateful.

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### **13. Dec. – ARD Joins Lawsuit Against the Trump’s Gutting of the Roadless Rule on the Tongass**

Despite the 96 percent of commenters who opposed the cancellation of Tongass Roadless Rule protections, just before the election the Trump administration stripped away those critical safeguards, entirely exempting this Forest from the Roadless Rule. This shameful decision gutted protections for 9.4 million acres of roadless areas in the Tongass and ignores the tens of thousands of people who commented during the rollback process. However, the public reacted quickly. “In December, Earthjustice and co-counsel Natural Resources Defense Council [filed a lawsuit](#) in federal court on behalf of a wide-ranging coalition of Indigenous Tribes from Southeast Alaska, businesses, and conservation organizations targeting the Trump administration rollback.” “Alaskans, both statewide and those living in the region that includes the Tongass National Forest, commented in overwhelming numbers against removing or weakening any Roadless Rule protections for the Tongass,” [said Becky Knight](#), president of the regional organization Alaska Rainforest Defenders.

“They recognize the many causes for protecting the Tongass ecosystem integrity which is largely dependent on the sanctity of its roadless areas, and which are the reason for this lawsuit.”

We remain committed to standing with our co-plaintiffs and the public in our defense of the Roadless Rule on the Tongass.

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Photo, © RJK

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