

# Greater Southeast Alaska Conservation Community

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## GSACC's Accomplishments August 2014 through September 2015

### RESPONSES TO FEDERAL TIMBER SALE ACTIONS

#### Big Thorne Project

GSACC has steadfastly opposed the Big Thorne Project (BTP) on Prince of Wales (POW) Island since it was first proposed. The Big Thorne project, if fully implemented, would be the largest timber sale in over twenty years to take place on the Tongass. It would involve clearcut logging 6,200 acres and 149 million board feet of mostly old-growth forest. The sale endangers the viability of various species, aquatic habitat, and subsistence hunting. The Alexander Archipelago wolf's primary low-elevation, old-growth habitat is threatened by this project. Following the denial of our administrative appeal to the U.S. Forest Service's (USFS) Record of Decision for the BTP, we filed an August 2014 legal complaint with the US District Court in Alaska. However, in March 2015 our complaint was denied by District Court Judge Ralph Beistline. Shortly thereafter, we filed for a preliminary injunction on the sale. This action would have halted all logging related activity in the project area until the case could be decided. Although the case remains alive, our request for injunctive relief was granted for only a short time. This past April, the intended purchaser - Viking Lumber of Klawock - was allowed to proceed with logging at a rate of 144 thousand board feet of timber per day along with associated road construction. Last month we filed the final brief in the Big Thorne case with the 9th Circuit Court of Appeals and now await assignment of a panel and scheduling of oral arguments. Although we are very disappointed that timber sale development activities were authorized, we remain hopeful that the court will ultimately decide in our favor and the further loss of valuable habitat will be minimized.

#### Saddle Lakes Timber Sale

Located on Revillagigedo Island, the Saddle Lakes timber sale is a massive project proposed to clearcut as much as 61 million board feet of timber, construct, reconstruct, or recondition up to 44.1 miles of roads, reconstruct a log transfer facility (LTF), and grant a right-of-way (ROW) to the state of Alaska for construction and operation of a public road. The proposed action would remove 30 million of timber from 2,207 acres, construct and recondition 27 miles of road, reconstruct an LTF and authorize a right-of-way to the State of Alaska. We commented on the DEIS in October 2014, and this October the Forest Service issued the Final EIS (FEIS) and a

draft Record of Decision (ROD) for 47 million board feet, opening a period for filing formal objections. We will submit an objection.

The project would occur in an area where road density already substantially exceeds levels deemed hazardous to wildlife, and there is significant concern for deer populations throughout surrounding Game Management Unit 1A, due in large part to cumulative habitat loss. The Draft Environmental Impact Statement (DEIS) failed to adequately address the impacts of a land exchange with the Alaska Mental Health Trust, resulting in an analysis that substantially underestimated the cumulative effects associated with this project on natural resource values. This project continues the costly course of creating large timber sales for a single operator's export markets. GSACC filed comments on the DEIS in October 2014.

### **Mitkof Island Project**

**Breaking News:** We sued over this project in May, and on October 9 – a week before our principal brief was due – the Forest Service announced to the court that it will withdraw its decision to proceed with this project.

The Mitkof Island Project, another large timber sale located near the communities of Petersburg and Kupreanof, was first proposed in 2009 as an EIS. It was later downgraded to an Environmental Assessment (EA) despite its high volume of old-growth logging and was finally approved this March at 28.5 million board feet. In fact, this logging level and its associated environmental impacts dictated it be analyzed instead in the form of an EIS. A subsequent "Change Analysis" issued outside the public process authorized a 48 percent timber volume increase to 34.9 million board feet. The sale would occur on 4,117 acres of federal land where wildlife habitat has already been heavily fragmented by decades of logging, and it would include an estimated 11 miles of new, temporary, and reconditioned National Forest roads.

This project would be especially harmful to residents of the area who hunt deer on Mitkof Island. The lack of winter forage and refuge from heavy snows - a result of over 60 years of logging, has reduced the area's carrying capacity for deer far below that of the rest of Southeast Alaska. GSACC is particularly concerned with the sale's ramifications on deer populations - both from an ecological and a social justice perspective. The ensuing damage to subsistence deer hunting will be hardest felt by the poorest members of the community, those without a boat large enough to make the big-water crossings required for them to hunt in more remote locations where deer are more plentiful. Wildlife habitat in much of the proposed project area is already heavily fragmented due to decades of unsustainable logging and contains areas unsuitable for deer habitat because of tree canopy closure in clearcuts and second-growth stands.

In September 2014 GSACC, in conjunction with four other organizations, filed an administrative objection to the Mitkof Island Environmental Assessment and Decision Notice. The objection process replaced the older federal appeals process. Subsequently, a Decision Notice was issued that authorized the project, with Forest Supervisor Forrest Cole directing the team in charge of the analysis to remedy a few items he found deficient in the EA. However, he ultimately approved the project. Last May, GSACC, together with our coalition of environmental non-government organizations (ENGO's) filed suit in Alaska District Court to overturn the U.S.

Forest Service's approval of this major logging project. We later amended the complaint to include newly discovered issues including the increase in volume identified in the Change Analysis.

### **Kosciusko Vegetation Management and Watershed Improvement Project/Timber Sale**

With its catchy name one would not recognize this project as a timber sale, however the Kosciusko Project, located on Kosciusko Island, off the northwest shore of Prince of Wales Island, could authorize up to 30 million board feet of young-growth timber and include up to 13 miles of new, temporary, and reconstructed road. All action alternatives include logging 1 million board feet of old-growth forest.

The Forest Service has identified Kosciusko Island as one of the best places on the Tongass National Forest to begin the transition from old-growth to young-growth forest. It contains a large concentration of older second-growth stands considered by the agency as suitable for commercial logging. We believe, due to past unsustainable logging on Kosciusko, an amount of young growth should be allowed to revert back to old-growth conditions. Moreover, a fatal deficiency in the analysis is the glaring absence of any discussion of contributions to cumulative impacts to deer habitat that will result from foreseeable logging activity on nearby non-federal forest lands. Logging on these lands could, in combination with this project, result in "one expanse of homogenous stand structure approaching 12,000 acres in size" as explicitly referred to in the EA. In particular, the combined cumulative impacts resulting from logging vast acreages of non-federal land belonging to Sealaska Corporation (7,352 acres), the ongoing logging of University of Alaska lands (1,717 acres), and logging of State land (1,383 acres) need to be analyzed. These lands would be logged under the state's Forest Resources and Practices Act (FRPA), which has no provisions for protecting wildlife habitat or limiting the size of clearcuts and which has weak standards for fish streams. Moreover, the cumulative impacts of timber removal on species like the Alexander Archipelago wolf and Sitka black-tailed deer need to be further vetted with an in-depth analysis in an EIS - not an EA.

In our September 2015 comments to the Draft EA we requested that an EIS-level of analysis be conducted for the project. Also we requested that the final EIS include an alternative that would not cut any live old growth and would allow project-area second growth to mature to an old-growth condition, while providing for watershed improvements and road maintenance to go ahead.

### **East Ohmer Creek Restoration Project**

The East Ohmer Creek Restoration Project, on Mitkof Island, is proposed to implement stream and floodplain restoration on 0.6 miles of East Ohmer and Lumpy Creeks and 20 acres of associated floodplain on Mitkof Island. Although the scoping letter claims that only 8 acres of old growth would be logged and whole trees removed including roots to provide source material for the project, we stumbled upon evidence that the project depends directly on the supply of logs from four cutting units included in the Mitkof EA and currently under a Forest Service helicopter logging contract as part of the Mitkof Island project above. These four cutting units,

which include valuable deer habitat, amount to 179 acres. No mention was made in the Mitkof Project EA concerning this use of old-growth forest.

GSACC generally supports genuine habitat restoration activities on the Tongass Forest that do not depend on the liquidation of other habitat to achieve improved conditions for the intended project. This project proposes to do the opposite - further diminishing scarce and already fragmented old-growth deer habitat on the south end of Mitkof Island in the Woodpecker area. Moreover, it is highly questionable whether perceived benefits to aquatic habitat in Ohmer Creek and its associated floodplain outweigh additional loss of deer habitat in the project area. While there has been no public hue and cry for this project, there has been a loud and clear plea from island residents to do no further harm to what remains of Mitkof's valuable deer habitat. Island residents have also repeatedly asked the Forest Service to repair the 33 culverts on Mitkof that block fish passage. This action would likely result in far greater benefit in terms of restored fish habitat than the East Ohmer project.

GSACC filed scoping comments for this project on August 29, 2015.

## **RESPONSES TO STATE TIMBER SALES AND PLANS**

In a disturbing trend, State of Alaska timber sales in the Southeast State Forest<sup>1</sup> have ramped up in recent years, and GSACC, often together with a coalition of like-minded environmental non-governmental organizations (ENGO's) have been tracking them, commenting, and in some cases appealing their decisions. These timber sales are managed under Alaska's Forest Resources and Practices Act (FRPA) which has no provisions for wildlife habitat protection and does not protect other forest related uses. Fish habitat protection provisions in the FRPA are weaker than those required on the Tongass National Forest and are further weakened by variances which are routinely granted. The following are state timber sales and other planning efforts in the works at the state's Department of Natural Resources' (ADNR) Division of Forestry:

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<sup>1</sup> The Southeast State Forest consists of several large forest parcels scattered across southern Southeast Alaska.

**Vallenar Bay Timber Sale** located on Gravina Island. GSACC et al. first filed comments on the preliminary BIF in March 2015 and then an appeal of the final BIF in May, 2015. The appeal is still pending.

**Draft Five-Year Schedule of Timber Sales, Southeast State Forest Management Plan.** GSACC et al. filed comments on 4/10/15. The final schedule has been issued and is not subject to appeal.

**Draft Southern Southeast State Forest Management Plan (Division of Forestry).** GSACC et al. filed comments 4/30/15.

## **GSACC RESPONDS TO THREATS TO VIABILITY OF ALEXANDER ARCHIPELAGO WOLF**

GSACC, together with our coalition of five other like-minded ENGO's/groups have taken an active role in addressing threats to the viability of the Alexander Archipelago (AA) wolf that in all likelihood will directly contribute to its demise. Loss of habitat from the massive Big Thorne Timber Sale (detailed above) and illegal hunting and poaching - aided by a vast road network of 3,000 miles on Prince of Wales Island are the real culprits in the decades-long saga and could be the final nail in the coffin of the AA wolf there. We have made exhaustive efforts, from filing comments on agency actions that would harm the AA wolf; attending, speaking and submitting evidence before the Board of Game and Federal Subsistence Board (FSB) meetings; and filing emergency petitions for hunting closures, to a petition for an emergency Endangered Species Act (ESA) listing which we filed in concert with other groups in September. Unfortunately, the U.S. Fish and Wildlife Service (USFWS) decided last month to deny our petition for emergency listing of the AA wolf under the ESA because emergency listing a species is a process left to the discretion of the Secretary of the Interior and not a petitionable action under either the Administrative Procedure Act or the Act [ESA]. Therefore, the USFWS treats a petition requesting emergency listing solely as a petition to list a species under the Act." The agency's denial notice also acknowledges, however, that "... we must determine whether listing the Alexander Archipelago wolf is warranted and submit a 12-month finding by December 31, 2015."

Our petition followed a decision by the FSB that denied the group's July request to close federal wolf hunting and trapping seasons on Prince of Wales and nearby islands. The wolf-hunting season opened Sept. 1, and the trapping season opens on Nov. 15. In addition, a state wolf-trapping and hunting season set to open on Dec. 1 in the same area was approved last month by the Alaska Department of Fish and Game (ADFG).

In the mid-1990s, the Prince of Wales area had an estimated 300 wolves. However, a June population estimate by ADFG found a mid-range estimate of only 89 wolves for 2014, and perhaps as few as 50. But because this number did not factor in the 29 wolves killed in legal hunts over the winter, or poaching (which may be substantial), the population may now be a scant few dozen. Some reproduction may have occurred to offset losses, but only one active den was found among 15 that were checked, and it had only one pup. The proportion of females in the population has fallen to just 25 percent.

***Our actions to protect the wolf are summarized below:***

06/16/15 Forest Service briefing paper obtained on ADFG's draft estimate of a very low Prince of Wales Island population of AA wolf. In response, GSACC issued a Press Release.

7/23/15 Three petitions were filed with FSB and ADFG for Emergency Action to Cancel AA wolf subsistence hunting & trapping seasons in GMU-2 (denied 9/11/15) and to USFS to suspend the Big Thorne project and do a Supplemental EIS (SEIS). Nonetheless, on 8/21/2015 - ADFG & U.S. Forest Service announce Unit 2 wolf harvest quota at 9 wolves.

9/14/15 - Petition filed with USFWS for an emergency listing of AA wolf under the ESA. This has a temporary effect, if granted, and would protect the wolf until the final decision is made at year-end.

## **GSACC CONCURS WITH CONSERVATIONIST CRITIQUE EXPOSING STATE OF ALASKA'S ONE-VOICE POLICY**

The State of Alaska has had an unwritten but rigid, heavy-handed policy that dictates it speak with only “one voice,” in order to block public knowledge of impacts to fish and wildlife which, if exposed, may imperil the extent or feasibility of development projects. There exists unequivocal evidence of the policy through state and federal public records requests first documented by Greenpeace. The record pertains mostly to logging issues on the Tongass National Forest and on State Forest lands in Southeast Alaska. Prior public information shows the one-voice policy's application to marine resources in Cook Inlet, and quite likely the policy continues to be applied broadly statewide.

Concerning logging on the Tongass, the record shows the one-voice policy is a single-minded effort to maximize timber production, accomplished by suppressing legitimate, contradictory, professional discourse at all levels within the state's resource departments and by concealing from the public and federal agencies any conflicting information or dissenting professional opinions. The policy can only harm the management of fish and wildlife populations and prevent any assurance of an adequate amount and quality of habitat to sustain them.

Justifications state officials have given for the one-voice policy are that confusion is created when the state's departments give differing opinions on logging projects, and that official comments and remarks by state biologists which point to a project's environmental problems sometimes become fodder for litigation by environmental organizations. In practice, however, the policy conflicts directly with principles of open government, the public's right-to-know, professional and ethical obligations of the state's scientists, and requirements of the Alaska Constitution for sustaining fish and wildlife populations. Ultimately a state one-voice policy conflicts with the need for good, informed decision making by both the state and federal governments.

In conjunction with Greenpeace, GSACC has widely circulated this report to the public to better inform them of the onerous policy and what is at stake, and we have used it in comments and appeals of state and federal timber projects.

## **TONGASS ADVISORY COMMITTEE MEETINGS**

The Forest Service initially announced the Tongass National Forest “Transition Framework” over five years ago. According to the agency, ecological, social, and economic considerations, and longstanding conflict over large-scale clearcutting of old-growth forests, necessitate a shift to forest management that conserves the forest's rich resources. The agency acknowledged that to accomplish that goal and to be in compliance with existing laws, a rapid transition away from old-growth logging is required. They later identified a 10-15 year timeframe as a rapid pace for that purpose. However, elsewhere in documents the public rarely reads, the agency admits that the transition will take much longer than the 10-15 years period they publicly promote: “Long term goals of this plan include implementing sustainable levels of old-growth timber harvest

*over the next few decades* in order to facilitate a gradual and predictable transition to a young growth dependent timber base.”

Following the transition announcement, the Forest Service appointed and tasked a 15-member Tongass Advisory Committee (TAC) to provide guidance and recommendations to accelerate the transition to a young growth timber program. This was to be accomplished “while recognizing the equally important resource values of the Tongass, such as tourism, recreation, fishing, subsistence and renewable energy.” The Forest Service has relied almost exclusively on the recommendations of the TAC for this purpose. The advisory committee’s draft recommendations are to be considered as one alternative, among others, to the Forest Service’s 2008 Tongass Land Management Plan Amendment. This alternative will no doubt be inappropriately advanced as a “collaborative alternative.”

Unfortunately, the TAC process was flawed from the outset due to the makeup of the handpicked committee which was heavily skewed in favor of timber interests. The timber industry represents only 1 percent of the regional economy yet representatives of the industry held three seats. Many other committee members also had direct ties to the industry, such as the general counsel of Sealaska corporation (whose money making arm is in logging), Alaska’s director of the Division of Forestry (a strong proponent of the industry), a principal in Southeast Stevedoring (also a strong proponent of the industry), and those whose home towns are current or former logging communities. Many committee members have historically demonstrated public positions highly favorable to the timber industry. The fishing industry, a regional economic powerhouse, only occupied one seat while no recreation or tourism interests were represented. The three members in the conservation seats were complacent, and are broadly considered by most conservation organizations active in the region to be *unrepresentative* of the vital conservation interests and not well informed on the TLMP conservation strategy or wildlife conservation. The lone fishing representative inadequately represented fishing interests. What all this adds up to is continuance of the status quo of old-growth logging.

GSACC board members attended all but one of the meetings in person, listened in, and provided testimony to the Committee at most of the seven monthly meetings held between September 2014 and May 2015. GSACC was instrumental in providing an alternative perspective to the FS transition for an immediate end to old-growth logging. We were also instrumental in forcing the agency to provide teleconference capability and recordings of the meetings that were posted online. Other organizations and individuals reinforced our request. Nonetheless, the composition of the committee was a stacked deck, and the resulting recommendations of the committee are detrimental to the future of the Tongass National Forest.

### **THE STATE’S PROPOSED ROAD BETWEEN JUNEAU AND THE KATZEHIN RIVER**

GSACC has joined other Southeast Alaska conservation organizations in opposing the State of Alaska’s proposal to build a road between Juneau and the Katzehin River flats south of Skagway. The current situation is that on December 27, 2014, Governor Bill Walker halted spending on six high-profile state infrastructure projects, including the Juneau Access project. His budget director stated that due to the current fiscal situation of the state, several projects could be expected to be delayed or stopped. Later the Governor’s acting DOT Acting Commissioner, Pat

Kemp (appointed by Gov. Sean Parnell in 2012) was removed from his position. After Walker announced his decision to stop spending on the Juneau Access Project, Kemp issued a response stating that halting the Road project could force the state to pay back millions to the federal government, the main source of funding for the road extension.

Governor Walker did agree to the State's application for a Corps of Engineers 404 dredge or fill permit for the proposed road in order to keep the State's future decision options open. GSACC participated with other conservation organizations in commenting on the permit application.

We will continue to follow the longstanding Juneau Road controversy and are prepared to join forces with other conservation groups in the event that the State moves the proposal off the back burner. ***The following are actions that GSACC has recently taken:***

9/21/2014 Comments filed on Juneau Access Improvements Project Draft Supplemental Environmental Impact Statement (DSEIS).

12/10/2014 Letter to Corps of Engineers asking them to deny the permitting application to construct the road between Juneau and the Katzechin River Delta.

1/30/2015 Joined coalition on comments to Section 404 permitting for Juneau Road - Berner's Bay and Lynn Canal.

## **GREENS CREEK MINE ON ADMIRALTY ISLAND**

The operators of the Greens Creek Mine in Admiralty Island's Hawk Inlet applied for federal and state authorizations to significantly expand its above-ground tailings pile. GSACC joined with other conservation groups in critically commenting on the proposal, but in the end the mining company received its federal and state authorizations.

There was a positive spinoff of the process leading up to the authorizations. After receiving critical September 2014 comments by GSACC and other conservation groups on the U.S. Forest Service proposal to issue an Alaska Region Supplement to its manual (FSM 2800) on mining on Admiralty Island and in Misty Fiords, the agency opted not to promulgate the supplement.

## **MEETING BETWEEN GSACC AND FEDERAL GOVERNMENT ACCOUNTABILITY OFFICE**

This past August, GSACC board members met in Juneau with visiting officials of the federal Government Accountability Office regarding the Tongass transition to second growth in Juneau. We also provided the GAO representatives with written comments and documentation to augment what we discussed in our meeting with them. Our central message was that an immediate end to old-growth logging is necessary, and that as planned, the transition is infeasible. There is a 20 to 30-year gap in second-growth availability and some of that second growth needs to be allowed to revert to an old-growth state. A full-spectrum economic transition



is needed for the few affected communities, not one focused entirely on timber. We cannot afford to jump into another *big mistake*, akin to the genesis of the pulp mill era.

## IN CLOSING

It's been an exceptionally busy year for our all-volunteer Board of Directors. We are always looking for more people to pitch in on the work, so if you have an interest in doing so or learning about how to do this work, please get in touch.

Again, we appreciate very much the financial support we have received from our members and foundation funders. We are exploring, as funding permits, the possibility of hiring part-time staff assistance, most likely on an issue, or project-specific basis.



B.H. Baker