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VIA ELECTRONIC MAIL

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**Re: Formal Objection to the Tongass Land and Resource Management Plan and accompanying Final Environmental Impact Statement, and the Tongass Land Management Resource Management Plan Draft Record of Decision**

August 30, 2016

Dear Ms. Pendleton,

We appreciate the ongoing opportunity to participate in the amendment process for the 2008 Tongass Land Management Plan. Audubon submitted formal comments<sup>1</sup> and therefore meets the criteria for filing this objection.<sup>2</sup> Please consider the following objections to the Final Amended Tongass Land and Resource Management Plan (Plan), and its accompanying Final Environmental Impact Statement (FEIS), as well as the Draft Record of Decision (ROD). Earl Stewart, the Tongass Forest Supervisor, is the responsible official for the Plan, the FEIS, and the ROD.<sup>3</sup> We reference materials that were either included in our comment letter, or are included herein as attachments. We draw your attention to one attachment in particular, our newly released Ecological Atlas of Southeast Alaska.<sup>4</sup> We cite the Atlas as a reference in our objection, and believe it can serve as a comprehensive tool for Tongass forest management moving forward.

INTRODUCTION

Audubon agrees with the Amended Plan's stated intent to transition away from old-growth clearcut

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<sup>1</sup> Audubon Alaska, Comments Regarding the Tongass Land Management Plan Amendment and accompanying Draft Environmental Impact Statement (February 22, 2016) (hereinafter "Audubon DEIS comments").

<sup>2</sup> 36 C.F.R. § 219.53(a).

<sup>3</sup> See Tongass Land and Resource Management Plan Draft Record of Decision (hereinafter "Draft ROD"), at 44.

<sup>4</sup> Ecological Atlas of Southeast Alaska (Melanie A. Smith ed., 2016). Please note that Audubon Alaska completed the Atlas as of late August, and as such, it was not available as a resource during the comment period.

logging.<sup>5</sup> The science, the economics, and the community needs all indicate that now is time to end old-growth clearcut logging on the Tongass, regardless of the viability of a second-growth timber industry. We object to the Plan insofar as it does not effect such an end, sacrifices important habitat areas during the transition, and fails to address the conservation of wildlife on Prince of Wales.

There is overwhelming scientific agreement that old-growth clearcut logging should end,<sup>6</sup> including from two former U.S. Forest Service chiefs.<sup>7</sup> Audubon Alaska has been a consistent voice calling for the prudent application of science over the long decades of Tongass politics. Although the substance and scientific-basis for our argument has not changed significantly, we believe the urgency and certainty has increased. We continue to promote the voice of science, expanding upon our views in our objection below. In addition to the scientific concerns that we raise, we note that other commenters offered strong economic and community reasons that also support an end to old-growth clearcut logging.

The science remains clear, that the forest is in serious danger from long-term and permanent degradation. Large-tree old-growth<sup>8</sup> is essentially a non-renewable resource in Southeast Alaska, with clearcut logging effectively “mining” the forest.<sup>9</sup> Productive old-growth (POG) comprises only 27% of Southeast Alaska.<sup>10</sup> Large-tree old-growth forest makes up only 3% of Southeast Alaska.<sup>11</sup> This resource has already been compromised through historic high-grading. Approximately 50% of the large-tree old-growth forest has already been logged in Southeast.<sup>12</sup> And some areas of the Tongass have experienced especially high harvest rates of its large-tree old-growth forest. On North Prince of Wales Island, which once had the most productive timber lands in Alaska, 32% of all POG and 40% of the large-tree productive old-growth forest has been logged.<sup>13</sup> As a result, native and endemic

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<sup>5</sup> Tongass Land and Resource Management Plan Final Environmental Impact Statement (hereinafter “FEIS”), at ES-3.

<sup>6</sup> Scientist letter to Jason Anderson (May 12, 2015), appearing as Appendix B in Audubon DEIS comments.

<sup>7</sup> Mike Dombeck and Jack Ward Thomas, Declare harvest of old-growth forests off-limits and move on, *Seattle Post-Intelligencer* (Aug. 23, 2003), included as an attachment below.

<sup>8</sup> Throughout this objection letter we use the term “large-tree old-growth” to indicate stands with a quadratic mean diameter of greater than 21 inches. Accordingly, “medium-tree old-growth” refers to stands with a quadratic mean diameter of between 17 and 21 inches; “small-tree old-growth” refers to stands with a quadratic mean diameter of less than 17 inches. See Caouette, J. and E.J. DeGayner. 2005. Predictive mapping for tree sizes and densities in Southeast Alaska. *Landscape and Urban Planning* 72:49-63. Note also that we assert that size class 7 is valid because it contains attributes of large-tree old-growth, even if the agency does not acknowledge this size class exists.

<sup>9</sup> Tongass Land and Resource Management Plan Amendment Final Environmental Impact Statement, Appendix I (hereinafter “FEIS Appendix I”), at I-35 (In response to the comment “Trees are a renewable resource and removal of old-growth habitat is not an irreversible commitment,” the agency responded “Irreversible includes loss of future options, primarily for non-renewable resources but also includes those that are only renewable over long periods of time. Under the current Forest Plan 100 year rotation, young-growth timber in development LUDs would be re-harvested before the stands develop old-growth characteristics (150+ years). Following complete removal of the overstory, it may take 300 years or more for a stands [sic] in Southeast Alaska and Northern coastal British Columbia to develop old-growth ecological characteristics (Orians and Schoen 2013). Therefore, clearcut timber harvest creates a permanent loss of old-growth habitat within development LUDs and a permanent reduction of habitat capability to support old-growth associated species.”). Audubon Alaska agrees with this characterization of old-growth habitat as a non-renewable resource.

<sup>10</sup> David Albert, John Schoen, Melanie Smith, and Nathan Walker, *Old-growth and Second-growth Forest, in Ecological Atlas of Southeast Alaska*, pp. 51-56 (Melanie Smith, ed., 2016) (“Albert et al. 2016”).

<sup>11</sup> *Id.*

<sup>12</sup> Albert et al. 2016, at 52.

<sup>13</sup> Albert et al. 2016, at 52.

wildlife have responded negatively to the ongoing unraveling of the integrity and diversity of this rainforest ecosystem.<sup>14</sup>

In addition to the ecological reasons for not continuing to clear-cut the Tongass, there are economic reasons which other commenters have raised in more detail and with a higher level of expertise. After a long history of highgrading, timber constitutes only 0.7% of the region's economy,<sup>15</sup> yet the Forest Service continues to subsidize this dwindling industry that exports the last remaining highest-quality raw materials abroad in a reckless attempt to remain financially viable. American taxpayers are spending millions of dollars to cut down old-growth trees, all to support a handful of jobs, many of which are not employing locals.<sup>16</sup> While a tiny number of these jobs are important to the few local individuals who hold them, the subsidy would be far better spent re-training those individuals and employing them in other fields, including on stream recreation projects.

The Tongass' true value instead lies with its long-term integrity as an ecosystem, a draw for tourism in an increasingly unnatural global landscape, and a globally important fishing industry. The fishing and tourism industries, which make up 9% and 15% of the Southeast economy respectively, are the overwhelming economic drivers of Southeast.<sup>17</sup> Timber did not even make the list of top economic sectors in 2014.<sup>18</sup> The region has already transitioned away from old-growth clearcut logging; it's time for the Tongass National Forest to catch up, and apply federal funding toward the productive budgets of stream restoration, recreation, fishing, and wildlife conservation.

In addition to ecological and economic issues, we have also paid close attention to the comments from small communities and tribes in Southeast, who echo our own arguments in calling for conserving a healthy forest to ensure ongoing subsistence and resiliency. These entities call for an end to old-growth clearcut logging, for reasons of forest ecology and human well-being.<sup>19</sup> Small timber users, including some in the music wood industry,<sup>20</sup> also recognize the need to end old-growth clearcut logging, to retain the extraordinary wood resource that creates extraordinary cultural and artistic items. We understand that these local groups' voices are distinct from corporate and industrial voices, yet no less important.

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<sup>14</sup> See Audubon Alaska, *Prince of Wales Wolves: The long-term impacts of logging and roads push a Tongass wolf population toward extinction* (2015), included as Appendix C to the Audubon DEIS comments.

<sup>15</sup> Forest Plan at 3-481 (Table 3.22-3) (timber employment of 325 divided by total Southeast employment of 46,011 is 0.007, multiplied by 100 results in 0.7%).

<sup>16</sup> Alaska Department of Labor and Workforce Development, Research and Analysis Section, *Nonresidents working in Alaska: 2014* (Published January 2016), available at <http://live.laborstats.alaska.gov/reshire/nonres.pdf>, at 22 ("The agriculture, forestry, fishing, and hunting industry, which includes mostly timber jobs, was 47.0 percent nonresident but wasn't among the region's largest industries."), attached below.

<sup>17</sup> Forest Plan at 3-481 (Table 3.22-3); see also Southeast Conference, *Southeast Alaska by the Numbers 2014*, Southeast Conference, Juneau, AK (2014), available at [http://www.seconference.org/sites/default/files/Southeast%20Alaska%20by%20the%20numbers%202014%20FINAL\\_0.pdf](http://www.seconference.org/sites/default/files/Southeast%20Alaska%20by%20the%20numbers%202014%20FINAL_0.pdf), attached below.

<sup>18</sup> *Id.*

<sup>19</sup> FEIS Appendix I, at 460 (City & Borough of Wrangell), 462 (Organized Village of Kasaan, a federally recognized tribe), 466 (Klawock Cooperative Association, a tribe), 469 (Ketchikan Indian community), 473 (City of Kupreanof). We appreciate that our interests overlap with these local and tribal government entities.

<sup>20</sup> See e.g. Tom Bedell (Bedell Guitars), *Musicians for Forests*, available at <http://clearcutfreemusic.com/2015/09/02/importance-of-old-growth/> (accessed 26 August 2016), attached below.

Audubon Alaska considers these ecological, economic, and community perspectives to be persuasive pieces of an overall compelling argument to end old-growth clearcut logging. We therefore urge the agency to pay close attention to the individual and collective voices calling for an end to old-growth clearcut logging. It is time to stop old-growth clearcut logging on the Tongass, *whether or not* a second-growth industry will work.

## STATEMENT OF ISSUES

Audubon supports a transition that ends old-growth clearcut logging without delay. We therefore support the spirit of the amended Plan insofar as it intends to achieve that goal. However, we are concerned that the letter of the amended Plan is not consistent with the essential intent of Secretary Tom Vilsack's 2013 memo. We question whether this amendment will actually achieve that goal in practice. Further, we are concerned that the amended Plan sacrifices important conservation areas to effect the transition, even while failing to address the impact the amendment could have on wildlife populations. We take this opportunity to object to the Final Plan for these three main reasons:

1. The Plan does not bring about a definitive end to old-growth clearcut logging.
2. The Plan places important habitat at risk during the transition period, and does so arbitrarily without scientific support.
3. The Plan fails to address the conservation of wildlife populations including the Alexander Archipelago wolf and Sitka black-tailed deer on Prince of Wales Island.

### **1. We object to the Plan's failure to definitively end old-growth clearcut logging**

In our comments, we urged the agency to end old-growth clearcut logging within the 15-year transition period, and preferably within 5 years, pointing out that ongoing old-growth clearcut logging is at odds with Secretary Vilsack's 2013 foundational memo that forms the purpose and need underlying the transition.<sup>21</sup> The agency's response to our comments was inadequate, and the Plan remains contrary to its essential purpose and need. We object to this failure to respond, and to the Plan's failure to implement an end to old-growth clearcut logging, which is the foundational purpose and need for the amendment.

First, it is important to use precise terms. Harvest of old-growth may occur either as unsustainable clearcuts, or as sustainable individual-tree selective harvest. Old-growth *clearcut* logging, whether at the scale of 100 acres or 1 acre, is unsustainable and detrimental to wildlife. Clearcutting is a procedure in which every tree is removed from the harvest area. The subsequent re-growth enters a stem-exclusion phase that has little or no habitat value for wildlife species. However, *selective* old-growth logging practices can mimic natural disturbances. When used properly, this procedure can harvest a few large trees for specialty products, carvers, and the music wood industry. Such a method that could work for wildlife and ecosystems would involve removing a small number of trees (e.g. 1-3 trees per acre) within old-growth forests, and without the use of roads. The likely high-cost and difficulty associated with this method would place an appropriately hefty price-tag on the highly valuable large-tree old-growth forest stands that remain on the Tongass.

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<sup>21</sup> Audubon DEIS comments, at 7-9.

The Plan should end old-growth clearcut logging by the close of the transition period at the latest, and preferably within 5 years from the Plan taking effect.<sup>22</sup> The Secretary's 2013 memo envisions this outcome by, in essence, directing the agency to phase out old-growth clearcut logging. The memo does envision a future in which some logging, including small-scale old-growth harvest, continues to play a limited role in the forest's long-term sustainability strategy.<sup>23</sup> However, the practice of old-growth *clearcut* logging wholly contradicts the memo's overall thrust toward sustainability.<sup>24</sup> Read as a whole, the Secretary's memo undoubtedly directs the agency to end old-growth clearcut logging as an inherently unsustainable practice.<sup>25</sup>

Although the correct purpose and need for the Plan is to end old-growth clearcut logging, there are no measures in place to eliminate clearcutting as a practice by the end of the transition period. The Plan entails reducing old-growth timber harvest to 5 mmbf at the end of 15 years. If this level of harvest were constrained solely to *selective* old-growth logging, then such harvest would eliminate unsustainable clearcutting, and mimic the forest's natural properties in which single treefall and small windfall events maintain multi-age and multi-story forest complexity which favors high species diversity and abundance. But the Plan does not constrain the 5 mmbf to such methods, and leaves the opportunity on the table for the 5 mmbf to include clearcutting as a harvest practice.

Even if the Plan did include measures to prevent the eventual 5 mmbf from being harvested as clearcuts, the Plan fails to implement this scaling back for another 15 years.<sup>26</sup> Further, in practice, the Plan's method for scaling back old-growth harvest does not adhere to the firm schedule needed to ensure the outcome. If young-growth harvest falls below 41 mmbf in any year during the transition, the agency may supplement the harvest with old-growth.<sup>27</sup> By failing to hold the timber industry to a steady decline, there is no firm requirement to transition until the eleventh hour, and it is reasonable to assume that the industry and agency will continue to delay this difficult task, at the expense of large-tree old-growth, wildlife, and the sustainability purpose and need that should underlie this Plan.

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<sup>22</sup> We envision this occurring by allowing current contracts to be fulfilled, but not allowing additional contracts to be enacted that would allow old-growth clearcutting to occur beyond 5 years of the amended Plan's implementation.

<sup>23</sup> Secretary of Agriculture memo 1044-009, Addressing Sustainable Forestry in Southeast Alaska (July 2, 2013) ("The Forest Service will also continue the Tongass National Forest's micro-sale program and the old growth small sale program that targets niche markets . . .").

<sup>24</sup> We note that in its responses to comments, the Forest Service responds to old-growth logging but does not address old-growth *clearcut* logging, and in doing so does not respond adequately to our comments. E.g. FEIS Appendix I, at 1-8 (P&N-1).

<sup>25</sup> Logic also dictates that old-growth clearcut logging will eventually come to an end on the Tongass. Even if the agency prioritizes the timber industry in the near-term, the practice of old-growth clearcut logging will inevitably terminate in the long run when the finite resource of large-tree old-growth forests is exhausted. The logical response to this glaring reality is to end old-growth clearcut logging well before that day arrives. We propose that old-growth clearcut logging should therefore end as soon as possible, at a time when large-tree old-growth can still support healthy and widespread populations of wildlife, as well as sustainable industries like fishing and tourism.

<sup>26</sup> Forest Plan at 5-2 – 5-3 ("During the 15 years after plan approval, the amount of young-growth offered would gradually increase to exceed 50 percent of the timber offered annually." "During the 15 years after plan approval, offer increasing annual volumes of economically viable young-growth timber. Old-growth timber harvest would gradually be reduced to an average of 5 million board feet (MMBF) annually, to support Southeast Alaska mills.").

<sup>27</sup> Forest Plan at 5-13 ("When young-growth offered is less than 41 MMBF, provide old growth to make up the difference and achieve the average annual projected timber sale quantity of 46 MMBF."). In responding to GEN-6 (note that we refer to the *second* GEN-6, as there are two consecutive comments labeled GEN-6), the agency points to its response in TIM-19, which includes reference to the forest-wide timber objective O-TIM-01 in Chapter 5 of the Plan.

Without firm standards, and a quicker deadline, the planned end to old-growth clearcut logging is highly unlikely to occur.

In the agency's response to comments about old-growth clearcutting, it has overlooked the critical difference between old-growth clearcutting versus old-growth harvest generally (which can include selective individual-tree harvest).<sup>28</sup> Instead of explaining its reasoning in failing to end old-growth clearcut logging, the agency instead referred to old-growth logging generally.<sup>29</sup> The agency also disregarded the need to limit or end the practice of clearcutting, instead referring to the Plan's problematic timber objective that would allow flexibility in scaling back old-growth harvest over the transition period.<sup>30</sup> The agency also deflected from the concerns over old-growth clearcut logging by discussing the young-growth industry.<sup>31</sup> The agency often conflates old-growth logging with old-growth clearcut logging,<sup>32</sup> leading to ongoing confusion over what is being addressed and what is left unconsidered. These responses do not actually address our comments.

## **2. We object to the Plan placing important habitat at risk during the transition period, without scientific support**

The amended Plan's Young-Growth Direction sets a goal of balancing timber harvest with enhancing wildlife habitat in conservation areas; however, the standards are not meaningful for wildlife and could instead have a detrimental, and long-lasting, effect on wildlife. The Plan designates beach and estuary fringe, riparian management areas, and old-growth habitat as lands suitable for timber production.<sup>33</sup> The second-growth forests in these areas are some of the most important habitat on the Tongass and their conservation status represents a compromise from the 1997 Plan, carried forward to the 2008 Plan. To now designate these areas for timber harvest violates this long-standing conservation strategy founded on a hard-won compromise between timber and conservation.

We expressed strong concern for these methods in our comments.<sup>34</sup> We are aware of no credible scientific evidence that clearcuts in second-growth of up to 10 acres and commercial thinning of up to 33% will increase habitat for wildlife.<sup>35</sup> Instead these methods are more likely to act detrimentally. Creating gaps in second-growth of 1 acre or less, and using methods other than strip and clearcuts,

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<sup>28</sup> See FEIS Appendix I, at I-6 (second GEN-6).

<sup>29</sup> The second GEN-6 response to points to its response to Comment ALT-3 (a comment requesting an end to old-growth logging entirely rather than old-growth clearcutting specifically).

<sup>30</sup> The second GEN-6 also points to response for TIM-19, which refers to O-TIM-01 in Chapter 5 of the Forest Plan. We explain in sections above the problem with this flexible approach being applied to scaling back old-growth clearcut harvest, let alone ending the practice altogether.

<sup>31</sup> The second GEN-6 finally refers to the response for ALT-11, which goes into detail why a young-growth industry transition is not feasible in less than 10-15 years. This is beside the point for ending old-growth clearcut logging, as intended by the Secretary's memo.

<sup>32</sup> This is especially clear in the agency's response to SPEC-7 ("The Forest Service young-growth objective O-YG-01 in Chapter 5 of the Forest Plan should be changed to end old-growth clearcutting in no more than five years.") where the agency refers to P&N-1, which only addresses the problems with ending old-growth logging in general, and not old-growth clearcut logging. See also Response to SPEC-8, which also points readers toward P&N-1.

<sup>33</sup> Forest Plan at 5-5 (beach and estuary fringe), 5-6 (riparian areas), 5-8 (old-growth habitat).

<sup>34</sup> Audubon DEIS comments, at 7, 13, 25-27.

<sup>35</sup> Forest Plan at 5-5, 5-6, 5-8 ("Standard: Commercial timber clearcuts of up to 10 acres; commercial thinning of 33% of basal area; with combination of two treatments, no more than 35% total of the stand can be removed.").

has some limited support in science for enhancing second-growth forests for wildlife.<sup>36</sup> Within the flexibility of the Young-Growth Direction, it is conceivable that the agency could limit itself to these constrained methods. However, there is nothing in the Plan to require such limitation. It seems more likely that the flexibility granted by the Direction will instead err on the side of timber production rather than wildlife conservation.

The agency does not acknowledge that its Young-Growth Direction lacks scientific justification as required by regulation.<sup>37</sup> Its conclusion that 10 acre clearcuts and commercial thinning of up to 33% will act as a beneficial restoration treatment for wildlife is therefore unsubstantiated, and lacks acknowledgement of the lack of scientific corroboration:

The stem exclusion phase has little to no forage species important to deer and some small mammals, is often too dense to be used as foraging habitat for goshawks, and may not yet have large enough trees to be used for eagles to nest. These stands may be just reaching cone-bearing age so may also not be important for red squirrels. Treatment of these stands may open the canopy to allow more light to reach the forest floor which may assist in forage production; treatment can also be aimed at improving to tree spacing to increase growth. Each stand will be evaluated for treatment options by an interdisciplinary team of resource specialists. For example, a project evaluation can include consideration of existing and desired habitat conditions, adjacent landscape and habitat types, reserve connectivity, known wildlife usage in and near the project, insect and disease conditions, access and operability, and LUD. Young growth treatments in beach fringe, RMAs, and Old-Growth Habitat LUD should accelerate the stand toward old growth characteristics (desired conditions). Ten acre openings is the maximum allowed; it is not required to be that size. Openings may be less depending on stand size (cannot be over 35 percent of the stand) and the ability to achieve desired conditions. Management of young-growth stands through release, pre-commercial, and commercial thinning has the potential to increase biodiversity by concentrating growth in fewer, larger trees that, if allowed to grow over time, promote conditions that accelerate natural succession in order to achieve old-growth stand characteristics at a faster rate than would occur without treatment (Caouette et al. 2000 [sic]; Carey 2003).<sup>38</sup>

The agency does not provide support for the bulk of its claims it uses to justify this treatment; the two references the agency does cite do not support the contentions put forward. First, we assume the agency intended to reference Caouette et al. 2001, which appears in the References listed in Chapter 6 of the FEIS.<sup>39</sup> This scientific report merely analyzes timber volume and contains no evidence that the listed management methods increases biodiversity. Carey (2003), on the other hand, does in fact describe an experimental treatment that documented methods that showed an increase of old-growth characteristics in second-growth stands. However, this study was based in the Pacific Northwest rather than Southeast Alaska and, most critically, did not use clearcuts and

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<sup>36</sup> See Scientist letter to Jason Anderson (May 12, 2015), and references therein, originally included as Appendix B in Audubon Alaska DEIS comments.

<sup>37</sup> 40 C.F.R. § 1502.22 (Incomplete or unavailable information); § 1502.24 (Methodology and scientific accuracy).

<sup>38</sup> FEIS Appendix I-47 (Response to Comment CONS-6).

<sup>39</sup> FEIS Chapter 6 References, at 6-12. The references that appear here do not include any option for Caouette et al. 2000. Caouette & DeGayer 2005 does not support the agency's contentions either.

commercial thinning as the treatment tested, instead investigating the utility of “variable-density thinning.”<sup>40</sup>

The agency demonstrates no support for its contentions. And even more importantly, the agency concludes 10 acre clearcuts and 33% commercial thinning will benefit wildlife without acknowledging that it is making this determination without the support of scientific evidence. NEPA requires the agency to at least wrestle with such acknowledgment. To draw conclusions without recognition of the missing information is misleading and arbitrary.

We object to a Plan that does not adhere to a scientifically supported standard for enhancing wildlife habitat and to an FEIS that does not respond to our comments. By basing its goal to maintain or improve habitat scientifically-unsupported standards, the agency is essentially proceeding in blind faith, without science, and without acknowledging that deficiency as required by NEPA. The Forest Service should not include the second-growth forests in the beach fringe, riparian areas, or Old-growth Habitat LUD as part of the suitable base. If these areas remain in the suitable base, the Forest Service should limit activities to selective cutting of 1-3 trees to encourage multi-story, multi-age characteristics of large-tree old-growth forests, eliminating the clearcuts and commercial thinning treatment from these areas.

We also object to the exchange proposed for young-growth harvest in the Old-growth Habitat LUD.<sup>41</sup> The exchange lacks the detail to make it relevant to old-growth dependent species. The exchange could conceivably have a benefit to wildlife, by exchanging habitat-poor young-growth in Old-Growth Habitat LUD for habitat-rich old-growth outside but contiguous with the LUD. But the exchange could also be detrimental to wildlife, by swapping habitat-rich young-growth for habitat-poor old-growth forest. The implicated problem here is that not all “old-growth” is automatically valuable to wildlife, and not all “young-growth” is automatically non-valuable. Instead, the important habitat type to capture for conservation is large-tree old-growth, as well as mature second-growth that is beginning to exhibit some of the characteristics of large-tree old-growth forests. The Old-growth Habitat exchange is not a meaningful mechanism and we object to its ostensible use in enhancing landscape connectivity and increasing old-growth habitat.

We also object to the disruption of the watershed approach to conservation in Audubon-TNC areas and in the T77. The Plan conserves old-growth in Audubon-TNC conservation priority areas. This maintains the status quo of the 2008 Plan. The Plan adds the old-growth forest within the T77 watersheds as lands not suited for timber production.<sup>42</sup> This is a conservation gain. But the Plan continues to allow second-growth logging in both categories, which impairs the watershed approach on which the categories are founded. The Forest Service should take the second-growth forests in the Audubon-TNC conservation priority areas, and in the T77, out of the suitable base.

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<sup>40</sup> A.B. Carey, Biocomplexity and restoration of biodiversity in temperate coniferous forest: inducing spatial heterogeneity with variable-density thinning, Pacific Northwest Research Station, USDA Forest Service, Olympia WA (2003), at 128.

<sup>41</sup> Forest Plan at 5-8 (“When young-growth harvest is proposed in the Old-growth Habitat LUD, it is expected that the project IDT and an interagency review team . . . would jointly work to determine by exchanging the young growth for old growth from adjacent landscapes outside the existing Old-growth Habitat LUD [sic]. . . . The intent is for the resulting, modified Old-growth Habitat LUD to maintain or enhance landscape connectivity and have a net gain of productive old-growth habitat.”).

<sup>42</sup> Forest Plan Appendix A, at A-5.

The Young Growth Direction as a whole unfairly places viability of the second-growth industry on the back of conservation areas, and is nothing more than second-growth highgrading, repeating and compounding the mistakes of the past. We object to the Plan's approach that sacrifices these important habitat areas and the prioritization of the logging industry over wildlife habitat, which forms the foundation for the region's current and future sustainable industries. If a second-growth industry is viable, the agency must make it happen in areas other than beach fringe, riparian areas, old-growth reserves, the conservation priority areas, and the T77. These areas should only be only "restored" using scientifically accurate methods for the sustainable future of the Tongass. If a second-growth industry is ultimately not viable, then these important habitat areas will have remained protected during the transition, to the lasting benefit of the region.

### **3. We object to the Plan's and FEIS's failure to consider wildlife on Prince of Wales Island.**

Logging activities and increased road densities are major factors affecting wildlife conservation, particularly on the heavily impacted Prince of Wales Island. Higher road densities at the watershed level increase hunter and poacher access and reduce wildlife refugia, creating population sinks without countervailing population sources. The Plan's continued old-growth clearcut logging, especially in areas that jeopardizes the 1997 Conservation Strategy, will exacerbate impacts on wolves and deer. Nor did the agency respond adequately to our comments on this topic.

*The Plan must consider and address the wolf population problem on Prince of Wales*

Wolves on Prince of Wales exhibit a declining population (75% reduction in the past 20 years),<sup>43</sup> with future projections warning of population instability,<sup>44</sup> including the risk of extirpation. The ongoing decline and potential loss of Prince of Wales wolves represents an ecological crisis and legal violation. In our comment letter, we expressed our concern that continued old-growth clearcut logging, associated roadbuilding, and the resulting access for legal and illegal harvest would detrimentally impact wolves on Prince of Wales Island (GMU 2).<sup>45</sup>

The agency must analyze how the amendment process impacts the Prince of Wales wolf population. The agency overstates its discretion with regard to excluding wildlife populations from its consideration under 36 C.F.R. § 219.13(a).<sup>46</sup> The agency has the option to curtail the amendment so that it affects only a portion of the Plan; however, where the amendment overlaps with and changes other components of the Plan, the responsible official should not be allowed to ignore those effects. Taken to a logical extreme, the agency seems to argue that even if the amendment were to devastate Prince of Wales with clearcuts and logging roads, the responsible official would retain the discretion to limit the scope of analysis to solely the timber program and ignore resulting effects on wildlife. We cannot accept this logic, and believe the amendment touches upon conservation of wildlife, therefore requiring an analysis of the Prince of Wales wolf population.

Forest Plans must conform to wildlife conservation regulations under National Forest Management Act. The agency adopted its 2008 Plan under regulations written in 1982, which contained a *viable*,

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<sup>43</sup> USFWS. 2015. *12-month finding on a petition to list the Alexander Archipelago wolf as an endangered or threatened species*, 81 Federal Register 435, at 444-445 (hereinafter "USFWS 2015").

<sup>44</sup> USFWS 2015 at 446. *See also* Person, D. K., and A. L. Russell. 2008. Correlates of Mortality in an Exploited Wolf Population. *Journal of Wildlife Management* 72:1540-1549.

<sup>45</sup> Audubon DEIS Comments, at 15-19.

<sup>46</sup> Response to Comment PLR-1, FEIS Appendix I at I-25.

*well-distributed populations* standard for wildlife species in the planning area.<sup>47</sup> The 2008 Plan incorporated and retained this standard. But the agency has conducted the plan amendment process under the 2012 regulations, which superseded the 1982 regulations and which contain a standard at both a *biodiversity level* and a *species-specific level*.<sup>48</sup> The appropriate standard for addressing the Prince of Wales wolf population conservation during the amendment process was, and remains, a source of confusion.<sup>49</sup> We therefore address our concerns at the objection stage by using both the viability and biodiversity standards. The agency may only adopt a final amended Plan that conforms to regulations on wildlife conservation. This *at least* entails conducting an analysis of how the amendment affects the viable, well-distributed populations standard, if not additionally requires an update to the wildlife conservation provisions and Conservation Strategy that conforms to the biodiversity and species-specific standards in the 2012 planning rule. The agency may not refuse to do the first and also claim the second does not apply.

The amended Plan changes the Conservation Strategy, which forms the basis for wildlife conservation in the Tongass.<sup>50</sup> The amended Plan allows entry into conservation areas and increases roadbuilding,<sup>51</sup> which in turn enhances hunter access which could lead to the overharvest of wolves. The amended Plan includes provisions that allow harvest of large-tree old-growth in old-growth reserves, in return for old-growth forests outside the reserve that may or may not exhibit the same level of habitat value.<sup>52</sup> We also note that changes in land ownership and management on the Tongass, including but not limited to the Sealaska bill, may have compromised the integrity of the Strategy. The amended Plan's changes to logging and road-building activities, coupled with the disruption of the 1997 Conservation Strategy trigger a need for the Plan to address the already imperiled Prince of Wales wolf population.

The situation for wolves on Prince of Wales is problematic regardless of the standard the agency uses. Where this population once represented a third of the Alexander Archipelago wolf population, it now counts for only 6%. It is not enough to have viable populations of wolves well-distributed throughout the Tongass, but with this conspicuously widening gap in viability and distribution occurring on Prince of Wales Island. This gap violates the viable well-distributed populations standard.<sup>53</sup> Failing to address the plummeting wolf population on Prince of Wales also certainly violates the 2012 planning rule. The present collapse and potential future loss of such an important species from an entire island ecosystem is indefensible under basic notions of biodiversity and any species-specific analysis.

*The FEIS is arbitrary and capricious in its consideration of the Prince of Wales wolf situation*

The agency does not take a hard look at the ongoing decline and potential extirpation of the Prince of Wales wolf population in its FEIS. First, in its response to viability and biodiversity comments,

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<sup>47</sup> 1982 Planning Rule Sec. 219.19.

<sup>48</sup> 36 C.F.R. § 219.9.

<sup>49</sup> See Appendix I, at I-30 – I-31.

<sup>50</sup> Audubon DEIS Comments, at 15-19.

<sup>51</sup> See FEIS Appendix I, at I-104 (Response to (unmarked, but presumed) comment RD-1). (“Young growth harvest within the Old-Growth Habitat LUD could require roads to be constructed but that would depend on site-specific conditions such as existing access and the harvest prescription for the stand.”).

<sup>52</sup> See discussion herein, at 8.

<sup>53</sup> See also U.S. Department of the Interior comment letter (February 17, 2016), at 4 (appearing in FEIS Appendix I).

the agency consistently side-steps, claiming its discretion allows it to ignore such concerns during the amendment process.<sup>54</sup> Second, the agency fails to examine the concerns expressed by relevant state and federal wildlife agencies about the ongoing viability of Prince of Wales wolves.<sup>55</sup> Third, though the Forest Service impliedly acknowledges that the Prince of Wales wolf issue is of concern, by noting that it will use upcoming findings and recommendations from the Interagency Wolf Technical Committee, it does not expand upon which data are forthcoming that will help address the associated comments.<sup>56</sup> It is not clear what information is missing that is so critical to consider before recognizing that Prince of Wales wolves are in need of conservation measures.

Audubon linked its concerns for the Prince of Wales wolf population to the biodiversity requirements in the 2012 planning rule, and the agency is highly conclusory in its responding analysis. After first claiming these requirements do not apply, the Forest Service goes on to state that the amended Plan “meets the intent of the 2012 planning rule” by using an approach similar in structure to the 2008 Plan requirements, pointing further to what the agency characterizes as an essentially unchanged Conservation Strategy, before concluding the amended Plan abides by the diversity requirements.<sup>57</sup> But the response never addresses the data and scientific evidence that indicates a problematic decline for Prince of Wales wolves. The agency attempts to build a conclusion from the top-down, but ignores the hard data that forms a basis for reasonably concluding that something is very wrong with wolf population dynamics on Prince of Wales.

Where the agency does conduct minimal analyses for the viability of Prince of Wales wolves, its conclusions are scientifically erroneous. In responding to a comment on viable populations of wolves, the agency cited to the U.S. Fish & Wildlife Service’s 12-month finding on the Alexander Archipelago wolf as evidence for why the Prince of Wales *population* remains viable, stating “even with continued decline of wolves in GMU 2, viability of the *species* is anticipated to be maintained in Southeast Alaska.”<sup>58</sup> The Forest Service’s response conflates these two biological terms and mischaracterizes the USFWS’s finding. The USFWS determined that the Alexander Archipelago wolf subspecies does not warrant listing and that the Prince of Wales population is not a Distinct Population Segment for purposes of the Endangered Species Act. But these are highly technical terms and do not translate to the standards applicable at the Forest Plan level. The component of the 12-month finding that is relevant to the Forest Service instead is the concern the UFWS expressed that the Prince of Wales population “is likely being affected” by timber production and roads, and that “any effects will be restricted to the population level.”<sup>59</sup> It is this population level that is so critical according to the standards that apply to wolves in the amended Plan.

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<sup>54</sup> FEIS Appendix I, at I-25 (Response to PLR-1, no requirement to address §219.9 because “the responsible official has the discretion to determine whether and how to amend the plan”), I-26 (Response to PLR-2, “Whether the diversity requirements of the 2012 rule applies to this amendment is determined by what the responsible official proposes.”), I-42 (Response to CONS-1, “Completely changing the Conservation Strategy to a different approach would be outside the scope of this amendment.”), I-85 (Response to WOLF-5, “Human harvest of wolves is outside the scope of the amendment.”).

<sup>55</sup> State of Alaska comment letter (February 22, 2016), at 8 (appearing in FEIS Appendix I); U.S. Department of the Interior comment letter (February 17, 2016), at 4 (appearing in FEIS Appendix I).

<sup>56</sup> See e.g. FEIS Appendix I, at I-84 (Response to WOLF-3).

<sup>57</sup> FEIS Appendix I, at I-26 – I-30 (Response to Comment PLR-2).

<sup>58</sup> FEIS Appendix I, at I-84, emphasis added.

<sup>59</sup> USFWS 2015, at 445. See also U.S. Department of the Interior comment letter (February 17, 2016), at 4 (appearing in FEIS Appendix I).

In our comments, Audubon Alaska specifically detailed the connection between Prince of Wales wolves, and the issue of logging roads increasing access for both legal and illegal harvest.<sup>60</sup> Road densities in wolf habitat are an important facet behind the population decline. The agency briefly noted that the amended Plan's Young-Growth Direction could increase access to wolf populations.<sup>61</sup> Yet the agency brushed aside concerns by stating that "Wolf harvest bag limits are not within the scope of the Forest Plan amendment" and "Road density is evaluated as part of project planning."<sup>62</sup> Bag limits are but one component of a larger problem. The agency's roadbuilding is another important component, and it has a duty to analyze how that action affects the environment, including effects to wolf populations on Prince of Wales. The agency also declined to assess road densities at a scale meaningful to wolf populations,<sup>63</sup> leaving the public guessing as to how the Plan's slated roadbuilding will impact Prince of Wales wolves. The Forest Service must address the role that its logging activities and roadbuilding play in the current and future viability of the Prince of Wales wolf population, and properly explain its rationale to the public.

*The FEIS does not adequately respond to our comments on the Conservation Strategy and deer on Prince of Wales*

The agency is conclusory when responding to our concerns for the Conservation Strategy.<sup>64</sup> The agency reasons that the Strategy is not at risk because in 1997 the Plan predicted more old-growth harvest than has occurred.<sup>65</sup> This overly simplistic response does not take into account the importance of contiguous conservation areas, without roads, and the difference between old-growth and large-tree old-growth. Stating that less old-growth harvest has occurred than originally predicted does not explore whether the un-cut old-growth that remains is highly fragmented, roaded, or primarily includes small-tree old-growth that is undesirable by timber operators and old-growth-obligate-wildlife alike. The agency also claims the Conservation Strategy has not been compromised by pointing to the localized effect of entering beach fringe, riparian areas, and old-growth reserves.<sup>66</sup> However, it is at the population level that we have concerns about wildlife, particularly on Prince of Wales. Nor does the agency look into how land ownership and management have changed on the landscape, through legislation such as the Sealaska bill that transferred valuable large-tree old-growth habitat into corporate control. The agency simply does not look hard enough at how the amendment will affect Tongass wildlife.

Audubon Alaska further expressed detailed concern in its comments that the amended Plan's effects on the 1997 TLMP conservation strategy would in particular impact deer populations:

The current Forest Plan Amendment has significantly pushed back the original sideboards of the TLMP conservation strategy. This is most dramatically evident on Prince of Wales Island (POW), where 94 percent of the contiguous large-tree old-growth stands have been

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<sup>60</sup> Audubon DEIS comment, at 15-19.

<sup>61</sup> FEIS Appendix I, at I-104 (Response to (unmarked, but presumed) comment RD-1).

<sup>62</sup> FEIS Appendix I, at I-104 (Response to (unmarked, but presumed) comment RD-1).

<sup>63</sup> FEIS Appendix I, at I-104 (Response to comment RD-2).

<sup>64</sup> Audubon DEIS Comments at 9-13.

<sup>65</sup> FEIS Appendix I, at I-43 (Response to CONS-2). Furthermore, in its response, the agency does not distinguish between the amount of old-growth harvested and the amount of large-tree old-growth, which entails the characteristics important to wildlife.

<sup>66</sup> FEIS Appendix I, at I-43 (Response to CONS-2).

eliminated since 1954 (Albert and Schoen 2013). As a result, we can expect significant declines in Sitka black-tailed deer populations.<sup>67</sup>

Albert and Schoen (2013) arrived at the 94% reduction figure by using a 1 kilometer radius window to calculate the acreage of forests on Prince of Wales that are not only high-volume but also exhibit an adequate level of contiguity. Contiguity is an important factor to consider for wildlife conservation because, while highly fragmented large-tree old-growth landscapes may collectively represent a substantial acreage, this patchwork of habitat is not adequate to support wildlife like deer, wolves, and bears that require unbroken tracts of large-tree old-growth stands.

In its response to Audubon Alaska's comments, the agency demonstrates its misunderstanding of the 94% figure, erroneously comparing this figure to its own agency-derived numbers that only calculate the proportion of original POG remaining on Prince of Wales, without regard to the contiguity factor:

The 94 percent (Albert and Schoen 2013) large-tree reduction since 1954 pertains to high-volume stands which are defined differently by Albert and Schoen (2013) than large-tree for the Forest Service analysis.

Further, this reduction is true of the existing condition, not a result of this plan amendment. In addition, the numbers calculated for the Forest Plan amendment do not match those of Albert and Schoen (2013) for either large tree or high volume: page 3-204 of the DEIS shows original acres of high volume in the North Central Prince of Wales biogeographic province on all lands (NFS and non-NFS) to be 479,014 acres with 54 percent remaining and page 3-205 shows large-tree POG in that province to be 235,402 acres with 50 percent remaining while Albert and Schoen indicate 77,536 hectares (about 191,514 acres) of original high-volume with 6 percent remaining.<sup>68</sup>

In its comparison of apples to oranges, the agency has failed to respond to our concerns that 94% of contiguous habitat has already disappeared from Prince of Wales island, to the detriment of Sitka black-tailed deer, which has a subsequent effect on wolf populations.<sup>69</sup> We object to such failure as arbitrary and capricious under NEPA.

*The Plan is arbitrary with regard to scientific support for wildlife prescriptions*

Collectively, the Plan's responses to our science-based concerns reveal a disturbing shortage of well-designed scientific research studies on the Tongass. The agency indicates it will postpone its assessment of Prince of Wales wolf population status and instead promises to develop recommendations using the interagency Wolf Technical Committee that has yet to come out with findings and recommendations.<sup>70</sup> This kick-the-can approach to the situation of the wolf population on Prince of Wales echoes the issues Audubon raised with the Draft Tongass Plan Monitoring Program, wherein the agency postponed selecting the focal species that would provide the standard against which the Plan's assumptions and goals would be compared.<sup>71</sup> The agency has also failed to

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<sup>67</sup> Audubon DEIS comments, at 12; *see also* FEIS Appendix I, at I-43 (CONS-2) (emphasis added).

<sup>68</sup> FEIS Appendix I, at I-43 (CONS-2).

<sup>69</sup> Audubon DEIS comments, at 12.

<sup>70</sup> FEIS Appendix I at I-84.

<sup>71</sup> *See* Audubon Alaska comments on the Tongass Plan Monitoring Program (February 22, 2016), attached below.

update its wildlife viability assessments for this Plan and instead intends to rely on the analysis it conducted in 1997.<sup>72</sup> As we noted in earlier sections to this objection letter, the agency further makes the scientifically-unsupported assumptions that less old-growth harvested than originally predicted proves that wildlife populations are under minimal risk,<sup>73</sup> and that 10-acre clearcuts will function as wildlife restoration prescriptions.<sup>74</sup> The lack of scientific information, as well as the agency's unwillingness to admit such knowledge gaps exist, are concerning, and should be addressed during the transition, when the public has an opportunity to comment. The fact that the agency is postponing decisions, such as Prince of Wales wolf conservation, until a future point when the public will no longer be involved, is extremely troubling and flies in the face of the public oversight mechanisms in NEPA.

### **Conclusion**

It is time for the Tongass to undergo an end to old-growth clearcut logging. Although the spirit of the amended Plan and the 2013 memo call for such an end, the letter of the amended Plan does not fulfill that vision. In its attempt to transition to a second-growth industry, the Plan unwisely continues to drain the Tongass of its best remaining old-growth and habitat-rich second-growth resource value, to no apparent lasting benefit to the region. The Plan makes changes to wildlife conservation without facing the impact of these effects and what they mean for already compromised wildlife populations.

Thank you for the opportunity to participate in this objection period. We look forward to seeing our suggestions incorporated in the final Record on Decision, and to the ultimate end to old-growth clearcut logging in the Tongass National Forest.

Sincerely,



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<sup>72</sup> FEIS Appendix I at I-75.

<sup>73</sup> FEIS Appendix I at I-29. See our discussion on this topic in this document, at 12.

<sup>74</sup> See discussion on this topic earlier in this document, at 6-8.

## Attachments

Ecological Atlas of Southeast Alaska (Melanie A. Smith ed., 2016).

Mike Dombeck and Jack Ward Thomas, Declare harvest of old-growth forests off-limits and move on, *Seattle Post-Intelligencer* (Aug. 23, 2003).

Alaska Department of Labor and Workforce Development, Research and Analysis Section, *Nonresidents working in Alaska: 2014* (Published January 2016), available at <http://live.laborstats.alaska.gov/reshire/nonres.pdf>

Southeast Conference, Southeast Alaska by the Numbers 2014, Southeast Conference, Juneau, AK (2014).

Tom Bedell (Bedell Guitars), Musicians for Forests, available at <http://clearcutfreemusic.com/2015/09/02/importance-of-old-growth/> (accessed 26 August 2016).

Audubon Alaska comments on the Tongass Plan Monitoring Program (February 22, 2016).