United States Department of Agriculture **Forest Service** **Alaska Region** **P.O. Box 21628 Juneau, AK 99802-1628**

File Code: 1570
Date: August 20, 2007

Mr. Larry Edwards
Greenpeace
P.O. Box 6864
Sitka, AK 99835

Dear Mr. Edwards:

Pursuant to 36 CFR 215.17, I have reviewed the administrative appeal record for the Traitors Cove Timber Sale Final Environmental Impact Statement (EIS) and Record of Decision (ROD). The Tongass Forest Supervisor signed the ROD. I have also considered the Appeal Reviewing Officer's (ARO) recommendation (enclosed) regarding the disposition of your appeal (Appeal No. 07-10-00-0006). The ARO recommended that the Forest Supervisor's decision be affirmed.

DECISION

I concur with the ARO's recommendation and affirm the Forest Supervisor's decision. Your requested relief is denied.

My decision incorporates, by reference, the entire administrative record, which includes the appeal and project planning records, and constitutes the final administrative decision of the Department of Agriculture [36 CFR 215.18(c)]. The ROD may be implemented 15 days following the date of this decision [36 CFR 215.10(b)].

Sincerely,

/s/ Dennis E. Bschor
DENNIS E. BSCHOR
Appeal Deciding Officer

Enclosure

cc: Tongass Forest Supervisor
Ketchikan-Misty Fiords District Ranger
Tongass Appeal Coordinator

United States Department of Agriculture | Forest Service | Alaska Region | P.O. Box 21628 Juneau, AK 99802-1628

File Code: 1570 **Date:** August 20, 2007
Route To:

Subject: Traitors Cove Timber Sale Project Record of Decision and Final Environmental Impact Statement; Appeal #07-10-00-0006

To: Appeal Deciding Officer

This is my recommendation, as Appeal Reviewing Officer, on the action you should take, as Appeal Deciding Officer, on the pending appeal of the Traitors Cove Timber Sale decision. The appeal, #07-10-00-0006, was filed by Greenpeace, Cascadia Wildlands Project, and the Juneau Group of the Sierra Club under appeal regulations at 36 CFR 215.

The decision being appealed is the decision by the Tongass Forest Supervisor, Forrest Cole, to authorize the sale of timber and the construction of roads in the Traitors Cove project area on Revillagigedo Island about 20 miles north of Ketchikan, Alaska. The project area consists of three distinct areas, Francis Cove, SW Neets, and Rockfish. Each area has a separate road system and marine access facility. There are three old growth reserves (OGR) in the area located in value comparison units (VCUs) 7380, 7390, and 7400. The selected alternative, Alternative 2 with modifications, would allow harvest of approximately 905 acres (providing approximately 17.1 million board feet (MMBF) of sawlog and utility volume) and the construction of 7.14 miles of National Forest System road and 1.21 miles of temporary road. The decision also includes a non-significant Forest Plan amendment to adjust the small old growth reserve (OGR) in VCU 7400 through the Forest Supervisor's selection of the interagency biologically preferred option.

Background

A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Traitors Cove project was published in the Federal Register on April 1, 2005. The Draft EIS (DEIS) was released for public comment in June 2006. The Forest Supervisor signed the Record of Decision (ROD) on April 3, 2007, and the Notice of Availability of the Final EIS (FEIS) was published in the Federal Register on May 25, 2007. The legal notice of decision was published in the Juneau Empire on May 25, 2007.

My review of this appeal was conducted pursuant to 36 CFR 215.19. The appeal and project planning record have been carefully reviewed in my consideration of the objections raised by the appellants and their requested relief. My recommendation hereby incorporates by reference the entire administrative record for the project.

Discussion

The appellants have challenged how the deer model is applied in several recent timber sale project analyses, notably Couverden, Emerald Bay, Scott Peak, Overlook, and now Traitors Cove. In the Traitors Cove appeal, the appellants present the issues in the context of whether the analysis documented in the FEIS and project record meets the "hard look" requirements of NEPA by adequately disclosing or discussing the scientific controversy related to the model, and whether the analysis considered the "best available science" as required by NFMA. The issues they continue to raise are:

- Whether the deer multiplier of 100 deer/mi.^{2}, should be pegged to a deer Habitat Suitability Index (HSI) of 1.0 or 1.3;
- Whether it is proper to use the Vol-Strata dataset in the deer model to support the claim that an analysis area provides sufficient deer habitat capability to meet the Forest Plan wolf standard;
- Whether the Forest Service has adequately disclosed all the shortcomings of the deer model in project analyses;
- Whether the analyses relied on linear measurement indicators for assessing effects on deer, even though the relationship of deer numbers to habitat loss is non-linear; and
- Whether the problems with the deer model result in an inaccurate assessment of effects on subsistence.

These issues and the utility of the deer model have been discussed at length with the appellant in the appeal reviewing officer recommendations for the appeals of the Couverden, Emerald Bay, Scott Peak, and Overlook projects, and I will not reiterate those discussions here. The utility of the deer model has also been discussed in several documents included in the Traitors Cove planning record and in the exhibits attached to the appellants appeal [Decision Documents #858, Wildlife Resources Report, p. 45; #1311, Appellant Exhibit L, Interagency deer panel discussion of 1995; #1309, ADF&G letter responding to the Tongass Conservation Strategy Review; Appellant Exhibit C, Tongass Conservation Strategy Review proceedings; and Appellant Exhibit Q, pending work on deer model improvements].

As stated in previous appeal reviews, in challenging the components and application of the deer model, the appellants are arguing a Forest Plan-level issue. The 1997 TLMP Revision FEIS clearly describes the evolution of the deer model from its original format (Suring 1993) to the Interagency Modified Panel Model used in the analysis for the Forest Plan. The chronology of the deer model development is documented in the TLMP record in a memo to the planning record as follows in part:

> Fall 1995 – A panel of deer experts reviewed the Suring et. al. (1993) model. The panel generally agreed with the Suring et. al. (1993) model. The panel suggested a simpler (fewer variables) format, new volume classes, and other minor updates (DeGayner, 1996a). These suggestions were incorporated into the model used in the Revised Supplement to the Draft EIS (RSDEIS). The model is called the TLMP Panel Model.

> Spring 1996 – An interagency workshop reviewed the model in the RSDEIS and suggested some additional changes (DeGayner 1996b). Their suggestions included increasing the influence of wolves, decreasing the value of 2nd growth, and slightly modifying other habitat coefficients. Also, the multiplier used to estimate carrying capacity (K) was increased to make model outputs consistent with hunter deer harvest and pellet data sets. The above suggestions were incorporated into the TLMP Panel. This model is called the Interagency Modified Panel Model (IMPM).

[End of Rotation Deer Model Assumptions for TLMP FEIS, January 29, 1997; TLMP Planning Record].

This chronology of the deer model modifications is also documented in the 1997 TLMP Revision FEIS on pages 3-365 through 3-368. In particular, the FEIS states on page 3-367:

> Habitat suitability scores (HSI) (0 to 1.3) were transformed into "numbers" of deer (for planning purposes only) by multiplying the habitat scores by a maximum long-term habitat carrying capacity. The interagency deer habitat modeling workshop (DeGayner 1996) estimated this to be 125 deer per square mile for an HSI score of 1.0. The maximum carrying capacity was estimated by reviewing ADF&G deer density data (ADF&G unpublished data) and nutritionally-based estimates ranging from 70-185 deer per square mile (Kirchoff, ADF&G memo 11/27/96). In areas that support both black bears and wolves, the maximum carrying capacity was reduced by 36 percent. This value was estimated by reviewing deer pellet densities (ADF&G unpublished data) in areas with and without predators (DeGayner, 1996). The estimates of deer habitat capability produced by this model are consistent with ADF&G hunter harvest data and winter deer densities reported elsewhere in North America.

DeGayner 1996b summarized the suggestion to improve the original Panel Model concerning the maximum carrying capacity by stating, "[t]he carrying capacity for HSI = 1.0 was increased from 75 deer/sq. mi in the Panel model to 125 deer/sq. mi in the Modified Panel model. Habitat capabilities produced with the new estimate appeared to be more consistent with the 8-year harvest data (attached), especially around Sitka and Juneau."

Subsequent to DeGayner 1996b, Person and Bowyer submitted a report to the U.S. Fish and Wildlife Service, titled Population Viability Analysis of Wolves on Prince of Wales and Kosciusko Islands, Alaska (Person 1997). Appendix 1 to that report, titled a "Comparison on Pellet-Group Surveys and USFS Deer Habitat Capability," states in part:

> The current HIS model assumes a density of 125 deer per mile² for an HSI of 1. Based on our analysis, we suggest that 100 deer per mile² is a more appropriate value. This estimate should be considered as a maximum value because pellet-groups represent the cumulative activity of deer over time and density estimates derived from them will likely overestimate the number of deer.

In response to Person 1997, the multiplier was again adjusted so that an HSI score of 1.0 equated to a carrying capacity of 100 deer/mi^2. This was direction recommended in the Tongass National Forest Annual Monitoring Report for Fiscal Year 2000 [p. 2-155] and provided in the May 2005

letter from the Tongass Forest Supervisor which provides project-level direction for the use of the deer model [Decision Document #266]. However, 100 deer per mile^2 was not stated as a maximum value in the direction. I note that pellet-group data, which is the basis given for the estimate being a maximum value in Person 1997, is not the basis, or not the sole basis, given for the values in DeGayner 1996b. Deer harvest data is used as the basis in DeGayner 1996b.

In my opinion, the modifications to the deer model and the rationale for those modifications are adequately documented in the TLMP record. Based on my review of the Traitors Cove record, I find that the FEIS uses the most recently approved deer habitat capability model developed for the Forest Plan to evaluate the quality of deer winter habitat in the project area [FEIS, pp. 3-214 through 3-220].

Recommendation

In my opinion, the analysis in the Traitors Cove FEIS and project record is sufficient to support the Forest Supervisor's decision with respect to the issues raised in this appeal. Based on my review of the FEIS, the ROD, and the project record, and my review of the issues surrounding the deer model, I believe the FEIS and ROD meet all applicable requirements of law, regulation, and policy. Therefore, I recommend that you affirm the Forest Supervisor's decision.

/s/ Paul K. Brewster
PAUL K. BREWSTER
Appeal Reviewing Officer

cc: Winnie Blesh
Margaret E VanGilder