



*File Code: 1570-1 (EMC)*

*Date: April 13, 1999*

*Mr. Wayne Weihing  
Tongass Conservation Society  
P. O. Box 3377  
Ketchikan, Alaska 99901*

*RE: Appeal of the Record of Decision for the Tongass National Forest Land and Resource Management Plan (#97-13-00-0118)*

*Dear Mr. Weihing:*

*Pursuant to 36 CFR 217, this letter is our decision on your appeal of Regional Forester Phil Janik's May 23, 1997, Record of Decision (1997 ROD) which approved a revised Land and Resource Management Plan (1997 Forest Plan) for the Tongass National Forest in Alaska.*

*Your Notice of Appeal (NOA) was received on October 3, 1997. Your appeal on behalf of Tongass conservation Society was timely as it was postmarked September 25, 1997. The Regional Forester transmitted the relevant decision documentation and pertinent appeal records (AR) to this office on November 10, 1997. Many interested parties requested and were granted intervenor status (see enclosed list of parties). Intervenors whose comments were received are also listed on the enclosed list of parties.*

#### *Secretary Review and Evaluation*

*The 1997 Forest Plan is based on Alternative 11 in the Tongass Land and Resource Management Plan Revision Final Environmental Impact Statement (FEIS), with modifications as documented in the 1997 ROD. The decision to approve the 1997 Forest Plan was subject to appeal in accordance with Forest Service appeal regulations at 36 CFR 217. Thirty-three notices of appeal were filed on the May 23, 1997, decision. In addition, two lawsuits have been filed that involve the appeals of the 1997 ROD. Also, the 1997 Forest Plan is implicated in at least one other lawsuit unrelated to appeals.*

*As the Under Secretary for Natural Resources and Environment at USDA, I have elected to exercise discretionary review of the administrative appeals relating to the Regional Forester's approval of the 1997 Forest Plan. This is not a step I take lightly. It is my belief that the continuing controversy and exceptional circumstances surrounding the Tongass Land and Resource Management Plan warrant my direct and immediate participation in order to bring this controversy to closure as quickly as possible so that the Forest Service can move forward with the Modified 1997 Forest Plan implementation. The residents of Southeast Alaska, their communities and elected officials, as well as business and organizations from the region, have long sought certainty in the management of the Tongass National Forest. A key to this*

*certainty is ensuring the sustainability of the goods and services produced by the Tongass National Forest, and all the resources on which they depend. The enclosed 1999 ROD seeks to provide that certainty built upon a foundation of sustainable natural resource stewardship. Therefore, I have reviewed these appeals and related records. My decisions in the appeals reflect modifications contained in the enclosed 1999 ROD.*

*The 1999 ROD documents my decision and rationale to modify the 1997 Forest Plan. I am modifying some aspects of the 1997 Forest Plan, not because I find that it fails to meet mandatory requirements, but because I have concluded that, for multiple use reasons and to reduce the level of environmental risk, the Secretary's responsibilities and authorities should be exercised differently to improve the Forest Plan. The enclosed 1999 ROD changes development land use designations (LUD's) to mostly natural LUD's in 18 Areas of Special Interest totalling approximately 234,000 acres. The 1999 ROD also strengthens a standard and guideline (S&G) and adds another to address certain wildlife species, to improve subsistence opportunities and to reduce risk to old-growth ecosystem viability. Adjustments I made to management direction, together with unchanged portions of the 1997 Forest Plan, will hereinafter be referred to as the Modified 1997 Forest Plan. The Modified 1997 Forest Plan is the document titled "Land and Resource Management Plan - Tongass National Forest", dated 1997, and is based on Alternative 11 in the "Tongass Land Management Plan Revision Final Environmental Impact Statement" with modifications as noted in the enclosed 1999 ROD.*

#### *Regulatory Authorities*

*The regulations governing forest plan appeals are not based on statutes that require an appeal system, but instead are one way the Department meets its responsibilities under the Organic Act (16 U.S.C. 472, 551), the Multiple Use-Sustained Yield Act (16 U.S.C. 528-531) (MUSYA), and the National Forest Management Act (16 U.S.C. 1600, et seq.) (NFMA). As Under Secretary I am charged to provide leadership in resource management and assure the protection, management, and administration of the National Forests (7 U.S.C. 2.20). I also am charged under 7 U.S.C. 2.20(a)(2)(viii) to "exercise the administrative appeal functions of the Secretary of Agriculture in review of decisions of the Chief of the Forest Service pursuant to 36 CFR 215 and 217, and 36 CFR 251 Subpart C."*

*The regulations governing forest plan appeals (36 CFR 217.17) provide for discretionary review by the Under Secretary. Discretionary review is based on the appeal record presented to the Chief (36 CFR 217.17(e)). The appeal regulations grant broad latitude in deciding when to invoke discretionary review (36 CFR 217.17(a)). The 1997 Forest Plan falls within the scope of the identified factors that include, but are not limited to, the "controversy surrounding the decision, the potential for litigation, whether the decision is precedential in nature, or whether the decision modifies existing or establishes new policy." In fact, probably not since the Secretaries of Agriculture and the Interior jointly signed the 1994 "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl" has there been as compelling a need for final resolution of such a long-standing land management controversy. An expedited discretionary review harms no appellant's interests as the Chief's decision would be subject to discretionary review in any event, and the review is based on the same record. In sum, expediting the discretionary review portion of the appeal process, although unconventional, is in the best interest of the residents of Southeast Alaska and the public at large, and within the spirit and letter of the appeal regulations.*

*On February 12, 1999, Chief Dombeck issued an 18-month interim rule temporarily suspending decisionmaking regarding road construction and reconstruction in many unroaded areas of the National Forest System. The interim moratorium is needed to safeguard the significant ecological values of unroaded areas from the potentially adverse effects often associated with road construction until a new, permanent road policy is in place. The long-term policy will guide decisions of where, when, and if new roads should be constructed in unroaded portions of the National Forest System. As explained in the interim rule preamble, the Tongass National Forest was exempt from the moratorium as a newly revised plan that had the benefit of considerable science and public involvement. The preamble also noted that the 1997 Revised Plan was still undergoing evaluation as part of the administrative appeal process under 36 CFR 217. The interim rule allows for any issues related to the construction of roads in unroaded areas to be addressed in the appeal decision. As such, the transportation system analysis in general, and as it relates to unroaded areas specifically, is discussed below where appropriate.*

*I find that the Regional Forester complied with applicable Federal law and agency policy in his approval of the 1997 ROD for the 1997 Forest Plan. However, as previously discussed, I feel modifications are needed to reduce the level of risk and uncertainty for ensuring environmental protection regarding three key issues which I found could be improved upon from the 1997 Forest Plan: (1) subsistence use and associated deer winter range/deer habitat capability; (2) assurance of adequate amounts and distribution of old-growth forest for species viability; and (3) protection of Areas of Special Interest.*

*My decision on the appeals reflects those modifications contained in the enclosed 1999 ROD and is the final administrative action by the Department of Agriculture.*

#### *The Modified 1997 Forest Plan*

*The Modified 1997 Forest Plan is a programmatic framework for management of an administrative unit of the National Forest System.<sup>1</sup> The enclosed 1999 ROD explains what the Modified 1997 Forest Plan does. "This Plan provides the broad, programmatic direction necessary to manage the resources and uses of the Tongass National Forest in a coordinated and integrated manner" (Modified 1997 Forest Plan). It "will guide the management of the Tongass National Forest for the next 10 to 15 years" (1999 ROD). The components of Forest Plan direction, "along with the Land Use Designation map, establish a management framework that governs the location, design, and scheduling of all Forest management activities. Within the management framework, project-level planning is undertaken to achieve Forest Plan implementation" (Modified 1997 Forest Plan). The Modified 1997 Forest Plan sets forth goals and objectives for management and establishes programmatic standards to follow in pursuit of those goals. "Goals are achieved through the allocation of lands to the set of LUD's, through implementation of the Standards and Guidelines specified for the LUD's, and through other activities conducted on the Forest" (Modified 1997 Forest Plan). Pursuant to NFMA, the Modified 1997 Forest Plan identifies land that is suitable for timber production*

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<sup>1</sup>*The Modified 1997 Forest Plan and FEIS were prepared under the authority of the Multiple Use-Sustained Yield Act (MUSYA) (16 U.S.C. 528-531); the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the NFMA (16 U.S.C. 1601-1614); the implementing regulations of NFMA (36 CFR 219); and the NEPA (42 U.S.C. 4321-4335 and its implementing regulations (40 CFR 1500-1508).*

*and determines the allowable sale quantity (ASQ), and other resource outputs, all of which are estimates.*

*Implementation of the Modified 1997 Forest Plan will take place through project-level decisions which must be within the bounds of the programmatic framework. As stated in the Modified 1997 Forest Plan, implementation is "accomplished through the recurrent identification of proposed actions . . . consistent with activities anticipated in the Plan; the analysis and evaluation of such actions . . . ; related documentation and decisionmaking; and project execution and administration, in a manner that is consistent with the management direction of the Plan" (Modified 1997 Forest Plan). Thus, the Modified 1997 Forest Plan standards operate as parameters within which projects must take place. Approval of any project must be consistent with the management standards. If a project cannot be conducted within these parameters, these safeguard mechanisms in the Modified 1997 Forest Plan will prevent such development from going forward (see Swan View Coalition v. Turner, 824 F.Supp 923, 933 (D. Mont. 1992)).*

*The 1999 ROD (Section VIII, Appeal Rights) notes that decisions on site-specific projects are not made in the ROD and that such decisions will not be made until completion of environmental analysis and documentation for the specific project, in compliance with the National Environmental Policy Act (NEPA). Thus, approval of the Modified 1997 Forest Plan does not mandate any project decisions. Each project or activity must be consistent with the programmatic environmental protection direction in the Modified 1997 Forest Plan (16 U.S.C. 1604 (i)).*

*Finally, the Modified 1997 Forest Plan establishes monitoring requirements to help determine how well the standards and management direction are working and whether the goals remain appropriate throughout the plan period. As stated in the Modified 1997 Forest Plan, ". . . monitoring and evaluation comprise an essential feedback mechanism within an adaptive management framework to keep the Plan dynamic and responsive to changing conditions."*

*In summary, the Modified 1997 Forest Plan establishes a framework for decisionmaking on the Tongass National Forest using programmatic direction as a gateway for compliance with environmental laws at the project level.*

### *Response to Concerns*

*My response to your concerns provides a focused response to contentions involving complex resource management issues. Although every contention made by you may not be cited in this decision, all of your concerns have been considered. My review of the concerns has focused upon the Regional Forester's compliance with law, regulation, and policy.*

*Your appeal contains various concerns related to timber supply needs of small sawmill operations, additional road building (in particular the Swan Lake-Tyee Intertie), brown bear mortality, and retention of the Cleveland Peninsula in its current unroaded, unlogged condition. As relief you request that the 1997 Forest Plan be amended.*

*You contend that the "Forest Service is offering large quantities of timber [that] is not suited for small sawmill operators. TLMP failed to consider the fact that the small value added sawmill operators cannot or want to bid (sic) on the large timber sales that the USFS is currently offering. The large sale offerings are not addressing the supply needs of the small scale value added business" (NOA, p. 1).*

## Discussion

*The purpose of the 1997 Forest Plan is to direct resource management activities on the Tongass National Forest. The 1997 Forest Plan provides programmatic direction in the form of multiple-use goals and objectives, land allocations, and management direction to make site-specific project decisions in an environmentally and economically efficient manner (FEIS Appendix L, pp. L-129 through L-130). A primary goal of the 1997 Forest Plan is to provide for the sustainability of the resources of the Tongass National Forest, while directing the coordination of multiple uses, such as outdoor recreation, timber, wildlife, fish, watershed, and wilderness. Components of the decision made include:*

*"(A) the goals and objectives which establish the desired conditions for implementing the Plan (Chapter 2); (B) management prescriptions which include specific goals and objectives and standards and guidelines for 19 different Land Use Designations (Chapters 3 and 4); (C) identification of the amount of land suitable for timber production; (D) establishment of an allowable sale quantity (ASQ) for the amount of timber that can be sold in the first decade; (E) a monitoring plan that ensures quality control of and learning from Plan implementation (Chapter 6); and (F) recommendations for, and approvals of, special management areas, such as Research Natural Areas and Wild and Scenic Rivers" (1997 ROD, p. 1-2).*

*The amount of timber that could be sold under a 1997 Forest Plan alternative is commonly called the ASQ. The ASQ is the maximum amount of timber that may be sold from the area of suitable land covered by the 1997 Forest Plan within a given decade (36 CFR 219.3). In terms of timber supply, the 1997 Forest Plan sets an overall ceiling (ASQ) on the amount of timber that could be sold but does not make site specific timber sale decisions. The decision on what type and size of timber sale offered is a site-specific project level decision. Therefore, your concern is beyond the scope of the 1997 Forest Plan (FEIS Appendix L, p. L-130; FEIS, p. 2-19).*

*Even though your concern is outside the scope of this 1997 Forest Plan, the 1997 Forest Plan does discuss several strategies that concern small businesses. To facilitate the development of competitive enterprises and markets for timber resources, the Forest Service and Small Business Administration, in 1995, agreed to an annual set aside goal of approximately 100 million board feet (MMBF) for the Tongass National Forest (Record R-G-12-e, TLMP Doc #1107 and FEIS Appendix L, p. L-129). Section 105 of the TTRA, Small Business Set-Aside Programs, states that the Secretary shall, in consultation with the Small Business Administration (SBA) and to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources: "seek to provide a supply of timber from the Tongass National Forest to those purchasers qualifying as 'small business concerns' under the Small Business Act as amended (15 U.S.C. 631 et seq.)."*

*In addition, the 1990 Farm Bill (Subtitle G of Chapter 2), known as National Forest-Dependent Rural Communities Diversification, allows rural communities to request assistance from the Forest Service to form action teams to develop and implement economic revitalization action plans. Also, the State and Private Forestry Branch of the Forest Service offers assistance under various programs. Public Law 95-313 Cooperative Assistance Programs includes a Marketing and Utilization Program which provides technical assistance*

*to harvesters and processors to improve the efficiency of operations and extend the wood supply (FEIS Appendix L, p. L-139). The previous discussion shows that the 1997 Forest Plan will allow a reasonable opportunity for a range of timber sale sizes, including more small sales.*

*The needs of small scale value added industries were considered as demonstrated in the FEIS analysis of "Rural Development and Value Added Industries" (FEIS, p. 3-307). The FEIS lists a number of possibilities and potentials for additional industries (so called "value added" industries) to create jobs and compensate for any job loss caused by limitations on timber supply. These include:*

- 1. Special forest products such as musical instruments, greenery, mushrooms & berries, and totem pole carving.*
- 2. Value-added products such as air dried finished lumber to be shipped to Puget Sound for kiln drying for use in finger-jointed wood products, wood pellets for stoves, log homes, pre-fab cedar gazebos, door moulding, and cedar shakes.*
- 3. Harvest of sphagnum moss from the muskegs.*
- 4. Electrical generation using modified diesel-fired systems or new wood-gasification systems, including pellet plants, and wood chip cogeneration systems. These systems would use logging slash, wood chips and sawmill waste (FEIS, p. 3-307).*

*The Forest-wide standards and guidelines address Rural Community Assistance as well as the need to provide for small businesses (1997 Forest Plan, pp. 4-74 and 4-99). These emphasize local needs and opportunities for rural community assistance in forest programs and budgets.*

*The Tongass National Forest's commitment to promoting timber related opportunities to small operators is also evident in the goals established for timber LUD's. As the Regional Forester explained, "[e]ach of the 'timber harvest' Land Use Designations (Scenic Viewshed, Modified Landscape, and Timber Production) includes the goal of supplying timber to small businesses, and small business opportunities were considered in projecting timber demand and setting the ASQ" (1997 ROD, p. 19).*

### *Decision*

*After reviewing the record, I find that small business operations were adequately considered and addressed with regard to law, regulation and policy. I affirm the Regional Forester's decision. Nothing in the enclosed 1999 ROD affects the 1997 ROD on this issue.*

### *Road Building*

*You contend that, "logging roads being laid out for purposes other than timber cut i.e., Swan Lake intertie will be the access for the off-island road. The public does not have access to the master plan for road building and the USFS has not released the plan under NEPA" (NOA, p. 1).*

## Discussion

*The FEIS does state that there is a major utility system proposed in the area of your concern. At this time, the Swan Lake-Tyee Power Intertie is one of three of the most likely corridors to be developed (FEIS, p. 3-170). However, should any major road or power transmission corridor project be undertaken, appropriate site-specific environmental analysis would occur.*

*Although there are no site-specific decisions on road locations in the plan, numerous sections of the plan discuss roads. The transportation section of Chapter 3 of the FEIS discusses the overall current and proposed road system on the Tongass. Impacts of roads are discussed in the transportation section, as well as in the fish, soils and water, recreation and tourism, scenery, and wildlife sections. Chapter four of the 1997 ROD provides standards and guidelines on transportation improvement planning. Again, decisions to build specific road segments occur at the project level, and, as such, must be considered at the project level of NEPA analysis and documentation (FEIS Appendix L, p. L-159).*

*Existing roads are displayed in the map packet in the FEIS. Potential new road miles are estimated in the Transportation section of the FEIS. Their location roughly correlates to the areas in development LUD's for each alternative (e.g., Timber Production, Modified Landscape, Scenic Viewshed, and Recreational River). Additional roads could be anticipated along the corridors allocated to the Transportation and Utility Systems LUD, including the Swan Lake-Tyee Power Intertie. These are road systems identified by the State of Alaska as priority potential routes. The overall effects of the road system on other resources are discussed in the transportation, recreation and tourism, fish, wildlife, roadless, soil and water, and scenery sections of the EIS. "It is true that no new road construction maps have been disclosed showing 'probable' locations because that would be inappropriate at the programmatic plan level of the planning process. Specific locations of potential future roads is left to the project level for site-specific analysis when projects are identified and proposed" (FEIS Appendix L, p. L-159).*

*The FEIS discusses overall road management by LUD. Road construction for timber management will normally only occur in LUD's which allow timber harvest. Several other LUD's allow roads through them to access adjacent areas, but such uses will be infrequent. Based on the 1997 Forest Plan, most of the road construction will occur in the approximately 3.7 million acres covered by the Timber Production, Modified Landscape, and Scenic Viewshed LUD's.*

*For certain areas identified by the State of Alaska as appropriate for development of major transportation or utility systems (i.e., the Swan Lake-Tyee Intertie), a Transportation Utility System LUD has been developed (Record, RS-G-19-b, TLMP Doc #1556; 1997 ROD, p. 6; 1997 Forest Plan, p. 3-155). Standards and guidelines throughout the 1997 Forest Plan address the need for road management planning (e.g., the Transportation and Wildlife Forest-wide Standards & Guidelines, and the Old-growth Habitat LUD; 1997 Forest Plan Appendix L, p. L-5).*

*Finally, the 1997 ROD (p. 42) specifically addresses the Swan Lake-Tyee Intertie project. The Regional Forester stated that "[t]he Swan Lake-Tyee Intertie project will need to be consistent with all the applicable management direction of the revised plan, except for new standards and guidelines for Wildlife listed in the category 2 timber sale projects in the [1997] ROD." As demonstrated by his decision to add new Wildlife standards and guidelines, the Regional Forester intended to "avoid some possible long-term cumulative effects without disrupting*

*projects currently being planned." He also directed the Forest Supervisor to "incorporate the new measures to the extent feasible in planning this project, but only in a manner that will avoid causing major disruptions in its design and implementation."*

#### *Decision*

*After reviewing the record, I find that the issue of roads was adequately discussed and analyzed at the appropriate programmatic level consistent with the NEPA and other applicable laws, regulations, and policy. I affirm the Regional Forester's decision. Nothing in the enclosed 1999 ROD affects the 1997 ROD on this issue.*

#### *Brown Bears*

*You contend that "the 'plan' for dealing with brown bear mortality referenced in the [1997] ROD is totally flawed, i.e., if we don't break it we don't have to fix it. The damage that will occur by roading and logging will be irreversible" (NOA, p. 2).*

#### *Discussion*

*You have raised concerns about road access as a potential contributing factor to brown bear mortality. The FEIS recognized that brown bear mortality is a potential effect of the 1997 Forest Plan implementation regardless of alternative due to continued increase in human use and associated increases in bear mortality (FEIS, pp. 3-354; 4-416). Alternative 11 of the 1997 Forest Plan ranked highest in landscape design features that reduced risk to brown bear viability. The extensive reserve system at multiple scales and significant riparian protection that Alternative 11 proposes reduces risk relative to other alternatives (FEIS, p. 3-419).*

*The analysis of effects to brown bears was done in part by use of expert panel evaluations in both 1995 and again in 1997 (Record, RS-G-10-b, TLMP #855 and #1604; FEIS, p. 3-362; FEIS Appendix N, p. N-1). Alternative 11 of the 1997 Forest Plan was not available to the first set of panelists in 1995 as it was developed after the panels had met. A second panel was assembled in 1997, specifically to address additional alternatives (i.e., Alternative 11 of the 1997 Forest Plan) that were not addressed in the 1995 panel. Alternative 11 of the 1997 Forest Plan is discussed in the FEIS in relation to the first panel results as appropriate (FEIS, p. 3-363) and additional analysis by the 1997 panel is found in Appendix N. Under Alternative 11 of the 1997 Forest Plan, at the large landscape level, the additional reserves added on Northeast Chichagof should compensate for an otherwise high risk landscape identified by the 1995 panelists (FEIS, p. 3-419). Forest-wide standards and guidelines applied to all alternatives directs the development of a management program in cooperation with the Alaska Department of Fish & Game (ADF&G) to address brown bear mortality. Management tools will include both access (road) management as well as harvest regulations. Thus, in combination with a brown bear mortality management plan, the reserve strategy in Alternative 11, particularly since they are applied to NE Chichagof, may reduce local short term risks to brown bears and represents lower risks than other approaches of extended rotations (Alternative 4) or alternatives lacking either reserves or extended rotations (Alternatives 2, 7 or 9; FEIS, p. 3-419).*

*Overall, the results of the 1995 and 1997 panel evaluations were consistent. Of those alternatives reviewed in both 1995 and 1997, Alternatives 1, 5, 2, and 9 were ranked in order*

*from least to highest risk to brown bear habitat in both assessments. The 1997 panel results suggest that Alternatives 5 and 11 would produce similar outcomes for brown bears (FEIS Appendix N, p. N-8). More detailed analysis, based on old growth reserve strategies of each alternative, indicates that Alternative 11 of the 1997 Forest Plan is more effective than Alternative 5 in reducing risk to bears (FEIS, p. 3-419). Alternative 11 of the 1997 Forest Plan has a much greater old growth reserve system than Alternative 5, including additional large reserves on Northeast Chichagof Island in a landscape that was identified as high risk by the 1995 panels. In addition, Alternative 11 of the 1997 Forest Plan provides more substantial riparian protection than Alternative 5, and this feature was identified as important for bears (FEIS Appendix N, p. N-8).*

*Because brown bears are associated with old-growth forest, they can be potentially over hunted if roaded access is improved. However, roads "can be designed (or closed) at the project level to avoid key habitats" (FEIS, p. 3-365). Transportation Forest-wide standards and guidelines (1997 Forest Plan, pp. 4-104 through 4-110) and Bear Habitat Management Forest-wide standards and guidelines (1997 Forest Plan, pp. 4-113 through 4-114) describe management planning tools which may minimize the effects of roads on wildlife habitat. In general, the bear habitat management Forest-wide standards and guidelines provide for "site specific analysis to assess and minimize disturbance and access to meet management objectives" (FEIS, p. 3-365).*

*The road issue is discussed in the bear habitat management Forest-wide standards and guidelines. The standard and guidelines call for managing "road use where concentrations of brown bear occur to minimize human/bear interactions and to help ensure the long-term productivity of brown bears" (1997 Forest Plan, p. 4-114). To meet this direction, road management objectives will be developed and implemented "through an interdisciplinary process" (1997 Forest Plan, p. 4-114). With regard to Forest Service approved projects, the standards and guidelines call for "minimizing adverse impacts to the habitat and seeking to reduce bear-human conflicts" and using "specific plans that have seasonal restrictions on activities and other measures determined on a case-by-case basis" (1997 Forest Plan, p. 4-113).*

*The 1995 expert panel also "considered current population trends and concluded that there is no evidence of short- or long-term brown bear population declines anywhere in Southeast Alaska. Current mortality rates are estimated at four percent from all sources" (FEIS, p. 3-416). The FEIS also states that, "[t]he population is apparently reproducing at a rate matching current mortality and thus maintaining current populations. Anticipated cumulative effects of planned management may result in reduced brown bear habitat capability, reductions in population size with the resulting creation of more gaps in distribution, or some populations existing in isolated refugia. Implicit in this conclusion is that even if all regulated and permitted harvest would cease, mortality rates would exceed four percent from other sources due to anticipated increases in roading and human population, resulting in at least locally declining populations" (FEIS, p. 3-416).*

*The Regional Forester's decision demonstrated that he considered the findings and recommendations of the expert panels. He stated in his decision that, "[i]f interagency monitoring efforts suggest that excessive bear mortality occurs as a consequence of road*

*access, then road access management will be implemented and hunting regulations will also be examined, in cooperation with other agencies" (1997 ROD, p. 35). The Regional Forester went on further to note that "the Plan includes a standard and guideline that requires evaluation of the need for additional protection of important bear foraging sites during project planning. Where needed, forested buffers to provide protection during feeding are to be established, where available. Identification and management of important brown bear feeding sites is to be done in consultation with the Alaska Department of Fish and Game" (1997 ROD, p. 35).*

*An evaluation was conducted to examine how scientific information was used in making management decisions for the Tongass National Forest and evaluated whether the decisions were consistent with the available information (Record RS-F, TLMP 1594). The overall findings of the assessment determined that the "final alternative [not the "preferred alternative" in the RSDEIS] achieved a high degree of overall consistency with the available scientific information." The evaluation determined that the major "[d]ecisions on development of an old-growth forest reserve strategy to provide habitat for well-distributed wildlife populations across the Tongass are consistent with available information" (Record RS-F, TLMP 1594). The Regional Forester's decision with regard to brown bears reflects the findings of the evaluation.*

#### *Decision*

*After reviewing the record, I find that overall, the FEIS described the potential effects to brown bears. However, I determined that there was a need to modify the provisions of the 1997 Forest Plan to better address brown bear concerns. I have added new protection measures in the enclosed 1999 ROD which will reduce risk to old growth dependent species, including brown bear (Section IV, Rationale for Decision, Wildlife, 1999 ROD).*

#### *Issues Related to Cleveland Peninsula*

*You contend that "the planned road and clear-cuts for the Cleveland is preceding despite the many public comments concerning the Cleveland" (NOA, p. 2).*

#### *Discussion*

##### *Context of the 1997 Forest Plan*

*Your concern focused on the Cleveland Peninsula. However, the Regional Forester must consider that Peninsula within the larger context of the entire National Forest. The 1997 Forest Plan is a programmatic framework for management of the Tongass National Forest, part of the National Forest System. The 1997 ROD (pp. 1-3) describes what the 1997 Forest Plan is, its overall goals and objectives, and its management prescriptions.*

*Under the MUSYA, the Forest Service is directed to manage National Forests for multiple use and sustained yield of the renewable products and resources with consideration given to the relative values of the various resources in particular areas. The NFMA implementing regulations at 36 CFR 219.1(a) further require that "the resulting plans shall provide for multiple use and sustained yield of goods and services from the national forest in a way that maximizes long term net public benefits in an environmentally sound manner." The NFMA*

*implementing regulations at 36 CFR 219.3 define Net Public Benefit, which includes both quantitative and qualitative criteria.*

*The purpose of the 1997 Forest Plan is to direct all resource management activities on the Tongass National Forest. The 1997 Forest Plan provides programmatic direction in the form of multiple-use goals and objectives, land allocations, and management direction to make site-specific project decisions in an environmentally and economically efficient manner (FEIS Appendix L, pp. L-129 and L-130). A primary goal of the 1997 Forest Plan is to provide for the sustainability of the resources of the Tongass National Forest, while directing the coordination of multiple uses, such as outdoor recreation, timber, wildlife, fish, watershed, and wilderness. Components of the decision made include:*

*"(A) the goals and objectives which establish the desired conditions for implementing the Plan (Chapter 2); (B) management prescriptions which include specific goals and objectives and standards and guidelines for 19 different Land Use Designations (Chapters 3 and 4); (C) identification of the amount of land suitable for timber production; (D) establishment of an allowable sale quantity (ASQ) for the amount of timber that can be sold in the first decade; (E) a monitoring plan that ensures quality control of and learning from Plan implementation (Chapter 6); and (F) recommendations for, and approvals of, special management areas, such as Research Natural Areas and Wild and Scenic Rivers" (1997 ROD, p. 1-2).*

*Within this overall context, the Regional Forester highlighted some of the specific 1997 Forest Plan land allocations for the Cleveland Peninsula in the discussion (1997 ROD, p. 10) on "Areas of Special Interest." He stated: "These allocations reflect concerns raised in public comments, and most provide additional protection to areas of special interest or with specific resource values." Clearly the Regional Forester gave full consideration to special areas of concern, and these have been designated under specific LUD's. Maintaining options for a variety of social and economic uses of the Tongass, from continuing a timber harvest program that provides a sustainable supply of timber and other timber products to providing for subsistence opportunities and unspoiled settings for recreation and tourism, was a key factor in the Regional Forester's decision (1997 ROD, p. 15). After considering all the information, the Regional Forester selected an alternative he felt was designed to provide a mix of resources and uses to best meet the needs of the American people, as well as to maximize net public benefits (1997 ROD, p. 37).*

*In the 1997 ROD, the Regional Forester stated that: "The Forest Plan must be designed to provide a mix of resources and uses to best meet the needs of the American people. It must be designed to maximize net public benefits" (1997 ROD, p. 37). Also, "[a] forest plan must involve, by law, the entire forest" (1997 ROD, p. 37). The Regional Forester's difficult decision is to determine what the best mix of resources is, while considering the forest as a whole.*

### *Decision*

*While the Regional Forester afforded some protection to the southeastern portion of the Cleveland Peninsula in the 1997 ROD, I have given further consideration to suggestions made by commentors regarding local popular and community use areas on the Tongass. In*

*recognition of these values, I have made LUD changes from development to mostly natural LUD's on the northeastern and central portions of the Cleveland Peninsula.*

*Road construction for timber management will normally only occur in LUD's which allow timber harvest. Several other LUD's allow roads through them to access adjacent areas, but such uses will be infrequent. Therefore, most of the road construction will occur in the approximately 3.7 million acres covered by Timber Production, Modified landscape, and Scenic Viewshed LUD's. Only the extreme northern tip of the Cleveland Peninsula will have timber production.*

*Sincerely,*

**JAMES R. LYONS**  
*Under Secretary*  
*Natural Resources and*

*Environment*

*Enclosures*  
*List of Parties*  
*1999 ROD*