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August 29, 2016

Beth Pendleton, Regional Forester
USDA Forest Service
Attn: Tongass Objections
PO Box 21628
Juneau, AK 99802-1628

RE: 2016 Tongass Land and Resource Management Plan Amendment

Ms. Pendleton,

The Forest Service (USFS or FS) determined that it was necessary to amend the 2008 Tongass Forest Plan based on the July 2013 memo (Secretary's Memorandum 1044-009) from Secretary of Agriculture Tom Vilsack, directing the Tongass National Forest to transition its forest management program to be more ecologically, socially, and economically sustainable, while also being responsive to comments from the Five-Year Review of the Forest Plan (FEIS Vol. I, pg. 1-8). The Tongass National Forest responded to this determination to amend the Forest Plan in May 2014 with the filing of a Notice of Intent to amend the plan, the completion of a Draft Environmental Impact Statement (DEIS) in November of 2015, and with the issuing of the Final Environmental Impact Statement (FEIS) and a draft Record of Decision (ROD) in July 2016.

Based on 36 CFR 219.53(a), The Alaska Mental Health Trust Land Office (TLO) has status to object to the draft Record of Decision for the Tongass Land and Resource Management Plan Amendment. Status to object is based on the TLO having submitted comments during the 30-day scoping period for the Notice of Intent to prepare an Environmental Impact Statement published in the Federal Register (79 FR 30074) on May 27, 2014. By referencing those comments here, they are incorporated within these objection comments. The TLO also provided comments during the public comment period for the DEIS for the Tongass Land and Resource Management Plan Amendment, Notice of Availability published in the Federal Register (80 FR 72719) on November 20, 2015. These objection comments are timely per 36 CFR 219.56(c) as they were submitted during the 60-day objection period.

The Trust objects to the draft ROD based on the following points:

INACCURATE STATEMENT IN FEIS AND DRAFT ROD REGARDING THE TONGASS FUTURES ROUNDTABLE

Both the FEIS (pg. 1-6) and the Draft ROD (pgs. 2-3) contain inaccurate statements regarding when the Tongass Futures Roundtable (TFR) dissolved. Both documents state the Roundtable disbanded in 2011 which is incorrect. On September 13, 2012 in Ketchikan, the Tongass Futures Roundtable unanimously passed a resolution recommending the “Forest Service and the Alaska Mental Health Trust Authority pursue an administrative land exchange, as set forth as the proposed action in their September 4, 2012 report (as modified) to the Roundtable.” (both resolution and report are attached). The TFR dissolved sometime after that September 2012 meeting.

FAILURE TO PROVIDE THE PUBLIC WITH THE BEST INFORMATION AVAILABLE

One of the fundamental reasons for performing NEPA analysis is to provide the public with the best information available so that the public can provide informed comments on the proposed federal action. The Alaska Mental Health Land Exchange is mentioned in the FEIS on numerous occasions, however not in a consistent manner. The draft ROD states, “Perhaps the most significant of these proposals is to exchange land with the Alaska Mental Health Trust. As noted in the Final EIS, this potential land exchange is in the early stages of a multi-year planning process.” (draft ROD pg. 34). The TLO believes that the public should be informed of the exact status of the exchange; that a Feasibility Analysis (FA) (cover letter attached) has been conducted and completed in April 2015, an Agreement to Initiate (ATI) (attached) was signed by the Trust and USFS on June 30, 2015, and that Senator Murkowski introduce into Congress the “Alaska Mental Health Trust Land Exchange Act of 2016”, known as S. 3006 on May 26, 2016 (attached).

FAILURE TO INCLUDE EXCHANGE AS ACTION COMMON TO ALL ALTERNATIVES

The Alaska Mental Health Trust Land Exchange is listed in Chapter 2 of the FEIS under Alternatives Eliminated from Detailed Study; however, the narrative addresses the exchange as an action common to all alternatives. Was the exchange considered as an alternative or an action common to all alternatives? The TLO believes that the exchange is not a significant enough issue in itself to drive an alternative. The Trust disagrees with the FS regarding the decision not to include the exchange as an action common to all alternatives. A successful transition to young growth-based management on the Tongass is dependent upon the exchange occurring. Based on Scoping comments (Appendix A of the FEIS), DEIS comments (Appendix I of the FEIS), Secretary Vilsack’s letter to Senator Murkowski dated 11-13-2013 (included as part of the TLO’s DEIS comments and as such part of these objection comments), as well as analysis included in the Timber Cumulative Effects section (FEIS pg. 3-349-350), the Financial Analysis portion of the Economic and Social Environment section (FEIS pg. 3-516- 518), and in Table C-2 (FEIS pg. C-13) and Table C-3 (FEIS pg. C-22 & 23) of Appendix C, it is apparent that without the forest management program of the TLO, a transition to a young growth-based timber program on the Tongass is impossible. As shown in Table 3. 13-11 of the FEIS, an annual volume of 20MMBF is needed from State land to meet the demand (cumulative harvest) of the existing industry.

The Alaska Division of Forestry (DOF) is required by law to manage State timber resources on a sustained yield basis. The volume needed from State lands greater than DOF's allowable cut must come from the University of Alaska's land or Trust lands. Without the exchange the Trust will be forced to harvest timber resources that are located in the scenic viewshed of numerous communities in southeast. Such harvest will directly affect the tourism industry and recreation opportunities for tourists as well as locals.

Based on the most recent USFS 5-year schedule of timber sales (PowerPoint provided to the Alaska Forest Association in March 2016 (attached)), the FS will need the Trust to provide timber volume as quickly as possible so the existing timber industry can survive the next 5 years. The majority of the volume (~60%) the FS plans to offer over the next five years (2016-2020) is included in timber sale projects that are in the pre-NEPA stage. An additional 23% is included in the Wrangell Island Timber sale project that just issued a DEIS in June of this year; the planning process for this project began in 2009 and is still not complete. The DEIS for this project showed all alternatives being considered producing negative value timber sales if offered now. Without working in conjunction with non-federal landowners, how does the USFS plan on maintaining the existing industry while transitioning to a young-growth timber program? Without quickly concluding the land exchange with the TLO, the existing SE timber industry will either become extinct or the communities of southeast will have to sacrifice their viewsheds and recreational trails.

The exchange will transfer to the Tongass over 18,000 acres of non-federal lands into federal ownership. Once transferred the FS must consider what the long-term management intent for those lands will be.

40 CFR 1500-1508 recommends in several different sections that federal agencies, whenever possible, consolidate projects or programmatic NEPA into a single document to improve efficiency, reduce cost, and provide the public the opportunity to consider and provide comments on connected actions once versus numerous times.

Inclusion of the exchange within the EIS for the Forest Plan amendment would have provided relevant additional information during the Interagency Old Growth Reserve (OGR) Review and may have prevented the need for an additional review of the OGR system upon completion of the exchange. Changes to the OGR system, as proposed in the FEIS and proposed for adoption in the draft ROD, will need to occur again after the exchange due to the location of a small OGR in Value Comparison Unit (VCU) 5570 on lands that will be conveyed to the Trust. The location of this proposed small OGR should be adjusted prior to the signing of the ROD.

THE FEIS DOES NOT COMPLY WITH 40 CFR 1500-1508

The FEIS fails to meet the requirements of 40 CFR 1500.2(f) to "Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any **possible adverse effects** of their actions upon the quality of the human environment." Human environment is defined in 40 CFR 1508.14 as, "*Human environment* shall be interpreted comprehensively to include the natural and

physical environment and **the relationship of people with that environment.** (See the definition of “effects” (§ 1508.8)). The definition of “effects” under 40 CFR 1500.8 includes, “Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions **which may have both beneficial and detrimental effects,** even if on balance the agency believes that the effect will be beneficial.” (Emphasis added)

The FEIS does not include an analysis regarding the negative effects of amending the Forest Plan to provide for a transition to “a young growth–based timber program in 10 to 15 years” FEIS Vol. 1 pg.ES-1). An analysis of negative effects should include the direct and indirect effects of the Tongass transition to a young growth-based timber program upon the resource values of non-federal landowners and those landowners’ ability to continue a timber harvest program without the historical amount of old growth volumes that have come from the Tongass. If the transition does cause the collapse of the timber programs of non-federal landowners, how will that collapse affect the economic and social structures of the communities within the Tongass that are dependent upon timber-related jobs? Will such a collapse affect the ability to provide community-based public education programs? Can the TLO continue to provide sufficient funding for the Alaska Mental Health Trust to provide health and social services to the beneficiaries of the Trust? Will the University of Alaska Lands Office be able to provide funding to support educational scholarships to the University? Will Sealaska and the numerous village corporations of southeast be able to continue providing dividends to their shareholders? If the proposed Forest Plan amendment fails to maintain a viable timber industry during the transition, what are the possible negative effects to the wildlife populations of southeast if the 400,000 plus acres of young growth enter into and remain in the stem exclusion phase for the next 100 plus years?

The FEIS fails to discuss per 40 CFR 1502.16(c), the “Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned.” The FEIS does not acknowledge that other landowners are involved and heavily invested in an old growth timber management program. What conflicts are there between the Forest Service’s desire to transition to a young growth-based timber program and the continuation of these old growth programs? Is the TLO able to continue to provide funding to support on-going and future health and social services programs?

FAILURE TO MEET THE REQUIREMENTS OF SECRETARY’S MEMORANDUM 1044-009

The draft ROD proposes to “approve a 2016 Forest Plan Amendment, which is Alternative 5 (the Selected Alternative) as described in the Final EIS.” (Draft ROD pg. 4) The TLO objects to this decision because the proposed 2016 Forest Plan Amendment does not meet the requirements of Secretary’s Memorandum 1044-009 to “preserve a viable timber industry.”

The FEIS defines viable timber industry as follows:

“The term “existing industry” refers to the industry as it currently exists, as described in the Draft EIS (pp. 3-448 through 3-454). The phrase “viable timber industry” as used in the Draft EIS refers to a timber industry that meets a dictionary definition of “viable”: i.e., Viable (adj) -- Capable of working successfully; feasible (Oxford Dictionary). (FEIS Vol II, Appendix I, pg. I-163)”

The Economic and Social Environment section of Chapter 3 states the following about Alternative 5: “Available young growth is expected to exceed 41 MMBF in Years 16-20, with the available annual young-growth volume increasing to the maximum amount under this alternative (92.6 MMBF) during this period (Table 3.22-14; Figure 3.22-16).” (FEIS pg. 3-515) Based on discussions in numerous places within the FEIS and draft ROD, when annual young-growth volume reaches 41 MMBF the transition to a young-growth based timber program is complete. Once the transition is complete an “annual old-growth volume of 5 MMBF would be available to support a limited small operator industry” (FEIS pg. 3-512).

Table 3.22-17 on page 3-515 of the FEIS shows discounted net revenues for all Alternatives in 5-year increments; discounted net revenues for Alternative 5 become negative in value beginning in years 16-20 which corresponds to the completion of the transition to young growth under that alternative. Just above Table 3.22-17 on page 3-517 of the FEIS is the statement, “This programmatic analysis suggests that individual timber sales offered under any of the alternatives in the first 25 years of the planning period will likely need to include a mix of old growth and young growth to appraise positive as required by Public Law 112-74, House Report 2055-257, Section 414.” How can the USFS maintain a viable timber industry if from years 16-25 timber sales must “include a mix of old growth and young growth to appraise positive” when after year 16 the annual old growth volume is only “available to support a limited small operator industry”? If the old growth volume was available to the entire industry, would 5 MMBF of old growth timber to make 41-92.6 MMBF of young growth timber positive in value? If feasible to do, then where would the old growth volume to support a limited small operator industry come from? The proposed Forest Plan amendment does not maintain a viable timber industry and therefore should not be implemented.

The only alternative that provides for positive value timber sales over the next 25 years is Alternative 1 which does not meet the requirement to transition to a young-growth based timber program in 10-15 years. If none of the Alternatives meet the requirements for amending the 2008 Forest Plan then a Supplement Environmental Impact Statement (SEIS) needs to be considered with new alternatives that do meet the requirement for modifying the Forest Plan analyzed.

RECOMMENDATIONS

The TLO believes that finalizing the Alaska Mental Health Trust Land Exchange as quickly as possible can provide remedy to many of the failures of the FEIS and draft ROD.

The ROD should include a section regarding the Alaska Mental Health Trust Land Exchange. The section should include the following:

1. Without the expedient conclusion of the Alaska Mental Health Trust Land Exchange, the probability of maintaining a viable timber industry is negligible and executing a successful transition to a young-growth based timber sale program on the Tongass National Forest is unattainable.
2. A statement outlining the status of the exchange at the time of the signing of the ROD. Such a statement should include the passage of a resolution in September 2012 by the Tongass Futures Roundtable recommending a USFS-Trust land exchange, that the FS conducted and completed a Feasibility Analysis in April 2015, an Agreement to Initiate was signed by the Trust and the USFS on June 30, 2015, and that Senator Murkowski introduced into Congress the "Alaska Mental Health Trust Land Exchange Act of 2016", known as S. 3006 on May 26, 2016.
3. The statement should state that the information gathered during the Feasibility Analysis, the Agreement to Initiate combined with the inclusion of the land exchange as a foreseeable action in the EIS for the Forest Plan Amendment, and the associated cumulative effects analysis included in Chapter 3, Environment and Effects of the FEIS, is sufficient to address section 4(b) COMPLIANCE WITH APPLICABLE LAW of Senate bill S. 3006 as currently written.
4. Adjustments made to the Old Growth Reserve system so that the proposed OGR in VCU 5570 is not located on lands to be conveyed to the Trust.

Thank you for the opportunity to comment on these important issues. I look forward to productive resolution of these issues.

Sincerely,



for John Morrison
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