



June 23, 2014

VIA ELECTRONIC MAIL AND U.S. MAIL

Forrest Cole
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Re: Comments Regarding Draft Supplemental Information Report on Big Thorne Project

Dear Mr. Cole:

Pursuant to your letter of May 23, 2014, Alaska Wilderness League, Natural Resources Defense Council, Sierra Club Alaska Chapter, and Southeast Alaska Conservation Council, through counsel, hereby submit the following comments on the Big Thorne Project Draft Supplemental Information Report (the Draft SIR).

As these groups have explained previously, the entire approach of the Big Thorne Record of Decision (Big Thorne ROD), the associated Final Environmental Impact Statement (Big Thorne FEIS), and now the Draft SIR is contrary to the U.S. Department of Agriculture's stated goal of transitioning quickly away from old-growth logging. The Big Thorne Project simply entrenches subsidy-dependent, industrial scale old growth logging on the Tongass. Worse, the Forest Service is overriding the opinions of experts, including the U.S. Fish and Wildlife Service, in approving by far the largest timber project on the Tongass since the Ketchikan and Sitka pulp mills were still in operation under 50-year timber sale contracts. North Central Prince of Wales Island has experienced so much habitat loss from past logging that a sustainable dynamic between human hunting, wolves, and deer is already in serious doubt. Rather than destroy what little old growth habitat remains on North Central Prince of Wales Island, the Forest Service should focus its efforts on decisions consistent with a rapid transition away from industrial scale old-growth logging and embrace the industries that are the true economic drivers for the region including fishing, tourism, and recreation, which depend on a healthy and vibrant old growth forest in the Tongass.

I. THE FOREST SERVICE IS IGNORING ALARMING EVIDENCE REGARDING THE CONSEQUENCES OF THE LOSS OF OLD GROWTH HABITAT ON HUMAN HUNTING-WOLF-DEER DYNAMIC ON PRINCE OF WALES.

The Draft SIR fails to address the significant concerns raised regarding the consequences of the Big Thorne Project. Here, the Forest Service has tried to marginalize the expert opinion of the nation's preeminent expert on the Alexander Archipelago wolf, Dr. David Person. It has disregarded the fundamental causes of the emergency wolf closures in Game Management Unit 2.¹ It has overlooked the dismal news from the Forest Service's own monitoring and wolf population estimate research.² The Forest Service's decision to approve the largest timber sale in more than twenty years requires it to act contrary to not one, but all of these troubling indicators. The decision is inexcusable and unlawful. Simply put, if the Forest Service approves Big Thorne it will have dismissed consistent and alarming signals that old growth habitat on Prince of Wales Island is already so devastated that a sustainable dynamic between human hunting and wolves and deer is in jeopardy.

The Tongass Land Management Plan (TLMP) seeks to protect vital old growth habitat and ensures wildlife species on the Tongass will thrive. The "[s]tandards and guidelines [in TLMP] represent minimum achievement levels[.]" TLMP at 1-2. According to the Forest Service, TLMP's "[s]tandards and guidelines incorporate a species-by-species approach that addresses issues that are more localized or not accounted for in the broader, ecosystem context approach that was incorporated into the old-growth reserve system." TLMP 2008 Record of Decision at 16. The Forest Service has long explained that "the species-specific and other standards and guidelines can be relied upon to maintain some of the habitat features and other factors necessary for these species." 1997 Tongass Land Management Plan Final Environmental Impact Statement at 3-363. For example, with regard to the deer habitat capability standard and guideline, the Forest Service has explained: "This standard should preclude further declines in deer habitat capability that would adversely [a]ffect the equilibrium" between human hunting, wolves, and the deer population. *Id.* at 3-405; *see also* 2008 Tongass Land Management Plan Final Environmental Impact Statement (TLMP FEIS) at H-144 (explaining TLMP's "standards and guidelines applied to matrix lands help [the Forest Service] ensure [it] will not likely approach minimum habitat needs through time."). Yet, in Big Thorne, whether it is deer habitat capability, road density, or old growth reserve modifications, the Forest Service has offered arbitrary and capricious explanations for departing from TLMP's standards and guidelines and, as such, has acted contrary to the National Forest Management Act.

The Draft SIR's attempt to dismiss Dr. Person's concerns, even over the objections of the U.S. Fish and Wildlife Service and the Forest Service's own Forest Wildlife Biologist, is reckless and unjustified. It is notable that the Draft SIR dismisses concerns that Dr. Person raised regarding the viability of the predator-prey system on Prince of Wales and the associated islands even

¹ See Ex. 2; Ex. 7; Ex. 3 at 28-38; Ex. 30.

² See Exs. 4-6, 8-27.

though the Forest Supervisor only has the support of three of the six Wolf Task Force members. Half of the Wolf Task Force provided a far less sanguine assessment of the consequences of Big Thorne and that half includes the U.S. Fish and Wildlife Service representatives. Even the Forest Service's own Forest Wildlife Biologist does not support the Draft SIR's conclusions. For example, the U.S. Fish and Wildlife Service and the Forest Service's Wildlife Biologist "believe that evidence of a critical response from the wolf population on Prince of Wales Island exists in the form of Person's (2006) documentation that wolf mortality exceeds reproduction when logging and roading covers over 40 percent of a wolf pack's home range." Wolf Task Force Report at 7. The Draft SIR's characterization of the disagreements among the task force members as differences in degree and not contradictions is incorrect; the contrary expert opinions directly contradict the conclusions reached in the Draft SIR. *See, e.g., id.* at 12 (the U.S. Fish and Wildlife Service and the Forest Service's Wildlife Biologist "recommend[ing] that until better estimates of the[] isolated populations of [wolves and deer] exist, any actions that can reduce the level of risk should be considered," including "conservation of important winter habitat for deer"). In sum, the Big Thorne EIS is inadequate because it fails to discuss responsible opposing views and indicate the agency's response to them. *See* 40 C.F.R. § 1502.9(b).

Additionally, both the Draft SIR and the Wolf Task Force Report completely ignore critical aspects of the Statement of Dr. David K. Person (August 2013 Person Statement). *See generally* Ex. 1. The Forest Service, for example, still has not grappled with the fact that it cannot remove what little old growth habitat remains in the Big Thorne Project area and then rely on wolves repopulating from other areas on Prince of Wales Island. *Id.* at ¶¶ 8-26. The Forest Service also has not examined the consequences of Big Thorne given the lack of genetic diversity in wolves on Prince of Wales Island. *Id.* at ¶ 27.

The Forest Service admits that none of the Big Thorne Project area wildlife analysis areas do or will support 18 deer per square mile reflected in TLMP's deer habitat capability standard and guideline. *See* Big Thorne ROD at 28; Big Thorne FEIS at 3-180. Nonetheless the Forest Service concluded the Big Thorne Project complies with TLMP because neighboring areas will continue to support a sustainable population of wolves. *See* Big Thorne ROD at 28; Big Thorne FEIS at 3-180. The Forest Service, however, provides no analysis to support this conclusion. As explained in the June 2014 Person Statement, these areas are small, isolated, spatially concentrated, subject to historic unsustainable mortality rates, and in many instances do not provide good wolf habitat. *See* Ex. 1 at ¶¶ 8-26. Even if this was not true, the Forest Service offers no analysis why these particular areas are capable of supporting a sustainable wolf population on Prince of Wales Island. In short, the Draft SIR fails to address the fact that there are serious unanswered questions regarding the area's ability to support a sustainable wolf population throughout the northern portion of the island or even the province.

Similarly, the Draft SIR and the Wolf Task Force ignore the concerns raised regarding the genetic diversity of the wolves on Prince of Wales Island. The wolf population is isolated and as such requires special attention and consideration with respect to its conservation. If

significant portions of Prince of Wales Island and/or Game Management Unit 2 become population sinks, the loss of genetic diversity could be disastrous. The June 2014 Person Statement explains that individual packs may harbor unique genetic traits that are lost if they are wiped out. Thus, when their territory is recolonized by neighboring wolves, the genetic traits of those colonizers supplants what was lost, reducing genetic diversity. Ex. 1 at ¶ 27. Notably, the TLMP FEIS reached a similar conclusion regarding the serious management consequences for this genetic isolation:

Recent research (*Alexander Archipelago Wolf*, presented at the Tongass Conservation Strategy Review Workshop 2006) has shown that the population on POW Island is genetically isolated from other Tongass populations, which presents profound implications for maintaining well-distributed wolf populations in light of local declines, given that these populations are (sic) more sensitive to human activity and habitat disturbance than wolf populations elsewhere in the state (Schoen and Person 2007).

TLMP FEIS at 3-281. Yet none of the Big Thorne decision documents explain how the Forest Service is accounting for these “profound implications” in meeting its legal obligations to ensure viable, well distributed populations of wolves on the Tongass. See TLMP at 4-89 (WILD1.II.B.); 36 C.F.R. § 219.19 (1982); 36 C.F.R. § 219.27(a)(6) (1982) (extending the “viable populations” mandate to “implementation . . . of forest plans,” e.g. timber sales).

In sum, rather than dismissing and minimizing these wildlife concerns, the Forest Service should be acting in manner consistent with TLMP and its conservation strategy. The Forest Service is on notice from a wide variety of sources that there are significant and serious scientific concerns regarding the agency’s failures to limit logging and logging-related activities and to act in a manner that protects wildlife and old growth habitat in this portion of the Tongass. The Forest Service has failed to address any of these concerns and, as a result, the Forest Service should not approve Big Thorne. To do otherwise, the Forest Service will act arbitrarily, capriciously, and contrary to law.

II. THE DRAFT SIR IGNORES CRITICAL DETERMINATIONS IN THE ENDANGERED SPECIES ACT 90-DAY FINDING REGARDING THE FOREST SERVICE’S RESPONSIBILITY.

The Draft SIR also ignores the critical determinations in the U.S. Fish and Wildlife Service’s 90-Day Finding under the Endangered Species Act. The U.S. Fish and Wildlife Service based its decision in large part on the Forest Service’s failure to regulate old growth logging and road density in an adequate manner.

It explained for example, that “Forest Plan guidelines encourage, but do not require, management of road densities to reduce vulnerability of wolves where high mortality from hunting and trapping is a concern (USFS 2008, p. 4-95).” Ex. 29 at 6; see also Ex. 28. Similarly,

“Forest Plan standards that appear to require maintenance of deer habitat capability of at least 18 deer per square mile to provide adequate prey for wolves and human hunters (USFS 2008a, p. 4-95) are not met in many timber harvest areas (USFS 2008d, pp. 3-265 to 3-277 and 3-281 to 3-285).” *Id.* at 6-7. The U.S. Fish and Wildlife Service specifically noted that the Forest Service, rather than addressing these concerns, is making decisions that will drive these failures even farther out of compliance with TLMP. *Id.*

In fact, the U.S. Fish and Wildlife Service members of the Wolf Task Force specifically told the other members that the U.S. Fish and Wildlife Service believed:

Given the short time frame [the Forest Service] allocated for the response to Dr. Person’s statement, we are unable to determine the validity of his statement that the Big Thorne Timber Sale project, in combination with existing and foreseeable cumulative impacts, may jeopardize viability of wolves on Prince of Wales Island. . . . We do believe, however, that there is compelling evidence that some concern is warranted, and that a cautious approach would be prudent.

Ex. 5; *see also* Ex. 9 at 4 (U.S. Fish and Wildlife Service explaining to the Wolf Task Force that it cannot say “that theory and empirical observations do not support the contention of a likely collapse of the predator/prey system based on the poor evidence supporting these critical assumptions”).

The Forest Service’s decision to disregard such fundamental aspects of the U.S. Fish and Wildlife Service’s 90-Day Finding reflects a troubling pattern. Rather than pursue such an aggressive and unlawful interpretation of TLMP, the Forest Service should be balancing its multiple use objectives premised upon the precautionary principles reflected in TLMP’s conservation strategy.

III. THE FOREST SERVICE ACTED ARBITRARILY WITH REGARD TO OLD GROWTH RESERVE MODIFICATIONS.

Any modification to an old growth reserve must provide a “comparable achievement” of the old growth habitat land use designation goals and objectives. TLMP at 3-62. To determine what constitutes a “comparable achievement,” the Forest Service evaluates the criteria set forth in Appendix K of TLMP and Appendix D of the TLMP FEIS. Yet, the Draft SIR explains the Forest Service “incorporated the interagency recommendations while balancing other resource considerations to meet Forest-wide multiple use goals and objectives.” Draft SIR at 9. This “balancing” is arbitrary because it is not a factor for determining “comparable achievement” under TLMP.

Notably, staff at the U.S. Fish and Wildlife Service expressed explicit concerns regarding the arbitrary conclusions regarding the old growth reserve:

I'm quite discouraged by the [Draft] SIR's dismissal of the concerns expressed over the Old Growth Reserve (OGR) moves. Moving the OGRs to lower-quality habitat (that is "not comparable" to the original) specifically because they want to make more timber available for harvest is not compliant with the Forest Plan, as I read it.

Ex. 6 at 2.

The Forest Service has offered an arbitrary explanation in support of its decision to modify the old growth reserves. The Draft SIR fails to address those concerns. For these reasons, the Forest Service has acted arbitrarily, capriciously, and contrary to law.

IV. THE DRAFT SIR FAILS TO ADDRESS THE ARBITRARY SUBSISTENCE FINDINGS IN LIGHT OF THE FLAWED MARKET DEMAND ANALYSIS AND THE ENORMOUS ENVIRONMENTAL CONSEQUENCES.

Finally, the Forest Service's subsistence evaluation for the Big Thorne Project concluded that "all of the action alternatives may result in a significant restriction of subsistence uses of deer, due to potential effects on abundance, distribution, and competition." Big Thorne ROD at 42. In her letter of September 30, 2014, the Regional Forester directed that:

If the review of the new information [in the Draft SIR] indicates that the potential effects of the [Big Thorne] project on subsistence uses are different than those disclosed in the Big Thorne EIS and ROD, the Forest Supervisor must re-evaluate his findings under Section 810 of the Alaska National Interest Lands Conservation Act.

Beth Pendleton letter to Tom Waldo at 2 (Sept. 30, 2013).

As explained previously, the Big Thorne FEIS greatly exaggerates the demand for timber on the Tongass based on errors and unexamined assumptions that fatally undermine the entire stated basis for the Big Thorne Project. *See* Earthjustice Appeal of Big Thorne Project, Thorne Bay Ranger District (Aug. 16, 2013) at 3-14. The statements from Dr. Person demonstrate the devastating habitat and wildlife consequences on Prince of Wales and the people who depend on its subsistence resources. The Forest Service's errors in overestimating the need for timber have substantial and unnecessary adverse effects, but the most obvious is that they led the Forest Service to approve the largest timber sale in more than twenty years in an area where past habitat loss and road access already jeopardize the ecosystem balance among deer, wolves, and human hunters.

V. CONCLUSION

For the foregoing reasons, Alaska Wilderness League, Natural Resources Defense Council, Sierra Club Alaska Chapter, and Southeast Alaska Conservation Council reiterate their request that the Big Thorne ROD and the Big Thorne FEIS be reversed and remanded in light of the failure of those documents to assess accurately the need for the Big Thorne Project, its economic costs, and its impact on wildlife. Any new decision must correct these errors, but—in light of the long-term weak demand for timber and the extreme threat posed to wildlife populations and hunting opportunities on Prince of Wales Island—the better course would be to drop any plans for old growth logging in the project area. Until a defensible decision is made, no old growth logging or road building should proceed.

Thank you for your careful attention to these comments.

Sincerely,



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TABLE OF EXHIBITS

Exhibit No.	Description
1	Statement of Dr. David K. Person (June 23, 2014)
2	Alaska Department of Fish and Game (ADFG), Hunting-Trapping Emergency Order (Mar. 13, 2014)
3	ADFG, Wolf Management Report of Survey-Inventory Activities, 1 July 2008 - 30 June 2011, Species Management Report ADF&G/DWC/SMR-2012-4 (2012), <i>available at</i> http://www.adfg.alaska.gov/static/home/library/pdfs/wildlife/mgt_rpts/12_wolf.pdf (excerpts)
4	Email from Steve Brockmann, U.S. Fish and Wildlife Service (USFWS), to Dave Person, ADFG, Re. AA Wolf project proposal (Jan. 23, 2013)
5	Email from Steve Brockmann, USFWS, to Greg Hayward, U.S. Forest Service (USFS), Re: USFWS comments on WTF Narrative (May 28, 2014)
6	Email from Steve Brockmann, USFWS, to Socheata Lor, USFWS, Re: Big Thorne Project SIR (May 30, 2014)
7	Federal Subsistence Board, Federal Subsistence Hunting and Trapping for Wolf Closed in Unit 2 (Mar. 14, 2014)
8	Email from Rodney Flynn, ADFG, to Brian Logan, USFS, Re. Wolf progress report Spring 2013 (June 10, 2013)
9	Interagency Task Force: Narrative in Response to Four Broad Conclusions in Person Statement (Mar. 27, 2014)
10	Larson, Kris, et al., "Developing a Method to Estimate Abundance of Wolves In Southeast Alaska, Capture Report: 10 September 2013-24 October 2013," Draft edited by Hayward and Logan (Feb. 12, 2014)

- 11 Larson, Kris, et al., Draft “Developing a Method to Estimate Abundance of Wolves In Southeast Alaska, Capture Report: 10 September 2013-24 October 2013” (undated)
- 12 Email from Robert Larson, USFS, to Brian Logan, USFS, Re. wolf (Sept. 5, 2012)
- 13 Email from Brian Logan, USFS, to Marla Dillman, USFS, Re. wolf hair project (May 16, 2013)
- 14 Email from Brian Logan, USFS, to Cheryl Carrothers, USFS, Re. Moving forward with Wolf Task Force (Oct. 24, 2013)
- 15 Email from Brian Logan, USFS, to Cheryl Carrothers, USFS, Re. wolf project pic (Dec. 13, 2013)
- 16 Emails from Brian Logan, USFS, to various recipients, Re: wolf capture report comments and wolf project extension proposal (Jan. 28-30, 2014)
- 17 Email from Brian Logan, USFS, to Steve Brockmann, USFWS, Re: FW: new wolf sikes act contract statement of work (June 12, 2014)
- 18 Person, David K., ADFG, Annual Research Progress Report – Wolf population estimation on Prince of Wales Island, Southeast Alaska (Sept. 30, 2012)
- 19 Person, David K. and Kristian Larson, “Developing a Method to Estimate Abundance of Wolves In Southeast Alaska, Progress Report: 1 January 2013–31 May 2013” (undated)
- 20 Email from Raymond Slayton, USFS, to Brian Logan, USFS, Re. Collared wolf caught (Mar. 26, 2013)
- 21 Email from Raymond Slayton, USFS, to Rachelle Huddleston-Lorton, USFS, Re. POW Alexander Wolf Project (May 8, 2013)
- 22 Email from Raymond Slayton, USFS, to Thomas Cady, USFS, Re. Wolf Abundance (Oct. 24, 2013)

- 23 Email from Raymond Slayton, USFS, to Brian Logan, USFS, Re. 435 on the move (Apr. 21, 2014)
- 24 Email from Raymond Slayton, USFS, to Rachelle Huddleston-Lorton, USFS, Re. New capture - Young Male 330 (May 5, 2014)
- 25 Email from Raymond Slayton, USFS, to Brian Logan, USFS, Re. Wolf Project (May 29, 2014)
- 26 Email from Raymond Slayton, USFS, to Brian Logan, USFS, Re. BT Wolf update (June 5, 2014)
- 27 USFS, "2012 Tongass Monitoring and Evaluation Report, Wildlife Terrestrial Habitat Question 1 Appendix – MIS Management Indicator Species Monitoring Report" (undated)
- 28 USFWS, 90-Day Finding on a Petition To List the Alexander Archipelago Wolf as Threatened or Endangered, 79 Fed. Reg. 17,993 (Mar. 31, 2014)
- 29 USFWS, Appendix: 90 Day Finding on petition to list the Alexander Archipelago wolf as an endangered or threatened species (undated), *available at* <http://www.regulations.gov/#!documentDetail;D=FWS-R7-ES-2012-0093-0003>
- 30 A'Bear, Luke, Sitka Conservation Society, Big Thorne Timber Sale Unit 104, Big Thorne Timber Sale Unit 403, and Logjam Timber Sale Unit 34 Photographs (May 17 and 19, 2014)