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

File Code: 1570
Date: SEP 30 2013

Mr. Tom Waldo
Earthjustice
325 Fourth Street
Juneau, AK 99801

Dear Mr. Waldo:

This letter is in response to the appeal you filed regarding the Tongass Forest Supervisor's decision on the Big Thorne Project, which is located on Prince of Wales Island within the Thorne Bay Ranger District. Pursuant to 36 CFR § 215.18, I have reviewed the Final Environmental Impact Statement (EIS), Record of Decision (ROD), and the administrative record for the project, which includes the project planning record and the appeal records. I have also considered the Appeal Reviewing Officer's (ARO) recommendation (enclosed) regarding the disposition of your appeal (#13-10-00-0006 A215).

While the ARO recommended that the Forest Supervisor's decision be affirmed, she acknowledged that information submitted on appeal suggests cumulative effects on the Prince of Wales deer and wolf populations may be greater than anticipated in the Big Thorne EIS and project records. In light of this information, she recommended that I direct the Forest Supervisor to engage the Interagency Wolf Task Force to jointly evaluate the information submitted on appeal, and to re-evaluate the public concerns over the effects of the project, including any effects of the Old Growth Reserve (OGR) modifications included in the Selected Alternative and the legacy retention within certain harvest units, to ensure that adequate old-growth forest habitat and habitat connectivity is maintained within the Big Thorne project area.

Decision

After careful review of all the information in the record, I concur with the ARO's recommendation and I affirm, with instructions, the Forest Supervisor's decision. Your requested relief is denied.

The Statement of Dr. David Person, submitted on appeal, is dated August 15, 2013, well after the Big Thorne ROD was signed. Dr. Person's Statement indicates that much of the information in his Statement was transmitted to the Forest during the planning process for the Big Thorne project, and much of this information is in the Big Thorne EIS and project record. However, to the best of my knowledge, Dr. Person had not previously concluded that "the Big Thorne timber sale, if implemented, represents the final straw that will break the back of a sustainable wolf-deer predator-prey ecological community on Prince of Wales Island, and consequently, the viability of the wolf population on the island may be jeopardized." This is new information that I cannot ignore.

Therefore, as recommended by the ARO, the Forest Supervisor is directed to engage the Interagency Wolf Task Force to jointly evaluate Dr. Person's August 2013 Statement to determine whether it presents "significant new circumstances or information relevant to" cumulative effects on wolves (including both habitat effects and wolf harvest) (40 CFR 1502.9(c)(1)(ii)). This review shall include:

1) A review of the August 2013 Person Statement to determine whether the information and conclusions in that Statement are consistent with the information in the analyses completed for the Big Thorne EIS;
2) A review of project design in light of this information, including OGR modifications and legacy structure within units, to determine whether changes are needed to address identified wolf sustainability concerns;
3) A review of project design in light of this information to determine whether additional mitigation measures should be added, such as additional opportunities for road closures or seasonal management of roads to reduce habitat fragmentation and minimize disturbance to wolves and deer during critical times of the year;
4) A review of available regulatory processes used by State and Federal agencies to determine whether changes in hunting seasons, bag limits, and/or hunting and trapping methods should be pursued to help maintain sustainable wolf populations;
5) A closer review of public and other agency concerns expressed during the Big Thorne project planning period or within the appeals in light of this information to assess whether the conclusions made in the Big Thorne EIS or ROD remain valid; and
6) A determination whether there are "significant new circumstances or information relevant to environmental concerns" that require the preparation of a Supplemental EIS for the Big Thorne project.

I understand that several changes associated with the preparation of the timber sale contract offering were made to the Big Thorne harvest units after the ROD for the project was signed. The Forest Supervisor must also consider this change analysis as part of the review discussed above.

To ensure that a hard look is given to this issue, the Forest Supervisor is directed to prepare a draft Supplemental Information Report (SIR) that responds to the items enumerated above; provide for review of this SIR by Appellants and appropriate State and Federal agencies; respond to any comments received in response to that review; and prepare a final SIR for the project. The Forest Supervisor should follow the procedures set forth in FSH 1909.15, Section 18.1 in completing his review and consideration of this information and its effect on his decision as stated in the ROD.

I believe that the Big Thorne project is necessary, consistent with sound management principles for the utilization of public lands. If the review of the new information discussed above indicates that the potential effects of the 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.

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 regulations at 36 CFR § 215.9(b) provide that the ROD may be implemented 15 business days following the date of this decision. However, I am directing the Forest Supervisor to delay any implementation of the Big Thorne project, including bid opening and contract award, until after he completes the review discussed above and transmits a final SIR, with concurrence by my office, to Appellants and the State and Federal agencies involved in the review.

Sincerely,

Beth G. Pendleton

BETH G. PENDLETON
Regional Forester

Enclosure

cc: Forrest Cole, Patricia O'Connor, Rachelle Huddleston-Lorton, Frank W Roberts, Patrick Heuer, Karen Iwamoto, Katie Benning