

Alaska Rainforest Defenders

A regional environmental organization established in 2011 (formerly GSACC)

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August 25, 2019

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Subj: Comments on the proposed TLMP amendment on moderate vulnerability karst

Alaska Rainforest Defenders (ARD) submits these comments on the proposed amendment to standards and guidelines regarding moderate vulnerability karst, in the Tongass National Forest Land and Resource Management Plan (Forest Plan). ARD requests that the proposed action not be adopted and that a decision be made that a categorical exemption is unsuitable process for considering this land management proposal.

The "Need for Change Determination" document¹ (the "Determination") for supporting the amendment proposal (signed by Supervisor Stewart) concludes with a determination of need based on meeting a few desired conditions and objectives that are stated in the 2016 Forest Plan Amendment. The basis for the determination is purported new information that results in changed circumstances. The determination and the Young Growth Suitability Synopsis it relies upon are specific to conditions on Prince of Wales Island, yet the proposed Forest Plan amendment would apply to moderate vulnerability karst throughout the Tongass. We contend the determination and the proposed amendment are ill-advised both for Prince of Wales Island specifically or the Tongass more generally, and that the determination and the proposed Forest Plan amendment should be withdrawn. If instead the Forest Service continues to pursue the Forest Plan modification, at an environmental assessment or environmental impact statement is necessary.

We request that the amendment be withdrawn, for several reasons:

1. Concerning the Determination's reliance on the desired conditions in the Forest Plan at DC-YG-01 and DC-YG-KC-01, the determination insufficiently considers the desire for "sustain[ing] the diversity and productivity of ecosystems" and "maintain[ing] natural processes and productivity. These desires, the National Forest Management Act and the Federal Cave Resources Protection Act set a high bar for the Forest Plan to meet, and the proposed amendment would undercut those desires and the requirements. The Tongass transition must be conducted within those, and they must not be undercut simply because of an expectation of some falldown in projected timber volume.
2. Concerning the Determination's reliance on objectives in the Forest Plan at O-YG-01 and -02, nothing in its Concerns section demonstrates that the plan amendment is necessary to meet those objectives. There is no demonstration that the present karst standards and guidelines will prevent offerings of young growth timber sales from "gradually increas[ing] to exceed 50 percent of the timber offered annually" or to offer "increasing annual volumes of economically viable young-growth timber."

¹ http://www.fs.usda.gov/nfs/11558/www/nepa/110562_FSPLT3_4667115.pdf

3. The *Concerns* section of the Determination states that it will be "hard to meet" those desired conditions and objectives, not that it will impossible to do so. The Determination refers to a recent "Young Growth Suitability Synopsis" which is based on a field inventory of 94 stands on Prince of Wales Island. The synopsis concludes that removing all logging restrictions on moderate vulnerability karst would make 739 more acres available for logging. The Synopsis estimates a yield of 14.5 MBF/acre on the operable land it inventoried, which suggests the amendment would provide about an addition of 10.7 MMBF for logging.

If fulfilling the Forest Plan's desired conditions and objectives hinges on loosening standards on this sensitive terrain to provide that mere 10.7 MMBF, as the Determination claims, then the Forest Plan is deeply broken. It is broken to the point that a complete revision is needed – not a hurry-up, resource-sacrificing amendment through a categorical exclusion from NEPA. If the Forest Plan's performance does not hinge on this amendment, then the justification is, as the Determination suggests, that karst protection "makes it hard to meet" the Plan's desires and objectives. In other words, the expectation is simply that natural resources must be sacrificed simply to make the Forest Service's job a little bit (10.7 MMBF) easier.

Either way, we believe the proposed amendment has no merit and should be withdrawn. Remarkably, the scoping letter and supporting documents for the amendment don't even assess what substitute timber volume may be available to industry from other forestland ownerships or conditions within the forest products industry. Pursuing an amendment such as this really needs at least an environmental assessment, under NEPA.

4. The Supervisor's determination relies on a Concerns section with five items, which we address:

- 1) Item 1 claims there is no rationale for the Forest Plan standards and guidelines being more restrictive for karst in second growth areas than in old-growth areas. In fact there is good reason for this, and it should be obvious. Young growth areas have been highly disturbed either by nature or by logging. These earlier disturbances have an impact on karst terrain, and they occurred without regard to any protections for karst (God never asks, and decades of logging occurred before karst standards and guidelines were adopted in 1997.) Because prior impacts to karst in young growth areas should be assumed, this is a cumulative impacts matter and a higher standard for these areas has merit.

Preparation of the 2016 Forest Plan Amendment was "focusing on management of young-growth", according to the 2014 Tongass Monitoring and Evaluation Report. (At 5).² This is evidence that the 2016 changes to the karst S&Gs that are of concern to the Forest Supervisor were not made arbitrarily, despite his staff's inability to find the paper trail for them. An assumption of arbitrariness is not merited.

The Tongass Advisory Committee asked questions of Tongass NF karst expert Jim Baichtal, which he answered in November 2014. (Exh. 1, Baichtal 2014). His answers identify continuing challenges concerning identifying and assessing moderate vulnerability karst. This and statements in the 2014 Monitoring Report (Exh. 2) indicate that management activities on moderate vulnerability karst (or on karst that may be misclassified as low vulnerability instead of moderate, or as moderate instead of high) poses risks to resources that governing law and the S&Gs are intended to prevent. The statements include:

² Oddly, the determination document cites only the 2013 and 2015 monitoring reports, which have much less information than the 2014 one, and particularly don't include this information.

- "Consistent implementation of these [2008 Forest Plan karst] guidelines across the Tongass has been a challenge. It is believed that this is partially due to unclear direction and limited experience of field personnel with this unseen resource." (2014 Monitoring Report).
- "Much difficulty lies in differentiating between the high end of the moderate vulnerability karst, and the low end of the high vulnerability karst. In using a classification system there is rarely an exact fit to the environment or specific area being investigated. As stated above, classification is dependent upon extent of karst development and openness of the system. This can be difficult when surrounded by an environment with no surface water streams, and limited exposure to the development of the underground system, as is often the case in these 'gray areas' between moderate and high vulnerability karst." (Baichtal 2014).
- "A low density of solution and collapse features indicate that either karst development is limited in some way or that it has been modified by glaciation and/or buried by glacial deposits. Under such areas however, karst systems and processes may be functioning at depth. Basing a management strategy on the systems openness makes that strategy applicable across many different occurrences, landscapes, and environments. Often the effects are not where the surface disturbance occurred it is at the spring feeding the anadromous stream over a mile away in under 24 hours." (Baichtal 2014).

Thus, as in standard S-YG-KC-02, the retention (no harvest) of 65% of a stand that is classified as moderate vulnerability is a sensible way to try to manage the management risks and the impact risks that are involved. This is in a middle-ground between essentially unrestricted management on low vulnerability karst and exclusion of timber management activities on high vulnerability karst. Keeping S-YG-KC-02 will be beneficial both for a particular stand, and collectively across the landscape when young growth is extracted from many stands.

The concerns in item 1 have no merit.

- 2) Item 2 attempts to apply a recommendation of an advisory body (the TAC) to the elimination of karst protections in S-YG-KC-02, but misapplies the recommendation. In fact the amendment does not "maintain the primary intent and objectives [of this] S&G". Further, the intent of the TAC's recommendation clearly is that maintenance of the S&Gs' functions must withstand "forest management activities that accelerate the transition to young growth management." The Supervisor's stated concern stems from a misinterpretation and is without merit.
- 3) Item 3 observes that more moderate vulnerability karst is present than was expected in the 2016 Forest Plan FEIS. The amount of that underestimation is undisclosed in the supporting documents for the amendment. Nonetheless, karst has always played a role in timber volume falldown on Prince of Wales Island, and it is well-known that areas logged early-on frequently targeted karst area, and that such areas will be common in early years of a young growth logging program. In short, the significance of the Forest Plan's underestimation is not disclosed and is questionable.
- 4) Item 4 claims that because the 2013 and "draft" 2015 monitoring reports say the 2008 Forest Plan karst S&Gs were performing at a high level, and that they therefore "are [were] effective," there was no cause to make the 2016 karst S&G more restrictive. We have already pointed out that the 2014 Monitoring Report and its exculpatory evidence was not disclosed. Additionally, both the 2013 and 2015, and the 2014 report as well,

state that in the years of timber activity that they covered, little activity occurred on karst lands. Thus we believe the monitoring sample size is insufficient to support a claim that the 2008 S&Gs, even though lacking the 2016 S&Gs retention of some moderate karst in a stand, are "effective" in preventing damage to karst and associated resources. The statements are:

- "In FY 2013, a minor amount of logging occurred on karst land where mitigation had been prescribed." (2013 Monitoring Report).
- "In FY 2014, a minor amount of logging occurred on karst lands where mitigation had been prescribed. ... Limited subsurface monitoring was accomplished." (2014 Monitoring Report).
- "In FY 2015, a minor amount of logging occurred on karst lands with karst mitigation measures. ... We accomplished limited subsurface monitoring." (2015 Monitoring Report).

In fact the *only* effectiveness these monitoring reports do explicitly claim and demonstrate is 2008 Forest Plan compliant karst prescriptions were successfully applied, *not* that they were effective in protecting resources in the absence of some moderate vulnerability karst retention.

- 5) The Determination's item 5, already discussed above in some detail, states concern that S-YG-KC-02 limits the karst specialist's "ability ... to make site-specific recommendations" or apply best available science. We believe the standard does no such thing. It merely limits the amount of logging that can occur within a stand – which is really the point of this proposed amendment – and places no limitations on the karst specialist. Instead it *heightens* the need for recommendations by this specialist and the application of best available science, in determining what areas of karst within the stand to log and which to log.

Conclusion and requests

For the forestated reasons, ARD requests that S-YG-KC-02 and S-YG-KC-03 not be modified.

We further request that, if the Forest Service continues pursuit of amendment to those karst standards, it do so with at least a NEPA environmental assessment, not a categorical exclusion. The disclosure failures and the concealment of evidence that we uncovered above, combined with the potential intensity and scale of environmental impacts, dictate this course because we have demonstrated that the responsible official should determine either that "it is uncertain whether the proposed action may have a significant effect on the environment" which requires an EA, or that "the proposed action may have a significant environmental effect" which requires an EIS. (FSH 1909.15-31.3). Contrary to a statement in the scoping letter, the significant effects can be expected to occur if the S&G is approved, because it will allow blanket use of practices that can be expected to harm karst without further consideration and overruling any concerns of the public. This is especially true under the Tongass National Forest's present practice of using "condition-based" NEPA analysis by which key information about intended timber management activity is not disclosed to the public during a project's comment and objection periods. (See Exhibits 3-5, plaintiffs' briefs in the POWLLA project litigation, Case 1:19-cv-00006-SLG).

Finally, if the viability of the Forest Plan hinges on the at most 10.7 MMBF of timber this amendment would provide, the Forest Service should immediately commence a revision of the Forest Plan. If that is not the case, the proposed amendment is a heavy-handed and unjustified timber grab that, now exposed, should be foregone.

The July 24 scoping letter, the February 1 Change Determination document and the supporting materials don't even come close to making the case for this amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Edwards". The signature is fluid and cursive, with the first name "Larry" written in a more stylized, looped manner and the last name "Edwards" in a more straightforward cursive script.

Larry Edwards, president
Alaska Rainforest Defenders

Attached exhibits:

1. Answers to TAC questions about karst by Baichtal, November 2014.
2. 2014 Monitoring and Evaluation Report (pertinent section).
- 3 through 5. Plaintiff's briefs in litigation of the Prince of Wales Landscape Level Assessment.