



September 20, 2024

Thomas J Vilsack
Secretary of Agriculture
USDA Forest Service
1400 Independence Ave. SW
Washington, DC 20250

Submitted online at <https://cara.fs2c.usda.gov/Public//CommentInput?Project=65356>

Re: Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System, # 65356

Dear Secretary Vilsack,

The State of Alaska (State) reviewed the Forest Service (USFS) Draft Environmental Impact Statement (DEIS) for Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System (NFS).

As a resource manager and adjacent landowner in and near the Tongass and Chugach National Forests, the State's interests in land uses such as timber harvesting, recreation, and traditional use access could be negatively impacted by additional restrictions enacted by amending these forest plans to more restrictively retain and recruit Old Growth stands. Staff from the Departments of Fish and Game (ADF&G) and Natural Resources (DNR), including the Division of Forestry and Fire Protection (DOF), contributed to the information below and are available for follow-up discussion upon request.

Alaskan Exemption is Necessary and Appropriate

The State reiterates our position, as stated in our February 2, 2024, comments on the Notice of Intent to Prepare an Environmental Impact Statement, that Alaska be exempted from these changes. This amendment would have an outsized impact on the Alaska region as compared to other Forest Service regions to such an extent that it is recognized but then dismissed in the DEIS. This impact should instead inform a Forest Service decision to exempt Alaska from this amendment.

As the Forest Service notes in the Summary section¹, "Nationally, the timber industry is unlikely to be impacted by the amendment, although regional impacts may occur. Forest industry in the U.S. shifted away from old-growth logging and milling in the 1990s in all U.S. regions **other than Alaska.**" [emphasis added]

¹ Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System Draft Environmental Impact Statement (DEIS), page S-14

Likewise, the Status and Trends of Old Growth Ecosystems section² states,

“The national inventory found the amount of old-growth is highly uneven both within and among NFS regions (Figure 2). For example, approximately half of all old-growth occurs in just two of the nine regions: the Pacific Northwest and Alaska Regions. As noted by Pelz et al. (2023), the inventory even underestimated the amount of old-growth in Alaska, where approximately 3.5 million acres of forested land was not included in the old-growth forest inventory due to challenges with access precluding effective application of FIA. In contrast, combined, the Southern and Eastern Regions contain only about five percent of the old-growth on NFS lands. Across regions, the extent of old-growth ranges from approximately three percent of the forested area in the Eastern Region to 27 percent of the forested area in the Pacific Northwest Region and **76 percent of the Alaska Region**. Approximately 10–15 percent of forested lands in all other regions are classified as old-growth.” [emphasis added]

The DEIS in the Overall Social and Economic Sustainability section³ states “With the sale of commercial timber products allowed under Alternatives 2 and 4, and the assumed availability of substitute suitable lands under Alternative 3, no economic effects to the timber industry **outside of Alaska** are anticipated because there will be no change in forest Allowable Sale Quantity (ASQ), Projected Timber Sale Quantity (PTSQ) or land suitability” [emphasis added]

The size of the forests in Alaska that would be impacted by this amendment, and the impacts to the Alaska economy, which still includes timber industry, are recognized by the DEIS itself and support the State’s position that further restrictions to old-growth forest in Alaska are inappropriate and unnecessary. We again assert that this amendment should exempt the Tongass and Chugach National Forests.

Unique ANILCA Conditions

In 1980, Congress passed the Alaska National Interest Lands Conservation Act (ANILCA), which struck a balance between conservation purposes and opportunities for economic and social uses of public lands.⁴ It also expanded the Chugach and Tongass National Forests, and among other things, established two National Forest Monuments, and designated fourteen Wilderness Areas and one Wilderness Study Area in the Forests. Currently, approximately one third of the Tongass is designated wilderness, via ANILCA or later expansions by Congress under the

² DEIS page 60

³ DEIS page 121

⁴ ANILCA § 101(d): “This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, **has been obviated thereby.**” [emphasis added]

Tongass Timber Reform Act (TTRA). The TTRA allocated more than 700,000 acres to 12 legislated Land Use Designation (LUD) II areas, areas designed to retain their roadless state and wildland character.⁵ Congressional action under the 2015 Defense Authorization Act established 8 additional LUD II areas within the Tongass. Between wilderness designation and the establishment and expansion of LUD II areas roughly 6.8 million acres of the Tongass (roughly 39%) are protected for wilderness and roadless character.

In counterbalance to those restricted areas, ANILCA also recognized the need for access and development in Alaska and protected, among other things, access to traditional activities, means of access across public lands⁶, cabins and related structures on Federal lands⁷, and established a process for the development of Transportation and Utility Systems across public lands⁸, including USFS lands. Title VIII of ANILCA specifically protects subsistence uses by rural residents of Alaska. Any proposed protections of old-growth forest that limit these activities, such as the closure of access routes through old-growth stands, would be in violation of ANILCA unless proper closure procedures are followed.

In Alaska, both National Forests are made up of large, currently intact ecosystems, unsuited to the amendment language that is geared towards restoration, enhancement, and improvement of current conditions. Restrictions of access across, or activities in, old-growth forests in Alaska effectively stymie development of necessary transportation and utility infrastructure for the exact same reason that basic transportation and utility infrastructure is needed—the communities in and around these National Forests have underdeveloped overland networks linking the communities to each other. Stymying development of basic public infrastructure to serve these Alaskan communities is contrary to the Congressional intent in ANILCA 101(d) that the proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition has been met [obviated]. The USFS' proposed Land Management Plan Directive would be redundant and unnecessarily duplicative to those imposed by the 2001 Roadless Rule, which are themselves redundant to the numerous restrictions currently incorporated into the Forest Plan.

The State of Alaska has a Constitutional Obligation to Provide Maximum Benefit to Alaskans through the Use, Development, and Conservation of Forest Resources

DOF maintains a strong interest in continuing to work both independently and collaboratively with federal, public, trust, and private forest managers to maintain and expand the sustainable forest products industry in Alaska. Diversified state-wide, regional, and local economies depend on a robust and stable industry to support healthy forest-dependent and timber-dependent rural communities, and to provide the skilled workforce and industrial capacity necessary to responsibly and scientifically manage our forests and related infrastructure for a positive range of economic, ecological, and cultural benefits across all forest ownerships. DOF's comments and recommendations are designed to help ensure future active management of Alaska's national

⁵ ANILCA and Tongass Inventoried Roadless Areas, Issue Paper, April 2011, USFS Alaska Region, accessed at [ax2921ar.aw \(usda.gov\)](#) 8/28/24

⁶ ANILCA 102(3) defines public lands; Sections 811(b), 1110, 1111, and 1316 relate to access protections

⁷ ANILCA 1303(b)

⁸ ANILCA Title XI

forests to include the production and harvest of commercial timber, which supports the State's ongoing efforts to sustain and grow the forestry sector in Alaska.

Federal Law Requires a Balanced Approach to Federal Forest Management that Includes Old-Growth Timber Access in Alaska

The USFS should not undermine the mandates that enable responsible harvests in mature forests; such harvests are a critical component of Alaska's economy and lifestyle. The Organic Act (1897), the Multiple Use – Sustained Yield Act (1960), and the National Forest Management Act (1976) together reinforce the concept our national forests are to be sustainably managed as “working forests,” and to provide for multiple resource uses, including for the production and harvest of commercial timber. ANILCA (1980) and the Tongass Timber Reform Act (TTRA) (1990) reinforce that Alaskan forests, even those under federal management, are also to retain a “working forest” component.

Since the 1970s, management of Alaska's national forests has reflected an ever-diminishing emphasis on managing for timber as one of the mandated multiple uses. Yet the USFS is required by the TTRA to “seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle. (16 U.S.C. § 539d (a)). Adoption of the proposed rule, in light of the extensive overlay of statutory and regulatory protections already in place, would conflict with this statutory mandate and exceed USFS discretionary authority with regard to the Tongass.

The Southeast Alaska Sustainability Strategy – forest management (SASSfm) initiative implemented on the Tongass NF in 2021 guides management of both old-growth and young-growth forest stands under the provision of the 2016 Forest Plan, at least until the ongoing Forest Plan revision process is completed. SASSfm ended large scale harvesting of old-growth timber on the Tongass and accelerated the timeline for the transition from a predominantly old-growth timber economy to one mostly reliant on young-growth timber. While the 2016 Forest Plan authorizes annual harvest of 46 million board feet (MMBF), involving a mix of both old-growth and young-growth timber, the initiative limits harvest of old-growth timber to 5 MMBF annually, allows for sustainable harvests of young-growth timber, and emphasizes restoration of forest stands and other resources, including fish and wildlife habitat.

Executive Order 14072 (April 22, 2022) and the USDA's subsequent announcement (December 19, 2023) of its plan to conduct an EIS process to evaluate a nationwide “Old-Growth and Mature Forest” forest plan amendment have the potential to further reduce the available acres for timber production within the NFS in Alaska.

It is especially important to recognize the Chugach National Forest (Chugach) has a zero Annual Sale Quantity (ASQ) and the estimated 327,000 acres currently contained within the designated suitable timber base on the Tongass National Forest (Tongass) represents less than 4% of the 9.7 million forested acres on the Forest. Between now and 2030, it will be impossible to offer young-growth timber volumes sufficient to fully meet industry demand in Southeast Alaska, but beginning in 2030, annual supplies of suitable young-growth timber volumes on the Tongass NF are expected to range between 160 MMBF and 230 MMBF annually.

Over the course of the preceding three years, and in response to very limited and insufficient timber sale offerings from the Tongass, the DOF and the Alaska Mental Health Trust Land Office have prepared and sold volumes of both old-growth and young-growth “bridge timber” to sustain the Southeast Alaska timber industry during the Tongass transition period. However, due to the State’s very limited land base in the region, both agencies have nearly exhausted their ability to continue to provide large-scale economic timber sales. For the next 30-40 years, the USFS is the only regional forest manager with the forested land base and the ecological capacity to supply young-growth timber necessary to sustain the local forest industry. Unless the USFS can successfully implement SASSfm and fully achieve the young-growth forest management goals and objectives contained in the 2016 Tongass Land Management Plan, the family-owned logging and sawmilling businesses in Southeast Alaska will cease to exist within the next few years.

The Tongass National Forest must be exempted from this proposed land management amendment if the timber industry is to survive in Southeast Alaska.

The Tongass makes the USFS the predominant landowner of Southeast Alaska. The timber program on the Tongass has been reduced to micro timber sales that are usually made up of a couple of acres, or timber sales that are required to meet some restoration objective. Though restoration objectives are important, some of these sales are not economically feasible for a timber operator to make a profit, and thus to survive as a business.

While the USFS’s *Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management* report identified wildland fire as the number one threat to national forests, followed by insects and disease, the Tongass is a temperate rainforest which has no threat to old-growth from wildland fire and a very low threat from stand-replacing insects or disease. The January 27, 2023, reinstatement of the 2001 Roadless Rule reimposed blanket protections to 9.3 million acres of old growth in the Tongass. There is no need to further amend the Forest Plan to add further restrictions to old growth harvest, as many such restrictions are already embedded in the plan and the USFS should instead consider loosening existing restrictions to accommodate a wider range of activities, especially on the Tongass National Forest; there are already numerous standards and guidelines for managing young growth to develop older stand characteristics and structure. The July 15, 2021, Tongass Transition memo from Secretary Vilsack identifies a strategy to move away from old-growth harvest toward young-growth management on the Tongass. The young-growth transition is a key policy decision and direction that both the State, USFS, and stakeholders are working together to implement.

For example, in the last two years the Forest Service has invested approximately \$979,000 in Wood Innovations and Community Wood grants in Southeast Alaska. The recipients of these grants have also invested at least that amount because of the \$1 to \$1 match requirements of these grants. These funds support growth of the industry in Southeast Alaska which will require locally sourced wood for them to be successful. The State cannot support the industry in its current capacity, given the limited state land ownership in Southeast Alaska.

The DEIS (pg. 106) states that, “Specific to Region 10, in contrast to Alternatives 1 and 4, Alternatives 2 and 3 would effectively halt larger commercial old growth timber sales on the Tongass NF, leaving commercial harvesting to occur within young or secondary growth areas.” Later on that page, it states that the “SASS is not a component of the Tongass NF Plan, although it will be considered in revision of the Plan – which is underway. It is assumed that the strategy

is compatible with Alternatives 1 and 4; however, NOGA-FS-STD-03 in Alternatives 2 and 3 removes the option for most commercial timber harvest. **It is therefore assumed that the small commercial sales would not occur under Alternatives 2 and 3** [emphasis added] ...”

Recent planning efforts, including this amendment, have clearly indicated a move away from active timber management, resulting in a lack of confidence and trust from the timber industry. Including the Tongass National Forest in this amendment will devastate the industry in Southeast Alaska and the rest of the State. The Tongass **must** be exempted from this amendment if industry is to survive.

Ensure close coordination to develop Alaska-specific *Adaptive Strategies for Old-growth Forest Conservation*.

The State of Alaska is a Cooperating Agency for this proposed national old growth amendment. Yet, Alaska and other states were not given an opportunity to review the DEIS document before it went out to the public. The DEIS recognizes that this national effort has reduced trust and that there is a “perception that amendments can be made relatively quickly at the national level may erode belief that local, interested parties can influence planning for the management of National Forest System lands in their area” (pg. 116). This perception is further compounded because of the variance from standard practice of conducting a Cooperating Agency review of the DEIS before the public review period - further diminishing trust at the state and local level. The DEIS acknowledges that “opportunities for local involvement may be reduced relative to typical amendment processes...” (pg. 116). The State agrees, particularly when this process took place during field season and while those that work in the timber industry are otherwise distracted harvesting timber. It is critical that stakeholders are afforded the opportunities to provide thoughtful and meaningful responses when a plan amendment of this magnitude identifies a preferred Alternative that removes the option for most commercial timber harvest in the Tongass (pg. 106). This is greatly concerning as it directly impacts the livelihood of those working in Southeast Alaska’s timber industry. The State again recommends removal of the Tongass and Chugach National Forest from this plan amendment and further suggests the USFS coordinate closely with states and local governments to develop *Adaptive Strategies for Old-growth Forest Conservation* as it pertains to the National Forest System lands.

Proactive stewardship, including commercial timber harvest, is necessary for maintaining healthy old-growth forests and healthy forests of all ages. The modified proposed alternative (Alternative 2) may be the appropriate preferred alternative, specifically because it does not remove commercial timber harvest as a management tool, **but only if the Chugach and Tongass National Forests are removed from this Amendment**. The apparent intentions of further reducing the use of timber harvests as a proactive management tool will devastate many Southeast Alaska communities where the timber industry is a large economic contributor.

Additionally, the USFS should ensure meaningful consultation with the ADF&G in compliance with the Master Memorandum and Agreement (MMOU) between ADF&G and USFS (04MU-111001-024) which provides applicable consultation requirements in Section III, such as the commitment that the Forest Service **shall** consult with the ADF&G⁹ prior to any proposed change in land use designation and classification of any NFS lands, for evaluating significant

⁹ MMOU Section III, G and I.

fish and wildlife values that may affect or be affected by the proposed action, and consult with the ADF&G at all planning levels in the development of fire management plans.

DOF recommends reverting to the previous version of the Management Approach under what is now Management Approach 1. (a) v. and define terms to ensure consistency across plans.

In the Notice of Intent (NOI) for Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System¹⁰, Management Approach 1(a) (3rd bullet) read: “Prioritize areas for the retention and promotion of old-growth forest conditions based on threats, stressors, and opportunities relevant to the plan area.”

Management Approach 1(a) in the DEIS¹¹ reads: 1. (a) “Develop and adhere to an *Adaptive Strategy for Old-growth Forest Conservation* to accomplish the following:

- v. “Identify and prioritize areas for the **recruitment** [emphasis added], retention and promotion of old-growth forests, based on: ecological integrity, inherent capability, threats, stressors, and opportunities relevant to the plan area in order to provide for the long-term resilience of old-growth forests condition with the plan area.”

The use of the term “recruitment” will likely encourage the USFS to further reduce the level at which timber harvest is used for active forest management, expanding the area in which the USFS is protective of any harvesting. If the “goal is not to manage all mature forest as future old-growth forest” (pg. S-5), then “recruitment” language should be removed.

DOF recommends removing the new *Adaptive Strategy for Old-Growth Forest Conservation* 1. b. or exempting Alaska from this requirement. Additionally, remove the new supporting Guideline or exempt Alaska from it.

Creating a prescriptive requirement for this strategy does not allow for active forest management given Alaska’s unique characteristics, specifically in the Tongass where there is a patchwork of lands due to topography, waterways, and land ownership. Due to the nature of Southeast Alaska, much of the Tongass could be considered “isolated,” which could result in a complete closure of the Tongass from timber harvest if the USFS were to focus on proactive stewardship for enhancing the landscape and patch connectivity where old-growth patches are isolated (new Management Approach 1.b.iv., pg. 23). While the intent of this new approach may not be to manage trends towards old-growth forests, the result will most likely prove otherwise in Alaska. Additionally, this approach could further impede access to state and private lands adjacent to the national forest.

DOF recommends increasing the length of time by which an *Adaptive Strategy for Old-Growth Forest Conservation* is required to be created from 2 years to at least 3 years.

The State agrees that developing Adaptive Strategies at the unit level is critical. However, given the existing staffing constraints, planning needs, and other requirements, the DOF will be challenged to provide on-going substantive engagement in this process within the condensed 2-year timeframe. Spreading this requirement out, will alleviate some of the pressure on not only the State but other stakeholders as well, and will provide for a more meaningful approach.

¹⁰ 88 FR 88047

¹¹ DEIS Table 1, page 21

Additionally, the condensed timelines for the Adaptive Strategies for Old-growth Forest Conservation, increased monitoring, and training to implement new guidance will result in negatively impacting timelines of other projects currently implemented by the USFS. Ongoing projects include the upcoming Tongass National Forest Plan Revision and Good Neighbor Authority projects taking place on the Tongass.

Reinsert Standard 4

Removing Standard 4 that was in the December NOI further erodes trust between the State and USFS. Standard 4 stated: “Exceptions to standards 2 and 3 may be granted by the Regional Forester in Alaska if necessary to allow implementation of the Southeast Alaska Sustainability Strategy and the rationale must be included in a decision document.” Clarification in the DEIS regarding the removal of this standard states that it was determined that this exception **may** [emphasis added] no longer be needed. The State does not support this change unless the Tongass is exempted from the overall Plan Amendment.

Conclusion

The State of Alaska and the economic sustainability of Southeast Alaska will require an exemption from additional restrictions on timber harvest from National Forest System lands in Alaska.

The State is the only land manager that continues to provide consistent timber to the industry, but the annual allowable cut of the Southeast State Forest is nine million board feet a year, not nearly enough to sustain the industry. The State of Alaska needs the USFS to help provide a timber resource to the industry to help diversify Southeast Alaska’s economy. Lands conveyed to the State of Alaska were provided so the State could independently develop an economy and build communities. Additionally, conserved lands such as the expanded National Forests and their incorporated Wilderness Areas were intended to balance the protection of resources against the economic needs of Alaska, as recognized in ANILCA 101(d). The USFS should refrain from hindering Alaska in managing our forest resources.

Thank you for the opportunity to comment. Please contact me at (907) 269-8431 or by email at john.boyle@alaska.gov to coordinate any follow-up discussions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JC Boyle III' with a stylized flourish at the end.

John C. Boyle III
Commissioner

Ecc: Jennifer McRae, Forest Service Team Leader