

Data Submitted (UTC 11): 10/19/2020 8:00:00 AM

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Comments: Please find our comment in the attached word document. Thank you.

RE: South Revillagigedo Integrated Resource Project Draft Environmental Impact Statement Project #53477

October 19, 2020

1. Introduction

Thank you for the opportunity to comment on the South Revillagigedo Integrated Resource Project Draft Environmental Impact Statement ([ldquo]DEIS[rdquo]). We are all graduate level students at the University of Colorado in Boulder, Colorado. Anjie Zhi and Liam Patton are both third-year law students and Hannah Larkin is earning her Masters of Environment in Urban Resilience and Sustainability. We are submitting this comment as part of a project for an environmental decision-making class which teaches foundational principles for good agency action and decision-making in environmental cases.

On October 15, 2020, we requested an extension of time for comment and did not receive a response. We are submitting this outline of important issues as a placeholder to ensure we comment before the October 19 deadline. We will submit a late comment that will expand upon this outline, and sincerely hope that the agency will consider it to the fullest extent possible.

Currently, the Forest Service[rsquo]s [ldquo]Proposed Action (Alternative 2) would provide the most potential timber volume and make the most high-volume acres available for clearcutting. Over the next 15 years, the Proposed Action would result in the cutting of 5,115 acres of old-growth. Additionally, the Proposed Action would build 14.4 miles of new roads and 34 miles of temporary roads, and 34.1 miles of currently closed roads would receive maintenance, be used for log hauling, and closed again after logging operations cease.

For the reasons discussed below, we strongly recommend the agency to pursue Alternative 1 ([ldquo]No Action[rdquo]).

1. Substantive and Policy Issues

1.

1. The Proposed Action (Alternative 2) does not meet the Purpose and Need of the DEIS and is arbitrary and capricious.

1.

1.

* The DEIS states that the purpose and need of the project is to [ldquo]sustain and improve aquatic and terrestrial habitat conditions that support commercial, sport, and subsistence resources.[rdquo][1]

* Framing the Project as an integrated resource management project that restores habitat is a thinly veiled attempt to bail out Alaska[rsquo]s dying logging industry at the expense of Alaskans, the Tongass National Forest[rsquo]s unique and irreplaceable ecosystem, and the greater public.

* Several aspects of Alternative 2 (the [ldquo]Proposed Action[rdquo]) will do the exact opposite of the Purpose and Need by destroying old-growth forests, habitats, fisheries, and local wildlife populations.

*

First, the Proposed Action destructively impacts streams and fish habitat.

1. The DEIS indicates that the Proposed Action has the highest potential for detectable changes to peak stream flow on 12 out of the 31 project area watersheds, and that [ldquo]these changes could impact water quality and physical stream habitat, with subsequent effects to aquatic organisms including fish.[rdquo][2] Also, Alternative 2 has the highest number of new stream crossings with 114 additional stream crossings (32 crossings on Class I or Class II streams), that would create flow-related passage barriers to juvenile fish.[3]

2.

Bark accumulation at Log Transfer Facilities will be highest under the currently Proposed Action.[4]

1. Bark accumulation would diminish habitat for managed marine species and their prey.[5]

2. Bark accumulation also reduces rearing capabilities for juvenile salmon and their prey species due to reduced water quality from bark leachates.[6]

3. Bark accumulation may also reduce primary and secondary production due to lower water quality.[7]

3.

The DEIS acknowledges that [ldquo]increases in water temperatures due to climate change will alter fundamental ecological processes and the geographic distribution of aquatic species. Risks to salmonids include potential loss of incubating embryos due to streambed scour and loss of habitat and/or shift in spatial distribution resulting from increased water temperature.[rdquo][8]

1. Despite this recognition of a disastrous climate change consequence, the agency pretends that the project[rsquo]s purpose is to [ldquo][ldquo]sustain and improve aquatic and terrestrial habitat conditions[rdquo] while proposing to clearcut vital carbon stores that would exacerbate climate change consequences.[9]

4.

Any fish habitat improvement goals outlined in the DEIS can be achieved without clearcutting.[10]

1. [ldquo]No timber harvest for building instream structures associated with restoration of streams and floodplains would occur.[rdquo][11]

2. The stream restoration activities could use local downed trees and previously cut and decked wood (there are approximately 400 or more decked logs at Shoal Cove LTF).[12]

5. Clearly, the primary focus of the Proposed Action is clearcutting for [ldquo]profit[rdquo] (even though the project is appraised negatively), and not to improve aquatic habitat. People who are interested in fishing for

recreation or subsistence will have a hard time doing so when local fish populations dwindle as a result of this Project. This is arbitrary and capricious.

*

Second, the Proposed Action is detrimental to wildlife populations and management.

1. The Proposed Action would eliminate 4,606 acres of old-growth, 402 acres (21.8%) of which is high volume deer winter range.[13]

2.

The Proposed Action would also eliminate wildlife travel corridors in at least 38 areas.[14]

1. This is detrimental because [ldquo]removing old-growth habitat may fragment wildlife habitat and lead to a loss of old-growth connectivity important to species including deer, wolf, mountain goat, and bear.[rdquo][15]

3. The effects on wildlife would occur immediately after even-aged harvest and intensify at 25 to 30 years as the harvested stands transition into the stem-exclusion stage.[16]

4. And based on evaluation under Section 810 of the Alaska National Interest Lands conservation Act, the Project evaluation reveals that there is a [ldquo]significant possibility of a significant restriction of subsistence uses on deer due to changes in abundance and competition.[rdquo][17]

5. This is directly contrary to the Purpose and Need to [ldquo]sustain and improve aquatic and terrestrial habitat conditions that support commercial, sport, and subsistence resources[rdquo] and is arbitrary and capricious.[18] The ability to hunt for sport and subsistence is diminished when important wildlife habitat is decimated.

*

Third, Proposed Action will severely alter the existing scenery that attracts tourists to visit.

1. The DEIS reports that forest visitors in the Saddle Lakes Recreation Area, which currently has very high and high existing scenic integrity, would be seeing landscapes where [ldquo]harvest activities dominate the scenery.[rdquo][19]

2.

Further, the proposed timber harvest in the Proposed Action does not meet the Forest Plan scenery standards and guidelines and would require a project-specific Forest Plan Amendment.[20]

1. As discussed below in Section III.B, relying on a future amendment to the Forest Management Plan is arbitrary and capricious.

3. Amending the Forest Management Plan to lower the existing SIO to [ldquo]very low[rdquo] for this specific project is unacceptable, as the long-term effects show that it could take up to 40 years for this area to naturalize back into the surroundings.[21]

4. The Proposed Action does not comport with the Purpose and Need, as visitors will not recreate in clearcut areas.

1.

1. The Proposed Action will have detrimental climate change consequences.

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1.

* The Tongass National Forest is the largest national forest in the United States and contains the world's largest temperate rainforest.[22] As a massive temperate rainforest, the Tongass is one of the world's major carbon sinks and a critical defense against furthering the climate crisis.[23] In fact, the Tongass has been called "America's Climate Forest" due to its unsurpassed ability to mitigate climate impacts.[24]

*

The Tongass National Forest offers vital carbon sequestration services, which have a higher monetary value than the timber revenues associated with the Proposed Action.

1.

Carbon sequestration

1.

"Alaska's dense coastal temperate forests and soils are estimated to sequester 3.4 to 7.8 Tg of carbon per year.[25]

1. 3.4 Tg = 3747858.46 tons

2. Social Cost of Carbon (SCC) = \$48 per ton (in U.S. as of 2018)[26]

3. SCC = \$179,897,206

2.

Clearcutting will release massive amounts of carbon stored in the Tongass old-growth.

1. "When a forest is cut down, roughly 66% to 80% of the stored carbon in the forest is released overtime as CO₂ thereby converting forests from a sink to a source or emitter.[27]

3. Emissions from logging and other machinery related to the Proposed Action will reduce local air and water quality and accelerate climate change.

4. The new trees that grow back are not much help on the short term, as studies have demonstrated that it can take more than 200 years for regrown forests to capture as much carbon as logging releases.[28]

*

It is arbitrary and capricious to say the project will support the timber economy when the climate consequences of the Proposed Action will negatively impact the Alaskan economy as a whole.

1. Alaska is already experiencing higher temperature increases than any other region in the nation, along with increasing floods, coastal erosion and displacement of native villages, interior wildfires, die off of certain conifers, thawing of permafrost, and glacial melting.[29],[30]

2. The costs associated with these extreme events will continue to put pressure on the regional economy for centuries to come.

3. Funds would be better allocated i

4. n protecting natural resources and promoting environmental resilience to combat climate change consequences.

*

The Proposed Action will accelerate climate change and contribute to Marine Ice Sheet Instability

1. There is strong consensus amongst atmospheric and oceanic scientists that the West Antarctic Ice Sheet has already begun this process (Marine Ice Sheet Instability) and could collapse in as little as two hundred years, releasing 57 meters of potential sea level rise.[31],[32]

2.

Sea level rise is heavily reliant on anthropogenic forcing, mainly CO2 emissions

1. If humans follow a pathway of high emissions [ldquo]a worst-case scenario of as much as 8.2 feet (2.5 meters) above 2000 levels by 2100 cannot be ruled out[rdquo].[33]

3. Hypothesis and recent studies surrounding Antarctic Ice Sheet instability indicate that higher predicted outcomes may be more likely than previously thought. As such,[ldquo]the growing evidence of accelerated ice loss from Antarctica and Greenland only strengthens an argument for considering worst-case scenarios in coastal risk management[rdquo].[34]

* We urge the agency to pursue Alternative 1 to preserve the Tongass as a crucial carbon sink to combat climate change.

1.

1. The Proposed Action is not economically viable.

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* The Forest Service admits that it is illegal to offer timber sales that appraise negative.[35]

*

Even under the most generous advertised market rate, the Proposed Action appraises negative.

1. In fact, all alternatives for the project are estimated to have a timber sale value appraised at a loss to taxpayers, which means that in no scenario can a timber sale legally be offered.[36]

* The DEIS explains the Forest Service has already "sunk" \$5,109,625 into the project.[37] The additional estimated cost to the Forest Service for the proposed action (Alternative 2) is \$5,127,000 for sale preparation and \$3,359,000 for sale administration.[38]

*

[ldquo]Below-cost timber sales[rdquo] are harmful to taxpayers and are arbitrary and capricious.

1. Forest Service acknowledges this deficit, and the DEIS does not sufficiently explain how this deficit is in the public interest.

2.

If timber harvesting runs at a deficit, it may not be suitable for harvesting under the National Forest Management Act

1. [sect]6(k) requires that the forest plan identify lands suitable for harvesting considering physical, economic, and other pertinent factors.[39]

3. A new report estimates that timber sales from the Tongass have cost taxpayers \$1.7 billion over four decades.[40]

*

The Forest Service[rsquo]s explanation for the negatively appraised project is severely lacking, and is arbitrary and capricious.

1. After admitting that the project appraises negative, the agency offers an unacceptable explanation in the DEIS that states: [ldquo]Although the alternative appears not to appraise positive using preliminary information, positive sales can be achieved at implementation through unit and road design.[rdquo][41]
2. It is unacceptable to propose a project as expensive and damaging as this one at a loss to taxpayers, and offer no specific solutions or criteria on how positive sales can be achieved.
3. The DEIS even goes on to state that [ldquo]road construction, helicopter yarding, complex silvicultural prescriptions, setting size and other factors may increase costs, which would then decrease the timber value for the offering.[rdquo][42] So the same transportation-related factors (like road construction) that the Forest Service hopes will allow the project to appraise positive, may actually increase costs rather than decrease them, making this project even more economically unviable.

*

The project is already appraised negative, and the Forest Service insufficiently considered other costs with timber harvesting that would further devalue the project.

1. Clearcutting has high transportation and operation costs.[43]

1. The project currently values the total transportation costs for the Proposed Action at \$12,390,979.
2. The DEIS further admits that [ldquo]road construction, helicopter yarding, complex silvicultural prescriptions, setting size and other factors may increase costs, which would then decrease the timber value for the offering.[rdquo][44]

2. Fast-growing trees are favored in the Timber industry over more expensive, remote old-growth.[45]
3. The social cost of carbon emissions as discussed in Section I.B.[46]

*

Furthermore, the Forest Service[rsquo]s own research suggests that the forest economy is shifting from resource harvesting to conservation-based industries (cruise ship tourism, recreation, fishing, etc.).[47]

1. A more diversified regional economy relies on the health and longevity of the Tongass NF that large-scale old-growth timber harvesting does not comport with (more harm than good).

1. Forest Service recognized in the past that [ldquo]The region[rsquo]s tourism and recreation industries, along with commercial and sport fishing, all depend on a healthy, intact forest.[rdquo][48]
2. Forest Service is going back on this policy by trying to open up the Tongass to clearcutting.

2. Logging only contributes 1% to Southeast Alaska[rsquo]s economy, while the fishing and tourism industries contribute 26%.[49] Wasting resources on a money-losing project that will diminish fishing and tourism threatens true economic drivers in Southeast Alaska.

3. When logging replaced the salmon industry, it was seen as a short-term boon, not a long-term replacement or economic objective/solution.[50]

1. Logging in Alaska has never been seen as sustainable, so why continue it when other forms of economic development could be favorable?

* We urge the agency to pursue Alternative 1 as to not waste taxpayer money on an economically unsound project.

1.

1. The Agency must properly consider the National Historic Preservation Act

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* Several indigenous groups live near the Tongass and have deep ties to the land, including the Tlingit, Haida, and Tsimshian Tribes. According to local activists involved with the WECAN Indigenous Women's Tongass Delegation, increased logging will threaten native culture.

* 2019 GAO Report [rarr] 62% of Tribes surveyed said agencies often do not adequately consider their input.[51]

*

Look at past issues in other projects [rarr] tell them to be better (primary sources will explain how to use better indigenous knowledge, consultation, etc.)

1. Procedural Deficiencies

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1. The process provided is not commensurate with the scope of rulemaking and did not provide a meaningful opportunity to be heard.

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The notice provided for the 45 day period is inadequate to meaningfully engage the public.

1.

The Tongass National Forest is a national treasure, and is precious to Americans all over the country, not just in Alaska.

1. According to the Forest Service, the Tongass NF sees around 900,000 visitors a year.[52]

2. The DEIS wasn't even published on recreation.gov, which is a useful site that allows interested parties to engage agencies on proposed rules.

3. As three graduate level students, we had a difficult time finding where to comment on this project.

4. Given how important the Tongass is as a carbon sink, as a tourist destination, and as a subsistence provider for indigenous groups and Alaskans, any comment period less than 90 days is unreasonable.

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The agency's duty is to act in the public interest, and it failed to do so here.

1. The goal of soliciting comments and fostering public engagement is to aid the agency in good decision-making

to the benefit of the greater public.

2. To do this, the agency must make a greater effort to invite feedback from the wider public, and not just allow concentrated powerful/industry interests to overwhelm the greater public interest.

3. This Project is a clear example of [ldquo]rent seeking.[rdquo] The dying logging industry is abusing the system to reap economic benefits for themselves while the Project negatively impacts society and the environment.

*

The agency only held three meetings, and the Meeting Agenda did not even state the location of the meetings.[53]

1. The public meetings held by the FS utterly failed to engage the public.

2. Given the current health pandemic, travel to participate in meetings is severely restricted by health concerns.

3. Now that we live in a virtual world, the Forest Service should extend the comment period and hold meetings via a virtual video conference platform to allow for greater public participation.

1.

1. Relying on a future amendment to the Forest Management Plan is arbitrary and capricious

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* Fed. Reg. [sect] 1508.25(a)(1)(ii) (old) and Fed. Reg. [sect]1501.9(e) (new): Relying on a connected action in such a way that it [ldquo]cannot or will not proceed unless other actions are taken previously or simultaneously.[rdquo][54]

*

Connected actions must be considered in the same EIS.[55]

1. FMP Revision and South Revilla Project (Proposed Action) are [ldquo]connected actions[rdquo] and must therefore be reviewed in the same EIS.

2. The Forest Service has not given any attention to the FMP revision other than saying it is [ldquo]currently being analyzed.[rdquo][56]

1.

1. Examination of Ecological Impacts?

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Bald Eagle Take Permits [rarr] did FS exhaust all other alternatives before deciding they had to take?

1. The Bald and Golden Eagle Protection Act provides specific protection for bald and golden eagles by prohibiting take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport, or export/import of any eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16 U.S.C. 668(a); 50 CFR 22).

2.

[ldquo]Under these regulations, the Service can issue limited permits that authorize individual instances of take of bald and golden eagles when the take is associated with, but not the purpose of, an otherwise lawful activity, and cannot practicably be avoided.[rdquo][57]

1. Taking of Bald and Golden eagles can be avoided through selective logging

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Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act (p. 34 DEIS)

1.

Point source pollution impact on marine ecosystems including endangered species Humpback Whales (endangered) and Steller Sea Lions (threatened)

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Why clear-cutting? Does this comport with justification required by regs?

1.

16 U.S.C. 1604(g)(3)(F) [rarr] FS must explain why clear-cutting is the optimum method and meets objectives of the plan.[58]

1. Current explanation = more cost effective.[59]

2. Look for explanation in the DEIS re: ecological benefit of even-aged management and how it comports with goals stated in the Purpose and Need Statement.

* Pg 70 [rarr] won[rsquo]t harm [ldquo]most[rdquo] species but lots of local ones? (maybe better in the policy section)

1. Conclusion.

For all the reasons discussed, the only sensible course of action is Alternative 1. Please reconsider the currently Proposed Action and select the no-action alternative.

[1] DEIS at 1.

[2] DEIS at 175.

[3] DEIS at 189.

[4] DEIS at 194.

[5] DEIS at 193.

[6] DEIS at 193.

[7] DEIS at 193.

[8] DEIS at 188.

[9] See *infra*, Section II.B.

[10] DEIS at 188-89.

[11] DEIS at 188.

[12] DEIS at 188.

[13] DEIS at 30.

[14] DEIS at 30.

[15] DEIS at iii.

[16] DEIS at v.

[17] DEIS at v.

[18] DEIS at 1.

[19] DEIS at 109.

[20] DEIS at 109.

[21] DEIS at 109.

[22] <https://glacierhub.org/2019/11/12/tongass-national-forest-threatened-by-increased-logging/>

[23] <https://glacierhub.org/2019/11/12/tongass-national-forest-threatened-by-increased-logging/>

[24] <https://earthjustice.org/features/tongass-old-growth-climate-change>

[25] <https://www.fs.fed.us/pnw/sciencef/scifi225.pdf>

[26] https://www.fs.fed.us/nrs/pubs/jrnl/2019/nrs_2019_haight_001.pdf

[27] <https://forestlegacies.org/wp-content/uploads/2016/01/tongass-report-emissions-2016-01.pdf>

[28] <https://earthjustice.org/features/tongass-old-growth-climate-change>

[29] <https://forestlegacies.org/wp-content/uploads/2016/01/tongass-report-emissions-2016-01.pdf>

[30]<https://www.commerce.alaska.gov/web/dcra/climatechange.aspx>

[31] [ldquo]Ice Sheet Mass Balance and Sea Level (ISMASS).[rdquo] Scientific Committee on Antarctic Research, International Science Council , 2017, www.scar.org/science/ismass/about/.

[32] Joughin, I., et al. [ldquo]Marine Ice Sheet Collapse Potentially Under Way for the Thwaites Glacier Basin, West Antarctica.[rdquo] Science, vol. 344, no. 6185, 2014, pp. 735[ndash]738., doi:10.1126/science.1249055.

[33] Lindsey, Rebecca. [ldquo]Climate Change: Global Sea Level[rdquo]. NOAA Climate.gov, Nov. 19, 2019, www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level.

[34] Sweet, William V., et al. GLOBAL AND REGIONAL SEA LEVEL RISE SCENARIOS FOR THE UNITED STATES. National Oceanic and Atmospheric Administration, 2017. NOAA Technical Report NOS CO-OPS 083.

[35] DEIS at 20, note 6.

[36] DEIS at 20.

[37] DEIS at 56.

[38] DEIS at 29, 57.

[39] National Forest Management Act [sect] 6(k) (1976).

[40]<https://www.taxpayer.net/energy-natural-resources/new-report-taxpayers-losing-hundreds-of-millions-of-dollars-on-tongass-timber-sales-over-last-two-decades-2/>

[41] DEIS at 20, note 6.

[42] DEIS at 52.

[43]<https://www.hcn.org/articles/why-is-logging-dying-blame-the-market>

[44] DEIS at 52.

[45]<https://www.hcn.org/articles/why-is-logging-dying-blame-the-market>

[46]See supra Section I.B.

[47] Sisk 16-17; Tsournos & Haynes 23.

[48]<https://alaskaconservation.org/forest-service-shifts-oldgrowth-logging/>

[49]<https://biologicaldiversity.org/w/news/press-releases/trump-administration-launches-new-assault-on-alaskas-forest%20servtongass-old-growth-forest-2020-09-04/>

[50]<https://www.hcn.org/articles/why-is-logging-dying-blame-the-market>

[51]<https://www.gao.gov/products/GAO-20-466T>.

[52]https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd504868.pdf

[53]https://www.fs.usda.gov/nfs/11558/www/nepa/108739_FSPLT3_5396732.pdf

[54] Fed. Reg. [sect] 1508.25(a)(1)(ii). OR new CEQ regs (Fed. Reg. [sect] 1501.9(e)).

[55] Fed. Reg. [sect] 1508.25(a)(1).

[56] DEIS at 6.

[57]<https://www.fws.gov/cno/conservation/migratorybirds/eaglepermits.html>

[58]https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5409883.pdf.

[59] DEIS 21.