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Comments: Please find attached the Southeast Alaska Conservation Council's comments on the Draft EIS for the National Old-Growth Amendment. We are also attaching resolutions that have been passed by numerous tribal governments in Southeast Alaska, as well as municipalities that are referenced in our comment letter.

Thanks you.

Linda Walker

Director, Ecosystem Management Coordination United States Forest Service

201 14th Street SW Mailstop 1108

Washington, DC 20250-1124

CC: Frank Sherman, Chad VanOrmer, Barb Miranda, Monique Nelson September 20, 2024

Re: NOGA Direction for the Tongass National Forest

Dear Ms. Walker, Mr. Sherman, Mr. VanOrmer, Ms. Miranda, and Ms. Nelson:

Southeast Alaska Conservation Council (SEACC), on behalf of our members and supporters in Alaska and nationwide, would like to provide the following Tongass-specific comments on the U.S. Forest Service's Draft Environmental Impact Statement for the National Old-Growth Amendment. Based in Juneau, Alaska (Tlingit/[Aacute]ak'w K_w[aacute]an lands), SEACC is a regional grassroots organization with more than 7,000 supporters. Since 1970, SEACC has brought together Alaskans from our region's diverse communities to protect the natural resources of Southeast Alaska, ensure sound stewardship of the lands, and protect subsistence resources and traditional ways of life side-by-side with fishing, tourism, and recreation.

We commend the Forest Service for responding to Alaska Tribes, municipalities, small businesses, and conservation organizations by removing from the Draft EIS the explicit Tongass old-growth logging exception proposed in the notice of intent.¹ Yet the Draft EIS offers conflicting and ambiguous statements about the Forest Service's intended direction and actual protections for old growth nationwide and on the Tongass, leaving room for large-scale commercial logging, out of alignment with the intent of NOGA.

In President Biden's Executive Order 14072 Section 2,2 the intent of NOGA is to "foster the long-term resilience of old-growth forests and their contributions to

ecological integrity across the National Forest System."³ Doing so supports national priorities to strengthen sustainable local economies, preserve regional biodiversity and fight climate change. The Tongass National Forest stands out within our national forest system as one of the largest, most intact old-growth forests and the largest temperate rainforest worldwide, uniquely suited to support these priorities. The Forest Service must align NOGA with these priorities and ensure the preferred alternative in the Final EIS ends large-scale, commercial

logging of old growth, fully inclusive of the Tongass, with only limited and clear exceptions.

A number of communities in Southeast Alaska have echoed these sentiments by passing resolutions supporting stronger protections of old growth to protect their ways of life and the forest ecosystem they depend on. The tribal governments of Yakutat Tlingit Tribe, Organized Village of Kake, Klukwan-Chilkat Indian Village, Craig Tribal Association, Organized Village of Kasaan, and the municipalities of the City of Tenakee Springs, City of Pelican, and City of Port Alexander have all adopted resolutions supporting stronger protections for old growth in the Tongass.⁴ We urge the Forest Service to continue listening to southeast Alaskan communities when analyzing the NOGA.

Contradictions in the Draft EIS

The Draft EIS contains contradictions about old-growth logging under NOGA. It is unclear whether the preferred alternative would end all old-growth logging or if it would continue to allow millions of board feet of commercial old-growth logging annually. The discussion in one part of the Draft EIS indicates an end to even small commercial sales:

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 [in the Tongass] would not occur under Alternatives 2 and 3, although there may be ecologically appropriate stewardship actions under NOGA-FS-STD 2a and non-commercial activities in accordance with the exceptions.⁵

Further, the new exception for "de minimis use" of old-growth is described as permitting firewood gathering, personal, or free use of old growth trees. That

description is consistent with excluding commercial logging of old growth under that newly proposed exception. The new exception for cutting of old growth trees when incidental to other management activities is described as applicable to activities like trail construction or recreational site development.

In other parts of the DEIS, however, the agency describes continued commercial logging consistent with current direction as authorized under the proposed amendment, apparently under the new exception for logging incidental to other management activities, the new exception for de minimis use, or the exception for previously authorized uses. For example, page 33 of the Draft EIS states that the current commercial old-growth logging program would continue in the Tongass under Alternative 2:

[I]n the limited instances where implementation of the [Southeast Alaska Sustainability Strategy] is not consistent with the definition of proactive stewardship in old-growth forests, the combined use of 2.c.iii and 2.c.iv would allow for [hellip] small [old-growth] sales for local mills, music wood, and culturally significant uses like totem poles.⁶

The Draft Social, Economic, and Cultural Impacts Analysis Report also states that commercial old-growth logging would continue in the Tongass under Alternative 2:

In Alaska, Alternative 2 effects are assumed to be the same as the no action alternative for the Tongass. Small and micro-old-growth sales and goods for services contracts would continue to occur according to Tongass Forest Plan direction and implementation of timber components of the Southeast Alaska Sustainability Strategy.⁷

Appendix C of the Draft EIS states that the current Tongass Land Management Plan, per the 2016 amendment, "directs a transition to primarily offering second-growth timber for commercial purposes, with an average of 5 MMBF of old-growth harvest per year by 2031," and thus is considered to already "functionally meet [...] the intent of NOGA."⁸

The Draft EIS also suggests that some logging of old growth under SASS might be consistent with the proactive stewardship provisions of the rule.⁹ We are, however, unaware of any circumstance in which the Forest Service has suggested that logging of old growth is necessary for restoration or proactive stewardship now or in the foreseeable future on the Tongass. The Forest Service should clarify that logging of old growth on the Tongass is not justifiable under the proactive stewardship provision of the amendment.

Language contrary to the intent of NOGA

The Forest Service's statement that continued logging of millions of board feet annually for commercial purposes under the current program would "foster the long-term resilience of old-growth forests and their contributions to ecological integrity [hellip]".¹⁰ is scientifically unsupported.

To eliminate contradictions and inconsistencies, the Final EIS should make clear the following:

The Standard 2.b exception for logging incidental to other management activities does not authorize cutting of old growth trees for large-scale commercial logging purposes. Any de minimis exception in Standard 2.c.iv cannot include logging of old growth for large-scale commercial purposes. The exception for authorizations of use made prior to adoption of the amendment does not include any large-scale commercial logging of old growth to meet the 5 MMBF annual limit outlined in SASS, but only such logging already subject to a timber sale contract at the time of the amendment. Logging of old growth on the Tongass is not justifiable under the proactive stewardship provision, and it should not be suggested that commercial logging of millions of board feet annually [mdash] which, if continued for even one decade amounts to a significant loss of old growth [mdash] would foster the long-term resilience of old-growth forests.

Decoupling SASS and NOGA

The Southeast Alaska Sustainability Strategy sets out, in many respects, a positive direction for the Tongass. Under SASS, the Forest Service has begun to shift its resources to support and invest in forest restoration, recreation, and resilience

throughout the region.¹¹ These changes and investments, and the partnerships the Forest Service has developed, support the region's primary economic drivers and bolster the resilience of the forest and the people and wildlife who depend on it. Old-growth ecosystems support the region's economic mainstays[mdash]the seafood and visitor industries[mdash]and the wild foods economy and subsistence ways-of-life of Alaska Native peoples.¹² We support these changes in how the Forest Service does business in southeast Alaska.

However, SASS must be fully decoupled from NOGA. The exception for implementation of SASS in the Notice of Intent has been removed in the Draft EIS but exceptions are made to allow the 5 MMBF annual commercial harvest of old growth. The old-growth logging component of SASS is not essential and removal of this component does not undermine the Forest Service's commitment to the strategy, rather, it is aligned with the first component listed in the strategy: ending large-scale old-growth timber sales on the Tongass National Forest. Protecting old growth under NOGA would lay groundwork for a more productive Tongass Land Management Plan revision process with a focus on popular and constructive goals like forest restoration and new recreation opportunities.

Limited and clear exceptions

It has been more than ten years since Secretary Vilsack issued a directive to transition out of old-growth logging on the Tongass. A decade into that transition, there is no need to allow ongoing old-growth logging, except under limited and clear circumstances. 1) Culturally significant uses - We fully support selective harvest of old growth trees by Tribes for cultural uses, such as totem poles, canoes, and we encourage the Forest Service to maintain this exception; 2) Supporting small, locally owned and operated mills - We support clear and limited exceptions that would allow for micro sales to small, locally owned and operated mills, whose owners and employees live in, do business in and pay taxes in Southeast Alaska. These mills process timber locally, adding value that benefits the local economy and the communities they're part of. These mills are also able to provide materials in remote communities with otherwise limited access. 3) Facilitating a more just transition to second-growth logging -

Allowing micro-sales of old growth trees to small, locally

owned and operated mills can keep these mills operational as they upgrade equipment and facilities to process smaller-diameter trees.

The Draft Social, Economic, and Cultural Impacts Analysis Report details numerous Forest Service grant programs that can assist with this, including the Wood Products Infrastructure Assistance program that provides funding to support "facilities that purchase and process byproducts of ecosystem restoration projects, [including] applications to establish, reopen, retrofit, expand, or improve a sawmill or other wood-processing facility."¹³ Retooling small mills to be able to process second-growth, small-diameter trees would align with NOGA's intent to maintain and protect old-growth.

Conclusion

NOGA must end all large-scale, commercial old-growth logging in national forests across the country, including the Tongass. Local economies, regional biodiversity and the climate are better off with Tongass old growth trees standing, providing their critical ecological functions. Ambiguous and contradictory language and loopholes that allow for continued large-scale commercial logging must be removed and the practical application of the amendment should align with its intent to foster the long-term resilience of old growth forests. We look forward to a Final EIS that protects old growth, ending large-scale commercial logging in our national forest system, clearly and fully inclusive of the Tongass National Forest.

Sincerely,

Nathan Newcomer

Federal Campaigns Manager

Southeast Alaska Conservation Council Juneau, AK

1 88 Fed. Reg. 88,047 (Dec. 20, 2023) ("4. Exceptions to standards 2 and 3 may be granted by the Regional Forester in Alaska if necessary to allow for implementation of the Southeast Alaska Sustainability Strategy and the rationale must be included in a decision document.").

2 Executive Order 14072, Strengthening the Nation's Forests, Communities, and Local Economies (Apr. 22, 2022) (to "manage forests on Federal lands, which include many mature and old-growth forests, to promote their continued health and resilience [and] retain and enhance carbon storage [[hellip]].")

3 USFS, Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System Draft EIS at S-1 (June 2024).

4 Resolutions from Tribal Governments and Municipalities are attached.

5 DEIS at 106

6 DEIS at 33; see also DEIS at 121 ("Alternatives 2 and 4 allow for continued transition from old-growth to a primarily young-growth timber base with fewer effects to the timber industry and timber-related economic benefits [hellip].").

7 USFS, Draft Social, Economic and Cultural Impacts Analysis Report for the Draft EIS for Amendments to LMPs

to Address Old-Growth Forests Across the NFS at 36 (June 2024).

8 DEIS at C-2.

9 DEIS at 33.

10 DEIS at S-1.

11 See U.S. Forest Service, Southeast Alaska Sustainability Strategy, <https://www.fs.usda.gov/detail/r10/landmanagement/resourcemanagement/?cid=FSEPRD950023> (outlining the components of SASS).

12 See U.S. Department of Agriculture, USDA Southeast Alaska Sustainability Strategy Investment Recommendations, Appendix E: Regional Economic Overview, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1012381.pdf.

13 Draft Social, Economic and Cultural Impacts Analysis Report at 32.

ATTACHMENT: SEACC NOGA DEIS Comments_September_2024.pdf - this is the same content that is coded in text box; it was also included as an attachment

ATTACHMENT: RESOLUTION OVKasaan 24_08_002 Urging Dept of Agric. to include Tongass Natl Forest in Proposed Natl Old Growth Plan.pdf -

ATTACHMENT: CraigTribalAssociationNOGAResolution 2024-60.pdf - Resolution OVK 24-08-002: Urging the Dept of Agriculture to include the Tongass National Forest in the proposed national old growth forest plan amendment rule

ATTACHMENT: CIV_Letter_OldGrowth_August_6_2024 (2).pdf - Resolution 2024-60: A resolution of the Craig Tribal Association (CTA) urging the Department of Agriculture to include the Tongass National Forest in the proposed National old growth forest plan amendment rule while supporting the small mills

ATTACHMENT: Port_Alexander_Tongass_NOGA_Resolution.pdf - City of Port Alexander - Resolution 24-03: Urging the Department of Agriculture to include the Tongass National Forest in the proposed national old growth forest plan amendment rule

ATTACHMENT: PelicanResolution 2024-12 - Tongass Old Growth Forest - Signed.pdf - City of Pelican, Alaska: Resolution 2024-12: A resolution of the city council of the City of Pelican, Alaska urging the Department of Agriculture to include the Tongass National Forest in the proposed National Old Growth Forest Plan Amendment Rule

ATTACHMENT: Tongass_BusinessLetter_NOGA2024.pdf - Letter from Alaska businesses to USFS titled, "Urging the Department of Agriculture to include the Tongass National Forest in the proposed National Old growth Forest Plan Amendment

ATTACHMENT: Yakutat_Resolution_National_Old_Growth2024.pdf - From the Yakutat Tlingit Tribe - Resolution 2024.04.30-5: Urging the inclusion of the Tongass National Forest in the National Old Growth Forest Plan Amendment Rule

ATTACHMENT: OVK Resolution No. 202408 OVK request to add Tongass Nat'l Forest old growth to permanent protection.pdf - Organized Village of Kake - Resolution No 2024-08: Urging the Department of Agriculture to include the Tongass National Forest in the proposed national old growth forest plan amendment rule

ATTACHMENT: Tenakee Resolution 2024-08 Tongass.pdf - City of Tenakee Springs - Resolution 2024-08: A Resolution for the City of Tenakee Springs, Alaska, urging the Department of Agriculture to include the Tongass National Forest in the proposed National Old Growth Forest Plan Amendment Rule