

Big Thorne Project

DRAFT Supplemental Information
Report

Documentation of
Interagency/Interdisciplinary Review

May 2014

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Introduction

A. Scope of this Report

This draft Supplemental Information Report (SIR) addresses the direction contained in the Regional Forester's September 30, 2013 administrative appeal decisions affirming the Forest Supervisor's decision on the Big Thorne Project (Big Thorne Project record (PR) #736_4018). This direction requires that I, Forrest Cole, Forest Supervisor and the Responsible Official for this project, prepare a Supplemental Information Report that responds to the following six items listed in that letter:

- 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 [Environmental Impact Statement];
- 2) A review of project design in light of this information, including OGR [Old-growth Reserve] 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 [Record of Decision] 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.

These six items coincide with the listed sections of this report titled *Specific Areas of Investigation*. In short, I was directed to engage an Interagency Wolf Task Force (Task Force) of wildlife biologists to review the Person Statement, identified as the *Statement of David K. Person, Regarding the Big Thorne Project, Prince of Wales Island* (Statement) (PR# 736_3727). This Statement was submitted to the Forest Service as an attachment to two administrative appeals for the Big Thorne Project ROD. The Task Force review was to help me to determine if the information in the Statement constitutes significant new information, since the Statement was dated 8/15/2013, well after the date of the decision of the Big Thorne Project (6/28/2013). I have also included a brief review of the 90-day finding of the U.S. Fish and Wildlife Service (USFWS) for the petition to list the Alexander Archipelago wolf under the Endangered Species Act (ESA), which was posted March 31, 2014, also well after the Big Thorne Project decision.

B. Location and Description of the Project

The Big Thorne Project is located on Prince of Wales Island (POW) in Southeast Alaska near the towns of Thorne Bay and Coffman Cove on the Thorne Bay Ranger District of Tongass National Forest, approximately 40 miles northwest of the City of Ketchikan. The project area covers approximately 232,000 acres. The decision includes commercial harvest of both old-growth and young-growth timber, predominately western hemlock and Sitka spruce, with some western redcedar and Alaska yellow-cedar, and the construction of both National Forest System and temporary roads as needed for access.

Background

A. History of the NEPA Project, Appeals, and Litigation

The Big Thorne Project was initiated in 2010 with online publication in the Schedule of Proposed Actions. A Notice of Intent was filed in the Federal Register in February 2011 and scoping information was sent to over 400 individuals, organizations, tribes, and agencies. The Draft Environmental Impact Statement (EIS) was distributed in October 2012 for a 45-day public review. The Record of Decision was signed June 28, 2013 and distributed with the Final EIS (Big Thorne PR#736_2244 and #736_2248). The following appeals were filed under 36 CFR 215:

- No. 13-10-00-0002, filed by Dick Artley (dismissed pursuant to 36 CFR 215.16(a)(6)) (Big Thorne PR#736_3700);
- No. 13-10-00-0003, filed by Rebecca Knight (Big Thorne PR #736_3701);
- No. 13-10-00-0004, filed by Larry Edwards on behalf of several conservation organizations (Big Thorne PR#736_3707);
- No. 13-10-00-0005, filed by Buck Lindekugel on behalf of Southeast Alaska Conservation Council (SEACC) (Big Thorne PR#736_3735);
- No. 13-10-00-0006, filed by Tom Waldo on behalf of several conservation organizations (Big Thorne PR#736_3738);
- No. 13-10-00-0007, filed by Austin Williams on behalf of Trout Unlimited (Big Thorne PR#736_3760); and
- No. 13-10-00-0008, filed by Jim Adams on behalf of Audubon Alaska (Big Thorne PR#736_3775).

The Regional Forester affirmed the Forest Supervisor's decision with direction to prepare this draft SIR.

B. History of Project Implementation

As requested in the letter, the changes to the design of the timber harvest units and road locations made during on-the-ground implementation of the *Big Thorne Stewardship Integrated Resource Timber Contract* (2013 IRTC) were used in the review instead of the planned designs and locations for those units and roads. The 2013 IRTC was offered August 17, 2013, though it was not awarded due to instructions in the Regional Forester's decision.

This first timber harvest contract offered from the Big Thorne Project decision included 144 units on 4,043 acres, as well as 21 miles of new and temporary road construction and reconstruction, approved by

the decision. The *Big Thorne Stewardship Contract Change Analysis* (PR#736_2921) disclosed any differences between the units and roads as planned in the ROD and as offered in the contract and any differences in the effects. Through this process, it was determined that the 2013 IRTC does not represent a substantial change in the Selected Alternative relevant to environmental concerns. Other timber harvest offerings approved in the ROD, including the harvest of young-growth units, are planned to be scheduled at a later date and will go through this same process.

The 2013 IRTC, as offered, included three mandatory projects: wildlife habitat improvement on 1,652 acres with pre-commercial thinning; renovation of the Balls Lake Trail and boardwalk; and renovation of the Boy Scout Trail, and two optional service-type projects: wildlife habitat improvement on 2,711 acres with pre-commercial thinning of young growth; and Luck Creek Restoration, providing logs, root wads, and young-growth trees for future in-stream placement, as stewardship components to improve ecological conditions within the project area. Future stewardship contracts may include other restoration and enhancement projects.

Methods of Review

The procedures set forth in FSH 1909.15, Section 18.1 were used in completing this review, consideration of this information, and determining whether there are “significant new circumstances or information relevant to” or having bearing on the Big Thorne Project decision.

I requested the involvement of experts from both the U.S. Fish and Wildlife Service and the State of Alaska Department of Fish and Game (ADFG) in December, 2013 to assist in the review of the Statement. Their task was to evaluate whether the information in the Statement was considered in the analysis for the *Big Thorne Project Final Environmental Impact Statement* and if the conclusions stated would require more analysis for other aspects of the project. This review is documented in Appendix A of this document, the *Interagency Wolf Task Force Report*.

To facilitate and further support this review, two other reviews by members of the Big Thorne Project Interdisciplinary Team (IDT) occurred simultaneously. The first review involved a close look at the process of the small OGR modifications and whether Forest Plan direction was followed. This report also includes more information on the small OGRs modified in the decision from Appendix 3 of the Big Thorne Project ROD. The second review involved the Legacy Forest Structure Standard and Guideline (“legacy”) from the Forest Plan and how it was applied in required value comparison units (VCUs) for the Big Thorne Project. The report describes all considerations in the process of applying legacy as well as a unit-by-unit review of individual applications. For the reviews completed to comply with the Regional Forester’s direction, the harvest unit designs used for analysis reflect the on-the-ground configurations, where available, as displayed in the Change Analysis rather than the planned unit design from the Record of Decision. This involves 144 units out of the 261 planned units for preparation of the 2013 IRTC offering.

Specific Areas of Investigation

Item 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

Since the Statement was submitted after the decision for the Big Thorne Project (June 28, 2013), the Regional Forester directed that I ensure there is no new significant information in the Statement that would require preparation of a Supplemental Environmental Impact Statement. To facilitate this review, I contacted the U.S. Fish and Wildlife Service and the State of Alaska Department of Fish and Game to assist with review of the Statement. The Task Force consisted of the following representatives: Greg Hayward, Regional Wildlife Ecologist, and Brian Logan, Forest Wildlife Biologist, for U.S. Forest Service; Steve Brockmann, Deputy Field Supervisor, and Socheata Lor, Field Supervisor, for U.S. Fish and Wildlife Service; and Douglas Vincent-Lang, Director, and Kimberly Titus, Chief Wildlife Scientist, for Alaska Department of Fish and Game. This group met on February 5, 2014 to establish baselines of the review process and then again on March 5 and 6, 2014 to complete the review of the Statement.

The Task Force evaluated the extent to which the Statement represented information, analysis, and conclusions substantially new or different from the Forest Service analysis for the Big Thorne Project. Table A: Points Matrix, included in Appendix A, the *Interagency Wolf Task Force Report*, developed during the meeting, describes the substantial overlap of the important elements examined in both the Statement and the Big Thorne Project Final EIS, ROD, and project record. I conclude from this analysis that the majority of the points presented in the Statement are not new information and have been considered fully in the Big Thorne Project analysis. However, the Task Force identified six points from the Statement that were examined differently in the Statement than in the analysis for the Big Thorne Project and thus, warranted further consideration. These are discussed in Attachment 1 of the *Interagency Wolf Task Force Report*. Finally, the Task Force identified five broad conclusions listed at the end of Table A of the *Interagency Wolf Task Force Report*.

Evaluation of Potential New Information

Although six points (*Interagency Wolf Task Force Report, Attachment 1*) were identified during the Task Force review as possibly constituting new information or information presented in a different way, I conclude from the *Interagency Wolf Task Force Report* that these six points do not constitute new information, or, if considered possible new information, additional analysis is not needed to address the effects of the Big Thorne Project. Briefly, these six points include:

1. incremental reduction in deer habitat capability resulting in a larger effect on the predator-prey system owing to nonlinear dynamics
2. unsustainable take of wolves by hunters and trappers attempting to boost deer populations
3. far-ranging indirect effects as hunters transfer hunting efforts from areas depleted of deer to other less-depleted areas

4. legal and illegal take of wolves increasing as hunters perceive competition from wolves for declining numbers of deer
5. extensive harvest of high volume old growth and deer winter habitat particularly on northern POW
6. logging and roading on 25-40 percent of a pack's home range creating a population sink

Point one, concerning *nonlinear dynamics that characterize predator-prey-habitat interactions*, has been known and considered in the FEIS represented by the use of reputable peer-reviewed references, such as Person and Russell (2008), Person (2001), Person et al. (1996), and Person and Boyer (1997). These references document the local science available at the time of the Big Thorne Project analysis of hunter/predator/prey dynamics, hunters' motivations, and possible future changes in hunting patterns. The analyses for the Big Thorne Project and the Forest Plan also demonstrate consideration of cumulative loss of deer winter habitat and the consequences for deer mortality following harsh winters.

Points two, three, and four were considered new information by some members of the Task Force; however, all members concluded that the Big Thorne analysis contained a thorough evaluation of wolf mortality focused on hunting and trapping of wolves, including illegal take, as well as a thorough evaluation of deer habitat and potential consequences for deer abundance, and considered deer harvest by humans. However, what factors motivate hunters and trappers to harvest deer or wolves is not directly related to the Big Thorne decision, but could be a factor considered by State and Federal managers as they modify regulation and enforcement actions to manage hunting and trapping effectively. I have no basis to conclude that State and Federal agencies will not fulfill their responsibilities under the State constitution and State and Federal laws for setting and enforcing appropriate regulations, and conducting information and education programs to manage wolf harvest to achieve sustainable and viable populations. The rapid, coordinated response of State and Federal agencies in closing wolf harvest in Game Management Unit #2 on March 19, 2014 is an example of this enforcement designed to close wolf harvest based on a pre-determined cap.

Point five outlines a different system for forest structural classification and is not considered new information. Similar analysis examining the cumulative extent of large-tree productive old-growth forest harvest was completed for the Big Thorne Project (FEIS p. 3-104). The Big Thorne analysis employed the vegetation classification system consistent with the system used for the Forest Plan analysis (2008 Forest Plan Amendment FEIS, Volume I, pp. 3-142 through 3-153). This analysis disclosed the cumulative disproportionate harvest of high-volume timber on the Tongass National Forest.

Point six presents information in a different way than the Big Thorne Project analysis. While the analysis for Big Thorne evaluated and disclosed the consequences of forest management, including road building and timber harvest on wolf mortality, which indicated a strong positive relationship between increasing development and increasing wolf mortality, it did not specifically highlight particular levels of development such as the 40 percent and 25 percent of wolf pack range logged and roaded as noted in the Statement. Additionally, the FEIS or ROD did not link these to the potential for a population sink. However, as stated above, the Big Thorne Project analysis contained a thorough evaluation of wolf mortality focused on hunting and trapping of wolves. It also recognized the risks related to roads and

timber harvest to deer and wolves and fully considered the consequences of continued loss of habitat and road density. Some members of the Task Force pointed out that the pattern of mortality outlined by the Statement, which associated it with 40 percent and 25 percent development levels, does not represent an ecological threshold where mortality changes abruptly, nor is there local evidence of a true population sink. For these reasons I find the Statement does not represent significant new information relevant to the understanding of the influence of timber harvest and road access on wolf mortality, which was otherwise thoroughly examined in the Big Thorne analysis.

In conclusion, although some of the points outlined in the Statement were considered new information by some members of the Task Force, I have fully considered this information in light of the analysis documented in the Big Thorne FEIS, ROD, and project record. This new information is specific to human-caused wolf mortality directly tied to legal and illegal wolf harvest, which is most appropriately and effectively addressed through State and Federal regulatory mechanisms and law enforcement. As stated in the decision for the Big Thorne Project (p. 30), I will continue to work with ADFG and USFWS as part of a technical working group to fill information gaps and evaluate potential conservation measures identified by the group that initially met in October 2011.

Evaluation of Conclusions Made in Statement

In addition to considering the six points addressed above, the Task Force also identified five major conclusions reached in the Statement that differed from the conclusions regarding wolf populations reached in the Big Thorne analysis. The Task Force considered these five conclusions to determine the scientific efficacy of the conclusions in light of current understanding of the ecology and management of Prince of Wales and associated islands.

The Task Force reviewed and discussed the science behind these conclusions, and those discussions are documented in the *Interagency Wolf Task Force Report*. Although there was not complete agreement among Task Force members regarding each conclusion - differences were in degree rather than representing polar opposites - I fully considered the viewpoint for each conclusion prior to reaching my own conclusions.

Perspectives within the Task Force varied regarding the strength of the assumptions that form the foundation for the five major conclusions reached in the Statement. Some Task Force members stated neither science nor any other information supported the contention of a likely collapse of the predator/prey system or the loss of wolf viability as a result. This view contends that the evidence fails to suggest a substantial risk of island-wide predator/prey collapse or loss of sustainable populations of deer and wolves in the context of active regulation of deer and wolf harvest.

Other members maintained that the Big Thorne Project, when combined with the cumulative effects of past and foreseeable timber harvest and associated road building, increases the likelihood of low wolf populations occurring on Prince of Wales and associated islands. This view considers the interactions among deer habitat, snow, roads, deer populations, wolves, and humans as complex, and it is unknown whether a substantial risk of island-wide predator/prey collapse or loss of sustainable populations of deer and wolves will result. These members emphasize that some uncertainty remains and that there is some risk that the scenario presented in the Statement could occur if the responsible management and

enforcement agencies do not maintain adequate deer winter habitat and restrict wolf harvest, both legal and illegal, to a sustainable level. Additionally, while the Tongass Old-growth Habitat Conservation Strategy (Conservation Strategy) was designed to provide a high probability of maintaining viable and well-distributed populations of wildlife, including wolves and deer, the members find a need exists for information related to its effectiveness in maintaining sustainable populations.

These two views differ in degree, and the nature of differences in perspective demands my consideration. Neither perspective held by the Task Force members agrees with the ultimate conclusions of the Statement (e.g. “wolves are already facing the possibility of extinction on Prince of Wales Island” or “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”). Rather, the two views outlined by the Task Force represent differences in perspective regarding the strength of the evidence and an evaluation of risk.

Conclusions based on the review from Interagency Wolf Task Force

After considering the extensive evaluation by the Task Force, including the noted differences in perspectives regarding the conclusions contained in the Statement, I make two specific conclusions:

- First, I conclude that the issues raised in the Statement and assessed by the Task Force do not represent significant new circumstances or information relative to the cumulative effects on wolves including habitat effects and wolf harvest. The Task Force report conclusion suggests the issue is not a matter of scientific evidence - supporting or not supporting the decision in the Big Thorne Project. Rather, they present alternative perspectives regarding the risk to wolves resulting from changes in roads and deer habitat as a consequence of the Big Thorne Project. The more-substantial issues raised in the Statement are not directly related to the activities approved through my decision in the Big Thorne Project, but relate to hunter and trapper motivation, legal and illegal harvest, and the regulatory framework that guides those activities. Even if the Big Thorne Project is not implemented, I find that the main conclusions contained in the Statement will not be addressed. As a result, I concur with Task Force members who outlined a need to develop more-objective-based approaches to estimate population characteristics of deer and wolves and will support continued interagency collaboration to that end.
- Second, I conclude that the Task Force’s assessment raises considerable doubt regarding the final conclusions reached in the Statement that the project will result in “the ecological collapse of the predator prey system,” “wolves are already facing the possibility of extinction on Prince of Wales Island,” or 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.” Although the Task Force acknowledges that the Big Thorne Project increases the likelihood of low wolf populations occurring on Prince of Wales and associated islands, all members concur that there are complex interactions among deer habitat, snow, roads, deer population abundance, wolves, and humans. None definitively agreed with the final conclusions in the Statement. Additionally, some members of the Task Force stated the conservation fabric developed in the 1997 and 2008 Forest Plans is still intact and a sound regulatory framework is in place to modify harvest of deer and wolves. The Big Thorne Project analysis thoroughly

evaluated the threats to wolves and understanding of the risk represented by the Big Thorne Project was considered, based on that analysis. I find that the evaluation by the Task Force reinforces my earlier evaluation of risk and the need to balance all interests and values used in making the decision for the Big Thorne Project, and I find that my decision remains unchanged. Therefore, I do not agree with the conclusion in the Statement 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.” I also agree that actions that can reduce the level of risk should be implemented, which is why I incorporated mitigation, including access management, into the Big Thorne Project ROD. I also will continue to work with the State of Alaska and the Federal Subsistence Board to develop and consider necessary changes in wolf harvest regulations and increased enforcement effort.

Item 2. A review of project design in light of this information, including OGR [Old Growth Reserve] modifications and legacy [forest] structure within units, to determine whether changes are needed to address identified wolf sustainability concerns.

During the review of the appeals on Big Thorne, the Appeal Reviewing Officer (ARO) highlighted two concerns in her document (September 30, 2013) relating to the issues of the modification of old-growth reserves and retention of legacy forest structure. The first concern is whether the OGR modifications comply with NEPA and Appendix K of the Tongass Forest Plan and whether the Big Thorne Project complies with Forest Plan Standards and Guidelines and the National Forest Management Act regarding deer, wolves, and hunters. The concern focuses on modifications to the small OGRs, especially those in VCUs 5800, 5810, and 5850 and whether “comparable achievement” is provided for wildlife habitat values and habitat connectivity. The ARO asked whether there was a possibility of greater effects to deer habitat, both winter habitat and elevational connectivity, between summer and winter range than was identified during the Big Thorne Project analysis based on information included in the Statement.

The second concern is whether the Forest Plan Legacy Standards and Guidelines are adequate, and whether they were appropriately applied to the Big Thorne Project, recognizing that the Legacy Standards and Guidelines are not meant to provide full habitat capability for connectivity, foraging, and nesting. Rather, they supplement old-growth forest structure on a harvest unit basis in those VCUs (roughly equivalent to watersheds) that are considered at higher risk of not having sufficient residual old-growth trees and snags for wildlife species due to previous harvest.

In the following paragraphs, I address old-growth reserves and legacy structure as highlighted by these issues.

Old Growth Reserves

A report (see *Big Thorne Project SIR Appendix B - Old Growth Reserve Modification Process Report*) was prepared to provide a review of the process of the modifications to the small OGRs, how the process was used during the Big Thorne Project analysis, and how the modifications relate to the Conservation Strategy. The report describes each step throughout the environmental analysis for the Big Thorne Project and the public and interagency involvement. This report in particular reviewed the final design

and composition of the small OGRs in the three VCUs that were not totally supported by the other agencies. This report explains how these modifications do comply with the comparable achievement requirement of the Forest Plan (p. 3-62, Forest Plan Appendix K, and the 2008 Forest Plan Amendment FEIS Appendix D. The comparable achievement relates to meeting the goals and objectives of the Old-growth Habitat land use designation (LUD). These goals and objectives are focused on providing long-term old-growth forest habitat and associated resources for viable populations, maintaining biodiversity, and supporting sustainable human subsistence and recreational uses. Also included is the management of young-growth forest to promote old-growth characteristics and to limit roads in these areas.

I conclude that the process outlined in the Forest Plan (using the Forest Plan criteria to evaluate whether the Old-growth Habitat LUD goals and objectives are met) was followed and was based on the concepts used in the development of the Conservation Strategy and in previous reviews for small OGRs. In accordance with the Forest Plan, I incorporated the interagency recommendations while balancing other resource considerations to meet Forest-wide multiple use goals and objectives. As a result of multiple resource considerations, not all of the recommendations of the interagency team were incorporated (PR #736_2191). I concluded that the use of older young-growth (greater than 50 years old) and old-growth stands that were partially harvested maintain enough snow interception, would achieve comparable elevational connectivity for deer in these areas, and is consistent with the direction in the Forest Plan (p. 4-91). Therefore, based on these considerations, the fact that the Big Thorne decision resulted in a net increase of acreage of Old-growth Habitat LUD within the entire project area, and the OGR modifications in the ROD provided comparable achievement of the Old-growth Habitat LUD goals and objectives, I found that no further modifications to these small OGRs are needed.

Part of this conclusion is based on the Forest Plan decision that emphasizes that the Conservation Strategy (like any conservation strategy) involves some degree of risk due to scientific, social, and environmental uncertainty when dealing with multiple-resource management. Therefore, the aim of the strategy was not to attempt to provide a “no risk” conservation design but instead to represent a balance of wildlife conservation measures that were developed from the best available scientific information and reflected an acceptable level of risk for continued species viability, based on conservative assumptions (Forest Plan Amendment ROD, p. 16). Following this concept, I used the same approach when making the decision to modify some of the small OGRs for the Big Thorne Project.

Furthermore, given the findings from the Task Force regarding new information and my evaluation of the conclusions by that team, along with the evaluation of OGRs described here, I conclude that the Statement provides no new information motivating further analysis or further modification of OGRs.

Legacy Forest Structure Standard and Guideline

The second report (see *Appendix C- Big Thorne Project Legacy Forest Structure Standard and Guideline Report*) documents the requested review of the application of the Forest Plan Legacy Forest Structure Standard and Guideline. This review was focused on whether the areas of legacy were applied consistently with the Forest Plan. This report augments the information in the Big Thorne Project FEIS (p. 3-421 and ROD, Appendix 1, pp. 5-6) and the *Big Thorne Project Harvest Prescription Addendum* (PR #736_2192). This report includes a detailed description of how the number of required legacy acres was computed and how it was allocated to meet the intent of the Forest Plan to help provide the functions

of the matrix component of the Conservation Strategy for a wide range of old-growth associated species, including goshawk and marten. Unit maps for the units currently prepared for implementation in the 2013 IRTC that required legacy were done using aerial photo imagery to better display the planned and implemented legacy in relation with the vegetation of the surrounding area and are included as part of Appendix C. A map of the project area using an orthophoto base (which shows whether the land is forested and whether the forest has been previously harvested) has also been prepared for the project record (PR #736_4228) to show where the retention of legacy will help maintain a mosaic of old-growth habitat interspersed with non-forest and existing young-growth forest. This map also shows which lands are allocated to the Old-growth Habitat LUD and which lands are within the inventoried roadless areas, where timber harvest was not proposed in accordance with the direction in place during the Big Thorne Project alternative development. This map will be used throughout the implementation of the decision. This orthophoto map and the unit maps in Appendix C of this report show the proximity and connections of the legacy areas to other old-growth forest.

As a result of this review, I decided that the legacy for three units previously laid out should be redesigned. The planned design in the Big Thorne Project ROD will be used for Unit 52 and Unit 132, and since they were designed as less than 20 acres, no legacy is required. The legacy retained in Unit 195 will be repositioned to be adjacent to the clearcut portion of the unit instead of adjacent to the partial-harvest portion as shown in the decision and the Change Analysis. The rest of the units that have been laid out in the field for the 2013 IRTC will be implemented as displayed in the Change Analysis and the legacy maps in Appendix C of this document.

I conclude that the legacy both as determined during planning and the changes done during implementation for the Big Thorne Stewardship IRTC (as documented in the Change Analysis, August 2, 2013, PR #736_2921 and PR #736_2911) followed the Forest Plan direction for amount and placement of legacy. Table ROD-9 (Big Thorne Project ROD, p. 37) shows that the effects for the Selected Alternative result in a 6 percent reduction of current productive old-growth forest acres for the project area and a 1 percent reduction of productive old growth for the North-Central Prince of Wales Biogeographic Province, and 38 percent and 49 percent reductions respectively from the historic (1954) condition. With the modification of the three units discussed, the current on-the-ground implementation of the units in the 2013 IRTC can be implemented as designed, since the process to identify legacy and the intent of the legacy as defined by the Forest Plan was attained. Units offered for contract at a later date will follow the process outlined in the Legacy report and the ROD. Discussion that has occurred during this review process will be used as a guide when retaining legacy for units in future timber harvest contracts.

Furthermore, given the findings from the Task Force regarding new information and my evaluation of the conclusions by that team, along with the evaluation of legacy described here, I conclude that the Statement provides no new information motivating further analysis or modification of legacy.

Item 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.

Because the concerns about mortality of wolves due to roads, the amount and quality of deer habitat, and hunting and trapping pressures were raised prior to the decision for the Big Thorne Project, many mitigation measures were incorporated throughout the development of the project and through Forest Plan direction, as well as complying with applicable law. During this review, all aspects of mitigation were examined, including those mitigation measures that have already occurred with this decision or through past management practices. Updated information indicates that 75,000 acres of thinning of young-growth forest, which provides forage for deer, and 522 miles of road closure to reduce mortality risk to wolves and for other benefits, has already been accomplished.

Prior to the discussion of the Big Thorne Project decision, there was an interagency meeting on April 9, 2013 with representatives from USFWS and ADFG in attendance. The purpose of this meeting was to discuss options to mitigate some of the impacts to wolves that may result from the implementation of the decision on the Big Thorne Project. Three topics were discussed by the group: 1) road closures, 2) deer habitat enhancement, and 3) pre- and post-treatment monitoring of the thinning of already harvested timber stands. Due to the high road density within and surrounding the Big Thorne Project area, it was decided that there is little that can be accomplished to reduce risk of wolf mortality by closing a small number of roads. Road closures, short of entire road systems that are heavily used for public access, would not substantially reduce wolf harvest. However, it was agreed that closing spur roads that access the Honker Divide was the best and most useful road management action. At that time, the interagency group recommended that it would be better to focus on maintaining as much high-quality deer winter habitat as possible since deer are the primary prey of wolves. The interagency group recommended some specific young-growth forest thinning prescription recommendations to benefit deer.

I used the recommendations from this interagency meeting during the April 15, 2013 Big Thorne IDT meeting to discuss the proposed Selected Alternative for the decision (PR #736_2128). This resulted in the list of roads to be stored or seasonally gated as part of the decision on pages ROD-6, ROD-9, ROD-10 and ROD-30. Also, thinning of 2,299 acres of older young-growth forest to potentially enhance deer habitat has been included in the project (Big Thorne ROD p. 35). The use of uneven-aged management on 2,424 acres will retain 50 to 75 percent of the basal area in those units to help provide snow interception for deer winter habitat. In addition, 11,543 acres of young-growth forest less than 25 years old will be thinned, providing more forage for deer (*Thorne Bay Ranger District Precommercial Thinning 2013*, decision 8/2/2013). The Big Thorne Project avoided timber harvest in the three inventoried roadless areas within the project area, which maintains 45,200 additional acres of productive old-growth at this time. Initially, 3,000 acres of this forest was considered for proposed harvest before the Federal district court vacated the Tongass Exemption of the Roadless Rule in 2011. Also, with the transition to young-growth harvest, there may be up to an additional 75,000 acres of productive old-growth forest remaining in the development LUDs that may not be harvested. I have also reviewed the possible land exchanges which are currently designed to minimize the effects to the OGR system. If these occur as proposed, the exchanges will not affect the functionality of the Conservation Strategy.

As mentioned in Item 2 above, the units that are proposed for harvest due to the modification of the small Old-growth Reserves were further reviewed with regards to possible mitigation measures. Based on this review and the direction in the Forest Plan, I have decided that no further changes to these Old-growth Reserves are needed since the modifications meet the goals and objectives of the Forest Plan (see Item 2) and the Conservation Strategy is still intact. Because of the mitigation measures assessed prior to the

decision and included in the decision, concurrent projects such as thinning and road closures associated with the Prince of Wales Access Travel Management Plan and the results of this review, I have considered additional mitigation and determined that no further mitigation measures are necessary at this time. The opportunity for further mitigation measures, such as road closures and the enhancement for deer habitat, will continue to be discussed with the other agencies based in part on the results of the current wolf monitoring program (Big Thorne Project FEIS, B-160).

Furthermore, given the findings from the Task Force regarding new information and my evaluation of the conclusions by that team, along with considerations of project design described here, I conclude that the Statement provides no new information motivating further modification of project design.

Item 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

The Regional Forester directed that a review of the regulatory processes, both those in place and those that could be engaged to help maintain sustainable wolf populations and any available information regarding illegal harvest of wolves, be examined.

The Task Force concluded that sufficient process is in place through the existing regulatory controls to manage deer and wolf populations effectively, but the review of new information for a Forest Service project-level analysis is not the most effective way to address coordinated, interagency changes. Therefore, the Task Force suggested there is a need to consider regulatory changes, in a broader context, to address sustainable harvest of wolves in GMU2 (Game Management Unit 2, Prince of Wales complex).

Any consideration of changes in harvest regulations needs to involve numerous stakeholders and go through the formal processes established for the Alaska Board of Game (BOG) and Federal Subsistence Board. Current Federal and State regulations state that the hunting and trapping seasons for wolf within GMU 2 may be closed when the combined Federal/State harvest quota of 60 wolves is reached. To enforce this regulation, a news release was issued on March 19, 2014 to give sufficient lead-time to avoid exceeding the harvest quota and then Federal and State agencies rapidly coordinated to close the season.

On April 4, 2014, ADFG held a meeting in Craig, Alaska on Prince of Wales Island to discuss the wolf issue in GMU 2 and solicit ideas from the local users on changes to wolf harvest regulations. At this meeting, Doug Larsen, ADFG Regional Supervisor, stated that the department was developing staff proposals for submission to the Alaska BOG and has since developed and submitted a proposal. To further this effort, I will continue to work with the other agencies on regulatory proposals to the Board of Game and the Federal Subsistence Board to address harvest regulations as they relate to sustainable mortality of wolves, as I stated in the Big Thorne Project ROD (page 30).

The Statement highlighted the potential behavior of wolf hunters and trappers in response to potential dramatic declines in deer after severe winter and suggested that targeted killing of wolves to reduce competition for deer may threaten wolf viability. This scenario relates to harvest regulation and enforcement by assuming that effective regulation is unlikely to occur in the face of ‘vigilante’ activities by humans killing wolves to improve deer abundance. Consideration or direct evaluation of the potential

for the increase of people targeting wolf harvest (legal and illegal) to improve deer abundance or for other motivations was not part of the Big Thorne Project analysis because of the incomplete and speculative nature of the scenario, the spatial extent of the project, consideration of wolf mortality in the Forest Plan (to which the Big Thorne analysis tiered), and lack of objectively obtained supporting data. Formal analysis of the motives behind legal wildlife harvest is rarely an important part of land management effects analysis because of the varied and personal motivations of participants in a legal activity. The focus, instead, concentrates on harvest numbers in relation to objectives. Therefore, the Big Thorne evaluation tiers to the analysis for the 1997 and 2008 Forest Plan (see 1997 Forest Plan FEIS pp. 3-355 and 3-360, 2008 Forest Plan Amendment p.3-284 and 3-285 and Forest Plan p. 4-95), which asserts that State and Federal agencies will fulfill their responsibilities to provide and enforce appropriate regulations, and conduct information and education programs with respect to deer and wolf harvest.

Analysis of road density was included for the Big Thorne Project (FEIS pp. 3-179 and 3-183, and ROD pp. 29, 30 and 38). In addition, the Big Thorne Project considered illegal harvest (FEIS p. 3-115 and FEIS, Appendix B, pp. B-157 to B-160) in that analysis. References used as part for the analysis included *Correlates of Mortality in an Exploited Wolf Population* (Person and Russell 2008, PR # 736_0300) and *A spatial analysis of wolf harvest and harvest risk on Prince of Wales and associated islands, Southeast Alaska* (Person and Russell 2008, PR #736_0299) for information on both legal and illegal wolf kills.

Given these factors and the scope of environmental analysis under NEPA, and considering the results of the Task Force, I do not see a need for changes to regulatory processes to occur directly relating to the Big Thorne Project. However, I am committed to pursuing changes that may occur outside this project and will continue to work with law enforcement, the State of Alaska and the Federal Subsistence Board on these issues.

Item 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.

The Regional Forester directed that all public and other agency comments regarding the points brought up in the Statement be re-examined to see if all comments were adequately addressed and considered prior to the decision and whether new conclusions could be derived from the information in the Statement.

Public and other agency concerns were closely and extensively reviewed both prior to the decision for the Big Thorne Project while responding to the appeals, and as a result of these reviews conducted to meet the direction of the ADO letter. Public comments were received during the scoping period, which influenced the design of the project's alternatives and during the 45-day comment period on the Draft EIS. Appendix B of the Big Thorne Project Final EIS contains responses to all public comments received on the Draft EIS. The appeal issues were reviewed by the Regional Office and pertinent information on each issue with the relevant references to the Big Thorne FEIS and supporting project record documents is included in the Appeal Reviewing Officer's recommendation to the Appeal Deciding Officer (PR #736_4007). The agency and public concerns, particularly those received on the Draft EIS and the appeals, were incorporated in the review of the Statement (Items 1, 3, and 4 of this document) and the reviews of the OGR modifications and the use of the Legacy Standard and Guideline (Item 2 above). In addition, the project record was also reviewed to reexamine the many documents including meeting notes,

emails and other correspondence. This confirmed the voluminous amount of information used to respond to all the public, interagency and internal concerns both prior to and post decision.

The Task Force review of the Statement included an evaluation of the relevant information in the Big Thorne Project Final EIS and ROD and associated references to see which information was already considered. They examined the Statement to see if any new information was presented that should be analyzed in regard to the decision on the Big Thorne Project. For the reasons stated in Item 1 above, I find the Statement does not contain significant new information; public and agency concerns have been reviewed in light of the Statement, and the conclusions in the Big Thorne EIS and ROD remain valid.

Item 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.

As part of my consideration of new circumstances or information, I included a brief review of the 90-day finding of the U.S. Fish and Wildlife Service for the petition to list the Alexander Archipelago wolf under the Endangered Species Act (ESA), which was posted in the Federal Register on March 31, 2014 (PR #736_4207), well after the Regional Forester’s decision. The USFWS’s 90-day finding concludes that listing may be warranted pending a more-complete 12-month status review.

I focused my review on the one factor specific to the Big Thorne Project included in the appendix to the finding, *Appendix: 90 Day Finding on petition to list the Alexander Archipelago wolf as an endangered or threatened species* (PR #736_4227). This appendix states that the Big Thorne Project ROD included several Old-growth Reserve modifications that were not supported by the USFWS during the interagency biologists’ review. However, it is unclear from this appendix whether the USFWS felt that the Interagency biologically preferred OGRs as designed and included in Alternative 4 of the Big Thorne Project, which was not selected for the decision, or the OGRs from the 2008 Forest Plan ROD should have been included in the decision for the Big Thorne Project. As part of this review, I closely examined whether the modifications of the OGRs included in the Big Thorne Project ROD provided “comparable achievement” (see Item 2).

I acknowledge that not all of the recommendations for the modifications of the OGRs from the 2011 Interagency Review Team were incorporated. I have reviewed these modifications again using Forest Plan direction and strengthened my rationale for the small OGR modifications as described in the ROD, in *Appendix B, Big Thorne Project Old Growth Reserve Modification Process*. Prior to making my decision, I considered the recommendations from the 2011 Interagency Review Team (PR #736_2191) which included representatives from USFWS, for modifications on the small OGRs in the Big Thorne Project area. This rationale is largely based on the Forest Plan direction on connectivity and whether it can be provided by older young-growth forest and partially harvested stands but also included local knowledge of the area and of wildlife use in similar habitats. Based on this review, I find that my original decision remains valid and all the modified OGRs in the decision on the Big Thorne Project provide a comparable achievement of the goals and objectives of the Old-growth Habitat LUD.

Another consideration is that the “substantial information” standard for a 90-day finding differs from the ESA’s “best scientific and commercial data” standard that applies to a status review to determine whether

a petitioned action is warranted. A 90-day finding does not constitute a status review under the ESA. In a 12-month finding, the USFWS will determine whether a petitioned action is warranted after a complete and thorough status review of the species. Because the ESA's standards for 90-day and 12-month findings are different, as described above, a substantial 90-day finding does not suggest that the 12-month finding will result in a warranted finding. The review from the Task Force identified several unknown or not well-documented factors in the Statement that will be evaluated further by the USFWS. Until the 12-month status review is completed by the USFWS, there is no basis to conclude the Big Thorne Project will jeopardize viability of wolves on Prince of Wales Island.

Conclusion

Based on my extensive review of the *Interagency Wolf Task Force Report* regarding the Statement of Dr. David Person, the review of the Big Thorne Project design, including the modification of the small OGRs and the implementation of the legacy forest structure, and the review of the USFWS 90-day finding on Alexander Archipelago wolves for ESA, I find that there are no significant new circumstances or information relevant to environmental concerns that require the preparation of a Supplemental EIS for the Big Thorne Project in accordance with the direction in FSH 1909.15, Section 18.

FORREST COLE
Forest Supervisor
Tongass National Forest

Date: _____

References

The numbers preceding each reference is the corresponding Big Thorne Project record number.

- #736_0299 – Person and Russell, 2008. A spatial analysis of wolf harvest and harvest risk on Prince of Wales and associated islands, Southeast Alaska
- #736_0300 – Person and Russell, 2008. Correlates of Mortality in an Exploited Wolf Population
- #736_2128 – April 15, 2013 Supervisor’s Office and IDT Meeting Notes on Wildlife Concerns in Alternative 3
- #736_2191 – April 2013 Interagency Old Growth Reserve Review, 44 pp.
- #736-2192 – June 3, 2013 R Sheets. Big Thorne Project Harvest Prescription Addendum
- #736_2244 – June 2013 Big Thorne Project Final Environmental Impact Statement
- #736_2248 – June 2013 Big Thorne Project Record of Decision
- #736_2911 – August 6, 2013 Big Thorne Change Analysis unit maps
- #736_2921 – August 2013 Big Thorne Stewardship Contract Change Analysis Summary
- #736_3700 – July 26, 2013 Big Thorne Project Appeal
- #736_3701 – August 15, 2013 Big Thorne Project Appeal
- #736_3707 – August 16, 2013 Appeal on Big Thorne Project
- #736_3727 – August 15, 2013 Statement of David K. Person; Regarding the Big Thorne Project, Prince of Wales Island
- #736_3735 – August 16, 2013 Appeal of Big Thorne Project ROD and FEIS
- #736_3738 – August 16, 2013 Appeal of Big Thorne Project, Thorne Bay Ranger District
- #736_3760 – August 16, 2013 Appeal of the Big Thorne Timber Sale, Thorne Bay Ranger District
- #736_3775 – August 16, 2013 Audubon Alaska Appeals the Big Thorne Project on the Tongass National Forest.
- #736_4007 – September 27, 2013 Appeal Reviewing Officer’s Letter to Appeal Deciding Officer Regarding Appeals
- #736_4018 – September 30, 2013 Appeal Deciding Officer’s Letter to Appellants’ Regarding Appeals

#736_4207 – March 31, 2014 90-Day Finding on a Petition to List the Alexander Archipelago Wolf as Threatened or Endangered, USFWS . 79 FR 17993-17995.

#736_4227 – Appendix: 90 Day Finding on petition to list the Alexander Archipelago wolf as an endangered or threatened species (Docket: FWS-R7-ES-2012-0093-0003)

#736_4228 – Working Map Orthos, Map 1 of 1, 2/18/2014

Appendices

1. **Appendix A - Interagency Wolf Task Force Report**
2. **Appendix B - Big Thorne Project Old Growth Reserve Modification Process Report**
3. **Appendix C - Big Thorne Project Legacy Forest Structure Standard and Guideline Report**