

# Proposed joint letter

May 19, 2014

Office of the President  
University of Alaska  
P.O. Box 755000  
Fairbanks, AK 99775-5000  
[pkgamble@alaska.edu](mailto:pkgamble@alaska.edu)  
[sybor@alaska.edu](mailto:sybor@alaska.edu)

To: University of Alaska President Patrick Gamble

Re: "Wrangell Narrows East and South Mitkof Island Development and Disposal Plans"

Dear University of Alaska President and Board of Regents:

The Kupreanof City Council, and the Petersburg Borough Assembly request that you suspend the finalization of timber sale contracts for two University of Alaska timber sales in Southeast Alaska on Mitkof Island. Specifically, the sales are known as the "South Mitkof Island and Wrangell Narrows East Competitive Timber Sale Development and Disposal Plans."

The reason for our urgent request is that we will be addressing these two sales during the Monday, May 19th Petersburg Borough Assembly meeting. This late date of discussion is due to the failure by the Division of Forestry to provide timely notice of the receipt of the Detailed Plan of Operations for these sales.

Consequently, the public has only recently been provided with this new information concerning the sale's impacts which merit careful consideration. The Board of Regents approved Development and Disposal Plans authorizing two timber sales in the absence of a meaningful public process. These timber sales will likely result in the increase of severe landslide potential, loss of critical deer winter range, and visual impacts to the Wrangell Narrows Scenic Byway, which are but some of the issues of vital importance to our borough's rural residents and elected representatives.

Further, we invite you to enter into a dialogue with affected Borough residents consistent with your Land Management "Stewardship Development Guidelines"

which recognizes that the University “commonly holds additional public workshops and community forums to discuss such development issues as local impacts...”

To date, there have been no such workshops or forums, and given the importance of these issues, we believe they warrant more information and consideration.

Sincerely,

Dana Thynes,  
Mayor, City of Kupreanof

Mark Jensen  
Mayor, Petersburg Borough



STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF FORESTRY

NOTICE OF OPERATIONS  
DETAILED PLAN OF OPERATIONS SUMMARY

Notice is given to the commissioner that an operation will be conducted on the lands described below and the completed maps attached, (AS 41.17.090). (Print or type)

Operator: Alcan Alaska Timber Corporation  
(Entity Responsible for Field Operations)

Operator's authorized representative: Brian Brown  
(Contact Person)

Operator's authorized representative signature: [Signature] 4/2/14  
(DATE)

Operator's representative address:

PO Box 23105

Ketchikan AK 99901  
City State Zip Code

LEGAL DESCRIPTION OF OPERATING AREA

Township: T61S Range: 82 e Meridian: CRM

Section(s): 28,29

NEAREST TOWN/ VILLAGE:

Wrangell

ESTIMATED STARTING DATE: May 15, 2014

ESTIMATED COMPLETION DATE: December 31, 2015

VOLUME TO BE HARVESTED: 7,000 MBF

TYPE OF ACTIVITY: Road building, Helicopter and shovel logging.





**JENNIE HAGEN  
PUBLIC USE AREA (STATE)**

- + New RD Construction
- + Clearcut Timber Harvest
- + Select Cut Helicopter Timber Harvest

W. 1500' Creek  
Boat Ramp  
NOT IN Harvest Area

100' Buffer





STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF FORESTRY

**NOTICE OF OPERATIONS  
DETAILED PLAN OF OPERATIONS SUMMARY**

Notice is given to the commissioner that an operation will be conducted on the lands described below and the completed maps attached, (AS 41.17.090). (Print or type)

Operator: Sealaska Timber Corporation  
(Entity Responsible for Field Operations)

Operator's authorized representative: Matthew Walsh for Jim Tuttle  
(Contact Person)

Operator's authorized representative signature: [Signature] 04/21/14  
(DATE)

Operator's representative address:

1900 First Ave Suite 315

Ketchikan Alaska 99901  
City State Zip Code

**LEGAL DESCRIPTION OF OPERATING AREA**

Township: 61S Range: 80E Meridian: CRM

Section(s): 5, 8

NEAREST TOWN/ VILLAGE: Petersburg, Alaska

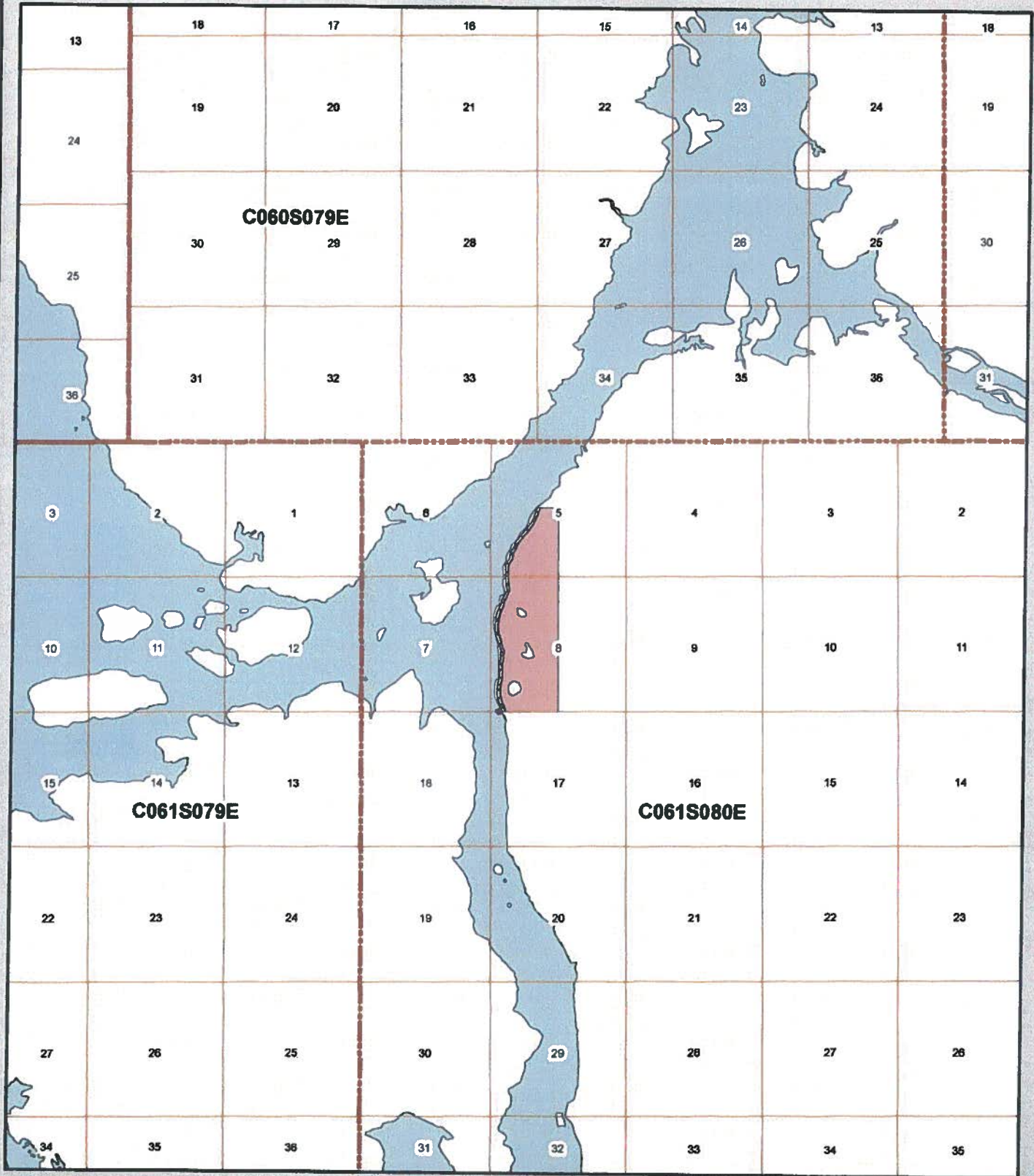
ESTIMATED STARTING DATE: April 21, 2014

ESTIMATED COMPLETION DATE: December 31, 2014

VOLUME TO BE HARVESTED: 2500 MBF

TYPE OF ACTIVITY: Helicopter Harvest

**SL ALASKA TIMBER CORPORAT. J**  
**Wrangell Narrows Timber Sale**  
**2014 Notification Vicinity**



**Legend**

- Building
- Barge Use Area
- Harvest Unit
- 100' Shoreline Buffer
- Swamp
- Section
- Arrows
- Water Quality



Printed April 2014  
 STC GIS

1 in = 1 miles

# COK LETTER

May 2, 2014

Dear President Gamble, Mme. Chair and Regents,

This letter serves to augment our earlier admittedly rushed and incomplete comments submitted to Laura Carmack at the 11th hour of the official comment period of the timber sales on Mitkof Island. The City of Kupreanof residents, being among the affected public of University of Alaska's Timber Development and Disposal Plan, respectfully call your attention to matters of public process, public trust, and public safety, as they relate to the Action item of the Board of Regents (BoR) at the February 20-21, 2014 meeting:

**10. Approval of the 2014 South Mitkof and Wrangell Narrows East Timber Development and Disposal Plans**

**PASSED**

"The Board of Regents approves the 2014 South Mitkof and Wrangell Narrows East Timber Development and Disposal Plans and authorizes the university administration to proceed with the competitive timber sale as set forth in the timber development and disposal plans. This motion is effective February 21, 2014."

While there are no minutes available providing any details of discussion, it appears this BoR approval to proceed occurred in the absence of a larger BoR awareness of the potential consequences and risks of these timber sales. Certainly, there was little awareness among the affected public of the significance of the meeting in which this BoR approval took place.

The absence of any formal comment from ADFG Wildlife and Habitat Divisions in this comment period of the Disposal process, and the absence of any mention of deer in the Alaska Forest Resources Practices Act underscores the fact that the University of Alaska can claim to adhere to all existing laws and still violate UA policy of risk management and Alaska's Constitution as it pertains to sustainable yield<sup>1</sup> and common use. We also invoke the 1980 "Clearcut Logging in Southeast Alaska" resolution of the Alaska Boards of Fisheries and Game, resolving that,

*"The State Forest Practices Act be amended to adequately address wildlife concerns."*<sup>2</sup>

While this crucial amendment has not occurred, it does not nullify the relevance of these sales to Article VIII Section 4 of Alaska's Constitution.

We trust the President and Regents have reviewed the comments<sup>3</sup> submitted thus far (Exhibit B) and hereby request that the UA Facilities and Land Management include the comments submitted by the Sport Fish Division of ADFG into the official comment record. Though these

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<sup>1</sup> Alaska Constitution Article VIII, Section 4

<sup>2</sup> Exhibit A (attached)

<sup>3</sup> Exhibit B (DocuSign attached)

comments arrived late due to limited staff resources responding to complications from our hatchery fire on Mitkof Island, they are valid and reflect the concerns of the City of Kupreanof as well.

We appreciate Regional Resource Manager, Patrick Kelly's partial response to a portion of our concerns, offering vague assurances the UA is "involved with the Working Forest Group, and others" including the United States Forest Service. Despite the fact that this Working Forest Group presumably "includes representatives from local communities," it is unclear how the City of Kupreanof can be represented if we never knew of its existence. In the absence of a meaningful response to our comments, we request receiving copies of all the UA Facilities and Land Management correspondence with these entities in order to understand the basis of Mr. Kelly's assurances.

Mr. Kelly has explained the UA Facilities and Land Management's "primary role is to utilize the University's investment lands and their natural resources through responsible stewardship of the land." However, that doesn't preclude the UA Facilities and Land Management's primary responsibility of "utilization," "*without significant impairment of the productivity of the land and water,*" impairment of public safety, and impairment of sustained yield of wildlife.

## **Public Process**

As a matter of public process, in the future, we request being provided adequate public notice in order to provide an opportunity for timely comment as the affected public *prior* to any meeting and BoR discussion leading to the approval of its "Disposal Plans." This sequence of events in public process may well have helped the Regents to fulfill the policy intent of **Chapter 05.09 - Risk Management and Environmental Health and Safety**.

*The president is charged with the responsibility to provide for and require sound and proactive business, operations, and program practices in order to safeguard human, property, financial, and other resources of the university. (P05.09.010 )*

We trust this policy intent also includes our environmental health, public safety, and the sustainable yield of our public wildlife resources (in particular, subsistence use of Sitka black-tailed deer) within, and downslope of the University timber properties. Given longstanding issues of insufficient winter deer habitat carrying capacity within UA timberlands and on Mitkof Island, it is particularly disturbing that there is no state biological oversight being brought to bear in this BoR Disposal Plan approval.



## Environmental Health

The South Mitkof and Wrangell Narrows East Timber Sales have been recognized as important areas of local subsistence deer hunting use but South Mitkof has received heavy previous impacts and yet will be adding several million board feet of high-volume old growth habitat losses on over 1000 acres. The published biological research on impacts from logging and historical record of those impacts demonstrate the consequences of this, as evidenced by the Alaska Board of Game's unanimous resolution urging the Forest Service in 1993<sup>4</sup> to,

*"protect forests with high volume old-growth characteristics to an extent providing for long-term maintenance of harvestable wildlife populations." because, the Alaska Board of Game, "is mandated by the Alaska Constitution to manage wildlife resources on a sustained yield basis for all of the people of Alaska."*

93-66-BOG

### RESOLUTION OF THE ALASKA BOARD OF GAME

WHEREAS, the Alaska Board of Game is mandated by the Alaska Constitution to manage wildlife resources on a sustained yield basis for all of the people of Alaska; and

WHEREAS, the present forest management practice of clearcut logging in the Tongass National Forest occurs on a rotation which precludes regeneration of a forest with high volume old-growth characteristics; and

WHEREAS, research on Sitka black-tailed deer within the last two decades has indicated diverse high volume old growth stands are necessary for the continuation of viable populations; and

WHEREAS, Sitka black-tailed deer is the single most important wildlife species for the residents of Southeast Alaska for nonconsumptive and consumptive uses including subsistence, and

WHEREAS, forests with high volume old-growth characteristics are necessary to other wildlife species, which are also important to residents and visitors; and

WHEREAS, continued present forest practices affect the Board

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<sup>4</sup> <http://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/findings/9366bog.pdf>

of Game's ability to carry out its constitutional mandate to manage wildlife on a sustained yield basis,

THEREFORE BE IT RESOLVED: by the Alaska Board of Game that the Tongass Land Management Plan be revised to protect forests with high volume old-growth characteristics to an extent providing for long-term maintenance of harvestable wildlife populations.

DATED this 19th day of March, 1993  
Dick Burley, Chairman  
Alaska Board of Game

VOTE: 7 Favor; 0 Oppose

The concerns stated in the Board of Game resolution 93-66 reflected an awareness of the documented consequences of industrial logging on the sustainable yield of deer populations in southeast Alaska.

The problem was identified in the early 1960's and summarized in a technical report produced by ADFG back in 1985, titled, *"The impacts of Clearcut Logging on the Wildlife Resources of Southeast Alaska."* The very first paragraph to the introduction of this report states,

*"Logging, as currently practiced and planned in southeast Alaska, has the potential to significantly and permanently alter large amounts of wildlife habitat. Wildlife species which are adapted to use existing habitat may decline and associated recreational and subsistence uses may be substantially reduced."*

The post-logging collapse of the deer population of Mitkof Island is attributed to the loss of deer winter habitat followed by two hard winters in the late 60's and early 70's. This resulted in a 17 year closure and followed by 22 years of the most restricted deer season in all of Southeast demonstrating a dramatic reversal of a previously record abundance of Mitkof Island deer resources compared to the region as a whole.

ADFG published a statistical summary of the season's deer hunter harvest in all Southeast communities in 1961. In terms of hunter success, Petersburg ranked the highest of all communities of Southeast with a hunter success rate of 97%.

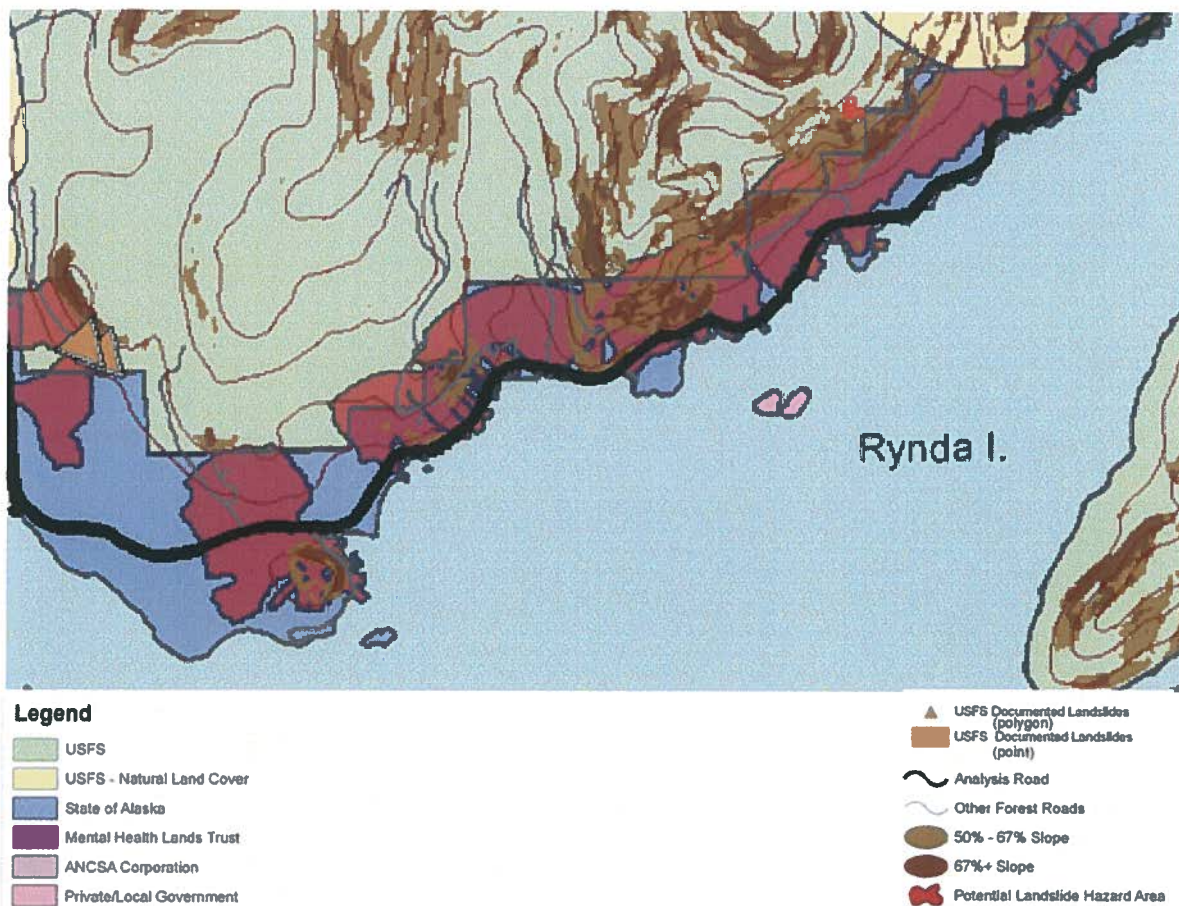
In 1961 Petersburg ranked the highest of all communities of Southeast in terms of highest average number of deer per hunter, (@ 3.5 deer per hunter), with a season total of over 1922 deer

by 549 hunters.) However, in 2012, 147 hunters on Mitkof Island required 565 deer hunter days to harvest just 22 deer.<sup>5</sup>

In 2013, the same restrictions on Mitkof Island, (of just one buck in a 14 day season) was imposed on Lindenberg Peninsula, which was our hunting destination of last resort in regards to its weather protected access. This is glaring evidence of the state's failure to abide by the sustained yield principles invoked in Alaska's constitution.

### Public Safety

The South Mitkof timber sale in particular, is occurring in an area of documented high landslide risk. In 2008 the Alaska DNR Division of Forestry convened the Landslide Science and Technical Committee (LS&TC) to assess the geographic scope of landslide hazards to public safety associated with timber harvest. The LS&TC documented (in red, in the map below), "Areas with public roads that are within 1/2 mi downhill from slopes >50% that have forests with commercial harvesting." These areas cover the entirety of the UA South Mitkof parcel.



<sup>5</sup> ADF&G, 2014. Deer hunter survey summary statistics. Alaska Dept. of Fish and Game. Division of Wildlife Conservation. Juneau. WINFONET database.



Peer reviewed landslide research demonstrates logging increases the incidence of landslides up to 5 times greater than on unlogged slopes. The logging over the past half century occurred on the most easily accessed, highest value timber on slopes with the least risk of landslides. Thus, successive Disposals such as UA's present South Mitkof Sale must target more slide-prone areas. Several landslides have already occurred in the area following previous logging. The area is subject to high windthrow risk made worse by logging. Windthrow is known to precipitate landslides on unstable slopes.

Helicopter harvest methods employed on unstable slopes are often claimed to reduce landslide risk. However, this is at odds with peer reviewed published research on the matter. A British Columbia study of landslide rates following helicopter and conventional cable based clear-cut logging operations (which excluded all landslides initiated by road prisms) found,

*"Tests indicate that total landslide rates are not significantly different following helicopter and conventional logging<sup>6</sup>*

## **Risk Management**

The South Mitkof Timber sale is occurring on the slopes above Mitkof Highway, Wilson Creek Recreational Area, and Banana Point Boat Launch. Wilson Creek is a catalogued Class 1 salmon stream supporting coho and pink salmon. This creek suffered a logging-related landslide debris torrent event in September of 2012. Banana Point Boat Launch provides access to a highly popular and important sport and subsistence use area. It is used year round by rural resident sport, charter and commercial fishermen. There exists an increased likelihood of logging-induced slope failures occurring above these areas. This results in an increased level of risk to both the public safety, and risks to valuable public facilities and infrastructure.

This indicates a conceivable risk of financial liability to the Board of Regents and to the University.

### *B. Economic Feasibility.*

*Development projects shall not be undertaken unless the estimated return exceeds the estimated cost of development in an amount commensurate with the risk involved or the project will position the university to benefit from future opportunities.<sup>7</sup>*

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<sup>6</sup> Roberts, B., B. Ward, and T. Rollerson. 2004, *Geomorphology* 61(2004) 337-346

<sup>7</sup> <http://www.alaska.edu/bor/policy/05-11.pdf> (pg.4)

We ask that President Gamble reconsider the high-stake risks in this UA Disposal, and cancel these sales until such time that the full range of evidence can be evaluated for its adverse effects on the public and quite possibly the University of Alaska.

We urge the application of due diligence by the President and Board of Regents, as it is crucial to the well-being of the residents of the City of Kupreanof and residents of the greater Petersburg Borough -- to say nothing of the stewardship principles and sustainable yield of important salmon and deer resources they depend upon.

Respectfully,

David Beebe,  
Councilman,  
for the City of Kupreanof

## **REGENTS' POLICY**

### **PART V – FINANCE AND BUSINESS MANAGEMENT**

#### **Chapter 05.09 - Risk Management and Environmental Health and Safety**

##### **P05.09.010. Introduction and Purpose.**

A. Although all risks and exposures cannot be foreseen or eliminated, through this policy the board intends to establish a framework within which the university administration can effectively and efficiently establish and maintain a risk management and environmental health and safety program.

B. The risk management and environmental health and safety program shall include general, occupational, and environmental health and safety, environmental protection, general risk management, loss prevention, insurance, and claims administration. The RM/EHS program will be established and maintained under an enterprise-wide philosophy, whereby **safety and risk control are incorporated into all facets of the organization and its programs**; i.e. Enterprise Risk Management. **The president is charged with the responsibility to provide for and require sound and proactive business, operations, and program practices in order to safeguard human, property, financial, and other resources of the university.** The goal of the RM/EHS program will be to facilitate the accomplishment of the university's primary missions of instruction, research, and public service at a reasonable cost with minimal disruptions and adverse events. (<http://www.alaska.edu/bor/policy/05-09.pdf> pg.1)

b. Review and analyze current operations and programs, as well as plans and proposals for future activities, to identify risk exposures, facilitate better informed strategic decision making, improve practices and processes, and enable a better allocation of capital and resources to address risk.

c. Facilitate best practices by developing, implementing, and coordinating programs, processes, procedures, training, education programs, and any other effective means.

d. Design, develop, and implement programs, procedures, guidelines, and processes to minimize or mitigate risk exposures and facilitate the correction of situations that have an unacceptable level of risk.

e. Design and implement loss prevention, cost containment, and other programs that reduce the frequency and severity of loss, the (ibid, pg.5)

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05.11 1 Real Property

## **REGENTS' POLICY**

### **PART V – FINANCE AND BUSINESS MANAGEMENT**

#### **Chapter 05.11 – Real Property**

##### **P05.11.010. Purpose and Scope.**

A. This chapter establishes guidelines for the prudent management, including trust management, and use of all university real property.

B. Except as provided in C. of this section, this policy applies to all real property owned by the university or in which the university has a substantial beneficial interest.

C. This policy does not apply to university acquisitions of certain space leasehold interests that are administered in accordance with university regulation relating to procurement or to the development of educational facilities. Any third party use of such facilities is subject to this chapter.

(06-08-06)

##### **B. Economic Feasibility.**

Development projects shall not be undertaken unless the estimated return exceeds the estimated cost of development in an amount commensurate with the risk involved or the project will position the university to benefit from future opportunities. (<http://www.alaska.edu/bor/policy/05-11.pdf> pg.4)



**C. Legally and Environmentally Sound Development.**

University real property shall be developed consistent with local zoning and platting ordinances and in an environmentally responsible manner, consistent with applicable environmental laws and regulations, including those governing wetlands, water and wastewater, forests, wildlife and habitat, and the coastal zone.



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Fish and Game**

SPORT FISH DIVISION  
Petersburg Office

P.O. Box 667  
Petersburg, Alaska 99833  
Telephone (907)-772-5231  
Fax (907)-772-9336

March 13, 2014

University of Alaska  
Facilities and Land Management  
1815 Bragaw Street, Suite 101  
Anchorage, Alaska 99508-3438

The Alaska Department of Fish and Game-Sport Fish Division is appreciative for the opportunity to comment on the timber sale being advertised by the University of Alaska (UA) for potential bidders. The South Mitkof Island parcel is located approximately 29 miles from Petersburg adjacent to Mitkof Highway, and falls within the newly formed Petersburg Borough. According to your announcement, the total area of the South Mitkof Island parcel listed for harvest is described as 658 acres, of which 323 acres is old growth Sitka spruce, western hemlock and yellow cedar.

Although there may be an opportunity to provide comments on operational plans submitted by successful bidders later, our comments noted in this letter pertain to the eastern portions of the proposed sale area adjacent to the Banana Point Boat Launch and Wilson Creek Recreation Area (WCRA). The harvest locations identified on maps posted on the UA Lands website convey helicopter and conventional shovel logging immediately adjacent to the Ernie Haugen Recreation Area. This area includes one catalogued anadromous fish stream, Wilson Creek (AWC 108-40-10600); pink and coho salmon are present in this drainage providing recreational angling opportunities. Additional angling opportunities for Dolly Varden are realized at the WCRA.

The marine waters in the immediate vicinity of Banana Point (within a 200 yard radius) are important to local sport anglers pursuing Chinook (king) salmon between October and July, and it is clearly the most popular location sought out by anglers owning small skiffs given the protection afforded from strong winds blowing down the Stikine River during the winter months. The Stikine River valley significantly influences northerly and westerly winds, and the Southeast portion of Mitkof Island is often buffeted by those winds coming down the Stikine valley and across the delta. The peninsula where Banana Point is located has afforded a significant windbreak to the immediate area to small vessels. Boats can be launched more safely in the sheltered area and people can operate small boats in leeward protected waters. It is common for anglers to fish (and catch) their daily bag limits of king salmon in this tiny area, with success rates unrivaled anywhere else in Southeast Alaska during that time of year. It is also common to see up to seven or eight small 12-14 ft skiffs fishing during brisk winter days fishing in that very small area of protected water. This protected area also affords Petersburg locals to set and pull Dungeness crab pots safely out of the winds and swells that frequent that area that time of year. To reiterate, this is a very unique Southeast Alaska fishery that is important to the people of Petersburg.

Tract C is seaward of Mitkof Highway. This tract is adjacent to the Banana Point boat launch that provides year-round boating access to the marine waters described above. The only other designated marine launch site on Mitkof Island is the South Harbor launch site in town on the north end of the island. The Division of Sport Fish and other local recreational groups have long recognized the importance of the Banana Point site for providing marine water access at the South end of Mitkof Island. In 1994, Sport Fish Division funded construction of the existing boat ramp through a grant of \$318,000 of Federal Aid and matching Fish and Game monies. Additionally, another \$50,000 was spent on the nearby Wilson Creek picnic/recreation area to provide other

University of Alaska Facilities and Land Management

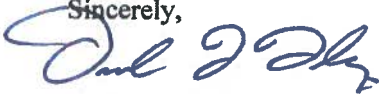
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access needs to recreational users. Together, these monies have been strategically spent to support current recreational uses and the increasing use of this unique fishery.

Other user groups, such as the local Petersburg/Wrangell Resource Advisory Council (RAC), recognize the importance of maintaining this important boat launching facility and secured funds for necessary repairs to the floating breakwater in front of the launch which protect it from prevailing weather. Furthermore, the ramp receives high use by anglers during the spring and summer months to access local marine water fishing along the south side of Mitkof Island. Evidence of this high use is easily identified by the parking lot jammed with trailers and vehicles during the local salmon derbies. In addition to this localized sport angler use, many residents launch boats at Banana Point to access the lower Stikine River to engage in subsistence salmon fishing, camping, sport fishing, and moose hunting.

We would urge you to examine existing uses of the area comprehensively, and evaluate the benefits against risks for all users not only for this generation but also for generations to come.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Fleming", written over a horizontal line.

Douglas F Fleming  
Area Sport Fish Biologist  
Petersburg/Wrangell Area

Cc: Brian Frenette (Sport Fish, Douglas)  
Bob Chadwick (Sport Fish, Sitka)





Laura Carmack <lmcarmack@alaska.edu>

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## Delay in sending AK Dept of Fish and Game comments re South Mitkof Island Timber Sale

1 message

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Fleming, Douglas F (DFG) <doug.fleming@alaska.gov>  
To: "ua-land@alaska.edu" <ua-land@alaska.edu>

Mon, Mar 24, 2014 at 4:09 PM

Good afternoon,

Many thanks for your time a short while ago. To expedite things a bit, I am submitting our comments electronically in the attached PDF format, as well as hard copied, which will arrive in the mail.

We are hopeful that your staff will be understanding of the delay in submitting these comments, and I hope our tardiness related to the process of moving out of the Fish and Game building in Douglas and the devastating fire our Crystal Lake Hatchery in Petersburg, can be excused given the information provided in our comments. We have included information in our comments that we believe will be very worthwhile and important for your considerations with a limited area of the South Mitkof Timber Sale.

If there are any issues or questions you have with the attached and/or mailed comments, or seek additional related information, please don't hesitate to contact me at your earliest request.

Sincerely,

Douglas F Fleming

Division of Sport Fish

Alaska Dept of Fish and Game

Petersburg-Wrangell Area

907-772-5231

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Ak Dept of Fish and Game\_Petersburg\_Fleming.pdf  
1690K