

GREATER SOUTHEAST ALASKA CONSERVATION COMMUNITY
PO Box 6064
Sitka, Alaska 99835

March 15, 2017

Re: Statement in Opposition to H.R. 23—State National Forest Management Act of 2017

Dear Petersburg Mayor and Assembly Members,

The following statement is submitted by the Greater Southeast Alaska Conservation Community (GSACC). Our members utilize the Tongass for hunting, recreation, scientific research and education, subsistence and commercial fishing activities. Many members reside within the Petersburg Borough.

We are opposed to the [H.R. 232](#)—State National Forest Management Act of 2017, introduced by Representative Don Young on Jan. 3, 2017 and urge you to oppose it as well.

If enacted, H.R. 232 would “authorize States to select and acquire up to two million acres of National Forest lands to be managed and operated by the State for timber production and for other purposes under the laws of the State”. The States would acquire the associated American taxpayer funded infrastructure such as roads, bridges, public use cabins and trails—including those from the Tongass. During the last Congressional session, Senator Murkowski introduced similar legislation embedded in [S. 3203](#), the Alaska Economic Development and Access to Resources Act.

Crafted for and by the timber industry, this legislation and the attached [map](#) depict the lands proposed to be conveyed to the State. They would be converted to plantation-style, monoculture tree farms. As acknowledged on the conveyance map, it was developed by an industry trade group—the Alaska Timber Jobs Task Force **with no public involvement**. It is no coincidence that the acreage identified includes the best remaining stands of old growth on the Tongass and is the most “economic” timber remaining for the industry. This industry wishlist potentially represents one of the most lucrative subsidies granted to the SE Alaska timber industry in recent memory.

The magnificent stands of old growth forest targeted by H.R. 232 are the backbone of sustainable fish and wildlife populations in the Southeast

Alaska archipelago. Wildlife populations do not thrive in second growth stands which are a virtual desert once the stands close in and enter the “stem exclusion stage”—a fancy way of saying that dense second growth foliage excludes light from the forest floor and thus prohibits development of forbs and other vegetation that wildlife require. The timber industry has little interest in second growth timber younger than about 100 years old, with the exception of a few pockets of higher volume second growth which regenerated on highly productive sites.

There are several problems associated with the proposed legislation, the aim of which is to circumvent our nation's bedrock environmental laws and provide nearly unfettered access to the remaining stands of old growth.

WEAK PUBLIC PROCESS ON STATE TIMBER SALES

In contrast with federal regulations, the public process conducted by the SoA's Division of Natural Resources (DNR) is severely restricted. The State Forest is regulated by the SoA's [Forest Resources and Practice Act \(FRPA\)](#) and its implementing regulations. The regulations are set by the industry-controlled Alaska Board of Forestry (which was established by FRPA). The FRPA allows essentially zero time for the public to engage, or for a municipality, group, or individual to obtain a digital copy of the sale's planning record and study it.

The primary decision document on a proposed timber sale is a very general “best interest finding” (BIF). It allows for only a 20 day comment period and the relevant documents are released with no prior notice of when to expect them. You could be away on a fishing trip and return to learn that your favorite hunting grounds are about to be clearcut. Comments are on a preliminary BIF; appeals are on the final BIF. The BIF is followed later by a sale-specific “forest land use plan (FLUP), which contains the details. While this can be commented on and appealed, the actual decision to do the sale was already made at the BIF stage; however, consequently at the BIF stage the public did not have full knowledge of the project and its impacts. Moreover, in order to have legal standing to file an administrative appeal, you must have filed timely comments at the prior stage. A public body, such as your assembly would find it nearly impossible to engage in this process.

As a result, the public has no opportunity to become fully informed of the project and its impacts prior to a decision. This insular process cuts the public out of public lands decision making and ensures the conse-

quences of DNR's actions remain in the dark until after the timber sale is complete. This is no way to manage public resources.

SLIM PROTECTION FOR NATURAL RESOURCES UNDER FRPA

The FRPA has no limit on the size of clearcuts, provides no consideration for cumulative impacts, and has no enforceable provisions to address public safety regarding landslide risk. There is no limit on round log export of State timber which would be the likely fate of SE State forest timber. Moreover, it has no enforceable provisions to protect wildlife habitat. Review of wildlife impacts (if such review happens at all) is by the ADFG Division of Wildlife Conservation, however DWC participation has been weak (area biologists are overburdened) and politics always seems to play a role.

On state forest land, for those stretches of streams that have anadromous (e.g. salmon) or resident fish (Class I and II streams, respectively), the requirements for streamside 100 foot no-cut buffers are comparable to those used by the Forest Service on the Tongass. Although FRPA's few protections are aimed at streams, FRPA provides no buffer protections along streams or tributaries that feed into the Class I and II stretches. A well-established body of evidence suggests that a lack of Class III and IV stream buffers and the lack of a limit to clearcut size make streams more susceptible to conditions that can harm downstream fish populations. These conditions include: flash flows, increased turbidity and sediment flow, and an increase in stream temperature in summer and a decrease in winter (when salmon eggs are in the gravel) on state lands. ADFG Habitat Division handles the aquatic review, but is constrained by the limitations of what FRPA protects.

ON THE "STATE FOREST", TIMBER RULES

In contrast to the multiple use mandate of our national forest, FRPA specifies, "The primary purpose in the establishment of state forests is timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial uses of public land and resources." In its design and decisionmaking on timber sales and the SE State Forest Plan, the Division of Forestry interprets this as permission to run roughshod over the other natural resources. Currently, the state forest is being treated as a timber plantation on essentially every acre that can yield timber. There is no reason to expect any different for the 2 million acres acquired under H.R 232.

Regarding these resource, safety and process concerns, the state's timber sale planning and forest management plans are a dire farce, an outcome of the FRPA itself.

THE STATE'S FISCAL INABILITY TO REASONABLY MANAGE TIMBER SALES

Even with all the corners the state cuts on planning and administration of timber sales, the program is a big money loser. Nonetheless, the benefit to the state from timber sale "revenues" is often trotted out, with no mention of the net loss. The state's budget crisis is a clear economic constraint affecting the administration of the state forest. In recent years, DOF has had to lay off a large portion of its timber sales staff, and increasingly, the division is using staff from other regions to fill in, among their other duties.¹ A review of the [BOF minutes](#) beginning in late 2014 when the state's budget crisis was discovered by Walker discloses this ongoing reality.

Additionally, in 2015 the DEC revealed that funding for timber sale compliance monitoring was severely lacking.² In 2015, due to budget reductions and travel restrictions, DEC participated in only one compliance trip with three [compliance] inspections. One annual statewide compliance trip does not equate to satisfactory oversight and further demonstrates the lack of adequate funding for forestry programs.

¹ Tanana Valley State Forest Citizens' Advisory Committee Meeting. [April 23, 2015](#): "Chris Maisch gave an update on House Bill 87 and Senate Bill 32. The governor reduced Division of Forestry \$1.2 million and 18 positions, and 16 of those positions are starting July 1 from McGrath. A good majority have found positions. The other two were resource positions from Palmer and Southeast. During the legislative session 4 positions were reestablished, but 18 more positions were lost (10 interns and 8 Foresters across the state including one in Fairbanks). Overall this was a 40% reduction from forest management personnel. Overall the Division of Forestry was reduced \$2.3 million and 30 positions statewide. McGrath and the Southeast were hit the hardest. The Division is trying to help find positions for those affected. The Northern and Coastal regions are combining with Tim Dabney as the acting for now. There is still some money left in FY14 to repair road damages. In FY17 and FY18 the Division of Forestry will need to reduce another 16%."

² Board of Forestry Final Meeting Minutes. March 1, 2016. <http://forestry.alaska.gov/alask-aboardforestry>. As noted by Kevin Hanley of the DEC, "In 2015, due to budget reductions and travel restrictions, DEC participated in only one trip with three [compliance] inspections. Next year, they are budgeted for six inspections, which is still below the 18 inspections conducted in prior years." [BoF at 13]. Moreover, "Most of the 2015 decline in the number of inspections is due to reduced staffing." [BoF at 13]. State Forester Chris Maisch said, "This is an impact of the budget cuts." [BoF at 11].

More importantly, evidence supports that the SoA's timber sale program operates at a net loss and is particularly significant in light of the state's 3 billion dollars budget deficit. For instance, there are serious questions about whether public expenditures currently supporting the implementation of the SE State Forest Management Plan which governs 47 thousand acres, can generate positive revenue for the state given the administrative costs of implementing the timber sale program.³ In particular, the DOF requires state general funds well beyond the agency's sale revenues to support implementation of the SESFMP. Net losses from the SE State Forest could pale in comparison to potential losses from a 2 million acre state forest.

It can be expected that the DOF's intent would be to log about 130,000 acres per decade, consistent with the State's forest inventory methodology and planning.⁴

The inventory includes state General Use Lands plus the SE State Forest, a total of 69,790 acres of which 44,196 acres are commercial grade forest (63%). The annual allowable cut there is simply the 44,196/100 years rotation, or 4,420 acres per decade. Applying that percentage and method to the 2 million acres, gives a rough estimate of 130,000 acres per decade logged **in addition** to their current allowable cut.

That equates to about the same rate at which the former two SE Alaska pulp mills were clearcutting. Apart from the preposterous scale of what

³ Historically, the state's timber sale program has returned revenues of 10 cents for every dollar spent on total operating expenditures. [See, (ISER 2002)]. The DOF's 2014 Annual Report displays total, statewide revenues from the timber program over the past decade of \$6.99 million, or \$699,000 per year. [DOF 2014 at 10 (Annual Report)]. The 2012, 2013 and 2014 Annual Reports showed statewide timber program costs of, respectively, \$5.3 million, \$5.8 million, \$5.9 million and \$6.9 million. [DOF 2012 at 62, DOF 2013 at 60, DOF 2014 at 56 (Annual Reports)]. In other words, the program still operates at a loss, with returns as low as 10 to 13 percent of the timber sale program cost – consistent with historical revenue/cost ratios showing net losses. The DOF's reports do not break down revenues by region. But coastal southeast Alaska provided 100,408 thousand board feet (MBF) out of a statewide 237,916 MBF decadal harvest, or 42 percent of the state's sold timber volume. Revenues from southeast Alaska could be less than \$300,000 per year assuming equal revenues per MBF sold. [DOF 2014 at 10].

⁴ State of Alaska Department of Natural Resources Division of Forestry Southern Southeast Area Operational Forest Inventory For State Forest And General Use Lands February 9, 2016. See the method on pp. 5-7 and especially the results on p.8.

DOF has in mind, this would be done under the very inadequate FRPA, and with little the public could do to stem the devastation.

Further, this is more timber than could be milled and marketed locally and (due to our remoteness, and the fact the industry has always been "last in and first out" during market swings), so it can be expected that this would be almost entirely round log export. The annual volume of this scenario is over 300 million board feet per year.

Finally, if HR 232 is enacted, not only would the SoA acquire expanses of old growth timber, roads, bridges, cabins and other Tongass infrastructure, but they would also inherit the maintenance of that infrastructure: i.e. blocked fish culverts, rotting bridge stringers, eroded forest roads, degraded campgrounds and vandalized outhouses, and abandoned vehicles. Quite simply, there is no supporting evidence that the SoA can realize a net financial gain for either the state treasury or local employment due to outlays for administration of an additional two million acres SE State Forest.

Clearly any support for H.R. 232 is unwise. We ask that the Petersburg Borough Assembly go on record in opposition to this poorly crafted legislation and voice support for keeping our treasured Tongass lands in federal hands.

Thank you,

Rebecca Knight

Rebecca Knight
for the Greater Southeast Alaska Conservation Community



These photos depict recent Sealaska logging on the Cleveland Peninsula-mainland just north of Ketchikan and Election Creek, POW Island, respectively, Oct. 5, 2015. These cuts were expanded in 2016 from lands acquired in an additional land selection obtained in a rider to the 2014 National Defense Authorization Act (NDAA). Under defederalization of the Tongass, this would be the standard style of logging under FRPA. (photo credits—Becky Knight).

