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December 1995



Central Prince of Wales

Supplement to the Final Environmental Impact Statement

Record of Decision

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**Central Prince of Wales
Final Supplement to the
Final Environmental Impact Statement**

Record of Decision

**Ketchikan Area - Tongass National Forest
USDA Forest Service
Alaska Region**

Lead Agency

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Record of Decision

Background

The Record of Decision (ROD) for the CPOW FEIS was published on August 6, 1993. The ROD documented the decision of the Ketchikan Area Forest Supervisor to implement alternative F5 (as modified) as the selected alternative which would harvest 267 MMBF on approximately 9,836 acres and would meet the purpose and need for the project.

The ROD was followed by a 45-day appeal filing period which ended on September 20, 1993. Five appeals of the CPOW ROD were received.

On November 23, 1993, the Regional Forester's appeal decisions on the Central Prince of Wales project affirmed the Ketchikan Area Forest Supervisor's decision. On February 2, 1994, the Reviewing Officer for the Chief of the Forest Service affirmed the Regional Forester's appeal decisions on all CPOW appeals and appeal points.

Five offerings or releases of timber from the CPOW project were made to Ketchikan Pulp Company (KPC) between February and December 1994. These releases totaled approximately 78 million board feet (MMBF).

On June 1, 1994, Sierra Club Legal Defense Fund, Inc., filed a complaint for declaratory judgement and injunctive relief on behalf of its clients (SEACC, et al.) in the United States District Court, District of Alaska. The complaint named the Ketchikan Area Forest Supervisor and the Forest Service as defendants and challenged the CPOW timber project. The complaint alleged violations of the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), and the Tongass Timber Reform Act (TTRA). The NEPA and APA allegations focused on the volume of timber available in the project area and the sustainability of future timber supply. The TTRA allegation challenged the method used for determining proportionality in the CPOW project under Section 301(c)(2) of the TTRA.

On December 20, 1994, the Forest Supervisor partially suspended implementation of the CPOW ROD pending completion of a Supplement to the CPOW FEIS. The Forest Supervisor did not suspend implementation on the 78 MMBF previously released in the project, nor an additional 20 MMBF in two offering areas being contemplated for release to KPC prior to April 1996. These two offerings were made to KPC in 1995 and totaled approximately 18 MMBF.

A Notice of Intent to prepare a Supplement to the CPOW FEIS was published in the Federal Register on April 5, 1995. The Draft Supplement to the CPOW FEIS was published in July 1995.

RECORD OF DECISION

Decision

It is my decision to continue implementing the CPOW project. My rationale for this decision is shown below.

Reasons for Decision

- Continuing the project as planned should result in the harvest of approximately 214 MMBF of the 267 MMBF cleared in the original CPOW ROD, taking into account 20 percent project level falldown. Halting the project now would result in harvest of only 96 MMBF previously released. Continuing the project as planned will more closely approach meeting the stated purpose and need of 290 MMBF for the CPOW project than would halting the project now.
- Sustainability is a standard required by the National Forest Management Act and regulations stated in 36 CFR 219 to be applied at a National Forest level. While not a legal requirement for a project area, current and projected timber harvest levels help provide a measure by which decisions affecting community stability can be made.
- In Chapter 4 of the Final Supplement, one estimate of suitable timber remaining for harvest in the project area is that represented by the combined CPOW MELP and the updated LSTA from the Control Lake Cumulative Effect Analysis. The combination of the MELP and LSTA offsets some of the weaknesses identified for each study as documented in Chapter 3 of the Supplement. Each analysis identifies harvestable timber in areas the other study did not consider.

The Final Supplement indicated that a modified version of this combination provided the best assessment of harvestable timber in the project area. That modification recognized moderate to high risk factors including encumbered lands, steep slopes, and high vulnerability karst. Based on these risk factors, the Final Supplement proposed that 84,345 acres of suitable timber was the best assessment of remaining timber available in the project area.

I disagree with this rationale. The only factor that should be considered in modifying the combined results of the MELP and the updated LSTA is conveyed lands. Of the 4,539 acres of suitable timber located on encumbered lands in the updated LSTA, 3,218 acres have been conveyed to the State of Alaska or Sealaska Corporation. Of the remaining 1,321 acres, 504 acres have been selected by the State of Alaska as low priority, 798 acres have been selected by Sealaska Corporation but appear unlikely to be conveyed, and 19 acres were incorrectly identified as encumbered. Removing only those conveyed acres from the acres of suitable timber identified in the combined CPOW MELP and the updated LSTA would result in a total of 91,025 acres of potentially harvestable timber.

Other high risk factors recognized in the updated LSTA should not be dropped from harvest consideration until further field reconnaissance (recon) occurs. If potential harvest acres are found to be unharvestable, they are accounted for as part of the anticipated recon and implementation falldown of 23 percent discussed in the Supplement.

RECORD OF DECISION

- Projected harvest on the CPOW project area over the current ten-year sale plan through year 2004, including the remainder of the CPOW project, will average 17 MMBF per year. If the project were to be halted, average annual harvest on the project area would drop to 10 MMBF.
- The combined MELP and updated LSTA (modified by the deduction of conveyed lands) suitable timber estimate would yield an average annual harvest of 31 MMBF beyond the year 2004, after the completion of the CPOW project and additional planned timber projects in the area. If the project were halted, the potential average annual harvest could be as much as 35 MMBF. While both figures are lower than historic harvest of 52 MMBF annually, both are higher than harvest currently planned for the period of 1995 through 2004.
- Community stability is affected by timber harvest over a larger area than that defined by the CPOW project. In this case, harvest on Prince of Wales Island as a whole was also considered. Over the next ten year period (through 2004) average annual harvest on Prince of Wales is projected to be 69 MMBF, including the completion of the CPOW project. If the project were to be deferred until after the year 2004, the average annual harvest would be 61 MMBF on the island.
- TLMP (1979a) scheduled commercial forest land (CFL) on the CPOW project area is 71,666 acres. The suitable acres identified by the combined MELP and LSTA (excluding conveyed lands) amounts to 91,025 acres, or 127 percent of TLMP scheduled CFL. Extrapolating that proportion to TLMP (1979a) scheduled CFL for Prince of Wales Island as a whole (333,159 acres), the resulting suitable timber estimate is 423,112 acres. This would yield a potential average annual harvest of 167 MMBF beyond the year 2004, assuming the CPOW project is completed. If the project is halted and remaining volume rescheduled, the potential average annual harvest on Prince of Wales would be 168 MMBF. Both figures are greater than the historic average annual harvest of 122 MMBF on Prince of Wales.
- The ten-year sale schedule(Appendix G) reflects a lower planned harvest than can reasonably be expected in the future, even considering a 23 percent falldown factor.
- If falldown approaches 30 percent (combined hard falldown of 23 percent and 7 percent soft falldown at moderate to high risk of not being scheduled for harvest), future harvest potential on both the project area and Prince of Wales Island could exceed harvest planned over the next ten year period.
- The next ten-year period from 1995 through 2004 is expected to experience lower timber harvest volumes on the CPOW project area and on Prince of Wales Island than that experienced in the past. Potential future timber harvest levels are projected to be greater than those that will occur over the next ten years.
- I believe that deferring the remainder of the CPOW project during a period of exceptionally low timber harvest is not justified by the long-term benefits of a 1-3 MMBF increased average annual harvest expected in the future. This long-term benefit does not outweigh the immediate disruption of community stability if the CPOW timber project is brought to a halt.

RECORD OF DECISION

- Reallocation of timber harvest based on speculative changes to the allowable sale quantity (ASQ) is best addressed through the Tongass Land Management Plan revision process, not in a project level decision document such as this Supplement.

How Issues Are Addressed

Issue 1: Falldown

The issue of falldown was not fully addressed in either the CPOW DEIS or the CPOW FEIS. The Supplement reviewed The Irland Group Report, the Forest Service Evaluation of The Irland Group Report, and data gathered during the field reconnaissance of the CPOW, Lab Bay, Control Lake, and Polk Inlet projects. In addition, data gathered during the implementation of 121 CPOW harvest units (approximately half of the total planned units) provided a site-specific and accurate measure of falldown that can be expected during project implementation.

The relative strengths and weaknesses of applying falldown projections from each of these sources to the CPOW project were discussed. Based on the information and analysis displayed in the Supplement and the planning record, the falldown percentages of 8 percent during field reconnaissance and 15 percent during project implementation are the best available information regarding hard falldown. Soft falldown factors encountered during field reconnaissance (10 percent) and project implementation (5 percent) were also identified. While some soft falldown is simply the rescheduling of proposed harvest until the next project, some falldown is implemented for resource protection measures until standards and guidelines are formulated and implemented through revision or amendment of the Forest Plan. The potential for 7 percent soft falldown (moderate to high risk of not being harvested) is addressed in the Supplement. If this soft falldown factor of 7 percent is applied to potential harvest volumes, one could expect an average annual harvest of 29 MMBF from 2005 through 2054 on the CPOW project area if the project continues as planned. If halted now, average annual harvest from 2005 through 2054 may be 32 MMBF. If the 7 percent factor is applied to harvest on Prince of Wales Island, the average annual harvest from 2005 through 2054 would be slightly under 153 MMBF if the CPOW project continues as planned. If the project is halted, average annual harvest on Prince of Wales would yield slightly more than 153 MMBF. Even with this additional 7 percent soft falldown, potential harvest on the project area and on Prince of Wales Island beyond year 2005 is greater than planned harvest over the next ten years, whether or not the CPOW project continues as planned.

Estimated falldown discussed in The Irland Group Report and the Forest Service Evaluation of The Irland Group Report are not inconsistent with the site-specific data generated on the Prince of Wales projects. These reports were intended to be forest-wide (Tongass NF) projections bearing on the ASQ proposed by the alternatives in the Supplement to the Draft Environmental Impact Statement, Tongass Land Management Plan Revision published in 1991. Their findings are not as accurate as the data collected on the project area over the past several years.

Issue 2: Sustainability

The issue of sustainable timber harvest was addressed in both the CPOW DEIS and the CPOW FEIS. The Supplement provides additional analysis and data on this issue.

The CPOW DEIS used results of the CPOW MELP (identified as 52,727 acres in the DEIS) to project potential future harvest levels on the project area. The CPOW FEIS used TLMP Draft Revision Alternative P projections of suitable timber (114,016 acres) to predict potential future harvest levels.

RECORD OF DECISION

The Supplement uses site-specific data from the CPOW MELP (50,288 acres in the CPOW FEIS) and the updated logging system transportation analysis (LSTA) from the Control Lake Cumulative Effects Analysis (75,205 acres) as starting points for the analysis of potential timber harvest levels from the CPOW project area. The updated LSTA for the project area is the result of updating resource databases on the Ketchikan Area in project areas identified in the ten-year sale plan. These estimates of suitable timber are compared with TLMP (1979a) planned harvest represented by scheduled CFL for the project area.

The combination of these two studies offsets some of the weaknesses of each discussed in Chapter 3 of the Supplement. The MELP was not an attempt to identify all harvestable suitable timber within the project area, and the updated LSTA did not identify harvestable timber beyond the suitable timber identified by using updated resource data and TLMP Draft Revision Alternative P standards and guidelines. The combination provides the most accurate estimate of timber harvest opportunities in the project area from which future projects will be identified. The total suitable acreage identified by the two studies is 94,243 acres. There is a 31,250 acre overlap between the two.

Analysis of the data provided with the updated LSTA revealed a potential risk to harvest for 9,898 acres. These risks involved steep slopes, high vulnerability karst, excessive numbers of streams, V-notches, and encumbered lands. Of this total, 4,539 acres fall on lands selected by the State of Alaska or the Sealaska Corporation.

Of the 4,539 acres of suitable timber on encumbered lands, 3,218 acres have been recently conveyed to either the State of Alaska or Sealaska Corporation. Of the remaining 1,321 encumbered acres, 1,302 have been selected but are of lower priority. These acres will probably remain in the National Forest System. There are 19 acres that were mistakenly identified as encumbered but are not.

Excluding only those conveyed lands from the total harvest potential provides a more accurate forecast of potential timber harvest levels on the project area. The result of excluding conveyed lands from the combined MELP and the updated LSTA total is 91,205 acres of potentially harvestable timber. This total exceeds TLMP (1979a) scheduled CFL (71,666 acres) for the project area, though it does not equal the suitable timber identified by the Draft Revision Alternative P (1991) of 114,260 acres. The combination of the MELP and the updated LSTA (excluding conveyed lands) would allow an average annual harvest of 31 MMBF from 2005 through 2054. This exceeds the ten-year sale plan average of 17 MMBF for the project area.

Updated LSTAs for the remainder of the project areas identified in the ten-year sale plan were not yet available at the time the Supplement was completed. In order to provide an estimate of suitable timber available over the remainder of Prince of Wales Island, the proportion of the five suitable timber estimates to TLMP (1979a) scheduled CFL for the CPOW project area were applied to the scheduled CFL for Prince of Wales.

The proportional amount of suitable timber that may be available on Prince of Wales as a whole (based on the combined LSTA and MELP excluding conveyed lands) would yield an average annual harvest of 167 MMBF from 2005 through 2054 given an average falldown of 23 percent and completion of the CPOW project as planned. It should be noted that only the most conservative estimate (the overlap between the LSTA and the MELP) would have resulted in a future average annual harvest less than that expected over the 1995 through 2004 period.

Additional Issues Raised in Comments on the Draft Supplement

Some comments indicated that timber harvest under the Long-term Contract with Ketchikan Pulp Company is unsustainable.

The contention that logging under the KPC contract is unsustainable is a conclusion that cannot be reached based on the analysis of timber supply on one project area. Sustainability is a legal requirement that applies to a National Forest rather than a project area. Whether or not Long-term Contract commitments can be met on the Tongass National Forest and how much suitable timber will remain for harvest on the Tongass and the Ketchikan Area beyond the end of the contract in the year 2004 is beyond the scope of this Supplement.

There is no assurance of an even flow of timber from any given project area for each year or each decade. Initial entries into areas have traditionally harvested proportionally more timber and more easily accessible timber than later entries. This is done to offset high initial roading and logging camp costs (Alaska Regional Guide, p. 2-48). Future entries would have proportionately lower harvest volumes. There are project areas on the Ketchikan Area, such as the Cleveland Peninsula, that have experienced little to no harvest to this point. Substantially less than 50 percent of the suitable timber has been harvested in the first 50 years of the timber rotation.

Potential harvest of timber in the CPOW project area may be lower than has occurred historically. This has been documented and discussed in the Supplement. This is not relevant to the decision to be made. The issue addressed by this Supplement is how much suitable timber remains for harvest on the project area and the allocation of harvest over the next decade compared with potential harvest in future decades. The decision to be made is how much of the CPOW project should be re-allocated to harvest in future decades based on what is planned for harvest in the next ten years as compared with potential harvest in the decades beyond.

Several comments received stated that the Forest Plan ASQ should be changed to reflect the effects of falldown.

The Forest Plan ASQ is established through amendment or revision of the Forest Plan. This is beyond the scope of the Supplement. Analysis regarding falldown was forwarded to the TLMP Revision Team for use in the current revision effort. Updated resource databases provided by the contractor performing the Control Lake Cumulative Effects Analysis were also forwarded to the TLMP Revision Team. Falldown is the subject of one of the sixteen science assessments and resource analyses being prepared by the Revision Team.

Comments were also received that express concern that there is less suitable timber on the CPOW project area than projected by Alternative P of the Proposed Revised Forest Plan (1991) raising the question of an ASQ of 418 MMBF as opposed to TLMP (1979a) ASQ of 450 MMBF.

The results of intensive efforts to identify suitable timber on one project area best apply to that project area. While it would appear that 20 percent less suitable timber may be found on the CPOW project area than projected by Alternative P (proposed ASQ of 418 MMBF), that may not hold true for other project areas.

Some comments requested that the scope of the Supplement be broadened into discussions of viable wildlife populations including Alexander Archipelago wolf and Queen Charlotte goshawk. Other comments suggested that we delay the Final Supplement until new habitat capability models can be developed.

The scope of the Supplement was clearly defined by the memo directing the Supplement IDT to prepare a supplement regarding falldown and its effects on timber harvest. Wildlife population viability, more accurate habitat capability models, and the status of the wolf and goshawk were addressed in the CPOW FEIS including the Biological Assessment. These issues are currently being dealt with in the revision of the TLMP, the draft of which is due for publication by the end of the calendar year. These issues are clearly beyond the scope of the decision to be made for this one project.

Comments expressed concern that the current Forest Plan ASQ of 450 MMBF cannot be sustained from now through the end of the rotation without disastrous effects on the local and regional economy as well as subsistence lifestyles.

The point must be made that ASQ is a ceiling on decadal amounts of timber harvest that may be accommodated on a National Forest level. From 1954 through 1990, average annual harvest has averaged 364 MMBF, well less than the ASQ of 450 MMBF. This allows some flexibility and room for decision-making that will accompany the Forest Plan Revision. While the concerns raised are not groundless, they are not grounds for immediate cessation of timber projects pending the revision of the Forest Plan.

Public Involvement

A Notice of Intent to prepare a Supplement to the CPOW FEIS was published in the Federal Register on April 5, 1995. A letter explaining the supplement process and describing the focus of the analysis was mailed on April 10, 1995 to over 700 individuals and organizations on the original CPOW mailing list. Those interested in remaining on the Supplement mailing list were asked to complete and return an attached form. Eight-five respondents indicated their interest in the project by returning completed forms.

The CPOW Supplement was also placed on the NEPA Schedule of Proposed Actions for the Ketchikan Area. This schedule is updated quarterly and mailed directly to 67 individuals and organizations. The quarterly schedule gives a brief description of the project and a contact person for more information.

The Draft Supplement to the CPOW FEIS was published in late July and mailed to all interested parties in the first week of August. A notice of Availability was published in the Federal Register on August 11 with a comment period ending September 25, 1995. A total of seven comment letters were received.

A press release regarding the Draft Supplement was issued on August 23, 1995. The press release briefly summarized the issues of falldown and the implications for sustainable timber harvest and provided information for those persons wishing to comment.

Coordination with Other Agencies

Appendix C lists all individuals and organizations to whom copies of the Final Supplement to the CPOW FEIS were provided. The Alaska Department of Fish and Game and the United States Department of Interior provided comments on the Draft Supplement. Their comment letters and Forest Service responses are included in Appendix F.

Description of Options

Options Eliminated from Detailed Study

The original alternatives examined in detail in the CPOW FEIS were not considered in detail in the Supplement. The estimated harvest volumes ranged from 261 MMBF to 268 MMBF for the action alternatives and no harvest for the no action alternative. The original alternatives were not examined in detail as they do not take into account that the selected alternative (F5) has been partially implemented and the no action alternative would now have to account for the harvest of 98 MMBF. Additional information is provided in the Preface of the Supplement.

Options Considered for Detailed Study

Two options were considered for this Supplement. The first option was to halt the CPOW project after an estimated 98 MMBF had been released. The second option was to continue the CPOW project as planned. The effects of these two options on future harvest volumes in the project area and over Prince of Wales Island as a whole were displayed.

A wide range of options was not considered as the purpose and need for the project remains valid. The option of continuing the project as planned meets the purpose and need for the project. Halting the project now would not meet the purpose and need.

Environmentally Preferred Option

Of the two options analyzed, the option to halt implementation of the CPOW project now would result in less timber harvest over the next ten years. That deferred volume would then be rescheduled for harvest between 2005 and 2054. This option has fewer short-term effects on the environment, but there would be little to no difference over the course of the rotation through 2054. Based on this analysis, the option to halt

implementation of the CPOW project would be the environmentally preferred option. This option was not selected as it does not meet the purpose and need for the CPOW project.

Planning Record

The planning record for the Supplement to the CPOW FEIS is available for review, by appointment, at the Forest Supervisor's Office in Ketchikan, Alaska. The planning record also includes the certified administrative record for the CPOW project, TLMP (1979a), TLMP Draft Revision (1991), and the Regional Guide.

Findings Required by Law

The original CPOW Record of Decision (July 93) documented how the CPOW project and the decision to implement the project complied with the following laws:

- National Forest Management Act
- Tongass Timber Reform Act
- Endangered Species Act
- Bald Eagle Protection Act
- Clean Water Act
- National Historic Preservation Act
- ANILCA Section 810
- Executive Orders 11988 and 11990 (floodplains and wetlands)
- Coastal Zone Management Act

Compliance with these laws and executive orders has not changed with the decision I have made as documented in this Record of Decision.

Federal and State Permits

This decision does not obligate the Forest Service to obtain any permits in addition to those already described in Chapter 1 of the CPOW FEIS.

Implementation Process

Implementation of this decision may occur no sooner than 30 days after the date of publication of the notice of decision and availability of the Final Supplement in the Federal Register, or 50 days following publication of the legal notice of the decision in the Ketchikan Daily News, published in Ketchikan, Alaska, whichever is later.

Process for Change During Implementation

Proposed changes to the authorized project actions will be subject to the requirements of the National Environmental Policy Act (NEPA), the National Forest Management Act of 1976 (NFMA), Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), the Tongass Timber Reform Act (TTRA), the Coastal Zone Management Act (CZMA), and other laws concerning such changes.

In determining whether and what kind of NEPA action is required, the Forest Supervisor will consider the criteria for whether to supplement an existing EIS in 40 CFR 1502.9(c) and FSH 1909.15, sec. 18, and in particular, whether the proposed change is a substantial change to the selected alternative as planned and already approved (CPOW FEIS and ROD, July 1993), and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas or specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

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