

• **Cascadia Wildlands • Greenpeace • Center for Biological Diversity •**
• **Greater SE Alaska Cons. Community • The Boat Company •**
• **Alaska Wildlife Alliance •**

July 23, 2015

Earl Stewart, Supervisor
Tongass National Forest
500 Mission St.
Ketchikan, AK 99901

Subj: Request for preparation of a Supplemental EIS (SEIS), Big Thorne project

Dear Mr. Stewart;

We write to request that the U.S. Forest Service prepare a supplement to the Environmental Impact Statement for the Big Thorne Timber Sale to address new information revealed in a June 16, 2015 report by the Alaska Dept. of Fish & Game (ADF&G), *GMU 2 Wolf Population Estimate Update, Fall 2014* dated June 16, 2015. (ADF&G 2015). This new information was not available at the time the Forest Service issued the Record of Decision for the Big Thorne project nor was it considered in the Big Thorne FEIS, in the supplemental information report (SIR) that was prepared for the project in 2013, or by the Wolf Task Force (WTF) that was convened and whose report was considered in the SIR. This new information demonstrates that the assumptions in the Big Thorne FEIS, ROD, SIR and WTF Report have proven to be overly optimistic and untrue. Thus, it is essential that the Forest Service halt all activity under the current contract and step back to take a fresh look at this important data by supplementing the EIS with full and fair disclosure to the public and public involvement.

We further advise you that in order to understand ADF&G (2015) it is necessary to look deeper than the report's overt statements, and analyze the information it contains. Toward that end, attached are a June 19 press release by Greenpeace and the Center for Biological Diversity (Greenpeace & CBD 2015), and a Greenpeace analysis (Greenpeace 2015) of the ADF&G report (ADF&G 2015). In addition, contemporary and past field observations by ADF&G and Forest Service scientists and their crews are important to consider. For example, it is our understanding from a June 4 conversation with ADF&G Wildlife Conservation Division's regional supervisor that only one active wolf den was found in the Prince of Wales (POW) study area this spring, and that it had only one pup. (Pers. comm., R. Scott). He also said that this observation and other field observations would be covered in the report, but the final version contained none. Such field observations are important, as shown by the content of Person (2010) and Person & Larson (2013) regarding Prince of Wales wolves. (Both attached). We further point out that the Forest Service needs to be alert to the potential for ADF&G to conceal information or not perform (or report) some important analyses of the data and information it has. (Greenpeace 2014, attached).

A summary of the newly available information, as directly reported in (ADF&G 2015) and in some cases our analysis of the data therein, is:

- 1) ADF&G states the fall 2014 GMU-2 population was 89 wolves, but acknowledges that it could have been as low as 50.

- 2) Those estimates are for before the 2014-2015 wolf trapping and hunting season in GMU-2, in which the reported harvest was 29 wolves. This was 16% above the harvest cap of 25 wolves.
- 3) That amount of harvest means the post-season (i.e. March) population must have been 60 wolves if the actual fall population was the estimated 89, or down to 21 wolves if the actual fall population was the low-end estimate of 50 wolves.¹
- 4) These post-season estimates of 60 to 21 wolves remaining in GMU-2 represent a “harvest mortality” of 33% or 58%, and these loss estimates reflect reported harvest only (i.e. skins sealed as legally taken) and do not include illegal take or natural mortality. The population reduction is in addition to a previous 60% decline between fall 2013 and fall 2014 that ADF&G (2015) reports.
- 5) Even for a much larger wolf population it is established that the sustainability threshold for total annual mortality is not more than 38% of the actual population (Person & Russell 2008) and may be in the range of 30 to 35% (Person et al. 1996). However, because the current population is small, for biological and demographic reasons the sustainability threshold must surely be lower now. (Person & Russell 2009; Person & Russell 2008). It could in fact be zero.
- 6) With females reduced to 25% of the population in fall 2014, if the population was 50 there could have been as few as 7 females in the population or as many as only 18. If the population was 89, there could have been 13 to 32 females. Whatever the number, it is sure to have been reduced further by harvest during the 2014-2015 season as well as by illegal take and natural mortality.²
- 7) Nonetheless, despite the low population and small percentage of females, ADF&G intends to conduct a trapping and hunting season again, commencing this fall.

These facts are relevant to the Big Thorne project in three respects:

First, this new population data undercuts the assumptions reflected in the FEIS and SIR that Alexander Archipelago wolves will remain viable on POW and in the Tongass so long as the extent of timber harvesting is consistent with the assumptions of the 2008 FEIS for the TLMP amendment. The new data provides significant new evidence that wolves are on the brink of extirpation in the project area and in GMU-2, and that legal and illegal take is definitively contributing to unsustainable levels of mortality.

Second, the response of the GMU-2 wolf population to a reduction of the harvest quota for the 2010-2011 season through the 2013-2014 season (to 60 wolves) and to a further quota reduction in the 2014-2015 season (to 25 wolves) has been a continual decline in the number of wolves. This indicates that the GMU-2 wolf population may have poor resilience. Further, the population’s resilience has likely been diminished by pack turnover and the population’s decline to the present small number. (Person & Russell 2009).

Third, the Forest Service has relied on ADF&G management of wolves in GMU-2 as a significant mitigating factor for the Big Thorne project’s impacts, but it is now apparent that instead ADF&G’s management presents a grave existential risk to this population of wolves. Consistent with all other available evidence (e.g. Person & Russell 2008, 2009; Person 2013, 2014), the new data in ADF&G (2015) demonstrates once again that the State of Alaska’s game management regulations are not effective at preventing unsustainable killing of wolves by hunters and trappers and (illegally) by others. These facts severely undercut the

¹ We do not discuss here the high end of the estimate (159 wolves), because we believe management of this population and its habitat should be conservative and precautionary, because of the population’s known decline and small (even if as-yet undetermined) size. Also, the field observations we are aware of indicate the population is quite low.

² Roffler (2015) did not recognize any of these facts.

assumptions made by Forest Supervisor Cole in the Big Thorne SIR that continued habitat degradation could be mitigated by game management regulations. We believe the facts in ADF&G (2015) and the analysis in Greenpeace (2015) establish with certainty a need for a new SIR for the Big Thorne Project.

The Forest Service must consider whether in those respects the new information on the existing condition of the wolf population paints a significantly different picture of the potential impacts of the Big Thorne project on the wolf population.

A NEPA document is no longer adequate when “[t]here are significant new ... circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 C.F.R. § 1502.9(c)(1)(ii). “Reliance on stale scientific evidence is sufficient to require re-examination of” a NEPA document. *City of Carmel-by-the-Sea v. U.S. Dep’t of Transp.*, 95 F.3d 892, 900 (9th Cir. 1995) (citing *Seattle Audubon Soc’y v. Espy*, 998 F.2d 699, 704-05 (9th Cir. 1993)). At that point the agency must wait until it has supplemented the EA or EIS with new information before taking further action based on the outdated NEPA document. 40 C.F.R. § 1502.9(c)(1)(ii).

The Ninth Circuit has emphasized the need to update environmental analyses. “A federal agency has a continuing duty to gather and evaluate new information relevant to the environmental impact of its actions. . . . [W]hen new information comes to light the agency must consider it, evaluate it, and make a reasoned determination whether it is of significance as to require formal NEPA procedures.” *Warm Springs Dam Task Force v. Gribble*, 621 F.2d 1017, 1023-24 (9th Cir. 1980). After preparing a NEPA document, the agency “must be alert to new information that may alter the results of its original environmental analysis, and continue to take a ‘hard look’ at the environmental effects of [its] planned action, even after a proposal has received initial approval.” *Idaho Sporting Congress v. Dombeck*, 222 F.3d 552, 557 (9th Cir. 2000) (quoting *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 377 (1989)), emphasis added.

Accordingly, we ask that a new Supplemental EIS be prepared for the Big Thorne timber project, and that all work under contract be halted.

Sincerely,

(Verifiable signatures upon request)

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