

# FOREST NEWS

The Newsletter of Forest Service Employees For Environmental Ethics

Fall 2018

## Whither Roadless in Alaska?

### Inside

ATTACKING THE ENDANGERED SPECIES ACT / PARDONING RANCHERS  
PROTECTING DEVIL'S STAIRCASE/PLEASE DON'T FEED THE ELK

# Trump, Tariffs & Tongass Timber

**W**ill Trump's trade war with China put the brakes on Tongass National Forest logging? Even as the Forest Service proposes to undo a federal rule that protects Tongass wild areas from new logging roads, China's retaliation against Trump's tariffs is taking a toll on the demand for Tongass timber.

Before turning to the tariffs, let's unpack the Tongass timber program. Like everything else about America's largest national forest, its timbering history is unique. Since logging began in the mid 1950s, the Tongass has been a model of welfare socialism costing taxpayers billions while never turning a penny in profit to the government. By the end of the 20th century, all of the easily accessible massive old-growth trees had been logged, much of it dissolved into pulp, and shipped to Japan to make rayon.

When domestic mill demand for Tongass timber died with the 2008 recession, a Forest Service desperate for customers to buy its trees lifted its previous policy of limiting raw log exports. China moved quickly into the Tongass log market. Raw log exports from Alaska to China jumped from 3.9 million board feet (2004) to 340 million board feet in 2014. About 90 percent of Alaska's timber harvest is now exported as raw logs, with China accounting for about 85 percent of this demand. Today, only one sawmill of any consequence remains in Southeast Alaska, counting 32 employees in its workforce—the rest of Alaska's timber is exported as raw logs.

The U.S. Forest Service is now the largest timber employer in Southeast Alaska. Not that a single Forest Service worker actually touches a log, a two-by-four, or a panel of plywood. Instead, the Forest Service is the handmaiden of China's wood products industry. It spends tens of millions in tax dollars annually to plan timber sales and design logging roads for timber that China mills into lumber and plywood for its own burgeoning middle class. Hundreds of U.S. Forest Service employees now serve as China's log procurement agents. To say these workers have a vested self-interest in meeting China's demand for timber would be putting it lightly; their very jobs depend upon it.

Back to those tariffs. In retaliation against Trump's tariffs on imports from China, that nation is reciprocating by imposing tariffs on a panoply of U.S.-sourced goods, including logs. And with Russia happy to sell Siberian logs to China, it's not like China can't live without Alaska logs. But, without China, can the U.S. Forest Service find a buyer for timber that nobody in Alaska wants to mill? I hope not. These forests are so much more valuable for the carbon they store and the fish that swim in their streams. A trade war may be just the wake-up call the Forest Service needs to realize that logging the Tongass is not its highest and best use.

Sincerely,



Andy Stahl

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# Featured Forest

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## Black Hills National Forest

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**T**he Black Hills, rising abruptly from the high grasslands of South Dakota and Wyoming, are a marvelous medley of a mountain range.

The geology is complex. Sheathes of Precambrian granite stand on end, holding up horizontal layers of sedimentary rock. The biota, too—species that predominate to the north, south, east and west all come together here, drawn to the “Island in the Plains.”

The human history is likewise complicated. The Black Hills have, at various times, been claimed as sacred homeland by the Cheyenne, Crow, Kiowa, Pawnee and Lakota people. The Fort Laramie Treaty, signed in 1868, vowed to protect the Black Hills from European settlement “forever.” Alas, “forever” lasted less than a decade; after an expedition led by George Armstrong Custer discovered gold, the U.S. military reclaimed control from the Lakota in the Black Hills War of 1876.

The Black Hills beckon millions of visitors each year. Attractions abound, ranging from Mount Rushmore and the massive Crazy Horse Memorial to rugged rock outcroppings, tumbling mountain streams and twisting caverns.

Those millions of visitors will witness a changing landscape over the next several years. In July, the Forest Service approved the Black Hills Resilient Landscapes Project, which will bring logging and other management activities to much of the Black Hills National Forest. The Forest Service says the project is needed to help the region recover from a just-ended mountain pine beetle epidemic. Conservationists complain that the project allows too much logging. The complexities continue.



# In Depth

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## Whither Roadless in Alaska?

**T**hey are wilderness areas without a capital “W.” They are “inventoried roadless areas,” governed by a rule adopted in the waning days of the Clinton administration designed to preserve the last remaining stretches of national forests that roads had not yet pierced. While they lack the formal protection afforded by the Wilderness Act of 1964, the 58.5 million acres of designated roadless areas possess many of the same attributes—primeval forests, stunning mountain scenery, wild rivers and streams, rich wildlife habitat.

Now, however, the largest single component of the roadless system is under threat.

In August, Secretary of Agriculture Sonny Perdue announced that the Trump administration would develop a new roadless rule for Alaska’s Tongass

National Forest. Currently, more than half of the Tongass—9.5 million acres—is protected from logging and road-building under the 2001 rule.

Administration officials have made no secret that the revision process is being driven by a desire to open more of the Tongass to logging and other industrial activities—something that Alaska state officials have lobbied for ever since the roadless rule was adopted.

“The national forests in Alaska should be working forests for all industries,” Perdue said in announcing the start of the rule-making process.

Conservationists contend that opening up the Tongass to logging and road-building would usher in a return to the bad old days of conflict and controversy on the Tongass, which includes the largest stretch of temperate rainforest left on the planet.

“The Trump administration’s decision to appease the State of Alaska and walk away from protections for roadless areas and old-growth habitat in the Tongass National Forest is devastating news for Tongass wildlife that rely on intact forests and watersheds,” said Jamie Rappaport Clark, president of Defenders of Wildlife.

An Alaska-specific roadless rule could also jeopardize a recently announced policy that calls for phasing out the logging of old-growth forests on the Tongass.

And, critics say, withdrawing roadless protections from the Tongass would fly in the face of new economic realities in Southeast Alaska. The timber industry, boosted by massive government subsidies, may have been King of the Tongass during the go-go logging days of yesteryear.

But timber no longer rules the roost in Southeast Alaska. In fact, it’s not even close.

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In 2016, for the first time ever, tourism took the top spot in Southeast Alaska’s economy, nudging out the seafood industry in terms of both jobs and wages.

The “visitor industry,” as it is labeled in the annual Southeast Alaska by the Numbers economic report, generated nearly \$230 million in earnings that year and accounted for 7,752 jobs. That topped the seafood industry, which generated about \$210 million in worker earnings and accounted for 3,854 jobs. (All private industry sectors in Southeast Alaska are dwarfed by the public sector, which in 2016 generated more than \$770 million in earnings and supported 13,052 jobs.)

Of the 13 industries tracked in the report, timber came in dead last, accounting for total earnings of about \$16 million and 313 jobs. The timber industry has all but disappeared from Southeast Alaska, with harvest levels down 96 percent since the peak in 1991.

Sealaska, a Native corporation, owns more than 300,000 acres in Southeast Alaska and is the top timber producer in the region. Viking Lumber, on Prince of Wales Island, owns the last remaining mid-sized mill in the region.

While supporters of the timber industry regularly blame lawsuits brought by environmental groups for the lack of logging, the real reason comes down to simple economics: logging in the rugged, remote Tongass National Forest doesn’t pencil out. One of the main reasons why is the high cost of building logging roads. The Southeast Alaska by the Numbers report puts it succinctly: “Timber available for sale is often uneconomic, thereby constraining supplies to mills.”

The region’s visitor industry, meanwhile, is booming. In 2016, 1.5 million people visited Southeast Alaska. More than 1 million of those arrived by cruise ship. Those numbers are expected to continue to rise in coming years.

Those who oppose rescinding protections for roadless areas on the Tongass point out that the people who visit the region don’t travel there to see clearcuts and logging roads slashing through the rainforest. They come for the pristine scenery and the chance to catch glimpses of a wealth of wildlife—bears and wolves, otters and whales—in a natural setting.

Despite these economic realities, Alaska’s congressional

delegation remains steadfast in its insistence that the Southeast Alaska timber industry can be resurrected.

Senators Lisa Murkowski and Dan Sullivan, as well as Rep. Don Young, are unanimous in their praise of the Trump administration’s decision to overhaul the roadless rule for Alaska. On the day the revision plan was announced, they released a written statement. Said Murkowski:

“As I have said many times before, the Roadless Rule has never made sense in Alaska. I welcome today’s announcement, which will help put us on a path to ensure the Tongass is once again a working forest and a multiple use forest for all who live in southeast.”

What’s behind the seemingly unshakeable support of Alaska elected officials for a timber industry that has dwindled to next to nothing in the state?

Hunter McIntosh is president of The Boat Company, a nonprofit organization that offers educational boat tours in the waters of the Tongass. He’s been leading tours in Southeast Alaska for nearly four decades. Support for extractive industries—including logging—is simply part of Alaska’s DNA, he says.

“I think the disconnect comes from a deep-seated belief by elected officials in Alaska that the only way they can bring in revenue is through extraction of natural resources,” McIntosh says. “It’s how the state was founded—with the Gold Rush. It just evolved from there.”

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The roadless rule revision process promises to be controversial.

# A Long Road for Tongass Roadless

This is far from the first time that the question of whether to protect roadless areas on the Tongass National Forest has generated intense controversy.

The Roadless Area Conservation Rule was adopted on January 12, 2001, just eight days before the end of the Clinton administration, following a two-year effort that included more than 600 hearings across the country. The proposal generated a record number of comments for a proposed rule—more than 1.6 million.

After several years of litigation regarding the legality of the roadless rule nationally and in Alaska in particular, the Ninth Circuit Court of Appeals in 2009 ruled in favor of exempting the Tongass from the rule's provisions.

In December of that year, with the backing of conservation groups, the Organized Village of Kake, a federally recognized tribal group in Southeast Alaska, sued the U.S. Department of Agriculture over the Tongass exemption.

In 2011, a U.S. District Court threw out the Tongass exemption. The nation's largest national forest has been subject to the protections afforded by the roadless rule ever since.

During the period from 2003 to 2011, when the roadless rule did not apply to the Tongass, Forest Service officials adopted a revised management plan. The latest revision was adopted two years ago, with the roadless rule in effect.

In his record of decision regarding the latest Tongass management plan revision, Tongass National Forest Supervisor Earl Stewart was clear about the question of whether logging should be allowed in roadless areas.

"Based on my review of the (final environmental impact statement) and the project record, I believe the best way to bring stability to the management of roadless areas on the Tongass is to not recommend any modifications to the Roadless Rule," Stewart wrote. "Harvest in roadless areas is not necessary to meet the purpose and need of the amendment."

Given that plain language, many assume that even a partial revocation of the roadless rule for the Tongass would require yet another amendment to the Tongass National Forest management plan.

By all accounts, the Trump administration also wants it to be quick—at least when compared to standard timelines for major land management initiatives on public land.

As of early this fall, the Forest Service was hosting a series of "public information meetings" throughout Southeast Alaska regarding the roadless rule revision. After that, the agency will develop an environmental impact statement that looks at options for a new rule.

The agency intends to adopt the new rule by June 2020—before the end of Trump's first term.

The revision comes shortly after an exhaustive, multiyear effort to amend the Tongass National Forest's management plan. In addition to phasing out old-growth logging, that plan also assumes that the Tongass would be subject to the full protections afforded by the 2001 roadless rule—that those 9.5 million acres would remain off limits to road construction for logging.

If Perdue, who has final say on the rule, adopts a version that allows for road-building, the Tongass land management plan may well have to be amended again. That prospect doesn't sit well with those who devoted huge amounts of time and energy crafting the current plan—or with conservationists.

"My reading of it is that if the roadless rule went away in the Tongass, the management plan itself would still hold sway over the roadless areas," says Susan Culliney, policy director for Alaska Audubon. "But that's the concern—that we would get that one-two punch of the roadless rule redacted and the management plan amended."

In public, at least, the Forest Service promises to strike a balance with the new rule. The agency's website for the Alaska region says that the new rule will "further Alaska's economic development, and other needs, while also conserving roadless areas for future generations."

Despite such seemingly reassuring language, McIntosh of The Boat Company remains skeptical. Even with the roadless rule in effect, a quick perusal of the Tongass's budget shows that the Forest Service spends much more money on timber than on, say, administering special-use permits for tour and recreation organizations.

"Those funds go to timber sales and developing environmental impact statements and organizing meetings that go nowhere," he says. "Not to assisting industries that actually bring in money to the Forest Service and the state."

# Briefly

## *OR-7 Wolf a Dad—Again*

A trailblazing wolf that has made the Cascade Mountains of southern Oregon his own is a father once again.

This summer, federal wildlife biologists released a video showing a trio of pups cavorting on a remote forest road. OR-7 was the seventh wolf to be fitted with a transmitting collar in Oregon; hence, his name.

This is the fifth consecutive year that OR-7 has fathered at least one pup. The prolific wolf

was born in northeastern Oregon in 2009.

He traveled hundreds of miles across the state to the Cascades, becoming the first wolf to wander the western part of Oregon since 1937. His travels also took him across the border to California, making him the first wolf to visit the Golden State since 1924.

Wildlife biologists have counted 124 wolves in the state, including a pair that has recently been confirmed in the Mt. Hood National Forest.

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## *Plan Would Limit Target Shooting in Colorado*

A draft decision released in September would prohibit recreational target shooting on 225,574 acres on the Arapaho & Roosevelt National Forests in Colorado.

The report follows a five-year process in which Forest Service officials worked with representatives from local counties as well as state officials to explore options to mitigate negative impacts from recreational shooting on the national forest.

Local residents have complained of a range of problems caused by target shooting, including concerns over public safety.

“We have worked closely with partners, interest groups and the local community to help design a draft decision that balances sport shooting, a long time and legitimate use, with public safety,” said Monte Williams, supervisor of the 1.4 million-acre Arapaho & Roosevelt National Forests.

A final decision is expected by early 2019. Implementation of the closure provisions is contingent on the development of new shooting ranges in the affected counties, according to the draft decision document. The plan would not affect hunting where it is currently allowed.



## *Major Expansion of Utah Ski Area Proposed*

The owners of a small ski area in Utah have grand plans for a major expansion into a wild area in the Wasatch Range. The proposal includes construction of a 4.3-mile gondola that would rank as one of the longest in the world.

Mountain Capital Partners, which owns the 140-acre Nordic Valley ski area northeast of Ogden, wants to expand to 2,800 acres, largely into a designated roadless area of the Wasatch-Cache National Forest. While the company has not yet filed any applications with the Forest Service, it has held an open house to explain the proposal. It has also launched a website detailing the plans.

The gondola would whisk users from North Ogden to the ski area in a 12-minute ride, according to the company's website. The company hopes to build the gondola in 2020, in time for that year's ski season.

Conservationists are critical of the plans.

“This is a wild area at the northern edge of the most populated areas of the Wasatch,” Carl Fisher, executive director of the group Save Our Canyons, told the Salt Lake Tribune. “It's an extremely aggressive proposal to convert something special and wild and turn it into a circus.”



## Judge: Forest Service Must Reconsider Elk-Feeding Program

**F**orest Service officials in Wyoming must reexamine their decision to let state wildlife officials feed elk on the Bridger-Teton National Forest in the wintertime, according to a federal judge's ruling.

U.S. District Judge Nancy Freudenthal ruled in September that Bridger-Teton officials failed to take a "hard look" at alternatives to the state-run Alkali Creek Feedground, as required by the National Environmental Policy Act. And the judge found that the Forest Service improperly deferred to Wyoming wildlife officials in deciding whether to maintain the feeding program at the site.

Freudenthal directed the Forest Service to reconsider its 2015 decision to allow the Wyoming Game and Fish Department to operate the feedlot. She criticized the Forest Service for analyzing only two alternatives before issuing that decision—allowing the feedlot or prohibiting it. The agency did not analyze an alternative to phase out the winter feeding program.

Conservationists, as well as federal wildlife biologists, say the high concentration of elk that are attracted to the hay increases the risk of spreading chronic wasting disease, a fatal disorder that has spread in wild elk populations in the region.

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[pixabay.com/en/elk-bull-wildlife-nature-male-1096779/](https://pixabay.com/en/elk-bull-wildlife-nature-male-1096779/)

"These feedlots are powderkegs for disease transmission, and with the expansion of chronic wasting disease into the Yellowstone region, the fuse is lit," said Jonathan Ratner, Wyoming director for Western Watersheds Project. "We should allow the elk to reoccupy their natural winter ranges."

Western Watersheds Project was one of four conservation groups that sued the Forest Service over the 2015 decision.

Freudenthal rejected the Forest Service's claim that it lacked the authority to direct the Wyoming Game and Fish Department to not feed elk on national forest lands.

"(T)he Service's failure to consider a reasonable range of alternatives results in the conclusion that the Service failed to take a hard look at the alternatives to the proposed action, some of which might mitigate impacts," the judge ruled.

## Trump Administration Launches Endangered Species Act Rollback

**T**he Trump administration has proposed a major overhaul of the Endangered Species Act, outlining regulatory revisions that could clear the way for drilling, logging and other industrial activities in areas that provide key habitat for rare plants and animals.

A trio of rule changes proposed by the



Department of Interior would place tight limits on actions the federal government can take to protect threatened and endangered species.

One of the proposals would preclude the designation of critical habitat in areas that are not currently occupied by a particular species listed for protection under the act. Many such species occupy only a tiny sliver of their historic range.

The proposal would also curtail now-required consultations with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service—the two Department of Interior agencies charged with implementing the Endangered Species Act—for logging, mining and other projects that may harm plants and animals listed under the act.

Critics of the landmark 1973 legislation say that only 3 percent of the species listed under the act have

## Forest Service Approves First Phase of Montana Mine

A plan to dig a copper and silver mine beneath the Cabinet Mountains Wilderness Area in northwest Montana took a step forward this August when Forest Service officials granted permission for the first phase of the project.

Kootenai National Forest Supervisor Christopher Savage signed a final record of decision that would allow RC Resources to dig an exploratory shaft to evaluate the extent of the ore body at the site.

Proposals to dig the Rock Creek Mine date back more than three decades. Rights to the ore beneath the wilderness area have changed hands several times since.

“This is an important first step in moving forward with this project,” Savage said. “This project has been in the planning phase for a long time and I am happy to issue the decision to start the first phase of this project.”

RC Resources still needs Forest Service approval of a plan of operations before it can begin digging the mine, which could be in operation for more than 30 years. Also, no work at the proposed mine is expected to begin until company officials resolve legal issues with Montana regulators.

RC Resources is a wholly owned subsidiary of Hecla Mining Company. Earlier this year, state officials sued Hecla, alleging that its president, Phillips Baker,

recovered to the point that they can be removed from the threatened and endangered species list. The act’s supporters flip that argument on its head, pointing out that 99 percent of the creatures protected under the act are still in existence. That includes species such as the bald eagle and the gray whale.

“Instead of continuing the hard work needed to conserve a healthy and vibrant environment for our kids and grandkids, this administration is working to further imperil the more than 1,600 threatened and endangered species,” said Christy Goldfuss, senior vice president for energy and environment policy for the Center for American Progress.

Congressional Republicans are pursuing legislation that would also weaken the Endangered Species Act.



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violated the state’s “bad actor” provision, which is contained in the state’s Metal Mines Reclamation Act.

Officials with the Montana Department of Environmental Quality say Baker formerly was chief financial officer for Pegasus Gold Corporation. That firm went bankrupt in 1998, leaving the state with a tab of several millions of dollars to clean up pollution at three mining sites.

Conservationists contend the Rock Creek Mine would degrade the Cabinet Mountains Wilderness Area by lowering water levels of alpine lakes and harming grizzly bears and bull trout, which are both protected under the Endangered Species Act. And, they say, it would pollute the Clark Fork River, which feeds Lake Pend Oreille in Idaho.

# Trump Pardons Imprisoned Oregon Ranchers

President Trump has pardoned two Oregon ranchers whose imprisonment sparked the 2016 armed occupation of the Malheur National Wildlife Refuge.

Dwight Hammond and his son, Steven, were sentenced to a mandatory minimum prison term of five years after a 2012 arson conviction. The two were accused of setting fire to federal land on two occasions. Federal prosecutors say the pair set the first fire to destroy evidence of a deer they had poached.

After their conviction, federal judge Michael Robert Hogan, who was sympathetic to the two, gave them a lesser sentence on his last day on the job before retiring. Federal prosecutors appealed Hogan's action and won. The Hammonds were again sentenced to the mandatory minimum of five years.

That prompted Ammon and Ryan Bundy, and a group of supporters, to raid and occupy the wildlife refuge south of the city of Burns. They claimed the Hammonds were the victims of federal overreach.

White House press secretary Sarah Huckabee Sanders said the evidence that led to the Hammonds' conviction was uncertain.

"The Hammonds are devoted family men, respected contributors to their local community, and have widespread support from their neighbors, local law enforcement, and farmers and ranchers across the West," Sanders said. "Justice is overdue for Dwight and Steven Hammond."

The Hammonds have a long history of tussling with federal land managers.

Two years ago, Forrest Cameron, who served as manager of the Malheur from 1989 to 1999, told the news website The Raw Story that the Hammonds made death threats to his predecessor. When Cameron was manager, the Hammonds had permits to graze cattle on the refuge. Cameron said they violated the terms of their permits repeatedly.

In 1994, federal workers tried to build a fence around a watering hole that the Hammonds' cattle had used. The

Hammonds disabled government equipment to prevent construction of the fence. They were arrested and charged with impeding, intimidating and interfering with federal officers.

Cameron said that prior to the fence incident, the Hammonds made death threats against him and his wife, as well as to two other refuge employees and their families.

"My wife would take these phone calls, it was terribly vulgar language," Cameron told The Raw Story. "They said they were going to wrap my son in barbed wire and throw him down a well. They said they knew exactly which rooms my kids slept in."

Cameron's family moved to Bend, a larger town more than 100 miles away. The families of other Malheur employees also relocated for a time, Cameron said.

*The Malheur National Wildlife Refuge offers prime habitat for a wide variety of species. Both photos this page: flickr.com/people/50838842@N06*



# Sound Off



[google.com/maps/contrib/100090051115535752317](https://google.com/maps/contrib/100090051115535752317)

## DeFazio Introduces Bill to Protect Devil's Staircase

A big thumbs-up to Oregon Rep. Peter DeFazio, who this summer introduced legislation that would protect one of the most remote slices of his state's coastal mountains from logging, mining and other development.

DeFazio's bill, H.R. 6484, would designate more than 30,000 acres of pristine forests and streams as the Devil's Staircase Wilderness Area. The area is so rugged that it has never been logged.

"Devil's Staircase is one of the last truly wild places in the United States," DeFazio said. "I've hiked thousands of miles in my lifetime, and the trek to the spectacular Devil's Staircase waterfall was one of most challenging and rewarding I have ever undertaken."

In addition to the wilderness designation, DeFazio's

legislation would designate more than 14 miles of Wassen and Franklin creeks, which run through the area and support native salmon and trout, as Wild and Scenic Rivers.

Devil's Staircase gets its name from a storied waterfall on Wassen Creek that sluices over a series of "steps" formed by sedimentary rocks, flanked by dense old-growth forest. Visiting the falls requires hours of arduous hiking through dense undergrowth.

"This magnificent area is pristine wilderness without any developed trails, and encompasses some of the last remaining old-growth forest in Oregon's Coastal Range," DeFazio said. "My legislation will help to protect this unique area and preserve its beauty and tranquility for generations to come."



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