

BIG PROBLEM — Alaska’s “One-Voice” resource development policy

By censoring State scientists, this development-first policy corrupts forest and wildlife management at the federal & state levels in Southeast Alaska

Application of the policy is also evident on other issues elsewhere in Alaska

Larry Edwards / Greenpeace

November 2014,¹ Rev. 1²

Contents

1. Introduction.....	2
2. The State’s “one-voice” apparatus for promoting Southeast Alaska logging	3
3. The “one-voice” policy at work — an explanation of its function and three case studies	3
a. The Tonka timber project — A case study of State suppression of ADF&G biologists	4
b. The “one-voice” policy unleashed, as described in its primary executor’s words	5
c. Gagged – ADF&G’s Alexander Archipelago wolf expert and the 2011 Wolf Task Force	6
d. The State’s expert biological opinion suppressed for the Big Thorne timber project	8
4. The “One-voice” policy’s pattern of abuse in other state & federal fact-based processes	13
a. Ethical conflict inherent in ADF&G policy compelled a scientific team to dismiss two ADF&G biologists	13
b. The State hid an adverse change from a federal judge for 4 months, in an ESA case	13
c. “One-voice” policy affects state timber sales & evaluations of private timber plans	14
d. “One-voice policy will likely affect potential land exchanges and “roads to resources”	14
5. The “One-voice” policy’s 2004 origin and its resurrection beginning in 2009-2010	15
6. The rest of the “One-voice” apparatus	17
a. The One-voice apparatus includes the Board of Forestry & Timber Jobs Task Force	17
b. The nature of the State / USFS partnership, through MOUs	17
7. Concluding remarks	18
Appendix A – List of MOUs surrounding the “one-voice” policy, with summaries	19

¹ This is a substantial rewrite of our earlier introductory paper on the One-voice policy.

² The incorrect word “not” is replaced with “now” in the last line of first paragraph of the Introduction.

1. Introduction

The State of Alaska's has an unwritten but rigid, heavy-handed policy that it speaks with only "*one voice*,"³ to block public knowledge of impacts to fish and wildlife that – if exposed – may imperil the extent or feasibility of development projects. Greenpeace found unequivocal evidence of the policy through state and federal public records requests.⁴ The record pertains mostly to logging issues on the Tongass National Forest and on State Forest lands in Southeast Alaska. Prior public information shows the *one-voice* policy's application to marine resources in Cook Inlet, and quite likely the policy is now being applied broadly, statewide.

Concerning logging on the Tongass, the record shows the *one-voice* policy is a single-minded effort to maximize timber production, accomplished by suppressing legitimate, contradictory professional discourse at all levels within the state's resource departments and by concealing from the public and federal agencies any conflicting information or dissenting professional opinions. The policy can only harm the management of fish and wildlife populations and prevent any assurance of an adequate amount and quality of habitat to sustain them.

Justifications state officials give for the *one-voice* policy are that confusion is created when the state's departments give differing opinions on logging projects, and that official comments and remarks by state biologists which point to a project's environmental problems sometimes become fodder for litigation by environmental organizations. In practice, however, the policy conflicts directly with principles of open government, the public's right-to-know, professional and ethical obligations of the state's scientists, and requirements of the Alaska Constitution for sustaining fish and wildlife populations. Ultimately the state's *one-voice* policy conflicts with the need for good, informed decisionmaking by both the state and federal governments.

These are not mere allegations. The large body of records we acquired demonstrates such practices repeatedly. A large portion of that record is now compiled into "*The Book of One-Voice*," for which the present document serves as a separate introduction. The book is a *chronological* 600-plus page collection primarily of emails, with news stories and other material added for the context of the times. The book presents parallel, interwoven stories showing how, within both state and federal government, the state's *one-voice* policy has corrupted the flow of information, resource planning and decisionmaking processes, and – at ADF&G – scientific and professional endeavors. Most important, the policy is highly detrimental to wildlife populations and their habitats, including the Alexander Archipelago wolf and Sitka black-tailed deer (an important subsistence species), among others. Timber project planning in game management units (GMUs) 1A, 2 and 3 has been adversely affected.

Content of *The Book of One-Voice* is also relevant to the on-going Endangered Species Act consideration for the Alexander Archipelago wolf. Indeed, the record shows that the *one-voice* policy has heavily skewed the state's comments to the Fish & Wildlife Service and other efforts by the state concerning the potential listing.

Because non-email documents included in *The Book of One-Voice* are excerpted or summarized to minimize the size of the book, we put the whole documents in a zip file archive (**Chrono.zip**, available from ledwards@greenpeace.org). It also includes compilations of some of the more important email threads, since in the book all threads are interwoven. To aid access and understanding, the filenames in *Chrono.zip* are numbered chronologically and include a descriptive name. The book and the archive work together, and one is not a

³ State employees commonly refer to the policy with this phrase.

⁴ Our Alaska Public Records Act request alone netted 16,000 pages of documents (mostly digital). There are substantial redactions, although some were lifted in 2013 on appeal of the original response. We also obtained relevant documents through FOIA requests to the US Forest Service.

replacement for the other. Below, files in the archive are cited by their sequence numbers in the zip file archive, *e.g. Chrono.55*.

2. The State's "one-voice" apparatus for promoting Southeast Alaska logging

The state applies its *one-voice* policy in Southeast Alaska through an apparatus consisting of several governmental bodies and policy instruments. These include, at a minimum, the State Tongass Team (STT), the Alaska Board of Forestry, the official Alaska Timber Jobs Task Force, and several memorandums of understanding (MOUs) with the Forest Service. Here, the STT is described. Other parts of the apparatus are discussed in later sections, and the MOUs are listed and summarized in Appendix A.

The STT is a high-level, publicly invisible body within state government. We learned of it only through our public records requests. Those records show clearly that the STT has had an onerous influence on Tongass timber sale planning – particularly since 2010. The STT's influence in this arena includes meetings of some of its members with Forest Service personnel, the suppression of vital information that would otherwise be included in the state's comments on timber sale EIS's, and the direct participation of some of its members in the Forest Service's timber project planning. (Chrono.46 at 16-17). STT's original purpose was to consolidate the state's Tongass Forest Plan DEIS comments, in 2007 (Chrono.42), a time when honest professional dissent (differing from dogmatic policy) was tolerated and even valued. Today the STT heavily censors such information. (Chrono.26 at 3).

A high-level political agenda drives the STT. All 24 STT members are State employees, dominated by DNR staff and representatives of the governor and the attorney general. Ten are from DNR; four are from the governor's staff or AG-staff. Six are from ADF&G, and four are from other departments. (Chrono.46; *see also* e-mail address header in Chrono.34 at 0887). The STT is chaired by a DNR official, with recent chairs being DNR Deputy Commissioner Ed Fogels, and lately DNR employee Kyle Moselle. As STT chair, Moselle filters comment submissions from all state departments regarding Tongass timber projects and submits the final, heavily-filtered *one-voice* comments to the Forest Service. (Chrono.157). Previously, while an ADF&G Habitat Division staffer, he solicited comments from all the department's divisions, and submitted the heavily filtered comments directly to Fogels. (Id.) He also exerted state policy as a voting member for the state on the Tongass Futures Roundtable (TFR)⁵ until the State withdrew from that body. (Chrono.46 at 18). Another function of the STT is to directly "engage[] with regional and national USFS leadership through the Governor's Office." Going into 2011 the governor's representatives on the STT were Randy Ruaro (the governor's deputy chief of staff) and John Katz. (Chrono.42 at 23).

3. The "one-voice" policy at work — an explanation of its function and three case studies

This section covers two of the several ways the *one-voice* policy is applied. The subsections include two case studies of how critically important information about wildlife and wildlife habitat was deliberately eliminated from the State's comments on two Tongass National Forest timber projects, even demanding that the Forest Service remove information seen in an advance draft copy of an FEIS. Other subsections provide an explanation of the means and motive for doing that and a case study of gag order withholding ADF&G expertise from a crucial interagency meeting on the Alexander Archipelago wolf. First, some background.

The State's practice, since 2010, is to submit a single, *one-voice* comment letter on a Tongass timber project, at both the scoping and DEIS stages. Before 2010, the state had simply compiled the as-provided individual comments from its multiple departments and divisions

⁵ *See*: section I.D (especially I.D.2) of our August 2013 appeal (Chrono.160) of the Big Thorne project, discussing the deal making at the TFR with respect to FACA and Tongass timber project planning.

into a single submission, sometimes with a cover summary or policy statement. (e.g. the state's 2007 comments on the Tongass Forest Plan DEIS, Chrono.167).⁶ Not surprisingly, there was diversity in these pre-2010 comments as each agency has its own resource mandate, and development activities result in resource tradeoffs. (Chrono.46 at 16-17). This diversity of comments was vital, providing a relative freedom in the transfer of information from the state's experts to the interested public and federal decision makers. An example from this earlier era is ADF&G's 2008 comments on the Navy timber sale project (Chrono.5), which were submitted independently by ADF&G and are good for comparison to examples below of highly censored comments submitted in the current era under the *one-voice* policy.

The Board of Forestry was informed in 2011 of the then-recent *one-voice* policy's objective, by DNR Division of Forestry official and STT member Clarence Clark:

“... the State's comments on federal sales have been asking for maximized volume based on the Tongass Land Management Plan (TLMP), including roadless and roaded lands.”

(Chrono.60 at 5). In pursuing this objective of maximizing logging, it is clear – from both the record we have acquired and the content of recent State's comments on timber projects⁷ – that the STT is not a legitimate clearinghouse for State comments. It is a mechanism of suppression and censorship, with no tolerance for any ecological knowledge or professional opinions of State biologists becoming public that might interfere with maximizing logging. This conduct is deliberate corruption of the State's role under memorandums of MOUs between the State and the Forest Service (Appendix A), making the state an official “cooperating agency” in the NEPA process. This misconduct by the State is most evident through the lens of two large timber projects, Tonka and Big Thorne, in subsections (a) and (d) below. Subsection (b) is an explanation, in the state's own words, of the motive and means used concerning those and other projects. Subsection (c) exposes the direct suppression of an ADF&G researcher, with attempts to manipulate his input at a crucial closed-door interagency meeting, and ultimately resulting in him being blocked from attending.⁸

a. The Tonka timber project — A case study of State suppression of ADF&G biologists

Current STT chair Kyle Moselle is, through the MOUs with the Forest Service, a member of the Forest Service's Joint Review Team.⁹ This gave him the opportunity to review a preliminary draft of the FEIS (a PFEIS) for the Tonka timber project. Minutes after receiving it on March 5, 2012 he sent an e-mail to the Forest Service's Tonka planning team, saying:

“To avoid conflicting statements, the State consolidated all departmental comments on this project through the State Tongass Team. ... quoting an individual state biologist in a DEIS or FEIS undermines the **“one voice”** process the State has put in place. Please remove all quotes from individual state employees in your FEIS, and refer to our consolidated comment letter for this project dated December 12, 2011.”

(Chrono.149 at 4, *emph. added*). The quotes in question, by ADF&G Area Biologist Richard Lowell, had been obtained by the Forest Service between the DEIS and FEIS stages of the project. The Forest Service complied with Moselle's request, by removing Lowell's statements and substituting a similar quote from ADF&G's earlier official scoping comments on the

⁶ A late addition to Chrono.zip, placed out of chronological order.

⁷ e.g. the Tonka, Big Thorne and Mitkof Island timber projects.

⁸ See also: Section 4(a) discusses the similar suppression of two ADF&G scientists who were on the Cook Inlet Beluga Recovery Team, and the repercussion of that suppression.

⁹ In the JRT process certain State and Forest Service officials review pre-publication versions of NEPA documents (e.g. a DEIS or FEIS) as a final check on the project planning team's work.

project. Both quotes implicated the project as a contributor to long-term concerns for wolf and marten viability in the area that would eventually occur as a result of succession debt¹⁰ from past logging and the added impact of the Tonka project.

Upon seeing the revision, Moselle on March 7 sent a formal letter to the district ranger, objecting to the substitute text in the revised PFEIS, and asked that it be removed. (Chrono.150). The Forest Service complied with Moselle's second request. These two actions by the Forest Service, at the behest of the state's *one-voice* apparatus, debilitated the FEIS of both the on-the-ground perspective of the project by ADF&G's Area Biologist (who has worked in the area for decades and is very familiar with the area and its issues) and the information in ADF&G's earlier expert scoping comments.¹¹ Expert knowledge within ADF&G about the project's impacts was censored to avoid impeding the project's timber yield.

b. The "one-voice" policy unleashed, as described in its primary executor's words

The 2010 Annual Report of DNR's Division of Forestry explained, "[b]ased on the Tongass Team work, the State of Alaska now provides **a single set of comments** on USFS projects instead of each agency providing separate comments." (Chrono.46 at 16-17, *emph. added*).

At its March meeting that year, Moselle informed the Alaska Board of Forestry about that new policy and the motive for it. According to the board's minutes:

"Nichols asked whether the decision on the Diesel/Logjam timber sale will be upheld in the 9th circuit court. It was litigated based on state-federal wildlife biologist correspondence. Have the lines of communication changed?"

"Moselle explained that one of plaintiffs said there wasn't a proper evaluation of wolf mortality, and used a [FOIA] request to get e-mails from individual biologists. The timber sale was upheld at the district court. ADF&G is learning a lot through this process, and learning about the roles of individual biologists, leadership, and the consolidated state Tongass Team. One lesson learned is that a coordinated comment letter from the state after the FEIS and Record of Decision (ROD) is important. The biologists' comments in question came at the DEIS stage, but a lot changed before the final. At the DEIS stage there will still be concerns. ADF&G provided information to the court supporting the sale. ADF&G is learning how to avoid creating problems for the attorney general's office in subsequent litigation."¹²

"Nichols commented that this isn't the first time this has happened. Comments by state employees have had a big financial impact on this industry. He felt good at last Board of Forestry meeting that the agencies were speaking with one voice, and then comments by state biologists were the basis for a lawsuit on the Logjam timber sale."

"Moselle responded that you can speak with a unified voice without tying the hands of individual biologists to correspond on specific issues. The legal issue is what the state's official opinion is, rather than an individual biologist's. Nichols replied that there is a lot of credibility because of a person's status as a state biologist in the court review. Just slowing the process down has a big impact. Moselle observed that what's different with the Logjam suit is that those e-mails were sent before Moselle was involved. When he started, he teased that issue out of the Logjam project – it relates to a larger scale situation across all of Prince of Wales Island, not an individual project. Individual biologists haven't seen that scale. ADF&G is now working with the USFS at the

¹⁰ Regarding succession debt, *see*: Person & Brinkman (2013). In-press version at [Chrono.67](#). Published as: Person, D & Brinkman, T., Succession Debt and Roads: Short- and Long-Term Effects of Timber Harvest on a Large-Mammal Predator-Prey Community in Southeast Alaska. *In*: North Pacific Temperate Rainforests, edited by Orians, G. & Schoen, J. Seattle, WA. Univ. Washington Press.

¹¹ Our admin. Appeal of USFS's Tonka decision & FEIS was denied; no litigation followed. *See*: section VIII of the appeal ([Chrono.154](#)); citations in that section are in Chrono.zip but cannot be referenced by sequence numbers since the chronology has expanded with additions throughout the archive.

¹² The litigation was against the Forest Service; the state was an intervener.

appropriate scale on the appropriate management issue. That's coming to bear on the legal case too. Logjam was the first timber sale where the state spoke with **one voice**, but the sale planning occurred before all the new processes were in place – it's a transitional project.”

(Chrono.20 at 7; *see also*: Chrono.26 at 3, minutes of an August 2010 meeting).

c. Gagged – ADF&G's Alexander Archipelago wolf expert and the 2011 Wolf Task Force

Because of wolf mortality concerns raised by ADF&G wolf expert Dr. David Person in 2009 about the above-mentioned Logjam timber project, a first-ever interagency Wolf Task Force meeting was held in Ketchikan on October 12-13, 2011. The concern triggered a provision of the Tongass Forest Plan that the task force be formed. The meeting had been long delayed, until Person and Brian Logan (USFS Forest Wildlife Biologist) could complete a draft analysis of wolf mortality on Prince of Wales Island. In late January 2011 it was reported that this was nearly complete, and that the meeting would be held when it was ready. (Chrono.50). Preparation for the meeting (scheduled for mid-October) began in earnest in September, when the report had cleared lengthy internal reviews. (Chrono.84).

It had long been planned that Person would be a presenter and participant at the meeting. (Chrono.105.; Chrono.104). Doug Vincent-Lang — who was then a special assistant to the ADF&G commissioner on ESA matters — was interested in the meeting during its planning. (Chrono.100, .102, .103). On October 10 Logan notified Person that “I dropped the mortality analysis from the agenda as per direction from DVL.” (Chrono.105).¹³

An hour later Logan got a message from an ADF&G biologist: “Dave has not been authorized to say **anything** at the Wolf Task Force meeting this week by HQ.” (Chrono.106, orig. emph.). Logan wrote immediately to the Deputy Forest Supervisor and the Thorne Bay district ranger:

“Not having Dave Person available to present a synopsis of the (his) research on wolves in GMU2 leaves the group without a scientific foundation

This is especially problematic given three of the four objectives (bolded below) are dependent on information acquired/provided by ADFG.

OBJECTIVES

- **A common understanding of the problem(s)/issue(s) to be addressed**
- **Identification of available information and information needs**
- Develop a process (e.g., the Taskforce) for collaborating on wolf conservation needs
- **Formulate a plan for filling data gaps and addressing conservation issues”**

(Chrono.106, orig. emph. & parenthesis). Logan followed up that afternoon with a message to the Forest Supervisor and the Deputy Forest Supervisor:

“I've just been informed that Dave Person has not been authorized to speak at the interagency wolf meeting being held this week in Ketchikan.

It is especially important that we have Dave Person available to present a synopsis of the available research/information pertaining to wolves in GMU2.

One of the primary goals of the meeting is to develop a common understanding of the issue(s) so we need to have access to the information that helps define the issue.

Please consider contacting Corey Rossi direct to ask him to allow Dave Person to participate in the work group.”

¹³ DVL means Doug Vincent-Lang

(Id.). It is surprising that Person was excluded from the meeting by his own agency, especially since the meeting was closed to the public and open only to the task force biologists, and was held in Person's home town. After hearing that he had not attended, we inquired "why" of some participants but got only vague answers about his absence. Official notes of the meeting, compiled by Forest Service employees from the combined notes of participants, are silent on the matter. (Chrono.110). The answer later turned up in a response to our APRA records request, as above and in the handwritten notes of one of the attendees, ADF&G biologist Neil Barten. (Chrono.111, .112). Person's supervisor banned his attendance because a gag order on what he could present was being exerted by high-level political appointee Doug Vincent-Lang.

Because Barten's notes (Chrono.111) are not easy to read, below is a partial transcription (from Chrono.112) in which names are identified from initials that Barten used. Corey is Corey Rossi, the then Director of ADF&G's Wildlife Division, and Doug Vincent-Lang is now the acting director but at the time was a special assistant to the Commissioner and ADF&G's ESA coordinator. The "listing process" refers to an Alexander Archipelago wolf ESA petition filed two months earlier by the Center for Biological Diversity and Greenpeace.

Corey: You can't separate this task force discussion from the listing process.

Corey: I've heard from at least 3 people that we have imposed a gag order on Dave [Person] and that's not true. What Doug Vincent-Lang said was that Dave needed to provide a copy of the presentation [for this meeting] for review before [the] meeting – Dave didn't comply.

Neil: Well from our perspective that is a gag order – therefore we told him not to attend.

Corey: Who can present info or give an overview of wolf research and ecology?

Neil to Corey: You should have acted as an intermediary between Doug V-L and us.

Corey: Heard from Forrest Cole that biology has been "muzzled."

Neil to Corey: Review the teleconference. Also [unintelligible] Doug V-L's e-mails.

Corey: Over & over. Inferences are the issue, not the science. [The following is apparently Neil's conclusion based on what Corey said]: So, Dave's data is fine, his findings are fine, his inferences are dangerous to the ESA process.

Neil: But his inferences are based on 15 years of research – probably the best insight into the issue.

Corey: But they are still inferences. Can do lasting damage to our efforts to fight the listing. A FOIA of the meeting would reveal Dave's inferences, which are basically the view of the commissioner's office since Dave is operating under the commissioner's authorization – Not going to happen – the Governor supports logging – we cannot say without equivocal info that road building equals less wolves. [An arrow from "equivocal" leads to]: We could instigate with season or bag limits.

Neil, Brian, and Stephen or Steve:¹⁴ But with illegal harvest, bag limits don't work.

Corey: The wolf numbers based on seal, harvest, densities is sketchy – might not mean anything.

Neil: If wolves = dead wolves, is not mitigatable based on group discussions, is that concept on the table? Yes.

Stephen or Steve: We manage by inferences all the time.

¹⁴ Both Steve Bethune (ADF&G) and Steve Brockmann (USFWS) were present. *See also:* Chrono.113, handwritten notes of Stephen Bethune.

Corey: Yes, but in this case we can't infer as it is going to be used against us.

[Apparently a conclusion of Neil; no designation for anyone speaking]:

So, in the end the listing is shadowing this whole process. Corey is here as a watch dog to prevent DFG staff from "inferring" damaging opinion.

Corey: Tell me, what benefits would an ESA listing bring? Any?

Brian and Stephen or Steve: Protect old growth, which we say over and over is valuable.

[Neil then has notes on a presentation by Boyd Porter, partially given here]:

Mortality --> 50% illegal. Dave's work was due to a petition to list Unit 2 wolves in mid 1990s. Estimated 250-350

wolves in fall population – locals say wolves were at a high.

Dave couldn't find enough scat to get apt estimate. Visited 11 den sites – all vacant.

These notes expose politically motivated manipulation by the State administration to control discourse among its scientists – even to the point of total censorship and no discourse. Science and impartial management of public resources were circumvented by this control. Science simply cannot work this way.

In addition, the Forest Service's official notes for the above meeting did not accurately report what had happened. The whole story now known and with Forest Service personnel present at the meeting, the agency clearly is aware of the censorship yet it has taken no action to attempt securing the free flow of information from ADF&G scientists. (Chrono.158). To the contrary, the Forest Service is very complicit in the one voice policy. For example, its Big Thorne DEIS and FEIS did not disclose the problem with the flow or quality of information from ADF&G, even though the problem was clearly apparent from information (i.e. most of the documents now in Chrono.zip) that we provided the agency pre-DEIS, in June 2012.

d. The State's expert biological opinion suppressed for the Big Thorne timber project

For the Big Thorne project, the State intentionally withheld from the Forest Service the observations and opinions of an ADF&G research biologist who did 22 years of research and fieldwork on Prince of Wales Island and particularly the project area, beginning in the 1990s. Dr. David Person's work there has included many scientific reports and peer reviewed papers on dynamics of the island's ecosystem and on its wolves, deer, flying squirrels and bears.

In internal ADF&G emails, Person raised specific concerns regarding wolves and deer, backed up with maps, showing where the Big Thorne project would log and the magnitude of this very large project's impacts. It is the largest timber project on the Tongass in 20 years, in a heavily impacted area. The DEIS was debilitated by state's exclusion of Person's expert opinion from its scoping comments, and the portion of the comments concerning wolves and deer was highly generalized and pallid, in contrast to Person's specific concerns. Instead, the state's scoping comments focused on requesting a "maximum opportunity" alternative that would produce more timber. The Forest Service, too, is culpable for the debilitation of the DEIS, because it made no effort¹⁵ to gain access to the expertise and advice of this uniquely qualified biologist, through its rights under its partnership arrangements with the State, in the MOUs. We had even asked the Forest Service to do so.

On February 28, 2011, in the middle of the scoping comment period, Person sent an e-mail — subject "Big Thorne" — to six other ADF&G biologists, including three superiors and

¹⁵ There is no indication of any such effort in the project planning record. Moreover if the Forest Service did make the effort but was rebuffed by the State, the DEIS should have disclosed that.

Moselle. It was long, and laid out clearly the problems the project presents for wolves, deer and hunters, including a viability problem for wolves. (Chrono.55). In all, from that day through April 18 Person wrote four e-mails about his concerns over the project, and Moselle had several responses. (Id.). Moselle, although expressing a fatalistic opinion about the inevitability and impacts of further intensive logging in the area, said on March 1 that he appreciated Person's input, and that:

"Much of your input will be valuable for our comments regarding the cumulative effects analysis in the DEIS ... one of the goals of NEPA is to fully describe the effects to the human environment from the proposed action, so the FS needs to detail the impacts to deer winter habitat, and your comments will help with that." (Id.)

This cunningly postponed exposure of Person's remarks until the DEIS comment stage. Two months earlier, Moselle and STT member Clarence Clark of DNR both made presentations to the Board of Forestry on implementation of the Tongass Land Management Plan. According to the minutes, "Clark said that the state is involved in scoping and draft EIS review stages. There's more opportunity for impact in the scoping stage." (Chrono.42). He is quite right because the scoping stage lays the foundation for the NEPA planning process. So, in accord with the *one-voice* policy, Person's views were delayed by Moselle to a point in the planning process where they would have the least risk of reducing the timber output of the project. And even then, only two of Person's points were included in the state's DEIS comments, and only in a cursory, ineffective way. Simply put, the primary thrust and high importance of his knowledge were censored from the get-go.

Ultimately, this backfired on the state. Person quit ADF&G in May 2013, and a formal declaration (Chrono.161) by him about the project's impacts was included in our August 2013 administrative appeal of the Big Thorne decision. (Chrono.160). The declaration was sufficiently compelling that the Forest Service's Alaska Regional Forester put a hold on the project until Person's declaration could be reviewed, by a six-person interagency Wolf Task Force. However, the review was disingenuous, with a predetermined outcome. The Chief of the Forest Service announced at a Senate hearing that the project would go ahead with at most minor changes -- long before the review was completed.¹⁶ The WTF outcome was an even split, with the two members from ADF&G exercising the *one-voice* policy.

It is ideal at this point if the reader has read the email exchange in Chrono.55 among ADF&G biologists and Moselle, which began on February 28, 2011. Three short messages (Id. at 8, 11 & 12) are shown here to establish the veracity of problems Person exposed in Chrono.55:

From: Barten, Neil L (DFG)
Date: Wednesday, March 02, 2011 4:24:00 PM
To: Person, David K (DFG)
Subject: RE: Big Thorne

Dave, after having spent a mere 3 days on POW, I came away frustrated with the scale of logging that is still taking place, and the proposed logging coming up. The landscape is so marginalized for deer and other species that it seems the whole house of cards will come tumbling down in the future. I know you have been preaching the carrying capacity decline for deer and in concert wolves for a long time, but I never saw it first hand before. ... What seems to be an industry that could be so productive at a local level for a long timeline, is being pissed away at a rate that will leave people sitting on their hands in 20 years going what the hell happened... this is just like the Grand Banks with fishing man ... I got so depressed last week that I had to shut up as I was ruining the day of the rest of the crew.

¹⁶ Chief Tidwell: "Senator, we're committed to completing the Big Thorne project. ... They may have to, as part of addressing the appeals, maybe drop a unit or two. That's something we could always look at. But I'm confident the majority of that project will go through." Senate E&NR hearing, 4/30/14.

After reading some of Moselle's messages in the Chrono.55 sequence, ADF&G's Chief Scientist made the first response below, and then after rereading Moselle's message again a few days later he wrote the second one. This shows frustration with ADF&G's intransigence in dealing with the kind of logging-related problems Person raised and Moselle resisted:

From: Titus, Kimberly (DFG)
Date: Friday, March 04, 2011 4:27:00 PM
To: Lowell, Richard E (DFG)
Subject: FW: Big Thorne

I am not even reading this. This is why we need a State of Alaska-ADF&G deer management plan. After 20 years of observing us chasing our tails with the FS and their habitat/land management plan, why the hell don't we have our own deer management plan.

From: Titus, Kimberly (DFG)
Date: Tuesday, March 08, 2011 12:58:00 PM
To: Larsen, Douglas N (DFG)
cc: Person, David K (DFG)
bcc: Lowell, Richard E (DFG)
Subject: FW: Big Thorne

Just an observation from the bleachers.

Reading this makes my head spin.

It strikes me after 21 years that the region/division/department/state needs a deer (and perhaps wolf) management plan in southeast, that includes a habitat component. We get so wrapped up in either their deer habitat model or a 'cooperative' deer habitat model that we lose sight of our own mission. As such we attend endless meetings, get stuck in all of the Tongass minutiae, and end up wondering what we accomplished for sustainable and useable deer management. If the FS wants to join us, then fine. If we produce a management plan for deer that includes a habitat component and it is inconsistent with the FS or other landowners, so be it. **Seems to me that we are often second class resource managers in all of this.**

Lots of states have deer, elk or similar management plans. So why not us?

There you have it.

In April 2011, Moselle forwarded to the Forest Service's Big Thorne planning team some remarks Person had sent him in 2009 about deer and wolf considerations for thinning second growth. (Chrono.55 at 16). Moselle did not take that opportunity to also include the above recent 2011 correspondence. (Chrono.55 at 1-5, 7-8, 13-14). Person's 2009 information is of a notably different topic than his 2011 correspondence, in that by regarding thinning, knowledge in the 2009 message can be applied without jeopardizing the State's goal of maximizing the yield of old-growth timber from Tongass projects, Big Thorne in particular. We have confirmed with the Big Thorne planning team that that it did not receive any personal communications from Moselle or ADF&G conveying Person's 2011 concerns about old-growth logging and associated road building in the Big Thorne project. (Chrono.158). Compare the 2009 material that Moselle forwarded in Chrono.55 (at 16) to these points summarized from Person's 2011 messages in that same file, and you will see the gravity of the information that Moselle buried:

- 1) In the Thorne River and Steelhead Creek watersheds "[t]here are simply no methods of mitigation that will compensate for that much loss of winter habitat." "[S]everely affected." The statement is based on three habitat maps attached to the message.

- 2) Thorne watershed:
 - a. “[M]ost of the productive forest below 245m was logged over the last 25 years.”
 - b. Despite much pre-commercial thinning only a 3-7 year boost in forage resulted (Liz Cole paper attached),¹⁷ “much of that forage is unavailable because of slash, which also may increase risk of death of neonate fawns (see Farmer et al. 2006). Indeed, during my current study of fawn mortality, most of our neonates collared within the proximity of pre-commercially thinned stands died from bear predation within or adjacent to that habitat.”
 - c. The Big Thorne project “goes further to remove the most important winter habitat for migratory deer in the watershed.”
 - d. “Many of the productive stands to be removed are situated above older clearcuts and are locally known for supporting deer during normal winters. Alpine and sub-alpine habitat is easily accessible to hunters in the watershed and many choose to hunt those areas ...”
- 3) Steelhead Creek “is another area hard hit by the sale”: Although Todd Brinkman reported deer as currently abundant in the watershed, “[t]heir survival was enhanced by the availability of low elevation winter range, much of which will be removed by the sale. Steelhead Creek is also a major subsistence hunting area and still appears to have a healthy population of bears.”
- 4) In the North Thorne, Big Lake, Luck Lake, and Gravelly Creek drainages:
 - a. “The Big Thorne sale will result in entries for the third time ...”. His maps that were attached (probably higher resolution than the pdfs we received) show large losses of winter range. “Much came from the private and state lands within the mapped area but as the maps show, much also came from the federal lands involved in the BT sale. Cumulative loss of productive forest habitat in those areas causes me to question the viability of those watersheds to maintain ecological functions and support a healthy predator-prey community.
 - b. “Wolf viability depends not only on reducing road density and risk of unsustainable harvest but also on abundant populations of deer. I doubt that a resilient and persistent wolf-bear-deer-human predator-prey system will be possible within the watersheds affected after the project is completed, if indeed it is still possible as current conditions progress inexorably toward stem exclusion. Current risks of unsustainable wolf harvest will be exacerbated by the project as deer become fewer in stem excluded forest and hunters blame wolves and bears for the lack of available deer. The legacy standard as written is of little value for protecting that ecological function. Basically, if there were only 3 old-growth trees left, the standard allows you to cut 2 of them. There is no lower limit below which no timber harvest is allowed.”
- 5) Wolf denning areas: “Finally, for now, the sale will impact 5 wolf denning areas (Trumpeter Lake, Big Lake, 3018 Long Lake, Angel Lake, and Upper Steelhead). With the exception of Upper Steelhead, each of those areas was used multiple times by wolves between 1993-2007.”
- 6) *Ending of his 2/28/11 message*: **“It is difficult to recommend any scoping changes other than simply to reconsider the whole sale because it will remove most of the best remaining old-growth in every watershed touched by the project. We are simply going to**

¹⁷ Probably Cole, Hanley & Newton (2010), *Influence of precommercial thinning on understory ...*

engage in a game of triage in which we recommend watersheds for which we hope to save some minimum level of wildlife viability and sacrifice the others.” [Emph. added.]

- 7) *Message of March 2*. He discusses wolf dens in the Big Lake, 3018, Trumpeter Lake, Angel Lake and Steelhead areas. In the Steelhead den area, “[t]urnover of wolves in that area is very high because of the roads and accessibility to hunters and trappers. The *Rio Roberts pack* and *Thorne Bay group* are also harvested very heavily.
- 8) “With respect to deer”: “TLMP does not assume that adequate habitat is maintained only in nondevelopment lands. There is the wolf guideline specifying a minimum deer habitat capability of 18 deer/mi². The intent of the conservation strategy in TLMP was to create an integrated system of features that included reserves, areas deferred from logging, and standards and guidelines for management of the matrix. I attached a copy of a paper by Jerry Franklin and Dave Lindenmayer on conservation strategies.¹⁸ They discuss why reliance on habitat reserves is often a recipe for failure and that the matrix of managed lands between reserves is critical to successful conservation. I attached 2 papers by Winston Smith and me (plus Sanjay Pyare) on flying squirrels and small OGRs that test some assumptions of the conservation strategy in TLMP and reinforce the conclusions of Franklin and Lindenmayer.”¹⁹
- 9) Concerning non-development lands within the matrix:
 - a. “[D]eer avoid habitats along streams and lakes during winters with deep snow (>50cm, brisket height). That includes productive old-growth stands that constitute stream buffers. Attached is table 8 from my deer monograph showing habitat selection results from >100 yearling and adult does on Heceta, POW, and Mitkof Islands. Two candidate models are shown ...”
 - b. Deer “select locations away from lakes and streams ... They avoid ravines (where streams flow), ridges (higher elevations), and large patches of habitats with open canopies and sparse understories (patch4) such as muskegs, unproductive forest, frozen lakes and streams, and road surfaces. When snow is deep, they also avoid locations with high forest canopy contrast (e.g.; areas with many forest openings). Deer likely avoid riparian buffers during winters because being in proximity of a lake or stream edge strongly increases the risk of predation by wolves. Consequently, nondevelopment lands associated with stream and riparian buffers are not going to contribute to winter habitat capability. Therefore, within timber production lands, that means only small OGRs, legacy trees (stands, patches, whatever they really end up being?), and beach buffers (only useful to deer adjacent to them), will constitute all of the winter deer habitat left.”
 - c. “We need to pay attention to what lands are left and where they are. Do they provide vertical connectivity for migratory deer during winters with snow and sufficient low elevation habitat to prevent losses of deer like we observed in the Maybeso during winters 2006-2008?”
 - d. Several of the watersheds in the Big Thorne project currently are extremely popular hunting areas (North Thorne, Steelhead, No-name Creek). What losses to hunting opportunities will occur over the long term as the carrying capacity of the watersheds for deer diminishes? Is there any coordination between the project and meeting subsistence needs? For example, will the USFS maintain sufficient habitat capability on lands available to hunters after road closures occur? I am not advocating keeping

¹⁸ Probably Franklin & Lindenmeyer (2009), *Importance of matrix habitats in maintaining ...*

¹⁹ Probably these two papers are: (1) Smith, Person & Pyare (2011), *Source—sinks, metapopulations, and forest reserves ...* and (2) Smith & Person (2007), *Est. persistence of northern flying squirrel ...*

roads open that are slated for closing, but wonder if the USFS has given any thought to managing those lands that are easily accessible to subsistence hunters in such a way that deer habitat capability is maintained at a high level? [Emph. added].

10) *Message of April 15, 2011.*

a. **“I want to make one point very clear.** The Tongass Land Management Plan may or may not be adequate for protecting ecosystem functions and species viability. We simply don't know. It was based on some, not all, but some of the best science available in 1996. ‘Based on the best science available’ does not mean the science was adequate.” The TLMP “S&Gs only address a fraction of the ecological problems associated with industrial-scale timber harvesting of northern Pacific rainforests.” [Emph. added].

b. “Anyway, as a professional biologist who knows this ecosystem as well as anybody working here, who has worked in that system doing research on that system for almost 20 years, **I would hope that my comments and concerns about a proposed project will be transmitted up the ladder ...**” [Emph. added].

In conclusion, Dave Person has responsibly raised significant issues, based on his extensive experience in the project area and throughout the island as a field biologist, researcher and statistician. Following its *one-voice* policy, the State buried these issues and facts instead of raising them to the Forest Service in its scoping and DEIS comments on the Big Thorne project. The issues weren't raised even during a timely opportunity when the State's prime contact with the Forest Service, Moselle, made a personal communication to the agency.

As with the Tonka project and the first WTF meeting in 2011, here again is proof positive that the State of Alaska – through its *one-voice* policy – intentionally suppresses science and the state's biologists and withholds from the public and the federal decisionmaking process vital information about the impacts of logging projects on wildlife.

4. The “One-voice” policy's pattern of abuse in other state & federal fact-based processes

a. Ethical conflict inherent in ADF&G policy compelled a scientific team to dismiss two ADF&G biologists

In April 2011, through no fault of their own and only because of an ADF&G policy (Chrono.23) that created for them an ethical conflict, two ADF&G biologists were removed from the science panel of the federal Cook Inlet Beluga (whale) Recovery Team (CIBRT). (Chrono.69, .62, .63). The offending policy had been adopted by ADF&G in May 2010 (Chrono.23), and requires ADF&G personnel to speak the department's policy rather than their own scientific understanding or considered opinions. This conflicts directly with scientific process and in particular the function of the recovery team science panel and the formal terms of reference it operates under, but even under pressure from CIBRT and NOAA, ADF&G's commissioner did not relent. NOAA's dismissal of the two biologists, who themselves had raised the conflict of interest that the policy was through extended due-process. Concerns first appeared in the panel's meeting notes in December 2010. (Chrono.40), and were deliberated for months. (Chrono.49, .57). The ADF&G Commissioner was notified of the scientists removal from the panel on April 25, 2011. (Chrono.62).

b. The State hid an adverse change from a federal judge for 4 months, in an ESA case

The state sued the federal government in February 2011, another effort to avoid ESA listing of Cook Inlet belugas. The Anchorage Daily News noted: “[i]n a companion sworn statement, Doug Vincent-Lang, the endangered species coordinator in the Alaska Department of Fish and Game, said the state had implemented the coastal management program ‘to ensure the

by the DNR plan shown to the right, with planned roads in red. Revilla is the second largest wolf island in Southeast Alaska. The plan was announced Sept. 11, 2014 at a Forest Service meeting, as part of the state's "roads to resources" program.

5. The "One-voice" policy's 2004 origin and its resurrection beginning in 2009-2010

In 2004, under the Murkowski administration, the State put an aggressive and controversial one voice policy in place. (Chrono.2). A six-sentence memo signed by the commissioners of Environmental Conservation, Natural Resources, and Fish and Game banned separate written opinions about resource issues. "The commissioners say internal cooperative discussion instead of written documentation, available to the public, is good policy and makes sense because it will promote efficiency and trim red tape. ... Critics say it's another example of the Murkowski administration's agenda to stifle any voices, particularly those of biologists, that could hamper business activity and industrial development." (Id.)

The restrictive, *one-voice* approach to natural resource management is the antithesis of reasonable resource planning. A 2004 news article about then new policy explains:

"It's a means of cutting the public out of the debate,' said David Driesen, a law professor at Syracuse University who specializes in environmental issues. If there's no written record of agency concerns about development matters, successful court challenges to stop harmful projects will be tougher, he said. 'If the likely impacts ... aren't disclosed publicly, it'll be harder for citizens to influence decisions,' Driesen said." (Chrono.2)

Nonetheless, at least for Tongass National Forest timber projects the policy languished for several years following its 2004 announcement. Communication did still occur during planning of most projects between individual ADF&G biologists and the Forest Service's project planning teams. (e.g., Chrono.7). Eventually the policy waned to the point that ADF&G again began to submit its own detailed comments on EISs, such as on the Navy Timber Sale project in 2008. (Chrono.5). However, after the Forest Service's decision on the Logjam timber project (on Prince of Wales Island) was administratively appealed in 2009 on environmental grounds and a suit was filed, the *one-voice* policy was resurrected and aggressively pursued, as already covered in section 3(b). (That section includes an excerpt from the March 2010 Board of Forestry meeting minutes where STT chair Moselle explained the motive for the *one-voice* policy and the means for applying it).

In an August 2009 op-ed, Governor Sean Parnell decried administrative appeals of Tongass timber project decisions, which take about a three months following a decision (45 days each for the appeal submission and the Forest Service's consideration). The op-ed was published at the end of the decision making process for the Forest Service's Logjam timber project. His concerns in the op-ed only regarded timber supply and expressed no concern for impacts to wildlife or to private and commercial endeavors that rely on wildlife. (Chrono.16).

In an August 2010 letter to the editor, Governor Parnell announced an open-ended policy of countering concerns raised over any timber prospects: "Whether it's the Diesel timber sale [(part of the Logjam project)] or the exemption to the federal roadless rule, I've instructed Alaska's attorney general to intervene in cases to protect our economy." (Chrono.14).

A 2011 Parnell letter to the Speaker of the state House explained: "Alaska's timber industry and energy needs remain top priorities of my administration." (Chrono.51, letter to Rep. Chenault). Being members of the State Tongass Team, his Deputy Chief of Staff and several others agents of his are able to exert the Governor's timber top priority across all relevant departments, including ADF&G. (Chrono.34 at 887, *note* the list of e-mail recipients).

On May 5, 2011, Gov. Parnell issued Administrative Order No. 258 (Chrono.65) establishing the Alaska Timber Jobs Task Force (ATJTF) "as a combined federal, State, and private industry task force." By intent and construction, there is no representation of non-timber

forest-related businesses (e.g. commercial and sport fishing, recreation enterprises), NGOs or citizens that are impacted by large-scale timber projects. The ATJTF is not counter-balanced by any similar state body that could advocate for non-timber forest uses. Its members are:

- the Governor's Deputy Chief of Staff;
- Doug Vincent-Lang, Director of ADF&G's Wildlife Division and *one-voice* activist;
- the head of DNR's Forestry Division (Chris Maisch);
- representatives from the State's Community & Economic Development Dept.;
- three timber interests; and
- a representative of a logging community.

Among the purposes of the task force are: "(6) to survey, study, and submit a report to the State and the federal governments of current demand for timber in the Tongass National Forest and the specific business and economic opportunities that could be supported by such demand, if the timber were supplied; [and] (7) to review, identify, and report quarterly to the State and federal governments on possible timber sales in the Tongass National Forest that would meet demand with economical timber sales, including the identification of possible 10-year timber sales." (Id.) Big Thorne is one such 10-year sale.

Through its members, who are all State officials, the task force is directly linked to the State Tongass Team (chaired by Kyle Moselle of DNR) which prepares the State's One-Voice NEPA comments on timber sales and coordinates the participation of state agencies in implementation of the Forest Service's Forest Plan.

In a February 24, 2012 interview on KFSK radio, a caller asked Governor Parnell about a recently applied restriction on state biologists' free expression of their professional opinions:

(Caller): ... I'm noticing an abrupt change in the manner and ability of biologists to be able to speak freely and provide documents relevant to on-going permitting process. And I just want to ask you, has there been a directive by you to effect this change?

(Gov. Parnell): I have to figure out exactly what he's referring to. I can tell you that any fisheries management is based upon science. Any game management needs to be based upon science. The biologists who feel like they have been, um, change or anything. [Sic.] You know, like every governor before me, if statements of policy are issued, I want to know and my office wants to know what those statements are going to be, to make sure that they reflect the direction of this administration. And that has to do with making sure that science is adequately and fully interpreted and utilized. It has to do with making sure that the statutes and regulations are followed. So, I know that some people like to freelance and say and do their own thing, but when it comes to representing the public, I'm held accountable by the public for the decisions that are being made and sent forward. And so if something does implement or try to set state policy, you're darn right that your governor and commissioners get held accountable for those, and we need to know what's being said and where.

(Chrono.145 – the audio clip; Chrono.146 – a transcript).

Thus, the Governor Parnell was motivated to promote logging, and he put administrative mechanisms in place to accomplish that and to control what ADF&G biologists are allowed to say. This cleared a pathway for suppression and censorship of scientific knowledge and of the full and fair discussion of biologists' responsibly held perspectives. That is, the Governor's approach to controversy over how the forest should be managed is contrary to both the foundation of how science works and to the purpose and process of NEPA. This is a sad situation because a well-functioning democracy relies on a well-informed public and fact-based decisions. Views expressed by a well-informed public are broadly recognized as vital to good decisions by government. But in Alaska, top-down dogma – with several officials in the middle successfully enabling it – is prevalent.

6. The rest of the “One-voice” apparatus

As stated in the introduction, the State of Alaska’s *one-voice* policy apparatus consists of the State Tongass Team (STT), the Board of Forestry, the Alaska Timber Jobs Task Force (ATJTJF) and MOUs with the Forest Service that give the state privileges it can take advantage of. Here, some remaining blanks are filled in about the latter three.

a. The One-voice apparatus includes the Board of Forestry & Timber Jobs Task Force

The Alaska Timber Jobs Task Force, established by the governor in 2011, was introduced briefly among the two previous pages. It has an exclusively timber industry and State government membership. By its intent and construction there is no representation for non-timber, forest-related businesses (e.g. no commercial or sport fishing businesses, recreation enterprises, etc.), citizens or NGOs that are impacted by large-scale timber projects. Also, the task force is not counter-balanced by any similar state body that could advocate, concerning logging, for non-timber forest users or uses. The government members are the governor’s Deputy Chief of Staff; ADF&G’s long-time Acting Director of Wildlife Conservation Division (Doug Vincent-Lang); the head of DNR’s Forestry Division (State Forester Chris Maisch); representatives from the state’s Community & Economic Development division; three timber interests, and a logging community representative. The high-level State employees provide a direct linkage between the task force and the State Tongass Team.

The Alaska Board of Forestry is chaired by the State Forester and the rest of the membership is from industry or is industry oriented except for one conservation seat held by someone appointed by the governor this year and who is not from Southeast Alaska.²⁰ The Board of Forestry sends an annual report to the governor.

b. The nature of the State / USFS partnership, through MOUs

For federal timber projects, the *one-voice* policy is exercised in part through memorandums of understanding between the Forest Service and the State, or sometimes directly by a state department such as ADF&G or DNR. (Chrono.26 at 3;²¹ .42 at 26;²² .14 at 1;²³ and .34 at

²⁰ From governor’s press release: “Stark, of Fairbanks, is a biologist specializing in fisheries research at the [Univ.] of Alaska Fairbanks [UAF] ... works with the Bering Sea Fishermen’s [Ass’n] and owns his own fisheries research consultancy. ... master’s degree in fisheries science from [UAF] and a bachelor’s ... from the [U.] of Montana. ... member of American Fisheries Society and Trout Unlimited. ... previously served on the Board of Forestry from 1999-2004, is appointed to a seat reserved for ... an environmental organization.” (<http://gov.alaska.gov/parnell/press-room/full-press-release.html?pr=6230>).

²¹ Board of Forestry minutes for Aug. 2010: State Forester “Maisch explained that the State is a cooperating agency with the USFS. Moselle [ADF&G] and Clark [DNR/DoF] are state employees dedicated to implementation of the Tongass Land Management Plan, which includes the timber sale program and conservation strategy. ... The State Tongass team ... Ed Fogels coordinates the state team. The team comments on selected NEPA documents – they get a pre-scoping copy ...”

²² Board of Forestry minutes for Dec. 2010: “Tongass Land Management Plan Implementation. ... Clarence Clark ... There is a state-USFS partnership that includes full involvement. Clark recounted that his main objective is to help develop economic timber sales.”

²³ TFR “Framework Committee Update,” 15 May 2009: “...the state allocated some significant resources to its partnership with the Forest Service on TLMP plan implementation. ... in 2008 a \$1.5 million three year capital budget appropriation was secured to further assist with the new TLMP implementation. A portion of these funds were used to hire an ADF&G habitat biologist Kyle Moselle who joined DOF forester Clarence Clark to participate in the unit pool development and related timber sale process. These staff members work side-by-side with USFS employees and are breaking new ground on how timber sale projects are conceived and designed.” Below his name, Clark sometimes signs his email messages “1 State – 1 Voice.” (The Book of One-Voice (2nd Ed.) at 108-111).

887-888.²⁴) A list and summary of the MOUs is in *Appendix A*. The original intent of the MOUs seem sound, but now we believe the partnership they form has become a fundamental cause of failures in the NEPA process²⁵ for recent Tongass National Forest timber projects. The MOUs make the state an insider in Forest Service planning, for example allowing the STT to see pre-publication copies of FEISs and providing a surreptitious opportunity to modify the final document. With the motive and means behind the *one-voice* policy of maximizing timber production, this inside track has been used by the state to – frankly – sabotage the NEPA process, decidedly toward the end that the *one-voice* policy seeks.

This practice is absolutely counter to the letter of these MOUs, whose purpose is in part that the state, and particularly ADF&G, make positive contributions to the NEPA process.

The Forest Service and the state have similar goals of promoting logging. The State/USFS partnership involves non-transparent collaboration that circumvents the check and balance that would be provided if the state were advocating for the sustainability of the public's fish and wildlife resources, for which under the Alaska Constitution the State is the trustee. To a large degree, the two governments have become one, concerning timber projects on the Tongass. Things were different before the one-voice policy was adopted, even if even then the state's biologists may have felt they did not have the professional freedom the wildlife resources and the people of the state deserve.

7. Concluding remarks

The above discussions show that (1) the State / Forest Service partnership exists through a number of MOUs; (2) the State is a cooperating agency in the NEPA processes for Tongass National Forest timber projects; and (3) the full participation of ADF&G is crucial to the NEPA process because the department has vital expertise. Yet a failure of good governance is occurring. A top-down *one-voice* policy has been imposed to maximize timber production in Southeast Alaska by withholding wildlife resource information that is vital to reasoned decision making and an informed public. This agenda is executed through censorship of the state's own scientists, contrary to principles of scientific ethics and good governance.

The record also shows that, besides cultivating decisions that maximize logging in the first place, a secondary purpose of the *one-voice* agenda is to thwart litigation that could reduce the amount of logging, by keeping all contrary information out of the public record and by creating an illusion of no possibility of significant impacts.

Pervasive state government mechanisms are being used to execute the *one-voice* policy. They include the State Tongass Team, the Alaska Timber Jobs Task Force, the Board of Forestry, and willing high-level employees who aggressively pursue the *one-voice* policy. Besides the burial of expert information, another apparent outcome is an apparent effective wall between Forest Service planning teams and ADF&G's experts.²⁶

The *one-voice* policy is more than just an inadequate regulatory mechanism. It is a deliberate, directly harmful dismantlement of both the state and federal means for regulating a particular kind of industrial endeavor that now, in Southeast Alaska after six decades of intensive logging, is very damaging indeed.

²⁴ 11/17/14 message by STT chairman Fogel (DNR) with agenda for a meeting with "FS leadership." "Reaffirmation of partnership and MOU – we are still a cooperating agency on NEPA actions."

²⁵ NEPA's intent is to ensure thorough consideration of unbiased information and analysis, so that significant environmental impacts are considered in federal decisionmaking. NEPA is in part exercised by the publication of environmental impact statements (EISs) or environmental assessment (EAs).

²⁶ Compare Chrono.158 & .55 (from the one-voice era) to Chrono.5 & .7 (from the pre-*One-voice* era).

Appendix A – List of MOUs surrounding the “one-voice” policy, with summaries

... with a short description of each:

- *04MU-111001-024* – This 2004 “Master” MOU with ADF&G “establish[es] a framework that recognizes the responsibilities for both agencies to cooperate in the common stewardship of fish, wildlife, and their habitats on NFS lands.” A relevant USFS duty is to involve ADF&G when developing project plans. A relevant duty of ADF&G is to “[a]ctively participate with the Forest Service **during land management planning processes** and assist in developing conservation objectives and management standards, guidelines and monitoring programs, and participate **in project-level planning and development** for fish, wildlife, rare plants and their habitats.” A mutual agreement is: “foster a united approach to fish and wildlife management, land-use management, and other mutual issues that will support the management objectives and goals of both agencies to the extent possible.” (Chrono.1, emph. added).
- *06MU-11100500-068* – Signed in January 2006, it was set to expire July 1, 2007 unless extended. Whether it was extended is unknown.

This is a State/USFS MOU intended “...to promote, and provide a framework for, the development of economically and technically viable timber sales on the Tongass National Forest.” The MOU was made at the Forest Service’s request for “participation from the State on a new joint timber sale review team. The State desires participation in the joint review team and the opportunity to provide specific economic and technical forestry recommendations by State personnel, including foresters and engineers.” Among other things the State agreed to “[p]rovide written comments on Tongass timber sale proposals to the Forest Service;” ... to “cooperate, consistent with respective statutory and regulatory responsibilities, in reviewing and making recommendations on proposed Tongass timber sales;” and to “strive for consensus in recommendations.” (Chrono.3, emph. added).

- *08MU-11100500-109* – is a 2008 Master²⁷ MOU whose purpose “is to promote cooperation between the Forest Service and the State in implementing the Tongass Land Management Plan (Forest Plan) and related environmental analyses and work associated with managing the land and resources. This MOU will establish a framework of cooperation ... in the common stewardship of fish, wildlife, and their habitats as well as the natural resources on Tongass National Forest lands ...” The State shall “[t]o the extent practical, and contingent upon other duties and funding, provide staff time and expertise to develop and evaluate various aspects of the Forest Plan implementation, including ... timber sale planning ...”; and “[w]henver appropriate; provide resource specialists ... to work on projects of mutual interest. These specialists and engineers may include fish biologists, wildlife biologists, ecologists, ... and statisticians.” (Chrono.10).

Note that in the DEIS this is referred to as a March 2009 document, which is confusing given the “08MU” naming. The Forest Service signed in 2008, and the State six months later in March 2009.

- *08MU-11100500-110* – is a 2008 State/USFS MOU for cooperation in implementing the Forest Plan “and related environmental analyses” and work associated with managing the resources of the Tongass. “The Forest Service requests the State’s participation in interagency teams, joint review teams, and resource project groups that will be involved in the implementation of the Forest Plan.” The State shall “provide staff time and expertise to develop and evaluate various aspects of the Forest Service management programs, including standards and guidelines for timber management; timber demand analysis; timber sale planning; timber harvest prescriptions, young growth treatments, implementation of timber sale plans, and other work determined by mutual agreement of the parties.” A State habitat

²⁷ This MOU does not identify itself as a Master MOU, but is referenced as such by 09MU-11100500-030.

biologist will serve on a joint Unit Pool Review Team, which has a purpose of reviewing all Gate 1 unit pools for proposed timber sale projects or IRMPs and making a “Go – No Go” recommendation to the Tongass supervisor regarding a project. The habitat biologist “will also serve on the Tongass National Forest joint review teams (JRTs) that review, at various stages, the progress of the timber sale projects or Integrated Resource Management Plans during the Gate 2 (NEPA) process.” The state did not sign until 2009. (Chrono.11).

- *09MU-11100500-030* – is a 2009 ADF&G/USFS MOU for implementing wildlife and fisheries monitoring. As such, it is not directly involved in the planning issues discussed in these comments. It references the above “04MU” and “06MU” and another on cost sharing, as well as the 2007 “Framework for Wildlife Information Needs in Southeast Alaska,” which we describe following the last MOU. (Chrono.15).
- *10MU-11100100-017* – is and ADF&G/USFS MOU toward the common view of protecting fish resources on national forests in Alaska. Among the purposes is to work together protection of fish habitat and fish passage. (Chrono.18).
- *Framework for Wildlife Information Needs in Southeast Alaska*. This August 2007 document is referenced in the above 2009 MOU.