



Tongass Timber Pipeline

Issue

Between Fiscal Years 1999 and 2008, Congress allocated specific funds to the Tongass National Forest for the purpose of preparing a reliable federal timber supply. These pipeline funds, which have gone directly to the Forest, have been in addition to the normal appropriated funds for forest management and timber sales on the Tongass and have been used to prepare timber for sale, with the objective of providing a timber supply sufficient for industry to maintain a three-year supply of volume under contract. Congress did not provide pipeline funds for Fiscal Year 2009 or 2010.

Background

Section 705(a) of the ANILCA provided an appropriation of at least \$40,000,000 annually “to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of four billion five hundred million foot board measure per decade.” These funds were received in accordance with ANILCA up to 1990.

In November 1990, Congress passed TTRA to “amend [ANILCA], to protect certain lands in the Tongass National Forest in perpetuity, to modify certain long-term timber contracts, to provide for protections of riparian habitat, and for other purposes.” Among other things, Section 101 of TTRA amended ANILCA by deleting Section 705(a) in its entirety and inserting the following language:

... the Secretary shall, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle.¹

Beginning in Fiscal Year (FY) 99, Congress has earmarked timber sale pipeline funds, which are over-and-above the normal appropriated timber sale preparation funds, so that the Tongass could accelerate timber sale preparation to allow industry to acquire, and maintain, a continuous three-year federal timber supply starting in 2004. The objective was to allow industry to have enough volume available so that they could respond to changes in markets without relying on the annual Forest Service timber sale program, which can take several years to adjust to market changes. A three-year federal timber supply would also provide industry with the financial integrity they need to transition to value-added processing such as veneer, pellets, biobricks, log homes from second growth timber, or upgrades to manufacturing facilities.

The FY 99 Appropriations Act authorized a total of \$12.5 million to the Tongass National Forest to start building a pipeline of timber sales to be available to industry. Of the \$12.5 million, \$10.5 million was specified to be used for timber sale preparation and \$2 million was allocated for engineering road support. The FY 00 Appropriations Act authorized a total of \$10.1 million “to prepare and make available timber sales to establish a three year timber supply for operators on the Tongass National Forest.” Since then, pipeline funds have been authorized as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2001	\$5 million	2004	\$5 million	2007	\$5 million
2002	\$5 million	2005	\$5 million	2008	\$4 million
2003	\$4 million	2006	\$5 million		

Each year since 1999, Congress has allowed for expanded uses of the funds. The FY 99 funds were spent on a number of new timber sale planning projects to achieve the goal of establishing three years of federal timber volume under contract. With subsequent annual appropriations and permissive appropriation language, the Forest expanded the fund's uses. In some cases, pipeline funding could not immediately be used for new projects because Forest staff were fully occupied with the original pipeline projects, as well as on-going projects funded by normal appropriations. Where feasible, contracts were awarded for additional NEPA analysis. As resources and staff became available, new pipeline projects were added.

Pipeline funds have been expended for NEPA analyses; sale preparation; timber sale appraisal, advertisement, and award; engineering and roads support; log transfer facility (LTF) base line survey and site clean-up; and LTF planning and construction in support of pipeline sales.

Maintaining NEPA-cleared volume in the pipeline has proven to be problematic as a result of challenges to the 1997 Tongass Land Management Plan; the 1999 TLMP ROD; the 2001 Roadless Area Conservation Rule; and the need to prepare a supplemental EIS to the TLMP EIS to evaluate roadless areas as potential wilderness.

More recently, as a result of the Ninth Circuit Court's decision in *Natural Resources Defense Council, et al v. United States*, Case No. 04-35868, many planned timber sale offerings on the Tongass were affected. In April 2007, the Region negotiated a settlement agreement which secured all timber volume under contract in exchange for withdrawing some timber sale decisions that had not yet been implemented.

The Tongass began work on an amendment to the Tongass Forest Plan in 2006 to respond to the Ninth Circuit Court's decision. This amendment was completed in 2008. Since 2008, additional litigation filed on individual Tongass timber sales is hindering the ability of the Forest to accomplish the objective of providing a reliable federal timber supply.

Current Situation

All pipeline funds have been spent to facilitate a reliable Tongass timber supply. The Tongass is currently in the early stages of implementing the amended forest plan, which includes the Timber Sale Program Adaptive Management Strategy. The Strategy is designed to implement timber sale planning across the Tongass in three phases depending on actual harvest levels, and to facilitate stability in the timber supply for local forest products industries.

In Fiscal Years 2009 and 2010, the Tongass received an allocation of funds to be used in the planning of larger scale projects designed to provide an even flow of timber volume over a 10 year period in order to provide for a stable supply. The first project to be planned is the Wrangall Island 10 Year Contract and the NEPA contract was awarded in FY-2009. The second large project is the Thorne Arm 10-Year Contract which is scheduled to be started with funds allocated in FY 2010 and will consist of both Forest Service and contract NEPA to be completed.

More Information

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¹ The Joint Explanatory Statement of the Committee of Conference states: "Section 101 of [TTRA] repeals section 705(a) of ANILCA, eliminating both the requirement that the Forest Service make available 4.5 billion board feet of timber from the Tongass per decade and the permanent appropriation of at least \$40 million to supply timber."