

Overview of Forest Planning & Roadless History Alaska Region – Tongass National Forest

ANILCA – 1980

- Designated 14 new Wilderness Areas (about 5.5 million acres) and 2 National Monuments on the Tongass National Forest, and a Wilderness Study Area on the Chugach National Forest (Sections 503, 703).
- Directed \$40 million annually to maintain a 4.5 billion board feet (450 MMBF) timber supply from the Tongass (Section 705).
- Recognized importance of subsistence uses in Alaska (Section 810).
- “No More” clauses (see, for example, Section 101(d), Section 708, Section 1326).

TTRA – 1990

- Designated 6 new Wilderness Areas (.3 million acres) and 12 “LUD II” areas (managed in a roadless state to maintain the wildland character) (.7 million acres) (Sections 201 and 202).
- Deleted Section 705 of ANILCA and replaced it with “seek to meet” market demand language.
- Designated stream buffers.
- Modified Tongass long-term timber sale contracts.

1997 Tongass Forest Plan Revision.

- Did not consider additional wilderness recommendations.
- Identified “special areas of concern” (see, for example, 1997 ROD, p. 23).
- ASQ = 267 MMBF/year.
- Identified market demand as range from 130-296 MMBF/year (sawlog & utility).

Appealed by 33 separate organizations and individuals. The Plan was upheld on appeal, but the Under Secretary issued a new ROD to “make it better.”

1999 Tongass Forest Plan ROD.

- Issued by the Under Secretary in response to the appeals of the 1997 ROD.
- Changed the LUD/management of 18 “Areas of Special Interest” (234,000 acres) from “development” to “non-development” (see, for example, 1999 ROD, p. 5).
- Changed the ASQ from 267 MMBF to 187 MMBF.

The 1997 and 1999 RODs were challenged in 2 lawsuits – *AFA v. USDA* challenged aspects of the 1997 Plan and the 1999 ROD, and *Sierra Club v. Lyons* challenged the lack of consideration of wilderness recommendations in the 1997 EIS and ROD.

- ❖ In the AFA case, the Alaska District Court upheld the 1997 Plan on all challenges, but found that the 1999 ROD was not properly adopted.
- ❖ In the Sierra Club case, the Alaska District Court found that the Forest Service should have considered wilderness recommendations as part of the Forest Plan Revision process.

2003 Tongass Forest Plan Revision SEIS & ROD

- Prepared in response to Alaska District Court decision in *Sierra Club v. Lyons*.
- Included an “updated” roadless inventory (roadless acres totaled about 9.6 million acres, versus 9.34 million acres).
- Adopted “No Action” alternative (no wilderness recommendations).
- Precluded from judicial review (2003 Omnibus Appropriations Act, Section 335).

NRDC, et al. v USFS, et al. challenged the 1997 Forest Plan (based on misinterpretation of market demand for Tongass timber and various NEPA claims). The Ninth Circuit Court of appeals found that the “Forest Service’s error in assessing market demand fatally infected its balance of economic and environmental considerations, rendering the [Plan] arbitrary and capricious” (421 F.3d 797). The Court also ruled in favor of *NRDC, et al.* on their NEPA claims.

Settlement reached in 2007, in which the Forest Service withdrew all or portions of existing RODs and agreed that it would not “sign new [RODs] for timber sales in inventoried roadless areas” until 30 days after publication of the FEIS for the Forest plan review process underway (or the “effective date” of the new plan).

Tongass Exemption published December 2003, effective late January 2004.

2008 Tongass Forest Plan

- Prepared in response to Ninth Circuit decision in *NRDC v. USFS* and to bring the Forest Plan “up to date.”
- Roadless inventory updated (about 9.5 million acres, 200,000 more than RACR).
- Tongass National Forest exempt from the RACR at the time of the 2008 ROD.
- Included a “Timber Sale Program Adaptive Management Strategy,” which included phased entry into areas considered “more environmentally sensitive” (such as moderate and higher value roadless areas).
- Revised market demand estimates projected annual market demand in 4 different demand scenarios, ranging from about 68 MMBF a year by 2022 to 342 MMBF, with 187 MMBF being the “most likely demand scenario.”
- ASQ = 267 MMBF/year.

Tongass Exemption vacated in May 2011 (Ninth Circuit *en banc* decision in 2015).

2016 Tongass Forest Plan

- Developed with the objective of making “strategic changes to the [2008 Plan] based on the need for more stable contributions to the economic and social sustainability of Southeast Alaska.
- Built upon a series of collaborative efforts, including:
 - ❖ The Tongass Futures Roundtable work (2006-2011).
 - ❖ Listening sessions conducted by the Forest Service, USDA Rural Development, and the Economic Development Administration (2009).
 - ❖ Development of the Transition Framework and ongoing collaboration with the USDA agencies, the Juneau Economic Development Council, and over 120 businesses and community leaders (2009-2013).
- Secretary Memorandum 1044-009 (directed transition to young growth harvest, announced establishment of Tongass Advisory Committee (TAC)).

2016 Tongass Forest plan, continued:

- Selected Alternative (Alternative 5) based on TAC recommendations.
- Inventoried roadless areas removed from suitable timber base.
- Projected sale quantity (PSQ) = 46 MMBF.
- Revised market demand estimates indicated 46 MMBF was a “conservative and rational estimate” of annual market demand (ranged from 41 to 52 MMBF).
- Forest Service expected to sell an average of 12 MMBF of young growth and 34 MMBF of old growth the first 10 years, then 28 MMBF of young growth and 18 MMBF of old growth in years 11-15, with full transition to 41 MMBF of young growth a year by year 16 (5 MMBF of old growth would continue to be harvested each year to support small operators and specialty products).
- Old growth harvest prohibited in “Tongass 77 Watersheds” and The Nature Conservancy/Audubon Alaska “Conservation Priority Areas.”
- Old Growth Reserves reviewed as a result of Public Law 113-291 (conveyed 70,000 acres to Sealaska and converted 152,000 acres to LUD II), and interagency “biologically preferred option” incorporated into Alternative 5.