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## **Court: Tongass log plan flawed**

**DOUBLE: The Forest Service erred in what the market could bear.**

By PAULA DOBBYN

In a victory for environmentalists, a federal appeals court has tossed out a management plan for the Tongass National Forest, saying the government erroneously doubled the amount of old growth timber that could be logged from the huge Southeast Alaska forest.

The 9th U.S. Circuit Court of Appeals on Friday ruled in favor of the Natural Resources Defense Council and five other environmental groups that had sued the U.S. Forest Service.

The environmentalists said the federal agency, which manages national forests, misread a market analysis for Tongass trees prepared by its own economists. As a result, the Forest Service for nearly a decade has been offering nearly double the volume of timber that the market requires.

A three-judge panel of the San Francisco-based court agreed, overturning a decision by U.S. District Court Judge James K. Singleton of Anchorage. Singleton found that the Forest Service mistake was harmless and should not invalidate the management plan.

The matter now returns to the District Court for reconsideration. Environmentalist lawyer Tom Waldo said he will seek an injunction to stop all logging activity on 2.5 million roadless acres in the meantime.

At issue is the 1997 Tongass land management plan, which guides what can happen in the country's largest national forest. The plan regulates logging, conservation, tourism, recreational activities and myriad other things that affect the 17 million-acre Tongass.

The plan allows loggers to harvest up to 267 million board feet of timber a year. The Forest Service relied on a market-demand analysis prepared by its economists David Brooks and Richard Haynes to arrive at that figure.

Brooks and Haynes said demand would require 68 million board feet a year of Tongass timber if markets were weak, 110 million board feet in a medium market and 154 million when demand is high. The economists included high-quality saw logs and the lower-quality utility logs in their calculation.

Forest Service officials thought the economists' numbers concerned only saw logs, so they raised the allowed cut to 267 million board feet to include utility logs.

Forest Service spokesman Dennis Neill said Friday he has no idea why the agency made such a glaring mistake.

Environmentalists reveled in their court victory, saying they had told the Forest Service repeatedly that their numbers were off.

"We've been saying this over and over again. Instead of fixing it, they stuck their head in the sand," said Buck Lindekugel of Juneau-based Southeast Alaska Conservation Council, a plaintiff.

The Forest Service acknowledged making a mistake, but its lawyers argued that the miscalculation didn't affect the overall soundness of the management plan.

The 9th Circuit panel disagreed.

"The Forest Service's error in assessing market demand fatally infected its balance of economic and environmental considerations, rendering the plan for the Tongass arbitrary and capricious," the judges wrote.

For Southeast's beleaguered timber industry, it was one more blow in a long series of setbacks. The once-robust industry that employed thousands has shrunk to a handful of mills that now process about a tenth of the timber that was logged a decade ago.

Owen Graham, head of the Alaska Forest Association, said the decision was not unexpected and he hopes the Forest Service will fix the problem.

Graham questioned the credibility of the Forest Service's demand analysis.

"The whole issue of demand is kind of a red herring. It's irrelevant," Graham said.

Southeast mills can handle 370 million board feet a year, and the Forest Service is offering only a fraction of that, he said. If more timber was available, the mills would buy and sell it.

"Markets are very good. All the mills are pleading for more volume," he said.

Graham is dreaming, Lindekugel said. Talk to any economist and they'll tell you that demand for Tongass timber has evaporated, he said.

"It's reality versus mythology," he said.

Gov. Frank Murkowski called the court ruling a "travesty" and urged the Forest Service to appeal.

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