

## TONGASS PLAN ADJUSTMENT

### Chronology and Costs

#### Background – Tongass Forest Planning

The Tongass has a long history of forest planning including the nation's first completed forest plan in 1979.

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| <u>1976</u> | National Forest Management Act (NFMA) was passed by Congress. This Act required Forest Land and Resource Management Plans to be developed by each Forest.  |   |
| <u>1979</u> | The Tongass became the first Forest to complete a Forest Plan under NFMA. This original Plan was approved in 1979, and amended twice (in 1986 and 1991).   |   |
| <u>1985</u> | Team formed to Revise 1979 Plan  | Begin expenditures on '97 Plan                    |
| <u>1988</u> | Analysis of the Management Situation (AMS) was developed in preparation for revision of the Forest Plan.   |   |
| <u>1990</u> | Draft Environmental Impact Statement (DEIS) documenting the environmental analysis for revision of the original Forest Plan was released for public review.  |   |
| <u>1990</u> | Tongass Timber Reform Act (TTRA) was passed by Congress. This Act posed several new requirements for management of the Tongass.  |   |
| <u>1991</u> | Supplement to the DEIS was prepared in response to TTRA. It incorporated the permanent changes to Forest Plan land use allocations (LUDs) and standards and guidelines that were required by TTRA. |   |
| <u>1996</u> | Revised Supplement to the DEIS (RSDEIS) was prepared. The RSDEIS was necessitated by new information and analysis relevant to several important issues.  |   |
| <u>1997</u> | The 1997 Forest Plan Final Environmental Impact Statement (FEIS) and the 1997 Record of Decision (ROD) were published.   | Approximately \$13.5 million expended on '97 Plan |
| <u>1997</u> | 33 separate appeals were filed on the 1997 Forest Plan.  |   |
| <u>1999</u> | Under Secretary of Agriculture Lyons affirmed the Regional Forester's decisions in the ROD for the 1997 Forest Plan, regarding all 33 appeals.   |   |

<u>1999</u>	Under Secretary of Agriculture Lyons issued a new ROD (referred to as the 1999 ROD) for the 1997 Tongass Forest Plan.	Approximately \$500,000 expended on '99 ROD
<u>2000</u>	Two lawsuits challenging the 1997 and 1999 RODs were filed in the U.S. District Court of Alaska. The Alaska Forest Association and some Southeast Alaska communities challenged many aspects of the 1997 Tongass Forest Plan and the process by which the 1999 ROD was issued. The Sierra Club and other environmental groups challenged the lack of consideration of wilderness recommendations in the 1997 FEIS and ROD.	Earthjustice claim of \$220,000  AFA claim of \$85,000  Sierra Club claim of \$196,000
<u>2001</u>	On 3/30/01, the U.S. District Court of Alaska issued one ruling for both lawsuits. It upheld the 1997 ROD against all challenges and held that the 1999 ROD was not properly adopted and ordered it to be vacated. The Court also found that the 1997 FEIS should have considered making wilderness recommendations for the Forest Plan and ordered the Forest Service to prepare a Supplemental EIS to evaluate wilderness recommendations and to update the AMS relative to roadless areas and their relative contribution to the National Wilderness Preservation System.	Durette Const. Delay claim \$615,823  Viking Lbr Delay claim of \$701,000  Viking Lbr Pending claim of \$1,039,607 as a result of delays
		<i>*Note: Durette and Viking claims are on individual sales that were delayed due to FP litigation</i>
<u>2002</u>	Draft Supplemental EIS: Roadless Area Evaluation for Wilderness Recommendations was published.	
<u>2003</u>	Final Supplemental EIS: Roadless Area Evaluation for Wilderness Recommendations and the ROD were published.	'03 FEIS expended additional \$2.0 million

- 2003 On 12/09/03, the Natural Resources Defense Council (NRDC) filed a lawsuit (referred to as NRDC I) in the U.S. District Court of Alaska, challenging the Forest Plan and six timber sale EISs.
- 2004 On 01/08/04, the NRDC filed a March 7, 2006 to include a seventh timber sale EIS (Madan).
- 2004 On 03/23/04, the NRDC filed another lawsuit (referred to as NRDC III) in the U.S. District Court of Alaska, challenging the Forest Plan and another timber sale EIS (Woodpecker), on grounds similar to NRDC I and II, as well as one additional point (this case currently resides in the District Court).
- 2004 On 09/24/04, the U.S. District Court of Alaska issued a ruling upholding the Forest Plan and related NEPA documents on all claims.
- 2004 On 09/27/04, NRDC appealed the U.S. District Court decisions to the Ninth Circuit Court of Appeals.
- 2005 5 Year Review of the Forest Plan was completed in January of 2005. It identified a number of potential work items that could lead to adjustments to the Plan.
- 2005 Forest Plan Maintenance Program was created to track the work items identified in the 5 Year Review, as well as facilitate the ongoing identification of potential new items. Review & Maintenance expended approximately \$600,000
- 2005 On 08/05/05, the Ninth Circuit Court of Appeals issued its NRDC I and II appeal decision. The Court found inadequacies, primarily related to the NEPA process for the 1997 Forest Plan. These inadequacies dealt with timber demand, the EIS range of alternatives relative to timber demand, and cumulative effects relative to activities on non-National Forest System lands. NRDC claim of approx \$300,000
- 2005 The Forest Plan Adjustment process was developed to respond to the Ninth Circuit Court of Appeals decision, as well as the work items identified in the 5 Year Review and the Forest Plan Maintenance Program.
- 2007 Draft EIS published January, 2007 in response to the Ninth Circuit Court of Appeals decision. No preferred alternative identified. Nearly 85,000 comments are received on the extended comment period.

<u>2008</u>	The original decision date on the amendment was planned for August, 2007 however due to extension of the DEIS comment period as a result of severe weather and cooperative work with the State of Alaska, the decision was delayed until early 2008.	'08 amendment currently funded at \$2.6 million. An additional \$1.8 million spent on support to the contract by the Tongass
<u>Jan, 08</u>	Current (Total) Forest Plan expenditures, without appeals and litigation expected after '08 ROD issued	<b>\$23,148,000</b> and <b>\$1,039,832</b> pending.