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Obituaries

Warren Fred 'Bill' Powers

Warren Fred "Bill" Powers, 90, died Oct. 20, 2017, in Ketchikan. He was born April 3, 1927, in Seattle.

Recent obituaries:

William Cook Jr.

William Cook Jr., 94, died Oct. 22, 2017, in Ketchikan. He was born Jan. 1, 1923, in Collinsville, Oklahoma.

Richard Patrick Branda

Richard Patrick Branda, 55, died Oct. 6, 2017, in Ketchikan. He was born on March 14, 1962, in Sitka.

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Tongass plan defined as 'rule': Decision gives Congress say in TLMP 2016 amendment



A sign marking the boundary of the Tongass National Forest sits on Revilla Road on Friday. Staff photo by Taylor Balkom

By **SCOTT BOWLEN**
Daily News Staff Writer

The clock is running.

On Monday, the U.S. Government Accountability Office made a decision that effectively gives Congress the ability to overturn the U.S. Forest Service's 2016 Tongass Land Management Plan amendment that reduced access to old-growth timber while speeding up a transition toward young-growth timber harvesting within the 16.7-million-acre Tongass National Forest.

The GAO's ruling Monday started a clock that provides Congress 60 legislative days — potentially concluding at some point in February — to file a "resolution of disapproval" nullifying the 2016 amendment.

Monday's GAO action was welcomed by Sen. Lisa Murkowski and Alaska Forest Association Executive Director Owen Graham as providing another option to help improve access to the Tongass. Environmental groups voiced concern that nullifying the 2016 TLMP amendment would be a "major setback."

In December, the Forest Service approved an amendment to the existing Tongass land management plan — which had been amended most recently in 2008.

The 2016 amendment resulted from a process launched by a 2103 memorandum from then Agriculture Secretary Tom Vilsack, who set the strategy that, within 10 years to 15 years, the "vast majority" of timber harvesting in the Tongass National Forest would be young-growth timber, according to the GAO.

"As compared to the 2008 plan, the 2016 Tongass Amendment generally reduced the areas potentially open to old-growth harvest while allowing young-growth harvest in some areas previously unavailable for any type of harvest," according to the GAO decision document.

Earlier this year, Murkowski asked the GAO to determine whether the 2016 amendment was a "rule," and, as such, subject to the Congressional Review Act.

The act was created in 1996 to increase congressional oversight of rulemaking by federal agencies, according to the GAO. The legislation allows Congress to overturn rules by passing a joint resolution of disapproval.

However, the U.S. Department of Agriculture maintained that the 2016 TLMP amendment was not a rule and therefore not subject to the Congressional Review Act.

The GAO disagreed, stating on Monday that the 2016 amendment met the definition of a rule.

Murkowski, in a prepared statement released Tuesday, said she welcomes the GAO's determination.

"Every sector of the Southeast Alaska economy needs greater access to the Tongass, but this rule failed to provide it," Murkowski said. "Most concerning was the Forest Service's decision to accelerate a transition to young-growth timber harvesting, even though it never completed an inventory to ensure it would be carried out successfully."

"While this rule can be improved administratively or legislatively, disapproving it entirely is now another option that we will consider in the days ahead," Murkowski continued.

Graham agreed that the GAO determination provides an opportunity to rescind the 2016 amendment, but expressed hope that changes to increase the timber industry's access to economical timber can be made administratively or legislatively first without using the Congressional Review Act mechanism.

"Right now we have some efforts — both administrative and legislative efforts — to solve those problems that are going to play out and either be successful or not sometime around the end of the year," Graham said. "So my personal belief is we ought to keep our powder dry, and not engage Congress in this Congressional Review Act until we've run that normal strategy to try to get some change."

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Rescinding the 2016 amendment would revert Tongass timber management back to the 2008 plan — something that Graham views as a minor improvement.

"We were dying a slow death under the 2008 TLMP; we are dying a fast death under the 2016," he said.

Rescinding the 2016 amendment would help Southeast Alaska's remaining timber industry in part by getting "rid of the stupid idea of cutting the (young-growth) trees before they're big enough to be profitable," Graham said. "The only thing you can do with the young growth that's profitable is to cut the trees down and ship them to China, because we don't have enough young growth to support a young-growth mill. They do over in China, they do in the Pacific Northwest, but they don't in Ketchikan or anywhere in Southeast."

Graham said congressional passage of the Alaska Mental Health Trust land exchange in late 2016 provided about a five-year timber supply for Southeast Alaska's remaining mid-size mill, giving the region's industry some time to seek changes in the Forest Service's timber management.

"Suddenly we've got an opportunity to survive," Graham said. "We figured we were pretty much dead without some sort of instantaneous legislative action."

What the forest association now wants to do is persuade the Forest Service to rescind the 2016 amendment and then amend the 2008 plan in a way that resolves the 2008 plan's constraints and economic issues.

That could be accomplished with "maybe some legislative language that would enable the Forest Service to do some things, and using this new administration to persuade the Forest Service that they need to make these changes and provide us a timber supply for our manufacturing," Graham said.

The Daily News on Thursday contacted Paul Robbins Jr., the public affairs and partnerships office with the Tongass National Forest, regarding the GAO determination.

Robbins noted by email that the Forest Service's Washington office is handling all media inquiries about the GAO letter.

The Forest Service's Washington office did not contact the Daily News by deadline Friday.

The Audubon Society and Alaska Wilderness League issued statements of concern that the 2016 TLMP amendment could be rescinded.

"The new TLMP should remain in place," said Audubon Alaska Executive Director Nils Warnock. "Despite its flaws, this plan sets strong boundaries around ecologically important watersheds and helps solidify the urgent need to transition the Tongass Forest away from tax-payer-subsidized, environmentally destructive, old-growth clearcut logging. Returning to the old 2008 plan would be a major setback for progress and compromise on the Tongass National Forest."

The Alaska Wilderness League noted the lengthy process and broad participation involved in developing the 2016 amendment.

"The 2016 Tongass management plan amendment reflects a broad regional and national consensus that it is time to finally transition away from destructive old-growth clearcutting in the Tongass National Forest," AWL Alaska Director Andy Moderow said in the statement. "... Allowing Congress to kill that transition would hurt the Tongass, its wildlife and the economy of Southeast Alaska, and would be nothing more than another scheme by the Alaska delegation to ram unpopular policies through without true consideration or debate."

According to Murkowski's press release, the Obama administration finalized the TLMP Amendment on its way out of office "without completing a comprehensive inventory of young growth, a key recommendation of the Tongass Advisory Committee, and largely dismissed more than 1,000 objections."

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