

104TH CONGRESS
1ST SESSION

S. 1054

To provide for the protection of Southeast Alaska jobs and communities,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 10), 1995

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To provide for the protection of Southeast Alaska jobs and
communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be referred to as the “Southeast Alaska
4 Jobs and Communities Protection Act of 1995”.

5 SEC. 1. Title I of the Tongass Timber Reform Act
6 is amended by adding new section 107:

7 The Alaska National Interest Lands Conservation
8 Act of 1980 (Public Law 96–487) is hereby amended by
9 adding a new section 709:

1 “(A) a sufficient volume of timber to pro-
2 vide for a medium density fibre board or similar
3 facility in Sitka, Alaska; and

4 “(B) a sufficient volume of timber to oper-
5 ate the sawmill in Wrangell.

6 Notwithstanding any other provision of law, to meet
7 the requirements of this section the Secretary is au-
8 thorized to add to or substitute to the lands eco-
9 nomically suitable for timber production described in
10 the Tongass Land Management Plan in existence at
11 the time of passage of this Act so many acres of
12 lands economically suitable for timber production
13 from lands, except those designated as wilderness,
14 which are unscheduled for harvest under the existing
15 Tongass Land Management Plan, as are necessary
16 to meet the timber volume requirements of this sec-
17 tion.

18 “(2) No diminution of the timber volume avail-
19 able for timber harvesting from the Tongass Na-
20 tional Forest, including diminution pursuant to sub-
21 section (3) shall be made through removal of land
22 from lands suitable for timber production or through
23 reduction in the allowable sale quantity unless the
24 Secretary—

1 “(A) specifically finds in a written decision
2 based upon substantial evidence that any reduc-
3 tion of jobs from the 1990 level and adverse im-
4 pact on the affected timber dependent commu-
5 nity or communities in southeast Alaska is out-
6 weighed by the environmental gains to be
7 achieved by that removal or reduction; and

8 “(B) provides equivalent substitute timber
9 volume to offset the impact on the affected tim-
10 ber dependent community or communities and
11 the reduction of jobs from the 1990 level, as
12 provided in subsection (a)(1).

13 “(3)(A) Notwithstanding any other provision of
14 law, no removal of land from lands suitable for tim-
15 ber production or reduction in the allowable sale
16 quantity may be made by the Secretary to maintain
17 the diversity of plant and animal communities, in-
18 cluding but not limited to the viability of a particu-
19 lar species, unless the Secretary first finds in a writ-
20 ten determination based upon substantial evidence
21 that such removal or reduction is necessary to pre-
22 vent a species from becoming threatened or endan-
23 gered and that the species is not present in numbers
24 adequate to maintain the species within an area or
25 areas of the Tongass National Forest. Any removal

1 of lands suitable for timber production or reduction
2 in the allowable sale quantity made pursuant to this
3 paragraph shall be limited to the minimum amount
4 of lands suitable for timber production and the mini-
5 mum allowable sale quantity that the Secretary finds
6 necessary to prevent such threat or endangerment,
7 and only after consultation with the State of Alaska
8 regarding the control of predators which prey upon
9 the plant or animal of concern and after all
10 nonsubsistence uses for that species throughout the
11 Tongass National Forest have been terminated by
12 the relevant authority or authorities.

13 “(B) Notwithstanding any other provision of
14 law, the diversity of plant and animal communities,
15 including but not limited to the viability of a par-
16 ticular species’ population, shall be determined to
17 satisfy the requirements of all applicable Federal
18 laws (including the National Forest Management
19 Act of 1976, so long as a population adequate to
20 maintain the species is found to exist within any
21 area of the Tongass National Forest. The term
22 ‘well-distributed in the planning area’ (as used in 36
23 C.F.R. § 219.19) shall be limited to mean a distribu-
24 tion sufficient to maintain the species within a por-
25 tion of the Forest.

1 “(C) The Secretary is directed to promulgate
2 regulations to implement the provisions of this sub-
3 paragraph (3) within 60 days of the enactment of
4 this section.

5 “(4) The Secretary shall actively manage sec-
6 ond growth timber on lands economically suitable for
7 timber production within the Tongass National For-
8 est to (A) maximize current and future timber pro-
9 duction and (B) to the extent it is cost efficient and
10 practical to do so as habitat for deer and other spe-
11 cies. Active management shall consist of agency su-
12 pervised activities, such as precommercial and com-
13 mercial thinning.

14 “(b) Notwithstanding any other provision of law, the
15 substitution of lands, except those designated as wilder-
16 ness, which are unscheduled for harvest as required by
17 subsection (a)(1) hereof shall be accomplished by the Sec-
18 retary within 30 days of any determination that it is nec-
19 essary to meet the requirements of this section. Such sub-
20 stitution shall be done without the preparation of any envi-
21 ronmental assessment or environmental impact study
22 under the National Environmental Policy Act or a subsist-
23 ence evaluation under section 810 of ANILCA. The act
24 of substitution shall not be subject to any administrative
25 appeal under the regulations of the Forest Service. The

1 Secretary shall publish a notice in the Federal Register
2 of his decision to substitute the lands on the date that
3 the substitution is implemented.

4 “(c) A court of competent jurisdiction shall not find
5 or determine that a new or revised Tongass Land Manage-
6 ment Plan or other plan or revised plan prepared for the
7 Tongass National Forest is inconsistent with or in viola-
8 tion of the National Forest Management Act of 1976
9 (Public Law 94–588), the Multiple-Use Sustained-Yield
10 Act of 1960 (Public Law 86–517), or the Organic Act as
11 a result of compliance with the provisions of this Act, as
12 amended.”.

13 SEC. 2. Section 101 of the Tongass Timber Reform
14 Act of 1990 (Public Law 101–626) is hereby amended as
15 follows:

16 The Alaska National Interests Lands Conservation
17 Act (Public Law 96–487) as amended, is hereby amended
18 by deleting section 705(a) (16 U.S.C. 539d(a)) in its en-
19 tirety and inserting the following new subsection:

20 (a) Existing subsections (b) through (f) will be
21 relabeled as new subsections (h) through (l), and the fol-
22 lowing new subsections (b) through (g) will be inserted:

23 “SEC. 705. (a) Subject to appropriations, other appli-
24 cable law, and the requirements of the National Forest
25 Management Act of 1976, (Public Law 94–588), except

1 as provided in subsection (d) of this section, as amended,
2 the Secretary shall, to the extent consistent with providing
3 for the multiple use and sustained yield of renewable for-
4 est resources, provide a supply of mid-market timber from
5 the Tongass National Forest which (1) meets the annual
6 market demand for timber from such forest and (2) meets
7 the market demand from such forest for each planning
8 cycle.

9 “(b) To meet the obligations under paragraph (a) of
10 this subsection, the Secretary shall regularly monitor tim-
11 ber supply and demand for timber from Federal, State
12 and private lands in southeast Alaska and provide to the
13 public by January 1 of each year a record of the following:

14 “(1) A report setting forth the Secretary’s de-
15 termination of the market demand for timber from
16 private, State, and Federal lands in southeast Alas-
17 ka along with the findings which support that deter-
18 mination.

19 “(2) The Secretary’s determination of market
20 demand from the Tongass National Forest shall con-
21 sider at least the following:

22 “(A) The volume of timber in the form of
23 forest products which could be sold from the
24 Tongass National Forest if there were no con-
25 straints on supply.

1 “(B) A description of the restrictions upon
2 the availability of economic timber and a quan-
3 titative description of how each restriction af-
4 fects the Secretary’s ability to meet market de-
5 mand.

6 “(C) A description of how the mid-market
7 test is being implemented and the volume of
8 mid-market timber currently available.

9 “(D) The installed production capacity of
10 the timber industry which operates on the
11 Tongass National Forest.

12 “(3) A detailed report explaining how the Sec-
13 retary intends to reconcile the market demand deter-
14 mined pursuant to this section with the other laws
15 referred to in subsection (a), along with rec-
16 ommendations to increase timber availability.

17 “(c) Along with the submission of the President’s
18 budget, the Secretary shall provide to the public a detailed
19 explanation of how the Secretary’s determinations in sub-
20 sections (b) (2) and (3) were utilized in setting timber vol-
21 ume sale and offering levels for the Tongass National For-
22 est contained in the President’s budget for that fiscal year.

23 “(d)(1) In order to meet the requirement of this sec-
24 tion and provide a supply of timber which meets the an-
25 nual market demand and planning cycle demand for tim-

1 ber from the Tongass National Forest, the Secretary may
2 not diminish timber volume available for harvest from the
3 Tongass National Forest, by removing lands economically
4 suitable for timber production or by reducing the allowable
5 sale quantity to meet the requirements of other laws un-
6 less the Secretary makes a written determination based
7 upon substantial evidence that any resulting reduction of
8 jobs from the 1990 level or adverse impacts upon each
9 community dependent upon the timber industry are sig-
10 nificantly outweighed by the environmental benefits to be
11 achieved.

12 “(2) Where timber supply from the Tongass National
13 Forest is diminished by removal of forest land from the
14 lands economically suitable for timber production or by re-
15 duction in the allowable sale quantity, the Secretary shall,
16 pursuant to subsection (e), substitute an equivalent num-
17 ber of acres of lands economically suitable for timber pro-
18 duction and timber volume by adding other lands from the
19 Tongass National Forest to the lands economically suit-
20 able for timber production to maintain the allowable sale
21 quantity. Such removal or reduction can take effect only
22 after the substitute timber has been added to the lands
23 suitable for timber production.

24 “(e)(1) Notwithstanding any other provision of law,
25 to meet the requirements of this section the Secretary is

1 authorized to add to or substitute to the lands economi-
2 cally suitable for timber production described in the
3 Tongass Land Management Plan in existence at the time
4 of passage of this Act so many acres of lands economically
5 suitable for timber production from lands except those
6 designated as wilderness, which are unscheduled for har-
7 vest under the existing Tongass Land Management Plan,
8 as are necessary to meet the timber volume requirements
9 of this section.

10 “(2) Such substitution shall be accomplished by the
11 Secretary within 30 days of any determination that it is
12 necessary to meet the requirements of subsection (d) of
13 this section and shall be done without the preparation of
14 any environmental assessment or environmental impact
15 study under the National Environmental Policy Act or a
16 subsistence evaluation under section 810 of ANILCA. The
17 act of substitution shall not be subject to any administra-
18 tive appeal under the regulations of the Forest Service.
19 The Secretary shall publish a notice in the Federal Reg-
20 ister of his decision to substitute the lands on the date
21 that the substitution is implemented.

22 “(f) The Secretary is directed to promulgate regula-
23 tions to implement the provisions of this section within
24 60 days of the enactment of this section.

1 “(g) A court of competent jurisdiction shall not find
2 or determine that a sale or offering of timber on the
3 Tongass National Forest is inconsistent with or in viola-
4 tion of the National Forest Management Act of 1976
5 (Public Law 94-588), the Multiple-Use Sustained-Yield
6 Act of 1960 (Public Law 86-517), or the Organic Act as
7 a result of the Secretary’s compliance with the provisions
8 of this section.”.

9 SEC. 3. Section 102 of the Tongass Timber Reform
10 Act of 1990 (Public Law 101-626) is amended as follows:

11 The Alaska National Interest Lands Conservation
12 Act of 1980 (Public Law 96-487) is amended by deleting
13 section 705(d) (16 U.S.C. 539d(d)) in its entirety and in-
14 serting in lieu thereof:

15 “The provisions of section 6(k) of the National For-
16 est Management Act of 1976 (codified at 16 U.S.C.
17 1604(k)) shall only apply in a manner consistent with the
18 provisions of this Act. No decision to find land unsuitable
19 for timber production shall be made which would eliminate
20 timber from lands suitable for timber production unless
21 the Secretary makes a written finding consistent with sec-
22 tion 101 of this Act and pursuant to section 101(e) of
23 this Act substitutes an equivalent amount of equally suit-
24 able lands for timber production to maintain annual and
25 decadal allowable sale quantities to provide sufficient tim-

1 ber to support the same number of timber industry related
2 jobs in the timber dependent communities in southeast
3 Alaska as existed at the time of passage of the Tongass
4 Timber Reform Act of 1990. This shall include—

5 “(A) a sufficient volume of timber to provide
6 for a medium density fibre board or similar facility
7 in Sitka, Alaska; and

8 “(B) a sufficient volume of timber to operate
9 the sawmill in Wrangell.”.

10 SEC. 4. Section 105(b) of the Tongass Timber Re-
11 form Act of 1990 (Public Law 101–626) is amended as
12 follows:

13 Section 705 (16 U.S.C. 539d) of the Alaska National
14 Interest Lands Conservation Act of 1980 (Public Law 96–
15 487) is amended by adding the following new subsection:

16 “(1) Subject to appropriations, the provisions of
17 this Act and other applicable law (including but not
18 limited to the requirements of the National Forest
19 Management Act of 1976 (Public Law 94–588), and
20 in order to assure the continuation of the Small
21 Business Administration timber sale program, the
22 Secretary shall, in consultation with the Adminis-
23 trator of the Small Business Administration and to
24 the extent consistent with providing for the multiple
25 use and sustained yield of all renewable forest re-

1 sources, schedule and make available annually at
2 least 80 million board feet of timber from lands eco-
3 nomically suitable for timber production within the
4 Tongass National Forest to those purchasers quali-
5 fying as ‘small business concerns’ under the Small
6 Business Act as amended (codified at 15 U.S.C. 631
7 et seq.). Timber sales that are designated as small
8 salvage timber sales (SSTS), resales of uncompleted
9 contracts (defaulted sales), and previously advertised
10 but unsold timber sales will be exempt from this re-
11 quirement. Sales shall be designed to meet the
12 unique needs and volume requirements of Small
13 Business Administration purchasers. The Secretary
14 shall make special efforts to design sales along exist-
15 ing roads and to allow road reconstruction if nec-
16 essary to successfully complete harvesting under the
17 timber sales.”.

18 SEC. 5. The Tongass Timber Reform Act of 1990
19 (Public Law 101–626) is amended by adding new section
20 108:

21 The Alaska National Interest Lands Conservation
22 Act of 1980 (Public Law 96–487) is hereby amended to
23 add new section 710:

24 “SEC. 710. Notwithstanding any other provision of
25 law, persons and communities adversely affected by the

1 Secretary's actions under this Act hereby have a cause of
2 action. Original jurisdiction for any civil action against the
3 Secretary under this Act shall be in the District Court
4 for the District of Alaska. The District Court shall have
5 the authority to order specific performance by the Sec-
6 retary for any failure to perform the actions required by
7 this Act or to issue an order enjoining the implementation
8 of the Secretary's decision to remove lands suitable for
9 timber production or to reduce the allowable sale quantity
10 pending the Secretary's specific performance of the re-
11 quirements of this Act. Actions brought pursuant to this
12 Act shall be governed by the following specific require-
13 ments:

14 “(1) Actions may not be commenced—

15 “(A) without sixty days prior notice of an
16 alleged violation to the Secretary; or

17 “(B) if another civil action challenging the
18 same or substantially the same violation is
19 pending. If another civil action is pending, a
20 person with an interest in that action may in-
21 tervene as a matter of right in that action.

22 “(2) Notice pursuant to this subsection shall be
23 given by certified mail.

24 “(3) The Court, in issuing any final order in
25 any action brought pursuant to this subsection, may

1 award costs of litigation including reasonable attor-
2 ney and expert witness fees to any prevailing or sub-
3 stantially prevailing party whenever the Court deter-
4 mines such an award is appropriate.

5 “(4) Nothing in this section shall restrict any
6 right which a person may have under any other stat-
7 ute or common law to seek any other relief.”.

8 SEC. 6. Section 104(a) of the Tongass Timber Re-
9 form Act of 1990 (Public Law 101–626) is amended as
10 follows:

11 Section 706 of the Alaska National Interest Lands
12 Conservation Act of 1980 (Public Law 96–487) is hereby
13 amended to add new subsection (d):

14 “(d) TIMBER SUPPLY AND DEMAND IN SOUTHEAST
15 ALASKA; REPORTS.—

16 “(1) The Secretary is directed to monitor tim-
17 ber supply and demand in southeast Alaska and re-
18 port annually thereon to the Committee on Energy
19 and Natural Resources of the Senate and the Com-
20 mittee on Natural Resources of the House of Rep-
21 resentatives.

22 “(2) The Secretary shall plan and request an-
23 nual appropriations sufficiently in advance to assure
24 that at least a three years’ supply of unharvested
25 timber which meets market demand is available.

1 Such supply of timber shall have been previously de-
2 termined to be available for harvesting in accordance
3 with the procedures established under the National
4 Environmental Policy Act of 1969 (Public Law 91-
5 190) (codified at 42 U.S.C. 4321 et seq.).

6 “(3) The Secretary shall publish quarterly re-
7 ports to the public disclosing the following—

8 “(A) the volume of timber determined to
9 be available for harvesting in accordance with
10 the requirements of the National Environmental
11 Policy Act;

12 “(B) the volume of timber which has been
13 authorized to be harvested in accordance with
14 the National Environmental Policy Act but
15 which is subject to pending administrative ap-
16 peals or litigation;

17 “(C) the volume of timber which is subject
18 to temporary withdrawal by the Secretary or
19 the President pursuant to section 1326(a) of
20 the Alaska National Interest Lands Conserva-
21 tion Act (Public Law 96-487) or any other
22 Federal law or plan;

23 “(D) the volume of unharvested timber
24 under contract; and

1 “(E) the schedule of all timber sales pend-
2 ing in the Tongass National Forest.”.

3 SEC. 7. The Tongass Timber Reform Act of 1990
4 (Public Law 101-626) is amended to add new section 109:

5 The Alaska National Interest Lands Conservation
6 Act of 1980 (Public Law 96-487) is hereby amended to
7 add new section 711:

8 “SEC. 711. For National Forest lands in the State
9 of Alaska, the purchaser may elect to perform the road
10 layout and unit layout, and designate and mark trees, por-
11 tions of trees, and forest products necessary to commence
12 timber harvesting. Such road layout, unit layout, designa-
13 tion, and marking shall be performed in accordance with
14 the procedures prescribed by the Forest Service for such
15 work, including the timber sale plan described in the
16 record of decision signed by the contracting officer follow-
17 ing completion of the National Environmental Policy Act
18 process. The layouts, designation, and marking shall be
19 subject to the approval of the Forest Service. A decision
20 on the proposed layouts, designation, and marking shall
21 be made within 30 days of written notification by the pur-
22 chaser that such layouts and designations have been ac-
23 complished. For purposes of this section, the term “lay-
24 out” shall also include such other facilities, including

1 camps and log transfer facilities, as are necessary to ac-
2 complish the timber sale.”.

3 SEC. 8. Section 301(c)(2) of the Tongass Timber Re-
4 form Act of 1990 (Public Law 101-626), is hereby re-
5 pealed and shall not apply to offerings not yet released
6 or not yet harvested.

7 SEC. 9. The Tongass Timber Reform Act of 1990
8 (Public Law 101-626) is amended to add new section 110:

9 “SEC. 110. Within 30 days of enactment of this sec-
10 tion, the Secretary shall schedule and commence timber
11 sales in those areas which were previously designated or
12 managed as interim habitat conservation areas or Queen
13 Charlotte goshawk protection areas pursuant to that draft
14 environmental assessment dated September 1994, which
15 proposed the designation of such habitat conservation
16 areas and goshawk protection areas.”.

17 SEC. 10. Section 1326(a) of the Alaska National In-
18 terest Lands Conservation Act of 1980 (Public Law 96-
19 487), is amended as follows:

20 “SEC. 1326. (a) No future executive branch action
21 which withdraws more than five thousand acres, in the ag-
22 gregate, of public lands within the State of Alaska shall
23 be effective except by compliance with this subsection. To
24 the extent authorized by existing law, the President or the
25 Secretary may withdraw public lands in the State of Alas-

1 ka exceeding five thousand acres in the aggregate, which
2 withdrawal shall not become effective until notice is pro-
3 vided in the Federal Register and to both Houses of Con-
4 gress. Such withdrawal shall terminate unless Congress
5 passes a joint resolution of approval within one year after
6 notice of such withdrawal has been submitted to Congress.
7 For purposes of this section except for land designated
8 as wilderness pursuant to law, 'withdrawal' is defined to
9 include the temporary reservation of Federal forest lands
10 or deferral of use for any reason for a period of more than
11 60 days, including without limitation those lands classified
12 in the Land Use Designation System established pursuant
13 to the Tongass Land Management Plan and which lands
14 serve multiple uses and activities pursuant to other law
15 or agency plan.”.

16 SEC. 11. Section 616 of title 16, United States Code
17 (Public Law 100–117 of the 69th Congress), is hereby re-
18 pealed and reenacted to read:

19 “(a) Notwithstanding any other provision of law, no
20 person who acquires unprocessed sawlogs, utility logs, or
21 pulp logs originating from National Forest lands in Alaska
22 may export such unprocessed logs from Alaska, or sell,
23 trade, exchange, substitute, or otherwise convey such logs
24 to any other person for the purpose of exporting such logs
25 from the State of Alaska.

1 “(b) No wood chips, except for cedar chips, shall be
2 exported from Alaska unless the current available total
3 chip and utility log fiber exceeds 90 percent of the fiber
4 needs of the pulp and Medium Density Fiberboard (MDF)
5 or other like manufacturing facilities in Alaska, unless the
6 buyer refuses to purchase chips at domestic fair market
7 value. The term ‘current available total chip and utility
8 log fiber made available by current harvest’ includes resid-
9 ual chips generated by the sawlog portion of the harvest,
10 and the whole logs generated by the utility log portion of
11 the harvest. The Secretary shall appraise to the export
12 market those chips which are exported, and to the domes-
13 tic market in Alaska those chips which are used in Alaska.

14 “(c) For the purposes of this section, ‘unprocessed
15 logs’ means trees or portions of trees or other roundwood
16 not processed to standards and specifications suitable for
17 end product use. The term unprocessed logs does not in-
18 clude the following: Lumber sawn on four sides regardless
19 of dimension; cants cut for remanufacture, 8³/₄ inches in
20 thickness or less; pulp or pulp products; veneer or ply-
21 wood; poles, posts, or piling cut or treated with preserva-
22 tives for use as such; or shakes or shingles. For purposes
23 of this section, ‘acquires’ includes unprocessed logs of tim-
24 ber harvested on National Forest lands in Alaska which
25 were received in a land exchange.

1 “(d) Notwithstanding any other provision of law, the
2 State of Alaska may establish incentives to encourage the
3 in-State processing of timber from State lands that are
4 administered by the Alaska Department of Natural Re-
5 sources, including measures which make award of con-
6 tracts for the sale of State timber contingent on the pur-
7 chaser’s agreement to in-State processing of the timber.”.

8 SEC. 12. Within one year after the date of enactment
9 of this Act, the Secretary shall transmit a study to the
10 Committee on Energy and Natural Resources in the Sen-
11 ate and to the Resources Committee in the House of Rep-
12 resentatives, which describes how the social benefits of uti-
13 lization of timber from the Tongass National Forest can
14 be increased through additional processing of wood prod-
15 ucts. The study shall include the following:

16 (1) The use of dry kilns and cooperative dry
17 kilns for kiln dried or commercially dried lumber.

18 (2) How to obtain greater usage of beach logs,
19 including economic methods to remove metal and
20 sand from such logs and associated chips and rec-
21 ommendations for changes in State law including
22 primary manufacture and complete utilization.

23 (3) What would be required to establish facili-
24 ties in the Tongass which produce interior paneling
25 and trim, flooring, doors and windows, cabinet stock,

1 furniture, musical instruments or parts of instru-
2 ments, toys, tools, and implements.

3 The Secretary shall use the Forest Sciences Laboratory
4 in Madison, Wisconsin to make the study and shall in-
5 struct the Laboratory to pursue value added product op-
6 portunities which would maximize jobs in Alaska. The Sec-
7 retary shall also report on what would be required to fi-
8 nance such facilities and what commitments of timber
9 would be necessary to obtain such financing.

10 SEC. 13. The Tongass Timber Reform Act of 1990
11 (Public Law 101-626), is amended to add new section
12 111:

13 The Alaska National Interest Lands Conservation
14 Act of 1980 (Public Law 96-487) is hereby amended to
15 add new section 712:

16 “DEFINITIONS

17 “SEC. 712. For purposes of this Act:

18 “(1) The term ‘lands economically suitable for
19 timber production’ means lands suitable for timber
20 production that are within either the normal oper-
21 ability or difficult operability classes as described in
22 the 1979 Tongass Land and Resource Management
23 Plan definitions for operability. Timber selected for
24 offering or sale shall meet the midmarket test and
25 shall be in approximately the same proportion as the
26 normal and difficult operability classes occur in the

1 1.75 million acres which constitute the timber base
2 at the time of passage of this Act.

3 “(2) The term ‘normal operability’ includes
4 ground based yarding systems and standard cable
5 yarding systems, which include downhill and uphill
6 highlead, slack line, running skyline, and flyer (grav-
7 ity system) with maximum yarding distances of gen-
8 erally 1,500 feet;

9 “(3) The term ‘difficult operability’ includes
10 cable yarding systems such as standing skyline and
11 multispans skyline with maximum yarding distances
12 of generally 2,500 feet; highlead, slack line, running
13 skyline, or flyer yarding systems accessing low vol-
14 ume per acre timber stands; and helicopter yarding
15 systems with maximum yarding distances of gen-
16 erally one mile.

17 “(4) The term ‘lands suitable for timber pro-
18 duction’ means forest land that is producing or is
19 capable of producing crops of industrial wood and—

20 “(A) has not been withdrawn by Congress,
21 the Secretary of Agriculture, or the Chief of the
22 Forest Service;

23 “(B) existing technology and knowledge
24 are available to ensure timber production with-

1 out irreversible damage to soils, productivity, or
2 watershed conditions;

3 “(C) existing technology and knowledge, as
4 reflected in current research and experience,
5 provide reasonable assurance that it is possible
6 to restock adequately within 5 years after final
7 harvest;

8 “(D) adequate information is available to
9 project responses to timber management activi-
10 ties; and

11 “(E) are those identified acres necessary to
12 be scheduled to attain the established allowable
13 sale quantity on a sustained-yield nondeclining
14 even flow basis.

15 Sustained yield and nondeclining even flow are to be
16 calculated on a forestwide basis.

17 “(5) The term ‘person’ means an individual
18 person, persons, company, corporation, community,
19 or other entity which is or may be adversely affected
20 by a violation of this subsection.

21 “(6) The term ‘community’ means a municipal
22 government incorporated under the laws of the State
23 of Alaska, a permanent logging camp, or any other
24 geographically distinct group of permanent resi-
25 dents.

1 “(7) The term ‘Secretary’ means the Secretary
2 of Agriculture;

3 “(8) The term ‘equivalent timber’ means timber
4 which is approximately equal in volume, species,
5 grade, and accessibility.

6 “(9) The term ‘maintain the species’ means a
7 sufficient population so that the species existence in
8 an area or areas of the Tongass National Forest will
9 continue.

10 “(10) The term ‘the same number of timber in-
11 dustry related jobs in the timber dependent commu-
12 nities in Southeast Alaska as existed at the time of
13 passage of the Tongass Timber Reform Act of 1990’
14 refers to 2,400 direct such jobs.”.

