



TCS files suit on timber sale

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3/5/2009

The Tongass Conservation Society and other groups have filed a legal challenge to a proposed federal timber sale and a related road project near Ketchikan.

The lawsuit filed Monday in U.S. District Court claims the U.S. Forest Service neglected to assess new information as required by federal law before awarding a road construction project and proceeding toward the North Orion Reoffer timber sale at Thorne Arm. "Over the past decade, there have been significant changes in the Tongass National Forest and significant new scientific research relevant to the environmental impacts of the project," states the preliminary injunction request.

Under the circumstances, the National Environmental Policy Act requires the Forest Service to conduct a supplemental Environmental Impact Statement, which it has not done, according to the lawsuit.

Tongass National Forest Public Affairs Officer Phil Sammon said Wednesday that the agency typically doesn't comment on lawsuits. However, none of what the plaintiffs were alleging in this lawsuit "was a real surprise.

"Most of the folks who file lawsuits against these kinds of projects have similar issues that they raise each time," Sammon said.

The government will respond to the lawsuit within the required time, but the road project and upcoming timber sale will proceed unless the court orders an injunction, according to Sammon, who noted the potential economic impact if the projects didn't proceed.

"In these tough economic times, it's tough whenever we can't go forward with a project, whenever we don't get one sold, because that's another potential impact to the local economy here in Southeast Alaska," Sammon said.

But economics is one reason the conservation groups are opposing the project.

The lawsuit states that the road construction is costing about \$580,000, while the appraised value of the timber sale is about \$214,000.

"The day when this kind of timber sale made sense is long gone," said TCS President Carol Cairnes in a prepared statement. "Cutting those trees will not even bring in half the money the Forest Service will spend building a road to get to the trees."

Other groups involved with the lawsuit include the Sierra Club, Natural Resources Defense Council, Greenpeace, Center for Biological Diversity and Cascadia Wildlands Project.

The groups are represented in the legal action by the environmental law firm Earthjustice.

Owen Graham, executive director of the timber-industry-focused Alaska Forest Association, did not return a Daily News message by deadline Wednesday.

The Orion North Reoffer sale would include about 6 million board feet of timber harvested by clear-cut from an approximately 380-acre area off the east side of Thorne Arm, according to Sammon. The timber work would use the existing log transfer facility at Elf Point.

He said the Orion North Reoffer sale is expected to be advertised next week.

The road portion includes about seven miles of construction, plus about 1.5 miles of temporary road, he said.

The road contract was awarded to Ketchikan Ready-Mix this fall.

"They had mobilized some of their gear late in the season last year ... but got weathered out," Sammon said. "They were mobilizing equipment this week before this came down."

The Orion North area is within the larger Sea Level Timber Sale area on which the Forest Service completed an EIS in 1999.

The EIS record of decision allowed a total harvest of up to about 51 million board feet and the construction or rebuilding of about 43 miles of roads, according to the lawsuit.

The Forest Service has sold a significant portion of the timber - 20 million to 30 million board feet - of the timber in a series of sales since 1999, according to Sammon.

"It was broken down into these small units to try to make it more cost effective for a potential contractor to pick up a sale and go in and get the timber," Sammon said.

In 2004, the Forest Service awarded a timber contract for the Orion North area, but the sale was blocked as part of legal action, according to the current lawsuit. The agency later agreed with the purchaser to cancel the contract.

In April, the Forest Service offered an Orion North area sale again, but canceled the offering before the bids were opened, according to the lawsuit.

The Forest Service in May did a "change analysis" on the "Orion North Reoffer" sale according to the lawsuit.

But the groups challenging the sale allege that the change analysis didn't address new information that had become available since the 1999 Sea Level EIS.

"The Orion North timber sale has been on the books for a decade," said Earthjustice attorney Kate Glover in a prepared statement. "Since then, timber prices have plummeted while the costs of timber sales to taxpayers have skyrocketed. There has also been a lot of new scientific research since that time."

Tom Waldo, another Earthjustice attorney, said one concern is that the amount of logging that's already occurred in that general area might have reduced deer habitat to the point where it can't sustain a deer population large enough to maintain viable wolf populations and allow for hunting of deer by people.

"These are really important changes and important pieces of information that the Forest Service should be looking at before they proceed with a timber sale here," Waldo said.

Rather than "building expensive roads into a pristine roadless system," the Forest Service should focus its resources on offering smaller timber sales on the existing road system, said Waldo.

Regarding the length of time that's elapsed since the Sea Level EIS was completed in 1999, Sammon noted that the average timber sale takes five to seven years to get to the actual sale contract point.

"So being at the nine-year mark or so for this NEPA, that's not too far outside from what most timber sales and most NEPA projects look at," he said.