

104TH CONGRESS  
1ST SESSION

# S. 1054

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

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## 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 Natural Resources

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## 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                   “TONGASS LAND MANAGEMENT PLANNING  
2                   REQUIREMENTS

3        “SEC. 709. (a) In revising the Tongass Land Man-  
4 agement Plan or in preparing or revising any other plan  
5 for the Tongass National Forest pursuant to the National  
6 Forest Management Act of 1976 (Public Law 94-588),  
7 the Forest and Rangeland Renewable Resources Planning  
8 Act of 1974 (Public Law 93-378), or any other applicable  
9 law, the Secretary shall, during the planning and decision  
10 making process, comply with the directives of this section:

11       “(1) All lands on the Tongass National Forest  
12 shall be considered for multiple use designations, ex-  
13 cept those lands which are designated as wilderness  
14 or national monuments by section 503 and section  
15 703 of this Act. In making or recommending land  
16 use allocations, the Secretary shall maintain suffi-  
17 cient lands economically suitable for timber produc-  
18 tion to provide annual and decadal allowable sale  
19 quantities to provide sufficient timber to support the  
20 same number of timber industry related jobs in the  
21 timber dependent communities in Southeast Alaska  
22 as existed at the time of passage of the Tongass  
23 Timber Reform Act of 1990. This shall include—

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               fектs 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 attorney  
2 and expert witness fees to any prevailing or substantially prevailing party whenever the Court determines such an award is appropriate.

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

8 SEC. 6. Section 104(a) of the Tongass Timber Reform Act of 1990 (Public Law 101–626) is amended as  
9 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 timber supply and demand in southeast Alaska and report annually thereon to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

22 “(2) The Secretary shall plan and request annual appropriations sufficiently in advance to assure  
23 that at least a three years’ supply of unharvested  
24 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, 8 $\frac{3}{4}$  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      multispan 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.”.

