

January 10, 2019

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
Washington, DC 20250

The Honorable David Bernhardt
Acting Secretary
U.S. Department of the Interior
Washington, DC 20240

Dear Secretary Perdue and Acting Secretary Bernhardt:

Thank you for your efforts to prevent disruption of over 3,570 ongoing timber sales being implemented on federal lands during the current lapse of appropriations.

We sincerely appreciate the efforts to ensure sufficient excepted or exempted staff are available to continue overseeing timber sale operations on the ground and administering contracts. We also appreciate your efforts to identify unobligated funds from prior year appropriations and trust funds to ensure that critical timber sales move forward during the shutdown. We appreciate the dedication of the employees who are working cooperatively during this shutdown period to prevent unnecessary disruptions to ongoing timber operations. However, we are concerned that if the government shutdown continues in the upcoming weeks, the agencies will run out of unobligated funds and timber sale operations are at risk of being halted.

We urge you to use every authority and funding source at your disposal to ensure that these timber sales proceed during the current shutdown. Federal timber sales are a critical part of the nation's timber supply, and support hundreds of thousands of jobs in regions where good paying work is hard to find. Companies that rely in whole or in part on federal timber sales help employ over 390,000 workers and contribute over \$21 billion in payroll. These sales are also a critical part of managing our public lands to defend against fire, insects, and disease.

A significant amount of current timber volume under contract is salvage timber; trees damaged in recent wildfires or killed by insect outbreaks. This timber tends to rapidly lose value as it decays, making it particularly important that harvest operations continue unimpeded. Many other timber sales are intended to reduce fire danger to federal lands within and adjacent to the project area. We urge you to identify timber projects such as these as Category III – necessary to protect life and property, for the duration of the shutdown.

We do not want this shutdown to repeat the events of 2013. As you may recall, when appropriations lapsed at the end of Fiscal Year 2013, the Forest Service and BLM moved precipitously to issue suspension or stop-work orders involving federal timber sale

contracts throughout the United States during the 16-day shutdown. This national directive disrupted active sales, imposed unnecessary costs on timber purchasers, truncated an already limited logging season, and took logging crews out of the woods, negatively affecting people in need of family wage jobs in spite of the fact that substantial timber volume was not only under contract but actually paid for. Timber purchasers were forced to replace the missing timber volume anticipated from these contracts during the time of suspension with spot purchases of private logs obtained on the open market, which was inflated due to the shutdown. This also prevented the government from receiving hundreds of millions in payments, certainly counterproductive behavior in any circumstance.

As a result, several timber companies challenged these hasty and ill-considered suspension orders in court and obtained a nationwide temporary restraining order. The companies successfully contended that the Anti-Deficiency Act does not relieve the government from its contractual obligations or give the government the authority to summarily suspend operations. After the suspension several other companies successfully concluded large contract damages cases against the government for losses caused by the suspensions. We are grateful that, to date, the agencies have not repeated the actions of 2013 and ask your help in continuing to avoid suspensions.

It is our sincere hope that this lapse in appropriations can be resolved quickly so that Forest Service and BLM employees can return to work and resume the important mission they carry out for the American people. We appreciate the service of those who are being asked to work without the certainty of a paycheck. And we urge you to do everything you can to continue managing our Federal forests for the benefit of the American people.

Sincerely,

Alaska Forestry Association
American Forest Resource Council
American Loggers Council
Associated California Loggers
Associated Contract Loggers & Truckers of
Minnesota
Associated Logging Contractors, Inc. – Idaho
Associated Oregon Loggers
Black Hills Forest Resource Association
Canfor Southern Pine
California Forestry Association
Colorado Timber Industry Association
Forest Resources Association
Great Lakes Timber Professionals Association
Hardwood Federation
Intermountain Forest Association
Lake States Federal Timber Purchasers
Louisiana Forestry Association
Louisiana Logging Council

LP Corporation
Michigan Forest Products Council
Minnesota Forest Industries
Minnesota Timber Producers Association
Mississippi Loggers Association
Montana Logging Association
Montana Wood Products Association
Pennsylvania Forest Products Association
Professional Logging Contractors of Maine
South Carolina Timber Producers Association
Southeastern Wood Producers
Texas Forestry Association
Texas Logging Council
Timber Products Manufacturers Association
Virginia Loggers Association
Washington Contract Loggers Association