

FACT SHEET:

Timber Planning on State Land

February 25, 2013

DEPARTMENT OF NATURAL RESOURCES

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DIVISION OF FORESTRY

Overview

The DNR Division of Forestry plans for timber management on state land in several phases. First, a regional land use plan is developed. Second, the Division publishes a summary of proposed sales in a Five-Year Schedule of Timber Sales for each area office. Third, a Best Interest Finding is published for public review and comment to determine if selling that particular timber sale is in the State's best interest. This is our decision document that allows us to offer a sale. Fourth, detailed information on each individual sale is developed in a Forest Land Use Plan. Finally, the Division issues contracts with requirements that the operator must meet.

Step 1: Regional planning review

The first step in forest planning is to review existing regional plans to ensure that proposed actions are consistent with the plans. Regional plans may be area or management plans adopted under AS 38.04.065 or state forest management plans adopted under AS 41.17.230. Regional plans have been completed for about two-thirds of all state land, and nearly all currently commercial forest land.

Area or management plans are developed under the principles of multiple use and sustained yield. They designate the main uses for state land, set guidelines to ensure that multiple uses occur compatibly, and classify the land according to its main uses. Land must be classified before timber can be sold. Where no regional plan exists, a site-specific plan must be adopted under AS 38.04.065(h) to classify the land before a timber sale can occur.

Alaska has three state forests -- the Tanana Valley, Haines, and Southeast state forests. The legislature designated these areas for "timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial use of public land and resources." For each state forest, the Division prepares an inventory and management plan, and reviews the plan at least every five years. Management plans must consider a wide range of land uses, and permit these uses except where uses are incompatible. State forest management plans must specify why a use is incompatible in a particular area.

(References: AS 38.095.112(d), AS 41.17.200-.230).

Step 2: Five-Year Schedule of Timber Sales

Each of the Division of Forestry's eight area offices must prepare a Five-Year Schedule of Timber Sales at least every other year. The Schedules are scoping documents that give the public and timber industry an overview of the division's plans for timber sales. They summarize information on proposed timber harvest areas.

DOF distributes Five-Year Schedules for public and agency review to help identify issues with proposed harvest areas and access that should be addressed in Best Interest Findings and Forest Land Use Plans for individual sales. After review, DNR uses the schedules to decide where to proceed with timber sale

planning. Generally, the Division may not offer a timber sale unless it has appeared on at least one of the two Five-Year Schedules preceding the sale. Sales are exempt from this requirement if they are 160 acres or less, salvage sales, or emergency sales in areas with fire, insect, or other natural threats. DNR's policy is to include all sales on at least the Five-Year Schedule preceding the sale whenever possible. All sales, including salvage sales and sales less than 160 acres, will appear on at least the Five-Year Schedule preceding the sale unless waiting for the Schedule will cause substantial losses of economic value on salvage sales, or preclude a local economic enterprise or forest management project that is in the state's best interest.

(References: AS 38.05.113, AS 38.05.117, and 11 AAC 71.010)

Step 3: Best interest findings

All timber sales require a best interest finding for all timber sales other than negotiated sales ≤ 500 MBF offered under AS 38.05.115. The final best interest finding determines whether a proposed timber sale is in the best interests of the state – it is the decision document that allows DOF to offer a timber sale. AS 38.05.035(e) sets out the requirements for issuing preliminary and final best interest findings. Findings set forth the objectives for the sale, the description of the sale area and multiple use concerns (e.g., roads, fish and wildlife habitat, cultural resources, and scenic and recreation resources), select the method of sale, determine the maximum sale area and volume, establish the duration of the sale, and ensure that sales are within the allowable cut. The preliminary decision must be distributed for public review following the procedures in AS 38.05.945. Findings are subject to appeal. An appeal of the decision to sell the proposed timber sale or of the proposed method of sale (e.g., competitive vs. negotiated) must occur during the appeal period for the final best interest finding.

Step 4: Forest Land Use Plans

The Division of Forestry must prepare a Forest Land Use Plan (FLUP) for each timber harvest area greater than 10 acres before authorizing timber harvest. Timber salvage on land cleared for a non-forest use does not require a FLUP. Sales sold under AS 38.05.118 are exempt from the FLUP requirement if compliance would conflict with issuing the sale. FLUPs present detailed information on the location, access, harvest methods, duration, and proposed reforestation for each sale.

A FLUP is the equivalent of the detailed plan of operations for timber sales on non-state land – it is our method for ensuring that state sales comply with FRPA and its regulations. FLUPs should address the items required for DPOs in AS 41.17.060 and 11 AAC 95.220. Because FLUPs apply to state land, they must consider non-timber uses either through an underlying State Forest Management Plan or in the FLUP itself for areas outside the State Forests (AS 38.05.112(c)).

FLUPs must consider the best available data; to ensure that we meet this standard, DOF distributes draft FLUPs for public and agency review through posting the FLUP and a notice on-line, and by sending notices to the mailing list of interested parties. Other methods may also be used to ensure that the draft FLUP is reviewed.

Decisions made in the FLUP and not determined by the best interest finding are appealable under the FLUP. These include the specifics of how a timber sale and reforestation are conducted, including stipulations for management and protection of non-timber uses and resources. For long-term sales, the FLUP may also determine the specific harvest sites within the general sale area identified in the best

interest finding, and how total volume sold is distributed among individual harvests areas. If so, those determinations would be subject to an appeal on the FLUP.

For small timber sales, the preliminary best interest finding and draft FLUP may be issued simultaneously for public review, but are two separate documents. The finding is the decision that allows us to sell timber; the FLUP authorizes harvest of timber in compliance with the finding, FRPA, and AS 38. For large, long-term, or controversial sales, the finding should be issued and adopted prior to the FLUP. (References: AS 38.05.112, AS 38.04.065(b), AS 38.05.035(e), and AS 41.17.060, 11 AAC 95.220).

Step 5: Timber Sale Contracts

After a timber sale is awarded through bidding or negotiation, a contract is issued. The contract includes specific stipulations to implement the intent of the Forest Land Use Plan and the requirements of the Alaska Forest Resources and Practices Act. Examples of stipulations include methods and timing of site preparation and road construction and maintenance instructions. The contract also specifies requirements for bonding from the operator to ensure compliance with the stipulations, and for operator insurance.

FOR MORE INFORMATION on timber sale Schedules and plans, contact the Division of Forestry Area Office in your area.

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