

Planning and Public Notice Requirements for State Timber Sales

October 17, 2005

Requirement	Legal references	Applicability	Notes
Best Interest Finding	AS 38.035(e)	All timber sales other than negotiated sales \leq 500 MBF offered under AS 38.05.115	
Forest Land Use Plan (FLUP)	AS 38.05.112	All sales \geq 10 acres except for <ul style="list-style-type: none"> · timber salvaged from land cleared for a non-forest use · timber sold under the Schnabel Law (AS 38.05.118) if complying with the FLUP requirement would conflict with use of .118 	DOF will also prepare a FLUP for smaller sales when merited by site-specific conditions.
Five-Year Schedule of Timber Sales (FYSTS)	AS 38.05.113 11 AAC 71.010(d)	All sales \geq 160 acres except for <ul style="list-style-type: none"> · emergency sales (salvage) · timber sold under the salvage law (AS 38.05.117) if complying with the FYSTS requirement would conflict with use of .117 · timber sold under the Schnabel Law (AS 38.05.118) if complying with the FYSTS requirement would conflict with use of .118 	DNR's policy is to put all sales on the FYSTS preceding the sale whenever possible. All sales will appear on at least the FYSTS preceding the sale unless <ul style="list-style-type: none"> ▪ It is a sale under AS 38.05.115, ▪ The sale is <10 acres, ▪ waiting for the Schedule will cause substantial losses of economic value on salvage sales under AS 38.05.117, ▪ would preclude a local economic enterprise or forest management project that is in the state's best interest.
Land Classification	AS 38.04.065(e,h) AS 38.05.300 11 AAC 55.040(i)	Timber sales \geq 10 MBF must be on classified land	
Land Use Plans	AS 38.04.065 11 AAC 55	Timber sales must be consistent with adopted land use plans (Area Plans, Management Plans, and Site-Specific Land Use Plans).	<i>Alaska Survival v. AK</i> (State Supreme Court, 1986) ruled that regional planning must precede land classifications and disposals. 1987 amendments to AS 38.05.065(h) allow timber sales under a site-specific plan if no regional plan exists.
Alaska Coastal Management Plan	AS 46.40 11 AAC 95.185(g)	Timber sales within the Coastal Zone must be consistent with ACMP and local Coastal Zone Management Plans. If timber sales comply with the Forest Resources and Practices Act (AS 41.17), they have met the CZM standards for timber harvesting and habitat.	DOF must issue proposed and final coastal consistency determinations; time frames are set by 6 AAC 50.
Public Notice	AS 38.05.945 AS 38.05.123	<ul style="list-style-type: none"> · All competitive timber sales · Value-added negotiated sales under .123 	Individual area or management plans may have additional notice requirements.

Applicability of Planning and Notice Requirements by Sale Type

	Personal Use Sales	AS 38.05.115 Negotiated Sales \leq 500 MBF	AS 38.05.117 Salvage Sales	AS 38.05.118 Schnabel Law	AS 38.05.120 Competitive Sales	AS 38.05.123 Negotiated Value-Added
Classification	NO if \leq 10 MBF	YES if > 10 MBF	YES if > 10 MBF	YES if > 10 MBF	YES if > 10 MBF	YES if > 10 MBF
Best Interest Finding	NO	NO	YES	YES	YES	YES
.945 Notice	NO	NO	YES	YES	YES	YES
Forest Land Use Plan (FLUP)	NO if \leq 10 acres	YES if > 10 acres	YES if >10 ac except for salvage on land cleared for a non-forest use	YES if >10 ac unless compliance with FLUP would conflict with use of .118	YES if > 10 ac	YES if >10 ac
Five-Year Schedule of Timber Sales (FYSTS) -- must appear on one of the two schedules preceding the sale	NO if \leq 160 acres	NO if \leq 160 acres	YES if >160 acres unless compliance with FYSTS would conflict with use of .117	YES if >160 acres unless compliance with FYSTS would conflict with use of .118	YES if >160 acres	YES if >160 acres

Notes:

- Timber sales must also be consistent with all land use plans adopted under AS 38.04.065, including Area Plans, Management Plans, and Site-Specific Land Use Plans. However, personal use sales \leq 10 MBF may be offered in unplanned and unclassified areas.
- Sales in the coastal zone must comply with ACMP requirements.
- DNR's policy is to put all sales on the FYSTS preceding the sale whenever possible. All sales will appear on at least the FYSTS preceding the sale unless waiting for the Schedule will cause substantial losses of economic value on salvage sales under AS 38.05.117, or, for sales less than 160 acres, would preclude a local economic enterprise or forest management project that is in the state's best interest, or the sales are sold under AS 38.05.115 or are $<$ 10 acres.
- Note: AS 38.05.118 does not apply in the Mat-Su, Fairbanks North Star, Sitka, Juneau, Kodiak Island, or Ketchikan Gateway Boroughs because these areas do not meet the standards for high unemployment based on 2003-4 statistics.