DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

BEST INTEREST FINDINGS
NC-1395-D, "Cliff Hanger"

I. Formal Review of Objections, Comments or Alternatives (summarized):

The 30-day Agency review of the Forest Land Use Plan (FLUP) started on **March 2, 2009** and ended on **March 31, 2009**. The FLUP was distributed to 10 agencies including the Salcha-Big Delta Soil and Water Conservation Board, and the U.S. Fish and Wildlife Service. Comments were received from Alaska Department of Natural Resources (ADNR), Division of Agriculture, Division of Mining, Land and Water, Mining Section (DMLW), Department of Environmental Conservation (DEC), ADNR Office of History and Archaeology (OHA), Department of Environmental Conservation (DEC), and Alaska Department of Fish and Game, Division of Habitat (ADF&G).

The Division of Agriculture, DMLW, OHA and DEC had no objection to the proposed sale. ADF&G stated, "ADF&G has identified no fish or wildlife concerns with the draft FLUP or the proposed timber sale".

ADNR, Division of Forestry (DOF), invited ADF&G to make a field visit of the proposed sale on September 3, 2009, to make a determination on the boundary location near a Tanana River side slough. ADF&G conducted a site inspection with DOF on September 17, 2009, and sent a memo to DOF dated September 18, 2009, documenting the results of the field trip. ADF&G concluded, "that the approximately 30 foot wide channel is not currently within the limits of ordinary high water and is therefore not subject to FRPA (Alaska Forest Resource & Practices Act) riparian standards". DOF removed the FRPA buffer requirements from the FLUP's Public Draft Report.

The 30 day public review of the FLUP started on **December 14, 2009** and ended on **January 12, 2010**. Advertisement was published in the Fairbanks Daily News-Miner on **December 14, 2009**, and in the Delta Wind on **December 17, 2009**. The notice was posted on the Department of Natural Resources Public Information website, and the DOF's Delta Area website on **December 14, 2009.** Notices were sent to 20 entities and members of the public, including the City of Delta Junction, Tanana Valley State Forest Citizens Advisory Committee, Doyon and Mendas Chaag Native Corporation (Gary Lee), Northern Environmental Center, Tanana Chiefs, Joseph Miller, and the Delta Junction Post Office.

I contacted Joseph Miller by phone on December 16, 2009, checking to see if he received the notice. Mr. Miller sent an email December 16, 2009, stating, "Good to talk to you a few minutes ago. As we discussed, I intend to object, citing the same general grounds as before". No other comment was received.

Mr. Miller objected to a previous sale adjacent to his agriculture tract. DOF responded with a letter dated March 8, 2010, stating, "You submitted comments during the public review period for timber sale NC-1375-D, "Blowdown No. 1", on March 16, 2007. Attached is the Division of Forestry's response to your comments for NC-1375-D. This new proposed sale, NC-1395-D, is 2.7 miles west of the previous sale, and is not adjacent to the boundary of your agriculture tract.

The State intends to proceed with the proposed timber sale. You will be provided an opportunity to appeal this decision during a formal review of the Best Interest Finding for the sale. A notice will be sent to you with appeal information in the future."

II. Final Finding and Decision

The purpose of this decision is to determine if the Department of Natural Resources, Division of Forestry, shall make available approximately 25.6 acres of timber comprised of 1 unit located in the following parcels: NW¼SE¼, NE¼SW¼, SE¼NW¼ Section 7, Township 12 South, Range 15 East, Fairbanks Meridian, Alaska.

The sale as proposed in this finding is in the best interest of the State for the following reasons:

1. The sale would meet the objectives outlined in this Forest Land Use Plan.

2. The sale would make wood available to the local timber industries to produce wood products.

3. The impact of the sale on other uses, such as fish and wildlife habitat, and Joseph Miller's agriculture tract, has been carefully considered and is anticipated to be negligible.

4. The sale has undergone agency and public review and concerns have been resolved in the preparation and design of the sale.

5. The design and location of the sale is consistent with the Tanana Valley State Forest and Tanana Basin Area Management Plans.

The findings presented have been reviewed and considered. The case file has been found to be complete. The requirements of all applicable statutes and regulations have been satisfied. Therefore, it is the finding of the Director that it is in the best interest of the state to approve this action under the authority of AS 38.05.035(e) and AS 38.05.110-120.

A person affected by this decision who provided timely written comment may appeal it, in accordance with 11AAC 02. Any appeal must be received by **March 29, 2010**, and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov . If no appeal is filed by that date, this decision goes into effect as a final order and decision on **April 9, 2010**. An eligible person must first appeal this decision in accordance with 11AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources. It is the Division of Forestry's intent to offer this timber sale on or after **April 10, 2010.**

Al Edgren
Delta Area Forester

March 8, 2010
Date