

State of Alaska
Department of Natural Resources
Division of Forestry
Southern Southeast Area, Coastal Region

Forest Land Use Plan Preliminary Decision and Alaska Coastal Management Program Consistency Determination

For the

Zarembo Island Timber Sale

SSE-1303-K

Summer 2009



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I. INTRODUCTION

A. Purpose

The purpose of this Forest Land Use Plan (FLUP) is to provide sufficient information for reviewers to ensure that the best interest of the State will be served by the Department of Natural Resources (DNR), Division of Forestry (DOF), Coastal Region, which is offering for sale an estimated 4,069 thousand board feet (MBF) of merchantable timber in the form of four clear-cut units totaling one hundred and seventy five (175) acres. Another estimated 1,672 MBF of merchantable timber is being proposed adjacent to the above units in the form of a partial cut on seven hundred and twelve (712) acres. The timber will be advertised and sold under the provisions of AS 38.05.120, in the structure of a single sale. The State will utilize a sealed bid process to determine the party with whom to sell the timber.

The total estimated sawlog volume in clear cut portions of this sale consists of approximately 194 MBF of western red cedar sawlogs; 1,803 MBF of western hemlock sawlogs; 1,429 MBF of Sitka spruce sawlogs, and 245 MBF of yellow cedar. Another 398 MBF of mixed species utility logs is estimated to exist within the clear cut units. Four spur roads, totaling approximately 1.5 miles, will be constructed for this sale. There is an estimated 1,672 MBF of timber available for harvest within the partial cut portion of the sale area. It is DOF's intent to allow the purchaser the discretion to designate the areas to be harvested, the areas selected for harvest within the partial cut unit will require approval from the Division of Forestry before cutting can begin. The contract period will be for two years.

The public is invited to comment on any aspect of this timber sale with regards to the AS 38.05.035, Best Interest Finding Decision. Comments should be mailed to: Alaska Division of Forestry, 2417 Tongass Avenue, Suite 213, Ketchikan, Alaska 99901. Comments must be received at the Division of Forestry office no later than August 26, 2009, in order to be considered in the final decision of whether the sale will be held in whole or in part. To be eligible to appeal the final decision, a person must have provided written comment by August 26, 2009.

B. Alaska Coastal Management Program (ACMP) Consistency

One purpose of this document is to provide sufficient information to ACMP and other reviewers to evaluate the consistency of this project with the ACMP. The Division of Forestry believes the activity described in this FLUP is consistent with the ACMP. See Section VII for the DOF's consistency analysis. The Division of Forestry is requesting AS 46.40.096(c) consistency review comments from State resource agencies, citizens, and other interested parties. Your comments are requested regarding the proposed timber sale's consistency with applicable enforceable policies. Comments regarding the inconsistency with an enforceable policy must identify the enforceable policy and explain how the timber sale is inconsistent. To be considered, the Alaska Division of Forestry,

2417 Tongass Avenue, Suite 213, Ketchikan, Alaska 99901 must receive written comment by August 26, 2009.

C. Five-Year Sale Schedule

The area that this sale occupies has been shown as a potential sale area in the previous two Five-Year Schedule of Timber Sales (FYSTS); Calendar Years 2007 - 2011 and Calendar Years 2009 - 2013.

D. Location

This timber sale is located on Zarembo Island adjacent to the east side of St John Harbor, Alaska (see Attachment 1, Sale Area Map). The legal description of the sale area is in portions of Sections 4 and 5 in T.63S., R.80E, and sections 33 and 34 T.62S., R.80E., Copper River Meridian (CRM).

The adjacent landowner is USDA Forest Service.

E. Title, Classification and Other Active or Pending Interests

These lands are classified “General Use” [GU] in the Central/Southern Southeast Area Plan. The area plan is the first step in the state’s public planning process to determine what activities are allowed on specific units of state land. The area plan was adopted after consideration of comments received from other agencies, organizations, and the local community, the process included public meetings and a public comment period. By law, State forest land must provide for multiple uses [AS 41.17.060 and 38.04.065]. In accordance with the Central/Southern Southeast Area Plan, commercial timber harvest is an appropriate use of lands classified “General Use”.

F. Planning Framework

The decision to offer the Zarembo Island timber sale is the outcome of a multi-staged planning process requiring public and agency input through out. This document, the Forest Land Use Plan (FLUP) for the timber sale, is one of the final steps in this long planning process. The planning for where timber harvest is appropriate, and where it is not appropriate, is done at a much broader scale than the FLUP. The framework for how management decisions are made for timber sales in Southern Southeast is as follows:

1. Area plans and land use plans (in this case, the *Central Southern/Southeast Area Plan*) determine where timber harvesting is allowed and set out the overall management issues of a geographic area.
2. The Five-Year Schedule of Timber Sales proposes when timber sales will be offered, and approximately where and how big each sale will be.
3. The Forest Resources and Practices Act determines how timber will be managed within areas where harvesting is allowed by the area plan.

4. A Forest Land Use Plan is written for each individual sale which contains detailed decisions about each sale.

Land management decisions begin in the formulation of an area plan. The Area Plans are designed to balance the various activities which occur and will occur in a given area. The decision to potentially offer an area for harvest begins with the land designations as outlined in the Central/Southern Southeast Area Plan, Subunit W-02, St. John Harbor. The St. John Harbor subunit is designated “GU” and lists the following management intents: settlement, dispersed recreation and current and future forest values. The Division of Forestry is limited to utilizing area designated “GU” which list timber harvest as an activity.

To access the Central/Southern Southeast Area Plan visit the web site below.

http://dnr.alaska.gov/mlw/planning/areaplans/cs_southeast/index.cfm

Next, the Division of Forestry prepares a Five-Year Schedule of Timber Sales (FYSTS) every other year. The FYSTS give the public, timber industry, and other agencies an overview of the division's plans for timber sales. They summarize information on proposed timber harvest areas, timber sale access, and reforestation plans. The Five-Year Schedule of Timber Sales is subject to public and agency review. The review helps identify issues that must be addressed in detailed timber sale planning. After review and revision, the Division of Forestry uses the schedules to decide how and where to proceed with timber sale planning.

The Zarembo timber sale was included in the Division of Forestry’s Southern Southeast Area Five-Year Schedule of Timber Sales, 2009-2013. The Schedule was published and noticed for public comment in January 2009. The notice was posted in all local post offices and on the State of Alaska Public Notice and the Division of Forestry web sites. The notice was also sent to agencies, community councils, tribal councils, Native corporations, planning commissions, Legislative offices, conservation groups, small mill operators, timber industry representatives, and private citizens. The 2009-2013 FYSTS is available for download from the DOF’s web site. Public comments were used to identify issues that would be addressed in subsequent Forest Land Use Plans.

Finally, the Forest Land Use Plan (FLUP) is the culmination of the planning process. The FLUP presents detailed information on the location, access, harvest methods, duration, and proposed reforestation for each sale. The development of the specifics of the sale is guided by the Alaska Forest Resources and Practices Act. The public is asked to comment at this stage, as well. By getting the best available data, combined with a series of public processes that helps us gather information from the public and other agencies we make well-informed decisions about uses of resources on state land.

G. Objectives

1. To follow the DNR's constitutional mandate to encourage the development of the State's renewable resources, making them available for maximum use consistent with the public interest.
2. To help the State's economy by providing royalties to the State in the form of stumpage receipts, an infusion to the State's economy through wages, purchases, jobs and business.
3. To help the local economy of the communities within southern southeast Alaska.
4. To improve forest growth and vigor by harvesting and replacing mature stands with new healthy stands of young growth, while protecting and maintaining other resource values. The actions authorized under this decision will adhere to multiple-use management principle.

II. LEGAL AUTHORITY

The Division is taking this action under the authority of AS 38.05.035(e) (Best Interest Finding); AS 38.05.110-123 and 11 AAC 71 (Timber Sale Statutes and Regulations); AS 41.17.010-.950 and 11 AAC 95 (Forest Resources and Practices Statutes and Regulations); AS 46.40 and 11 AAC 110 (Alaska Coastal Management Statutes and Regulations).

III. ADMINISTRATIVE RECORD

The sale file SSE-1303-K constitutes the collective administrative record for this finding.

IV. DISCUSSION OF ISSUES

A. Physical characteristics of the sale area

Topography. The timber sale occupies an area of gradual hills with varied topography ranging from gentle to moderate slopes with elevations ranging from 75 to 500 feet. The majority of the sale area has slopes of less than 40%.

Stand Conditions. The proposed sale area has the characteristics of an old growth forest with a mature overstory composed primarily of Sitka spruce, western hemlock, red cedar and yellow cedar. Units 1, 2, 3, and 4 contain commercial timber stands; the remaining sale area is a mixture of muskeg, areas of low volume timber, and scattered pockets of merchantable timber.

B. Current land Use

The State lands encompassed by and surrounding the sale area are classified “General Use” in the Central/Southern Southeast Area Plan. Within a one mile radius of the proposed sale area, the most recent harvest activity was completed on federal land to the southeast in 1989. Immediately adjacent to proposed eastern boundary, harvest activity was completed in 1970 on land that was subsequently conveyed to the state. Currently there is an active timber sale on U.S. Forest Service lands approximately five miles south of the proposed sale area.

Chapter 2, page 28, of the *Central/Southern Southeast Area Plan* states that “Harvest units may not exceed 160 acres in size unless approved in a FLUP after consultation with DEC and ADF&G, and public review. The 160 acre limit applies to all harvest systems except single tree selection.” The proposed clear cut timber harvest units for Zarembo individually are less than 160 acres but in combination exceed 160 acres. This FLUP process serves as the required agency consultation and public review.

C. Wildlife habitat

The Division of Forestry believes the timber sale described in this FLUP is consistent with the guidelines and management intent of the Central/Southern Southeast Area Plan and the Alaska Forest Resources & Practices Act. The affected area of State land has not been identified as critical habitat (HA) in the Central/Southern Southeast Area Plan. No areas of concern were identified in the comments received for the 2007-2011 or the 2009-2013 FYSTS. The majority of activity and game trails observed during the timber sale design process were general in nature. No areas of concern were identified during the field inspection with ADF&G; the Division of Forestry will continue to work with ADF&G to address any concerns which may be identified during this FLUP process.

It is expected that harvesting operations will cause a temporary displacement of some individual wildlife species; however, the sale by itself is not expected to cause significant adverse impacts on the wildlife populations of Zarembo Island. To provide variety of habitat structure and habitat while meeting the General Use management intent for this parcel: no harvesting activity will occur within the 500-foot Coastal management zone or within 100 feet on each side of the two anadromous streams; only selective harvesting will be allowed within 500 to 1000-foot Coastal management zone or within the 100 to 300-foot stream management zone; areas of predominately non-commercial timber will not be cut except for scattered individual trees; and the clear cut units have been limited to areas with predominately commercial timber.

Hunting pressure in the immediate area would likely not change since the area is currently accessible by road and the spurs which are being constructed are of short length and will be closed at end of operations. Any change in hunting pressure is not expected to be significant in nature relative to the size and balance of hunting opportunities on Zarembo Island. The Alaska Department of Fish and Game is responsible for setting hunting regulations, including closing areas that have increased activity if it is warranted.

Based on existing eagle nest tree maps and field observations, there are four known eagle nest trees adjacent to the proposed sale area. All four known eagle nest trees are located in the 500-foot Coastal Protection Area where no harvest activity is proposed to occur. Should a new eagle nest tree be discovered in the sale area, the Division of Forestry will notify the U.S. Fish and Wildlife Service with the location of the nest tree. The eagle nest tree will be marked on the ground and a 330 foot radius no harvest area surrounding the nest tree will be established.

D. Fisheries and water quality

The *Atlas to the Catalog of Waters Important for Spawning, Rearing, and Migration of Anadromous Fishes* was used as a reference guide to indicate the potential for anadromous fish habitat issues in the timber sale area. There is one cataloged anadromous fish stream (108-30-10150) identified in the Atlas within or adjacent to the sale area; ADF&G has documented the upper limit of anadromous habitat on this stream. Another anadromous stream has been identified within the sale area, flowing northwest between sections 33 and 34. There will be a 100-foot no harvest retention area on both sides of the anadromous portions of the two streams and only selective harvesting will be allowed within 100 to 300 feet of the anadromous streams; the Division of Forestry will continue to consult with ADF&G and address any concerns which may be identified during this FLUP process. To protect water quality of non-fish bearing water bodies a combination of retention areas, directional felling, partial suspension of logs, split-yarding, and removal of logging debris from stream channels will be required.

The sale area has been laid out and operations will be conducted in a manner which is in compliance with the Alaska Forest Resources and Practices Act (FRPA). Due to the location of the units and the topography in relation to significant surface water bodies, the timber sale is anticipated to have minimal adverse impact on water quality and there are no foreseeable obstacles which would prevent implementation of the Alaska Forest Practices Act (FRPA) Best Management Practices. To maintain water quality during road construction and harvest operations, the Division of Forestry will mandate implementation of FRPA's Best Management Practices.

The Alaska Forest Resources and Practices Act best management practices have been determined to provide adequate protection from potential water degradation. Information from field inspections, compliance monitoring, and the state's Alaska Clean Water Actions database indicate that FRPA is effective in protecting water quality. The annual report from the Department of Environmental Conservation (DEC) on the effectiveness of FRPA concluded that, "when properly implemented, the BMPs are effective at protecting water quality." No streams have been identified or listed for violation of water quality standards as a result of forest operations subject to the FRPA best management practices.

E. Subsistence

The following incidental uses may occur within the sale area: trapping, hunting, gathering of berries, and other similar activities. This action is anticipated to have no significant deleterious effects on the above activities for Zarembo Island.

F. Recreation

This timber sale is expected to result in no adverse changes to recreational use of the area. Past timber sales have provided remote road accessible dispersed recreational opportunities. None of the pre-existing roads will be closed as a result of this action; the Division of Forestry will require closure of the spur roads located within the units at end of operations as per agreement with the Division of Mining, Land, and Water.

G. Scenic resources.

Due to topography and the location of the clear cut units it is anticipated that the visual impact will be low relative to other activity which previously occurred in this area. The sale might be visible from the St. Johns Road. Parts of the sale may be visible from St. John Harbor.

H. Cultural resources

An archeological survey of the sale area has been conducted. Preliminary findings indicate no archeological sites were found within the sale area, the report from the field survey is currently being reviewed by the Office of History and Archaeology. During the course of activities associated with this timber sale, cultural and/or paleontological resources may be inadvertently discovered. Should such discovery occur, the site shall be protected from any disturbance and the Office of History and Archaeology will be contacted immediately so that compliance with State laws governing cultural resources may begin.

Under the Alaska Historic Preservation Act (41.35.200), all burials on State land are protected. If burials or human remains are found, all land altering activities that would disturb the burial or remains shall cease and measures will be taken to protect it in place. The Office of History and Archaeology and a law enforcement officer will be notified immediately to ensure that proper procedures for dealing with human remains are followed.

I. Sustained yield and allowable cut

The Alaska Forest Resources and Practices Act (AS 41.17.060(c)) and Article VIII Sec. 4 of the State Constitution require that State forest land be managed on a sustained yield basis. Sustained yield as defined in the Alaska Forest Resources and Practices Act (AS 41.17.950(15)) states:

"Sustained Yield" means the achievement and maintenance in perpetuity of a high level of annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the

land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period”.

Based on current inventory information, the annual allowable cut (AAC) for the Southern Southeast Area has been revised to 8,432 thousand board feet. The allowable cut is managed on a decadal basis, meaning that the harvest each year can vary as long as the total over 10 years stays within the limit. From fiscal year 1999 through fiscal year 2009, Southern Southeast timber sales have been less than the decadal allowable cut. This proposed sale will not exceed the AAC for the period of time it will be offered. In fiscal year 2009, the Division of Forestry has sold approximately 4,937 MBF of timber, no timber has yet been sold in fiscal year 2010

J. Regeneration

Previously clear-cut harvested areas in southern Southeast Alaska have satisfactorily regenerated by natural seed and have met or exceeded the FRPA reforestation standards for coastal forests, which is 200 well established seedlings per acre within five years after harvest (11 AAC 95.375(d)(1)). Natural regeneration is the preferred regeneration method for this sale and it is anticipated that adequate stocking levels will be achieved within five years after harvest.

K. Harvest Methods

The proposed sale includes areas of clear cut and selective tree harvest. Clear cut units will be harvested by cable and ground based mechanical systems; selective harvest areas will be harvested by ground based mechanical systems or helicopter. Ground based mechanical logging will only be allowed in areas of the sale where soil disturbance can be effectively managed or mitigated with limited entry by heavy equipment. FRPA best management practices for timber harvesting will be followed for all harvest areas. The Division of Forestry maintains control over logging methods utilized on all of its sales through operation plans submitted by the purchaser and by performing field inspections for contract administration.

L. Transportation

The Zarembo Island road system is remote and isolated from populated areas. The access route to this timber sale area from the nearest log transfer facility is the St. John Road (the 6590 Road). From the USFS LTF on the west side of St. John Harbor, the sale utilizes approximately 1 mile of the existing 6590 Road on USFS land and approximately 1 mile of existing road on State lands. The sale will require construction of approximately 1.5 miles of temporary spurs. Roads will be maintained to the standards set out in FRPA. Under direction from the Department of Mining, Land, and Water, all roads constructed for this sale will be closed at end of operations; the roads will be closed to the standards outlined in FRPA under 11 AAC 95.320. Road closure involves removing culverts, installing water bars, and taking any other appropriate action to leave the road in a condition not conducive to erosion.

M. Erosion

Traditionally there are two soil erosion concerns: surface erosion and mass wasting of soil and debris. To keep the potential for soil erosion to a minimum, the amount of road construction has been minimized and none of the roads are located on steep slopes. The roads have been designed to follow the natural contours and benches in the area and are located on flat or moderate slopes. Keeping roads off steeper slopes and located on flat benches not only minimizes soil erosion from road construction, but also minimizes erosion due to cable logging. The Division of Forestry will require full or partial suspension for any cable logging that occurs in the harvest units. The location of the road optimizes lift and deflection and will provide adequate landing areas. Ground based mechanical yarding will only be permitted on slopes less than 30 percent and where soil disturbance can be kept to minimum, operations will be suspended during times of saturated soil conditions.

Steep slopes are generally considered as being at higher risk for mass wasting; the *Central/Southern Southeast Area Plan* states that “forest management activities may not be conducted on slopes consistently greater than 67 percent, on an unstable slope, or in a slide-prone area unless approved in a FLUP. The Division of Forestry has determined that the mass wasting potential for this sale unit is minimal because the slopes are generally mild and timber harvest areas are not on slopes consistently greater than 67 percent.

To minimize the potential for erosion, FRPA slope stability standards and yarding BMPs will be adhered to at all times, as well as the BMPs for road construction and maintenance. The DOF timber sale administrator will ensure, with frequent field inspections, compliance with the timber sale contract and FRPA.

N. Mining

There is little known current mining activity in this area. Other than sharing some of the same access roads, this sale will have no impact on the potential mining resources or mining activity in this area.

O. Materials

The main source of rock for road construction will come from the development of rock quarries within the sale area and adjacent to the proposed roads. Existing pits on adjacent State lands will be used when possible to minimize the requirement for pit development. All decisions for quarry development will be made by the timber purchaser with DOF’s approval and will be based on FRPA’s Best Management Practices for road construction and material extraction (11 AAC 95.290 and 11 AAC 95.325). Due to the topography and the quantity of rock needed, pit development should not be readily visible from salt water or be a dominant feature of the topography.

P. Sale economics and market conditions

The sale is intended to be sold under AS 38.05.120. No marketing or processing restrictions can be applied to this method of sale. AS 38.05.120 sales are sold through sealed bids or public auction; sealed bids will be used for this proposed sale.

The Zarembo Island timber sale is being considered as an AS 38.05.120 sale due to market opportunity and the costs of operating in a remote location. Because of the state of the economy, the markets for timber have significantly changed over the past year. Allowing this sale to be sold without an in-state manufacturing requirement would allow the purchaser to maximize all market opportunities, thereby allowing the timber to be harvested and jobs to both be maintained and created.

The economic benefits from this sale would be to the State in the form of timber sale receipts which directly fund resource management activities. The proposed sale will also create economic benefits for Southern Southeast Alaska. The business community will receive direct economic benefits by providing support services for the operators such as fuel, food, housing, medical and miscellaneous supplies. The residents of communities in Southern Southeast Alaska will receive a direct benefit through employment opportunities and wages paid by the operator during the course of the timber harvest.

Various factors influence the demand for southeast Alaska timber, including interest rates, housing, value of the dollar with respect to changes in import tariffs, export policies locally and abroad, business cycles in the United States and overseas, installed mill capacity, regional and world timber markets, and timber availability and cost. At this time both local mills and export operations have experienced depressed prices but have been able to keep operations active. As long as the recession does not significantly worsen, operators will likely remain in the market to maintain position and their assets. The Division of Forestry anticipates being able to sell this sale under current and projected conditions.

V. ALTERNATIVE ACTIONS

There are five possible alternatives to consider for this sale. A discussion of each of the five alternatives follows:

1. TO CONTINUE THE SALE AS PROPOSED

The units contain a logical series of settings for typical equipment of the region and will provide the purchaser with enough capital return to construct the infrastructure needed to access the timber on the sale. The sizes of the units are designed to be large enough to be economically viable for cable logging methods where prescribed and will cover the costs of new road construction and closure. The Division of Forestry believes the sale is sized

appropriately to balance and maintain other resource values as well as provide economic benefits to southern Southeast Alaska. This alternative meets the objectives of the Five-Year Schedule of Timber Sales and DNR's constitutional mandate. It also meets the silviculture objective of improving forest vigor. Continuing this sale as proposed would provide jobs and other economic benefits to people employed by the timber industry and other businesses in southern Southeast Alaska due to the combination of road building, logging, rafting, trucking, and support services.

2. TO MODIFY THE SALE BY MAKING MULTIPLE SALE OFFERINGS

Designing multiple sales of smaller acreage would increase logging costs or leave timber that would be uneconomical to harvest in the future. It is unlikely that an operator would mobilize for a sale of less timber volume. If this timber volume is not sold, the opportunity for job creation and revenue would be lost from this area for the foreseeable future.

3. DEFER THE SALE OF THIS TIMBER TO A LATER DATE.

Deferring harvest to a later date would fail to meet many of the objectives of the sale program and further limit the likely utilization of the resource and revenue that could be realized by the State. One of the main objectives is to make State-owned timber consistently available to the timber industry.

4. NOT OFFER THIS TIMBER FOR SALE.

This alternative would result in not meeting any of the objectives outlined for this management action. Utilization of the forest resource would not be achieved. There would be no contribution to the State and local economies.

5. OFFER THIS TIMBER AS A NEGOTIATED SALE.

This alternative could result in utilization of the forest resource and would provide jobs at local mills through the requirement for in-state value added or high value added processing. However, due to the current economic conditions, offering the sale as a negotiated sale under AS 38.05.118 or AS 38.05.123 would not enable the purchaser to take full advantage of available markets and would likely not result in the sale being sold. The Division of Forestry continues to work on meeting local demand for in-state manufacturing and does offer sales under AS 38.05.118 or AS 38.05.123 in other locations.

VI. ACMP CONSISTENCY ANALYSIS

There are no known natural hazard areas, or areas of historic or archaeological importance within the proposed sale area. There is no coastal development occurring in the area and the proposed sale will not inhibit coastal access to the public. No energy facility, utility route, or utility facility exists or will be developed as a result of this action. No sand or gravel will be extracted from coastal waters, intertidal areas, barrier islands, or spits. The area has not been identified as a subsistence area under 11 AAC

114.250(g) and any subsistence use is thought to be minimal. Therefore, the sale does not conflict with the standards on coastal development, natural hazard areas, coastal access, energy facilities, utility routes and facilities, sand and gravel extraction, subsistence, and historic, prehistoric and archeological sites.

Road construction and timber harvesting activities will adhere to the Forest Resources and Practices Regulations (FRPA), meeting timber harvest and processing standards.

This offering is consistent with the ACMP habitat standards because 11 AAC 95.185(g) preempts the habitat standards enacted under 11 AAC 112 and 11 AAC 114, and the proposed action has been designed to be consistent with the Forest Practices.

The laws and regulations regarding timber harvest and the quality of air, land, and water administered by the Department of Environmental Conservation will apply ensuring consistency.

VII. PRELIMINARY FINDING AND DECISION

The purpose of this decision is to determine if the Department of Natural Resources, Division of Forestry, will make available timber located in portions of Sections 4 and 5 in T.63S., R.80E., and sections 32, 33 and 34 in T.62S., R.80E., Copper River Meridian. After due consideration of all pertinent information and alternatives, the Department of Natural Resources has reached the following Preliminary Decision: To offer the sale as proposed in Alternative 1. In addition, the DNR finds that this preliminary decision satisfies the objectives as stated in this document and it is in the best interest of the State to proceed with this action. This decision also contains the DNR's consistency analysis. The DNR believes this action is consistent with the Alaska Coastal Management Program.

Patricia Palkovic
Southern Southeast Area Forester (Acting)

Date: July 16, 2009

STATUTES AND REGULATIONS

AS 38.04.065	Land Use Planning and Classification
AS 38.04.910 (5)	Definitions – Multiple Use
AS 38.05.035	Powers and Duties of the Director [includes best interest findings]
AS 38.05.112	Forest Land Use Plan
AS 38.05.113	Five-year Schedule of Timber Sales
AS 38.05.118	Negotiated Sales
AS38.05.120	Disposal procedure
AS 38.05.945	Public Notice
AS 41.17	Alaska Forest Resources and Practices Act
AS 46.40	The Alaska Coastal Management Program
11 AAC 71	Timber and Material Sales
11 AAC 95	Forest Resources and Practices Regulations
11 AAC 110	Alaska Coastal Management Program Implementation
11 AAC 114	District Coastal Management Plan Requirements
33 CFR 323.4(a) (1), (6)	Permits for Discharge of Dredged or Fill Material into Waters of the United States. (Discharges not requiring permits)

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