

**STATE OF ALASKA**  
**DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF FORESTRY & FIRE PROTECTION**



**FAIRBANKS-DELTA AREA FORESTRY**

**FINAL BEST INTEREST FINDING AND  
DECISION FOR**

**Pogo Mine Road Fire Salvage**

**NC-1706-D, NC-1744-D, NC-1746-D, NC-1748-D, NC-1855-D,  
NC-1888-D, NC-1889-D, NC-1890-D, NC-1891-D, NC-1895-D,  
NC-1896-D, NC-1901-D, NC-1902-D, NC-1909-D, NC-1910-D**

**SEPTEMBER 2024**

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

**Abbreviations**

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
AS	Alaska Statute
BIF	Best interest finding
CCF	100 cubic feet (timber volume)
DBH	Diameter at breast height (4.5 feet above ground)
DMLW	Division of Mining, Land and Water
DOF	Division of Forestry & Fire Protection
FLUP	Forest Land Use Plan
FRPA	Alaska Forest Resources and Practices Act
FYSTS	Five-Year Schedule of Timber Sales
MBF	Thousand board feet
OHA	Office of History and Archeology
ROW	Right-of-way
TVSF	Tanana Valley State Forest

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

**Contents**

I.	PROPOSED ACTION .....	1
II.	STATUTORY AND REGULATORY AUTHORITY .....	1
III.	ADMINISTRATIVE RECORD.....	1
IV.	SCOPE OF DECISION.....	1
V.	PROJECT LOCATION, LAND STATUS, AND DESCRIPTION.....	3
A.	Location .....	3
B.	Title status .....	3
C.	Land use planning, classification, and management intent.....	4
D.	Current access and land use: .....	5
E.	Background and description of proposal .....	6
F.	Resources and management.....	8
G.	Costs and benefits .....	11
VI.	PUBLIC NOTICE .....	11
VII.	PUBLIC COMMENT AND RESPONSE.....	11
VIII.	DISCUSSION AND FINAL FINDING AND DECISION .....	12
IX.	SIGNATURE .....	12
X.	APPEALS.....	12
XI.	APPENDICES.....	13
	APPENDIX A: MAPS.....	13
	APPENDIX B: APPEAL AND REQUEST FOR RECONSIDERATION REGULATIONS.	17

## **I. PROPOSED ACTION**

DOF is proposing to offer for sale approximately 788 acres of mixed fuelwood from within the Tanana Valley State Forest and nearby State General Land within the footprint of the 2023 Pogo Mine Road Fire. The volume to be offered totals approximately 4,548 cords. DOF would sell the timber as multiple competitive bid (AS 38.05.120) and small negotiated (AS 38.05.115) sales for commercial use. For these timber sales, the Preliminary BIF (PBIF) and Draft FLUP are being issued for review at the same time. The land covered by this PBIF appeared in the 2024 Fairbanks-Delta Five Year Schedule of Timber Sales (FYSTS).

The management objectives for the proposed timber sales are:

- Provide the raw material for the industry to produce timber products providing benefits to the state and local economy through employment opportunities.
- Harvest the commercial sawtimber and fuelwood before a significant decrease in fire salvaged wood merchantability occurs and return the site to a young productive mixed stand forest.
- Provide firewood for the residential heating needs of interior Alaska communities.
- Promote multiple use management that provides for the production, utilization, and replenishment of timber resources while perpetuating personal, commercial, and other beneficial non-timber uses of the forest resources.

## **II. STATUTORY AND REGULATORY AUTHORITY**

The Division is taking this action under the authority of

- AS 38.05.035(e) Best Interest Finding;
- AS 38.05.110-120 and 11 AAC 71, Timber Sale Statutes and Regulations; and
- AS 41.17.010-950 and 11 AAC 95 Forest Resources and Practices Statutes and Regulations.

## **III. ADMINISTRATIVE RECORD**

The Division will maintain an administrative record regarding the decision of whether or not to proceed with the action as proposed. This record will be maintained at the DOF's Fairbanks-Delta Area Office filed as Pogo Mine Road Fire Salvage, including NC-1706-D, NC-1744-D, NC-1746-D, NC-1748-D, NC-1855-D, NC-1888-D, NC-1889-D, NC1891-D, NC-1895-D, NC-1896-D, NC-1901-D, NC-1902-D, NC-1909-D, and NC-1910-D.

## **IV. SCOPE OF DECISION**

This final best interest finding (BIF) completes step three of a six-step process to design, sell, and administer timber sales. This BIF covers the sale of approximately 788 acres of mixed fuelwood salvage from state land within the Pogo Mine Road Fire footprint depicted in the attached maps (see Appendix A). The following list summarizes the overall process:

Step 1: Regional planning. The Department of Natural Resources (DNR) develops area plans and state forest management plans to designate appropriate uses for state land, classify the land accordingly, and establish management guidelines for multiple use. These plans determine where

## Pogo Mine Road Fire Salvage Final Best Interest Finding

timber sales are an allowed use, and what other uses must be considered when designing and implementing sales. Subsequent land use decisions must be consistent with the area plans. The area in this BIF is covered by the Tanana Valley State Forest Management Plan and the Eastern Tanana Area Plan (ETAP), and the BIF is consistent with this plan.

Step 2: Five-year Schedule of Timber Sales (AS 38.05.113). A proposed timber sale must appear in at least one of the two Five-year Schedules preceding the sale. The land covered by this BIF appeared in the 2024 Fairbanks-Delta FYSTS.

Step 3: Best Interest Finding. DOF must adopt a final BIF before selling timber. A best interest finding is the decision document that:

- Ensures that the best interest of the State will be served by this proposed action,
- Establishes the overall area within which the timber sale may occur,
- Determines the amount of timber that will be offered for sale and the duration of the sale,
- Sets the overall harvest and reforestation strategy for the sale area,
- Determines whether the sale proposal complies with the Constitutional requirement to manage for sustained yield by evaluating the amount of timber in the sale and the annual allowable cut for the affected area,
- Selects the appropriate method of sale (i.e., competitive or negotiated sale), and
- Determines the appraisal method that will be used to determine the sale price.

DOF issued a Preliminary BIF on 7/19/24 covering the decision to sell approximately 788 acres of mixed fuelwood salvage from state land within the Pogo Mine Road Fire footprint in a combination of competitive and negotiated sales for commercial use. DOF considered all written comments received during the 36-day review period. Responses to the comments are listed in Appendix B.

This document is the final BIF for Pogo Mine Road Fire Salvage. An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02.

Step 4: Forest Land Use Plans (AS 38.05.112). Prior to authorizing harvest of timber on any area greater than 10 acres, the DOF must adopt a site-specific Forest Land Use Plan (FLUP) for the harvest area. DOF issued a draft FLUP concurrently with the PBIF and will adopt the final FLUP following review of comments. FLUPs specify the site, size, timing, and harvest methods for harvest unit within the sale area. FLUPs also address site-specific requirements for access construction and maintenance, reforestation, and multiple use management. FLUPs are based on additional field work, agency and community consultation, and site-specific analyses by the DOF, and are subject to public and agency review.

Step 5: Timber sales and contracts. Following adoption of the final BIF, and completion of the FLUP, DOF will offer the timber for sale by auctioning competitive sales and/or negotiating some sales with purchasers. The Division will sign a contract with the winning bidder for each sale. The contract will include stipulations to ensure compliance with the best interest finding, FLUP, and statutory requirements.

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

Step 6: Sale administration. DOF will administer the timber sales and conduct field inspections to ensure compliance with the final BIF, FLUP, timber sale contract, and applicable laws, including the Alaska Forest Resources and Practices Act and regulations (AS 41.17 and 11 AAC 95), and forest management statutes and regulations in AS 38.05 and 11 AAC 71.

## V. PROJECT LOCATION, LAND STATUS, AND DESCRIPTION

### A. Location

The proposed sales are located approximately 20 miles north of Delta Junction along the Pogo Mine Road in the Shaw Creek drainage. The units are located Pogo Mine Road Miles 4-15. These sales are within TVSF Subunit 8C, and on adjacent General State Land classified as Units D-10 and D-11 of the 2015 Eastern Tanana Area Plan (ETAP), which is managed by AK Division of Mining, Land, and Water (DMLW). The units are not within any organized borough. See **Table 1** below.

The proposed sales are located within the Fairbanks Meridian at:

- Sections 23, 26, 35, & 36, Township 6 South, Range 8 East,
- Sections 15, 22, 25, 26, 35, & 36, Township 6 South, Range 9 East
- Section 31, Township 6 South, Range 10 East
- Sections 1 & 12, Township 7 South, Range 8 East
- Sections 1, 8, 15, 16, & 17, Township 7 South, Range 9 East
- Sections 5, 6, 17, & 18, Township 7 South, Range 10 East

Sale access would also include a winter road crossing Sections 7 & 8, Township 7 South, Range 10 East, and in Section 27 in Township 6 South, Range 9 East, Fairbanks Meridian. The sale area is shown on the attached map and is within the United States Geological Survey 1:63,360 Quadrangle map titled Big Delta B-4 and B-5. The sales are accessed primarily by existing all-season roads or winter routes, but new winter roads will need to be extended into the upper drainages of Caribou and Keystone Creeks.

### B. Title status

The proposed sale areas covered by this PBIF include lands selected and patented by the State (see GS-1129 Patent 50-83-0208 for F006S008E, GS-3702 Patent 50-2007-0273 for F006S009E, GS-3703 Patent 50-2007-0128 for F006S010E, GS-1068 Patent 50-92-0030 for F007S008E, GS-1160 Patent 50-67-0458 for F007S009E, and GS-1133 Patent 50-67-0461 for F007S010E), and largely managed for Forestry purposes or other compatible uses. The sales are largely within the Legislatively-designated Tanana Valley State Forest (TVSF) or adjacent to it on land managed by DNR's Division of Mining, Lands, & Water (DMLW). The area described in the BIF is open for mining claims, and active claims overlap some of the proposed sale areas.

Pogo Mine Road is a limited access road managed by Lease Agreement between the Mine Operator and the DNR as ADL 421276. There are no known title restrictions on the area.

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

**Table 1: Title Status and Land Classification, by Sale**

Sale #	Legal Desc.	Land Manager	Mgmt. Unit	General Selection	Patent	Mining Claim ADL
NC-1706-D	Section 1, T7S, R9E, & Section 36, T6S, R9E	DOF	8C	GS-3702 GS-1160	50-2007-0273 50-67-0458	
NC-1744-D	Sections 17, 18, T7S, R10E	DMLW	D-11	GS-1133	50-67-0461	
NC-1746-D	Section 12, T7S, R8E	DOF	8C	GS-1068	50-92-0030	
NC-1748-D	Section 35, T6S, R9E	DOF	8C	GS-3702	50-2007-0273	
NC-1855-D	Section 25, 26, T6S, R9E	DOF	8C	GS-3702	50-2007-0273	
NC-1888-D	Sections 8 & 17, T7S R9E	DMLW/DOF	D-10/8C	GS-1160	50-67-0458	
NC-1889-D	Section 31, T6S, R10E, & Section 6, T7S, R10E	DMLW/DOF	D-10/8C	GS-3703 GS-1133	50-2007-0128 50-67-0461	731288, 731290
NC-1890-D	Section 5, T7S, R10E	DMLW	D-10	GS-1133	50-67-0461	
NC-1891-D	Section 5, T7S, R10E	DMLW	D-10	GS-1133	50-67-0461	
NC-1895-D	Sections 1 & 12, T7S, R8E	DOF	8C	GS-1068	50-92-0030	
NC-1896-D	Section 15, T7S, R9E	DMLW/DOF	D-10/8C	GS-1160	50-67-0458	
NC-1901-D	Sections 23, 26, 35, & 36, T6S, R8E	DOF	8C	GS-1129	50-83-0208	653272, 653273
NC-1902-D	Sections 16-17, T7S, R9E	DMLW/DOF	D-10/8C	GS-1160	50-67-0458	
NC-1909-D	Sections 15 & 22, T6S, R9E	DOF	8C	GS-3702	50-2007-0273	
NC-1910-D	Sections 15 & 22, T6S, R9E	DOF	8C	GS-3702	50-2007-0273	731207

**C. Land use planning, classification, and management intent**

The proposed sale areas are within either TVSF Subunit 8C managed by DOF, or within Units D-10 or D-11 on land managed by DMLW through the 2015 Eastern Tanana Area Plan (ETAP); see **Table 1** above. TVSF Subunit 8C is to be managed for commercial timber production, habitat, and mineral resources. NC-1901-D is near to TVSF Subunit 8B, Rosa-Keystone Dunes Research Natural Area, including one harvest unit buffered 100 feet off the boundary.

ETAP units' management intent was codified by Classification Order CL NC-10-004, and the proposed harvest designs are compatible with the management intent. Unit D-10 is to be managed for Forestry uses and is recommended for inclusion in TVSF, and consists of areas adjacent to TVSF with productive timberlands. Unit D-11 is to be managed for Habitat and Water Resources, and principally includes the wetland complexes of the Shaw Creek Flats. However, the single proposed harvest unit within D-11 is part of an upland area that includes

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

productive timberlands and recent timber sales, and is directly adjacent to Unit D-10 one section north.

NC-1744-D is near the Shaw Creek Archeological District, and winter-only access is planned for this sale. The area is open to subsurface use and mineral entry.

The Interagency Fire Management Plan includes these lands in the “Full” protection category, except NC-1744-D is in the “Modified” protection category.

The area described by this PBIF is not within a municipality.

**D. Current access and land use:**

The proposed sales are located approximately 20 miles north of Delta Junction in the uplands above the Shaw Creek Flats. The units are accessed via the Pogo Mine Road (ADL 421276), a limited access industrial road leased by DNR and managed by the Pogo Mine. The proposed sale areas are mainly adjacent to or on the north side of Pogo Mine Road between miles 4-15, except NC-1744-D which is 2 miles south of the road on the Shaw Creek Knob upland complex. Traffic on the Pogo Mine Road is largely in support of operations at Pogo Mine, with commercial logging and other mining operations permitted access. Some private properties are situated along the first 3 miles of the Pogo Mine Road, and the Trans Alaska Pipeline System (TAPS) crosses the road at Mile 2.

Existing spurs to timber sales and forest roads are extensive throughout the project area and total at least 16 miles, some of which are being actively used by authorized logging operations. Forest management resulting in fire salvage harvest in the 2010 Gilles Creek Fire took place adjacent to the northeastern edge of the proposed project area. Access to the Gilles Creek Fire salvage involved the establishment of a secondary all-season road from Mile 13.7 called the Pinwell Forest Road. Existing and new roads used to access the units will require some level of continuing maintenance to support commercial harvest equipment. Other recently used access spurs are located at Mile 4.1, 6.5, 12.2, 12.5 and 15.0. At Mile 15, over 4 miles of winter road have provided access to timber sales on the Shaw Creek Knob as recently as 2016.

The proposed sale area likely experiences low levels of use by recreationalists, hunters, or trappers due to the limitations on road access stipulated in the DNR Road Lease agreement. The lease affirms the rights of the public to access the surrounding state land and cross the road, and some occasional access by snowmachine or ATV occurs. The Birch Lake to Caribou Creek RS-2477 trail (RST-464) crosses the northern portion of the proposed sale area, intersecting the proposed access route to NC-1901-D.



## **E. Background and description of proposal**

1. Background: The proposed area includes productive stands of forestland burned in the 2023 Pogo Mine Road Fire. DOF reviewed existing land use plans, considered markets for the burned timber, and designed this proposal to salvage as much timber as possible from state land within the burn perimeter, while protecting the fish, wildlife, and water resources, and avoiding impacts to local access, recreation uses and archaeological sites. DOF is offering these timber sales consistent with the guidance provided in the TVSF Management Plan and ETAP.
2. Timber volume and sustained yield: The proposed project area has an estimated volume of 4,548 cords of mixed fuel wood timber on approximately 788 acres of land. Final harvest unit boundaries and timber volume estimates will be determined once DOF staff has completed all pre-sale field measurements. The Delta Area Annual Allowable Cut (AAC) is calculated at approximately 3,948 acres of harvest annually, but fire-killed timber volume is not summed with the AAC figure. Also, these sales will be offered over several years. The volumes proposed in this harvest and in combination with timber volumes from other proposed timber sales that are offered will be within the allowable cut and comply with sustained yield requirements.
3. Harvest unit design: Timber in the proposed sale areas will be harvested as a fire salvage primarily for white spruce fuelwood, with lesser components of hardwoods. Harvest units are designated in those areas where productive white spruce trees existed pre-fire at economic concentrations, mostly found on productive south-facing aspects of hillsides and ridges within the Caribou, and Keystone Creek drainages. All proposed sales are within the north portion of the 2023 Pogo Mine Road Fire scar. Any live trees within the sale boundaries will not be cut. Sale unit sizes are expected between 9-127 acres. In order to accommodate a variety of Operator production scales, smaller sales will be offered near existing roads while larger sales further from existing access will be offered to amortize access costs over an economic harvest volume.

Timber harvest will be limited to winter access within all proposed sales to facilitate safe operations and hasten stand regeneration, except in instances where Foresters identify favorable all-season operating conditions. Winter access will be beneficial on sites where hydrophobic ash layers and thin remnant organic layers make the ground surface slippery and difficult for equipment operation. Also, winter access will reduce soil compaction and erosion from equipment, as well as reduce impacts to any advanced regeneration and conserve topsoil. All-season access will be considered for sale areas where soil erosion concerns are minimal and remnant organic layers are thick enough to impair tree seedling recruitment.

Sale unit boundaries will be located near the fire perimeter and naturally occurring vegetative type changes within the burn. A 330-foot buffer, external to the fire perimeter, may be harvested to include fire damaged timber or to provide strategic management options to minimize pest or windthrow mortality.

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

Logging operations will follow all applicable Best Management Practices and residual trees will be protected from damage during harvest operations. Harvesting will be by the whole tree yarding system using ground-based harvest methods. Slash disposal at the landings will be by burning or by salvage for fuelwood use.

- a. Reforestation and site preparation: The reforestation requirement found in the Alaska Forest Resources and Practices Act (AFRPA) Regulations (11 AAC 95.375-.390) on harvested forest land is waived if “the stand is significantly composed of ...fire killed trees” (11 AAC 95.375).

Nonetheless, passive natural regeneration is expected for these forest stands. A mature stand of burned spruce or mixed spruce / hardwood typically reforests to aspen or birch as the primary species after fire. Birch and aspen typically recolonize burned areas within ten years, often at high densities due to vegetative reproduction. Further, the ground surface throughout the units was burned, resulting in thin organic layers that include favorable seedbeds for white spruce and birch. Most of the proposed sale areas are near unburned forest stands that are expected to contribute seed.

Should funds be available for post-harvest planting of white spruce seedlings, salvage harvested stands of high productivity white spruce with all-season access will be prioritized for replanting to shorten the rotation interval.

- b. Access design and construction: Access design, construction, and maintenance will comply with the Forest Resources and Practices regulations (11 AAC 95.285-.355). The planned access to all sales will be from the Pogo Mine Road. Most proposed sales are expected to utilize existing aprons connecting to the Pogo Mine Road, but some sales may require operators to construct new aprons and comply with stipulations in the DNR-Pogo Mine Road lease. New road construction will total at least 2.1 miles all-season secondary road (Rowland Forest Road), 7.0 miles of winter road (Caribou Creek and Rowland Winter Roads) and 1.3 miles of various spur roads. Stream crossings will be required to access NC-1901-D, NC-1909-D, and NC-1910-D, and loggers will be required to obtain a Fish Habitat Permit from ADF&G for building ice/snow bridges. See table below for details.

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

**Table 2: Access for each sale**

Sale #	Pogo Mine Road Mile	Season of Access	Existing Roads	New Roads*	Stream Crossings
NC-1706-D	12.2	All	Spur, 0.2 mi	Secondary, 0.3 mi Spur, 0.3 mi	--
NC-1744-D	15.0 South	Winter	Winter, 3.5 mi	Winter, 0.3 mi	--
NC-1746-D	4.6	All	Spur, 0.1 mi	--	--
NC-1748-D	12.2	All	Spur, 0.2 mi	Secondary, 0.3 mi Spur, 0.9 mi	--
NC-1855-D	12.2	All	Spur, 0.2 mi	Secondary, 2.1 mi	--
NC-1888-D	6.5	All	Spur, 0.1 mi	--	--
NC-1889-D	13.7	All	Secondary, 0.1 mi	--	--
NC-1890-D	15.0	All	Spur, 0.2 mi	Spur, 0.1 mi	--
NC-1891-D	15.0 South	All	Spur, 0.1 mi	Spur, 0.1 mi	--
NC-1895-D	4.6	All	Spur, 0.1 mi	--	--
NC-1896-D	8.7	All	--	Spur, 0.1 mi	--
NC-1901-D	4.6	Winter	Spur, 0.1 mi	Winter, 4.0 mi	Upper Keystone Creek & side drainages
NC-1902-D	7.1	All	--	Spur, 0.1 mi	--
NC-1909-D	12.2	Winter	Spur, 0.2 mi	Secondary, 2.1 mi	2 Caribou Creek tributaries
NC-1910-D				Winter, 3.0 mi	

\*Road mileage is listed for each sale individually, but some sales utilize portions of the same segments for access

DOF intends to keep roads constructed for sale access as active in order to facilitate future sale activity. A right-of-way easement will be considered for the Rowland Forest Road, depending on timber sale demand and activity. All access roads will be maintained to the road standards set out in AFRPA and the 2016 DNR-DOF Road Standards.

- c. Appraisal method: DOF will appraise the timber value in compliance with 11 AAC 71.092. Results from past auctions will provide a basis for the appraisal. DOF uses a transaction evidence appraisal system which will be used to determine base stumpage rates.

**F. Resources and management**

1. Timber.

- a) Timber stand composition and structure: All timber to be offered was killed by the 2023 Pogo Mine Road Fire. Inventoried timber stands within the proposed sale area include high productivity white spruce sawlog stands with on gentle, well-drained slopes on south-facing aspects, and mixed white spruce/hardwood pole- and saw-sized stands on steeper slopes with east or west-facing aspects. Black spruce woodlands and tussock tundra characterize low-lying areas outside and between sale boundaries. Many of the south-facing areas experienced high proportions of windthrow due to ground fires undermining their roots. Advance regeneration was mostly forbs and grasses, with some hardwood stump and root sprouting. Fires typically leave a mosaic of burn intensities, which provide distinct regeneration environments for different tree species.

- b) Stand silvics: Typical merchantable tree species are white spruce and birch, but birch wood degrades relatively quickly after mortality whereas spruce maintains its integrity for a period of time. In the Delta area, fire-killed stands have been salvaged productively for fuelwood 12+ years after disturbance (e.g., 2010 Gilles Creek Fire, 2014 Mississippi Fire).

Data and research on regeneration and growth characteristics of these species are compiled within the Resource Analysis of the Tanana Valley State Forest (TVSF) Management Plan. The harvest and reforestation systems available in Interior Alaska are also reviewed and listed in the Resource Analysis. The results of the public and agency discussions for harvest and reforestation are discussed in the TVSF Management Plan.

Passive natural regeneration is expected for these forest stands. A mature stand of burned spruce or mixed spruce / hardwood typically reforests to aspen or birch as the primary species after fire. Birch and aspen typically recolonize burned areas within ten years, often at high densities due to vegetative reproduction. Further, the ground surface throughout the units was burned, resulting in thin organic layers that include favorable seedbeds for white spruce and birch. Most of the proposed sale areas are near unburned forest stands that are expected to contribute seed.

Harvest activities will result in removal of significant material from the proposed sale areas, and in conjunction with fire effects on the seedbed, will create ideal planting conditions. Depending on available funding, former stands of high productivity spruce will be prioritized for white spruce seedling planting to shorten the rotation interval.

- c) Topography and Soils: The proposed sales will be designed and managed to prevent significant impairment of the land and water with respect to renewable resources (AS 41.17.060(c)(5)). The proposed sale locations are mostly between 1,000-1,400 foot elevation with moderate slopes 10-25%. NC-1901-D, NC-1909, and NC-1910-D are somewhat steeper and higher elevation, with slopes up to 40% and are situated between 1,200-2,000 ft. Soils in the uplands east of the Tanana River are generally deep silt loams on top of fractured bedrock, with permafrost found in the valley bottoms.
2. Agriculture. The proposed sales are not anticipated to have any impact on current or future agricultural activity in the area, and any effects of any timber sale operations for agricultural uses will be minimal.
3. Wildlife habitat and harvest. Wildlife typical of the interior are found on this site. Signs of moose were observed. There are no known raptor nests within the proposed sale area. No critical wildlife habitat has been identified for this area (ETAP).

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

Treatments proposed for this stand are expected to have a neutral effect on habitat, creating a biotic environment somewhat distinct from burned but unsalvaged areas (e.g., fewer snags and large down woody debris, diminished prey-species cover). Typical post-fire habitat benefits of vigorous forage growth and open areas are expected to be present.

4. Fish Habitat, water resources, and water quality. The proposed sales will be designed and managed to protect fish habitat and water quality in compliance with the Forest Resources and Practices Act and regulations (AS 41.17 and 11 AAC 95).

Shaw Creek is the nearest catalogued anadromous (salmon-bearing) stream. Proposed access to NC-1901-D, NC-1909-D, and NC-1910-D will involve winter crossing of upper tributaries of Keystone and Caribou Creeks, which ultimately flow into Shaw Creek and the Tanana River. Keystone Creek flows within a 6 foot wide channel (bank-to-bank) near the Pogo Mine Road crossing, and Caribou Creek flows within a 8 foot wide channel. Loggers will be required to obtain a Fish Habitat Permit from ADF&G and comply with all requirements.

DOF will ensure Best Management Practices are being adhered to by requiring a complete logging plan prior to the start of any harvesting, conducting on-site inspections during logging operations and a final inspection prior to terminating the timber sale.

5. Recreation, tourism, and scenic resources. General recreational use of the proposed timber salvage areas is low due to limited access for the public to Pogo Mine Road area. One RS-2477 trail (RST 464, Birch Lake to Caribou Creek) is known in the project area.

Trapping and hunting activity may occur within the project area. If any trails are encountered during road construction, contractors will provide for trail crossings as well as post warning signs along the road.

Impacts from the proposed harvests are not anticipated to be within view of the general public. There is no known tourism in the proposed salvage area.

NC-1901-D is buffered 100 feet from the edge of TVSF Subunit 8B, the 2,337-acre Rosa-Keystone Dunes Research Natural Area (RNA). The proposed harvest is not expected to change the natural character or affect the scientific value of the RNA.

6. Cultural Resources. DOF works with the State Historic Preservation Office (SHPO) to identify and avoid known cultural, historic or prehistoric sites in planning the proposed access routes and harvest areas. Care will be taken to locate road construction/ development to areas with low archeological potential, specifically low-to mid-slope orientation. If additional archeological sites are identified, proposed harvest areas and road locations will be appropriately adjusted to avoid conflicts. If any historic or archeological sites are encountered during road construction or

Pogo Mine Road Fire Salvage  
 Final Best Interest Finding

harvest activities, DOF will immediately inform SHPO and take action to protect the findings.

Proposed sale NC-1744-D and its access is located near the Shaw Creek Archeological District, and winter-only access and harvest is expected to minimize ground disturbance and potential impacts to archeological resources.

7. Subsurface Resources. Mineral potential in this area is moderate to high, and active mineral exploration and production continues. No adverse effects on subsurface activities are anticipated.

**G. Costs and benefits**

Salvage of the proposed timber volume may provide a benefit to the local economy due to the availability of low-cost fuel for home heating and jobs in timber harvesting. It will have a positive impact on local employment by generating numerous man-hours of work associated with the harvest and transportation of wood products from this sale. Additionally, the public may benefit from access to additional personal use fuelwood areas. High fuelwood prices will also make merchandising the tops worthwhile. Home heating continues to be expensive in interior Alaska. Salvage harvest will also provide the opportunity for re-planting productive white spruce stands and shorten the rotation interval.

**VI. PUBLIC NOTICE**

The preliminary best interest finding and decision were publicly noticed in compliance with AS 38.05.945. Notice was posted on the Alaska Online Public Notice System, and both physical and electronic notices were mailed to previous timber sale bidders as well as any property owners or business interests known to the Division in the proposed sale area. Notice was also posted on the Division of Forestry public webpage and social media.

**VII. PUBLIC COMMENT AND RESPONSE**


DOF only received comments from Alaska DNR’s Division of Mining, Land, and Water (DMLW).

COMMENT	DOF RESPONSE
F006S009E15: there are active mining claims within the vicinity of NC-1909-D and NC-1910-D (ADLs 731190, 731191, 731207, issued to Uncle Sam Alaska). Harvester should avoid disrupting mining operations.	If and when DOF decides to move forward with this proposed sale, current mining activity will be evaluated with DNR-DMLW and through field visits. DOF will consult with DMLW regarding best practices to notify mine claimants, and similar information will be shared with timber sale purchasers.
F007S010E05, F007S010E06, F006S010E31: there are active mining claims within the vicinity of NC-1889-D, NC-1890-D, NC-1891-D, NC-1912-D (ADLs 731288, 731290, 731291, issued to Uncle Sam Alaska). Harvester should avoid disrupting mining operations.	

### VIII. DISCUSSION AND FINAL FINDING AND DECISION

After due consideration of all pertinent information and alternatives, the DNR has reached the following decision: To offer for sale approximately 788 acres of mixed fuelwood salvage from state land within the Pogo Mine Road Fire footprint to provide fuelwood and facilitate reforestation as proposed in Alternative 1 and described in this PBIF. Public notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. The DOF finds that this preliminary decision satisfies the objectives stated in this document and it is in the best interest of the State to proceed with this action under its authority of AS 38.05.035(e) (Powers and Duties of the Director) & AS 38.05.110-120; 11 AAC 71 (Timber Sale Statutes and Regulations); and AS 41.17.010-.950 and 11 AAC 95 (Forest Resources and Practices Statutes and Regulations).

### IX. SIGNATURE



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Kevin Meany  
Northern Region Forester  
Alaska Division of Forestry & Fire Protection

9/12/24  
Date

### X. APPEALS

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska State Courts establish its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907) 269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b).]

If no appeal is filed by that date, this decision goes into effect as a final order and decision on October 4, 2024.

A copy of 11 AAC 02 is enclosed and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

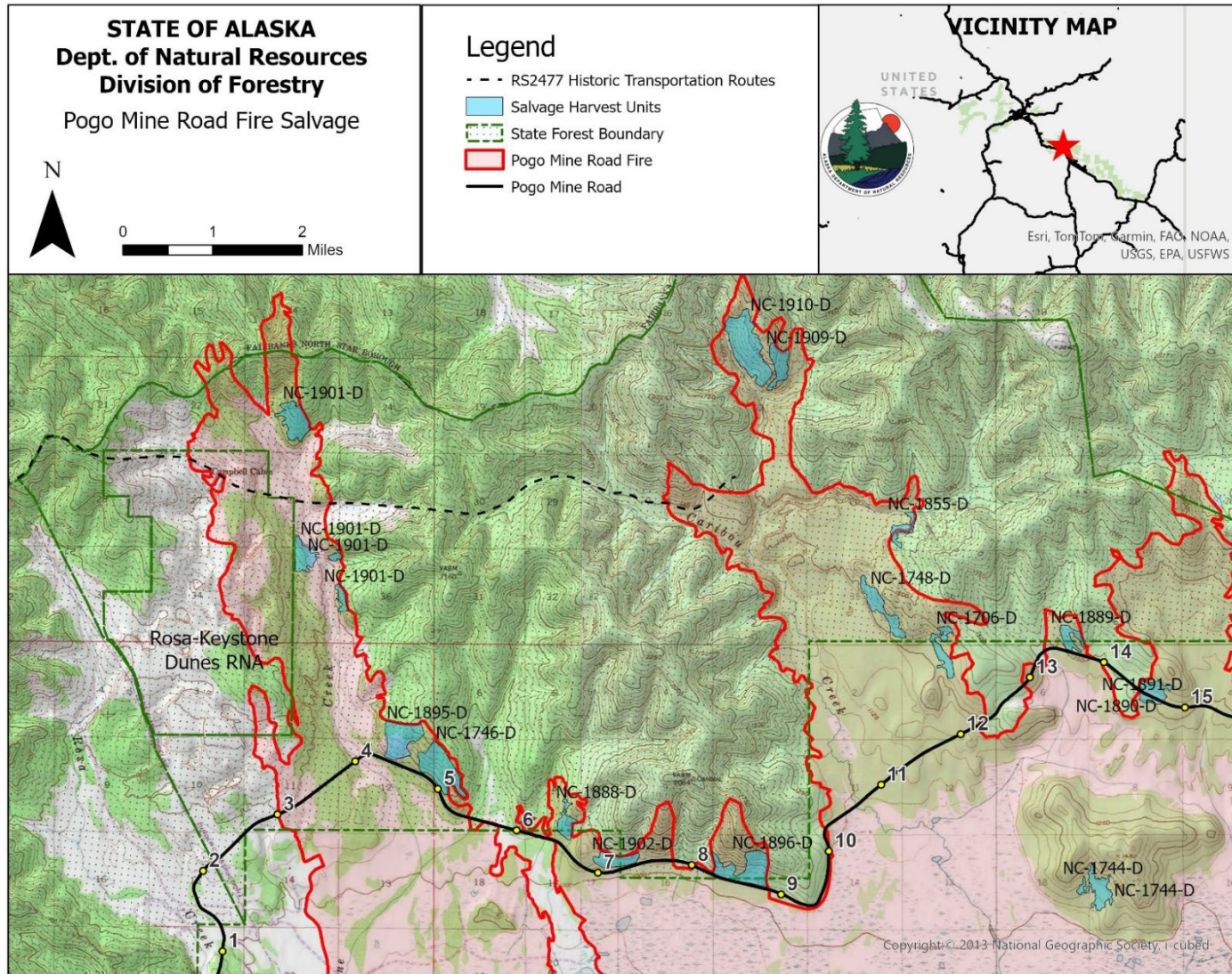
If you have any questions, please contact Andrew Allaby, Fairbanks-Delta Resource Forester, [andrew.allaby@alaska.gov](mailto:andrew.allaby@alaska.gov), 907-451-2603, 3700 Airport Way, Fairbanks AK 99709.



Pogo Mine Road Fire Salvage  
Final Best Interest Finding

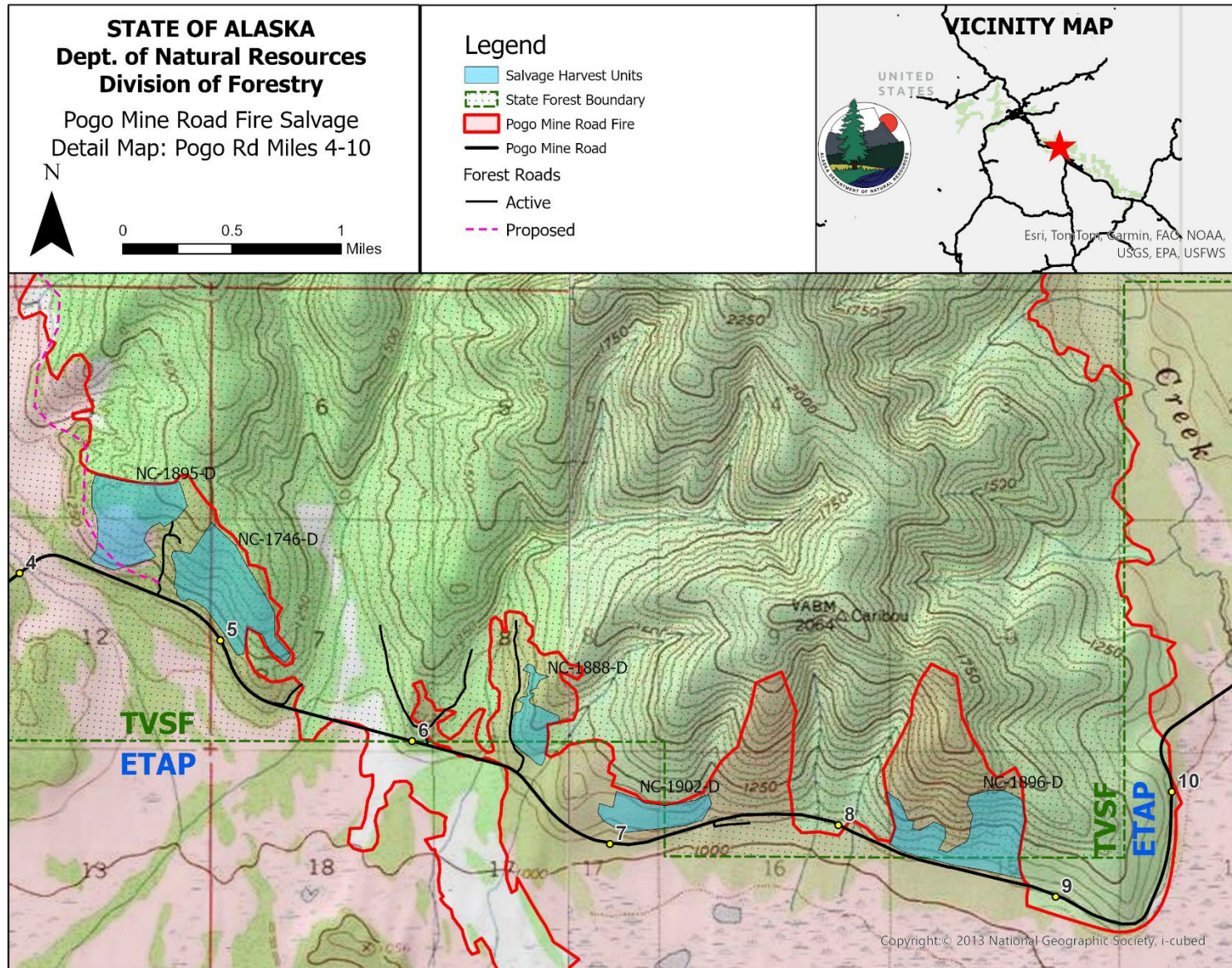
**XI. APPENDICES**

**APPENDIX A: MAPS**



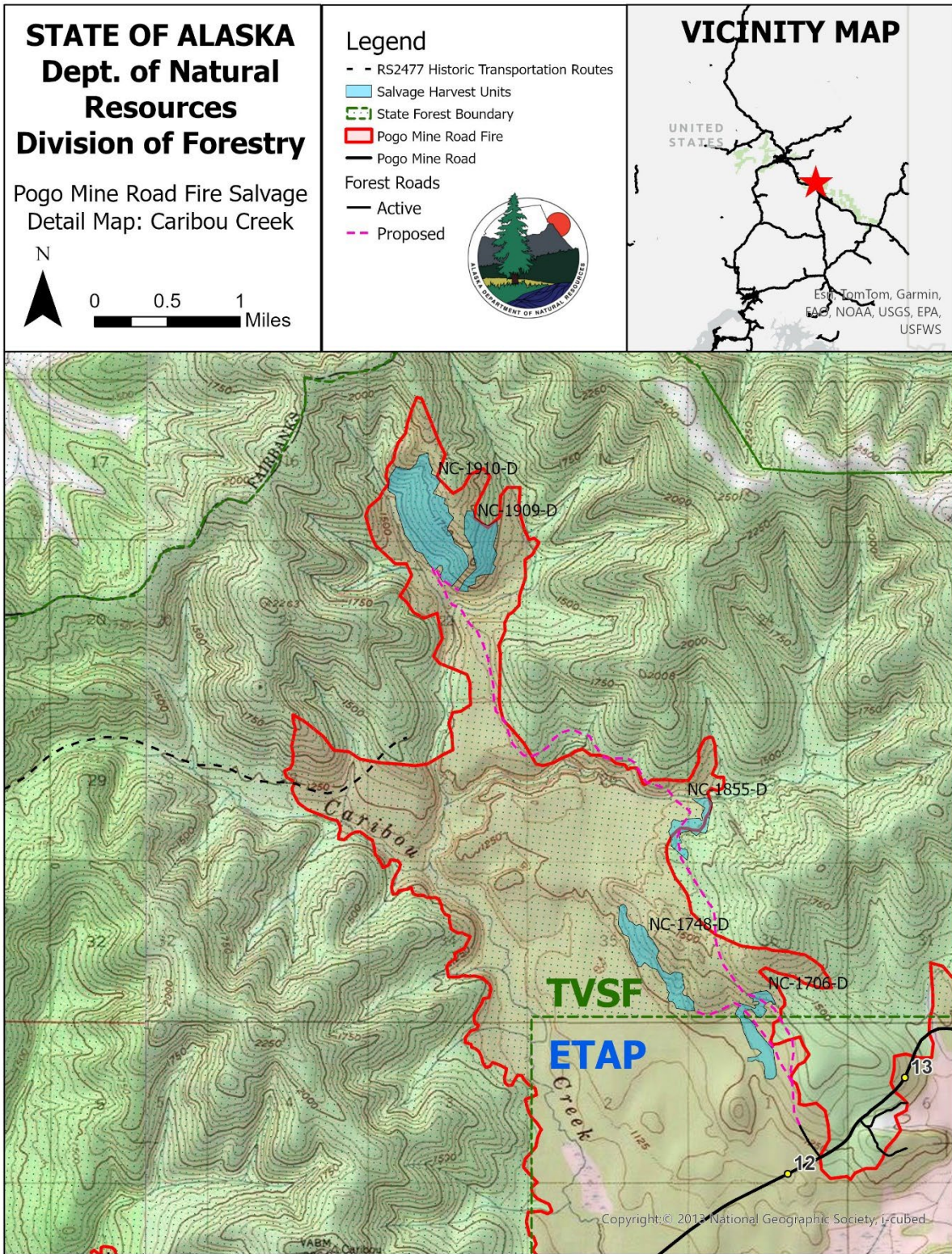


Pogo Mine Road Fire Salvage  
 Final Best Interest Finding



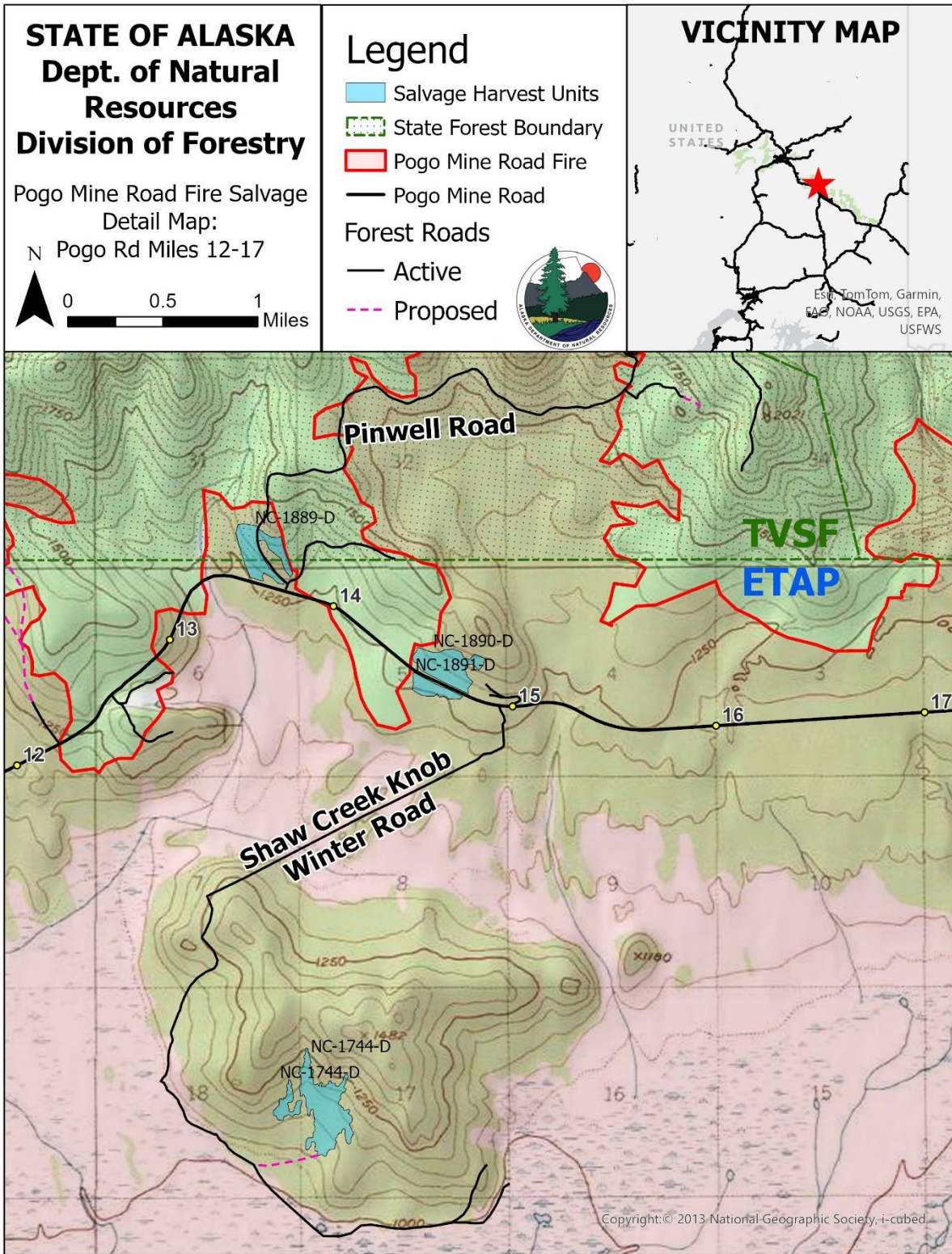


Pogo Mine Road Fire Salvage  
Final Best Interest Finding





Pogo Mine Road Fire Salvage  
 Final Best Interest Finding



## **APPENDIX B: APPEAL AND REQUEST FOR RECONSIDERATION REGULATIONS**

Note: "Appeal" means a request to the commissioner to review a decision that the commissioner did not sign or cosign. "Request for reconsideration" means a petition or request to the commissioner to review an original decision that the commissioner signed or cosigned.

### **11 AAC 02 Regulations**

#### **11 AAC 02.010. Applicability and eligibility.**

- (a) This chapter sets out the administrative review procedure available to a person affected by a decision of the department. If a statute or a provision of this title prescribes a different procedure with respect to a particular decision, that procedure must be followed when it conflicts with this chapter.
- (b) Unless a statute does not permit an appeal, an applicant is eligible to appeal or request reconsideration of the department's decision on the application. An applicant is eligible to participate in any appeal or request for reconsideration filed by any other eligible party.
- (c) If a statute restricts eligibility to appeal or request reconsideration of a decision to those who have provided timely written comment or public hearing testimony on the decision, the department will give notice of that eligibility restriction as part of its public notice announcing the opportunity to comment.
- (d) If the department gives public notice and allows a public comment period of at least 30 days on a proposed action, and if no statute requires opportunity for public comment, the department may restrict eligibility to appeal or request reconsideration to those who have provided timely written comment or public hearing testimony on the proposed action by including notice of the restriction as part of its public notice announcing the opportunity to comment.
- (e) An eligible person affected by a decision of the department that the commissioner did not sign or cosign may appeal the decision to the commissioner within the period set by 11 AAC 02.040.
- (f) An eligible person affected by a decision of the department that the commissioner signed or cosigned may request the commissioner's reconsideration within the period set by 11 AAC 02.040.
- (g) A person may not both appeal and request reconsideration of a decision.

#### **11 AAC 02.015. Combined decisions.**

- (a) When the department issues a combined decision that is both a final disposal decision under AS 38.05.035(e) and any other decision, including a disposal decision combined with a land use plan decision, or a disposal decision to grant certain applications combined with a decision to deny others, the appeal process set out for a disposal decision in AS 38.05.035(i) - (m) and this chapter applies to the combined decision.
- (b) Repealed 12/27/2012.

#### **11 AAC 02.020. Finality of a decision for purposes of appeal to court.**

- (a) Unless otherwise provided in a statute or a provision of this title, an eligible person must first either appeal or request reconsideration of a decision in accordance with this chapter before

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

appealing a decision to superior court.

(b) The commissioner's decision on appeal is the final administrative order and decision of the department for purposes of appeal to the superior court.

(c) The commissioner may order or deny a request for reconsideration within 30 calendar days after issuance of the decision, as determined under 11 AAC 02.040(c) - (e). If the commissioner takes no action during the 30-day period, the request for reconsideration is considered denied. Denial of a request for reconsideration is the final administrative order and decision of the department for purposes of appeal to the superior court.

(d) If the commissioner timely orders reconsideration of the decision, the commissioner may affirm the decision, issue a new or modified decision, or remand the matter to the director for further proceedings. The commissioner's decision, other than a remand decision, is the final administrative order and decision of the department for purposes of appeal to the superior court.

**11 AAC 02.030. Filing an appeal or request for reconsideration.**

(a) An appeal or request for reconsideration under this chapter must

- (1) be in writing;
- (2) be filed by personal service, mail, facsimile transmission, or electronic mail;
- (3) be signed by the appellant or the appellant's attorney, unless filed by electronic mail; an appeal or request for reconsideration filed by electronic mail must state the name of the person appealing or requesting reconsideration and a single point of contact to which any notice or decision concerning the appeal or request for reconsideration is to be sent;
- (4) be correctly addressed;
- (5) be timely filed in accordance with 11 AAC 02.040;
- (6) specify the case reference number used by the department, if any;
- (7) specify the decision being appealed or for which reconsideration is being requested;
- (8) specify the basis upon which the decision is challenged;
- (9) specify any material facts disputed by the appellant;
- (10) specify the remedy requested by the appellant;
- (11) state the address to which any notice or decision concerning the appeal or request for reconsideration is to be mailed; an appellant may also provide a telephone number where the appellant can be reached during the day or an electronic mail address; an appeal or request for reconsideration filed electronically must state a single address to which any notice or decision concerning the appeal or request for reconsideration is to be mailed;
- (12) identify any other affected agreement, contract, lease, permit, or application by case reference number, if any;
- (13) include a request for an oral hearing, if desired; in the appeal or request for reconsideration, the appellant may include a request for any special procedures to be used at the hearing; the appeal or request for reconsideration must describe the factual issues to be considered at the hearing; and
- (14) be accompanied by the applicable fee set out in 11 AAC 05.160.

(b) At the time an appeal is filed, and up until the deadline set out in 11 AAC 02.040(a) to file the appeal, an appellant may submit additional written material in support of the appeal, including evidence or legal argument.

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

(c) If public notice announcing a comment period of at least 30 days was given before the decision, an appellant may not submit additional written material after the deadline for filing the appeal, unless the appeal meets the requirements of (a) of this section and includes a request for an extension of time, and the department determines that the appellant has shown good cause for an extension. In considering whether the appellant has shown good cause, the department will consider factors including one or more of the following:

- (1) comments already received from the appellant and others;
- (2) whether the additional material is likely to affect the outcome of the appeal;
- (3) whether the additional material could reasonably have been submitted without an extension;
- (4) the length of the extension requested;
- (5) the potential effect of delay if an extension is granted.

(d) If public notice announcing a comment period of at least 30 days was not given before the decision, an appellant may submit additional written material after the deadline for filing the appeal, if the appeal meets the requirements of (a) of this section and includes a notice of intent to file the additional written material. The department must receive the additional written material within 20 days after the deadline for filing the appeal, unless the appeal also includes a request for an extension of time, and the department determines that the appellant has shown good cause for an extension. In considering whether the appellant has shown good cause, the department will consider factors including one or more of the following:

- (1) comments already received from the appellant and others;
- (2) whether the additional material is likely to affect the outcome of the appeal;
- (3) whether the additional material could reasonably have been submitted without an extension;
- (4) the length of the extension requested;
- (5) the potential effect of delay if an extension is granted.

(e) At the time a request for reconsideration is filed, and up until the deadline to file a request for reconsideration, an appellant may submit additional written material in support of the request for reconsideration, including evidence or legal argument. No additional written material may be submitted after the deadline for filing the request for reconsideration.

(f) If the decision is one described in 11 AAC 02.060(c), an appellant may ask for a stay as part of the appeal or request for reconsideration. The appellant must include an argument as to why the public interest requires a stay.

**11 AAC 02.040. Timely filing; issuance of decision.**

(a) To be timely filed, an appeal or request for reconsideration must be received by the commissioner's office within 20 calendar days after issuance of the decision, as determined under (c) or (d) of this section, unless another period is set by statute, regulation, or existing contract. If the 20th day falls on a day when the department is officially closed, the appeal or request for reconsideration must be filed by the next working day.

(b) An appeal or request for reconsideration will not be accepted if it is not timely filed.

(c) If the appellant is a person to whom the department delivers a decision by personal service or by certified mail, return receipt requested, issuance occurs when the addressee or the addressee's agent signs for the decision. If the addressee or the addressee's agent neglects or refuses to sign for the certified mail, or if the address that the addressee provided to the department is not correct, issuance by certified mail occurs when the decision is deposited in a

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

United States general or branch post office, enclosed in a postage-paid wrapper or envelope, addressed to the person's current address of record with the department, or to the address specified by the appellant under 11 AAC 02.030(a)(11).

(d) If the appellant is a person to whom the department did not deliver a decision by personal service or certified mail, issuance occurs

(1) when the department gives public notice of the decision; or

(2) if no public notice is given, when the decision is signed; however, the department may state in the decision a later date of issuance and the corresponding due date for any appeal or request for reconsideration.

(e) The date of issuance constitutes delivery or mailing for purposes of a reconsideration request under AS 44.37.011(d) or AS 44.62.540(a).

**11 AAC 02.050. Hearings.**

(a) The department will, in its discretion, hold a hearing when questions of fact must be resolved.

(b) The hearing procedure will be determined by the department on a case-by-case basis. As provided in 11 AAC 02.030(a)(13), any request for special procedures must be included with the request for a hearing.

(c) In a hearing held under this section

(1) formal rules of evidence need not apply; and

(2) the hearing will be recorded, and may be transcribed at the request and expense of the party requesting the transcript.

**11 AAC 02.060. Stays; exceptions.**

(a) Except as provided in (c) and (d) of this section, timely appealing or requesting reconsideration of a decision in accordance with this chapter stays the decision during the commissioner's consideration of the appeal or request for reconsideration. If the commissioner determines that the public interest requires removal of the stay, the commissioner will remove the stay and allow all or part of the decision to take effect on the date set in the decision or a date set by the commissioner.

(b) Repealed 9/19/2001.

(c) Unless otherwise provided in a statute or a provision of this title, a decision takes effect immediately if it is a decision to

(1) issue a permit that is revocable at will;

(2) approve surface operations for a disposal that has already occurred or a property right that has already vested; or

(3) administer an issued oil and gas lease or license, or an oil and gas unit agreement.

(d) Timely appealing or requesting reconsideration of a decision described in (c) of this section does not automatically stay the decision. However, the commissioner will impose a stay, on the commissioner's own motion or at the request of an appellant, if the commissioner determines that the public interest requires it.

(e) A decision takes effect immediately if no party is eligible to appeal or request reconsideration and the commissioner waives the commissioner's right to review or reconsider the decision.

**11 AAC 02.070. Waiver of procedural violations.**

Pogo Mine Road Fire Salvage  
Final Best Interest Finding

The commissioner may, to the extent allowed by applicable law, waive a requirement of this chapter if the public interest or the interests of justice so require.

**11 AAC 02.900. Definitions.**

In this chapter,

- (1) “appeal” means a request to the commissioner to review a decision that the commissioner did not sign or cosign;
- (2) “appellant” means a person who files an appeal or a request for reconsideration;
- (3) “commissioner” means the commissioner of natural resources;
- (4) “decision” means a written discretionary or factual determination by the department specifying the details of the action to be allowed or taken;
- (5) “department” means, depending of the particular context in which the term is used, the Department of Natural Resources, the commissioner, the director of a division within the Department of Natural Resources, or an authorized employee of the Department of Natural Resources;
- (6) “request for reconsideration” means a petition or request to the commissioner to review an original decision that the commissioner signed or cosigned.