

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY



SOUTHEAST AREA

**BEST INTEREST FINDING AND ADOPTED
FOREST LAND USE PLAN FOR
JINHI BAY TIMBER SALE
SSE-1374-K**

OCTOBER 2020

Abbreviations

ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
BIF	Best interest finding
DMLW	Division of Mining, Land and Water
DOF	Division of Forestry
FLUP	Forest Land Use Plan
FRPA	Alaska Forest Resources and Practices Act
FYSTS	Five-year Schedule of Timber Sales
MBF	Thousand board feet
POG	Productive old growth
POW	Prince of Wales
POWIAP	Prince of Wales Island Area Plan
ROW	Right-of-way
SESF	Southeast State Forest
SESFMP	Southeast State Forest Management Plan
SHPO	State Historic Preservation Office
UA	University of Alaska
USFS	United States Forest Service

Table of Contents

I.	PROPOSED ACTION	3
II.	STATUTORY AND REGULATORY AUTHORITY	3
III.	ADMINISTRATIVE RECORD	3
IV.	SCOPE OF DECISION	3
V.	PROJECT LOCATION, LAND STATUS, AND DESCRIPTION	5
VI.	PUBLIC NOTICE.....	15
VII.	PUBLIC COMMENT AND RESPONSE	15
VIII.	DISCUSSION AND FINAL FINDING AND DECISION.....	16
IX.	SIGNATURE	16
X.	REQUESTS FOR RECONSIDERATION	16
XI.	APPENDICES	17
Appendix A	SSE-1374-K Jinhi Bay Timber Sale Salvage Area Map	18
Appendix B	References	19
Appendix C	Appeal and Request for Reconsideration Regulations	20
Appendix D	SSE-1374-K Jinhi Bay Timber Sale Comments & Responses (none)	26
Appendix E	SSE-1374-K Jinhi Bay Salvage Timber Sale Forest Land Use Plan.....	27

I. PROPOSED ACTION

The Division of Forestry (DOF) is proposing to offer for sale approximately 11 acres of mature old growth timber composed of western hemlock, Sitka spruce and western red cedar from state lands on Tuxekan Island, approximately one mile west of the community of Naukati (see Appendix A, Timber Sale Area Map). The volume to be offered totals approximately 320 thousand board feet (MBF). The timber in this defined area adjacent to Jinhi Bay has blown over in the past two years. The timber is uprooted and has a predominate lay to the north west; there is minor breakage in the timber. As of November 2019, the timber was still green. The DOF proposes to sell the commercial timber in one negotiated sale under provisions of AS 38.05.115. DOF chose a negotiated timber sale because of the complex access method and means the site requires and the perishable condition of the timber. The DOF has received interest in the timber from several Southeast Alaska purchasers. The sale will be noticed per AS 38.05.945 prior to being sold.

The management objectives for the proposed timber sale are:

1. To salvage the wind-thrown timber to the extent economically feasible prior to significant loss of merchantable value;
2. Prepare the site and encourage reforestation of the area as soon as practical for multiple use;
3. To follow the Alaska Department of Natural Resources' (ADNR) constitutional mandate to encourage the development of the State's renewable resources, making them available for maximum use consistent with the public interest;
4. 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.

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 Southeast Area Office filed as SSE-1374-K.

IV. SCOPE OF DECISION

This best interest finding (BIF) is part three of a six-part process to design, sell, and administer timber sales. This BIF covers the sale of approximately 11 acres of mature old growth forest composed

of western hemlock, Sitka spruce and western red cedar on state land within the perimeter of the project area (see Appendix A1, Timber Sale Area Map). The following list summarizes the overall process:

Part 1: Regional Planning. The Department of Natural Resources 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 timber sales are an allowed use, and what other uses must be considered when designing and implementing timber sales. Subsequent land use decisions must be consistent with provisions contained within the applicable area and/or forest plans. The project area in this BIF is covered by the Sea Otter Sound Subunit 7b of the Prince of Wales Island Area Plan (POWIAP). The Land Classification of the parcel is General Use (GU). A very small amount of the area may be on Southeast State Forest.

Part 2: Five-year Schedule of Timber Sales (AS 38.05.113). The Southern Southeast Area Office prepares a Five Year Schedule of Timber Sales (FYSTS) every other year. The Schedule identifies proposed sales, including their location, volume, and main access routes. The FYSTS is a scoping document that provides an opportunity for public, agency, and industry to identify potential issues and areas of interest for further consideration in the BIF. Under AS 38.05.113, proposed timber sales within the area covered by this BIF must appear in at least one of the two FYSTSs preceding the sale. The proposed timber sale area was not included in the recent FYSTS because of its small size and the salvage nature of the harvest.¹²

Part 3: Best Interest Finding (AS 38.05.035(e)). DOF must adopt a 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.

Part 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 has prepared a FLUP for the harvest area within the overall sale area covered by this best interest finding. The FLUP specifies the site, size, timing, and harvest methods for harvest units within the sale area. The FLUP also addresses site-specific requirements for access construction and maintenance, reforestation, and multiple use management. The FLUP is based on field work and site-specific analyses by the DOF. Appropriate regulatory agencies have been consulted, and the plan was subject to public review.

¹ Under AS 38.05.113, sales of 160 acres or less and emergency sales are exempt from Five-Year Schedule requirements.

² The POWIAP (Chapter 2) required noticing harvests in two FYSTS based on the applicable statute at the time. In 2003, the statute was changed to the current standard of at least one FYSTS.

Part 5: Timber Sales and Contracts. Following adoption of the BIF, the DOF may offer the timber for sale using the identified authority. The Division will sign a contract with the purchaser for each sale. The contract will include stipulations to ensure compliance with the BIF, FLUP, and statutory requirements.

Part 6: Sale Administration. DOF will administer the timber sale and conduct field inspections to ensure compliance with the BIF, FLUP, timber sale contract, and applicable laws, including the Alaska Forest Resources and Practices Act (FRPA) 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 timber sale area is found within the SW ¼ of the NE ¼ of Section 23, Township 69 South, Range 79 East, Copper River Meridian (CRM). The sale area is found within the Craig D-4 USGS quadrangle. See Appendix A1, Area Map, Best Interest Finding, SSE-1374-K Jinhi Bay Salvage.

B. Title status

The sale area lands were granted to the State through National Forest Community Grant 346.

C. Land use planning, classification, and management intent

The timber salvage area is predominately within the geographic region covered by the POWIAP. A very small amount of the area may be on Southeast State Forest. The area in this BIF is covered by the Sea Otter Sound Subunit 7b in the POWIAP and is adjacent to the Tuxekan Unit in the Southeast State Forest Management Plan. The land classification for the area is General Use under the POWIAP. The DOF is the land manager for the SESF; the DMLW is the land manager for all lands in this timber sale. The DOF is the forest resource manager for all State land contained in the timber sale. The specific management intent for the uses in the areas follow (excerpted from the POWIAP):

POWIAP

Sea Otter Sound Subunit 7b

MANAGEMENT INTENT

State tidelands and submerged lands will be managed for multiple use. Logging, centered on Tuxekan Island, is the primary economic activity. State tidelands and submerged lands will be managed to support this activity.

Tidelands and submerged lands will also be managed to protect the most important recreation and fish and wildlife habitat and harvest areas. Stoney Creek and its estuary, which drains into Tuxekan Passage, are very popular with area residents and island visitors for fishing and waterfowl hunting. Other popular recreation areas include Surku Cove, Scott Lagoon, and the narrow passage known as Skookum Chuck between El Capitan Island and Tuxekan Island.

Management of these state tidelands and submerged lands will emphasize the recreation values.

Jinhi Bay has protected waters that can be assessed from the Tuxekan road system. This subunit will be managed for multiple uses. Water dependent commercial or industrial activities are both considered appropriate at Jinhi Bay, and there is limited usable waterfront land for water-related commercial or industrial activities at Naukati. Inland areas can support a variety of uses, including limited timber harvest.

All state lands in this subunit are open to mineral entry.

AQUATIC FARMING

Aquatic farming is allowed but should locate in a place and in a manner that will have minimum impacts on primary designated uses. Where feasible and prudent, aquatic farming should locate in open water or in larger bays rather than in small isolated coves.

Aquatic farming should not preclude residential uses, including access, anchorage, and planned disposal of land. Aquatic farming support facilities may be located on state uplands at Jinhi Bay.

FISH AND WILDLIFE

Land designated fish and wildlife habitat and harvest will be managed to avoid significant impacts to habitats and traditional harvest activities. Impacts on non-designated community harvest areas should be considered when authorizing activities (see *plan* Map 1-1).

FLOATHOMES

Floating residential facilities associated with resource development activities at Nichin Cove should be allowed if consistent with other guidelines of the plan. Residential floathomes should not impact designated resources or uses. Other floating residential facilities should have minimum impact on designated resources or uses.

FORESTRY

Log transfer for Tuxekan Island timber will continue at the long-term site in Nichin Cove (Site 7.22 LT). The U.S. Forest Service may need a log transfer on the west side of Tuxekan Island (Site 7.20 LT) for approximately 15 MMBF of timber. West Tuxekan (Site 7.20 LT) has been designated Forestry but road haul to Nichin Cove is preferred (see guideline below).

State tidelands and submerged lands designated “F” (Forestry) will be managed to support timber harvest activities consistent with other co-primary designations and guidelines.

Upland areas designated General Use may be used for timber harvest subject to the restrictions of Chapter 2 guidelines. All harvest activity must also be compatible with future commercial/industrial uses adjacent to Jinhi Bay. The latter areas are not expected to develop significantly during this planning period, but harvest operations must be coordinated with any site development activities conducted for this type of development. Because of the extensive past cutting, further harvest in the northwest parcel during the planning period is inappropriate. Timber harvest in the southeastern tract must consider habitat requirements adjacent to the coast during the FLUP planning process.

MINERALS

All state lands are open to mineral entry.

RECREATION

State tidelands and submerged lands that are access points for upland recreation activities or facilities are designated recreation. State tidelands and submerged lands designated recreation will be managed to preserve or improve the identified recreational activities and values.

SETTLEMENT

State uplands adjacent to the coast at Jinhi Bay will be managed to support water-related commercial and industrial activities related to the community of Naukati. This is because of the limited suitable waterfront for these uses at Naukati. Residential development in this sub-unit is only intended to occur when the supply of residential land at Naukati becomes limited. No residential land disposals are planned at Jinhi Bay because of options for private land ownership at Naukati and because of public preference for concentrating land disposals. Residential land disposal may be reconsidered during plan updates. Residential activities associated with authorized activities should be allowed if it is not practical to reside in Naukati. Other activities, such as commercial recreation, should be allowed consistent with the intent and guidelines of the plan.

The Jinhi Bay area is to be managed to support long-term settlement and water-related commercial and industrial development, situated at appropriate locations on the coast. Activities, such as aquatic farming, should be allowed adjacent to state land if options for settlement activities are retained and if aquatic farming will not cause other settlement activities to meet significantly higher sewage treatment requirements. Inland areas may be used to support other compatible uses and may include limited timber harvest.

D. Current access and land use

The sale area is located adjacent to Naukati on Tuxekan Island which is directly west of Prince of Wales. The access for this sale area is by water.

The adjacent significant landowners are the Sealaska Corporation and the United States Forest Service.

The DOF sold and harvested a timber sale to the south of this project area 20 years ago. The USFS has had multiple sales on the island for the last 70 years and has also pre-commercially thinned several large blocks of young growth timber. The tract to the west of the sale is owned by Sealaska and has a primary purpose of forest management.

The USFS managed the project area prior to the State and Sealaska conveyances and conducted timber harvest and other forest management activities in the area during the past 50 years; the project area contains numerous forest roads managed by the USFS, Sealaska and the State. Sealaska has had commercial forest operations on the island south of the project area since land was conveyed in 2014.

The DMLW has leased 0.8 acres of State tidelands (ADL 106998) approximately 1,600 feet to the north of this project to a private entity for growing oysters next to the small set of islands at the mouth of the bay since 2003.

The small bay off Jinhi Bay that accesses the sale area is designated in the POWIAP as a commonly used public anchorage.

The surrounding area experiences incidental use by the public for a variety of uses related to semi-remote recreation including, but not limited to berry picking, hiking and hunting.

E. Background and description of proposal

1. Background:

The DOF was approached in late 2018 by several commercial timber operators reporting timber had blown over near Jinhi Bay on Tuxekan Island. Several of these entities voiced an interest in salvaging the wood. The DOF visited the site in the spring and fall of 2019 to scope and quantify the damage to the resource.

2. Timber Volume and Sustained Yield:

The total estimated saw log volume identified in the blowdown is approximately 320 MBF based on past comparable timber cruise information to the south.

The Division of Forestry is required to manage its timber harvest on State Forest and General Use classified land on a sustained yield basis. “Sustained Yield” means the “achievement and maintenance in perpetuity of an annual or regular periodic output of the various renewable resources of the State land consistent with multiple use” (AS 38.04.910). The Division’s policy is to define “regular periodic output” as output over a ten-year period. This is done to allow for market fluctuations and operational restrictions. Based on the DOF inventory of the land and the timber base, it uses an annual allowable cut of 9,100 MBF per year for the Southern Southeast Area. Timber sales that are sold in the Southeast Area will remain within the constraints of the allowable cut and will comply with sustained yield requirements at the time they are sold. The duration of the timber sale contract(s) will be governed by the economic conditions at the time of the sale. This timber sale is well within the annual allowable cut for forest managed state land.

3. Harvest Unit Design:

Reconnaissance indicates the area is harvestable using shovel logging techniques. The unit is designed to recover the bulk of the timber that has blown over. The unit is bounded by the bay to the north; timber has been affected to the water’s edge. Timber necks down to the east defining the unit with 30 year old blow down that has reforested with a 50% crown closure. The unit is constrained by standing timber on a steep bluff on the south side. The property line with Sealaska is on the west side. The blowdown timber continues onto Sealaska property and partially affects approximately another acre on steeper ground.

The DOF did not observe significant surface drainages on the site. Drainage is occurring subsurface in the soils and bedrock. No karst structures (depressions or sink holes) were observed. Several wet areas were encountered that can be avoided or managed using standard shovel logging techniques to keep equipment from compacting or significantly displacing soil. The Division of Forestry will suspend yarding during periods of saturated soil conditions if degradation of surface waters or soil movement is likely to result.

4. Unit Access:

The unit was scoped for three possible methods of access.

- a. Barge access. This is the preferred and proposed method of development. There are no mills or export yards on the island. All timber harvested on the island for the past several decades has been trucked to and removed by barge at Nichin Cove log transfer (LTF) facility to other locations on the west coast of Prince of Wales Island. Transferring the timber to a barge directly in Jinhi Bay would eliminate the cost of road construction and hauling from the project to the Nichin LTF. Site access would be from a designated equipment landing ramp on the beach. The DOF field staff reviewed the area and identified one suitable access point for a barge landing. Operational constraints applied were based on the barge traffic observed in the area and past practices. The plan of operation has been authorized as conforming with Nationwide Permit (NWP) No. 33 (Temporary Construction, Access, and De-watering) from the Department of the Army and is documented in POA-2020-00280 issued on August 7, 2020. Shot rock fill is proposed to be laid on the intertidal area of the beach and brought to grade utilizing heavy equipment via the barge. Fill will be placed on the beach when tidal water is absent. The barge access point on the beach will be armored with a clean shot rock pad to protect the existing beach and facilitate traffic access between the uplands and the barge with heavy equipment for movement of the logs. Clean shot rock preapproved by the DOF would be imported by barge from a nearby commercial source. Care would be used to source the rock from a compatible source like the existing shoreline rock to minimize chemical imbalances to the beach area. The design of the landing has accommodated and avoided identified small offshore eel grass beds. Upon completion of the barge landing and the staging of the logs in the upland, the logs will be loaded directly onto the barge and transported to market during favorable tidal conditions. Logs and equipment will not be placed in or operated in waters. Staging on the beach other than during the access and demobilization will not occur. Barges will bear against the fill material during loading but will not ground on the beach. Log handling will be managed to avoid manipulation and abrasion in the intertidal area. Silt runoff will be mitigated by the open nature of the rock fill and site grading to direct any accumulated surface water away from the transfer area. Once timber salvage operations are complete, the barge landing will be obliterated, and all associated fill will be reclaimed and stockpiled on State-owned uplands. Scoping indicates that the site would be accessed approximately five times by barge traffic for placing the rock, loading the logs and site obliteration. Loading time per barge trip on the beach is estimated to be less than three hours. Functions such as cutting, logging, and upland equipment fueling will be supported by smaller boats through the same access point.
- b. Road access. This option examined would construct an extension from the end of the existing road system north from State Forest land. That existing road system was built

- in 2003, ties to the USFS road system on the island and was closed after harvest. The road extension was field located by DOF and would entail the construction of approximately 1,300 feet of road and the reopening of the spur system from the southern property line. Economic analysis indicated that this would be economically prohibitive.
- c. Helicopter harvest. This option would entail the logs be flown to the existing road system or a barge. The wood quantity and quality does not justify the mobilization cost and support needed for this type of harvest system; helicopter harvest is typically limited to the recovery of high value timber that can support its cost. Markets will not support this harvest method during the short window of opportunity to recover this wood before it loses its value. Due to the haphazard condition of the blown-down timber, it will be expensive to cut the timber, and is difficult to identify and handle the higher quality logs individually. Lastly, this method would also not solve the objectives of removing the bulk of the timber mass to improve reforestation and site conditions.

F. Resources and management

1. Timber

a. Timber Stand Composition and Structure:

This stand is wind-thrown timber, consisting of mixed Sitka spruce, western hemlock, and western red cedar. The stand was predominately an old growth stand. The west side of the unit was composed of mixed old and young growth timber. The piece size observed for the first log of the young growth spruce stems is considered merchantable in the current market conditions.

Minor amounts of timber within the designated area are still standing, primarily on the edges of the bowl. They look likely to blow over prior to reforestation of the bulk of the affected area.

The stand to the southeast on Southeast State Forest land was harvested in 2003 and is regenerating vigorously, primarily with Sitka Spruce and western hemlock that is 20 to 25 feet tall and is fully stocked. This stand's net cut-out averaged 38 MBF/ acre and was primarily large hemlock. While this stand has significant observable components of red cedar and Sitka spruce, the stand proposed for salvage was not logged at that time primarily due to the added cost of access. The area to the east of the proposed salvage area during that period did show evidence of long term wind disturbance. The decision to leave the stand was guided by the DOF management intent for multiple use to provide a retention area of approximately 300 feet in depth adjacent to tidewater. Prior to blow-down, the stand did provide a visual screen to Jinhi Bay and shoreline wildlife cover.

The area to the southwest was harvested in the early 1940s and has regenerated vigorously in Sitka spruce and western hemlock. The timber is of merchantable size on the

better site aspects. During the entry in the 1940s, portions of these stands were partially logged of spruce or were adjacent to the yarding corridors from the interior of the island that ended at Jinhi Bay. This activity created the mixed age stand on the west side of the proposed salvage, and opening the stand probably created the secondary effect of incidental blowdown on the residual stems. The bulk of the proposed salvage area appears to have been left standing during the previous harvest due to its species mix.

b. Stand Silvics:

Forests continually change. Natural and managed timber stands in southeast Alaska experience large natural disturbances, primarily from wind action. Trees weakened from age, previous damage or those subject to site stress (prevailing wind exposure, steep terrain, insect activity, etc.) tend to experience more damage. This site, due to its prevailing wind patterns, is likely prone to wind disturbance naturally. While the extent of the present disturbance was not anticipated, the impact is not a complete surprise.

Second-growth forests adjacent and to the west and south of the proposed harvest area and on the larger point to the east exhibit productive site conditions and are between 15 and 70 years old. Portions of the stand to the east and south were pre-commercially thinned and have responded well.

Some precommercial thinning will likely be done on the young growth stand on the State Forest parcel to the south to shape merchantable products (typically saw logs) when it reaches the stem exclusion stage at approximately 30 years of age. If the site is logged, the DOF will likely consider applying a thinning prescription to promote the original multiple use intent.

- c. Reforestation and Site Preparation: The sale area will be reforested in compliance with the Forest Resources and Practices regulations (11 AAC 95.375-.390). The DOF will conduct post-harvest reforestation inspections of all areas of commercial timber harvest to ensure that the stocking of natural regeneration meets or exceeds FRPA reforestation requirements.

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. Experience with this regeneration method on POW has shown that well-stocked stands are readily established. Logging will break down the slash piece size and residuals to the ground level, accelerating decomposition and opening more growing space. Disturbance associated with logging will also increase seed bed opportunity and survival by creating mineral soil access and micro relief. Without salvage, seedling growth tends to be limited to the exposed areas on overturned trees. While the trees will grow if the site is left alone, regeneration will be faster and will take on a better form if it is logged at this point. DOF expects that reforestation will occur more quickly with the removal of the timber covering the ground.

Sitka spruce and red cedar are the preferred species for reforestation in the projected future market conditions. Spruce will likely be the favored and dominant species due to anticipated scarification in the units during harvesting operations, and openings provide direct sunlight that generally favors spruce regeneration. Scarification disturbs the vegetative mat and in turn provides a more receptive seed bed. Western hemlock and western red cedar will likely be major components of the regenerated stand as well, since they currently occupy the sites and are providing a seed source.

d. Topography and Soils:

Wind turbulence from the older adjacent southeast clearcut, combined with funneling topography precipitated the bulk of the laydown of the timber between 2018-2020.

The site drains to the north and generally is on the lee side of the island. The timber sale occupies an area with broken topography bounded by a limestone bluff on the south side that abruptly ends to the east, allowing the prevailing winds to roll into the site after passing over the island. Elevation is less than 100 feet within the sale area. Most of the sale area has slopes of less than 30 percent. Bedrock appears to be shallow. Soil characteristics are a well-drained glacial cobble mix on decayed mudstone bedrock with limestone inclusions showing. These soils appear relatively stable.

Bedrock features are prominent in the bluff area to the south. The weathered rock and the overlying vegetative accumulation is governing soil stability on the steeper ground. The extent of the blowdown targeted for recovery is limited to what is reachable with a log loader from the base of the bluff on low slopes.

While slope failure can occur due to harvest activity, it is more often a product of a natural mechanism on steeper terrain. Best management practices focus loggers on maintaining the subsurface vegetation mat to provides macro and surface stability to soils.

The likelihood that soil movement could threaten other resources of concern is low. The proposed sale 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)).

2. Agriculture.

No conventional upland agricultural use or grazing is known to occur within the area. Aquaculture operations occur in the bay to the north. The avoidance and minimization of activity in the tidal area outlined in the access permit from the Department of the Army documented in POA-2020-00280 is designed to avoid significant impact to the saltwater environment.

3. Wildlife habitat and harvest.

This sale has been designed recognizing applicable planning guidelines based on statements of management intent for the type of land classification contained in the POWIAP

and the FRPA. The sale area was not identified as crucial habitat (Ha) or prime habitat (Hb) in the POWIAP.

The DOF used available federal information on cataloged bald eagle nest locations and field observations during design to locate and avoid nest sites. The nearest site is located 1,700 feet away (tagged H425 Bald Eagle Tree); no eagle evidence or activity was observed on the 10/31/2019 site visit. No additional nests were observed adjacent to the timber sale.

The existing timber conditions are anecdotally restrictive to wildlife movement compared to standing timber. Cover may be present from the windthrow for shelter and denning activity, but access and escape from the area other than peripherally is limited due to the timber debris field. The sale is not expected to cause significant adverse impacts to the wildlife populations on Tuxekan based on the area planning information and the site-specific observations. The ability for wildlife to use and travel through the area is expected to increase with the removal of the merchantable timber.

4. Fish Habitat, Water Resources, and Water Quality. The proposed sale has been 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). As required by AS 41.17.098, DOF provided due deference to ADF&G to ensure all fish and wildlife habitat issues are addressed by the proposed timber sale design. DOF provides due deference to the Alaska Department of Environmental Conservation (ADEC) for all water quality issues.

The ADF&G-Habitat Biologist was familiar with the area and was consulted on the significance of the eel grass beds offshore of the access area and advised DOF staff in the development of the barge access planning. Eel grass provides habitat structure considered important to saltwater species. The design of the access area avoids direct impacts to the eel grass (Department of the Army POA-2020-00280).

No anadromous streams were observed during layout of the sale.

5. Recreation, Tourism, and Scenic Resources.

Recreation in this part of southeast Alaska is generally of a dispersed and remote nature. Past timber sales have provided road access for dispersed recreational opportunities and this timber sale will provide similar access. This timber sale is expected to result in no changes to recreational or tourism use of the area.

6. Cultural Resources.

The State Historic Preservation Office (SHPO) and the Division of Mining, Lands and Water were advised of the project during the scoping and review process for the barge access site. No historic sites were identified. Significant subsurface disturbance is not planned. Activity at the site will generally be limited to rearrangement of the organic surface during logging operations.

If additional archaeological sites are identified, proposed activity will be appropriately adjusted to avoid conflicts. If any historic or archaeological sites are encountered during construction or harvest activities, the DOF will immediately inform SHPO and take action to protect and document the findings.

5. Subsurface Resources.

There is no known current mining activity in the immediate area. This sale should have no impact on the potential mining resources or mining activity in this area.

G. Costs and benefits

The DOF will appraise the timber value in compliance with 11 AAC 71.092 at the time of sale advertisement. The sale will be appraised by using a residual value appraisal method. Selling values and extraction cost data are obtained from industry sources, the United States Forest Service, and previous operations.

The DOF has used adjacent timber sale evidence and professional judgement to estimate the volume in the sale. The timber has not been cruised on a site-specific basis due to hazards, the projected cost of the work, and anticipated accuracy of the resulting information.

Based on DOF observations of the project area and historic markets, timber revenue is projected to cover administration, access and operating costs for this sale area and possibly provide stumpage royalty to the State. Stumpage value is not projected to generate significant revenue for the State due to the high costs of removal. Local timber purchasers initially voiced an interest in recovery. The DOF will encourage domestic processing to the extent feasible at the time of sale. The initial analysis of the costs of removal and the potential values of the timber indicate that some of the timber may need to be exported in the round to generate adequate return for expenses. Barge and remote access costs are relatively high fixed costs. The total usable sawlog volume capable of being recovered has risk associated with it and is relatively small for distributing the known costs. It is unlikely that domestic processing of all logs on the sale will be feasible.

Making the timber available on State land is in keeping with the constitution and the intent of the governor and legislature to make the resource available in a sustainable manner commensurate with demand. The timber is projected to die and degrade in value with time. The impact to other resource values by recovery of the timber is projected to be very limited. The operations, while complex, are standard in scope for Southeast operators to manage during timber access and harvest. The timely recovery of economic value by salvaging the logs is a prudent action to take with the State's timber resource and will encourage the reforestation of the site in a positive manner for all values.

The business communities on Prince of Wales Island and Ketchikan will likely receive direct economic benefits by providing support services for the operators such as fuel, food, housing, medical and other miscellaneous supplies.

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 on September 18, 2020. Notices were also posted at the Ketchikan, Craig and Thorne Bay Public Libraries. Mailed notices were distributed to a mailing list maintained by the Southern Southeast Area Office and public notices were sent to the post offices of Ketchikan, Ward Cove, Craig, Klawock, Thorne Bay, Coffman Cove, and Naukati. A legal notice was also provided in the Ketchikan Daily News on September 19 and 26, 2020; the Island Post on October 7, 2020.

VII. PUBLIC COMMENT AND RESPONSE

DOF received no written comment on the preliminary best interest finding noticed for this proposed timber sale.

VIII. DISCUSSION, FINAL FINDING AND DECISION

After due consideration of all pertinent information, the ADNR has reached the following Decision: to offer for sale approximately 11 acres of blown down old growth forest composed of western hemlock, Sitka spruce, and western red cedar on General Use-classified land on Tuxekan Island. Barge access and removal is considered the preferred method. Harvest activities on the General Use lands will follow the management intent of the of the Prince of Wales Island Area Plan. The DOF finds that this 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 in AS 38.05.035(e) (Powers and Duties of the Director) and 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

Greg Staunton, Area Forester
Alaska Division of Forestry

Date

X. REQUESTS FOR APPEAL

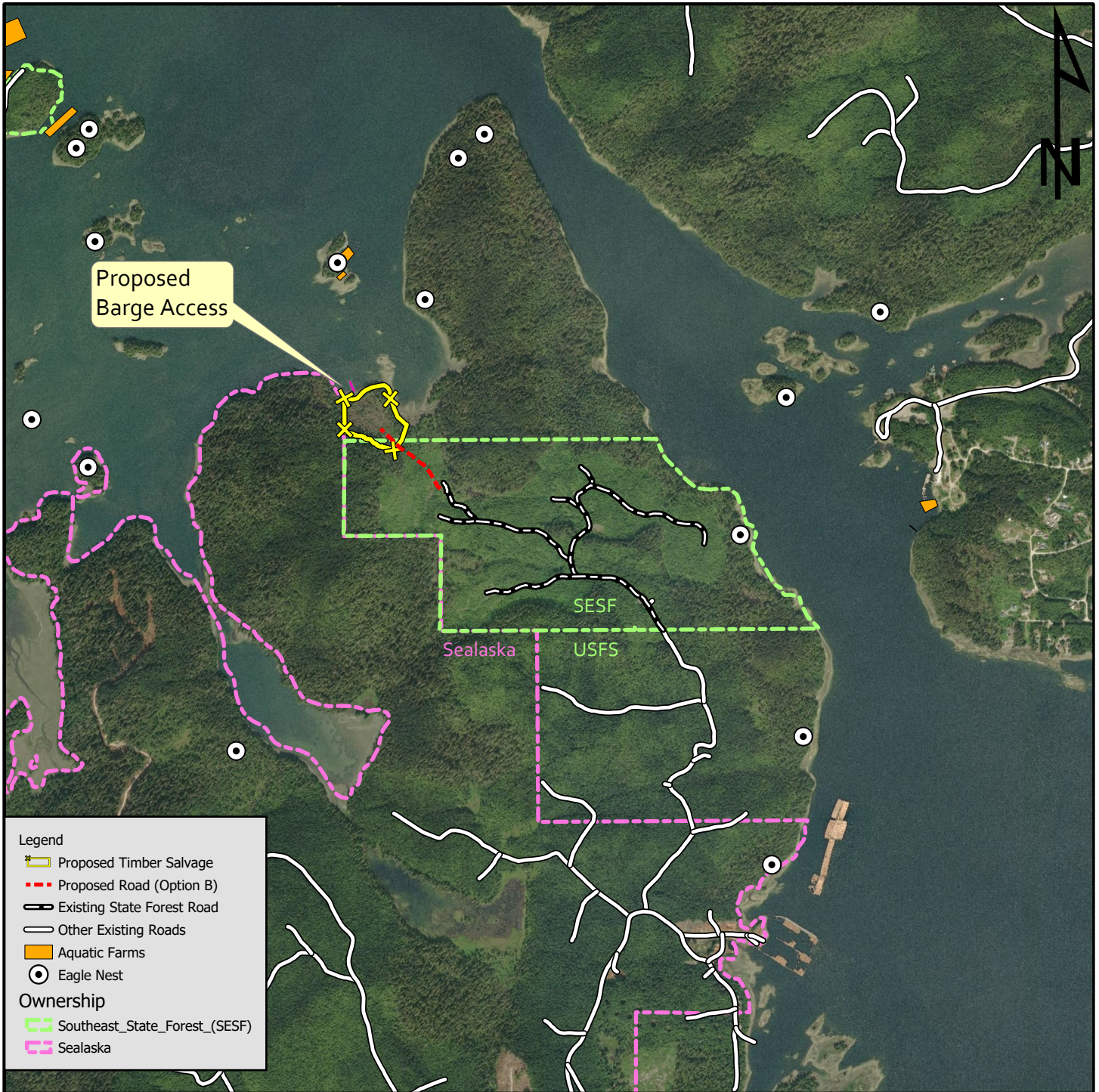
A person who has standing under Alaska law may request appeal in accordance with 11 AAC 02. Any appeal request must be received within twenty (20) days of issuance of this decision. The request may be mailed or delivered to Corri Feige, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. A copy of 11 AAC 02 is provided in Appendix C.

If you have any questions, please contact: Greg Staunton at (907) 225-3070 or email greg.staunton@alaska.gov.

XI. APPENDICES

Appendix A	SSE-1374-K Jinhi Bay Timber Sale Salvage Area Map
Appendix B	References
Appendix C	Appeal Regulations
Appendix D	Jinhi Bay Salvage Comments & Responses (none)
Appendix E	SSE-1374-K Jinhi Bay Salvage Forest Land Use Plan

Appendix A SSE-1374-K Jinhi Bay Timber Sale Salvage Area Map

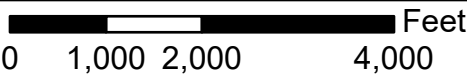


Legend

- Proposed Timber Salvage
- Proposed Road (Option B)
- Existing State Forest Road
- Other Existing Roads
- Aquatic Farms
- Eagle Nest

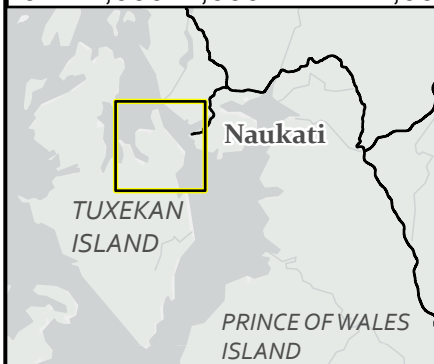
Ownership

- Southeast_State_Forest_(SESF)
- Sealaska



Scale: 1:24,000

Area Map



Vicinity Map: 1 inch = 6 miles



Project: Jinhi Bay Salvage Timber Sale

Best Interest Finding

State of Alaska, Division of Forestry

Proposed Activity: Timber Salvage

Sec: 23 T.69S R.79E Copper River Meridian

Lat: N 55.873886 Long: W 133.255725

Sheet: 1 of 1

Date: 9/15/2020 GS

Appendix B References

Alaska Department of Natural Resources, Division of Forestry, Annual Board and Agency Reports on the effectiveness of the Alaska Forest Resources and Practices Act and regulations. Reports retrievable from: <http://forestry.alaska.gov/alaskaboardforestry.htm>

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Alaska Department of Natural Resources, Division of Forestry, Southern Southeast Area, Operational Forest Inventory for State and General Use Lands, **Adopted February 9, 2016**. Report retrievable from: <http://forestry.alaska.gov/timber/forestinventories>

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Carpeneti, Chris Land Manager, Alaska Department of Natural Resources, Division of Mining, Land and Water, personal communication 2019.

Department of the Army, Alaska District, U.S. Army Corps of Engineers, Regulatory Division. File POA-2020-00280. Authorization as of August 7, 2020 under Nationwide Permit (NWP) No. 33, Temporary Construction, Access, and De-watering.

Minnillo, Mark, Area Habitat Biologist, Alaska Department of Fish and Game, Division of Habitat, Personal communication.

United States Forest Service Geographic Information System Database.

Wikipedia. Shovel logging. Accessed at: http://en.wikipedia.org/wiki/Shovel_logging

Appendix C 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.

Title 11.02 Appeals

TITLE 11. NATURAL RESOURCES.

CHAPTER 02. APPEALS.

Section

- 10. Applicability and eligibility
- 15. Combined decisions
- 20. Finality of a decision for purposes of appeal to court
- 30. Filing an appeal or request for reconsideration
- 40. Timely filing; issuance of decision

Section

- 50. Hearings
- 60. Stays; exceptions
- 70. Waiver of procedural violations
- 80. (Repealed)
- 900. Definitions

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. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority:	AS 03.05.010	AS 38.04.900	AS 38.08.110	AS 41.15.020	AS 44.37.011
	AS 29.65.050	AS 38.05.020	AS 38.09.110	AS 41.17.055	AS 46.15.020
	AS 29.65.120	AS 38.05.035	AS 38.50.160	AS 41.21.020	AS 46.17.030

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) A decision of the department may include a statement that a final consistency determination under AS 46.40 (Alaska Coastal Management Program) has been rendered in conjunction with

the decision. A person may not, under this chapter, appeal or request reconsideration of the final consistency determination, including a requirement necessary solely to ensure the activity is consistent with the Alaska coastal management program as approved under AS 46.40. (Eff. 9/19/2001, Register 159)

Authority: AS 29.65.050 AS 38.04.900 AS 38.05.035 AS 38.09.110
AS 29.65.120 AS 38.05.020 AS 38.08.110 AS 38.50.160

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 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. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 44.37.011
AS 29.65.050 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 46.15.020
AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020 AS 46.17.030

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, fax, 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 11AAC 05.160. (Eff 11/7/90, Register 116; am 9/19/2001, Register 159; am 7/01/2018, Register 227).

(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.

(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 requirement 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 who believes a stay of the decision is justified 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. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority:	AS 03.05.010	AS 38.04.900	AS 38.08.110	AS 41.15.020	AS 44.37.011
	AS 29.65.050	AS 38.05.020	AS 38.09.110	AS 41.17.055	AS 46.15.020

AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020 AS 46.17.030
AS 37.10.050

Editor's note: The address for an appeal or request for reconsideration by personal service and by mail is: Department of Natural Resources, Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501-3561. The number for an appeal or request for reconsideration by fax is: 1-907-269-8918. The electronic mailing address for an appeal or request for reconsideration by electronic mail is: dnr.appeals@alaska.gov.

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 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). (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 44.37.011
AS 29.65.050 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 46.15.020
AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020 AS 46.17.030

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. (Eff. 11/7/90, Register 116)

Authority: AS 03.05.010 AS 38.04.900 AS 38.09.110 AS 41.17.055 AS 46.17.030
AS 29.65.050 AS 38.05.020 AS 38.50.160 AS 41.21.020
AS 29.65.120 AS 38.08.110 AS 41.15.020 AS 46.15.020

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. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 46.15.020
AS 29.65.050 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 46.17.030
AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020

11 AAC 02.070. WAIVER OF PROCEDURAL VIOLATIONS. 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. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 29.65.120 AS 38.05.035 AS 38.50.160 AS 41.21.020
AS 03.10.020 AS 38.04.900 AS 38.08.110 AS 41.15.020 AS 46.15.020
AS 29.65.050 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 46.17.030

11 AAC 02.080. DEFINITIONS. Repealed. (Eff. 11/7/90, Register 116; repealed 9/19/2001, Register 159)

Editor's note: The subject matter formerly set out at 11 AAC 02.080 has been moved to 11 AAC 02.900.

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. (Eff. 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 03.05.010 AS 38.05.020 AS 38.09.110 AS 41.17.055 AS 44.62.540
AS 29.65.050 AS 38.05.035 AS 38.50.160 AS 41.21.020 AS 46.15.020
AS 29.65.120 AS 38.08.110 AS 41.15.020 AS 44.37.011 AS 46.17.030
AS 38.04.900

Editor's note: The subject matter of 11 AAC 02.900 was formerly located at 11 AAC 02.080. The history note for 11 AAC 02.900 does not reflect the history of the earlier section.

Appendix D SSE-1374-K Jinhi Bay Timber Sale Comments & Responses (none)

Appendix E SSE-1374-K Jinhi Bay Salvage Timber Sale Forest Land Use Plan

State of Alaska
Department of Natural Resources
Division of Forestry
Southeast Area Office



**Forest Land Use Plan
Jinhi Bay Salvage
SSE-1374-K
October 2020**

Abbreviations

ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
BIF	Best interest finding
DMLW	Division of Mining, Land and Water
DOF	Division of Forestry
FLUP	Forest Land Use Plan
FRPA	Alaska Forest Resources and Practices Act
FYSTS	Five-year Schedule of Timber Sales
MBF	Thousand board feet
POG	Productive old growth
POW	Prince of Wales
POWIAP	Prince of Wales Island Area Plan
ROW	Right-of-way
SESF	Southeast State Forest
SESFMP	Southeast State Forest Management Plan
SHPO	State Historic Preservation Office
UA	University of Alaska
USFS	United States Forest Service

Contents

I.	Introduction.....	4
A.	Legal description:	5
B.	Operational Period:	5
C.	Timber Disposal	5
D.	Objectives and Summary	5
II.	Affected Land Owners/Jurisdictions	5
III.	Harvest Methods, Silvicultural Actions, and Management of Non-timber Resources	6
A.	Timber Stand Description and History	6
B.	Timber Harvest Activities	6
C.	Site Preparation	6
D.	Reforestation:	6
E.	Slash Abatement	6
F.	Timber Harvest—Surface Water Protection:	7
G.	Wildlife Habitat:	7
H.	Cultural and Historical Resource Protection:	7
I.	Other Resources Affected by Timber Harvest and Management	7
IV.	Access	8
A.	Road Design, Construction, and Maintenance:	8
B.	Side Slopes / Mass Wasting/ Erosion Control	8
C.	Crossing Structures:	8
D.	Facility/Road Closure:	8
E.	Material Extraction:	9
F.	Other Resources Affected by-Roads or Material Extraction:	9
V.	Approvals:.....	10
VI.	REQUEST FOR RECONSIDERATION.....	10
	Appendix A Jinhi Bay Unit Map (1 page)	11
	Appendix B: Supporting Information	12
	Appendix C: Appeal Statutes and Regulations	13
	Appendix D: DRAFT FLUP Public Comment	14

I. Introduction

Project File Number: SSE-1374-K
Division of Forestry Office: Southeast Area
Area Forester: Greg Staunton
Forest Practices Geographic Region (AS 41.17.950): Region I

This Forest Land Use Plan (FLUP) covers proposed forest salvage operations on approximately 11 acres of land on Tuxekan Island. It is intended to provide the best available information regarding the proposed harvest of timber and management of other non-timber uses in compliance with AS 38.05.112 and AS 41.17.060 and must be adopted by the DNR before the proposed activity can occur.

This Forest Land Use Plan is for a timber sale for which a Best Interest Finding was concurrently noticed. The final best interest decision has been made concurrent with the adoption of this FLUP pursuant to AS 38.05.035 (e) and 38.05.945.

The FLUP provides the structural framework and operational constraints during timber operations. Due to the size (significance) of the sale, the DOF would not typically complete a final finding pursuant to 38.05.035 (e) and notification under 38.05.945. The DOF has chosen to issue a BIF to document the observations of the setting it made during the sale preparation and to guide contract administration during the implementation of the marine access.

The DOF had several conversations with ADFG during the scoping of the project and development of the permit application documentation with the United States Army. A draft of this FLUP was distributed to the Department of Fish & Game (ADF&G) and the Department of Environmental Conservation (DEC) for their review and comments relevant to the consistency of this proposed project with the statutes governing forest land use plans (AS 38.05.112) and the requirements of the Alaska Forest Resources & Practices Act (AS 41.17) and its Regulations (11 AAC 95).

This Forest Land Use Plan was made available for public comments per AS 38.05.945; the review period ended on October 19, 2020. No comment was received.

[X] Other documents are referenced in this FLUP. This timber sale is designed to be consistent with the management intent of the following documents:

- Alaska Forest Resources & Practices Act
- Prince of Wales Island Area Plan
- Jinhi Bay Salvage Best Interest Finding SSE- 1374-K
- Army Corps of Engineers Nationwide Permit #33

The administrative record for this sale is maintained at the Division of Forestry Southern Southeast Area Office filed as SSE-1374-K.

A. Legal description:

SW1/4 NE1/4 of Section 23, Township 69 South, Range 79 East, Copper River Meridian

B. Operational Period:

11/1/2020 – 11/1/2021

C. Timber Disposal

Timber will be sold and will have a contract administrated by the State.

Timber will be available to the public; permits obtained by the public will be issued by the State.

Other

D. Objectives and Summary

- | |
|--|
| <ol style="list-style-type: none"> 1. To salvage the wind thrown timber to the extent economically feasible prior to significant loss of merchantable value; 2. Prepare the site and encourage reforestation of the area as soon as practical for multiple use; 3. To follow the Alaska Department of Natural Resources' (ADNR) constitutional mandate to encourage the development of the State's renewable resources, making them available for maximum use consistent with the public interest; 4. 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. |
|--|

II. Affected Land Owners/Jurisdictions

Activity on ownership:	Access Easement	Harvest	Representative Approval
State:			
<input checked="" type="checkbox"/> Southeast State Forest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Other state land managed by DNR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> University of Alaska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Mental Health Trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> School Trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other Land Ownership:

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------

Land Owner: _____

Land Owner Representative: _____

III. Harvest Methods, Silvicultural Actions, and Management of Non-timber Resources

Forest operations will be designed to:

Protect fish habitat and water quality in compliance with the best management practices in 11 AAC 95.260-.370, manage for the other land uses and activities identified in AS 41.17.060 and the Best Interest Finding for this timber sale, and ensure prompt reforestation and maintenance of site productivity in compliance with AS 41.17.060(c) and 11 AAC 95 .375-.390.

Harvest and Silvicultural Methods:

- The silvicultural actions are described in this document, and no prescription was written or is necessary.
- A silvicultural prescription has been written and is attached to this document.

A. Timber Stand Description and History

This stand is wind thrown timber, consisting of mixed Sitka Spruce, Western Hemlock, and Western Red Cedar. Minor amount of timber within the designated area are still standing and will likely blow over in the near term. Wind turbulence from the adjacent clearcut harvested in 2003 and adjacent funneling topography appears to have precipitated the laydown of the timber between 2018-2020.

See Jinhi Bay Salvage Best Interest Finding for detailed description of the area.

B. Timber Harvest Activities

Timber Harvest Activities are displayed in Table 1.

Table 1. Timber Harvest Activities

Unit ID	Acres	Topography	Silvicultural Action	Logging Method
1	11	Irregular Complex Slopes	Removal and Salvage of Merchantable Timber	Shovel logging

C. Site Preparation

- Site preparation will not be necessary. There will be sufficient soil disturbance by logging to forego scarification.
- Site preparation will be implemented and described in Table 2: *(NA/ omitted)*

D. Reforestation:

- Natural regeneration

List species: Western Hemlock, Sitka Spruce, Western Red Cedar

E. Slash Abatement

- The operator will use slash for puncheon to protect soil from erosion and compaction.

F. Timber Harvest—Surface Water Protection:

- There are no streams or lakes abutting or within a harvest unit.
- Known surface waters and protection measures are described in Table 4 (*NOT APPLICABLE*).

G. Wildlife Habitat:

Note: Department of Fish & Game, Division of Habitat was informed of the project and had no objection to the salvage of the timber or specific management guidance. Overturned stumps will be left in place to the extent feasible for cover and structure on the site. Removal of large stems will provide increased seed bed area and light availability to seedlings which should decrease regeneration time of the forest and provide vertical cover (canopy) at more rapid rate than non-harvest. This will subsequently provide easier travel for larger wildlife species.

H. Cultural and Historical Resource Protection:

- This project was reviewed by the State Historic and Preservation Office (SHPO).
- No artifacts have been reported within the project area(s).
- Known or likely sites have been identified and a mitigation plan is in place. (Describe the mitigation actions.)

Note: The SHPO was notified of the proposed operation as part of the permitting process for the ACOE, POA 2020-00280, Nation Wide Permit #33.

I. Other Resources Affected by Timber Harvest and Management

There are other resources and areas of concern besides surface water, fish habitat, and wildlife habitat that may be affected. Avoidance, minimization, and mitigation actions were addressed in the Best Interest Finding.

Table 5. Other Affected Resources/ Areas of Concern.

Impacted Resource	Reviewing Agency	Impact/ Mitigation Actions
Saltwater Habitat (Eelgrass)	ACOE	Potential loss of habitat/ Separation (see ACOE, POA 2020-00280, Preconstruction Notice, Block 30) *
Saltwater Quality and permitted Aquaculture	ADEC/ DMLW	Potential water quality degradation/ Nonpoint pollution control as described in the ACOE, POA 2020-00280, PCN. *

* Department of the Army, Alaska District, U.S. Army Corps of Engineers, Regulatory Division. File POA-2020-00280. Authorization as of August 7, 2020 under Nationwide Permit (NWP) No. 33, Temporary Construction, Access, and De-watering.

IV. Access

A. Road Design, Construction, and Maintenance:

Roads will be designed, constructed, and maintained to prevent significant adverse impacts on water quality and fish habitat (AS 41.17.060(b) (5)), and site productivity (AS 41.17.060(c) (5)). Roads will comply with the best management practices in the Forest Resources and Practices Regulations (11 AAC 95.285 – 95.335)

Roads or other means required for the access and removal of this timber from the harvest area(s) or unit(s) are listed in Table 6.

Table 6. Facility/Road Construction and Use

Road ID	Harvest Unit	Feet	Road Type	Maximum Grade	Constructed by	Maintained by
Barge Ramp	Unit 1	60	Shot Rock	10%	Purchaser	Purchaser
Upland Staging Area	Unit 1	50	Shot Rock	15%	Purchaser	Purchaser

**Note: Roads must be less than 20% grade per 8 AAC 61.1060 Additional Logging Standards*

B. Side Slopes / Mass Wasting/ Erosion Control

(No high-risk areas or issues of concern identified.)

General Erosion Control:

- grass seeding erosion control mats wattle water bars
- course rock ramp

C. Crossing Structures:

- No crossing structures are needed within the project area.
- YES NO Drainage structures are being removed or replaced.
- Crossing structures will be placed along access roads as described in the table below:

Table 7. Required Drainage and Crossing Structures on Known Surface Waters

Road	Mile / Station	Diameter Culvert	Bridge Type: -Log Stringer -Fabricated -Ice	AS 41.17.950 Stream Classification	Fish & Game AWC Number	Duration of crossing structure in place
None		None	None			

D. Facility/Road Closure:

Roads constructed for the timber sale that are left open are subject to standards under 11 AAC 95. 315. Otherwise, roads constructed for the timber sale will be closed, subject to standards under 11 AAC 95.320.

Table 8. Road Closures

Road ID	Unit	All Season/Winter	Estimated Closure Date	Projected Road Use after Timber Harvest
Barge Ramp*	Unit 1	All	End	None
Upland Staging Area*	Unit 1	All	End	None

*Barge Ramp to be obliterated at completion of operations. Beach to be restored to like original condition. Fill material (ramp and staging area) to be stabilized per DOF approval in the upland area.

E. Material Extraction:

[X] There will be no material extraction sites in the project area.

*Rock used will be chemically compatible with the work site and subject to DOF pre-approval.

F. Other Resources Affected by-Roads or Material Extraction:

Table 9. Other Affected Resources

Impacted Resource	Reviewing Agency	Impact/ Mitigation Actions
*Same as Table 5.		

V. Approvals:

This Forest Land Use Plan has been reviewed by the Division of Forestry and provides the information necessary for public and agency review of the project described in this document as required by AS 38.05.112.

Gregory D. Staunton
Area Forester

Date

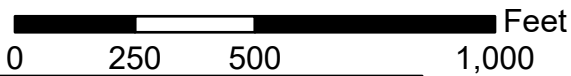
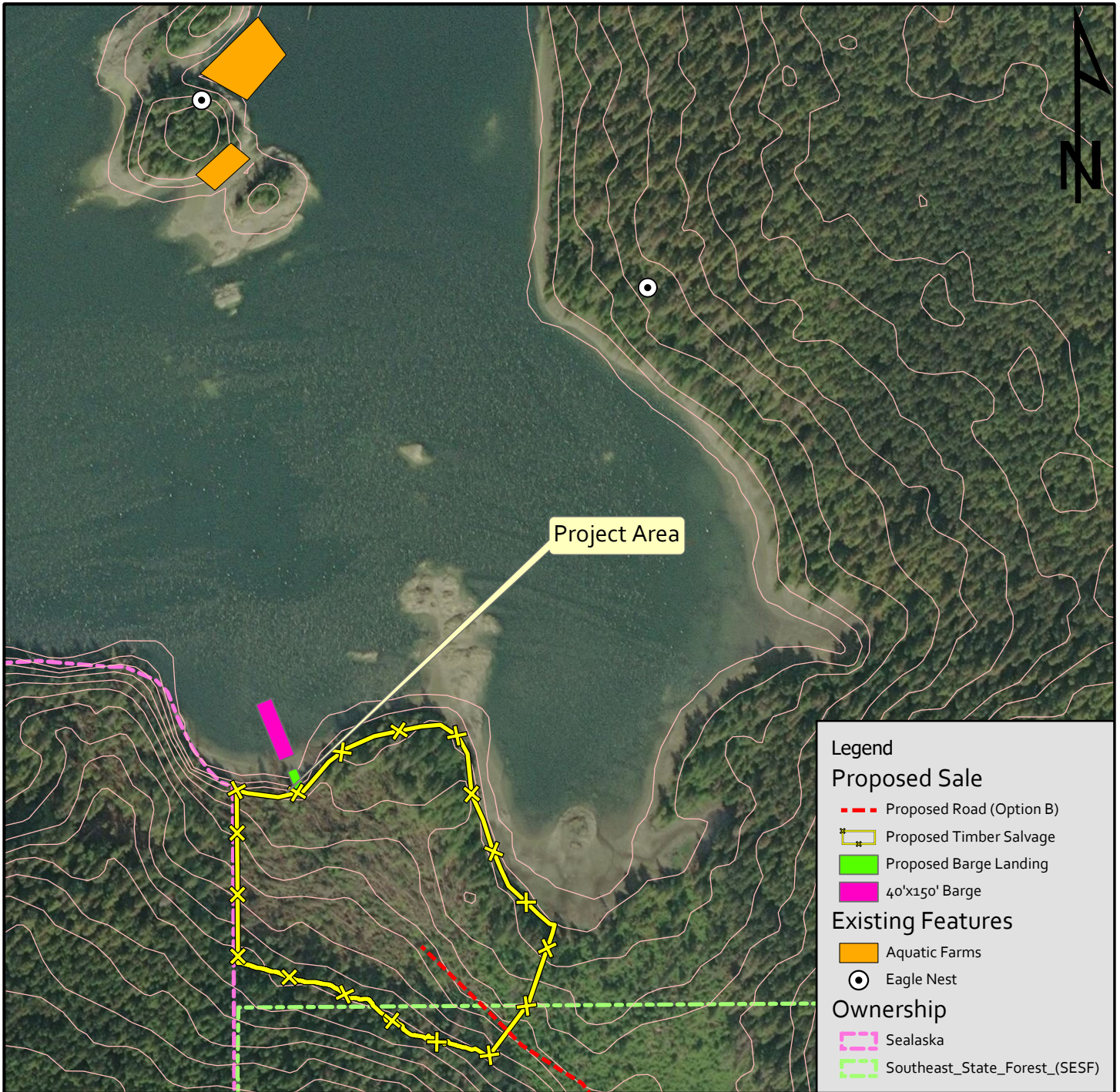
If you have any questions, please contact the Southeast Area Office at (907) 225-3070 or e-mail greg.staunton@alaska.gov.

VI. REQUEST FOR APPEAL

A person who has standing under Alaska law may request appeal in accordance with 11AAC 02. Any appeal request must be received within twenty (20) days of issuance of this decision. The request may be mailed or delivered to Corri Feige, 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. A copy of 11 AAC 02 is provided in Appendix C.

If you have any questions, please contact the Southeast Area Office at (907) 225-3070 or e-mail greg.staunton@alaska.gov.

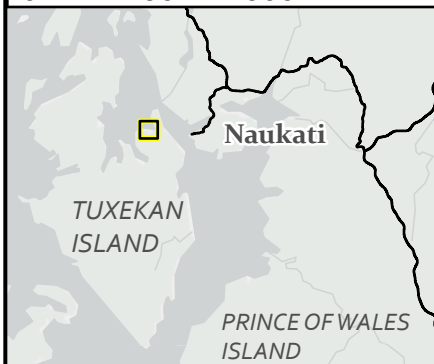
Appendix A Jinhi Bay Unit Map (1 page)



Contour Interval = 25 FT. (IFSAR)

Scale: 1:4,800

Unit Map



Vicinity Map: 1 inch = 6 miles



Project: JINHI BAY SALVAGE TIMBER SALE
 Forest Land Use Plan
 State of Alaska, Division of Forestry
 Sec: 23 T.69S R.79E Copper River Meridian
 Lat: N 55.873886 Long: W 133.255725
 Sheet: 1 of 1 Date: 9/15/2020 GS

Appendix B: Supporting Information

- Alaska Forest Practices and Regulations. Available for download at: <http://forestry.alaska.gov/forestpractices>
- Department of the Army, Alaska District, U.S. Army Corps of Engineers, Regulatory Division. File POA-2020-00280. Authorization as of August 7, 2020 under Nationwide Permit (NWP) No. 33, Temporary Construction, Access, and De-watering.



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

August 7, 2020

Regulatory Division
POA-2020-00280

State of Alaska
Department of Natural Resources
Division of Forestry
Attention: Mr. Gregory D. Staunton
2417 Tongass Avenue
Ketchikan, Alaska 99901

Dear Mr. Staunton:

This is in response to your May 29, 2020, application for a Department of the Army (DA) permit, to discharge 180 cubic yards of clean shot rock into 0.05-acres of tidal waters below the High Tide Line (HTL) to construct a temporary barge landing. It has been assigned file number POA-2020-00280, Jinhi Bay, which should be referred to in all future correspondence with this office. The project site is located within Section 23, T. 69 S., R. 79 E., Copper River Meridian; Latitude 55.873886° N., Longitude 133.255725° W.; near Naukati Bay, Alaska.

DA authorization is necessary because your project will involve placement of fill material into waters of the United States under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-3), dated June 23, 2020, is authorized by Nationwide Permit (NWP) No. 33, Temporary Construction, Access, and De-watering. NWP No. 33 and its associated Regional and General Conditions can be accessed at: www.poa.usace.army.mil/Missions/Regulatory/Permits. You must comply with all terms and conditions associated with NWP No. 33, as well as with the special condition listed below:

1. The permittee shall implement the attached restoration plan, including the eelgrass protection, monitoring and restoration plan as provided in the preconstruction notification.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to our office.

Unless this NWP is modified or revoked, it expires on March 18, 2022. It is incumbent upon you to remain informed of the changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at: Catherine.E.Beatty@usace.army.mil, by mail at the address above, by phone at (907) 753-2554, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at: www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

Catherine Beatty
Regulatory Specialist

Enclosures

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2020-00280

Name of Permittee: State of Alaska, Department of Natural Resources- Division of Forestry, Gregory D. Staunton

Date of Issuance: August 7, 2020

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Catherine Beatty at the following address:

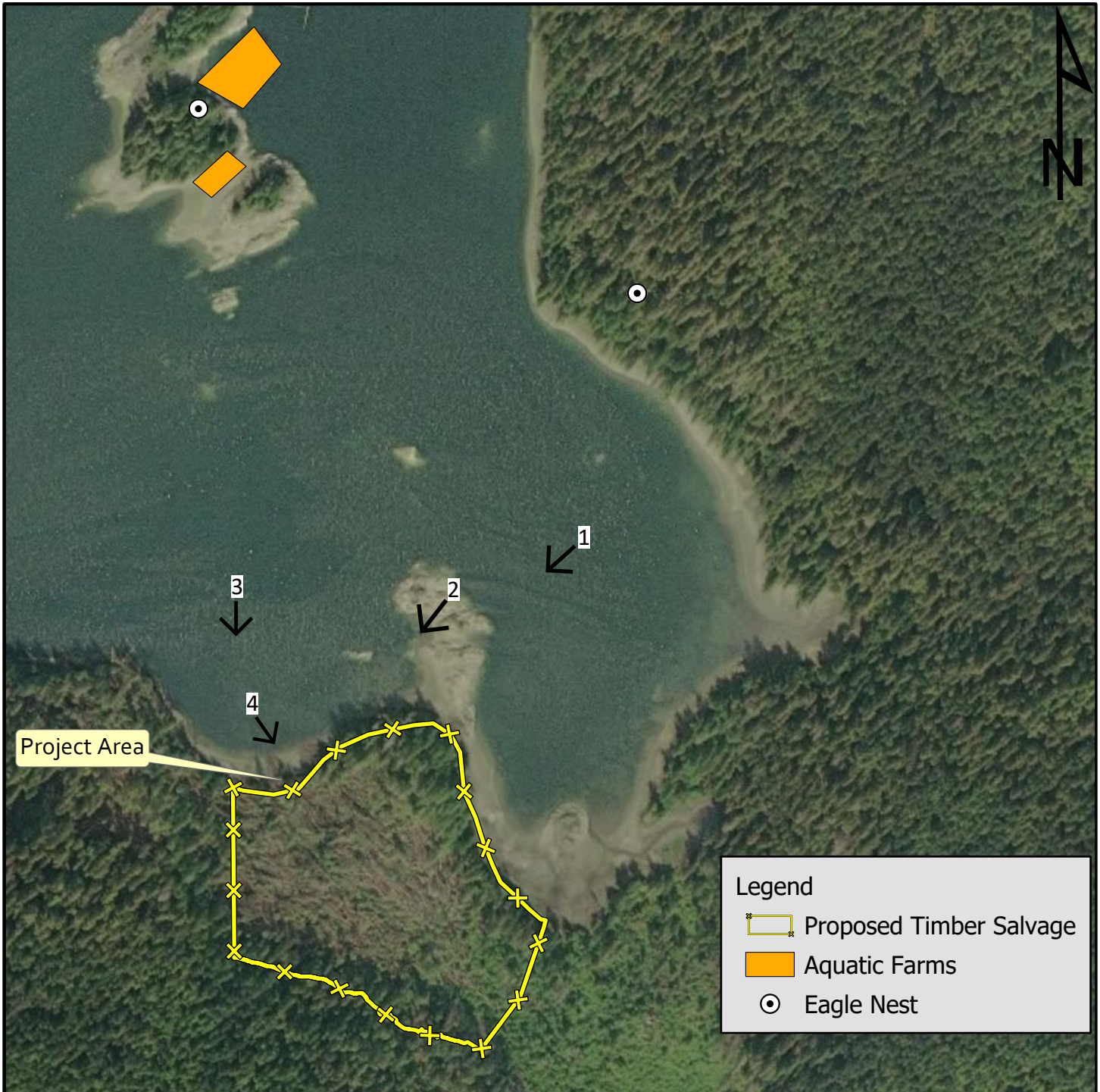
U.S. Army Corps of Engineers
Alaska District
Regulatory Division
Post Office Box 6898
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

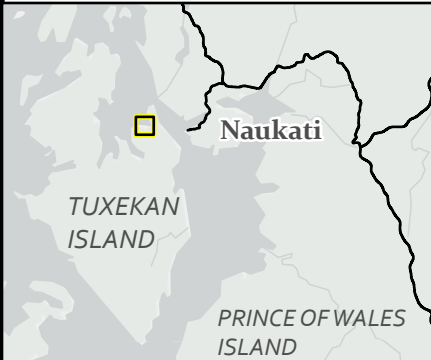
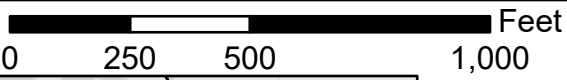
Signature of Permittee

Date



Legend

- Proposed Timber Salvage
- Aquatic Farms
- Eagle Nest



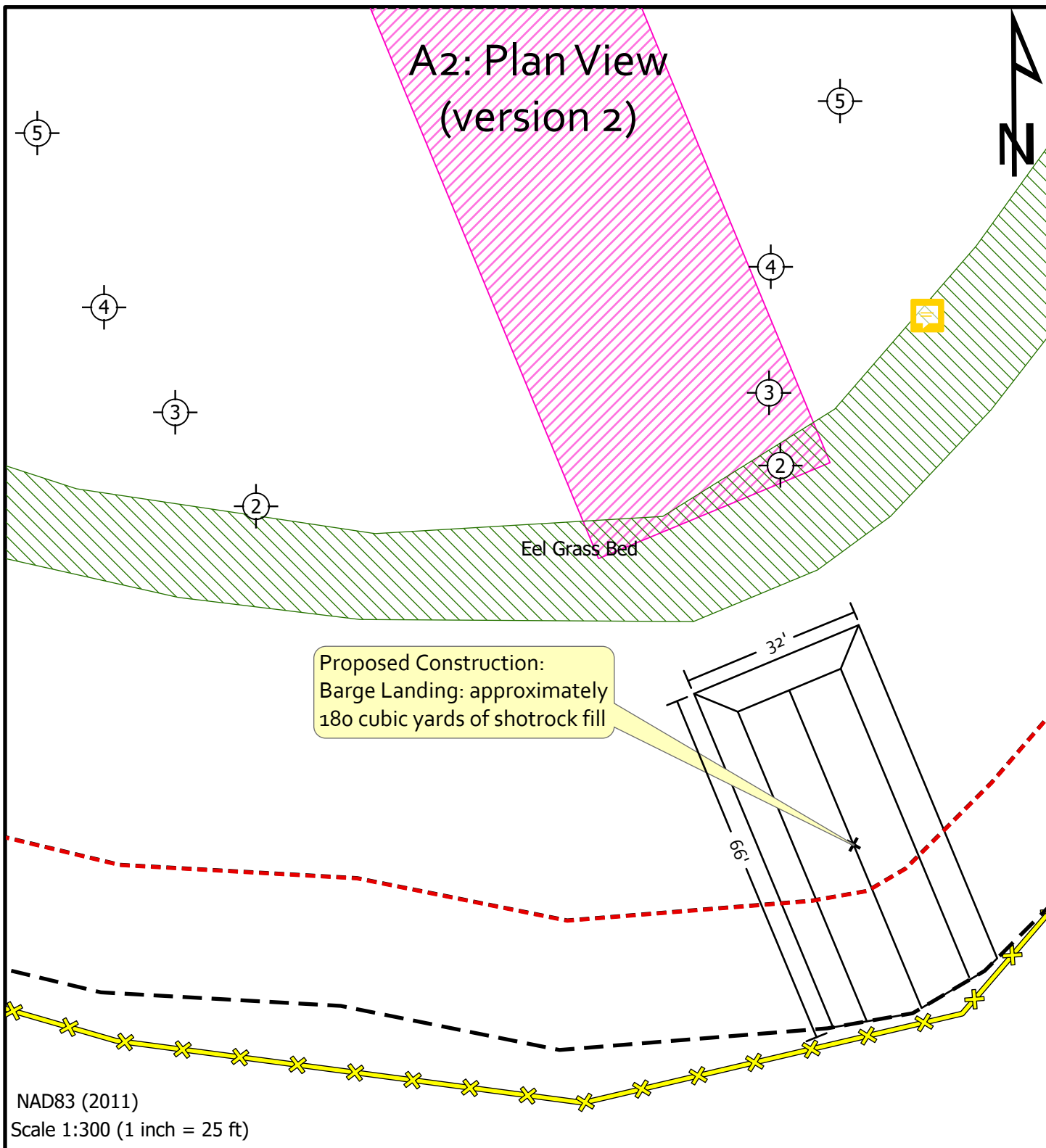
Vicinity Map: 1 inch = 6 miles



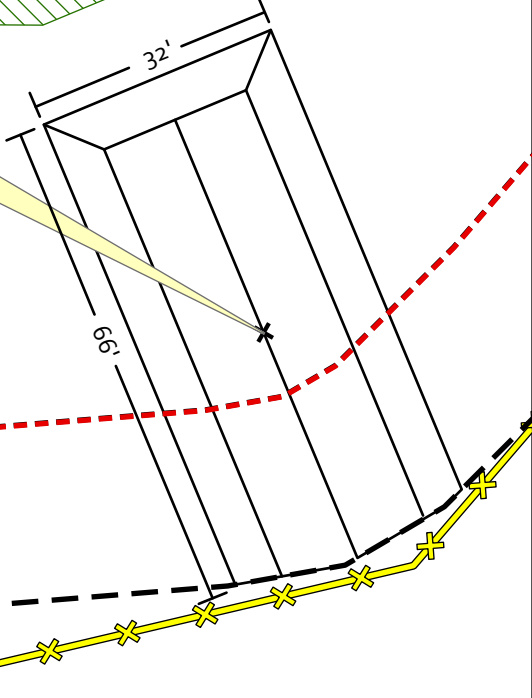
A1: Vicinity Map / Photo Key

Arrows on map are approximate location and orientation of camera for attached photos (1-4)

Project: Tuxekan State Timber Salvage Access
 Applicant: State of Alaska, Division of Forestry
 Application No:
 Proposed Activity: Temporary Construction
 Sec: 23 T.69S R.79E Copper River Meridian
 Lat: N 55.873886 Long: W 133.255725
 Sheet: 3 of 7 Date: 5/29/2020 TK



Proposed Construction:
Barge Landing: approximately
180 cubic yards of shotrock fill



NAD83 (2011)
Scale 1:300 (1 inch = 25 ft)

- Legend**
- High Tide Line
 - - - Mean High Water
 - ⊗ Centerpoint:
 - Soundings (ft); Datum: MLLW
 - ▨ Eel Grass Bed
 - ⊗ Proposed Timber Salvage
 - ▨ 40'x150' Barge Location

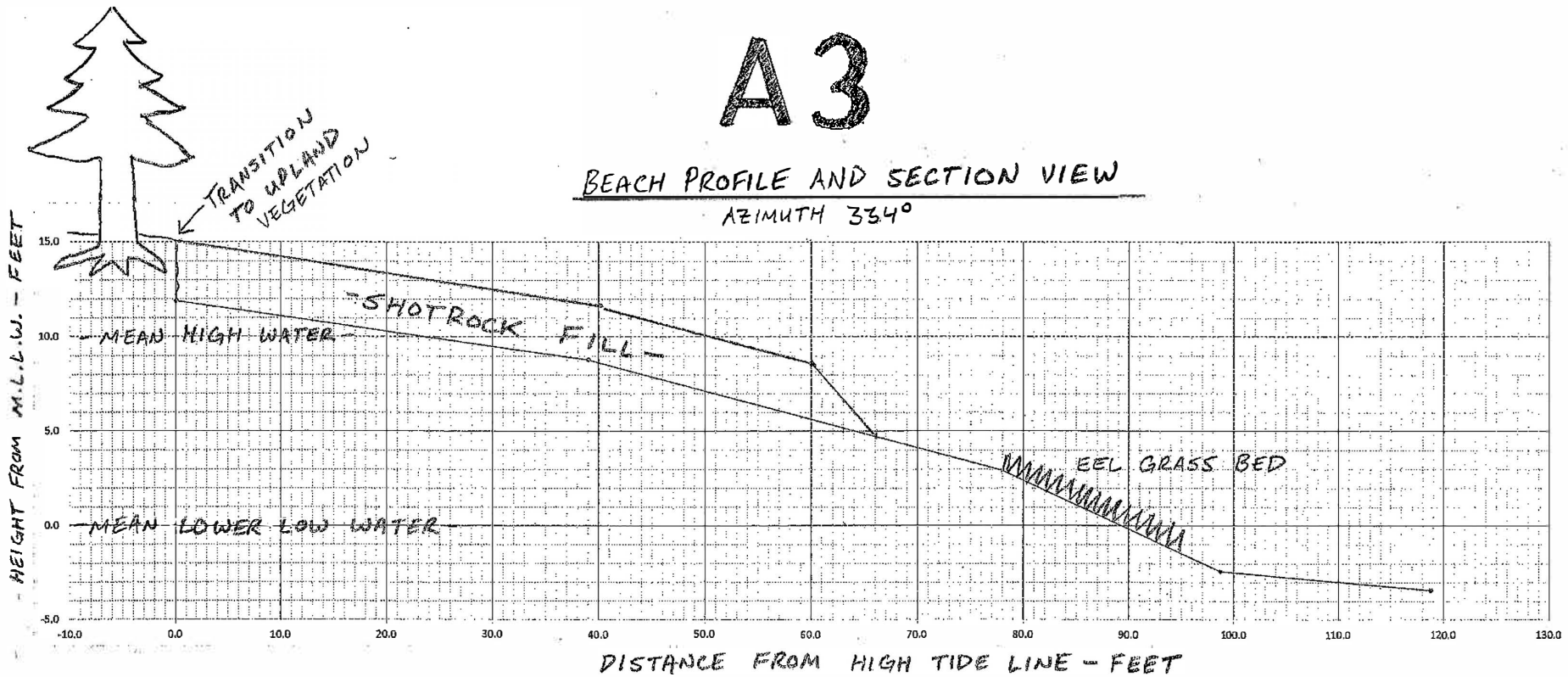


Project: POA-2020-00280, Jinhi Bay
 Applicant: State of Alaska, Division of Forestry
 Proposed Activity: Temporary Construction
 Sec: 23 T.69S R.79E Copper River Meridian
 Lat: N 55.873886 Long: W 133.255725
 Sheet: 4 of 10 Date: 6/23/2020 TK

A3

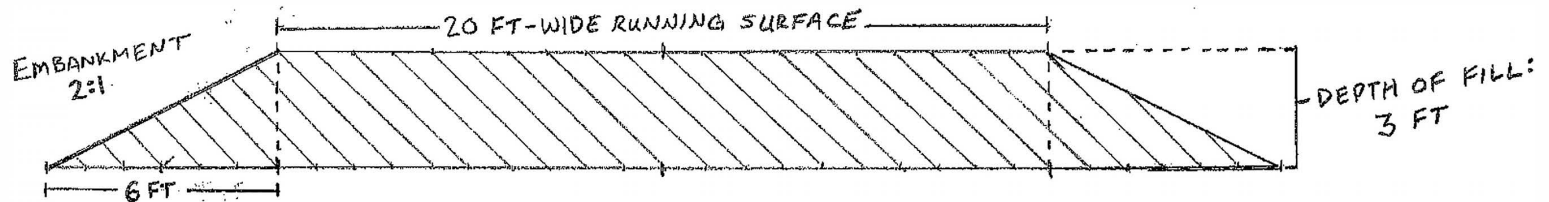
BEACH PROFILE AND SECTION VIEW

AZIMUTH 334°



CROSS-SECTION VIEW

1 INCH = 5 FEET



PROJECT: TUXEKAN STATE TIMBER SALVAGE ACCESS
 APPLICANT: STATE OF ALASKA, DIVISION OF FORESTRY
 PROPOSED ACTIVITY: TEMPORARY CONSTRUCTION
 SEC. 23 T. 69S R. 79E COPPER RIVER MERIDIAN
 SHEET 5 OF 7 DATE: 5/29/2020 TK

Block 30

Restoration Plan:

All restoration work below the high tide line will occur in the absence of tidewater. No in-water excavation will occur. At the completion of upland timber salvage operations, the temporary barge landing (rock ramp) will be excavated and placed upland. Stock-piled material placed on uplands will be graded to drain, and will not obstruct surface waters, fill wetlands, or otherwise significantly affect the upland character.

The intertidal area will be restored to pre-construction elevations, documented in this PCN (Beach Profile in Attachment A3). The rock fill will be removed to the extent feasible using a large excavator. Incidental tree bark depositions in the intertidal area will be removed at the same time as the rock fill.

The duration of the entire project is expected to be less than two months.

Project: Tuxekan State Timber Salvage Access
Applicant: State of Alaska, Division of Forestry
Application No:
Proposed Activity: Temporary Construction
Sec: 23 T.69S R.79E Copper River Meridian
Lat: N 55.873886 Long: W 133.255725
Sheet 2 of 7 Date: 5/29/2020 TK

Block 30 – Restoration Plan (June 23, 2020 addendum)

Eelgrass Protection, Monitoring, and Restoration Plan:

Recognizing the ecological importance of seagrass meadows, the DOF fundamentally designed the project to avoid the adjacent eelgrass. The proposed barge landing will be constructed on a footprint currently devoid of aquatic vegetation and the following measures will be taken to avoid impacts to adjacent eelgrass and its habitat.

The current operating plan avoids **direct impact** to eelgrass by:

- 1) Awareness of habitat extent. Upon our last site visit (October 2019), the upper and lower extent of the eelgrass bed was visible from the water surface, and the vegetation extent appears to be constrained by bathymetry. The majority of observed eelgrass was between the Mean Lower Low Water mark (MLLW) and -2 feet (depth below MLLW). Before construction begins, the DOF will conduct another field visit to verify that eelgrass has not propagated into the proposed construction area since our last site visit.
- 2) Strategically locating the proposed barge landing so that the band of eelgrass habitat will be bridged by the barge's loading ramp (drawbridge). The barge itself will rest seaward of the concentrated eelgrass area during offloading/ loading operations. This will ensure the maximum possible horizontal separation between the barge hull and the eelgrass bed. Horizontal separation will not only accomplish avoidance of direct mechanical disturbance, but also minimize any impacts of sunlight shading.
- 3) Timing the barge visits to maximize vertical separation between the barge hull and the submerged sea-bottom. The barge visits will occur at mean high tide, plus or minus 2.5 hours. The water level at mean high tide for Jinhi Bay is 10 ft above MLLW, and 6 ft above MLLW at times +/- 2.5 hours. Conducting barge visits during these time windows ensures that the barge hull will not run aground on the sea-bottom during offloading/ loading operations, even when the barge is fully laden and at maximum draft.
- 4) The scope of work keeps the number of barge visits to a minimum. The proposed harvest should require no more than 5 barge visits: 1 visit to mobilize machinery for barge landing construction and timber salvage, 2-3 visits to load and remove timber, and a final visit to demobilize machinery. Reducing the number of barge visits will result in the smallest feasible impact to surrounding habitat, by reducing the residence time during which the barge/ drawbridge might be shading aquatic vegetation (less than 25 hours total). Reducing the number of barge visits is also the best choice, economically, as it will reduce the cost of timber salvage.

Project: POA-2020-00280, Jinhi Bay
Applicant: State of Alaska, Division of Forestry
Proposed Activity: Temporary Construction
Sec: 23 T.69S R.79E Copper River Meridian
Lat: N 55.873886 Long: W 133.255725
Sheet 8 of 10 Date: 6/23/20 TK

The operating plan avoids **indirect impact** to eelgrass by:

- 1) Following best management practices for upland water quality maintenance during harvest operations, using the Alaska Forest Resources and Practices Act (AS 41.17). The FRPA and its corresponding regulatory code (11 AAC 95) are fundamental contract requirements during all forestry activities on DOF-managed timber harvest units. FRPA specifically addresses issues related to surface water erosion and upland soil disturbance during and after timber harvests. The DOF actively manages its timber sales in order to prevent adverse impacts to surface waters, including sediment migration and downstream turbidity impacts. While the proposed harvest unit does not contain any classified surface water bodies, concerns about general water quality in the intertidal area are addressed through overall adherence to Best Management Practices for Timber Harvest Operations, and specifically, through the design of the rock landing. The relatively large and irregular spacing of the proposed shotrock fill will intercept and confine sediments and debris that may be locally mobilized during the log transfer process. Trapped debris will be removed from the intertidal zone, along with the shotrock fill, during the post-harvest obliteration of the proposed barge landing, and relocated to a stable position in the State-owned uplands. Care will be taken, during the restoration phase, to not introduce more turbidity. The rock barge landing will be removed by equipment positioned atop of the rock itself, until all of the landing is removed except for the uppermost part, which will rest upon the vegetated uplands. Any areas of ground disturbance in the upland harvest area will be stabilized according to FRPA, utilizing the available shotrock and filter fabric, if necessary. (see Alaska SWPPP Guide, BMP 23).
- 2) Vessel Operations: The positioning of the barge will require a tugboat which will be located astern of the barge, meaning that prop-wash will originate approximately 200' away from the beach landing site. The area in which the tugboat will be operating has sufficient depth to provide significant vertical separation between the power unit and the sea-bottom. The horizontal separation of the propulsion unit from the barge landing site, along with the shallow, gently sloping nature of the beach, should be sufficient for fluid mechanics to attenuate any associated mechanical disturbance or turbidity impacts before they reach the aquatic habitat adjacent to the barge landing site.
- 3) Logs will be decked and sorted in an upland landing, where any bark fragments will be confined and stabilized by existing upland vegetation and shotrock fill. When logs are transferred to the barge, they will be handled to avoid abrasion and contact in the intertidal area so as to avoid bark deposition to the greatest possible extent.

Eelgrass Monitoring/ Revegetation:

The goal will be to not significantly impair the productivity of the intertidal area and to maintain the function of the eelgrass habitat. The DOF will conduct site visits before, during, and after timber salvage operations. Alaska Department of Fish and Game (ADFG), Habitat Division, will continue to be consulted and be given due deference with respect to the agency's expertise, responsibility, and evidence to support factual assertion of habitat impacts. Preliminary research by DOF indicates that moderately disturbed eelgrass beds can revegetate and recolonize themselves so long as environmental conditions are not altered (USACE, 2016). The operating plan includes measures to avoid both direct, mechanical disturbances to eelgrass beds, as well as to avoid indirect disturbances that could otherwise introduce longer-term impacts to eelgrass habitat.

Upon completion of timber harvest operations, the DOF, in consultation with ADFG, will perform a field assessment of eelgrass impacts. If eelgrass beds appear to be disturbed beyond what is likely to be naturally revegetated, in a reasonable period of time, then the DOF or its contractor will transplant eelgrass from adjacent, undisturbed populations, and monitor the site until such time that eelgrass beds have fully recovered from forestry-related disturbance.

References:

State of Alaska, Department of Transportation and Public Facilities. 2016. "Alaska Stormwater Pollution Prevention Plan Guide"

http://www.dot.state.ak.us/stwddes/desenviron/assets/pdf/swppp/english/2016/swppp_guide_with_apdx.pdf

USACE. 2016. "Components of a Complete Eelgrass Delineation and Characterization Report."

<https://www.nws.usace.army.mil/Portals/27/docs/regulatory2/FormsEtc/Components%20of%20Eelgrass%20Delineation%2020180109.pdf?ver=2018-01-12-102015-010>

Short, F., and S. Wyllie-Echeverria. 1996. "Natural and human-induced disturbance of seagrasses." *Environmental Conservation* 23: 17-27.

Appendix C: Appeal Statutes and Regulations

(See Appendix C, same as the Best Interest Finding)

Appendix D: DRAFT FLUP Public Comment

(none)