

State of Alaska
Department of Natural Resources
Division of Forestry
Coastal Region
Kenai / Kodiak Area

Final Decision
Best Interest Finding and
Forest Land Use Plan
East Ninilchik Timber Sale
SC-3072 K
October 2013



East Niniichik Timber Sale
 SC 3072 K
 Final Decision
 Best Interest Finding / Forest Land Use Plan

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I. INTRODUCTION

A. Purpose

The Department of Natural Resources, Division of Forestry (DOF), Kenai-Kodiak Area Office is offering for sale approximately 200 acres of timber for harvest. The sale contains an estimated 1.4 million board feet (MMBF) of spruce, and an estimated 100 thousand board feet (MBF) of birch to be sold by sealed competitive bid. This sale will salvage dead spruce trees, as well as a portion of live spruce and birch trees.

This document also provides the necessary site specific information required for adoption as a Forest Land Use Plan (AS 38.05.112. Forest land use plans). This Forest Land Use Plan (FLUP) for the East Ninilchik Timber Sale will be adopted with the issuance of the Final Finding stating the timber sale is in the State's best interest.

The Preliminary Finding for this timber sale was available for review and comments by the public and agencies between October 18, 2013 and November 18, 2013. The Division of Forestry has addressed comments received from the public and reviewing agencies; this information is attached to the back of this document.

B. Objectives

The primary objectives of this timber sale are to:

1. To follow DNR's constitutional mandate to encourage the development of the state's renewable resources, making these resources available for maximum use consistent with the public interest. Firewood is the primary product of this sale, and therefore parallels the public's increasing firewood demand.
2. To accelerate reforestation: harvesting timber is a means of preparing the area for new trees to establish. This proposal helps meet the Division's statutory responsibility to provide "...sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on ...state land."
3. Reduce the wildfire risk and potential destruction of private property by salvaging dead timber, which reduces fuel loading.

C. Five Year Schedule:

The East Ninilchik Timber Sale is currently listed in the last edition of the Five Year Timber Sale Schedule 2014-2018 as required by AS 38.05.113 (Five Year Sale Schedule).

D. Location:

The proposed timber sale is located in Sections 17, 18, 19, & 20 Township 1 South, Range 13 West, Seward Meridian. Ninilchik is the nearest community, and is located about 5 miles southwest of the sale. Cook Inlet Region, Inc. (CIRI), Ninilchik Native Association, Inc, University of Alaska and miscellaneous private lands are adjacent to the sale area. This sale can be located on the United States Geological Survey 1:63360 Quadrangle maps titled Kenai A-5.

E. Title, Classification and Other Active or Pending Interests:

This sale is located in within Unit 62 of the Kenai Area Plan (adopted in January 2000) and is designated for high value resources management. Timber harvest is an allowed use; in fact, this sale is identified in the Unit 62 management intent. This proposed sale complies with the guidelines and specific policies contained in the area plan.

F. Planning Framework

The decision to offer the East Ninilchik Timber Sale was based on a long series of planning decisions, made with public and agency input every step of the way. This document, the Forest Land Use Plan (FLUP) for the timber sale, is one of the final steps in this long planning process. The planning for where timber harvest is appropriate, and where it is not appropriate, is done at a much broader scale than the FLUP. The framework for how management decisions are made for timber sales on the Kenai Peninsula is as follows:

1. Area plans, management plans, and land use plans (in this case, the *Kenai Area Plan*) determine where timber harvesting is allowed.
2. The Forest Resources and Practices Act and Regulations, and the Alaska Forest Management Statutes & Regulations determine how timber will be managed within areas where harvesting is allowed by the area plan.
3. The Five-Year Schedule of Timber Sales proposes when timber sales will be offered, and approximately where and how big each sale will be.
4. Next, a Forest Land Use Plan is written for each individual sale, which contains more detailed decisions about each sale.

Both the area plan and the management plan processes were the means to openly review resource information and public concerns prior to making long-range decisions about public land management. The planning processes determined how the complete range of uses would be accommodated in the proposed sale area, including opportunities for forestry, as well as protecting fish and wildlife habitat, opportunities for recreation, and the whole range of other uses. This document's decision to conduct timber harvest in the area is based on the Kenai Area Plan's designation for this particular area that allows for timber harvest.

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

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

II. LEGAL AUTHORITY

The department is taking this action under the authority of AS 38.05.035(e) (Best Interest Finding); AS 38.05.110-120; 11 AAC 71 (Timber Sale Regulations); 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 offer timber within the East Ninilchik Timber Sale. This record will be maintained at the Kenai-Kodiak Area Office and filed as **SC-3072K**.

IV. DESCRIPTION OF SALE AREA

A. Physical characteristics of the sale area

Topography and Soils

The East Ninilchik Timber Sale consists of scattered forested uplands within a muskeg complex. The elevation ranges from 220 -290 feet above sea level and has a relatively flat aspect.

The Natural Resource Conservation Service Soil Survey indicates that the predominate soil type in the sale area is the Cohoe Series. The Cohoe Series is a deep moderate to well drained silt loam occurring on nearly flat to strongly sloping terrain. The soil's susceptibility to erosion is rated as slight to moderate but long slopes may present a danger to erosion. Due to predominate rolling terrain with slopes less than 20 percent grade, and the fact that roads will be utilized only in the winter, there appears to be almost no chance of slope failure.

Waterbodies

There is one unnamed stream that flows within 250 feet of harvest units. In the southern half of the sale area, GIS data shows that this stream flows into the Ninilchik River, which has been catalogued by the Department of Fish & Game as anadromous fish habitat. The Ninilchik River flows approximately one mile east of the sale area. To date, there have been no blockages to fish passages observed in this tributary to the Ninilchik River. Therefore, this stream will be provided riparian protection areas as required under AS 41.17.118 of the Alaska Forest Resources & Practices Act. This stream has the characteristics of a Type II D classification as defined in AS 41.17.950 of the Alaska Forest Resources & Practices Act. This stream will also be subject to permits issued by the Department of Fish & Game pursuant to their Title 16 Authority which protects fish passage and anadromous fish habitat.

Timber Stand Conditions

Forest stands in the area are predominately upland stands of approximately 30% spruce and 70% birch with scattered cottonwood and aspen. As is the case throughout the Kenai Peninsula, the spruce are hybrids between white spruce and Sitka spruce (*Picea glauca X sitchensis*). This hybrid is called Lutz spruce (*Picea X lutzii* Little). Willow, upland willow, and upland alder types are present as well as plant communities associated with muskegs. The largest spruce—once the overstory—died during the bark beetle infestation. Most of these trees have fallen over. There have been considerable changes to the forest stand structure,

including: fewer seed trees, lower average DBH, lower average tree height, and declining in stand density. With the absence of available seed trees, natural regeneration is not expected to occur as quickly as healthy spruce stands. Birch regeneration is also decreased due to the severe competition of grass and inadequate seedbed availability.

Field observations, literature review, as well as permanent plot data have shown that heavily beetle impacted spruce stands are not self-sustaining. Spruce is capable of regenerating under an overstory of spruce and other early successional tree species such as birch; response, however, is highly variable and density and percent stocking are low (INFEST #7, 1998)

Moderate to high coverage of bluejoint reedgrass (*Calamagrostis canadensis*) are already present throughout the area. Hence, competition with regeneration is expected to be high if site preparation for regeneration is delayed. Dense grass lowers the soil temperature and is a highly effective competitor. It inhibits the regeneration of both tree seedlings and browse species (Lieffers, et al 1993).

Wildfire Potential and Fuels Mitigation

The dramatic loss of mature seed bearing trees over large landscapes continues to have long term and profound effects on the Kenai Peninsula.

Spruce stands became increasingly jack-strawed as dead trees eventually fell over. Downed timber effectively concentrates wildfire fuel, bringing large debris in contact with a dense grass understory. This creates a horizontally continuous supply of fuel, capable of sustaining fast-moving and intense fires. This is particularly true in the spring after snow cover has receded. Downed timber in tall grass impedes access into a fire area by firefighters and will severely limit the use of tactical ground forces such as engines, dozers and hand crews (See 1998). Even when suppressing fires during moderate environmental conditions, placing crews in this type of fuel poses a significant personal safety risk should winds begin to rapidly increase, change direction, or if sudden slope changes are encountered.

B. Wildlife Habitat

The effects of the harvest activity will vary depending on species. Wildlife species that prefer mature and spruce stands with extensive canopies will either be displaced or decline in numbers. Species preferring more sparse, mixed species stands, or sites with a predominate grass-forb successional stage will likely increase in population (DF&G 1994).

The primary measures for minimizing impacts to wildlife habitat are the previously-mentioned fringes of timber that will be retained to provide wildlife cover. Only temporary ice roads will be used to access the sale area. After timber harvest activities cease in the spring, road beds will have thawed, and will be too saturated for vehicle passage. This will reduce wildlife impacts associated with roads.

Approximately three to four standing trees per acre will be retained within the harvest unit as nesting habitat.

Bears

No denning sites were found during field reviews for either black or brown bears. However, increased access associated with resource development is of concern to wildlife managers (Selinger, 2005). For black bear, the proposed timber sale is adjacent to potential late summer and early fall berry crops. Increased

vulnerability of local black bear populations to hunting is a function of road location and road density which, in turn, is related to the timber harvesting systems used and the level of logging activity (DF&G 1994).

In 2010, the US Forest Service and the US Fish & Wildlife Service conducted a census for brown bears on the Kenai Peninsula. The result of the census was an estimate of 624 bears (USFS/USFWS 2012). The highest densities of brown bears are in the forested lowlands and sub-alpine areas west of the Kenai Mountains.

The highest densities of brown bears are in the forested lowlands and sub-alpine areas west of the Kenai Mountains. Bear activity in the sale area appears to be more temporary with bears passing through, rather than residing in large numbers or rearing young. Research suggests that home ranges for brown bears can cover tens to hundreds of square miles and because of this variability; the concept of home range size is not very useful (DF&G 2000). Due to the relatively small size of the proposed sale area in comparison to the above-mentioned home ranges, and the fact that concentrations of timber will be retained throughout the sale, impacts to brown bear habitat are expected to be minimized.

Logging roads may cause behavioral changes with the brown bear population. Although evidence suggests that road avoidance behavior and habitat loss leads to changes in wildlife productivity and survivorship, there is little data currently available to support this hypothesis (Frederick 1991). Several researchers suggest that grizzly bears habituate to open roads by shifting to a more nocturnal activity pattern. Apparently, darkness may serve as cover, allowing bears to use roads and adjacent habitats and cross open areas where they are vulnerable to human harassment and hunting mortality. To use areas within 100 meters (approximately 328 feet) of roads within their home range, bears have often done so under the cover of darkness by being nocturnal in their travel and feeding patterns (Frederick 1991). This travel period may be shorter in Alaska due to the state's latitude. However, numerous studies, including at least one in Alaska (Olson, et al 1998) have shown that brown bears will use highly disturbed areas by being nocturnal, while bears in undisturbed areas tend to be more crepuscular (active during twilight)(Frederick 1991). It has also been noted that sows with cubs and yearling juveniles more frequently used habitats near roads than other bears. These areas may have been relatively secure because potentially aggressive adult males avoided them (McLellan and Shackleton 1988). Several researchers reported that adult bears in open sites usually retreated to cover when a vehicle approached within 300 meters (984 feet). However, researchers McLellan and Shackleton found that bears fled even further when approached by people on foot; in 5 of 9 cases when bears in remote areas were approached by humans, bears fled for distances greater than 1 km (0.6 miles), or out of the immediate drainage (Frederick 1991). This illustrates that bears find vehicular traffic less threatening than people on foot. This may be attributable to habituation.

The availability of security cover is considered important in how brown bears are influenced by human activities. Brown bears are at least twice as likely to be displaced from open areas where they can see or be seen by humans (Suring 1998). The harvested portion of the timber sale will provide little cover for bears until the regeneration reaches an adequate height. Seasonal road use and retained concentrations of timber are planned actions intended to align with the recommendations of the Kenai Peninsula Brown Bear Conservation Strategy (DF&G 2000).

Moose

Moose are found throughout the area. Moose population estimates for Game Management Unit 15, covering the western peninsula, are estimated at 6,000 to 7,000 moose (DF&G 2003). DF&G observed that moose use the forested areas during the summer and feed heavily on the browse and forb species present. DF&G also observed that during the winter, moose pellet groups were less abundant in the interior of upland plateau timber stands than in riparian areas, on slopes and in or near glades. Willow, a primary browse species, is found more abundantly in open areas.

The increased deadfall and debris on the forest floor could limit access to preferred foraging areas and limit mobility during critical times of the year for moose (DF&G 1994). DF&G (2003) notes that increasing deadfall over time will make moose travel through these areas more difficult.

While birch is not the dominate species in the sale area, this sale operation is intended to result in viable birch trees left standing as future seed sources. Ground disturbance from logging activity and site preparation is expected to result in favorable conditions for subsequent birch regeneration.

Cover is more important in summer conditions; moose have an efficient way of keeping warm in severe weather but are less efficient in moderating the effects of high summer temperatures that can cause them to overheat (INFEST #6). The unharvested fringes of timber along the muskeg will provide some cover, but the harvested areas will not provide shading and calving areas. The concentrations of retained timber along muskegs and unharvested patches of timber will be scattered throughout the sale area to provide cover.

Other Fur Bearers

Timber harvest activities are expected to impact the habitat for ermines, mink, and river otters by reducing cover or abundance of available prey. By retaining timber in riparian areas—as will be required in this proposed sale—the above-mentioned impacts will be offset.

Snowshoe hares appear to be decreasing numbers in proximity to the sale area. This species is subject to population rises, followed by abrupt declines. Timber harvest is not expected to influence the population dynamics. During peak population cycles, hares browsing can cause significant reduction in young tree development. As the population minimizes, reforestation is expected to increase. This includes the survival of planted trees.

Birds

Spruce grouse are also affected by the loss of spruce trees to the spruce beetle primarily through the loss of winter feeding habitat (DF&G 1994).

Timber harvest operations will have similar effects. The loss of canopy will result in increased mortality from predation because of more visible nests and loss of protection from inclement weather (DF&G 1994). Leave areas will help to offset this loss to the extent that they are useful. Scarification, where feasible and quick reforestation efforts will help to create more suitable habitat conditions in a shorter period of time than if left in an unmanaged condition.

The potential effects from a timber harvest on cavity-nesting and other non-game birds will be the shortage of suitable nesting trees, which could result in lower numbers of birds. The conversion of sites to early

successional stages could result in a shift in bird species composition to favor birds that prefer grass, shrub/forb, and sapling habitats (DF&G 1994).

Fish Habitat

Streams identified as fish habitat are mentioned “Water Bodies” Section. The Alaska Forest Resources & Practices Act and the Regulations require protection of anadromous and high value resident fish habitat. The Forest Practices Act requires that timber be left adjacent to water bodies identified as fish habitat. The width of the riparian retention areas depends on the width of the stream and is specified in the Alaska Forest Resources & Practices Act.

Roads pose the highest potential impacts to fish habitat in the sale area since most of the harvest units are over 250 feet from water bodies. Winter roads and ice bridges used for this sale are subject to fish habitat protection requirements in the Alaska Forest Resources & Practices Regulations. Stream crossings in the sale area may also be subject to fish passage, and habitat protection requirements under the Department of Fish & Game’s Title 16 authority.

C. Human activity and social considerations

Hunting

Based on field observations, the area is hunted primarily by local residents; hunting pressure is not expected to increase in the area as a result of timber harvest. The Alaska Department of Fish and Game is responsible for setting hunting regulations, including restricting hunting areas.

Subsistence

The subject area has not been designated as a subsistence zone. Under current state law, subsistence harvest opportunities within the timber sale have been incorporated in general hunting and fishing regulations (DF&G 10/23/94). There are the following possible subsistence uses in the area: trapping, hunting and gathering of berries. The effects of the spruce beetle infestation and the proposed timber harvest on wildlife species of interest to both trapping and hunting are detailed above in the two wildlife sections. Most of the *Vaccinium* species prefer open forest conditions, which would tend to indicate that the berry crops might do well as the stands open up. However, Holsten, et al. (1995) indicated that on untreated beetle killed sites, lowbush cranberry decreased in number and on burned sites it doubled. It is anticipated that the berry crop will not be significantly affected by the proposed treatment.

Recreation

Based on field observations, there appears to be intermittent recreation presumably by local residents. Generalized use of ATV’s was evident in the area. The area may be used for moose hunting in the fall, but there was no evidence of any established camps or recreational use sites. This area is not known to have unique tourism values. At this time, there are no commercial recreation operations that use this area.

Cultural Resources

Currently, there no reports of cultural or historical sites in the Alaska Heritage Resources Survey within the sale area (DNR/ Parks, AHRS, 2013). The Alaska Heritage Resources Survey (**AHRS**) is an inventory of all reported historic, prehistoric, and paleontological sites within the State of Alaska. The AHRS will be examined for updated information regarding the sale area prior to advertising this timber sale.

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

Scenic

This sale will not be visible from the Sterling Highway, but will be by aircraft, snowmachiners, and ATV users. Prompt reforestation, timber retention areas near wetlands, and the retention of selected live spruce and birch, will lessen what visual impact may be caused by harvest operations.

Land Use

Existing land use includes an oil and gas lease within the sale area. No agricultural use or grazing is known to occur. However, opportunities for hunting and berry picking will likely be improved. Snowmobiles and ATV users enjoy travel within the sale area particularly in the muskegs.

D. Sustained yield and allowable cut

This proposal complies with sustained yield/allowable cut principles outlined in the Kenai-Kodiak Area's Five Year Schedule of Timber Sales for 2014 - 2018.

E. Silviculture and Timber Harvest

The silvicultural prescription selected for spruce in this sale is to salvage dead spruce and harvest live spruce and birch based on diameter at breast height as well as maturity. Reserves of live trees to provide seed and cover. All merchantable dead or infested spruce larger than eight inches in DBH will be removed. Live spruce and birch will be harvested at the discretion of the State. After harvest, the resulting stand will consist of multi-age spruce, due to the age diversity of the seedlings and pole-sized trees left in the stand. Healthy spruce and all birch will be retained for seed production and wildlife cover. Birch is present in this stands; however it averages less than 40% of the total stem density. Birch is a prolific seeder, but viability of seed is potentially low due to age and vigor of the birch. Birch trees are not expected to grow to maturity in large numbers in the sale area, due to moose browse. Birch trees will be allowed for harvest at the discretion of the state.

Delimbed tops will be re-scattered and allowed to decompose or will be burned. Some piles will be retained for their wildlife values. Large amounts of nutrients such as phosphorous, nitrogen, and to a lesser extent for other mineral elements, are stored in the foliage, twigs, and branches; smaller amounts are in the main trunk of the tree (Bartels 1985). This material (limbs, twigs, and needles) is an important source of nutrients for the next stand of trees; typically over 95% of the nitrogen is contained within this material (Perry, et. al. 1989). Disposal of green or infested spruce material larger than five inches in diameter shall be in accordance with the standards set in 11 AAC 95.195(b) of the Forest Practices Regulations. Stump heights will be kept as low as feasible, typically less than one foot.

The sale area will be harvested in the winter. Logging will not be authorized during spring break-up, which usually occurs during a period from mid-April through May. The timber sale contract will contain provisions intended to protect young, non merchantable trees as residuals.

The State will conduct regeneration surveys following harvest to determine if artificial regeneration will be necessary. Planting may be necessary on sites lacking sufficient regeneration to meet stocking standards. Planted spruce seedlings will be grown from locally collected seed. This proposal may be adjusted post-harvest depending on the success in protecting residual seedlings and saplings.

Regeneration surveys will monitor trends of survival and species composition and also help to determine if any further reforestation effort is required to meet the reforestation requirements of the Forest Resources and Practices Act (11 AAC 95.375).

F. Transportation

The sale is approximately three miles northeast of Ninilchik. The planned access through a public easement will entail an ice road constructed within the Elizabeth Avenue right-of-way, which extends east from Rachel Avenue according to Plat 86-45 Homer Recording District (Kenai Peninsula Borough, 2013). Rachel Avenue extends from the Sterling Highway near Mile 131.2. The 33-foot Elizabeth Avenue right-of-way is between a private parcel to the north and a parcel adjacent south owned by Cook Inlet Region, Inc. (CIRI). The purchaser will need to obtain a road use permit from the Kenai Peninsula Borough.

Alternative access routes into the sale area through non-state ownerships will require the purchaser to obtain permission from the land owner, and be willing to provide the State with a copy of the written permission. The purchaser will be responsible for obtaining land or road use permits and paying fees if required by other land owners.

Log hauling on ice roads will begin when underlying ground is frozen sufficiently to support equipment. All ice roads and skid trails will be put to bed upon completion of use in accordance with the Forest Resources and Practices Regulations on road closure (11 AAC 95.320). Additionally, wood debris will be spread over a portion of the road bed to minimize future impacts of all terrain vehicles.

G. Erosion

This proposed firewood sale is on relatively flat terrain; the overall slope is less than ten percent grade. Therefore, no slope failures or soil movement is expected.

H. Mining

There is no known mining activity in this area.

I. Materials

This proposed harvest will not preclude future development of a material site. Needed borrow material for the timber sale road(s) will be minimal and acquired from within the right of way. No pits will be developed.

V. MARKET CONDITIONS AND ECONOMICS

The local market includes domestic sawlogs, house logs and firewood. Most of the timber from this sale area will probably be sold and utilized as firewood. The cost of heating oil on the Kenai Peninsula rose sharply in 2008. The demand for firewood has increased noticeably over the previous two years. Consequently, firewood sold for \$150 to \$200 per cord in 2012. Firewood prices are presently competitive with sawlogs as

an end product for all but the green wood. Firewood is currently in greater public demand than either sawlogs or house logs. The DOF anticipates this sale to be marketable based on past sale activity.

VI. ALTERNATIVE ACTIONS

After a review of the material and information discussed above, the following alternatives have been considered:

1. **Offer a timber sale as outlined in this document.** This alternative meets the objectives of the Five-Year Schedule of Timber Sales and one of DNR's mandates to make the state's renewable resources available for public use. It also meets the silvicultural objective of improving forest vigor, provides for a value-added end product and creates additional local jobs due to the combination of road building, logging, and trucking.
2. **Offer this timber sale at another time.** We believe that postponing the harvest of timber within the block is not in the public interest. As the dead trees continue to decay, their merchantability will decline; therefore it is important to provide opportunities to utilize a resource that currently is in high public demand—firewood.

Additionally, the increasing fuel loading as a result of the dead trees is not in the public's interest. Trees that would otherwise be salvaged would become sources for ignition and fuel loading for a potential catastrophic wildland fire. Postponing the sales to a later date could result in sufficient loss of market value that the sale would become uneconomical.

3. **Modify the Sale by making the harvest units smaller.** This sale is intended to be large enough to be economically viable for mechanical logging methods. Increasing the size of the harvest unit will eliminate the surrounding no-harvest buffers which are intended to provide visual cover for wildlife. Decreasing the size of the sale area will reduce the supply of firewood and leave more timber to further deteriorate on the site and exacerbate the wildfire fuel loading. This sale is large enough to cover the costs of constructing access roads and cover the mobilization costs to operate in the Ninilchik vicinity under historic conditions. This sale is appropriately balanced to maintain other resource values as well as provide economic benefits to the Kenai Peninsula.
4. **Do not offer this timber sale.** This alternative would result in not meeting any of the objectives outlined for this management action. Utilization of the forest resource would not be achieved. There would be no significant contribution to the state and local economies. This alternative would delay the management objectives planned for the area, would deny making a source of raw materials available to the local wood products industry, and would delay the harvest of dead trees, mature trees, disease infected trees, and trees at risk to insect infestation. As timber continues to decay, it eventually loses economic value or suitability for public use.

VII. BEST INTEREST FINDING

The purpose of this decision is to determine if the Department of Natural Resources, Division of Forestry, will make available timber located in portions of Sections 17, 18, 19, & 20 Township 1 South, Range 13 West, Seward Meridian.

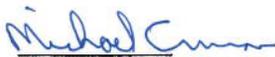
After due consideration of all pertinent information and alternatives, the Division of Forestry has reached the following **Final Decision: To offer the sale as proposed in Alternative 1.** The Division of Forestry finds that this final decision satisfies the objectives as stated in this document and it is in the best interest of the State to proceed with this action under its authority of AS 38.05.035(c) and AS 38.05.120.

REQUESTS FOR RECONSIDERATION

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by December 30, 2013 and may be mailed or delivered to Joe Balash, 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 <mailto:dnr.appeals@alaska.gov>. If no appeal is filed by that date, this decision goes into effect as a final order and decision on January 9, 2014. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. If you have any questions, please contact Hans Rinke at the Kenai / Kodiak Area Office at (907) 260-4200 or e-mail hans.rinke@alaska.gov.

Failure of the commissioner to act on a request for reconsideration within 30 days after issuance of this decision is a denial of reconsideration and is final administrative order and decision for the purposes of an appeal to Superior Court. The decision may be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

If you have any questions, please contact Hans Rinke Kenai-Kodiak Area Forester at (907) 260-4200 or by e-mail hans.rinke@alaska.gov.



Michael Curran
Coastal Regional Forester

12-5-13

Date

East Ninilchik Timber Sale
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Abbreviations

ADFG: Alaska Department of Fish and Game
AHRS: Alaska Heritage Resources Survey
BMPs: Best Management Practices
DBH: diameter at breast height
DEC: Department of Environmental Conservation
DLP: Defense of Life and Property
DNR: Department of Natural Resources
DOF: Division of Forestry
FF: Final Finding (Forest Land Use Plan)
FLUP: Forest Land Use Plan
FRPA: Alaska Forest Resources and Practices Act
FYSTS: Five Year Schedule of Timber Sales
KAP: Kenai Area Plan
ORV: off-road vehicle
PD: Preliminary Decision (Forest Land Use Plan)
SHPO: State Historic Preservation Office

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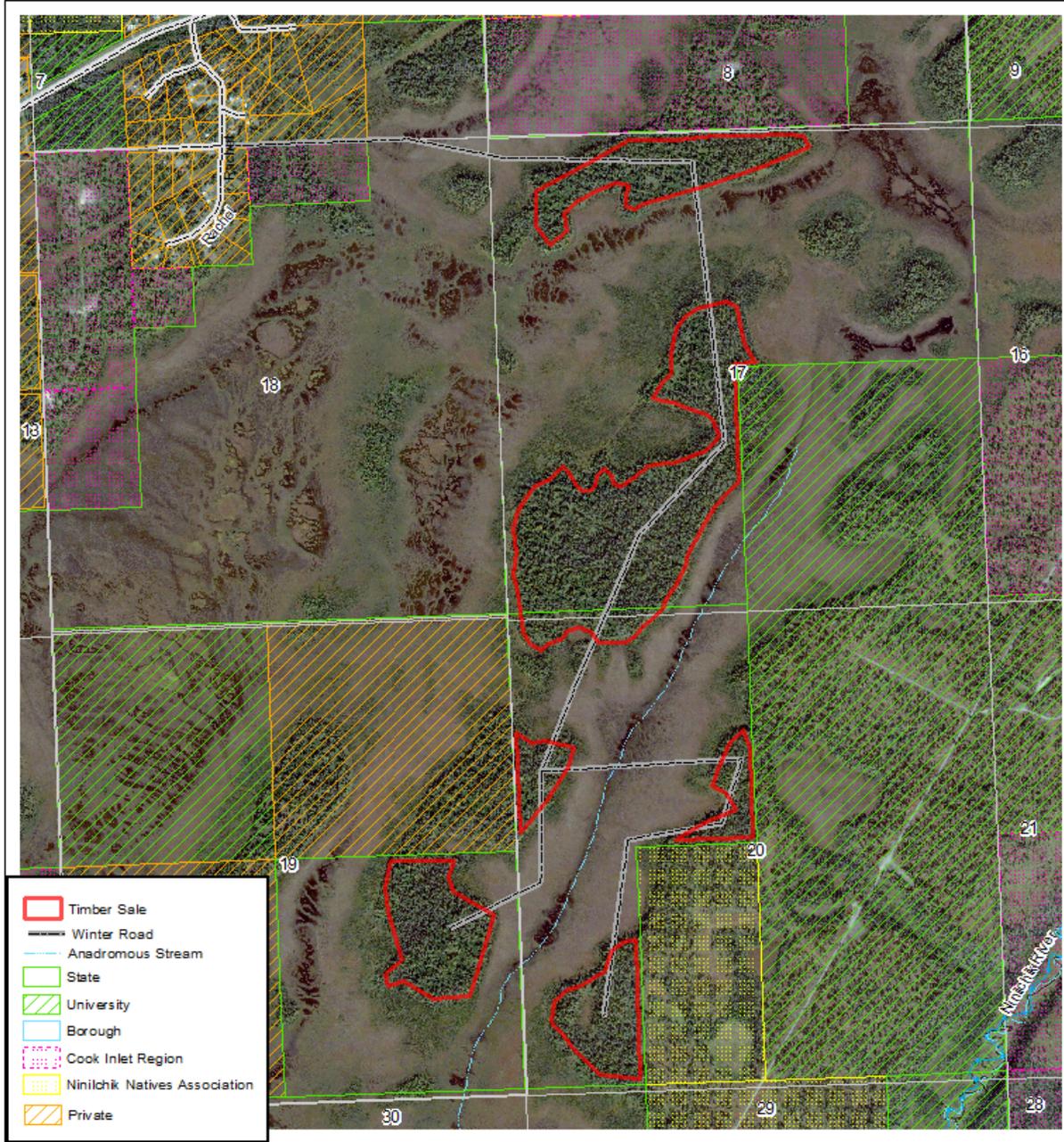
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Links to Planning Documents:

Kenai Area Plan: http://dnr.alaska.gov/mlw/planning/areaplans/kenai/pdfs/master_KAP.pdf

Timber Sale Maps





- Timber Sale
- Winter Road
- Anadromous Stream
- State
- University
- Borough
- Cook Inlet Region
- Ninilchik Natives Association
- Private



East Ninilchik Timber Sale
SC-3072 K
200 Acres
 Sections 17, 18, 19, & 20
 Township 1 South, Range 13 West,
 Seward Meridian
 J. Winters June 23, 2013

Comments & Responses

Department of Natural Resources, Division of Forestry
 November 2013

The following comments were received during the public comment period on the East Ninilchik Timber Sale.

Organization	Author	Location
Alaska Department of Fish & Game	Patti Berkhahn	Soldotna
Alaska Department of Environmental Conservation	Kevin Hanley	Juneau
Alaska Department of Natural Resources/Parks/State Historic Preservation Office	Mark Rollins	Anchorage

Commenter	Comment	Response
Patti Berkhahn	There are no catalogued anadromous streams in the sale area; however there is an unnamed fish bearing tributary of the Ninilchik River. Any activity across this stream will be subject to Fish Habitat permits issued by ADFG, Habitat Division pursuant to Title 16 authority to protect fish passage and should be provided riparian protection under AS 41.17.118 of the Alaska Forest Resources & Practices Act.	Noted. The timber sale operator will be required to obtain necessary permits prior to crossing the unnamed tributary.
Kevin Hanley	Given the paucity of streams or other surface waters within the individual harvest units of these sales, we have no significant concerns for the maintenance of water quality. In addition, we trust that the road construction and stream crossing components of the sales will be done in accordance with the standards of 11 AAC 95.290(f),(g),(h), and (i), and 11 AAC 95.300(a)(5). These standards pertain to proper winter road and ice bridge construction, use, and closure techniques for the protection of water quality.	Noted. The timber sale operator will be required to build roads and harvest timber in compliance with the Forest Practices Regulations stated in your comments.
Mark Rollins	There are no recorded AHRS sites within the proposed areas for timber harvest (South Ninilchik, East Ninilchik, & Jerome).	Noted. Any cultural artifacts or remains discovered will be protected from impacts and reported to the State Historic Preservation Office.