

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY**



**SOUTHERN SOUTHEAST AREA FORESTRY
BEST INTEREST FINDING AND DECISION FOR
EDNA BAY PARLAY TIMBER SALE
SSE-1342-K**

March, 2017

Abbreviations

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| ADEC | Alaska Department of Environmental Conservation |
| ADF&G | Alaska Department of Fish and Game |
| ADNR | Alaska Department of Natural Resources |
| AMHLT | Alaska Mental Health Land Trust |
| BIF | Best interest finding |
| BMPs | Best management practices |
| DMLW | Division of Mining, Land and Water |
| DOF | Division of Forestry |
| DWC | Division of Wildlife Conservation |
| FLUP | Forest Land Use Plan |
| FRPA | Alaska Forest Resources and Practices Act |
| FYSTS | Five-year Schedule of Timber Sales |
| LTF | Log transfer facility |
| MBF | Thousand board feet |
| MMBF | Million board feet |
| OTB | Operable timber base |
| POWIAP | Prince of Wales Island Area Plan |
| SESF | Southeast State Forest |
| SESFMP | Southeast State Forest Management Plan |
| SHPO | State Historic Preservation Office |
| UA | University of Alaska |
| USFS | United States Forest Service |

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I. PROPOSED ACTION

The Alaska Department of Natural Resources, Division of Forestry (DOF) is proposing to offer for sale approximately 700 acres of mixed mature second growth and old growth forest composed of western hemlock, Sitka spruce, western red cedar and yellow cedar from state lands near Edna Bay on Kosciusko Island. The proposed timber sale(s) is on lands within the Southeast State Forest (SESF) and on lands designated within the Prince of Wales Island Area Plan (POWIAP) as Forestry Lands. The sale(s) within the SESF meet the management intent of the Southeast State Forest Management Plan (SESFMP) that was adopted by the Commissioner of the Department of Natural Resources on February 29, 2016. Timber harvest and construction operations on Forestry lands will only occur within the area covered by the Interagency Land Management Authorization, ADL 108253 that was issued to DOF by the Division of Mining, Land and Water (DMLW). Operations within land designated as Forestry lands will follow the management intent of the POWIAP.

The volume to be offered totals approximately 14,000 thousand board feet (MBF). DOF would sell the timber as one large sale under AS 38.05.120 or as a series of smaller sales under AS 38.05.115, AS 38.05.118 and AS 38.05.120 for commercial use with harvest unit and road layout and design completed by the purchaser or the DOF.

The management objectives for the proposed timber sales are:

1. To follow the Alaska Department of Natural Resources' (ADNR) constitutional mandate (Article 8.1) to encourage the development of the State's renewable resources, making them available for maximum use consistent with the public interest;
2. To help the State's economy by providing royalties to the State in the form of stumpage receipts, as well as contributions to the State's economy through wages, purchases, jobs, and business; and
3. To help the local economy of the communities within southern Southeast Alaska by creating additional jobs due to the combination of road building, logging, trucking and potentially milling.

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 Southern Southeast Area Office filed as SSE-1342-K.

IV. SCOPE OF DECISION

This Best Interest Finding (BIF) is part of a six-part process to design, sell, and administer timber sales. This BIF covers the sale of approximately 700 acres of mixed age mature second growth and old growth forest composed of western hemlock, Sitka spruce, western red cedar and yellow cedar on state lands within the perimeter of the 2,340-acre project area (see Appendix A). Due to the remote nature and limited markets for Alaska second growth timber, the DOF considers it appropriate to utilize the timber sale purchaser(s) to perform some of the harvest unit and road layout within the sale area. All operations will have the oversight of the DOF. The DOF anticipates that the purchaser may have to share the use of the Log Transfer Facility (LTF) and sort-yard within Section 34 Township 68 South Range 76 East Copper River Meridian with the purchaser of the University of Alaska's Edna Bay Timber Sale.

The following list summarizes the overall timber sale 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 sales. Subsequent land use decisions must be consistent with the area or forest management plans, respectively.

On lands within the SESF, the area is covered by the recently adopted Southeast State Forest Management Plan (SESFMP). Lands designated as Forestry are covered by the POWIAP.

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 Forest Land Use Plan. Proposed timber sales within the area covered by this BIF must appear in at least one of the two FYSTS preceding the sale.

The sale area is included within the 2015-2019 FYSTS and portions of the sale area were also within the 2013-2017 FYSTS and 2011-2015 FYSTS.

The sequence of the second and third parts is interchangeable and not mandated by law. Since DOF must prepare a five-year schedule at least every two years, a proposed sale may likely appear on schedules both before and after the BIF is issued. Under AS 38.05.113, a particular sale

must only appear in the five-year sale schedule before it is actually sold – not necessarily before or after the administrative parts reviewing the sale are initiated or completed.

Part 3: Best Interest Finding (AS 38.05.035(e)). DOF must adopt a final BIF before selling timber. A best interest finding is the decision document that:

- 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.

In December of 2014, the DOF issued a Preliminary BIF covering the proposed decision to sell approximately 1,383 acres of mixed mature second growth and old growth forest on Kosciusko Island. DOF considered all written comments received during the extended review period. Responses to the comments are listed in Appendix D.

On October 29, 2015 the DOF issued a “Final” BIF for this proposed decision. That action was appealed on November 18, 2015, citing in part concerns with the 2011 draft southeast area forest inventory and the lack of an adopted forest management plan for the Southeast State Forest. On June 22, 2016, DOF withdrew the Final BIF and Decision for the Edna Bay Parlay Timber Sale (SSE-1342-K). This action was taken in order to update the proposed timber sale BIF with current information from the forest inventory that was updated in February 2016 and the Southeast State Forest Management Plan that was adopted on February 29, 2016. A second, revised Preliminary Best Interest Finding for the Edna Bay Parlay Timber Sale was issued in October 2016.

This Final Best Interest Finding reduces the harvest from 1,383 acres to 700 acres. Of these 700 acres, all are on lands within the SESF with the exception of 34 acres on land designated as Forestry in Section 34. The 34 acres of Forestry lands were designated by DMLW in ADL 108253 to access the SESF; the proposed harvest is associated with that intent. The reduction of the proposed harvest has been primarily done to reflect refinement of merchantability of the second growth timber. It has also been done to address comments received during the first public comment period regarding:

1. The possible implications of harvest on management of the land if the City of Edna Bay were to select and gain title to the Settlement and undesignated lands in Section 34,
2. View shed concerns associated with logging in the Settlement area that is generally adjacent to Edna Bay and
3. Known wildlife use that is situationally and economically able to be accommodated relative to the primary management intent of the SESF.

The proposed construction of a LTF and sortyard in Section 34 Township 68 South, Range 76 East, Copper River Meridian (CRM) is no longer part of this BIF. The construction of the LTF, sortyard and access road was authorized through ADL 108253 and subsequently managed by the

University of Alaska under their existing timber sale contract and the Statement of Intent between the DOF, University of Alaska and the Alaska Mental Health Trust signed in October 2014.

This document is the updated and reissued BIF for the Edna Bay Parlay Timber Sale. After public and agency review of the preliminary BIF, the DOF reviewed comments and issued this new Final Best Interest Finding (BIF). DOF must adopt a final BIF before selling timber. A person affected by the final decision who provided timely written comment or public hearing testimony on the preliminary decision may appeal it, in accordance with 11 AAC 02. (See Appendix C, Appeal and Request for Reconsideration Regulations).

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 will ensure FLUP(s) are completed for the harvest area within the overall sale area covered by this BIF. FLUPs specify the site, size, timing, and harvest methods for harvest unit within the sale area. FLUPs also address site-specific requirements for access construction and maintenance, reforestation, and multiple use management. FLUPs are based on additional field work, agency and community consultation, and site-specific analyses by the DOF, and are subject to public and agency review.

The FLUP(s) for the lands within the timber sale project area that are designated as Forestry will incorporate the POWIAP management intent. Lands within the SESF will incorporate the management intent of the adopted SESF management plan.

The DOF may sell the timber prior to the adoption of a FLUP. In the event that the timber is sold this manner, the sale design, the FLUP review and final adoption will be conducted by the DOF.

Part 5: Timber sales and contracts. Following adoption of the Final BIF, DOF anticipates offering the timber for sale by competitive bid (AS 38.05.120) or by a negotiated sale(s) (AS 38.05.115 or AS 38.05.118) and signing a contract with the purchaser. The contract will include stipulations to ensure compliance with the BIF, adoption of a FLUP prior to beginning harvest, and harvest unit design based on applicable State statutory and regulatory requirements.

Contract length for timber sales sold under AS 38.05.118 may range between one year and twenty-five years. Contract length for sales sold under AS 38.05.123 are less than ten years. Sales sold under AS38.05.120 are typically less than five years in length. Sales over five years in length are required to have stumpage rates redetermined every five years.

Part 6: Sale administration. The DOF administers timber sales and conducts field inspections to ensure compliance with the final 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 within Sections 1 and 2 of Township (T) 69 South (S), Range (R)76 East (E) and Sections 31, 32, 33 and 34 of T68S R76E, Copper River Meridian (CRM). The sale area is locatable on USGS quadrangle maps, Craig D-5 and D-6. See attached map titled Appendix A SSE-1342-K Edna Bay Parlay Timber Sale Area Map.

B. Title status

The sale area lands were granted to the State through National Forest Community Grants 129 and 232.

C. Land use planning, classification, and management intent

A portion of this project area is within the municipal boundary of the City of Edna Bay; specifically, the project area north of the southern side of T68S.

Thirty-four acres of the proposed harvest area are on lands designated as Forestry lands by the POWIAP. The POWIAP is the managing document on State lands designated as Forestry that are located outside of the Southeast State Forest.

The majority of the land proposed for harvest is within the SESF and are managed under provisions of the SESF Management Plan that was adopted on February 29, 2016. The primary purpose of State Forests is, “timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial uses of public land and resources” (AS 41.17.200(a)). SESF lands are classified as Forest.

The land proposed for harvest within SESF is open to mineral entry. The lands classified as Settlement are closed to mineral entry.

The Interagency Fire Management Plan includes all of these lands in the modified or full protection category.

D. Current access and land use

The main access for this sale area is through the existing LTF located within Section 34 of T68S, R76E, CRM. From this LTF an existing forest road runs southwest approximately 3,500 feet through state Forestry land before entering the SESF. After crossing a portion of the SESF this road ties into a forest road located on University of Alaska (UA) lands. An agreement between the UA and the DOF (Statement of Intent signed October 21, 2014) pro-

vides for the mutual use of infrastructure owned by either party. This mutual use road system also connects with United States Forest Service (USFS) forest system road 1520000 within the SESF on the northwest side of project area.

Other than the recent completion of the forest road constructed by the UA to connect through the SESF to the new LTF, the SESF has no active use. Prior to state ownership the western half of the parcel was harvested at several different times between 1940 and 1970. The DOF conducted precommercial thinning on several of the younger stands approximately five years ago. A significant amount of road exists in the area and most of it is overgrown restricting vehicle use. The UA has recently cleared some of this road in order to access its land to the south.

The adjacent public landowners include the UA, the Alaska Mental Health Trust and the USFS. All of these have conducted harvesting of timber on their lands. The UA currently has an active timber sale to the south of the project area. The majority of the land on the island is owned by the USFS. The USFS recently completed an environmental assessment on the harvest of 29 MMBF of second growth timber to the northwest. The harvest is proposed to have a variety of silvicultural prescriptions designed to change the characteristics of the existing even aged stand.

Adjacent private land immediately to the northwest is a federal mineral claim that has seen a variety of use since it was patented in the 1950s and has been logged several times in the period since the early 1940s. It currently is not being used for mineral activity or timber harvest. A small sawmilling operation and equipment yard is located on the property.

In late 2014 Sealaska Native Corporation received conveyance of approximately 11,974 acres on Kosciusko Island. This block of land is approximately three miles to the north of the proposed sale area. Sealaska is not currently operating in the area. They have described the intent of the property as forest management.

E. Background and description of proposal

1. Background:

The Edna Bay Parlay Timber Sale area is located primarily within the Southeast State Forest. The primary purpose of State Forests is, “timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial uses of public land and resources” (AS 41.17.200(a)).

By direction from the Governor and Legislature, the DOF manages a timber sale program that makes timber volume available to help sustain the region’s timber industry and economy. The State’s timber land base is not sufficient to support the timber industry in its present form. However, DOF intends to provide a supply of timber equal to the calculated annual allowable cut for southern southeast Alaska on a regular basis.

The basis for developing a specific sale in this area stems from four things:

- A. The need to supply timber to the remaining timber operators of the region. The DOF identified the area as proximate to the geographic location of the remaining timber purchasers.
- B. The UA sold a timber sale on adjacent land that is best accessed through the Southeast State Forest. The UA sale is currently being harvested and there is intent on the part of the operator to be active in the area for the next two years. By capitalizing on this operator's mobilization, costs may be spread over a greater volume and a higher stumpage return may result in added revenue to the State.
- C. The observation that a significant amount of second growth timber on all land ownerships is approaching merchantable size on Kosciusko Island. By preparing for this prospect, economies of scale and markets may also be available if we are in a condition to sell the resource.
- D. The desire to utilize the newly created sortyard and LTF on State Land prior to its projected need to support other ownership's harvesting operations.

2. Timber volume and sustained yield:

The total estimated sawlog volume for this sale area is 14,000 MBF on 700 acres. This volume is based on the 2016 Southern Southeast Area Operational Forest Inventory, aerial photography interpretation and ground reconnaissance.

The DOF is required to manage its timber harvest on a sustained yield basis (AS 38.05.065(b) (1)). "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 averaged over a ten-year period. Based on 2005-2014 harvest data, sales through 2014 were within the "sustained yield" management objective.

The annual allowable cut calculation is determined by using the area regulation method, a method that best utilizes existing forest stand information. The area regulation method involves determining the net-forested acres available for harvest and dividing that number by the rotation period. The rotation period is the time it takes to grow a commercial stand of trees. A 100-year rotation has been the established standard for Southeast and is currently being used by the DOF. This rotation age could be adjusted in the future as more information on growth patterns of even-aged timber stands become available. Initial studies indicate that a rotation age as low as 60 to 80 years may be feasible on managed lands in Southern Southeast Alaska. A shorter rotation length will generate a higher allowable cut under the sustained yield basis.

The Prince of Wales Island Area Plan and the SESFMP are the governing sources for gross available acreage. The DOF has estimated that within the area plans there are approximately 23,198 acres of General Use (GU) lands that can be considered for

timber harvest. The SESF has an estimated 48,472 acres that can be considered for timber harvest. As a result of this a gross total of 71,670 acres, can be considered for timber harvest.¹ The gross total acreage is further refined through reductions in acreage for such things as vegetative cover that is not capable of growing commercial timber, known resident high value and anadromous stream retention areas, and exclusion zones listed in the area plans. This further refinement of acreage is called the operable timber base (OTB) and as a result of these refinements the DOF estimates the OTB to be 44,196 acres. The Division will continue to adjust and refine the OTB acreage based on fieldwork dependent upon staff availability and travel funds. When the total OTB acreage (44,196 acres) is divided by the 100-year rotation period, an annual allowable cut of 442 acres is derived. Based on DOF experience with the land, and the best forest stand information an average volume of 25 MBF per acre was applied yielding an allowable cut of 11,200 MBF (11.2 MMBF) per year. This average volume per acre (25 MBF) equals eighty-nine percent of the average volume per acre (28 MBF) from the last 11 DOF scaled sales in southern southeast Alaska.

When the annual allowable cut is put into decadal terms, it results in DOF being allowed to harvest 112,000 MBF (112.00 MMBF) per every 10-year time period or 4,420 acres within the Southern Southeast Area. Within the time period between July 1, 2005 until June 31, 2016 the DOF has harvested 81,227 MBF (81.227 MMBF). Only harvesting 81.227 MMBF results in an available surplus of 30,773 MBF (30.773 MMBF) available for harvest from that time period. The estimated volume to be offered under this BIF, 14.0 MMBF, is less than the remaining decadal allowable cut of 30.773 MMBF.

3. Harvest unit design:

Harvest unit layout and design within the sale area will be performed by the purchaser(s). Preference will be for clear-cut harvesting using conventional harvest methods (ground based or cable).

Purchaser(s) layout will be approved by the DOF prior to any harvest activities occurring and evaluated through the FLUP(s) process.

- a. Reforestation and site preparation: The sale area will be reforested in compliance with the Forest Resources and Practices regulations (11 AAC 95.375-.390).

Natural regeneration is the preferred regeneration method for this sale and it is anticipated based on observation in the area that adequate stocking levels will be achieved within five years after harvest.

Consideration will be given to planting Sitka spruce on slopes under 30 percent to shorten rotation time and increase the percentage of Sitka spruce, which is an economically desirable species. Planting is not projected to produce a mono-cultural forest.

¹ From Southern Southeast Area Operational Forest Inventory for State Forest and General Use Lands, Feb 9, 2016

- b. Road Access - design and construction: Road access design, construction, and maintenance will comply with the Forest Resources and Practices regulations (11 AAC 95.285-.355).

Crossing of cataloged streams will be accomplished through either bridging methods or culverts. In crossing cataloged streams timing restrictions will be applied and fish passage will be provided for. In all fish bearing stream crossings the entrance and exit of culverts will match the natural course of the stream. No changes in courses or channels will be made to anadromous streams. Additionally, within the harvest unit and road layout and design process and the FLUP(s) process the entire sale area will be evaluated for any uncatalogued anadromous streams or fish streams and the appropriate state statute or regulation will be applied to such stream.

General water quality streams will be crossed by proposed roads within the sale area and the entire sale area will be evaluated for unknown streams within the design, layout and FLUP(s) process. To maintain water quality during road construction, the Division of Forestry will mandate implementation of Alaska Forest Resource Practice Act (FRPA) and Best Management Practices (BMPs). The DOF timber sale administrator will ensure, with frequent field inspections, compliance with the timber sale contract and FRPA.

To keep the potential for soil erosion to a minimum, the amount of road construction will be minimized. The roads will be designed to follow the natural contours and benches in the area and will be located on flat or moderate slopes. Keeping roads off steeper slopes and located on flat benches not only minimizes soil erosion from road construction, but also minimizes erosion due to logging.

The DOF will suspend operations in times of saturated soil conditions. To minimize the potential for erosion, FRPA slope stability standards and yarding BMPs will be adhered to at all times, as well as the BMPs for road construction and maintenance.

Observation of the proposed sites indicates a low probability of soil movement. The units generally show thin organic soils on top of a limestone bedrock base that is well drained.

Road and harvest unit layout and design is projected to be completed by the purchaser within this sale area to aid in the sale's ability to adapt to market conditions and the economics of keeping personnel in a remote location. Purchaser layout will be approved by the DOF prior to any harvest activities occurring and evaluated through the FLUP(s) process.

The Atlas to the Catalog of Waters Important for Spawning, Rearing, and Migration of Anadromous Fishes was used as a reference guide to indicate the potential

for fish habitat issues in the timber sale area. Cataloged anadromous streams 103-90-10510, 103-90-10530 and 103-90-10550 were identified within the sale area and are labeled on the timber sale map in Appendix A.

The majority of the sale area has undergone field reconnaissance by the DOF. The extent of surface water has generally been defined through the use of aerial imagery and ground reconnaissance. The likelihood of unknown fish habitat being found at this point is low.

The access road from the project's sortyard/LTF to the easement for USFS forest system road #1520000 located on State lands will be left open for the foreseeable future due to the projected activity in the area by land owners. This may be modified in the future, if due to budgetary constraints there are insufficient funds to adequately maintain the road system.

- c. Appraisal method: The DOF will appraise the timber value in compliance with 11 AAC 71.092.

The sale area will be appraised by using a residual value appraisal method. Selling values and extraction cost numbers are obtained from industry sources, previous operations and the USFS. Appraisals are an ongoing process as costs and selling values are not static.

F. Resources and management

1. Timber

- a. Timber stand composition and structure:

The proposed harvest area has two distinct age types of timber:

Second Growth Stands

Second growth forests adjacent to and proposed for harvest exhibit indications of productive site conditions and are between 15 and 60 years old. The area identified in the western half of the sale area has pockets of merchantable second growth composed predominately of Sitka Spruce mixed with a minor component of western hemlock. These areas generally are on slopes that are well drained and generally where first harvested in the early 1940's. The total area proposed amounts to less than a third of the second growth on SESF land on the west side of Edna Bay. The majority of the western half of the SESF block is in two age classes separated by 30 years of age. Both ages are generally in the stem exclusion stage for understory.

Old Growth Stands

A minor but significant amount of timber is located on the eastern side of the sale area and exhibits characteristics associated with mature old growth composed primarily of western hemlock, Sitka spruce, western red cedar, along with a minor component of yellow cedar. Predominately the south and east side of this stand of timber was selectively harvested in the early 1930-40s; noticeably the Sitka spruce had been removed. The edges of this stand also show evidence of post-harvest wind throw that has regenerated into a mixed age stand. This stand type exhibits a relatively high proportion of western hemlock with notable indication of defect found in wind disturbed and partially logged stands of the area.

b. Stand silvics:

Where pre-commercially thinned, the older second growth stands are approaching merchantable size characteristics. The sizes of these proposed harvest units of merchantable second growth varies and generally are less than 50 acres. The largest area is around 300 acres. The large unit proposed for harvest could be contiguous but will likely be broken up into areas of partial harvest by pockets of sub-merchantable timber. The designation of the leave areas will consider wind firmness of the residuals in the final design.

The silvicultural prescription for the Edna Bay Parlay Timber Sale area is clearcut harvest with natural regeneration. Planting of Sitka spruce may occur on slopes under 30 percent. Observation indicates that this is generally not needed on Kosciusko Island to yield a stand containing greater than 50% Sitka Spruce.

The DOF intends to encourage reforestation as well as encourage the size of commercial timber species given the objectives of the land management designation on the parcel. The silvicultural prescription that best achieves these objectives is based on past experience and will entail clear-cut harvest. Unit size is primarily a product of topography and forest type, respecting other constraints such as soil stability, high-value fish and wildlife habitat and visual concerns. Natural reforestation will occur and DOF will verify that it meets FRPA standards. It is anticipated that some precommercial thinning will be done on the regenerating stand to shape the future production of merchantable products (typically sawlogs) when it reaches the stem exclusion stage at approximately 30 years of age.

c. Topography and soils:

The timber sale occupies an area of gradual hills with varied topography ranging from gentle to moderate slopes; aspect varies throughout the sale area. Elevation ranges from 0 to 400 feet within the sale area. The majority of the sale area has slopes of less than 35 percent. Soils characteristics range from well drained to muskeg soil type.

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 agricultural use or grazing is known to occur within the area.

3. Wildlife Habitat and Harvest.

The Edna Bay Parlay Timber Sale meets the guidelines and management intent from the SESFMP, POWIAP, FRPA and other Alaska forest management statutes and regulations. The sale area is not identified as Crucial Habitat (Ha) or prime habitat (Hb) in the POWIAP.

ADF&G was consulted and will continue to be consulted throughout the sale process. No specific areas of wildlife concern were identified by ADF&G in their comments for the 2013-2017 FYSTS, the 2015-2019 FYSTS or their comments during the comment period for the previous Preliminary Best Interest Finding for the Edna Bay Parlay Timber Sale.

The DOF requested input from the ADF&G Division of Wildlife Conservation (DWC) in regards to a public comment about old growth habitat west of Survey Creek in Section 31. On June 5, 2015, DOF received comments from the DWC which included information regarding DOF's request for input on Survey Creek.

“The proposed sale areas in Sections 31, 32, the NW corner of 33, 1 and 2 are composed of older stem excluded 2nd growth. There is little understory vegetation and forested lands in these sections currently have minimal value as deer habitat in general. It is not currently suitable deer winter range. This includes the area west of Survey Creek for which ADNR previously received comments. In our assessment the forests in these sections have minimal deer winter range value.”

Also in the June 5, 2015 letter were comments regarding wildlife habitat in Sections 33 and 34; the DWC recommended retention of these areas as “important old growth wildlife habitat” for deer and black bear and “categorizes the proposed timber sale area in Sections 33 & 34 as critical deer winter habitat.”

The term critical habitat is associated with the Endangered Species Act and is a designation that only the US Secretary of the Interior can make. Since there is no threatened or endangered terrestrial species in southeast, the use of the word critical is inappropriate. The Prince of Wales Island Area Plan uses Crucial Habitat as a land use designation and the Plan designates several areas surrounding the City of Edna Bay as Crucial Habitat. However, that designation is not made for any lands within Sections 33 and 34, T68S, R76E, CRM, the area mentioned in ADF&G's comments. The lands within those sections are designated General Use, Settlement and Forestry. A change in land use designation requires an amendment to the Area Plan. At this time no change in the land use designation has been requested by ADF&G.

Due to the tone of the June 5, 2015 letter, the DOF in the summer of 2016 further engaged ADF&G DWC to examine the significance of the area described in the June 5, 2015 letter. The Area Wildlife Biologist visited the site on August 4, 2016. The examination of the site focused on the legislatively designated State Forest lands as well as observation of UA activity and the GU and Forestry land. DWC subsequently affirmed the POWIAP designation of the General Use, Settlement and Forestry land and stated that reservation of specific habitat was not required in the State Forest or the other land use designations for deer.

The DWC observed the area having a mixed age character that provides wintering capabilities. The stand is somewhat geographically confined from the rest of the Kosciusko Island due to its location on a peninsula as well as a large muskeg fractionalizing it on the west side of Section 33.

The west side of Kosciusko Island where extensive forest management has occurred, (to the north and west of the project area) is low elevation and generally lacks continuity to high value high elevation deer habitat. Consequently, the deer population of the project area is localized in character and subject to limited movement (generally less than two miles). The use of the project area by humans for deer hunting in the past has been limited due to its accessibility.

The DWC observed that specific reservation of habitat would have limited value for overall population resiliency on the island. The resiliency of the local deer population would not be significantly aided with the reservation of the “old growth” timber due to the increased access to the area by the roads. They did project that deer population may increase with the stand disturbance prior to stem exclusion in the second growth areas due to the increase in forage over existing conditions. As these new stands close in there would be a decrease in the population. It was also noted by DWC that potentially less population would be in the area previously having old growth characteristics.

The USFS described a similar conclusion in their Kosciusko Environmental Assessment issued in the fall of 2016. Even with a total utilization (clear-cut) on State and private ground on Kosciusko, the effect on deer population capacity is not projected to significantly change because the island-wide habitat will not significantly change. Earlier harvest activity produced the change in habitat. If anything the capacity of the island would likely increase at times due to increase in browse associated with disturbance and regeneration.

AS 38.04.910(5)(A) implies that multiple use management means the “use of some land for less than all of the resources.” Section 41.17.060(c)(7) of the Alaska Forest Resources and Practices Act (AS 41.17) states that “allowance shall be made for important fish and wildlife habitat.” Section 41.17.200(a) of the same act states in part; “the primary purpose in the establishment of a state forest is timber management that provides for the production, utilization, and replenishment of timber resources.” The

majority of the lands in Section 33 are within the legislatively created Southeast State Forest covered by AS 41.17.200(a).

Based on the Alaska statutes mentioned above, the management intent of the POWIAP, the creation of the Southeast State Forest by the 2010 Alaska Legislature, public comments received during the previous PBIF comment period and the June 5 letter from the Division of Wildlife Conservation; this Best Interest Finding drops the proposed harvest in the northeast corner of the northwest corner of Section 33 adjacent to Stream 103-90-10560-0010.

Additional acres may be deferred from harvest during the development of the FLUP due to on the ground conditions and further input from the public and state agencies.

The ADF&G DWC was also consulted on the location and significance of the black bear den noted in the SESFMP unit card for this area. The den is located in an area of short scrubby timber in the transition zone to the large muskeg in Section 33. The shape of the proposed unit in Section 33 avoids the site. Based on observation, the identified site has not been used in a number of years. The DWC recommended avoidance if practical of the site based on their experience that it might be used again in the future. ADF&G has documented the continued use of bear denning sites under a variety of influences including timber harvest.

The relative importance of the area for wolves on the island was discussed with DWC. The value of the area for wolf habitat was observed to be proportional to the area's value for deer habitat. The area is primarily used by wolves in order to consume the deer for food. Evidence of this was observed as expected. The DWC did not observe specific values uniquely used by wolves. The relative location of the topography away from the center of the island diminishes the relative importance of the site for sustaining the wolves on the island. Deer will continue to be present in numbers adequate for a sustainable wolf population with the development and use of the State Forest. The viability of the island for sustaining wolves is not projected to be influenced significantly due to this project. Impacts to the wolf population by hunting and trapping may increase due to the added road access; this again is thought to be minor though because a large part of the island is currently already accessed by humans via existing roads. Wolf populations generally follow the deer population trend unless targeted by humans through focused hunting and trapping pressure.

As required by FRPA 11 AAC 95.340 (c), a buffer of at least 330 feet in radius around each bald eagle nesting tree will be created. The attached map depicts only one eagle nest tree on state land within the sale area as indicated by federal records. The tree was field located and the north shore of the Section 33 and 34 have been examined for eagle nests in the preparation associated with the new LTF. This map is not conclusive; during the FLUP(s) process and the design and layout process for the proposed sale, the area will be further evaluated for any additional nesting sites. If additional eagle nest trees are located, the United States Fish and Wildlife Service

will be notified of the tree and a 330 feet radius buffer will be left surrounding the tree.

4. Fish Habitat, Water Resources, and Water Quality.

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

Cataloged streams 103-90-10510, 103-90-10530, and 103-90-10550 are the only cataloged anadromous water bodies within the timber sale area. Tributaries to 103-90-10560-0100 border the north part of the project area. There will be no harvest within 100 feet on each side of these anadromous water bodies and for streams 103-90-10530 and 103-90-10550 harvest within 100 to 300 feet of these water bodies will only occur if it consistent with the maintenance of important fish and wildlife habitat. No harvest will occur within 300 feet of either side of stream 103-90-10510 (Survey Creek) in Section 31 T68S, R76E, CRM.

Harvest has been deferred in the northwest quarter of Section 33, T68S, R76E CRM between the two non-cataloged anadromous streams that flow northeast into Edna Bay into Cataloged stream 103-90-10560-100. The deferred area begins 300 feet to the east of the eastern most creek and extends 300 feet to the west of the farthest west creek.

There will be no harvest within 100 feet on each side of any additional anadromous stream found during timber sale planning or harvest. Harvest within 100 to 300 feet of such streams will only occur if consistent with the maintenance of important fish and wildlife habitat. These buffers also function as wildlife movement corridors. The likelihood of finding streams not already documented is low due to topography and the amount of staff time spent in the field looking at the potential of the area.

In addition to providing the buffers along these anadromous water bodies, FRPA will be implemented to maintain bank and soil stability, and in turn water quality. Due deference will be given to ADF&G and ADEC in regard to habitat mitigation to ensure important fish, wildlife, and water quality issues are adequately addressed by the proposed timber sale design. No other anadromous or high value resident streams were identified adjacent to or within the sale area. However, during the FLUP(s) process and design and layout process any additional anadromous or high value resident streams that are identified will be evaluated and appropriate statute and regulation requirements will be applied to them.

To protect water quality of non-fish bearing water bodies a combination of retention areas, directional felling, partial suspension of logs, split-yarding, and removal of logging debris from stream channels will be required. Due to the location of the units and the topography in relation to significant surface water bodies, the timber sale is

anticipated to have no significant adverse impact on water quality. Additional unforeseen non-fish bearing water bodies will be evaluated for during the FLUP(s) process and appropriate statute and regulation requirements will be placed on them.

Where practical non-merchantable timber will be left along streams that are not identified as anadromous or high value resident fish streams. This is a proven method to promote bank stability and manage of slash movement during logging operations. Due to moderate topography and geology of the sale area, any turbidity generated by the operations should settle out prior to reaching surface water.

Monitoring has demonstrated that timber sales designed and implemented in compliance with the FRPA and its regulations protect fish habitat and water quality from significant adverse impacts.

5. Recreation, Tourism, and Scenic Resources.

This timber sale is expected to result in no adverse changes to recreational use of the area. Past timber sales have provided road access for dispersed recreational opportunities and this timber sale will provide some additional access. Due to topography and the location of the timber sale, portions of the sale will be visible to the community of Edna Bay. A visual buffer has been left between the shoreline and the northwest portion of the sortyard to minimize the visual impact of that development on the community's view shed. The DOF has also removed previous plans in the project to harvest timber in the classified Subdivision lands in Section 33 and 34. This was done for visual reasons noted in comments as well as a request by the City of Edna Bay for possible future selection of the shoreline area under municipal entitlement.

6. Cultural Resources.

The DOF works with the State Historic Preservation Office (SHPO) to identify and avoid known cultural, historic or prehistoric sites in planning the proposed access routes and salvage areas. If additional archaeological sites are identified, proposed salvage areas and road locations will be appropriately adjusted to avoid conflicts. If any historic or archaeological sites are encountered during road construction or harvest activities, DOF will immediately inform SHPO and take action to protect the findings.

Based on the January 2014 Resource Report titled "Cultural Resource Investigations associated with State Division of Forestry Roads to Resources Projects and Timber Sales on Gravina and Kosciusko Islands, Southeast Alaska," by Alan DePew, Archaeologist for the Alaska Office of History and Archaeology, "No historic properties will be affected by the Edna Bay undertakings." During the previous Preliminary Best Interest Finding and Decision process for the Edna Bay Parlay timber sale the Alaska Office of History and Archaeology confirmed this finding.

7. Subsurface Resources.

There is no known current mining activity in the immediate area. Other than sharing some of the same access roads, this sale should have no impact on the potential mining resources or mining activity in this area. Karst features found within sale area will be taken into consideration and avoided where feasible. Additionally, karst will be evaluated for influencing water quality during the design, layout and FLUP(s) process.

G. Costs and benefits

Timber sales have traditionally created economic benefits to the communities of southeast Alaska. The business communities will receive direct economic benefits by providing timber operators with support services such as fuel, food, housing, medical and miscellaneous supplies. The residents of the communities in Southeast Alaska will receive direct and indirect benefits through employment opportunities and wages paid by the operator during the course of the timber harvest and milling operations.

The proposed sale benefits the State strategically by providing the opportunity to operate in a mix of timber types. The old growth timber is currently in high demand and the second growth is soon the only timber type that will be available to industry from federal and other ownership in Southeast Alaska. The old growth timber provides significant revenue potential based on past markets. The second growth may as well but has had quite a bit of market fluctuation in the past five years due to low economic growth in Asia and the limited markets. Local mills in Southeast are not currently configured to efficiently process second growth logs and there has not been enough of it available to date to lead operators to reconfigure. The market for a domestically produced product would also have to compete with the overall world market as well. Up to this point there has not been a clear picture on how this model would be put together for domestic production. This sale in combination with others may contribute to the trend to change forest operations as well as sawmill operations. It is offered with the idea that it will continue to develop market momentum for use of the second growth wood.

The development of this sale is in a location that will allow the State to monitor and influence the development of the second growth industry and infrastructure. Kosciusko is the location of some of the oldest second growth in southeast Alaska which is divided amongst several ownerships. Therefore it has the potential to shape the transition style and perspective of the region and the industry. From a strategic perspective the State views it is important to be actively part of the second growth shift due to nature of the SESF and the potential that it may have over time to benefit the communities.

Kosciusko Island is isolated from the rest of southeast Alaska's infrastructure and furthermore is compromised due to its proximate location to the exposed outside waters that are often seasonally hostile for marine and aviation transportation. The location is removed from Ketchikan, the prime regional business hub due to the geographic intervening loca-

tion of Prince of Wales. The island is geographically isolated from the POW road system. Prince of Wales does though offer limited methods of logistical support from Craig and Klawock and is familiar with the local impediments.

The area in general is economically stressed and seasonal employment is common. POW traditionally has provided a trained labor pool for timber operations. It is likely that POW and the Southeast communities will provide the bulk of the workforce and realize a large percentage of the wages from the sale.

Because of the remote nature of the work, the longevity and scope of the work has significant bearing on the cost effectiveness of the operation. The size of this sale does provide some perspective on this especially when it is viewed in combination with other potential activity in the area. It is the DOF perspective that this sale is of long enough duration to provide operational flexibility as well as of a size that it has economic merit on its own but would be better suited to be done in series and cooperation with another landowners working in the area. Fundamentally this would amount to the greatest cost savings in terms of minimizing mobilization costs and use of infrastructure.

The sale of this timber is projected to generate revenue to the State treasury. The DOF utilizes this revenue to pay for staff salaries in the area as well as other parts of the state for resource management. Additionally, the revenue pays for road maintenance and infrastructure projects that enable the forest resources of the state to be better utilized by the public. The State invested in the infrastructure at this location by permitting and constructing the sortyard and LTF; the stumpage from this sale recovers this investment to be used elsewhere. In this particular case the infrastructure that has been developed in support of the current UA timber operations and the State Forest has also improved the likelihood of other State Subdivision land being conceivably accessed in the near term through the use of the same forest road systems.

With these benefits comes the cost of remote administration. In the present budget climate, the DOF believes it can manage the burden better with an active timber sale than without. The long term maintenance cost of the roads at this location is relatively low due to the well-drained nature of the bedrock. During active operations this road cost will be the responsibility of the timber purchaser. In the event that no operations are occurring, the annual cost to keep forest mainline roads in a drivable condition is projected at \$2,000/ mile. Spur roads will be closed. Active operations will also discourage the area from being used inappropriately for dumping or unauthorized long term use. Based on the timber cruise and current markets, timber revenue is projected to cover administration, access and operating costs for this sale area and provide stumpage royalty to the State. Timber sales have traditionally created economic benefits to the communities of Southeast Alaska. The business communities will receive direct economic benefits by providing support services for the operators such as fuel, food, housing, medical and miscellaneous supplies. The residents of the communities in Southeast Alaska will receive a direct benefit through employment opportunities and wages paid by the operator during the course of the timber harvest and milling operations.

VI. PUBLIC NOTICE

The revised preliminary best interest finding and decision was publicly noticed in compliance with AS 38.05.945. Notice was posted on the Alaska Online Public Notice System on October 14, 2016, and posted at the Ketchikan Public Library, the Petersburg Library, the Wrangell Library, the Craig Library, the Coffman Post Office, the Naukati Post Office, the Metlakatla Post Office, the Wrangell Post Office, the Petersburg Post Office, the Klawock Post Office, the Thorne Bay Post Office, the Ward Cove Post Office, the Ketchikan Post Office, the Craig Post Office. The advertisement was within the Wrangell Sentinel, Petersburg Pilot on October 20 and 27, 2016, the Island Post on November 2 and 16, 2016, the Ketchikan Daily News on October 19 and 26, 2016; and notice sent out to the DOF Southern Southeast Area distribution list.

VII. PUBLIC COMMENT AND RESPONSE

DOF received comments on the previous preliminary best interest finding noticed in 2014/2015 for this proposed timber sale from 17 individuals and nine organizations. See Appendix D1 for a table of the issues raised and DOF's responses.

The DOF received comments from six organizations and two individuals for the BIF noticed in the fall of 2016. See Appendix D2 for a table of issues raised and DOF's responses.

VIII. DISCUSSION AND FINAL FINDING AND DECISION

After due consideration of all pertinent information, the ADNR has reached the following Decision: to offer for sale approximately 700 acres of mixed mature second growth and old growth forest composed of western hemlock, Sitka spruce, western red cedar and yellow cedar from State lands on Kosciusko Island. Harvest activities within the SESF will follow the management intent of the Southeast State Forest Management Plan. Harvest activities within Forestry lands will be subject to the management intent of the POWIAP. 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



Andrew T. Mack
Commissioner
Alaska Department of Natural Resources

3/4/2017
Date

X. APPEALS FOR RECONSIDERATION

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration in accordance with 11 AAC 02. Any reconsideration must be received by **April 17, 2017** and may be mailed or delivered to Andrew T. Mack, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If reconsideration is not requested by that date, this decision goes into effect as a final order and decision on **April 26, 2017**. 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 a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then 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 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-1342-K Edna Bay Parlay Timber Sale Area Map |
| Appendix B | References |
| Appendix C | Appeal and Request for Reconsideration Regulations |
| Appendix D1 | SSE-1342-K, Edna Bay Parlay Timber Sale Previous PBIF Comments & Responses (from December 2015 version). |
| Appendix D2 | SSE-1342-K, Edna Bay Parlay Timber Sale PBIF Comments & Responses (2016 version) |

Appendix A Map

Appendix B References

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

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Woodford, R. 2010. Where sleeping bears lie. Alaska Fish & Wildlife News, January 2010. Alaska Department of Fish and Game, Division of Wildlife Conservation, Juneau.
http://www.adfg.alaska.gov/index.cfm?adfg=wildlifeneews.view_article&articles_id=447

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. NATURAL RESOURCES.

CHAPTER 02. APPEALS.

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 38.05.020 | AS 38.50.160 | AS 44.37.011 |
| AS 29.65.050 | AS 38.05.035 | AS 41.15.020 | AS 46.15.020 |
| AS 29.65.120 | AS 38.08.110 | AS 41.17.055 | AS 46.17.030 |
| AS 38.04.900 | AS 38.09.110 | AS 41.21.020 | |

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 44.37.011 | AS 38.05.035 | AS 41.21.020 |
| AS 38.04.900 | AS 29.65.050 | AS 38.09.110 | AS 46.15.020 |
| AS 38.08.110 | AS 29.65.120 | AS 38.50.160 | AS 46.17.030 |
| AS 41.15.020 | AS 38.05.020 | AS 41.17.055 | |

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; and
- (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.

(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 38.05.020 | AS 38.50.160 | AS 44.37.011 |
| AS 29.65.050 | AS 38.05.035 | AS 41.15.020 | AS 46.15.020 |
| AS 29.65.120 | AS 38.08.110 | AS 41.17.055 | AS 46.17.030 |
| AS 38.04.900 | AS 38.09.110 | AS 41.21.020 | |

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 38.05.020 | AS 38.50.160 | AS 44.37.011 |
| AS 29.65.050 | AS 38.05.035 | AS 41.15.020 | AS 46.15.020 |
| AS 29.65.120 | AS 38.08.110 | AS 41.17.055 | AS 46.17.030 |
| AS 38.04.900 | AS 38.09.110 | AS 41.21.020 | |

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 38.05.020 | AS 41.15.020 | AS 46.17.030 |
| AS 29.65.050 | AS 38.08.110 | AS 41.17.055 | |
| AS 29.65.120 | AS 38.09.110 | AS 41.21.020 | |
| AS 38.04.900 | AS 38.50.160 | 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 38.05.020 | AS 38.50.160 | AS 46.15.020 |
| AS 29.65.050 | AS 38.05.035 | AS 41.15.020 | AS 46.17.030 |
| AS 29.65.120 | AS 38.08.110 | AS 41.17.055 | |
| AS 38.04.900 | AS 38.09.110 | 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 29.65.050
AS 38.04.900
AS 38.05.020
AS 38.08.110
AS 38.09.110
AS 41.15.020
AS 41.17.055
AS 46.15.020
AS 46.17.030

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 29.65.050
AS 29.65.120
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.08.110
AS 38.09.110
AS 38.50.160
AS 41.15.020
AS 41.17.055
AS 41.21.020
AS 44.37.011
AS 44.62.540
AS 46.15.020
AS 46.17

Appendix D1 SSE-1342-K, Edna Bay Parlay Timber Sale Previous PBIF Comments & Responses (from December 2015 version)

SSE-1342K, Edna Bay Parlay Timber Sale Comments & Responses

Department of Natural Resources, Division of Forestry
October 2015

The following comments were received during the 2014/2015 public comment period on the Edna Bay Parlay Timber Sale.

| Organization | Author | Location |
|--|---|-----------------|
| Alaska Office of History & Archaeology (OHA) | McKenzie S. Johnson | Anchorage |
| Alaska Department of Environmental Conservation | Kevin J. Hanley | Juneau |
| Alaska Mental Health Trust Land Office | Paul Slenkamp | Ketchikan |
| Individual | Pat Richter | Edna Bay |
| Alaska Department of Fish and Game | Mark Minnillo | Craig |
| Individual | Michael Williams | Edna Bay |
| Council Member City of Edna Bay | Karen Williams | Edna Bay |
| Individual | Lee Greif | Edna Bay |
| Individual | Carleigh Fairchild | Edna Bay |
| Individual | Heather Richter | Edna Bay |
| Council Member City of Edna Bay | Myla Poelstra | Edna Bay |
| Individual | Tyler Poelstra | Edna Bay |
| City of Edna Bay | Heather Richter | Edna Bay |
| Cascadia Wildlands, Greenpeace, Greater Southeast Alaska Conservation Community, Center for Biological Diversity | Gabriel Scott, Larry Edwards, David Beebe, Rebecca Noblin | Alaska |

A copy of the submitted comments is available on request.

| Commenter | Comment | Response |
|--------------------|---|--|
| | Process | |
| Carleigh Fairchild | “I object to the Preliminary Best Interest Finding and Decision for the Edna Bay Parlay Timber Sale, and request this PBIF be redacted and presented for an additional 30-day public comment period.” | The comment period for the Preliminary Best Interest Finding and Decision for Edna Bay Parlay Timber Sale SSE-1342-K initially ran from November 26, 2014 until December 29, 2014. |
| Carleigh Fairchild | “There was no notice received by the post office, and therefore myself and fellow residents had inadequate notice from the Alaska Division of Forestry of the comment period. The City of Edna Bay should have been directly notified considering the large amount of acreage within the city’s boundaries 38.05.945.” | Under Chapter 5 of the Alaska Land Act Section 38.05.945 the Division of Forestry must give notice on the Online Public Notice System for at least 30 consecutive days. However, DOF staff failed to post the original notice on the Online Public Notice System. When the DOF became aware of this error, the Edna Bay Parlay Timber Sale notice was posted Online on December 23, 2014, and modified on December 29, with the comment period extended 37 days to January 29, 2015. |
| Heather Richter | “I do not believe adequate notice was provided to the city council in order for them to participate in the comment period and to my knowledge the city did not receive formal correspondence from office regarding this proposal.” | AS 38.05.945 also dictates notice must also be given by one or more of the following six methods. |
| Tyler Poelstra | “The City of Edna Bay was not formally notified of this decision or the right to comment despite the fact that the majority of the proposed activity resides with the legal boundaries of the City.” | 1) Publication of a notice in display form in a newspaper of statewide circulation and in newspapers in circulation in the vicinity of the proposed action if available |
| Tyler Poelstra | “The City of Edna Bay and residents only became aware of this comment period at large within the last 6 hours, since notice was not received via any mediums that were noticed by the public at large or the local Government who could issue additional notices.” Also, section VII does not satisfy statutory requirement of AS38.05.945 (C)(1) | 2) Notice through public service announcements on electronic media servicing the area |
| Myla Poelstra | “As the Postmaster for Edna Bay, I can verify that no public notice was received by this office. This severely limited resident’s opportunity to participate in the public comment period.” | 3) Notice in a conspicuous location in the vicinity of the action |
| Myla Poelstra | “In consideration of the circumstances and concerns surrounding the limited opportunity for residents of Edna Bay to comment of this proposal, I request your office extend the public comment period by another 30 days, and schedule a meeting with the City Council to establish a mutually productive working relationship moving forward.” | 4) Notification of parties known or likely to be affected by the action |
| Myla Poelstra | | 5) Publication of legal notice at least 30 days before action in newspaper of statewide circulation and in newspapers of general circulation in the proposed action if available |
| Myla Poelstra | | 6) Another method calculated to reach affected persons. |
| | | The DOF also published a legal notice in the Petersburg Pilot, Wrangell Sentinel and Ketchikan Daily News. |

| Commenter | Comment | Response |
|-------------------------------------|--|--|
| Myla Poelstra Tyler Poelstra | <p>“The Council and Public should have had ample notice to comment on this proposal. The State of Alaska should have come to Edna Bay and held a meeting with the City regarding this activity. The way this has taken place is simply unjust and underhanded by appearance.”</p> <p>“The public process for this sale has been virtually non-existent. Why was the Community (City) not engaged during the development of this proposal?”</p> | <p>Notices were also mailed to Post Offices in Ketchikan, Ward Cove, Thorne Bay, Craig, Naukati, Petersburg, Wrangell, Metlakalta, Klawock and Edna Bay on November 26, 2014 and again on December 29, 2014. The Edna Bay Post Office informed the DOF that it did not receive the notice mailed on November 26, 2014.</p> <p>AS 38.05.945 (c) (1) states in part that “notice of at least 30 days before any action takes place shall be given to a municipality if the land is within the boundaries of the municipality...”</p> <p>On December 29, 2014, after confirmation of the City of Edna Bay’s desired delivery method, notification was sent to the following email addresses: mayor@cityofednabay.org, council@cityofednabay.org and clerk@cityofednabay.org and confirmation of delivery was received by DOF.</p> <p>DOF met with the Edna Bay City Council and local residents on January 27, 2015 to discuss the proposed timber sale.</p> |
| Tyler Poelstra | <p>“I am requesting in writing the point of contact, place, and time period for the appeal of this decision.”</p> | <p>Appendix C of the Best Interest Finding for the Edna Bay Parlay Timber Sale provides specific information on the appeal or request for reconsideration process including contact information. Note this information will be provided in the Final Best Interest Finding and decision document.</p> |
| Contract Operations | | |
| Michael Williams | <p>In regards to operators currently active in the area and potential work taking place in the area</p> <p>“It is our experience that Alcan is a very fair company to deal with as they are more than willing to hire local contractors to perform as much as possible which in turn greatly benefits our community because it keeps the money here in our bay.”</p> | <p>No change required.</p> |
| Lee Greif | <p>“I encourage the state forestry department to sell this sale to the highest bidder with the provision that successful bidder utilize local business if available to harvest timber and build roads. This is being done at the present time on the mental health timber sale purchased by Alcan.”</p> | <p>There is no sale mechanism in state statute or regulations that allow the DOF to require utilization of local businesses.</p> <p>For clarification purposes Alcan is operating on University of Alaska lands at Edna Bay. The Alaska Mental Health Trust has no active operations at Edna Bay.</p> |

| Commenter | Comment | Response |
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| Lee Greif | <p>“This community has been blessed with an improved economy since Alcan started the job on University of Alaska lands. In your management objectives for the proposed timber sale you state to help the local economy of the communities within Southeast Alaska. This is a great idea, and if you could consider local labor and business in the sale of state timber production it would benefit the economy of the City of Edna Bay exponentially.”</p> | <p>Commented noted. The DOF has observed the local benefits that these sales can have. No change required.</p> |
| Gabriel Scott et al. | <p>The purchaser of the Edna Bay Parlay Timber sale and University of Alaska timber sale would be most likely one and the same, Viking, If the purchaser was the same they would not likely have the capacity to mill all the wood if combined with USFS as a result large amounts exporting will occur.</p> | <p>The University of Alaska timber sale is under contract to Alcan Forest Products LLC.</p> <p>At this time the DOF has not made a decision on whom the purchaser of the Parley timber sale might be.</p> <p>The DOF intends to sell the timber resources within the Edna Bay Parlay Harvest Area using a competitive bid process (AS 38.05.120) or as a negotiated sale (AS 38.05.118 or AS 38.05.123) using a request for proposal process.</p> <p>Small amounts of volume, under 500 thousand board feet (MBF) per sale, may be sold under AS 38.05.115.</p> |
| Gabriel Scott et al. | <p>It is unrealistic for a logging company to know about nest sites, fish streams, mitigation corridors and a logging company cannot balance concerns.</p> | <p>Logging companies throughout Alaska have been conducting timber sale layout and preparing Detailed Plans of Operation since the adoption of the Alaska Forest Resource and Practices Act (FRPA).</p> <p>These activities included the identifying of stream types, applying appropriate retention and riparian areas to the specific stream types, identifying and applying retention areas to eagle nest sites, and applying retention areas for coastal buffers when required. In completing these activities logging companies are required to notify the DOF, ADEC and ADF&G for review of the planned activities. These proposed activities are reviewed by applicable state entities to ensure they meet state regulations and statutes.</p> <p>The Prince of Wales Island Area Plan (POWIAP), the Southeast State Forest Management Plan, the Best Interest Finding and provisions in the timber sale contract provide a structure to identify and facilitate the concerns. Furthermore, the contract will require this to occur prior to any harvest activities taking place.</p> |

| Commenter | Comment | Response |
|----------------------|---|---|
| Myla Poelstra | <p>“As a Council Member and Deputy Clerk for the City of Edna Bay, I feel the potential impact to the future development of our City raises some concerns; specifically, the area in Section V.c of this proposal identifies 113 acres of settlement land available to the city to fulfill its municipal land entitlement. This area is the only one designated by DNR as industrial. During the formation of the city petition to incorporate this area was specially included for its important potential to future development. I request this area be excluded from the proposed sale.”</p> | <p>The proposed harvest areas as portrayed within the preliminary Best Interest Finding have been modified to address the City of Edna Bay’s concerns regarding harvest on potential municipal selection lands. Within the revised Best Interest Finding all land designated as Settlement have been removed from the planned harvest.</p> |
| Heather Richter | <p>“At this time, the City of Edna Bay is starting the process of selecting lands for its municipal land entitlement. These lands selections will come from State lands encompassed within the boundaries of the city. The 133 acres list as proposed harvest on lands classified as Settlement Land and other selected areas listed in sections 31-34 is an area that is selectable for the city’s land entitlement and is in fact the only areas available for industrial development. Due to the limited amount of state lands left within the boundaries of the city that have not been converted to Forestry lands, I would ask that the state give the community an opportunity to comment after its regular city meeting on January 12, 2015.”</p> | <p>See response above regarding proposed municipal entitlement lands.</p> <p>The comment period for the Preliminary Best Interest Finding and Decision for Edna Bay Parlay Timber Sale SSE-1342-K was extended until January 29, 2015 which provided the city to comment after its January 12, 2015 meeting.</p> |
| Tyler Poelstra | <p>“All State of Alaska lands within sections 31, 32, 33 and 34 are available to the City of Edna Bay for their 10% municipal entitlement selection... At bare minimum the 113 identified acres be left unlogged and available for selection by the City of Edna Bay.”</p> | <p>The revised Best Interest Finding proposes to harvest only the 34 acres included in the ILMA between the Division of Mining, Land and Water (DMLW) and DOF.</p> |
| Myla Poelstra | <p>“Considering the scope of the proposal and potential effect it could have on the City, a meeting with the residents and the City Council should have been scheduled.”</p> | <p>DOF held a meeting with residents and the Edna Bay City Council on January 27, 2015 to discuss the proposal.</p> |
| Tyler Poelstra | <p>The activities stand to impact the view shed of the city, offer potential wind volume increase to the public facilities and waterways... There is reason to be concerned for potential property value loss if section 34 is logged to the extent proposed, and I would request that this area be removed from the proposal.”</p> | <p>The amount of proposed harvest in Section 34, T68S, R77E, CRM outside of the Southeast State Forest (SESF) has been reduced to the ILMA footprint of the log transfer facility.</p> <p>DOF intends to minimize the impacts on the visual resource during harvest unit layout. Some units may still be visible but by blending the boundaries with the terrain DOF intends to reduce the impact on the view shed.</p> |
| Gabriel Scott et al. | <p>The PBIF makes not mention of any consultation with the City of Edna Bay or any of its relevant City ordinances, plans, or other directions. The proposed action will have major impacts to that community. Please solicit and carefully consider the views of the City of Edna bay before taking action.</p> | <p>Consultation with the City of Edna Bay has occurred as part of the BIF process. The DOF will continue with communication as the project progresses.</p> |
| Pat Richter | <p>“The 133 acres of settlement lands should not be harvested at this time other than the LTF area. The city of Edna Bay has a very limited area to pick from their entitlement selection.”</p> | <p>All operations connected with the proposed timber sale(s) outside of the SESF will occur within the 34 acres of uplands included in the ILMA obtained by DOF from DMLW.</p> |
| Michael Williams | <p>“I would hope that you would not log the 113 acres that it is part of Edna Bay’s settlement land as it is the only industry zoned property.”</p> | <p>See comment above.</p> |

| Commenter | Comment | Response |
|--|--|--|
| Karen Williams | The 133 acres of settlement lands should not be harvested now excluding the LTF; the City of Edna Bay has limited area to choose from for their entitlement selection. | See comment above. |
| Lee Greif | “The City of Edna Bay has a very limited area to pick our entitlement selection. I would encourage the state to exclude approximately 130 acres surrounding the proposed LTF area. This would provide the necessary acreage for the city to make its selection as provided by AS 29.65.040.” | See comment above. |
| City of Edna Bay | “The City of Edna Bay formally requests the State of Alaska Department of Natural Resources Division of Mining, Land & Water, and the Division of Forestry excludes the 113 acres of land identified as Settlement in the Edna Bay Parlay Timber Sale. However, the City of Edna Bay is not opposed to the construction and or use of a log transfer facility, log sorting yard on this acreage for the support of the Edna Bay Parlay Timber Sale.” | All operations connected with the proposed timber sale(s) on lands designated Settlement have been removed from the proposed sale. |
| General | | |
| Department of Fish and Game (ADF&G) Mark Minnillo | “We look forward to working cooperatively with the DOF on any issues raised in the comments.” | The Department of Fish and Game will be consulted throughout the sale process. |
| The Trust Land Office Paul Slenkamp | “In review of the Edna Bay Parlay Timber Sale, (SSE-1342-K) the TLO concurs and supports the stated objectives of the proposed action.” | Comment noted, no change required. |
| The Trust Land Office Paul Slenkamp | “The TLO supports the development of new infrastructure including the log transfer facility located in section 34, Township 68S, Range 76 E, CRM as presented.” | Comment noted, no change required. |
| The Trust Land Office Paul Slenkamp | “The identified harvest methodology is consistent with the Alaska Forest Practices Act and required for regeneration, silvicultural prescriptions, and economical operations.” | Comment noted, no change required. |
| The Trust Land Office Paul Slenkamp | “The proposed harvest will provide revenue to the State of Alaska, payroll to the local economy, infrastructure for future development, recreation and subsistence.” | Comment noted, no change required. |
| Department of Fish and Game (ADF&G) Mark Minnillo | “The Forest Land Use Plan (FLUP) should contain a colored map of a scale large enough to see in detail unit boundaries, stream courses, road locations and contour lines.” | The FLUP(s) that will be developed prior to harvest will contain a vicinity map and individual unit maps with scales large enough to see in detail unit boundaries, stream courses, road locations and contour lines. At a minimum the maps will meet the requirements of 11 AAC 95.220 Detailed Plan of Operations. |

| Commenter | Comment | Response |
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| Lee Greif | “I would also encourage you keep up the good work. We are in favor of sound timber management which includes timber harvest.” | Comment noted, no change required. |
| Myla Poelstra | “There is a large discrepancy between the acreage listed in the proposal, and what actually exists. Page 2 of the proposal state, ‘of the 1,383 acres; 426 of the proposed area is within the second class city of Edna Bay, 957 acres of the proposed harvest is not within the city of Edna Bay.’” | The total acres listed did not represent the proposed action. The PBIF has been updated to convey the approximate location of the current proposed timber sale. The specific acres within or outside of city limits will be quantified in the FLUP. |
| Myla Poelstra | “The extensive proposed logging activities scheduled by both the University of Alaska and State Forestry will likely result in the clearcutting of the entire southern boundary of Edna Bay. This will expose the State harbor at the Northwest end of the bay to an increasing amount of wind damage.” | Proposed harvest in Sections 33 and 34, T68S, R77E, CRM outside of the Southeast State Forest (SESF) has been reduced in part to address this concern. |
| Tyler Poelstra | “Due to the recent passage of Sealaska Lands Legislation that consumes nearly 13K acres of timber lands on Kosciusko, and the volume of old growth habitat decimated by those activities what little remains should have as much impact mitigation as possible. For this reason I request that the areas to the west of Survey Creek within Section 31 be removed from this proposal.” | <p>The Alaska Forest Resources and Practices Act states that DOF will “recognize the expertise of the Department of Fish and Game with regard to fish and wildlife habitat” (AS 41.17.098(d)) and “allowance shall be made for important fish and wildlife habitat” (AS 41.17.060(c) (6)).</p> <p>DOF has consulted with ADF&G regarding the importance of the lands within the SESF west of Survey Creek to fish and wildlife habitat and have considered their recommendations during the preparation of Best Interest Finding.</p> |
| Tyler Poelstra | “The passive involvement of the ADF&G regarding this sale appears to be dubious, since at least 1 identified Eagle Tree stands to have nearly all supportive forest around it logged (it should be assumed even the tree itself may also be logged, since nothing in the document states to the contrary).” | <p>Alaska Forest Resources and Practices Regulations 11 AAC 95.340 (c) states: “On state and municipal forest land, an operator conducting timber harvest, road construction or a related activity shall, where feasible, retain a buffer of not less than 330 feet in radius around each bald eagle nesting tree.”</p> <p>The Edna Bay Parlay Timber Sale Map depicts one bald eagle nest on state land within the harvest area that has been located in the field to date by the DOF. This is based on U.S. Fish and Wildlife Service data, and should not be considered conclusive. If additional nesting sites are found within the project area, a 330-foot radius no harvest buffer will be marked and retained around them, too.</p> |
| Tyler Poelstra | “I am opposed to the decision as reached, but not in opposition of logging activities in general and would request that consideration be given to bidders who will entertain local hire and mutual engagement with residents of the area.” | Comment noted, no change required. |
| Tyler Poelstra | “I would request, like the University of Alaska is voluntarily offering, that the State reserve 100’-150’ sea line buffers wherever possible within Sections 33 and 34. | <p>No timber harvest will occur adjacent to the shoreline in Section 33 of Township 68 South Range 76 East Copper River Meridian under this Best Interest Finding.</p> <p>Within Section 34 of Township 68 South, Range 86 East, CRM: harvest along the shoreline will be in connection with the</p> |

| Commenter | Comment | Response |
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| | | development of the sortyard and log transfer facility located within the ILMA. |
| Gabriel Scott et al. | “In sum, the proposed action is misguided, and we urge you to select either a no-action alternative, or adopt a significantly scaled back project limited to small gaps and thinning in second growth, designed to facilitate wildlife habitat. Please drop the old growth component of the offering, and do not construct any new roads. | <p>The primary purpose of a state forest is “timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial uses of public lands and resources.” (AS 41.17.200(a))</p> <p>Based on the primary purpose of a State Forest, the proposed action is appropriate and is based on the existing forest industry.</p> |
| Gabriel Scott et al. | “We are very concerned about the cumulative effects of this project, in combination with logging also planned on USFS, Sealaska and UA lands. Cumulative effects should be considered carefully and discussed explicitly in the PBIF. Logging on UA, Mental Health, USFS and Sealaska land at the same time changes the nature of this decision.” | <p>The Alaska Mental Health Trust owns and has harvested timber on a relatively small portion of the land on Kosciusko Island. It has no plans to harvest timber on Kosciusko Island.</p> <p>The USFS has been conducting NEPA analysis for a timber sale(s) in the Edna Bay area for almost 25 years. The USFS did issue an Environment Assessment and decision to sell second growth timber on September 15, 2016. It is unknown when or if the current process will produce an actual timber sale.</p> <p>Inquiries to Sealaska indicate they have no specific plans to harvest timber from their recently acquired lands on Kosciusko Island. They have communicated to DOF they do intend to harvest approximately 5,000 MBF of timber a year from Kosciusko Island starting in 2017 to develop and maintain a market share in second growth logs in southeast Alaska.</p> <p>As noted there is an ongoing University of Alaska timber sale to the southwest of the community of Edna Bay. The harvest has been discussed with ADF&G and is documented in the BIF.</p> |
| Gabriel Scott et al. | The PBIF does not acknowledge that the operator would share the LTF and portions of the University of Alaska road (UA) with UA timber sale purchaser. This operation appears to be designed to coincide with other operations | The DOF acknowledges that the LTF and University of Alaska roads will be used by both the University of Alaska and DOF timber sale purchasers and such use could occur simultaneously. |
| Gabriel Scott et al. | The forest is severely compromised due to past clearcuts | Clear cutting as a prescription increases vigor within the forest. Clear cut harvesting is proposed to ensure rapid reforestation with native species. The result will be a mosaic of age types on state and other forest land within this area. |

| Commenter | Comment | Response |
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| Gabriel Scott et al. | In adopting a FLUP, the commissioner is to use the “best available data.” Additionally, under due process principles decisions must be documented. This PBIF does neither. | This document is a Best Interest Finding (BIF) and not a Forest Land Use Plan (FLUP). The BIF uses the best available data for the scope of the review and decisions being made. FLUP(s) will subsequently be completed prior to any harvest activity taking place, and will use the best available data available data for the decisions being made at that time. |
| Gabriel Scott et al. | Actions can not take place on State Forest lands until a management plan is in place and if no management plan is in place then a FLUP must be developed. | The Prince of Wales Island Area Plan was the management plan for the Edna Bay South unit of SESF until adoption of the Southeast Forest Management Plan. The Commissioner of DNR adopted the Southeast State Forest Management Plan on February 29, 2016. |
| Gabriel Scott et al. | ADF&G and DEC have not been involved in the planning process, and the decision can not rely on deference to them. | ADF&G and ADEC have been involved in the planning process and this will continue. ADF&G and ADEC provided comments to the previous Preliminary Best Interest Finding and Decision for the Edna Bay Parlay Timber Sale. ADF&G has been on site several times during the planning for the timber sale. |
| Gabriel Scott et al. | This PBIF does not complete analysis of silviculture prescription. | The silviculture prescription for the project is clearcut with natural regeneration. The prescription has a tract record of meeting the reforestation objectives. |
| Gabriel Scott et al. | This PBIF doesn’t discuss any consultation with the local community | Consultation with the community has been an ongoing process; this will be clearly described in the revised PBIF. |
| Gabriel Scott et al. | The complete lack of or discussion of karst is worrisome. | If significant karst features are identified in sale areas, they will be considered during the FLUP step of the timber sale process. |
| Carleigh Fairchild | The PBIF inaccurate states the 426 proposed harvest acres are within city of Edna Bay and 957 acres not within the City of Edna Bay. | The total acres listed did not represent the proposed action. The PBIF has been updated to convey the approximate location of the current proposed timber sale. The specific acres within or outside of city limits will be quantified in the FLUP. |
| Carleigh Fairchild | The PBIF inaccurately states that 113 proposed harvest acre are on lands classified as Settlement lands. “The city gets to decide on where their settlement lands are and gets to choose 10% of unincorporated and unaccounted for state lands within the city boundaries.” | The PBIF accurately stated the acres of proposed harvest on Settlement lands. The term, Settlement Lands, refers to a type of land use classification within the Prince of Wales Island Area Plan. The term’s use in the PBIF is not connected to the City of Edna |

| Commenter | Comment | Response |
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| | | Bay’s municipal entitlement. |
| Tyler Poelstra | “I would like to see some joint authored agreement with the City for road access to the settlement lands with the idea that the City of Edna Bay be involved with preserving the access infrastructure.” | The DOF agrees that if land is conveyed to the City of Edna Bay that requires access across a unit of the SESF or other State lands managed by DOF, an agreement would be appropriate to develop that addresses access and maintenance and allows for the development of future infrastructure to ensure reasonable access to City owned lands. |
| | Wildlife | |
| Carleigh Fairchild | “The PBIF states the sale area was not identified as critical habitat or prime habitat. I have concerns that there is critical habitat in the areas proposed for harvest. There is at least one eagle tree that is included in the proposed harvest area and is presumably going to be cut down as there is no mention of protection. I would also argue that this area is critical habitat for species that depend on old growth; the Alexander Archipelago Wolf, Queen Charlotte Goshawk, Northern Flying Squirrels, Marbled Murrelet, and endangered species such as the Spotted Owl.” | <p>Critical habitat is defined in section 3(5)(A) of the Endangered Species Act of 1973(PL 93-205) and amended by PL 107-136. The definition requires that a species be listed as threatened or endangered at the time for an area to be designated as critical habitat. There are no terrestrial threatened or endangered species in southeast Alaska.</p> <p>The Sale area is not located on lands designated as Crucial Habitat (Ha) or Prime Habitat (Hb) within the POWIAP. Ha and Hb are specific land designations found within the Area Plan, and are shown on the Unit 8 management maps in Chapter 3 pages 135 and 137. The criteria for Crucial Habitat and Prime Habitat are found in Appendix A – Glossary of the POWIAP.</p> <p>The Edna Bay Parlay Timber Sale contains one bald eagle nest on state land within the harvest area. This is based on U.S. Fish and Wildlife Service data, and should not be considered conclusive. Alaska Forest Resource and Practices Regulations 11 AAC 95.340 (c) states; “On state and municipal forest land, an operator conducting timber harvest, road construction or a related activity shall, where feasible retain a buffer of not less than 330 feet in radius around each bald eagle nesting tree.” If additional eagle nesting sites are found within the project area, a 330-foot radius no harvest buffer will be marked around them.</p> |
| | Cultural Resources | |
| Office of History & Archaeology McKenzie S. Johnson | In regards to the report titled “ <i>Cultural Resource Investigations Associated with State Division of Forestry Roads to Resources Projects and Timber Sales on Gravina and Kosciusko Island, Southeast Alaska</i> we agree with the report finding of ‘No Historic Properties Affected.’” | Comment noted, no change required. |

| Commenter | Comment | Response |
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| Office of History & Archaeology McKenzie S. Johnson | “If inadvertent discoveries of cultural resources occur during the duration of the project, our office should be notified so that we may evaluate whether the resource should be preserved in the public interest (as specified at Section 41.35.070). | If additional archaeological sites are identified, proposed harvest areas and road locations will be appropriately adjusted to avoid conflicts. If any historic or archaeological sites are encountered during road construction or harvest activities, DOF will immediately inform SHPO and take action to protect the findings. |
| Water Quality/ Fisheries | | |
| Department of Environmental Conservation (ADEC) Kevin Hanley | “We recommend that the timber harvest units and spur roads be designed and laid-out to facilitate the yarding of timber away from streams within the units, and to avoid equipment crossings of streams within shovel settings.” | DOF will follow all standards as stated in Alaska Forest Resources & Practices Act (FRPA) regulations regarding ground skidding within and adjacent to riparian areas; this includes minimizing disturbance adjacent to surface waters and proper skidding techniques. Monitoring has demonstrated that timber sales designed and implemented in compliance with the FRPA and its regulations protect fish habitat and water quality from significant adverse impacts. |
| Department of Environmental Conservation (ADEC) Kevin Hanley | “Where karst is located, the prescriptive measures that will be used to protect this should be included in the Forest Land Use Plan(s). (FLUPS)” | Prescriptive measures used to protect identified karst features will be included in the FLUP(s). |
| Department of Fish and Game (ADF&G) Mark Minnillo | Cataloged streams 103-90-101510, 103-90-10530 and 103-90-10550 require a 100-foot no-harvest buffer. | No harvest will be permitted within 100 feet of streams 103-90-101510, 103-90-10530 and 103-90-10550 along the reaches of those streams where anadromous or high value resident fish are found. |
| Department of Fish and Game (ADF&G) Mark Minnillo | Fish passage is required on streams 103-90-10550 and 103-90-10530 | DOF will require the purchaser to provide fish passage on streams 103-90-101550 and 103-90-10530. |

| Commenter | Comment | Response |
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| Department of Fish and Game (ADF&G) Mark Minnillo | “Further inspections during project layout should be conducted of any water bodies not previously inspected which may contain fish or fish habitat.” | It will be communicated to the purchaser through contractual means that inspections should be conducted to determine if additional water bodies contain fish or fish habitat. |
| Gabriel Scott et al. | The PBIF does not complete analysis of fish streams or water quality streams and no deference has been given to ADF&G or DEC... | ADF&G has conducted site specific analysis on all proposed stream crossings. Additionally, ADF&G and ADEC provided comments to the Edna Bay Parlay Preliminary Best Interest Finding and Decision and the comments are summarized in this document. If needed, additional site specific analysis will be conducted during harvest unit layout and the development of FLUP(s) for the project area. |
| Economics | | |
| The Trust Land Office Paul Slenkamp | “The TLO is encouraged by the efforts that the Alaska Division of Forestry (DOF) has put forward in supplying the remaining southeast Alaskan Forest Products Industry with timber. Due to the uncertain supply of federal timber the efforts put forward by the State of Alaska has been crucial to the continuation of this important economic sector.” | A diversified economy is important to southeast Alaska. By direction from the Governor and Legislature, the Division of Forestry manages a timber sale program that makes timber volume available to help sustain the region’s timber industry and economy. |
| The Trust Land Office Paul Slenkamp | “The TLO would encourage the DOF continue maximizing their timber sale program to preserve the remaining industry and infrastructure even if it requires utilizing the export market to make them economical. | Comment noted, no change required. |
| The Trust Land Office Paul Slenkamp | “The remaining forest products industry including loggers, marketers, and mill owners are struggling to survive and need all available fiber.” | The State’s land base cannot solely support the timber industry in its present form. However, it is the Division of Forestry’s intent to provide a supply of timber equal to the calculated annual allowable cut for southern southeast on a regular basis. |
| Planning | | |
| Pat Richter | “I would like to see the area behind the salt chuck between the two creeks (located in section 33, north side not be logged at all. This area doesn’t have a lot of wood and both creeks are fish creeks. A significant buffer should be left on the west creek as it holds deer in the winter when we have heavy snow.” | Timber harvest within the area mentioned in this comment has been deferred. See harvest area map for change. |
| Carleigh Fairchild | The sale area was not within a Five Year Schedule of Timber Sales FYSTS. | AS 38.05.113 (b) states, “Except as provided in (c) of this section, a proposed sale may not be held unless it has been included in one of |

| Commenter | Comment | Response |
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| | | <p>the two five-year schedules immediately preceding the sale.”</p> <p>The 2015-2019 FYSTS was finalized in May 2015. The Edna Bay Parlay Timber Sale area; Sections 31, 32, 33 and 34, T68S, R76E CRM and Sections 1 and 2 of T69S, R76E CRM is included within the FYSTS.</p> <p>Within the 2013-2017 FYST, harvest at Edna Bay was proposed on SESF lands within Sections 10, 15, 23, 24, 26, 33 and 34 of T68S, R76E, CRM.</p> |

Appendix D2 SSE-1342-K, Edna Bay Parlay Timber Sale PBIF Comments & Responses
(2016 version)

SSE-1342K, Edna Bay Parlay Timber Sale

Revised Preliminary Best Interest Finding

Comments & Responses

Department of Natural Resources, Division of Forestry
November 2016

The following comments were received during the public comment period on the Revised Edna Bay Parlay Timber Sale.

| Organization | Author | Location |
|---|--------------------|-----------------|
| ALCAN | Eric Nichols | Ketchikan |
| Alaska Department of Environmental Conservation | Kevin J. Hanley | Juneau |
| City of Edna Bay | Heather Richter | Edna Bay |
| Ketchikan Gateway Borough | Dan Bockhorst | Ketchikan |
| Sealaska Timber Corporation | Corey Wyatt | Ketchikan |
| Society of American Foresters, Dixon Entrance Chapter | Stanley McCoy | Ketchikan |
| Individual | Carleigh Fairchild | Edna Bay |
| Individual | Tyler Poelstra | Edna Bay |

| Commenter | Comment | Response |
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| | Contract Operations and Access | |
| Eric Nichols, ALCAN | <p>Suggest changing the road access in Sections 1 & 2 to go to the south via UA lands there.</p> <p>Road is not needed in unit in SW corner of sale to harvest it.</p> <p>Recommended deleting several areas and adding others adjacent to areas identified in the preliminary BIF due to timber size and quantity.</p> <p>A bridge is required to access timber much past the beginning of the FDR 1520300. Recommended DOF explore the concept of sharing cost of a bridge with the USFS for accessing future second growth timber located on that system on federal land. Timber is poor on State land adjacent to the 1520300; state timber alone may not warrant the cost of a bridge. The USFS opened that road but did not install a bridge.</p> | <p>Comments noted. The operating area has been updated on the final BIF map; the area is approximately the same net acres available for harvest. The DOF is in dialog with the USFS on a number of topics on Kosciusko Island, the USFS plans for the bridge will be explored. The topics of you have noted will be considered as the DOF develops the Forest Land Use Plan for the timber sale.</p> |
| Eric Nichols, ALCAN | <p>ALCAN is currently only able to market and economically sell UA wood at Edna Bay the minimum piece sizes of 8" diameter x25'long and 6"-7" diameter in 32' long.</p> | <p>The utilization standards are part of forest management goals to utilize the resource to its maximum extent. The practical and economic utilization of the wood will be considered prior to the sale of the timber to gauge the correct minimums to apply and the burden to the sale from doing so.</p> |
| | | |
| | City | |
| | | |
| Heather Richter, City of Edna Bay | <p>The City of Edna Bay is requesting that the remaining timber located on the 35 acre ILMA be excluded from the sale.</p> | <p>The topography and the location of the mainline and the spur road on the southern side of Section 34 make the south side vulnerable to prevailing winds. Some harvest is foreseen for access and support of the State Forest and other State land resources located in Section 34; as noted this has already occurred. Regardless, the use of the ILMA area in Section 34 will support where feasible the maintenance of a wind firm stand of timber on its remaining north side, and if practical limited harvest on the southern half.</p> |
| Heather Richter, City of Edna Bay | <p>The city encourages local stakeholders to work together in an effort to have a long term rotational harvest providing a sustainable yield rather than a "Boom and Bust" approach.</p> | <p>The DOF is actively working with other land managers on the island in support of this perspective.</p> |

| Commenter | Comment | Response |
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| Tyler Poelstra | <p>Asks that areas designated “Settlement” not be commercially harvested do[sic] to the impacts to view sheds, tourism viability, and the safety of the waterway and function of public facilities.</p> <p>Please consider view sheds in other areas as was done by the LTF.</p> | <p>The DOF intends to maintain a timbered (vegetative) buffer of Edna Bay on the north side of Section 34 to the extent that it can be done without effecting the safe and economic use of the ILMA area in support of the State Forest. The DOF recognizes that other resource users view the timber on the north shore of Section 34 as important for the maintenance of other values.</p> |
| Carleigh Fairchild | <p>Requests that no timber harvest take place in Section 34, as this could expose Edna Bay to severe weather conditions.</p> | <p>See response to City of Edna Bay above that addresses this concern.</p> |
| Dan Bockhorst, Ketchikan Gateway Borough | <p>Ketchikan Gateway Borough encourages the state to offer timber sales for commercial purposes; and supports DOF in making a final decision to offer this sale.</p> | <p>Comment noted. No change required.</p> |
| General | | |
| | | |
| Corey Wyatt, Sealaska Timber | <p>Sealaska Timber Corporation is fully in support of DOF proceeding with the Edna Bay Parlay timber sale.</p> | <p>Comment noted. No change required.</p> |
| Stanley McCoy, SAF Dixon Entrance Chapter | <p>Supports the objectives of this timber sale and encourages DOF to proceed.</p> | <p>Comment noted. No change required.</p> |
| | | |
| Water Quality/ Fisheries | | |
| <p>Department of Environmental Conservation (DEC)</p> <p>Kevin Hanley</p> | <p>“We recommend that the timber harvest units and spur roads be designed and laid-out to facilitate the yarding of timber away from streams within the units, and to avoid equipment crossings of streams within shovel settings.” [from DEC’s 12/8/14 comments re-submitted on 11/9/16]</p> | <p>Comment noted. No change required.</p> <p>DOF will follow all standards as stated in Alaska Forest Resources & Practices Act (FRPA) regulations regarding ground skidding within and adjacent to riparian areas; this includes minimizing disturbance adjacent to all surface waters and use of proper skidding techniques.</p> <p>Monitoring has demonstrated that timber sales designed and implemented in compliance with the FRPA and its regulations protect fish habitat and water quality from significant adverse impacts.</p> |

| Commenter | Comment | Response |
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| Department of Environmental Conservation (DEC) Kevin Hanley | “Where karst is located, the prescriptive measures that will be used to protect this should be included in the Forest Land Use Plan(s). (FLUPS)” | Comment noted. No change required. Prescriptive measures are used to protect all waters in a timber sale. Identified karst features (based on the USFS island inventory and DOF observation) will be noted and operationally considered as a resource to be avoided if feasible in the FLUP(s). |