

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



**NORTHERN SOUTHEAST AREA FORESTRY**

**FINAL BEST INTEREST FINDING AND  
DECISION FOR  
BABY BROWN TIMBER SALE  
NSE - 1549**

**MARCH 2015**

## **I. PROPOSED ACTION**

The Division of Forestry (DOF) is proposing to offer for sale approximately 855 acres of spruce and hemlock timber from state lands in the Porcupine to Jarvis Creek area. The volume to be offered totals approximately 20 million board feet. 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.

The management objectives for the proposed timber sales are:

1. To follow the Department of Natural Resources (DNR) constitutional mandate to encourage the development of the State's renewable resources, making them available for maximum use consistent with the public interest. Sustain and promote a healthy, long-term timber industry in the state, through providing a secure source of timber for harvest that produces raw materials for local manufacturing plants (e.g., mills) while protecting other resources such as fish and wildlife.
2. To help the States economy by providing royalties to the state in the form of stumpage receipts, as well as contributions to local economies through wages, purchases, jobs and business.
3. To improve forest growth and vigor by harvesting and replacing mature and over-mature stands with new healthy regenerating stands, while protecting and maintaining other resource values. The actions authorized under this decision will follow the constitutional mandate of sustained yield and shall adhere to multiple use management as described in the Haines State Forest Management Plan (HSFMP).

## **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 Northern Southeast Area Office filed as NSE-1549.

## **IV. SCOPE OF DECISION**

This final best interest finding (BIF) completes step three of a six-step process to design, sell, and administer timber sales. This BIF covers the sale of approximately 855 acres of western hemlock &

Sitka spruce timber on state land within the perimeter of the 4992 -acre sale area between Porcupine Creek and Jarvis Creek. The following list summarizes the overall process:

Step 1: Regional planning. The Department of Natural Resources (DNR) develops area plans and state forest management plans to designate appropriate uses for state land, classify the land accordingly, and establish management guidelines for multiple use. These plans determine where timber sales are an allowed use, and what other uses must be considered when designing and implementing sales. Subsequent land use decisions must be consistent with the area plans. The area in this BIF is covered by Haines State Forest Management Plan, and the BIF is consistent with this plan. The proposed area is within the Haines borough and this finding considers the Haines Borough Comprehensive plan.

Step 2: Best Interest Finding. 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.

DOF issued a Preliminary BIF covering the decision to sell approximately 1,000 acres of western hemlock & Sitka spruce timber from state lands within the Porcupine to Jarvis Creek area in a competitive sale for commercial use on January 8, 2015. DOF considered all written comments received during the 30-day review period. Responses to the comments are listed in Appendix 3.

This document is the final BIF for Baby Brown Timber Sale. 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.

Step 3: Five-year Schedule of Timber Sales (AS 38.05.113). The Northern Southeast Area Office prepares a Five-year Schedule of Timber Sales every other year. The Schedule identifies proposed sales, including their location, volume, and main access routes. The Five-year Schedules 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 Five-year Schedules preceding the sale. The land and timber within this PBIF are all included within the 2014 to 2018 Five Year Forest Management Schedule reviewed in April 2014. These sales are listed in the April 2014 Five Year Forest Management Schedule as:

2014	Chinook	4,000 MBF
2015	Glacier Side 1	3,100 MBF
2015	Kirby	2,000 MBF
2016	Jarvis Road	4,000 MBF

2016	Hemlock Gold	1,500 MBF
2017	Mineral Mountain	5,000 MBF
2018	Lands End	3,200 MBF
2018	West Side	2,000 MBF

Step 4: Forest Land Use Plans (AS 38.05.112). Prior to authorizing harvest of timber on any area greater than 10 acres, the DOF must adopt a site-specific Forest Land Use Plan (FLUP) for the harvest area. DOF will prepare FLUPs 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.

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

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

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

This final best interest finding and decision supplements the preliminary best interest finding and decision issued January 8, 2015 for the proposed action. The preliminary finding and decision are incorporated herein, except as amended, changed, or deleted by this final finding and decision. Amendments or changes to the preliminary finding and decision follow.

*The total acreage to be harvested was changed from 1,000 acres to 855 acres. The Glacier Side 2 sale was originally part of the Baby Brown Preliminary BIF and was purchased over the counter after the review of the Baby Brown PBIF review was started. We therefore removed this acreage from the total sale volume and acreage being offered.*

## **VI. PUBLIC NOTICE**

The preliminary best interest finding and decision were publicly noticed in compliance with AS 38.05.945. Notice was posted on the Alaska Online Public Notice System, and by advertisement in the Chilkat Valley News, notices posted around Haines and at the Haines Post Office, and hard copies given to the Haines Borough Public Library. The Alaska Department of Fish & Game, Habitat Division, DNR State Historic and Preservation Office, DNR Division of Mining, Land & Water, DNR Division of Parks and Outdoor Recreation, Department of Environmental Conservation, Sealaska Corporation, and the Haines Borough Government received email notification.

## **VII. PUBLIC COMMENT AND RESPONSE**

DOF received comments from 4 organizations and 26 individuals. The substantive points from the comments were centered around the size of the sale and the impact on the viewshed as viewed from the Haines Highway. Additional comments mention the impacts of clearcut logging and roading on a watershed and on fish and wildlife habitat, road maintenance, recreation access, and the economics of the sale.

DOF intends to try and minimize the impacts on the visual resource during harvest unit layout. The units will still be visible but by blending the boundaries with the terrain DOF hopes to make the impact less severe. This combined with the two mile distance from the Haines highway and the green up of the units as brush and newly planted trees respond to the increase in heat and light provided by the removal of the overstory trees will also mitigate the view. DOFs full response to the comments is summarized in Appendix 3.

## **VIII. DISCUSSION AND FINAL FINDING AND DECISION**

After due consideration of all pertinent information and alternatives, the DNR has reached the following decision: To offer for sale approximately 855 acres of western hemlock & Sitka spruce timber to provide sawtimber as proposed and described in this BIF. Public notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. The DOF finds that this final decision satisfies the objectives stated in this document and it is in the best interest of the State to proceed with this action under its authority of AS 38.05.035(e) (Powers and Duties of the Director) & AS 38.05.110-120; 11 AAC 71 (Timber Sale Statutes and Regulations; and AS 41.17.010-.950 and 11 AAC 95 (Forest Resources and Practices Statutes and Regulations).

## **IX. SIGNATURE**

  
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*Michael Curran-Coastal Regional Forester*  
Alaska Division of Forestry

3-12-15  
Date

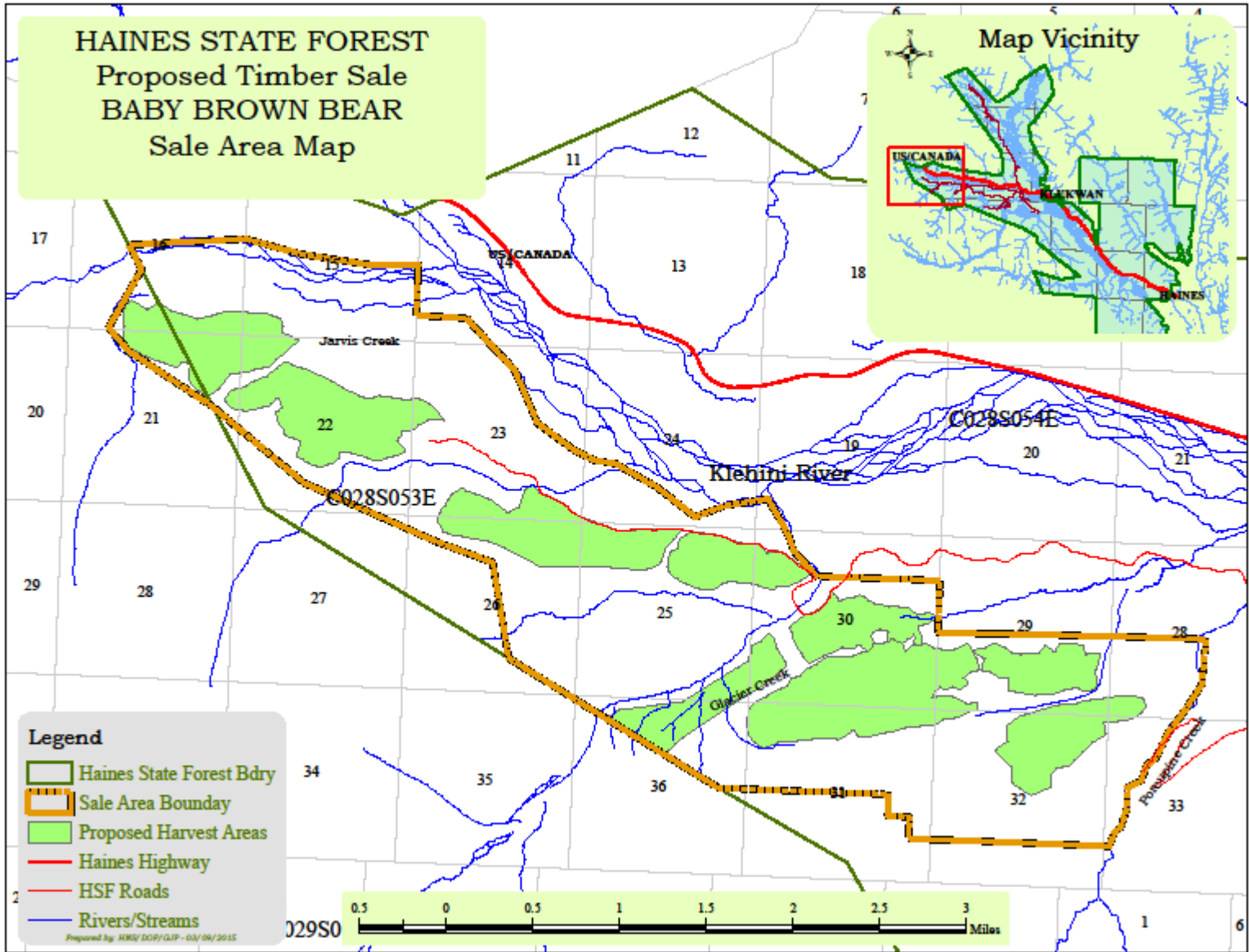
## **IX. APPEALS/REQUESTS FOR RECONSIDERATION**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by **April 1, 2015** and may be mailed or delivered to Mark Myers, 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](mailto:dnr.appeals@alaska.gov). If no appeal is filed by that date, this decision goes into effect as a final order and decision on April 1, 2015. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 is enclosed.

If you have any questions, please contact Roy Josephson, Northern Southeast Area Forester, [roy.josephson@alaska.gov](mailto:roy.josephson@alaska.gov) (907)-766-2120.

## **X. APPENDICES**

APPENDIX 1 MAP



## APPENDIX 2. 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](mailto: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 29.65.050	AS 29.65.120	AS 38.04.900
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AS 38.05.020	AS 38.50.160	AS 41.21.020
AS 38.08.110	AS 41.15.020	AS 46.15.020
AS 38.09.110	AS 41.17.055	AS 46.17.030

**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 41.21.020	AS 38.05.020	AS 41.17.055
AS 29.65.120	AS 03.10.020	AS 38.08.110	AS 46.15.020
AS 38.05.035	AS 29.65.050	AS 38.09.110	AS 46.17.030
AS 38.50.160	AS 38.04.900	AS 41.15.020	

**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 46.17.030

**APPENDIX 3. PUBLIC AND AGENCY COMMENTS AND RESPONSES**

**Division of Forestry Response to the comments on the Preliminary Best Interest Finding of the NSE-1549 Baby Brown Timber Sale**

<b>Comment</b>	<b>DOF Response</b>
<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 the ground-based settings. (DEC)</p>	<p>These are standard Best Management Practices (BMP) required by the Alaska Forest and Resources Act and Regulations. The Division of Forestry (DOF) agrees with this recommendation and will implement wherever possible.</p>
<p>I would like to comment on the perception among local residents that this was unfairly rushed on us in the off season when many are gone and with very short notice to respond. I hope you will consider all comments in making your decision. I believe the forest has intrinsic value that is priceless, and while this is in stark contrast to your board feet valuation I hope you can see the bigger picture and how this timber sale could ruin things that make this area special and unique in a world that increasingly values resource extraction over natural ecosystems. (Cornelius, Menke, LCC, Jacobson)</p>	<p>The Baby Brown PBIF was noticed in the Haines Paper as a legal ad on January 8 and in the State Online Public Notice System on January 7. Copies were sent to the Department of Environmental Conservation (DEC), Alaska Department of Fish &amp; Game (ADF&amp;G), Department of Natural Resources (DNR) Division of Mining Land and Water, DNR State Historic Preservation Office, Haines Borough Mayor and Manager, and Sealaska. A copy was delivered to the Haines Library and copies were posted at the Post Office and at Howsers. As the timber sale process continues any specific sale proposal must go through a Forest Land Use Plan where more detailed unit shapes, road and harvest information, cruise information will be again brought to the agencies and the public for review.</p>
<p>With both state and federal governments designating the Haines Highway as a Scenic Highway, and the fact this section states "scenic values.... are to be considered", the planned units to be harvested make little sense to the state or borough. It would leave a nearly 6 mile long swath of large clearcuts, "highly" visible from the National Scenic Highway and it's stunning views from MP 34 to MP 37. The travelers coming down the highway from the Canadian side would be "greeted" by this "highly" visible swath of clearcuts. (Kinison, Gunn, Weishahn, Bochart, Menke, Stevens, Jacobson, Haines Borough)</p>	<p>The HSFMP lists as a guideline for subunit 3(e) that scenic values, as viewed from the Haines Highway, are to be considered in the preparation of Forest Land Use Plans (FLUP). The next step in the timber sale process is more field work and the creation of a FLUP. This is the step where we will consider the viewshed in creating unit boundaries and how they will be viewed from the Haines Highway. DOF will work to make them less obtrusive to the viewer on the Haines Highway. Much of the highway is screened by trees and vegetation adjacent to the highway. The area from 35 mile to 37 mile is right adjacent to the river and this is where the Baby Brown units may be most visible from the Haines Highway. DOF will consider this in the design of the harvest units.</p>

## Division of Forestry Response to the comments on the Preliminary Best Interest Finding of the NSE-1549 Baby Brown Timber Sale

Comment	DOF Response
<p>The extent of the visibility of these units from the Haines Highway has been estimated to be about 80% (Carolyn Weishahn conversation with forester Greg Palmieri, January 22, 2015.) Before issuing the Best Interest Decision, the Baby Brown timber units should be evaluated for visibility from the U.S. Border Station (Dalton Cache) and the scenic pullout at 36 Mile Haines Highway. Based on computer visibility mapping, the units should be altered to reduce the visual impacts from the Haines Highway. (LCC, Weishahn)</p>	<p>The Division has been working with our GIS resources to try to assess the impacts on the visual resource particularly from the high visibility spots such as the Border Station and from the large turnout at 36 Mile Haines Highway. We cannot hide the units in their entirety but through design we hope to reduce the impact on the viewers from these two locations. Much of the rest of the Haines Highway has timber immediately adjacent to it and screens the view of the harvest cuts. Final harvest units have not yet been designed which will occur prior to the creation of the FLUP's. The Baby Brown PBIF identified blocks of timber from which we intend to create individual harvest units. By creating boundaries that blend with the landscape we may be able to reduce the visual impact.</p>
<p>Article 8 of the Alaska Constitution states, "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with public interest'. In light of the current budget crisis, due to the fact that our state depends on oil revenues, I believe it is prudent of us to diversify our revenue. Timber sales such as these are a way and are in the best interest of the state. (Mulford, Boutin)</p>	<p>DOF agrees with this statement. Timber sales in the Haines State Forest will contribute to the economy of Haines and the State of Alaska and are important.</p>
<p>Porcupine Road is in a Rural Maintenance Service Area and repairs funded by property owners. Heavy truck traffic will require extra maintenance. That could easily be solved by having the logging companies be required to work on grading and resurfacing of the road. (Campbell, Haines Borough)</p>	<p>DOF realizes that the Haines Borough is responsible for the maintenance of the Porcupine Road from the 26 Mile Steel Bridge to the Porcupine Bridge. Numerous commercial operators now use the road and usually provide some sort of maintenance to the road. DOF requires its timber sale operators to maintain roads commensurate with their use and this road will be no exception. DOF will assure that this road receives routine maintenance during timber sale operations.</p>

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<p>Furniss et al., 1991, clearly summarize the impacts of road building on fisheries: “Roads modify natural drainage networks and accelerate erosion processes. These changes can alter physical processes in streams, leading to changes in stream flow regimes, sediment transport and storage, channel bank band and bed configurations, substrate composition, and stability of slopes adjacent to streams. These changes can have important biological consequences, and they can affect all stream ecosystem components. Salmonids require stream habitat that provide food, shelter, spawning substrate, suitable water quality and access for migration upstream and downstream.”</p> <p>The Baby Brown sale would require approximately 15 miles of new road construction as well as three miles of upgrading old roads. This will contribute substantially to the negative impacts on fish and wildlife resources. The interface of logging roads and streams is discussed in the attached Rhodes document and is particularly relevant to this sale. (LCC)</p>	<p>Through following the goals and guidelines of the Haines State Forest Management Plan and the Forest Resources and Practices Act &amp; Regulations we intend to minimize the negative impacts on the fish and wildlife resources during the design and construction of roads. Spur roads will be closed out upon completion of logging or shortly thereafter to allow for reforestation activities and for salvage of firewood for the locals. I disagree that a timber sale on Prince of Wales Island is directly relevant to the Chilkat Valley. They are totally different soil types, climate and terrain. Prince of Wales is coastal and the upper Klehini is more continental in climate. While there are differences we do realize the importance of protecting water quality by following the Alaska Forest Practices and Resources Act and the Best Management Practices that were developed through those laws.</p>
<p>DNR should consult with specialists from other agencies regarding impacts to these species, and should have experts in this field involved in surveys of the proposed sales. As noted above, impacts from logging roads are equal to, and sometimes greater than those of associated logging. An increase in legal and illegal killing of furbearers and large game animals can be expected as road access to these areas increases. (LCC)</p>	<p>You mention several species of wildlife and suggest DOF get input from experts in the field. DOF will consult with ADF&amp;G during the layout of the timber sales. You express concern over an increase in legal and illegal harvest from the improved access. Access to these resources is an important part of the development of the Haines State Forest providing opportunity to all Alaskans as described in multiple use language of the State Statues guiding the management of the Haines State Forest. DOF has a professional working relationship with the agencies responsible for the management of Alaska’s fish and wildlife resources and we have confidence in their ability to professionally manage harvest activities across state lands. Although the development of new roads will change the current access condition in the proposed sale area, we do not agree that the responsible agencies will be incapable of providing appropriate management techniques to prevent illegal fish and game harvest activities from occurring.</p>



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Comment	DOF Response
<p>Having worked on several of the seminal studies in the Tongass National Forest under the auspices of Oregon State University and the USFS Forestry Sciences Lab in the seventies and eighties, I know the importance of old growth forest in Southeast Alaska. A major factor are the mycorrhizal relationships that take centuries to reestablish. The fungi help trees to more effectively uptake nutrients and water from the soil. Young growth that establishes following clearcutting are not as healthy as the original forest since they have not yet reestablished their mycorrhizal relationships. (Jacobson, Cornelius)</p>	<p>DOF agrees that Mycorrhizae is important to forests and understands that the fungi help the trees with nutrient and water uptake and ultimately to be more productive. DOF understands that mycorrhizae are present in the existing 200 year old stands that are in the Baby Brown PBIF areas. Trees reestablish quickly in the logged areas and we usually supplement the natural regeneration with planted seedlings within a couple years following logging. Mycorrhizae will still be in the soil and the new stands should establish a new relationship over time giving the regenerated forest the same benefit of the mycorrhizal relationship you refer to.</p>
<p>When one looks at an aerial view of the Klehini River Valley, it is a narrow valley originating several miles into Canada, extending down to the Alaska border and the proposed sale area. This narrow strip of old growth forest continues on to subunit 3d, classified Wildlife Habitat Land. The extensive human impacts on the hwy side of the river has made the unbroken chain of mature forest a natural wildlife corridor between Canada and subunit 3d, passing through subunit 3e. My 14 years of observations can attest to the movement of bears, moose, and wolves along this corridor. Under this 20MMBF sale most all of this forest would be removed in a short time. The corridor needs protection (Kinison, Szatkowski, Menke)</p>	<p>The Haines State Forest Management Plan (HSFMP) subunit 3d (Klehini River) has management intent of fish and wildlife habitat. This subunit follows the river and will not receive much if any harvesting in this Baby Brown PBIF proposal. The HSFMP Subunit 3e (Jarvis/Glacier Creek) will receive most if not all of the harvesting in this proposal but will not be an unbroken chain of clearcuts. The forest within subunit 3d along with forested areas throughout subunit 3e remaining following the implementation of the HSFMP and the FRPA will provide a natural corridor.</p>
<p>An analysis of the cumulative negative impacts of the Baby Brown timber sale should consider all past logging activity and other disturbances in the Klehini drainage, including road building. In addition, human activities such as mining exploration, which is ongoing in the Klehini watershed, must be evaluated. This will require multi-agency analysis, as well as input from NGOs with expertise in such areas, which is required in sales of more than 160 acres in the Haines State Forest. DOF should determine the total percentage of operable timber within the Klehini watershed that will have been removed if the Baby Brown sale proceeds. (LCC, Szatkowski)</p>	<p>There are 4,484 acres of commercial forest land in Management Plan Subunits 3d and 3e (includes 74 acres of timber on State land just outside the State Forest Boundary). 350 acres were harvested in this area from 1981 through 1984. The Klehini Beetle Salvage Sale of 362 acres was sold in 1995 and beetle killed spruce was selectively harvested from this area in 1998. This same Klehini Beetle area has seen numerous small sales harvesting some of the remaining standing timber starting in 2005 and will continue to be used for small timber sales over the next several years. So all total 712 acres has seen harvesting occur on the land. Assuming all 1,000 acres in the Baby Brown get harvested that will total 1,712 acres out of the total timber base of 4,484 acres or 38.2% of the timber base.</p>

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Comment	DOF Response
(LCC, Szatkowski)	<p>(cont.) You should take into account that 350 of the acres were harvested more than 30 years ago and have regenerated and are well stabilized with regard to erosion and runoff and that the 362 acres which were selectively harvested in 1998 was all on flat ground. There are 3.2 miles of existing mainline road and 2.6 miles of existing spur road from Porcupine Creek to Glacier Creek. Most of the spurs have been closed out or overgrown so they are no longer passable. There is an additional 2.8 miles of mainline road across Glacier Creek that was constructed for logging Unit 4 in 1980. This was a winter logging road and hasn't been drivable for 20 years. Constantine Metals has constructed 1.5 miles up the East Side of Glacier Creek as part of their mining access this past year. DOF will use 1.3 miles of this road for access to timber on the Haines State Forest. The Baby Brown PBIF identifies an additional 7 miles of mainline road and 3 miles of spur will be required making for a total road miles of 19.9 miles.</p> <p>Further, the entire area near Porcupine and Glacier Creeks was logged and roaded near the turn of the century when there was a large scale gold rush occurring in the area and there was a large demand for wood for flumes and buildings. The Porcupine Mainline followed one of these old roads. The other old roads are barely visible but occasionally old road cuts and certainly old cut stumps are still found. It has been estimated that the flume took close to 8 million board feet of timber to construct and it was built twice, Glacier Creek had a flume, and the buildings in Porcupine used considerable timber. It is estimated that close to 20 million board feet was logged in a short time period at the turn of the century. DOF intends to harvest it all again in the next 120 years, which is our rotation period.</p> <p>The PBIF The PBIF identifies that Constantine Metals is doing exploration above Glacier Creek. To our knowledge this is consisting of platforms and drilling into the ground to extract cores of rock to determine the extent of their mineral deposit. All of their work is well above treeline and has minimal impact on the surface. It is unknown at this time whether or not this will develop into a working mine and to what extent the impacts on the hydrology might be. Placer Mining is occurring on Porcupine Creek but not to a large extent.</p>

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<p>When local Div Forestry spokesperson was asked the question "what are the actual volumes of timber per acre in the Glacier-Jarvis areas?" answered "the figure used for estimating the 20MMBF volume is from using a forest-wide, 20,000bdf/acre volume estimate (1000acresX 20000bdf=20MMBF). Using that figure, the list of units and volume on pg 2 of NSE-1549 works out to approx 1400 acres and 28MMBF. There is not actual cruise data on volume and quality in this recognized hemlock forest. The statement here "20MMBF.... in one year....is well within sustained yield" is misleading. This large sale would be a virtual clearcut of that side of the valley for 6 miles, done in a non-sustaining (for that area) short time frame. (Kinison, Szatkowski)</p>	<p>The timber sale areas shown on the map and listed in the Baby Brown Preliminary Best Interest Finding represent "areas" that will be used to design specific harvest units smaller in size. These are timber sale areas taken directly from the Five Year Forest Management Schedule (FYFMS). Not all of the units will be clearcut. This proposed offering is estimated to only harvest approximately 1,000 acres. The sustained yield allowable cut for the Haines State Forest is 58.8 million board feet (MMBF) per decade on a rolling average. Over the past ten years from 2004 to 2013 the DOF has harvested 6.3 MMBF. This is 52.5 MMBF below the sustained yield level. Offering this 20 MMBF in one year is well within the sustained yield level. We could actually harvest the entire 52.5 MMBF in one year and still maintain the sustained yield.</p>
<p>Using the 20000bf/acre figure, of the nine units listed, only one is under 100 acres while most are over 150 acres (some 200 or more). Ex. Hemlock Gold 75 acres; Chinook 200 acres; etc. (Kinison)</p>	<p>These are proposed harvest areas from the FYFMS not individual unit sizes. These sale names from the FYFMS are approximate harvest acres which will most likely be made up of more than one unit for each proposed sale area.</p>
<p>The estimated royalties to the state may actually be a lot less than \$300,000 because of the high percentage of low value wood in the harvest area, particularly past Glacier Creek, and the "credits" that may be given to the logger for road and bridge construction costs to access these units. There is additional costs to the state in laying out a large sale in a short time, and administering the large sale.</p> <p>The benefits of logging by current resident small operators keeps all monies local from the forest. A large operator may actually flood the local demand markets, thereby, causing loss of income to the existing operators. (Kinison, Szatkowski)</p>	<p>The estimated royalties to the state are just that..."an estimate". Stumpage returns to the State may be lower or higher depending on competition, market values at the time of sale, and fuel and other expenses in building roads and installing bridges. DOF does not have a credit system for roads and bridges. These costs must be borne by the purchasers of the timber sales. There is a cost to the state in laying out and administering a timber sale. DOF feels this expense is worth the cost of making timber available to the industry. A large sale may also benefit local small sale operators in providing a market for logs that are not usually marketable in the local domestic market. Large sales also build the mainline roads which small sale operators then use to harvest other timber. Recreationists and other users of the forest also benefit from improved access of these roads.</p>

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<p>Looking at the forest strictly in terms of 'profit' is short sighted; once the logging is done the local community is left with tracts of devastated forest that will take 200-400 years to regrow and regain a natural balance, if it ever will. It will be replanted in even aged monoculture stands like a tree farm that will in no way resemble the beauty of an old forest or provide the rich habitat for wildlife. After logging it is common to spray with herbicides, although I didn't see mention of this, which will end up in the water which flows downstream to our rich salmon habitat. (Cornelius)</p>	<p>DOF manages the Haines State Forest under a Multiple Use mandate. Areas within the forest are all identified with management intent and guidelines for management. Some areas are for timber harvest, other areas are managed primarily for wildlife, and still others are managed with management intent of recreational use. When an area is clearcut harvested it is reforested within 5 years and goes through a series of stages as the stand regrows. Most of the existing stands are about 200 years old based on a recent forest inventory. We do replant with Sitka spruce but the more shade tolerant hemlock is always a component of our regenerating stands.</p> <p>As for herbicides, the Haines State Forest Management Plan prohibits their use and will not be used.</p>
<p>We ask that the agency conduct more detailed analysis of market conditions and economic impacts, and disclose this analysis in a best-interest finding. DOF's sale document cites the creation of jobs and portrays a positive economic benefit to the state. But no supporting evidence is presented to indicate a net financial gain for either the state treasury or local employment. There is no known local market for a timber sale of this size. To the contrary, the community of Haines has generally embraced tourism and recreation, rather than resource exploitation and export, as its economic base. A true cost/benefit analysis of this sale would consider the negative impacts to tourism (now a mainstay of the local economy), to regional and local fisheries (see Trout Unlimited economic analysis attachment), and to niche marketing of forest products other than timber. Please also carefully consider and forthrightly disclose the likely markets for this timber. It is our understanding that this sale, given its very large size, is aimed at the export market. Clearcut logging and export is a very low return for disposal of state forests as magnificent and locally important as these. The export model provides only small benefits to a very small group of people (e.g. the dozen or so temporary jobs cutting</p>	<p>Indicators of the market conditions regarding timber operators and timberland owners is pretty clear in the fact that DOF has had the Glacier Side 1, Glacier Side 2 and Single Fifteen Timber Sales available over the counter purchase for ten years or more without a single bidder. It's just been in the past year that we have seen interest in these sales. DOF in fact received two bids for the Glacier Side 2 timber sale. The intent of the creation of the Haines State Forest was for it to be used and one of the major uses of this intent was for timber harvest and to provide logs to the timber industry.</p> <p>The Division attempts to provide a mix of sizes of sales for the timber industry. DOF has been providing mostly small sales to a local forest industry for the past fifteen years. The likely markets for this offering are the export market. I agree I would much rather see the logs go to a local mill but unfortunately the last large mill in the Haines area closed in 1991. Hopefully something will happen in the future so that the second growth stands may be manufactured locally. The State cannot require instate manufacture of timber. This has to do with the Interstate Commerce Act that states that only the federal government can regulate such commerce.</p> <p>Timber harvest should have minimal impact on the tourism industry. While the units may be seen from the Haines Highway they are two miles distance and will be designed to minimize the visual impact as seen from a couple of areas</p>

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Comment	DOF Response
<p>(cont.) trees, and hauling them to an export center). Even if the same trees were to be cut in the same way, a better economic benefit would be realized through smaller sales that can be processed by local mills. (LCC)</p>	<p>(cont.) on the Haines Highway. Most of the Haines Highway has trees adjacent to the road so that the clearcuts two miles distance won't be readily seen. It is unlikely the view of a few distant clearcuts will ruin any tourists overall Alaskan experience. There are clearcuts that can be seen from the ferry route as tourists come in to Haines and I doubt that those clearcuts have caused any loss of tourism to the Haines Borough.</p> <p>The few anadromous fish streams in the area will be protected through following the guidelines in the Haines State Forest Management Plan and the Alaska Forest Practices and Resources Act and the Best Management Practices. One hundred foot buffers will be left along all anadromous fish streams and a 300 foot special management zone which designates that area's primary purpose to be for the protection of the fish habitat in the stream.</p>
<p>Recreational access via the Flower Mountain trail should be maintained throughout the timber operation; Road construction should develop and maintain access to potential recreational trails up Glacier Creek and to Jarvis Creek that are identified in the Haines Borough Comprehensive Plan. Access should include parking and trailer turnaround areas at trail heads; (Haines Borough Parks &amp; Recreation Committee, Haines Borough)</p>	<p>The Flower Mountain Trail will be maintained throughout the timber operation. The mainline road towards Jarvis Creek will be kept open depending on funding to provide for recreational access.</p>
<p>Avoid or mitigate avalanche hazards created by steep clearcuts uphill of roads and recreation trails; (Haines Borough Parks &amp; Recreation Committee)</p>	<p>DOF will keep this in mind as units are designed. The terrain in the Baby Brown Sale Area is not extremely steep and it is unlikely that an avalanche hazard will be created.</p>

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Comment	DOF Response
<p>Wildlife in the upper valley now takes a continual year round hit. Over the last ten years road development, heli-skiing, mine prospecting, a mega increase of group snow-machine expeditions and the ever increasing residential development coupled with small timber sales along the highway has made an impact on bear, wolf, great horned owl nesting and many of the small prey animals necessary for martin, mink and land otter. The wolverine population within the Jarvis area is sure to disappear when the big trees and understory are destroyed. (Revenaugh, Gunn, Szatkowski)</p>	<p>A number of wildlife species use the area where our timber harvests will occur. Some species will benefit from the openings created by the clearcuts and others will not benefit as much. This is one reason that the Haines State Forest Management Plan, in a strategy to minimize the impacts of harvest on wildlife, prohibits timber harvest on about 18,000 acres of commercial old growth timber. It further spreads the harvest of the remaining 42,000 acres of commercial timber over a relatively long period of time. In addition, 12,000 acres of inoperable or inaccessible timber and the 45,000-acre Chilkat Bald Eagle Preserve which was created to balance resource development with conservation in the Chilkat Valley will not be harvested.</p>
<p>I would like to comment on the perception among local residents that this was unfairly rushed on us in the off season when many are gone and with very short notice to respond. I hope you will consider all comments in making your decision. I believe the forest has intrinsic value that is priceless, and while this is in stark contrast to your board feet valuation I hope you can see the bigger picture and how this timber sale could ruin things that make this area special and unique in a world that increasingly values resource extraction over natural ecosystems. (Cornelius)</p>	<p>The Baby Brown PBIF was noticed in the Haines Paper as a legal ad on January 8 and in the State Online Public Notice System on January 7. Copies were sent to the Department of Environmental Conservation (DEC), Alaska Department of Fish &amp; Game (ADF&amp;G), Department of Natural Resources (DNR) Division of Mining Land and Water, DNR State Historic Preservation Office, Haines Borough Mayor and Manager, and Sealaska. A copy was delivered to the Haines Library and posted it at the Post Office and at Howsers. As the timber sale process continues any specific sale proposal must go through a Forest Land Use Plan where more detailed unit shapes, road and harvest information, cruise information will be again brought to the agencies and the public for review.</p>
<p>The PBIF presentation of the timber sale planning process is confused and confusing. One issue is the Glacier Side sale, which is both included in this PBIF, as well as being already in the process (we understand) of contracting and administration. Another issue is that the 5-year schedule did not give any notice of the Baby Brown sale, and did not give notice that any sale of this size was being contemplated. (LCC)</p>	<p>The PBIF outlines the 6 step process quite well. What makes it confusing is that DOF used to do the Forest Land Use Plan (FLUP) and use it as a preliminary decision/best interest finding. Now the PBIF is done first and the actual sales with designed units come later with a FLUP and another public review. The Five Year Schedule (FYS) is also another part of the process and is more of a scoping document looking for input on proposed sale areas. The Baby Brown PBIF includes all the proposed sales from the 2014 to 2018 FYS and includes them in one PBIF. There is nothing new in the PBIF that isn't in the current FYS except</p>

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Comment	DOF Response
(LCC)	(cont.) the Baby Brown name. The Glacier Side 2 sale has been through the FLUP and BIF (Best Interest Finding) process but since it had been ten years I included it in the Baby Brown sale review to keep everything fresher. DOF just happened to receive a bid to purchase the Glacier Side 2 sale after the Baby Brown PBIF was out for review. This will reduce the Baby Brown acreage by 145 acres. The Baby Brown could be sold as one large sale or a series of 3 to 7 MMBF sales similar to Glacier Side 2. Again these will all be done with a FLUP and another 30 day review.
The hydrologic effects of the proposal should be carefully considered. See A.S. 41.17.060(b)(5) (adverse effects of soil erosion and mass wasting on water and fish must be prevented or minimized); A.S. 41.17.060(c)(5) (prohibiting significant impairment); A.S. 41.17.060(c)(7) (requiring allowance for important fish & wildlife habitat). (LCC)	Your concerns refer extensively to AS 41.17.060 which provides protections for the land. As part of meeting this requirement the Division has adopted the Haines State Forest Management Plan which outlines where timber harvest will occur and where it won't. It further provides goals and management guidelines for the protection of the watershed and other resources in the Haines State Forest. The Alaska Forest Resources & Practices Act and Regulations also outline protections for the resources and provide Best Management Practices which provides for protection of fish habitat and water quality. The Division of Forestry (DOF) follows these practices and also does monitoring of how well they are implemented on our harvesting activities.
Habitat is slow to recover to pre-harvest levels of complexity and biodiversity. (Hicks 1990; Bilby and Ward 1991; in Meehan) "Stream biotas may not be able to recover from the effects of timber harvest because timber harvest has no analogue in the natural disturbance regime and, therefore, organisms may not have evolved an appropriate response." (Gurtz and Wallace 1984) As previously noted, the rotation period on the Haines State Forest does not allow time for the forest to regain old-growth characteristics. Likewise, the planting of spruce monoculture converts stable forest into unstable tree farms. (LCC)	The rotation period for the Haines State Forest is 120 years and you are probably correct that it doesn't give enough time to create truly old growth characteristics. There are four stages in the development of a forest stand following disturbance. Stand Initiation, which is the regrowth immediately following a disturbance such as clear cut logging. Stem Exclusion, which occurs when the young saplings begin to crowd and they fight for light. They give up insect and disease resistance and some of them die out. Here is where DOF does precommercial thinning to speed up this process. Stand re-initiation, which occurs as some of the trees die out and the fourth state Old Growth when a stand has more age than one age cohort in it. Generally in our even age management scheme on the Haines State Forest DOF would harvest the

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Comment	DOF Response
(LCC)	<p>trees prior to the stand re-initiation phase. By maintaining a mix of stands in different age classes it will provide for habitat diversity. There should be lower defect in the younger stands we will harvest in the second rotation. According to our recent inventory most of the trees in the valley are around 200 years old. The PBIF explains that there are areas that will not be logged because of classification or the terrain is inoperable and this will allow for timber stands with old growth characteristics. DOF replants our clearcut harvest areas with Sitka spruce seedlings grown with spruce seed from the local areas. While this suggests that the regenerating units may become pure spruce it is not the case. Hemlock is a very shade tolerant species and there is considerable hemlock understory in the primarily hemlock stands west of Porcupine Creek. The seedlings that remain following logging quickly begin growing. Further both spruce and hemlock regenerate well following clearcut logging especially if mineral soil is exposed and since the adjacent stands are primarily hemlock there will be plenty of hemlock seed that gets sown in the units resulting in a large percentage of hemlock in the regenerating units. The precommercial thinning we do favors the most dominant trees when comparing spruce and hemlock. The local spruce beetle infestation that occurred from 1989 to 2005 is a good indicator why we do not want monocultures of just one species.</p>
<p>Based on AS 38.05.112(b), the information provided by the Preliminary Best Interest Finding does not meet the legal requirements for best practices. As a result of negative impacts to fish and wildlife resources, water quality, scenic benefits, and potentially to the local economy, LCC recommends deferral of the Baby Brown timber sale. We recommend continuation of small sales, 10-20 acres annually, or, preferably, a shift to less damaging forms of timber harvest such as selective logging. We also support increased focus on recreational opportunities within the Haines State Forest, which will provide a great boost to the local economy with far fewer negative impacts than the present form of timber harvest. (LCC)</p>	<p>AS 38.05.112 (b) refers to the adoption of Forest Land Use Plan. These are required prior to the harvest of a timber sale over ten acres in size. The timbered areas that go on to be available for harvest must also have a FLUP prepared for them. The Baby Brown PBIF is also a required step in this process but this reference to the statute is for timber sales further along in the process. The Haines State Forest is managed under a Multiple Use Concept and DOF fully intends to protect fish and wildlife habitat, water quality, recreation and scenic viewshed while at the same time providing timber to the forest products industry.</p>