

BRIEFING PAPER: HB 98, Forest Land Use Plans & Negotiated Timber Sales

Summary of questions and answers from HRES hearing: 3-12-21

DEPARTMENT OF NATURAL RESOURCES

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Division of Forestry

How are we protecting Alaskan businesses?

While HB 98 opens negotiated timber sales to the export market as well as local manufacture, the Division of Forestry (DOF) will *always* consider our local markets first. HB 98 ensures this continuing supply for local operators by adding a section to AS 38.05.110(c) that adds specific criteria the DNR commissioner must consider when deciding whether to offer a negotiated timber sale, including the local timber market. (See Section 2)

HB 98 allows a negotiated sale that could last up to 25 years. What if the will of the community changes?

The current statute (AS 38.05.118) already allows negotiated sales up to 25 years for a local manufacturer of wood products or a user of wood fiber. Public and agency review and comment would continue for preparation of forest land use plans (FLUPs). It is very common for a public comment to result in a modification of a harvest unit. DOF attempts to accommodate concerns to make a timber sale as acceptable as possible to the community. Most sales would not be for more than ten years.

When is public notice given in the timber sale process, and at what stages is it appealable?

Public notice is provided for regional area plans, forest management plans, Five-Year Schedule of Timber Sales (FYSTS), best interest findings (BIFs), and FLUPs. Currently, all stages are subject to appeal, except FYSTS. Under HB 98, FLUPs would not be subject to appeal. Each successive stage must adhere to the previous stage. In addition, the timber sale must comply with the Alaska Forest Resources and Practices Act (FRPA), AS 41.17, which is designed to protect fish habitat and water quality and ensure prompt reforestation of forest land.

Is there a commission or a board involved in BIFs or FLUPs?

The Alaska Board of Forestry (BOF) advises the state on forest practices issues and provides a forum for discussion and resolution of forest management issues on state land. The Tanana Valley State Forest (TVSF) Citizens Advisory Committee (CAC) similarly advises the DOF on state land in and around the TVSF. The BOF reviews all proposed changes to FRPA and its regulations. The CAC reviews the FYSTS for the TVSF and is noticed on all BIFs and FLUPs. BOF and CAC meetings are open to the public and a public comment period is included.

How many sales get appealed? What percentage is appealed? Who appealed them? How long is the process?

In Southeast, DOF issued nine BIFs on large timber sales in the last ten years. Five of these, as well as one set of FLUPs, were appealed. Appeals generally take several months to over a year to resolve. Parties appealing the BIFs and FLUPs include: Lynn Canal Conservation, Cascadia Wildlands, Greenpeace, Center for Biological Diversity, The Boat Company, Greater SE Alaska Conservation Community, Mike Salle, Cheryl Fecko, City of Edna Bay, City of Thorne Bay, and Viking Lumber Company.

We can't harvest too much forest. Is that in a FLUP? Or is that a regional plan?

The State Constitution (Art. VIII, Sec. 4) and Alaska Statutes (AS 41.17.220 and 41.17.950) require that the State manage its timber on a sustained yield basis. The BIF and FLUP may not violate the annual allowable cut or sustainable yield, or the management plan.

HB 98 increases the size of a sale requiring a FLUP from 10 acres to 20 acres. How much volume is that?

The highest average volume per acre is approximately 25,000 board feet. The new 20-acre limit brings the acreage to match the corresponding threshold of 500,000 board feet already in AS 38.05.115. Regardless of acreage, a BIF must be written for a sale greater than 500,000 board feet.

Why does 38.05.112 refer to acres and not board feet? Why do you not use the same units?

An acre measurement can be easily determined before harvest.

Could a clear-cut occur in the Tanana Valley State Forest right up to the boundary of private property?

No. Timber harvest in the TVSF is guided by its Management Plan. The goal in the plan is to minimize negative impacts of State Forest activities on adjacent private land. Harvest is designed to avoid conflicts with landowners and considers using selective harvest or other partial cutting techniques within 200 feet of private land.