

1st - Statute and Regulations:

AS 38.05.035(e) explains the requirement for a Best Interest Finding (BIF)

AS 38.05.112 explains the requirement for a Forest Land Use Plan (FLUP)

AAC 11.02 – regulation regarding “Appeals”

AAC 11.71 – regulation on Timber Sales Procedures

What HB 104 does as far as timeframes:

AS 38.05.113 - Five Year Schedule of Timber Sales (FYSTS) – FYSTS are done every 2 years and a sale must be included in 1 of the last 2 FYSTS. Timber sales sold under 117 or 124 do not have to be included in an FYSTS. Time savings up to 2 years.

AS 38.05.035 - Best Interest Finding – a Draft BIF is issued w/ usually a 30 day comment period. A Final BIF is then issued with a 20 day appeal period. Timber sold under 117 do not require a BIF. Time savings at least 50 days. If an appeal is filed, Commissioner has 30 days to deny the appeal. Party that files an appeal has the option to file in court after the Commissioner denies the appeal.

AS 38.05.112 – Forest Land Use Plan - a Draft FLUP is issued w/ usually a 30 day comment period. A Final FLUP is then issued with a 20 day appeal period. Timber sold under 117 and 124 do not require a FLUP. Time savings at least 50 days. If an appeal is filed, Commissioner has 30 days to deny the appeal. Party that files an appeal has the option to file in court after the Commissioner denies the appeal.

What HB 104 does not do as far as timeframes:

The bill does not place a limit on the actual amount of time that the DOF can take to develop and offer a timber sale.

A 117 timber sale carries an applied total timeframe of no more than 2 years based on the statement, “if not salvaged within two years”.

An “expedited timber sale” under 124 is supposed to “shorten the time frame” to produce the sale which I take to mean make the sale a priority. Here in southern southeast, the DOF has taken as much as 4 years between issuing a final BIF and offering the timber for sale. Timeframes between issuing a Draft BIF and a Final BIF have been as long as 6 months. The current FYST comment period ended almost 60 days ago and a Final FYSTS has not been issued yet.

Total Time Saved by HB 104:

117 Timber Sale – at least 100 days up to 2 years and 100 days

124 timber Sale – at least 50 days up to 2 years and 50 days