

*Chapter 3*

**IMPLEMENTATION**

# Chapter 3 - IMPLEMENTATION

This chapter describes specific actions needed to support implementation of the guidelines. They include recommendations for research projects, changes to land use plans, platting of rights-of-way, enforcement, and funding. This chapter also includes procedures for changing the guidelines to keep them up-to-date.

## Procedures for Guideline Modification

The policies, implementation actions, and management guidelines of this document may be changed if conditions warrant. The Susitna Forestry Guidelines (SFG) will be updated periodically as new data and new technology become available and as changing social or economic conditions place different demands on state lands. This section discusses three topics concerning SFG modification: periodic review, changes to the guidelines, and discretion within guidelines.

### PERIODIC REVIEW

The Susitna Forestry Guidelines will be reviewed approximately once every five years to determine if revisions are necessary. An interagency planning team will conduct this review.

### CHANGES TO THE GUIDELINES

There are three types of changes to these guidelines: amendments, special exceptions, and minor changes. Amendments and special exceptions are revisions subject to the planning process requirements of AS 38.04.065 and the regulations in 11 AAC 55.250; minor changes are not. The director of the DNR Division of Land determines what constitutes an amendment, special exception, or a minor change. Changes to the guidelines may be proposed by agencies, municipalities, or members of the public. Requests for changes should be submitted to the DNR Division of Land.

The regulations for plan modification are being revised. When new regulations are adopted, they

will supersede the procedures for guideline modification in this document and direct modification procedures. In the interim, the procedures in this chapter will direct modifications.

**Guideline Amendments.** An amendment permanently changes the guidelines by adding to or modifying the basic management intent for one or more subunits, or by changing allowed or prohibited activities, policies, or guidelines. For example, an amendment might close to clearcutting an area where this activity was previously allowed, allow a particular activity in an area where it was previously prohibited, or change the guidelines for the length of timber rotations. (11 AAC 55.030)

An amendment is a revision under AS 38.04.065. Revisions must be adopted by the Commissioner of DNR. The Department of Natural Resources will provide for review by affected agencies and will convene the planning team as necessary to make recommendations on amendments.

### *Procedures for Amendment.*

1. Taking into account the requirements of AS 38.04.065 (b), the commissioner will prepare a written document that specifies:
  - ◆ The reasons for the amendment such as changed social or economic conditions;
  - ◆ the alternative course of action (what the guidelines are being changed to); and
  - ◆ why the amendment is in the best public interest.
2. Where practical, the decision should be part of or circulated with a finding required by AS 38.05.035(e).
3. Before making the final decision on the amendment, the commissioner will provide for meaningful public participation and public notice consistent with AS 38.04.065(b)(8) and 38.05.945. This notification will include the points described in 1. and may be combined with the public notice required by the applicable permitting procedure. If warranted by the degree of controversy, the commissioner may hold a public meeting before making a decision.

**Special Exception.** A special exception does not permanently change the provisions of the guidelines and cannot be used as the basis for a reclassification of the subunit. Instead, it allows a one-time, limited purpose variance of the guidelines, without changing their general intent. For example, a special exception might be used to allow a specific harvest in a habitat buffer closed to harvesting if DFG requested the cut to benefit wildlife habitat. (11 AAC 55.030)

Special exceptions may also occur when the proposed activity requires only a small part of a management subunit, does not change or modify the general intent of the guidelines, and serves to clarify or facilitate the implementation of the guidelines. An example would be allowing a prohibited use based on more detailed data in a small area on the edge of a management subunit next to a subunit where it is allowed.

A special exception might be made if complying with the guidelines would be excessively burdensome or impractical or if compliance would be inequitable to a third party, and if the purposes and spirit of the guidelines can be achieved despite the exception. (11 AAC 55.030)

A special exception cannot be used to reclassify an area. Special exceptions may apply to prohibited uses or guidelines.

**Special Exceptions to Guidelines Modified by "Will" or "Shall".** Special exceptions to guidelines modified by the word "will" or "shall" may be allowed for individual actions. The decision not to follow a pertinent guideline modified by the term "will" will be consistent with the procedures for special exceptions.

#### ***Procedures for Special Exceptions.***

1. Taking into account the requirements of AS 38.04 065(b), the director will prepare a written decision that specifies:

- ◆ the reasons for the special exception (i.e., why a variance of the guidelines is needed);
- ◆ the alternative action or course of action to be followed;
- ◆ why the special exception is in the best public interest; and
- ◆ how the general intent of the guidelines and management unit will be met by the alternative course of action.

2. Where practical, the decision should be part of or circulated with a finding required by AS 38.05.035(e).
3. Before making the final decision, the commissioner will request comments and give public notice consistent with AS 38.04.065(b)(8) and 38.05.945 to affected local governments, state and federal agencies, adjacent landowners, and the general public. This notification will include the points described in 1. and may be combined with the public notice required by the applicable permitting procedure. If warranted by the degree of controversy, the commissioner may hold a public meeting before making a decision.

**Minor Change.** A minor change is not considered a revision under AS 38.04.065. A minor change is a change that does not modify or add to the guidelines basic intent, and that serves only to clarify the guidelines, make them consistent, facilitate their implementation, or make technical corrections. (11 AAC 55.030)

Minor changes are made at the discretion of the DNR Division of Land Southcentral Region Manager and do not require public review. Affected agencies will be notified and have an opportunity to comment; the comment period may be provided through existing inter-agency review processes for associated actions. The regional manager's decisions may be appealed to the director. The director's decision may be appealed to the commissioner.

**Discretion Within Guidelines.** Some guidelines, like those modified by the terms "feasible and prudent," "feasible," and "should" are written to allow for exceptions if the conditions described in the policy are met. See *Appendix A - Glossary* for the definitions of these terms. The procedures for allowing exceptions to these guidelines follow. Allowing exceptions following these procedures are neither revisions nor changes to the guidelines.

**Guidelines Modified by "Feasible and Prudent" or "Feasible".** Exceptions to guidelines modified by the phrase "feasible and prudent" or "feasible" (see *Appendix A - Glossary* for definitions) may be allowed after the steps outlined below have been taken.

## Research

1. The regional manager will prepare a written document that specifies:
  - ◆ the conditions that make compliance with the guideline not feasible or not feasible and prudent;
  - ◆ the alternative course of action to be followed; and
  - ◆ how the intent of the guidelines and management unit will be met by the alternative course of action.
2. Where practical, the decision should be part of or circulated with a finding required by AS 38.05.035(e).
3. Before making the final decision, the director will give notification required by the applicable permitting procedure and request comments on the proposed action. This notification will include the points described in 1.

**Guidelines Modified by "should".** Exception to guidelines modified by the word "should" can be made by the DNR Division of Land Southcentral Region manager, or the manager's designees. The guideline does, however, state an intent that should be met, using the best managerial practices for the given situation. These exceptions require a written justification in the administrative record. The justification should briefly outline how the action meets the intent of the guideline or why the particular circumstances justify deviation from the intended action or conditions.

Information on forest management in the Susitna area is relatively limited. Additional research is necessary to tailor forest management to the soils, vegetation, fish and wildlife, and other resources of southcentral Alaska. The planning team identified the following particular concerns and strongly supports research on these topics.

**Regeneration.** Little information exists on reforestation that is specific to the Susitna Forestry Guidelines area. Grass competition, browsing, and wet soils can hinder both natural regeneration and planting. Additional research is needed on appropriate methods of site preparation and reforestation for the Susitna Forestry Guidelines area. Needed studies include:

- ◆ Effects of fertilization of scarified soil on forest regeneration.
- ◆ Effects of fertilization on seedling establishment and vegetative competition.
- ◆ Escapement of hardwood seedlings in moose browse areas.
- ◆ Post-harvest impacts of recreation and other public uses on forest regeneration.

**Rotation Ages.** Rotations based on site indices are tailored to individual site conditions. Estimates of appropriate rotations based on site indices should be developed when updated information for the Susitna valley is available from the USDA Soil Conservation Service. DOF should determine whether these rotations should replace existing rotations and recommend appropriate changes during the update of the SFG. (See *Chapter 2 - Timber Sale Program and Timber Base, Rotation Length*).

**Forest Succession.** Little information exists on forest succession in the Susitna valley. Information that would contribute to wise management of Susitna valley forests includes studies of forest succession patterns, and historic frequency of fire, windthrow, disease, and other disturbances.

**Shoreline Management.** The Forest Practices Act and Susitna Forestry Guidelines are intended to help protect streams and lakes and the fish, wildlife, recreation, and scenic resources associated with them. However, information of the effectiveness of existing shoreline management techniques in boreal forests is scarce, and very

little is specific to southcentral Alaska. Analysis of the effects of existing shoreline management techniques, and determination of the most appropriate techniques for the Susitna valley are high priorities for research.

**Winter Roads.** Little information on winter road construction exists for southcentral Alaska. Snow depths and soil temperatures vary significantly from conditions in the interior Alaska and North Slope areas of Alaska and Canada where most research has been conducted. Studies are needed on:

- ◆ Long-term impacts of winter roads in forested and muskeg regions of the Susitna Forestry Guidelines area,
- ◆ Appropriate standards for winter road construction in the Susitna Forestry Guidelines area including ground, snow, or frost conditions needed prior to construction, and
- ◆ Appropriate standards for ice bridge construction in the SFG area.

**Experimental Forests & Natural Areas.** There is no comprehensive inventory of candidate sites for experimental forests and research natural areas in the Susitna Forestry Guidelines area. The Susitna Area Plan update should coordinate with the Alaska Natural Heritage Program to review state lands for candidate sites.

**Herbicides.** A study of herbicide effects on fish and wildlife and habitat should be conducted prior to operational herbicide use in the SFG area. The study should cover:

- ◆ Direct adverse effects of herbicides on non-target fish and wildlife species, and a contingency plan for mitigating impacts on fish and wildlife,
- ◆ Effects of shrub competition on growth and survival of spruce and birch regeneration; identification of what amount and duration of competition suppresses tree growth,
- ◆ Effects of herbicides on riparian habitat; identification of the size of buffer needed to prevent contamination of aquatic habitats,
- ◆ Effects of herbicide on the amount of browse, and
- ◆ Persistence of herbicide residues in soil and methods for monitoring herbicide persistence.

**Grazing.** The team also supports the research on the impacts of grazing on timber and wildlife management recommended in Chapter 4 of the Kashwitna Management Plan.

## Recommended Changes in Land Use Plans

**General.** The SFG resource reports, summary of resource information for individual units, and public comments will be provided to the Susitna and Willow Subbasin area plan update process as background information.

**Land Disposals.** The Susitna Area Plan (SAP) update should consider whether or not unsold lots in areas where the demand for personal use wood is likely to exceed supply should be kept in public ownership or the number of new lots offered for sale limited.

**Recreation and Habitat.** More specific management intent for areas designated for public recreation or fish and wildlife habitat is needed. Current intent statements are insufficient to resolve land use conflicts between recreation and habitat, and between these activities and other land uses. In determining management intent for recreation, the Susitna Area Plan update should consider the range of recreation opportunities described in *Appendix E - Recreation Opportunity Spectrum for the Susitna Forestry Guidelines Area*.

**Eagles.** The SAP update should review the literature on disturbance of eagle nesting sites and review existing guidelines to determine if changes are needed to protect eagle nesting sites from disturbances other than logging.

**Research Natural Areas and Experimental Forests.** The area plan update should consider establishment of research natural areas and experimental forests in the Susitna valley.

**Trails.** The area plan update should review the Susitna and Willow Subbasin area plan standards for trail corridor width and management of trail corridors. Unless differences are merited by public use or site characteristics, consistent standards should be developed for the two planning areas.

**South Parks 2.** This unit is a large heterogeneous area. The plan update should review the topography, vegetation, land uses, and other characteristics of this unit, determine appropriate subunit boundaries, and develop management intent for each subunit.

**South Parks 11.** The SAP update should reconsider the Forestry - co-primary designation on state lands in this subunit. The designation of forestry as a primary use does not reflect the resource values on state lands. Forest lands in this subunit are nearly all on borough lands. State forest lands in this subunit are not sufficient to support commercial sales.

**South Parks 12a and 12b.** During the update of the Susitna Area Plan, the planning team should review and reconsider the land use designations and legislative recommendations for subunits 12a and 12b. In most of subunits 12a and 12b, elevations are higher than 1000', timber resources are limited, and access is difficult.

**South Parks 13b.** The SAP update should consider establishing a ROW for this trail that would be limited to trail use only.

**Petersville Road 1a.** The SAP update should designate the recreation sites identified in Subunit 1a. The update should develop management intent to guide use of these parcels until recreation facilities for the sites are designed. The guidelines should minimize harvesting and other activities that could decrease the value for recreation development. The plan should also determine if harvesting is allowed on lands not necessary for the recreation site after site design is complete.

**Susitna Lowlands.** The SAP update should review access options in the Susitna Lowlands. If timber harvests occur, the SFG planning team recommends that the preferred route for timber access is a single corridor through the central part of subunit 11a. The route should not closely parallel either the Kahiltna River nor Kroto Creek, to minimize adverse impacts on these important recreational waterways. Access to Kroto Creek, Peters Creek, and the Kahiltna River should be by spurs, rather than access routes paralleling the riverbank.

**Susitna Lowlands 9c and 12a.** The SAP update should designate specific primary uses for the resource management lands in Susitna Lowlands subunits 9c and 12a. Changes in access and interest in active timber management on these lands and adjacent borough lands make these units inappropriate for continued resource management designations.

**Susitna Lowlands 14a and 14e.** The SAP update should consider adding the forested part of 14a to Subunit 14e. This is the land along the Susitna River in or south of T22N, R5W, Sections 34: S $\frac{1}{2}$ S $\frac{1}{2}$  and 35: S $\frac{1}{2}$ S $\frac{1}{2}$ . The update should also determine if the appropriate designation for the remainder of 14a is to keep forestry as a secondary use, to specify that timber will be managed for personal use, or to drop forestry from the designated uses.

**Willow 4b.** The SAP update should reconsider the appropriate designation for the part of Subunit 4b north of Little Willow Creek. Current soils information indicates that this area may not merit an agriculture designation. Areas that are not proposed for agricultural sale in the other parts of the subunit should be considered for addition to Subunit 4a.

**Willow 6 and 8a.** The update should review the Willow Subbasin Area Plan guideline for harvesting along the Susitna River in these subunits. This guideline differs from the regionwide SFG guidelines for Shoreline Management Zones and Islands and Upwelling Areas (see *Chapter 2 - Rivers, Streams, and Lakes*). Unless differences are merited by site characteristics or public use, consistent standards should be established.

**Willow 12d.** The Willow Subbasin Area Plan update should reconsider the designations in this subunit. The Forestry - co-primary designation does not reflect the resource values. Timber resources in the unit can be made available for individual personal use permits, but are not large enough to support commercial sales or established personal use harvest areas.

## Funding & Enforcement

Adequate staff for field research, timber sale and road design, monitoring, and enforcement are essential to implementation of the Susitna Forestry Guidelines. Current staff levels are inadequate for these tasks. The Susitna Forestry Guidelines recommend that additional funds be obtained and dedicated to staff for these activities.

The Susitna Forestry Guidelines recommend that the legislature give DNR authority to enforce timber trespass, activities that exceed those allowed in timber sale contracts, and other unauthorized uses of state forest lands.

## Rights-of-way

Trails identified in the Susitna Forestry Guidelines should be recorded on status plats after the plan is completed.