

11 AAC 95.235 is amended by adding a new subsection to read:

11 AAC 95.235. Variation procedures. (e) In evaluating a request for a variation to reforestation stocking distribution standards under 11 AAC 95.375(d)(5), the state forester will consider non-stockable areas, and long-term and short-term site conditions. (Eff. 6/10/93, Register 126; am 11/20/99, Register 152; am 6/24/2004, Register 170)

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.080
AS 41.17.087 AS 41.17.098

11 AAC 95.375(b) is amended to read:

11 AAC 95.375. Reforestation requirement. (b) A landowner shall reforest harvested forest land to the fullest extent practicable unless:

- (1) the land will be converted to another use in accordance with 11 AAC 95.200;
- (2) the stand is significantly composed of insect and disease-killed, fire killed, wind thrown, or fatally damaged trees;
- (3) in Region I, more than 50 percent of the original basal area of living trees remain after the first entry and those trees are well distributed within the unit after harvest; or a minimum of 160 vigorous, undamaged, well-distributed saplings or merchantable trees per acre of a commercial species, or combination of commercial species, remain on the area harvested; or
- (4) in Region II or Region III, vigorous, well-distributed residual commercial trees free from significant damage meet or exceed the following standards, or a combination of trees and seedlings approved by the division, meet the following standards:

Average DBH of Remaining Stand – Inches	Minimum Stocking Standard (in trees per acre)
Greater than <u>or equal to</u> 9	120
6 to 8	170
1 to 5	200

11 AAC 95.375(c) is amended to read:

11 AAC 95.375. Reforestation requirement. (c) In areas within Region II or III where the natural amount or distribution of stocking of commercial trees is below the minimum standards in (b)(4) before harvest, the division will consider a variation from the stocking levels required in (d) of this section. An applicant shall submit a request for variation under this section through a detailed plan of operations and shall document pre-harvest stocking level and distribution. (Eff. 6/10/93, Register 126; am 9/6/96, Register 139

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.060
AS 41.17.080

11 AAC 95.375(d) is amended to read:

11 AAC 95.375. Reforestation requirement. (d) Reforestation must be achieved within five years after harvest in Region I and seven years after harvest in Region II and Region III as follows:

(1) in Region I, the number of vigorous, undamaged, and well distributed seedlings of commercial tree species must average at least 200 trees per acre and must have survived on site for a minimum of two years;

(2) in Region II or Region III, the number of vigorous, undamaged, and well distributed seedlings of commercial tree species must average a minimum of 450 trees per acre and must have survived on site for a minimum of two years;

(3) in all regions adequate reforestation means a combination of seedlings and residual trees that will meet the standards set out in this subsection and in (b) of this section;
[AND]

(4) in Region I, no more than 10 percent of the harvest area or contiguous areas may be below the stocking levels as set out in (1) [OR (2)] of this subsection;

(5) in Region II or III, no more than 20 percent of the harvest area or contiguous areas may be below the stocking levels as set out in (2) of this subsection; and[.]

(6) In Region II or Region III, the division may allow a period of up to 12 years for natural regeneration where site conditions indicate a high likelihood of regeneration success within that period based on information in the detailed plan of operations. (Eff. 6/10/93, Register 126; am 9/6/96, Register 139)

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.060
AS 41.17.080

11 AAC 95.375(f) is amended to read:

11 AAC 95.375. Reforestation requirement. (f) Unless otherwise authorized by the division, seeds[SEEDS] used for reforestation must be

(1) from a similar latitude, climatic area, and elevation as the harvested area, or
[UNLESS OTHERWISE APPROVED BY THE DIVISION]

(2) in Region II or Region III, a mix of seed for native species from similar conditions with seed from up to 10 degrees latitude south of the planting site. Seeds from other locations that have been demonstrated to be successful and are approved by the division may be used.

(3) in Region II or Region III, known invasive species shall not be planted.

(Eff. 6/10/93, Register 126;

am 9/6/96, Register 139)

Authority: AS 41.17.010

AS 41.17.055

AS 41.17.060

AS 41.17.080

11 AAC 95.375(g) is amended to read:

11 AAC 95.375. Reforestation requirement. (g) To apply for an exemption from reforestation requirements under (b)(2) of this section, a landowner must request an exemption in the reforestation section of a detailed plan of operations under 11 AAC 95.220(10) or a change in operations under 11 AAC 95.230 and must demonstrate that the affected stand is significantly composed of insect and disease-killed, fire killed, wind thrown, or fatally damaged trees. If required by the division, the request must include a description of the sampling procedure, the sampling data, and a data summary. The data summary must show the number of commercial trees per acre that are dead or fatally damaged, and the percentage of commercial trees in the stand that are dead or fatally damaged. Sample plots must be located without bias throughout the affected stand. For stands 1,000 acres or less, the minimum sample density is 10 plots per 100 acres. For stands greater than 1,000 acres, the minimum sample density is six plots per 100 acres. Fewer plots are acceptable if the sample standard error is less than 10 percent of the mean.

Either fixed diameter or variable plot sampling methods are acceptable. Sample plots must average approximately at least five sample trees of commercial value. Trees must be recorded by diameter class as either dead, damaged by insects, disease, fire, or wind, or not impacted. [THE DIVISION MAY ACCEPT OTHER] **Other** documentation or field evidence **approved by the division may be used** in lieu of sampling [IN CASES WHERE THE EXTENT OF DAMAGE IS OBVIOUS]. (Eff. 6/10/93, Register 126; am 9/6/96, Register 139)

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.060
AS 41.17.080

11 AAC 95.380(a) is amended to read:

11 AAC 95.380. Natural regeneration. (a) If a forest landowner in Region II or III intends to rely on natural regeneration **from seed** for reforestation, the forest landowner shall ensure a seed source of well-formed, vigorous trees of commercial tree species. The seed source must be capable of distributing an adequate amount of seed throughout the harvest area to meet the reforestation requirements set out in 11 AAC 95.375(d). A forest landowner may not harvest the seed source identified for natural regeneration until the division has received a regeneration report showing that the harvest area has met the reforestation requirements set out in 11 AAC 95.375. (Eff. 6/10/93, Register 126)

Authority: AS 41.17.010 AS 41.17.080

11 AAC 95.385(a) is amended to read:

11 AAC 95.385. Regeneration survey and report. (a) A forest landowner in Region II or III shall conduct a regeneration survey and file a regeneration report **or alternative**

documentation with the division. A forest land owner in Region I shall file a regeneration report with the division and, if requested by the division, conduct a regeneration survey. A regeneration survey **or alternative documentation** must be conducted in a manner acceptable to the division. In an area reforested by natural regeneration, planting, or artificial seeding, a regeneration report shall be submitted within

(1) five years after timber harvest in Region I; a visual overview is acceptable in areas of obvious reforestation, however, the division may require a regeneration survey if the division determines the visual overview is inaccurate;

(2) seven years after the timber harvest in Region II or III. **If the period for natural regeneration is extended to twelve years under 11 AAC 95.375(d)(5), a regeneration report shall be submitted**

(A) within five years after the timber harvest to determine whether the reforestation requirements are likely to be met, and

(B) within twelve years after the timber harvest to document that the standards have been met. If either report or field verification shows deficiencies in reforestation, the division will direct the forest landowner to correct them. (Eff.

6/10/93, Register 126)

Authority: AS 41.17.010

AS 41.17.055

AS 41.17.080