

**State of Alaska**  
**Department of Natural Resources**  
**Division of Forestry & Fire Protection**



**Coastal Region-Southeast Area Office**  
**Forest Land Use Plan**

**ODYSSEY Timber Sale**  
**El Cap Norte**  
**SSE-1391-3**  
**January 2026**

## Abbreviations

ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
BIF	Best interest finding
DMLW	Division of Mining, Land and Water
DFFP	Division of Forestry & Fire Protection
FLUP	Forest Land Use Plan
FRPA	Alaska Forest Resources and Practices Act
FYSTS	Five-Year Schedule of Timber Sales
MBF	Thousand board feet
OHA	Office of History and Archeology
POG	Productive old growth
POW	Prince of Wales
POWIAP	Prince of Wales Island Area Plan
ROW	Right-of-way
SESF	Southeast State Forest
SESFMP	Southeast State Forest Management Plan
UA	University of Alaska
USFS	United States Forest Service

# Forest Land Use Plan for Odyssey Timber Sale, El Cap Norte SSE-1391-3

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## I. Introduction

Project File Number: SSE-1391-3

Division of Forestry & Fire Protection Office: Southeast

Area Forester: Greg Staunton

Forest Practices Geographic Region (AS 41.17.950): Region I

This Forest Land Use Plan (FLUP) covers proposed forest operations on approximately 72 acres of land on Prince of Wales Island, approximately 6.5 miles to the west of the community of Whale Pass. It is intended to provide the best available information regarding the proposed harvest of timber, and management of other non-timber uses in compliance with AS 38.05.112 and AS 41.17.060, and must be adopted by the DNR before the proposed activity can occur.

This Forest Land Use Plan is for timber sale(s) which have been determined to be in the best interest of the state pursuant to AS 38.05.035 (e) and AS 38.05.945. This FLUP does not determine whether or not to access and sell timber within the timber sale area, nor the method of sale. Those decisions have been made previously in the Best Interest Finding and are not appealable under this FLUP. The Best Interest Finding is available at:

<http://notice.alaska.gov/218718>

This Forest Land Use Plan is for timber sale(s) for which a Preliminary Best Interest Finding was concurrently out for review. A final best interest finding must be completed prior to adoption of a FLUP pursuant to AS 38.05.035 (e) and AS 38.05.945;

This Forest Land Use Plan is for timber to be harvested that does not require a final finding pursuant to AS 38.05.035 (e) and notification under AS 38.05.945.

A draft of this plan was distributed to the Alaska Department of Fish & Game (ADF&G) and the Department of Environmental Conservation (DEC) for their review and comments relevant to the consistency of this proposed project with the statutes governing forest land use plans (AS 38.05.112) and the requirements of the Alaska Forest Resources & Practices Act (AS 41.17) and its Regulations (11 AAC 95).

This Forest Land Use Plan was also made available for public comments; the review period ended on December 12, 2025. After public and agency review of the draft FLUP, the DOF reviewed and responded to comments (see FLUP, Appendix D), and made minor technical changes to the operational content and has adopted this FLUP.

This Forest Land Use Plan has been adopted by the Department of Natural Resources. Site specific compliance with the Alaska Forest Resources and Practices Act and the Regulations for this proposed project are reflected in this Forest Land Use Plan and are required as a performance requirement in the Timber Sale Contract.

An eligible person affected by this decision, and who provided timely written comment to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02.

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Other Documents are referenced in this FLUP. This timber sale is designed to be consistent with the management intent of the following documents:

- Alaska Forest Resources & Practices Act
- Southeast State Forest Management Plan
- Prince of Wales Island Area Plan
- ODYSSEY Timber Sale Best Interest Finding SSE-1391-K

The administrative record for this sale is maintained at the Division of Forestry & Fire Protection Southeast Area Office filed as SSE-1391-3.

### **A. Legal description**

This timber sale is located on Prince of Wales Island in Section 1 of Township 65 South, Range 78 East, and Section 36 of Township 66 South, Range 78 East of Copper River Meridian (CRM). The sale area is found within the Petersburg A-4 NE USGS quadrangle. The main access for this sale area is from the existing Prince of Wales Road System. See attached map titled: Appendix A1 and A2, SSE-1391-K Odyssey Timber Sale, El Cap Norte Area Maps.

### **B. Operational Period**

Approximately Winter 2025 through end of 2030.

### **C. Timber Disposal**

- Timber will be sold and will have a contract administrated by the State.
- Timber will be available to the public; permits obtained by the public will be issued by the State.
- Other. This timber has been sold to Viking Lumber Company Inc. and is administered by the State in a contract that was executed on June 30, 2025.

### **D. Objectives and Summary**

1. To follow the Alaska Department of Natural Resources' (ADNR) constitutional mandate to encourage the development of the State's renewable resources, making them available for maximum use consistent with the public interest;
2. To help the State's economy by providing royalties to the State in the form of stumpage receipts, an infusion to the State's economy through wages, purchases, jobs, and business.
3. To help the local economy of the communities within southern Southeast Alaska by creating additional jobs due to the combination of road building, logging, trucking and potentially milling.

## II. Affected Land Owners/Jurisdictions

### A. State

Activity on ownership:	Access Easement	Harvest	Written Representative Approval
<input checked="" type="checkbox"/> Southeast State Forest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Other state land managed by DNR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> University of Alaska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Mental Health Trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> School Trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### B. Other Land Interests

Land Interest, Representative: USFS (Mainline Roads)

## III. Harvest Methods, Silvicultural Actions, and Management of Non-timber Resources

Forest operations will be designed to:

- Protect fish habitat and water quality in compliance with the best management practices in 11 AAC 95.260-.370,
- Manage for the other land uses and activities identified in AS 41.17.060 and the Best Interest Finding for this timber sale, and
- Ensure prompt reforestation and maintenance of site productivity in compliance with AS 41.17.060(c) and 11 AAC 95 .375-.390.

Harvest and Silvicultural Methods:

- The silvicultural actions are described in this document, and no prescription was written or is necessary.
- A silvicultural prescription has been written and is attached to this document in Appendix B.

## A. Timber Stand Description and History

The proposed harvest area is primarily composed of commercial forest with old growth characteristics. Western red cedar, Western hemlock make up most of the commercial species along with minor components of Sitka spruce and Alaska yellow cedar. The timber identified in this sale is largely on poorly drained organic soils with steeper areas composed of limestone topography. The larger and better-quality timber is located on the well-drained soils with moderate terrain.

## B. Timber Harvest Activities

Timber Harvest Activities are displayed in Table 1.

**Table 1. Timber Harvest Activities**

<b>Unit-Setting ID</b>	<b>Acres</b>	<b>Topography</b>	<b>Silvicultural Action</b>	<b>Logging Method</b>
10	30	Irregular Slopes	Even-aged Management utilizing a clear-cut system	Shovel Logging
1010	8	Hillside	Even-aged Management utilizing a clear-cut system	Downhill Cable
11	2	Irregular Slopes	Even-aged Management utilizing a clear-cut system	Shovel Logging
12	4	Irregular Slopes	Even-aged Management utilizing a clear-cut system	Shovel Logging
13	13	Irregular Slopes	Even-aged Management utilizing a clear-cut system	Shovel Logging
14	6	Irregular Slopes	Even-aged Management utilizing a clear-cut system	Shovel Logging
15	9	Irregular Slopes	Even-aged Management utilizing a clear-cut system	Shovel Logging
<b>Total</b>	<b>72</b>			

## C. Site Preparation

- Site preparation will not be necessary. There will be sufficient soil disturbance by logging to forego the need for additional ground scarification.
- Site preparation will be implemented and described in Table 2:

**Table 2. Site Preparation**

Unit ID	Acres	Site Preparation Method	Date of Completion
		Not Applicable	

**D. Slash Abatement**

- Potential for insect infestations caused by slash accumulations exists. Slash abatement for controlling infestations will be implemented as required by 11 AAC 95.370.
- Scatter slash; accumulations will be kept to less than 2 feet in height. The operator will use slash for puncheon in shovel logging trails to protect soil from displacement, erosion and compaction.
- Slash will be disposed of by the operator  Slash will be disposed of by the State
- Other - method of slash disposal:  removal off site  crushing or grinding  burning
- Burn permits necessary from DOF and DEC to be acquired.
- The operator will contact the DOF local area office prior to ignition of debris.

**E. Soil Stability / Erosion / Mass Wasting**

- Maximum percent slopes are  $\leq 50\%$
- Maximum percent slopes are  $> 50\%$

Percentage of sale area with slopes  $> 50\%$  10%

Maximum percent slopes 75 %

Steeper slopes all located on short, isolated pitches less than 100 feet length on karst bed rock formations.

- There are no indicators of unstable areas.
- Indicators of unstable areas were identified and will be mitigated by actions indicated below.

**F. Timber Harvest—Surface Water Protection**

- There are no streams or lakes abutting or within a harvest unit.
- Known surface waters and protection measures are described in Table 3 below. *Locations are included in the operational map in the Appendices.*

**Table 3. Protection for Known Surface Waters**

Unit	Waterbody Name	AS 41.17.950 Classification	ADF&G AWC #	Required Riparian Protection	Site-specific actions to minimize impacts on riparian area
13, 14	Turn Creek	Anadromous	105-42-10100-2200	Retain timber	Follow Best Management Practices

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Unit	Waterbody Name	AS 41.17.950 Classification	ADF&G AWC #	Required Riparian Protection	Site-specific actions to minimize impacts on riparian area
10	Turn Creek Tributaries	Tributary to Anadromous >12%	105-42 10100-2200	Follow Best Management Practices (BMPS)	Maintain bank integrity, Minimize crossings.
11	Turn Creek Tributary	Tributary to Anadromous >12%	NA	Follow Best Management Practices (BMPS)	Maintain bank integrity, Minimize crossings.
12	Turn Creek Tributaries	Tributary to Anadromous >12%	NA	Follow Best Management Practices (BMPS)	Maintain bank integrity, Minimize crossings.
13	Turn Creek Tributaries	Tributary to Anadromous >12%	NA	Yes	Maintain bank integrity, Minimize crossings.
14	Turn Creek Tributary	Tributary >12%	NA	Yes	Maintain bank integrity, Minimize crossings.
15	Turn Creek Tributaries	Tributary >12%	NA	Yes	Maintain bank integrity, Minimize crossings.
1010	Turn Creek Tributary	Tributary >12%	NA	Yes	Maintain bank integrity, Minimize crossings.

Surface waters listed above were reviewed by the Department of Fish and Game:

- During the timber sale planning process
- During the agency review conducted for the Best Interest Finding for this sale
- During the drafting of this Forest Land Use Plan
- Stream Crossings (Title 16) Permits are needed per ADF&G Division of Habitat

Surface waters listed above were reviewed by the Department of Environmental Conservation:

- During the timber sale planning process
- During the agency review conducted for the Best Interest Finding for this sale
- During the drafting of this Forest Land Use Plan

Non-classified surface waters are subject to applicable BMPs in 11 AAC 95.

Notes:

### G. Wildlife Habitat

- Wildlife species and allowances for their important habitats were addressed in writing by the Department of Fish & Game during the Best Interest Finding review.
- Wildlife species and allowances for their important habitats were addressed in writing by the

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Department of Fish & Game during the drafting of this Forest Land Use Plan.

Silvicultural practices to be applied to minimize impacts to wildlife habitat or wildlife management:

- Timber retention - concentrations of timber surrounding harvest units, or interspersed within harvest units to provide cover.
- Snag Retention- snags or isolated trees left for cavity nesting species.
- Large Woody Debris – concentrations of downed timber or logging debris interspersed within harvest units to provide cover left on site.
- Other actions

Notes: To the extent that safety permits, Snags and obvious cull trees without Dwarf Mistletoe may at the purchaser's discretion be left standing at a density of three per acre. The intent is to provide bat roosting and bird habitat. Cull western red and yellow cedar snags are preferred over western hemlock

A wildlife travel corridor has been designated on the north side of Unit 10.

## H. Cultural and Historical Resource Protection

- This project was reviewed by the State Historic and Preservation Office (SHPO).
- No artifacts have been reported within the project area(s).
- Known or likely sites have been identified and a mitigation plan is in place. (Describe the mitigation actions.)

## I. Other Resources Affected by Timber Harvest and Management

- There are other resources and areas of concern besides surface water, fish habitat, and wildlife habitat that may be affected. Mitigations actions were addressed in the Best Interest Finding.

**Table 4. Other Affected Resources / Areas of Concern**

Impacted Resource	Reviewing Agency	Impact/ Mitigation Actions
Scenic	DMLW/ DOF	None
Safety	DOF	Public proximity/see notes

- There are no affected resources or areas of concern other than surface water, fish habitat, and wildlife habitat, which are addressed in this Forest Land Use Plan.

**Notes: Warning signs shall be posted where harvest activity such as falling, yarding, or trucking are occurring adjacent to the existing road system.**

## J. Reforestation

Harvest type as it relates to reforestation requirement:

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- Clearcut
- Region I: Partial Harvest leaving more than 50% live basal area (11 AAC 95.375(b)(3))
- Region II or III: Partial Harvest relying on residual trees to result in a stocking level that meets standards of 11 AAC 95.375(b)(4).

Season of harvest:

- Winter harvest only
- Non-winter harvest only
- All-season harvest

Regeneration type:

- Natural regeneration

List species: Sitka spruce (*Picea sitchensis*), western red cedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*).

- Coppice
- Artificial regeneration
- Seeding: Species and source of seed (general vicinity location of seed source)

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Planting: Species: \_\_\_\_\_ Date of proposed planting: \_\_\_\_\_

Source of seedlings (location of seed source): \_\_\_\_\_

## IV. Roads and Crossing Structures

### A. Road Design, Construction, and Maintenance

Roads will be designed, constructed, and maintained to prevent significant adverse impacts on water quality and fish habitat (AS 41.17.060(b)(5)), and site productivity (AS 41.17.060(c)(5)). Roads will comply with the best management practices in the Forest Resources and Practices Regulations (11 AAC 95.285 – 95.335). All roads used in this timber sale will conform at a minimum to the Division of Forestry Road Standards, site specific design may supersede this standard and will typically be specified and applied through the timber sale contract.

Roads or other means required for the access and removal of this timber from the harvest area(s) or unit(s) are listed in Table 5A and 5B.

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**Table 5A. Road Use**

Road ID	Segment	Harvest Unit	Mile**	Road Class	Constructed and Maintained By	Construction Objective
20000		All	NA	Primary	USFS	Permit Requirements
2000781	All	10,1010	0.44	Spur	Purchaser	Reestablish a maintainable surface and drainage
200780	10,20	11, 10, 1010	0.57	Spur	Purchaser	Reestablish a maintainable surface and drainage
200785	All	12,13	0.38	Spur	Purchaser	Reestablish a maintainable surface and drainage
Total			4.04			

**Table 5B. New Road Construction and Use**

Road ID	Segment	Harvest Unit	Mile**	Road Class	Maximum Grade %	Constructed By	Maintained By
2000781.5	All	10,1010	0.14	Spur	12%	Purchaser	Purchaser
20007803	All	11	0.03	Spur	12%	Purchaser	Purchaser
20007804	All	15	0.03	Spur	6%	Purchaser	Purchaser
20007805	All	14	0.03	Spur	12%	Purchaser	Purchaser
Total			0.23				

*Road Class is as defined in the DOF Road Standards.*

*\*Note: Roads must be less than 20% grade per 8 AAC 61.1060 Additional Logging Standards.*

*\*\* One station equals 100 feet. One mile equals 5,280 feet.*

Notes: “Trucks Entering Highway” shall be posted near the junctions of active forest road systems and the existing USFS road systems when hauling rock or timber.

## B. Road Erosion / Mass Wasting

Maximum percent side slopes of roads: 20 %

- Maximum percent side slopes are  $\leq 50\%$
- Maximum percent side slopes are  $> 50\%$ 
  - There are no indicators of unstable areas where roads will be constructed.

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- Indicators of unstable areas were identified and will be mitigated by actions indicated below:

**Table 6. Road Erosion Control Risk and Mitigation**

Road ID	Segment	Mile/Station or Point Label	Identified Erosion Risk	Risk Level	Mitigation
All	--	--	None	Low	Closure end of harvest (waterbars, cross drains)

**C. Crossing Structures**

Are you removing or replacing drainage structures?  YES  NO

- No crossing structures are needed within the project area.  
 Crossing structures will be placed in access roads as described in the table below:

**Table 7. Required Drainage and Crossing Structures on Known Surface Waters**

Road ID	Segment	Mile/Station or Point Label	Bridge Length (ft.) or Culvert Diameter (in.)	Structure Type	AS 41.17.950 Stream Classification	ADF&G AWC Number	Duration of crossing structure in place
2000718.5		0	18"	CPP	Ditch line Surface water	NA	Close of Timber Sale
2000718.5		0.02	24"	CPP	>12% Tributary to Anadromous	NA	Close of Timber Sale
2000718.5		0.08	36"	CPP	>12% Tributary to Anadromous	NA	Close of Timber Sale
20007805		0	18"	CPP	Ditch line Surface water	NA	Close of Timber Sale
20007804		0	18"	CPP	Ditch line Surface water	NA	Close of Timber Sale
20007804		0.02	18"	CPP	>12% Tributary to Anadromous	NA	Close of Timber Sale

**D. Road Closure**

Roads constructed for the timber sale that are left open will be subject to maintenance standards under 11 AAC 95.315. Otherwise, roads constructed for the timber sale will be closed, subject to standards under 11 AAC 95.320.

**Table 8. Road Closures**

Road ID	Segment	Unit	Closure Type All Season/Winter	Estimated Closure Date	Projected Road Use after Timber Harvest
20007803	All	11	FRPA Closure	End of Sale	Silviculture
2007185	All	10	FRPA Closure	End of Sale	Silviculture
2007804	All	15	FRPA Closure	End of Sale	Silviculture
2007805	All	14	FRPA Closure	End of Sale	Silviculture

#### **E. Material Extraction**

- There will be no material extraction sites in the project area.
- Material extraction and associated overburden disposal will be located outside of riparian areas and muskegs. Material extraction and disposal will be in a manner that prevents runoff from entering surface waters. All material sites will require the submittal of site plans and prior approval of the DFFP.
- Other: Rock will be acquired from existing rock pits on the adjacent EL Capitan sale area and from within the sale area itself.

#### **F. Other Resources Affected by Roads or Material Extraction**

List resources other than water, habitat or cultural resources potentially impacted by road construction, and indicate how impacts will be mitigated. Other affected resources could be, but are not limited to mining claims, scenic areas, recreational trails, etc.

**Table 9. Other Affected Resources**

Impacted Resource	Reviewing Agency	Impact / Mitigation Actions
Road Public Safety	DOF	<ul style="list-style-type: none"> <li>• Provide sight distance or space for passing with turnouts or two-way vehicle traffic.</li> <li>• Sign traffic area and communication plans.</li> <li>• Control purchaser vehicle speeds in contract based on conditions.</li> </ul>

## **V. Approvals**

This Forest Land Use Plan has been reviewed by the Division of Forestry & Fire Protection and provides the information necessary to be adopted by the Department of Natural Resources as required by AS 38.05.112.

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Area Forester  
Division of Forestry and Fire Protection

Date

If you have any questions, please contact the Southeast Area Office at (907) 225-3070 or e-mail [dnr.dof.sse@alaska.gov](mailto:dnr.dof.sse@alaska.gov).

## **VI. Appeal**

An eligible person affected by this decision, and who provided timely written comment to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska State Courts establish its own rules for timely appealing final administrative orders and decisions of the department.

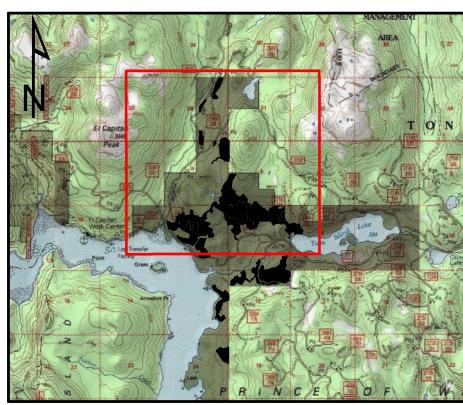
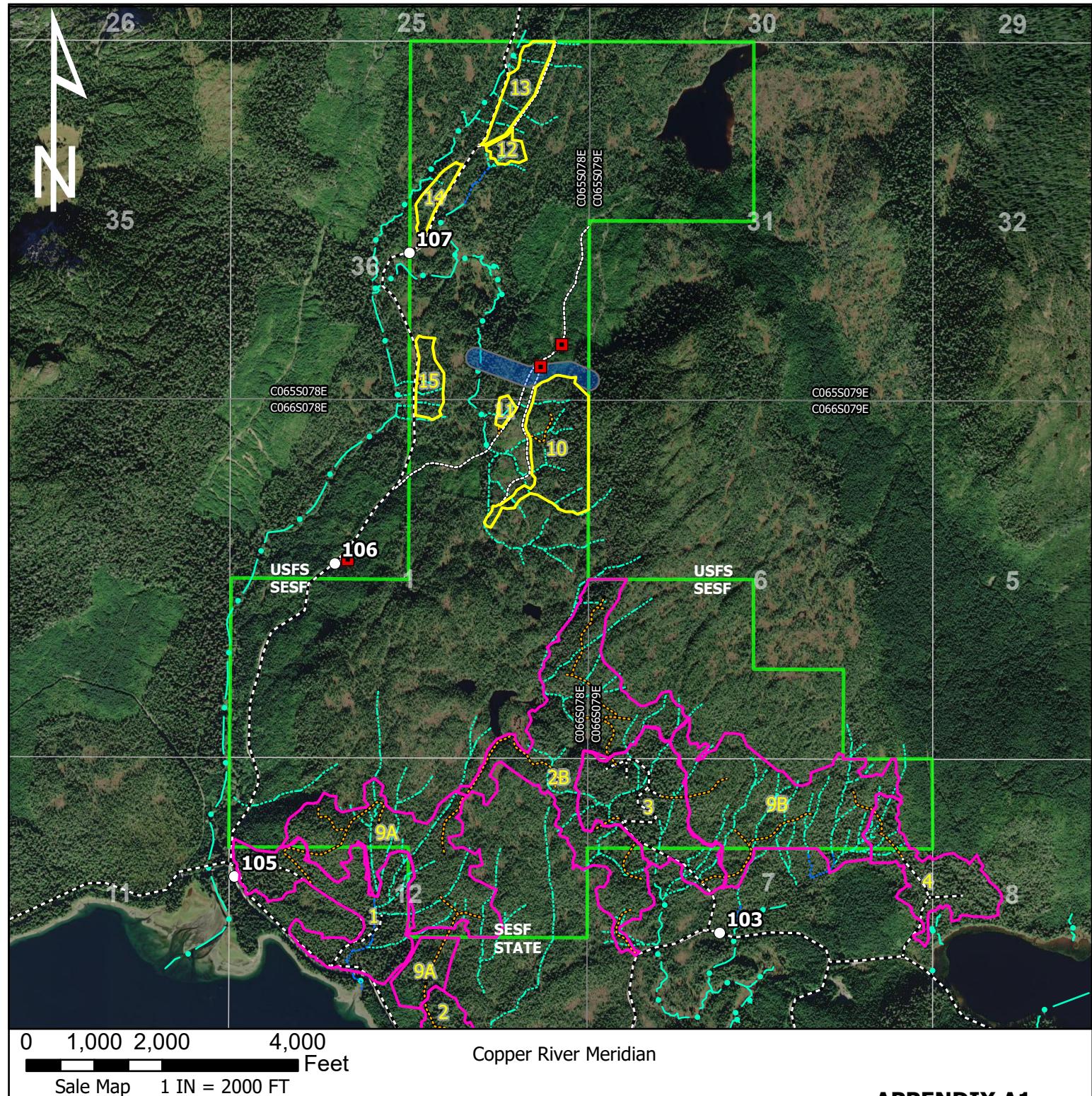
Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b).

If no request for reconsideration is filed by that date, this decision goes into effect as a final order. A copy of 11 AAC 02 is enclosed and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

***Appendix A: Timber Sale Maps***

Appendix A1 Vicinity Map (1 page)

Appendix A2 Unit Maps (2 pages)



## Vicinity Map

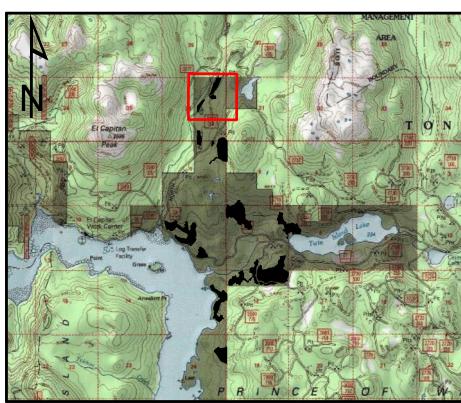
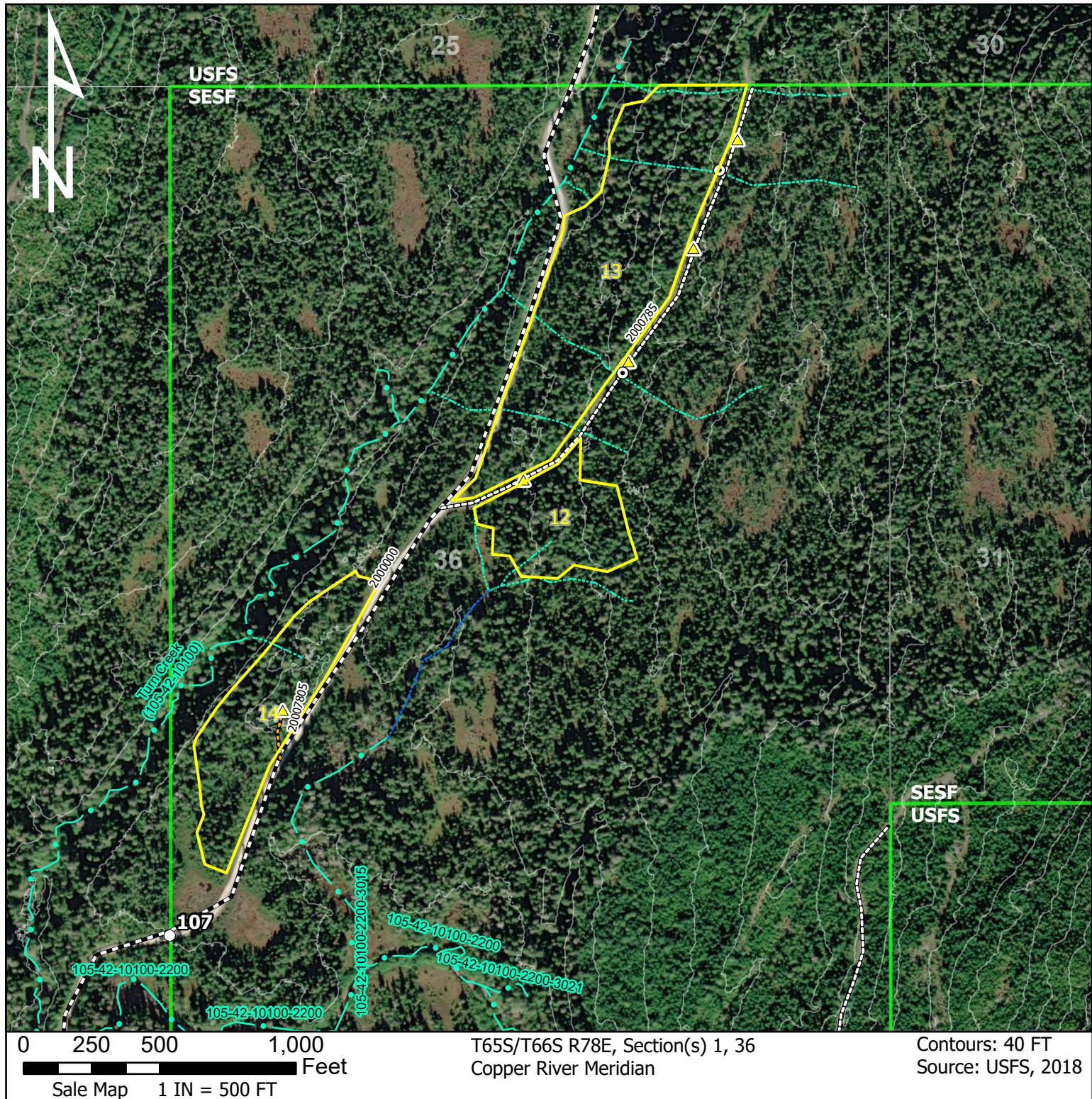
1 IN = 3 miles

# APPENDIX A1 SSE-1391-3 ODYSSEY/NORTE FLUP, AREA MAP



**Legend**

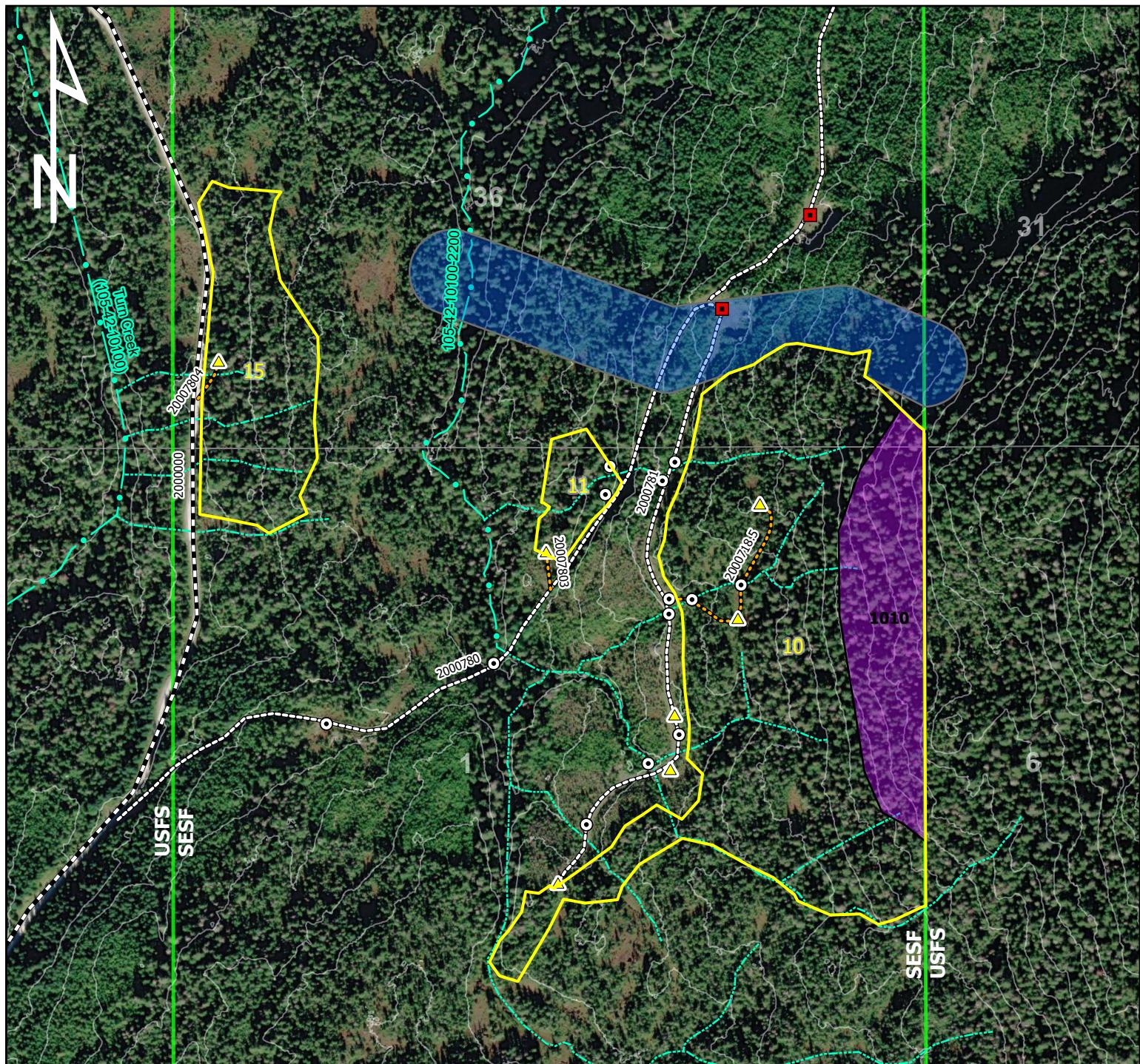
Timber Sales Status	Wildlife Corridor	Tributary to Anadromous <12%
Proposed	Anadromous Stream	Active Road
Active	Tributary to Anadromous >12%	Inactive Road
Southeast		Proposed Road
State Forest (SESF)		Milepost



Legend	
Proposed	Tributary to Anadromous >12%
Cable Setting	Active Road
Southeast State Forest (SESF)	Inactive Road
Wildlife Corridor	Proposed Road
Anadromous Stream	Drainage Structure
Tributary to Anadromous <12%	Milepost

**APPENDIX A2**  
**SSE-1391-3**  
**ODYSSEY/NORTE**  
**FLUP, MAP 1**

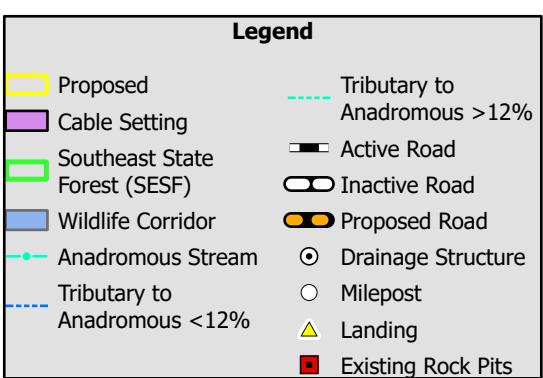
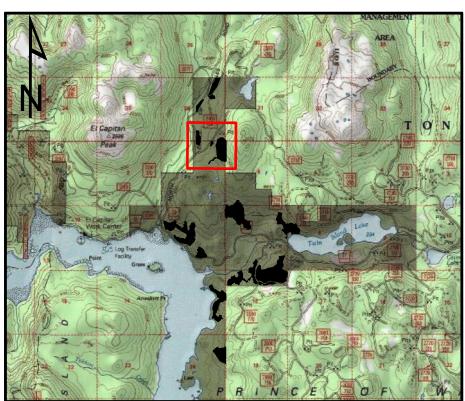




0 250 500 1,000  
Feet  
Sale Map 1 IN = 500 FT

T65S/T66S R78E, Section(s) 1, 36  
Copper River Meridian

Contours: 40 FT  
Source: USFS, 2018



## APPENDIX A2 SSE-1391-3 ODYSSEY/NORTE FLUP, MAP 2



## ***Appendix B: Supporting Information***

Note: Silvicultural and stand information has also been described in the BIF.

**Alaska Forest Practices and Regulations.**

<http://forestry.alaska.gov/forestpractices>

**Forest Road Standards.**

[http://forestry.alaska.gov/Assets/pdfs/resources/forest\\_road\\_standard\\_design\\_20151231.pdf](http://forestry.alaska.gov/Assets/pdfs/resources/forest_road_standard_design_20151231.pdf)

## ***Appendix C: Appeal Statutes and 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.

### **11 AAC 02 Regulations**

#### **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.

#### **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) Repealed 12/27/2012.

#### **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.

**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, facsimile transmission, 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;
- (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; and
- (14) be accompanied by the applicable fee set out in 11 AAC 05.160.

(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 requirements 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 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.

**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).

**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.

**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.

**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.

**11 AAC 02.900. Definitions.**

Forest Land Use Plan for Odyssey Timber Sale, El Cap Norte SSE-1391-3

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.

***Appendix D: FLUP Public Comment***

# Odyssey Timber Sale, El Capitan Norte (SSE-1391-3)

## Draft Forest Land Use Plan Comments

Department of Natural Resources, Division of Forestry & Fire Protection  
January 2026

The following commenters submitted input:

- Alaska Department of Fish and Game, Office of Habitat (ADF&G)

The following comments were received during the public comment period on the Draft Forest Land Use Plan for the Odyssey Timber Sale, El Capitan Norte (SSE-1391-3) and are organized based on the topic structure of the Draft Forest Land Use Plan.

Commenter	Comment	Response
<b>Draft Forest Land Use Plan</b>		
	<b>III. Harvest Methods, Silvicultural Actions, and Management of Nontimber Resources</b>	
	<b>F. Timber Harvest – Surface Water Protection</b>	
Mark Minnillo, ADF&G	ADF&G reviewed the maps included with the DFLUP, Atlas and Catalog of Anadromous Waters, and ADF&G Habitat GIS stream survey mapping database. Turn Creek, cataloged stream 105-42-10100, flows just to the west of units 13, 14, and 15. This stream has been found to be important for coho salmon. Cataloged stream 105-42-10100-2200, a substantial tributary to Turn Creek, also found to be important for coho salmon, flows between units 15 and 11 with its anadromous extent terminating at a culvert under Forest Service (FS) Road 2000780 (see attached ADF&G nomination survey notes/map). According to survey data, above the culvert the stream steepens and does not provide anadromous fish habitat. In addition, ADF&G conducted preliminary surveys of several tributaries of stream 105-42-10100-2200. None of the tributaries found to be important for anadromous fish will be impacted by the proposed timber harvest. Road access is primarily via existing, and the reconstruction of existing, FS roads. No fish-bearing streams will be crossed by any roads.	Comment noted. The unit maps have been updated to reflect the information conveyed.
	<b>G. Wildlife Habitat</b>	
Mark Minnillo, ADF&G	I talked to (ADFG Wildlife Division) and he said what you have planned (sic) and met his intention	Comment noted, no change required.
	ADF&G recommends retaining snags for bat habitat and maternity roosts.	This action is in the plan. Comment noted, no change required.