



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

COMMISSIONER'S OFFICE

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June 22, 2017

Paul Olson, Attorney at Law
606 Merrill Street
Sitka, AK 99835
polsonlaw@gmail.com

Dear Mr. Olson:

Subject: Decision for Your Appeal of Baby Brown Timber Sale Forest Land Use Plan, DNR Project File Number NSE-1549

On February 27, 2017, the Department of Natural Resources (DNR) Commissioner's Office received your letter appealing the Baby Brown Timber Sale Forest Land Use Plan (FLUP), DNR Project File Number NSE-1549, pursuant to 11 AAC 02 on behalf of your client Lynn Canal Conservation (LCC). The plan, signed by Division of Forestry's Southeast Area Forester Greg Staunton, was adopted on February 4, 2017 and your appeal was timely submitted pursuant to 11 AAC 02.040.

After review of the FLUP and the administrative record, including your appeal and associated materials, I have determined that the appropriate process for this sale would have been to complete the remaining FLUP(s) prior to offering the sale. I am therefore taking the following actions:

1. Directing, through this letter and decision, the Southeast Area Forester to rescind the adopted FLUP, and
2. Canceling the Baby Brown Timber Sale as currently offered via my decision not to execute the Baby Brown Timber Sale contract. This action does not affect the adopted Final Best Interest Finding (FBIF) nor does it apply to future Baby Brown Timber sales pursuant to the FBIF.

Through this letter, I further direct the Southeast Area Forester to:

1. Notify the would-be timber sale purchaser that the Baby Brown Timber Sale has been cancelled, and
2. Complete all remaining and necessary FLUPs and complete the public process for all such FLUPs necessary to implement sales under the Baby Brown FBIF before offering additional sales under the FBIF.

This decision is a final administrative order and decision of the Department for purposes of an appeal to the Superior Court. A party affected by this final administrative order and decision may appeal to Superior Court within 30 days in accordance with the Alaska Rules of Court and to the extent permitted by applicable law.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Mack".

Andrew T. Mack
Commissioner

cc: John "Chris" Maisch, Director, Division of Forestry