

Culmination of Mean Annual Increment (CMAI) Status Update

The Alaska Region has often said a limited statutory exemption from CMAI is essential to implement the Transition to Young Growth (YG). However, our current interpretation is that regeneration harvest of YG prior to CMAI for timber production purposes is allowed under the exception paragraph in subsection 6(m) of the National Forest Management Act (NFMA) (1604 U.S.C. § 1604(m)), which reads as follows:

(m) The Secretary shall establish--

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): *Provided*, That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: *Provided further*, That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.

Under subsection 6(m)(2), proposed timber sales must identify the species targeted and the management units where YG will be harvested prior to CMAI, consider multiple-use objectives, and discuss this during the NEPA process so the public can weigh in. All this could be done through project-level NEPA work for individual timber sales. Case law confirms this approach (See *Lamb v. Thompson*, 265 F.3d 1038, 1052-1053 (10th Cir. 2001)).

The 2012 Planning Rule includes provisions that conform to the NFMA exception language; the Rule provisions are at 36 CFR 219.11(d)(7), which reads as follows:

(7) The regeneration harvest of evenaged stands of trees is limited to stands that generally have reached the culmination of mean annual increment of growth. This requirement would apply only to regeneration harvest of even-aged stands on lands identified as suitable for timber production and where timber production is the primary purpose for the harvest. Plan components may allow for exceptions, set out in 16 U.S.C. 1604(m), only if such harvest is consistent with the other plan components of the land management plan.

The Forest Service Manual and Handbook also have language that conforms to subsection 6(m)(2) of NFMA. The current Tongass Forest Plan does not; instead, the Plan includes direction in two places to harvest YG no sooner than CMAI:

- The management prescription for the Modified Landscape LUD includes S&G TIM5 on page 3-114 that includes direction to “Manage even-aged timber stands at rotations beyond the age of Mean Annual Increment culmination (merchantable cubic foot basis).”
- The forest-wide S&Gs for Timber include TIM3, which on page 4-71 includes the following direction:
 - L. Even-aged timber stands shall not be scheduled for final harvest before stand growth has reached or surpassed 95 percent of the Culmination of Mean Annual Increment in cubic feet. Exceptions may be made where special resource considerations require earlier harvest. Exceptions also may be made where small inclusions of young stands in harvest units that otherwise meet this requirement will result in more logical management units allowing greater efficiency or less resource impacts.
 - M. Even-aged stands may be regenerated without having reached Culmination of Mean Annual Increment where salvage is prescribed after windthrow, where stands are in imminent danger from insect or disease attack or cutting for experimental and research purposes.

The Plan Amendment could address these provisions and add language to allow regeneration harvest of YG stands before CMAI under the authority of subsection 6(m)(2) of NFMA and subject to the conditions it prescribes. The Region has previously stated that new statutory authority is required, which does not appear to be the case; the Amendment should clarify this previous position.