

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES**

February 15, 2006

8:41 a.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
Representative John Harris
Representative Jim Elkins
Representative Peggy Wilson
Representative Woodie Salmon

MEMBERS ABSENT

Representative Mary Kapsner

COMMITTEE CALENDAR

HOUSE BILL NO. 420

"An Act relating to riparian protection standards for forest resources and practices; and providing for an effective date."

- MOVED HB 420 (FSH) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 420

SHORT TITLE: FOREST RESOURCES & PRACTICES STANDARDS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/01/06	(H)	READ THE FIRST TIME - REFERRALS
02/01/06	(H)	FSH, RES
02/15/06	(H)	FSH AT 8:30 AM CAPITOL 124

WITNESS REGISTER

MARTHA FREEMAN, Forest Resources Program Manager
Division of Forestry
Department of Natural Resources (DNR),
Anchorage, Alaska

POSITION STATEMENT: Presented HB 420, on behalf of the House Rules Committee by request of the governor.

ACTION NARRATIVE

CO-CHAIR BILL THOMAS called the House Special Committee on Fisheries meeting to order at [8:41:03 AM](#). Representatives Harris, Elkins, Wilson, LeDoux, and Thomas were present at the call to order. Representative Salmon arrived as the meeting was in progress.

HB 420-FOREST RESOURCES & PRACTICES STANDARDS

[8:41:03 AM](#)

CO-CHAIR THOMAS announced that the only order of business would be HOUSE BILL NO. 420, "An Act relating to riparian protection standards for forest resources and practices; and providing for an effective date."

[8:41:42 AM](#)

MARTHA FREEMAN, Forest Resources Program Manager, Division of Forestry, Department of Natural Resources (DNR), presented HB 420, on behalf of the House Rules Committee by request of the governor, paraphrasing from a statement, which read as follows[original punctuation provided]:

I. Introduction - Madame/Mr. co-chair, my name is Marty Freeman, and I am the Forest Resources Program Manager for the Division of Forestry. I was the co-chair of the Science & Technical Committee and Implementation Group that developed this bill, and I serve as the Division's liaison to the Board of Forestry. I am pleased to have the opportunity to present a summary of the bill and its relationship to the existing Forest Practices Act, and to answer your questions.

II. Process overview

I am pleased to speak in support of HB 420. This bill is the result of hard work by many people that has led to broad support. The bill responds to the BOF's [Board of Forestry] request that the agencies review the riparian management standards throughout the state. We previously completed reviews which culminated in amendments to the FRPA [Forest Resources and Practices Act] for Region I (Coastal Alaska) in 1999, and for Region III (Interior Alaska).

We have now completed the review for Region II (southcentral Alaska-see map). As in the other

regions, we began with a Science and Technical committee that recommended changes needed to provide adequate protection for fish habitat and water quality. The next step was to work with an Implementation Group representing affected interests to determine how to implement the recommendations in a manner that works on the ground, and draft legislative changes. Finally, the draft legislation was reviewed with the Board of Forestry.

- Key points in the bill's development are that
 - The process was based on the best available scientific information.
 - The process was open to the public throughout.
 - The process involved a wide range of interests at each step - scientists, the timber and fishing industries, Native corporations, municipalities, state trust managers, environmental interests, the BOF, and experienced field staff from state agencies all participated.

- The final package in HB 420 has broad support, including the support of the diverse interests represented by the BOF: Forest industry; Commercial fishing organization; Native corporation; Environmental organization; Professional forester; Fish & Wildlife biologist; Mining organization; and Recreational organization.

- These changes help ensure that the goals of the Act are met -- to provide adequate protection of fish habitat and water quality, and to support healthy timber and fishing industries. Importantly, these changes also help ensure that the FRPA continues to satisfy the requirements for non-point source pollution prevention under the federal Clean Water Act, and Coastal Zone Management Act requirements. This means that the Act keeps providing "one-stop shopping" for the timber industry with respect to state and federal non-point source pollution and coastal management standards.

IV. Relation to existing Act.

- Not a wholesale revision of FRPA. It is targeted specifically at the forest practices standards for riparian management in Region II. The S/TC and

Implementation Group did not recommend changes to other provisions of the Act.

- Region II has been using interim standards since the FRPA was revised in 1990. Under current standards, timber harvesting could occur up to the bank of anadromous streams under some conditions. In the rest of the state, there are buffers on all anadromous waters.

V. Summary of provisions. The bill classifies water bodies that have anadromous or high value resident fish into four types, and sets riparian standards for each type:

- On large dynamic non-glacial rivers and dynamic glacial rivers (Type IIA and IIB): a no-cut buffer of 150', with a wider zone on actively eroding outer bends (to 225' or terrace top on IIA, 325' or terrace top on IIB).
- On smaller, non-glacial dynamic streams, stable non-glacial and glacial streams, and lakes (Type IIC): a 100' no-cut buffer.
- On small non-glacial streams (Type IID: a 50' no-cut buffer, and an additional 50' within which harvesting must be designed to prevent rutting that could transport sediment into the streams.
- In forested estuarine areas adjacent to anadromous or high value resident (HVR) fish streams, the buffer for the adjacent stream type applies to the estuary.
- Defines "riparian areas" for Region II consistent with the riparian standards for each stream type.
- For state land, the bill also keeps the 300' special management area along anadromous and HVR streams. Within the special management zone (SMZ), timber harvesting must be consistent with maintenance or enhancement of important wildlife habitat. Amended to clarify that enhancement is allowed, and applies just to wildlife - the buffers adequately protect fish habitat.

The recommended buffers are wider than the interim standard for large, dynamic rivers (IIA and IIB); narrower for small streams (IID), and the same width for other waterbodies (IIC). The recommendations are tailored to conditions in Region II.

- More large dynamic rivers in forested areas that could be harvested

- Lower timber volumes per acre
- Higher proportion of deciduous trees (esp. cottonwoods)
- Wider distribution of anadromous and HVR fish
- Disproportionately high fish use and value, especially for sport fishing.

VI. Technical correction.

There is one error in the draft bill - p. 5, line 26 should say "Sec. 3. AS 41.14.118 (a) is repealed and reenacted to read:".

[8:49:29 AM](#)

MS. FREEMAN responded to a question that the amendment is necessary to specify the affected sub-section, as it is not the intent of DNR to recommend repealing the subsequent sub-sections included in the statute.

REPRESENTATIVE HARRIS moved to adopt Conceptual Amendment 1, as follows:

Page 5, line 26
Between "AS 41.17.118" and "is"
Insert "(a)"

There being no objection, Conceptual Amendment 1, to HB 420, was adopted.

REPRESENTATIVE THOMAS asked whether HB 420 would have an effect on the statute enacted by the existing recreational rivers bill.

MS. FREEMAN answered that this bill does not present a conflict.

[8:51:57 AM](#)

REPRESENTATIVE HARRIS moved to report HB 420, Version 24-GH2032\A, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[8:52:10 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at [8:52:10 AM](#).