

HB

373

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/27/98

FURTHER: Transportation

DATE TURNED IN TO OFFICE: 4/7/98

Resources Committee considered CS FOR HOUSE BILL NO. 373(RES)

FOREST RESOURCES

and recommends:

- be replaced with S CS HB 373 (RES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>[Signature]</i>			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
BNR	4/7	X	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Alaska State Legislature



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State Capitol
Juneau, AK 99801-1182
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Speaker of the House of Representatives

Rep. Gail Phillips

Sponsor Statement

February 19, 1998

House Bill 373

"An Act relating to forests and forestry practices."

A cooperative agreement between timber, fishing and environmental stakeholders has resulted in proposed changes to the Forest Practices Act (FPA) that will strengthen the stream and water quality protections currently found in state law.

In an effort to continually reappraise the FPA's effectiveness, a committee comprised of timber, fishing and state agency representatives evaluated scientific findings over a two-year period. In January, the Board of Forestry endorsed the findings at its January 1998 meeting. The Board subsequently requested legislative approval of the proposed protective measures.

Under current regulations, all anadromous* streams are protected, but exceptions are allowed for marginal streams. The new law will eliminate that exception, while adding additional stream protections.

The changes affect only the "coastal forest of spruce or hemlock" in the Department of Natural Resources' Region I (coastal area covering roughly Ketchikan to Kodiak). The proposed language accomplishes several goals:

- assigns a "type" designation to all streams, putting to rest concerns that some segments of anadromous streams were not classified
- extends the no-harvest riparian** buffer zone to ALL anadromous fish streams, relative to "type"
- requires the retention of low-value timber along certain tributaries where prudent, so that the large woody debris (LWD) may eventually fall into streams, forming natural pools downstream, which are important for the rearing of juvenile fish.

I am pleased to sponsor this legislation which represents solid teamwork between various members of timber, fishing, environmental groups and state agencies. The resulting legislation is a big step toward protecting our valuable fish resources, while the collaborative process all the stakeholders went through to define the changes has paved the way for future cooperation.

*anadromous – bodies of water in which salmon travel upstream to spawn

**riparian – located on a river or stream bank, as in riparian vegetation

FISCAL NOT

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SCSHB373(RES)

Revision Date: _____ Dept Affecter: Natural Resources
 Title: An Act relating to forests and forestry practices BRU: Resource Development
 Component: Forest Management & Development
 Sponsor: Rep. Phillips
 Requestor: (S) RES Component Serial No. 435

(Thousands of Dollars)

Expenditures/Revenues	FY99	FY00	FY01	FY02	FY03	FY04
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0
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(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

This bill changes the Forest Resources and Practices Act requirements on private land along anadromous waters and tributaries to anadromous waters. Notably, it adds buffers on Type B anadromous streams. DNR is the lead agency for enforcing the Act. In the first year (FY 99), training will be needed for landowners, operators, and staff on proper implementation of the new standards. This training will be accomplished within existing resources.

Prepared by: Jeff Jahnke, Director Phone: 465-3379
 Division: Forestry Date: 7-Apr-98
 Approved by Commissioner: [Signature] Date: 4/7/98
 Agency: Natural Resources

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FISCAL NOTE

No: _____

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL Bill Version: CSHB 373 (RES)
(H) Publish Date: 2/23/98

Revision Date: _____
Title: An Act relating to forests and forestry practices
Sponsor: Rep. Phillips
Requestor: House Resources

Dept Affected: Natural Resources
BRU: Resource Development
Component: Forest Management & Development
Component Serial No. 435

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

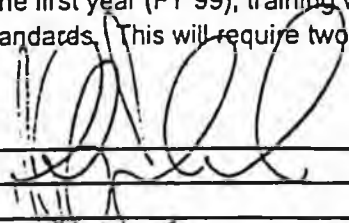
Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

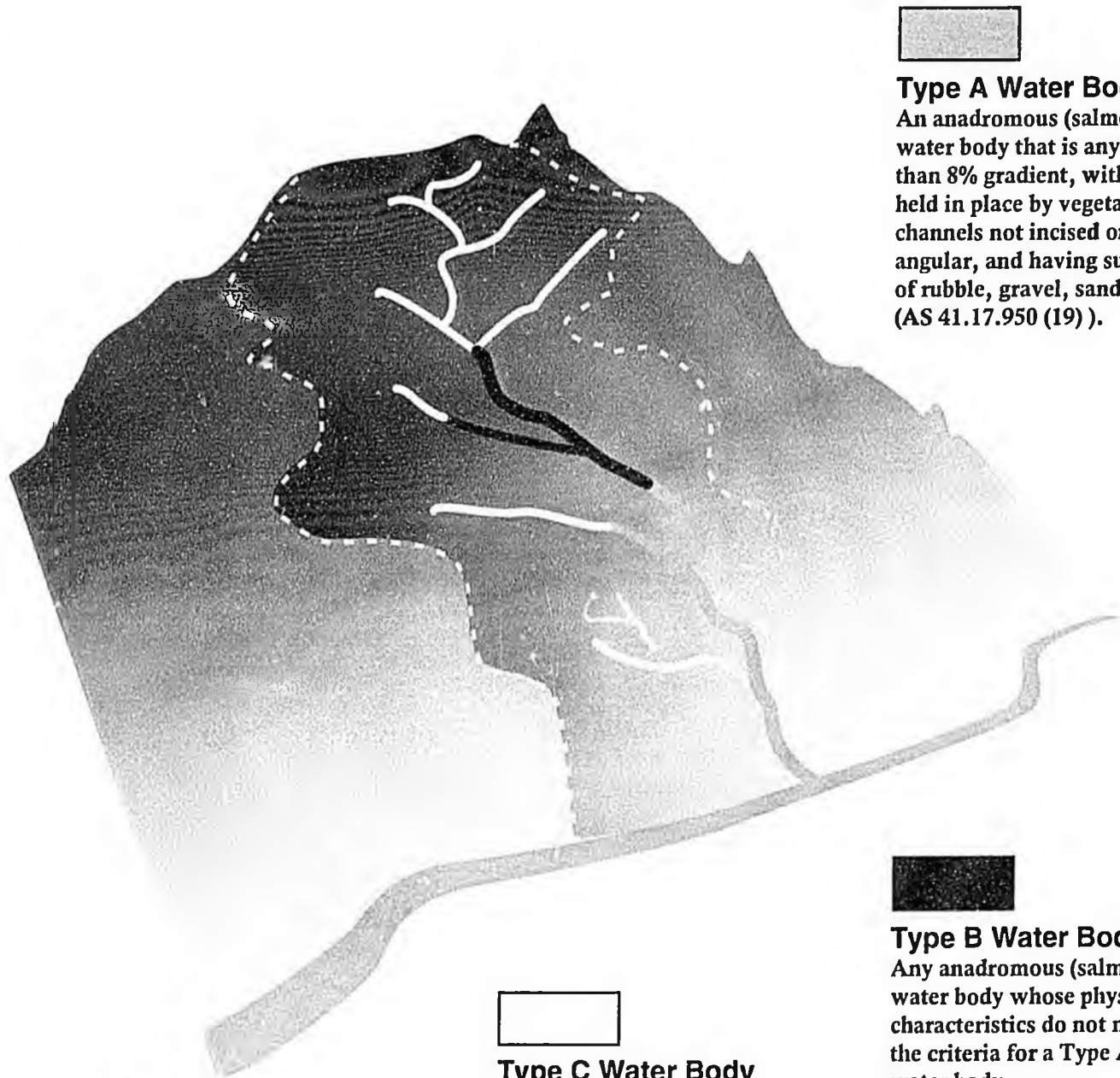
This bill changes the Forest Resources and Practices Act requirements on private land along anadromous waters and tributaries to anadromous waters. Notably, it adds buffers on Type B anadromous streams. Based on the distribution of stream types, there will be an estimated 21% increase in the number of buffered stream miles. DNR is the lead agency for enforcing the Act. Additional buffers will require additional staff time for office review of notifications (3 mo. each annually for 2 existing seasonal Forester II positions in Southeast Alaska), and field review of violation requests and violations (19 days/year). In the first year (FY 99), training will be needed for landowners, operators, and staff on proper implementation of the new standards. This will require two training sessions, one each in southeast and southcentral Alaska.



Prepared by: Jeff Jahnke, Director Phone: 465-3379
Division: Forestry Date: 10-Feb-98
Approved by Commissioner: Wesley Burt for John Shives Date: 2-11-98
Agency: Natural Resources

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Alaska Forest Resources and Practices Act
Stream Classification System



Type A Water Body
An anadromous (salmon) water body that is any size, less than 8% gradient, with banks held in place by vegetation, channels not incised or sharply angular, and having substrate of rubble, gravel, sand or silt. (AS 41.17.950 (19)).



Type B Water Body
Any anadromous (salmon) water body whose physical characteristics do not meet the criteria for a Type A water body.



Type C Water Body
A water body that is not anadromous, is a tributary to a Type A or Type B water body, and has a gradient of 12% or less.

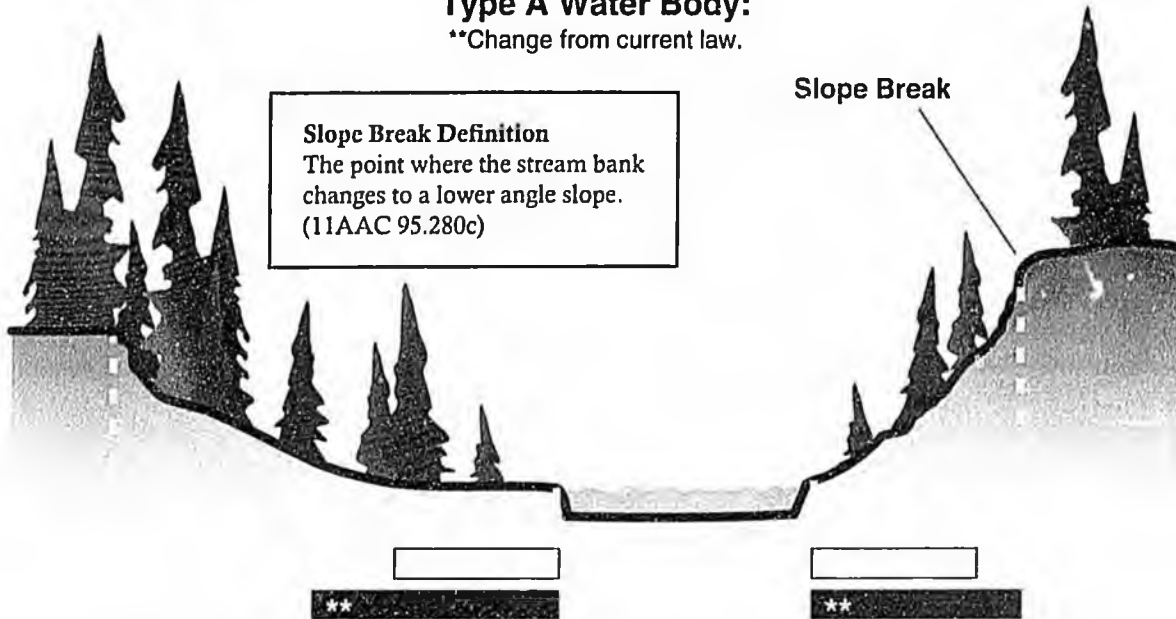


Type D Water Body
A water body that is not anadromous, is a tributary to a Type A or Type B water body, and has a gradient greater than 12%.



Alaska Forest Resources and Practices Act
 Revised Riparian Protection Standards
 Region I

Type A Water Body:

**Change from current law.

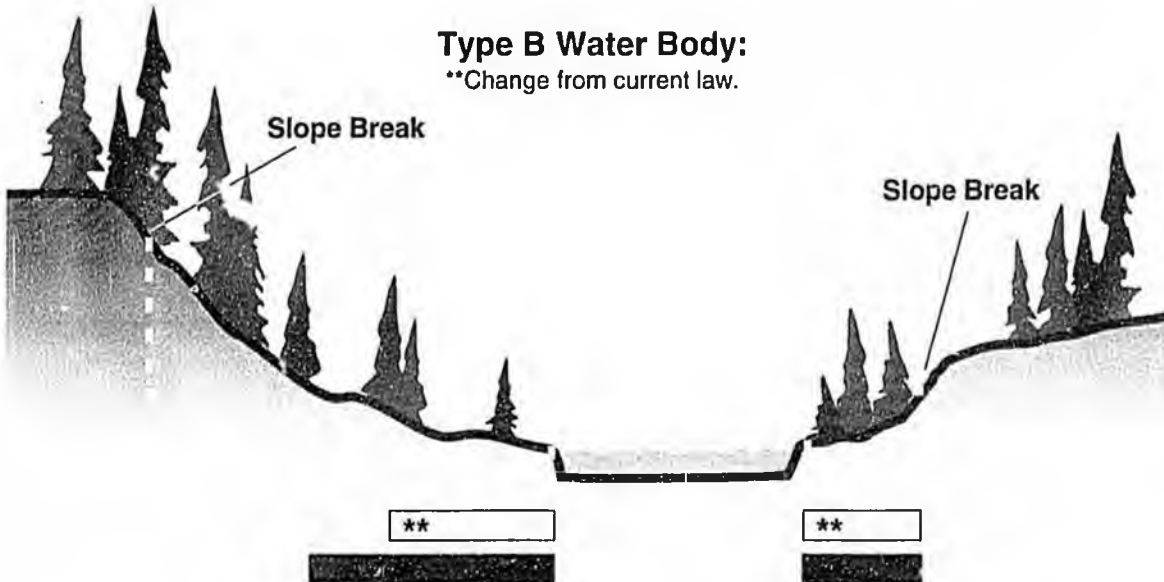


Type A Water Body:

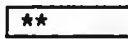

-  66' mandatory retention buffer.
-  **Slope stability BMP's apply, 100' or to slope break, whichever is less.

Type B Water Body:

**Change from current law.



Type B Water Body:

-  **Mandatory retention buffer--66' or to slope break, whichever is less.
-  Slope stability BMP's apply, 100' or to slope break, whichever is less.

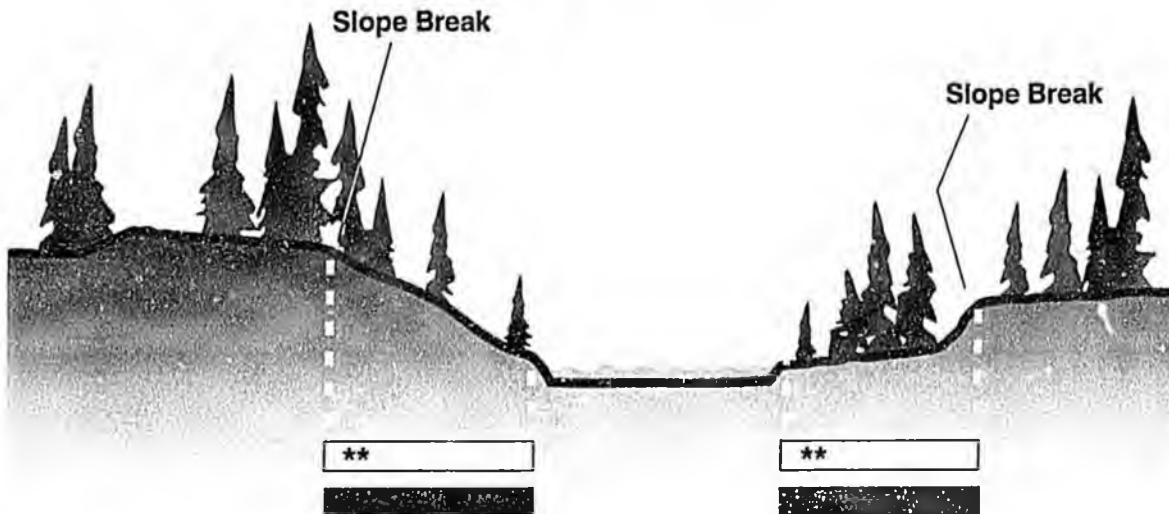
Alaska Forest Resources and Practices Act

Revised Riparian Protection Standards

Region I

Type C Water Body:

**Change from current law.



Type C Water Body:

**

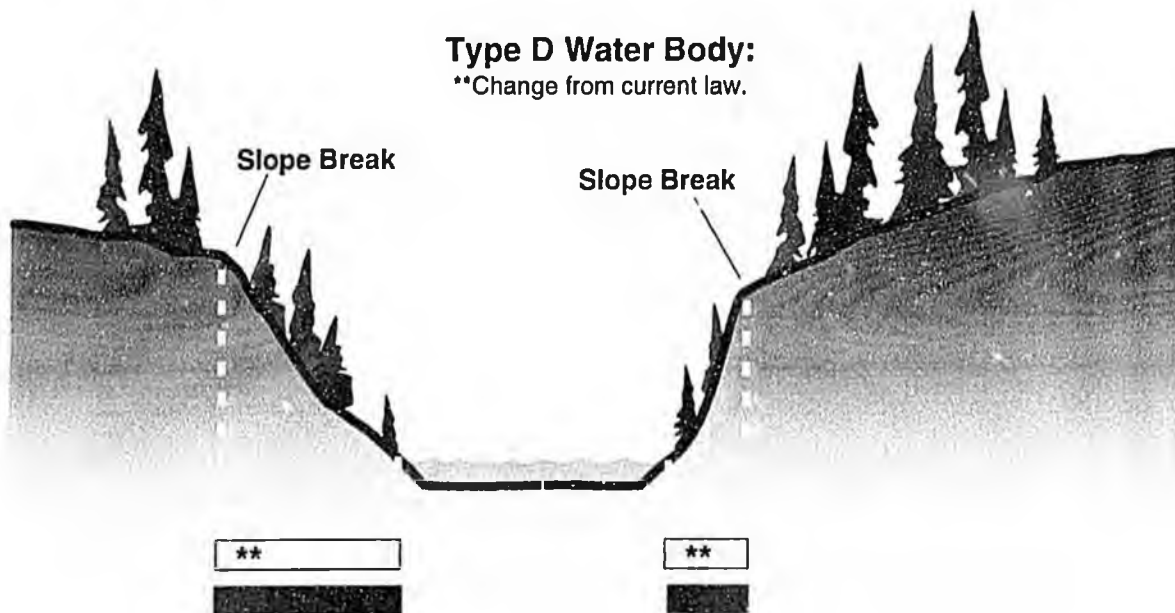
**For streams greater than 8' or 13' (based on channel characteristics), retain low economic value timber 25' up to 100' from the stream depending upon location of slope break.



Slope stability BMP's apply - 100' or to slope break, whichever is less.

Type D Water Body:

**Change from current law.



Type D Water Body:

**

** For streams greater than 8' or 13' (based on channel characteristics), retain low economic value timber 25' up to 50' from the stream depending upon location of slope break.



Slope stability BMP's apply---50' or to slope break, whichever is less.

TESTIMONY OF RICHARD P. HARRIS
Senior Vice President
SEALASKA CORPORATION

Senate Resources Committee

HOUSE BILL 373 - FOREST PRACTICES ACT AMENDMENTS

I am Richard Harris, Senior Vice President of Sealaska Corporation, a Native Regional Corporation, organized under the Alaska Native Claims Settlement Act and under the laws of the State of Alaska. Sealaska Corporation has over 16,000 shareholders. Under the Settlement Act, Sealaska will receive over 330,000 acres of land all of which is private land. Approximately 220,000 acres of Sealaska's lands is commercial forestland. Harvest of timber from this land is regulated by the Forest Practices Act and the amendments proposed in House Bill 373.

Sealaska Corporation supports for HB 373. This bill establishes supplemental environmental protection standards on private lands in Region 1 (hemlock, spruce forests of coastal Alaska) and adds a new stream type.

Since 1992, Sealaska Corporation, the Alaska Forest Association and other timber owners have been conducting forest practices effectiveness monitoring to determine if the Act and the regulations are protecting fish habitat and water quality. I am pleased to advise you that the results show that the Act and the regulations are effectively protecting these public resources.

The results from our monitoring, as well as the two year process, directed by the Board of Forestry, to evaluate biological, environmental and economic issues associated with timber harvest and its interaction with fisheries habitat and water quality, concluded that there were opportunities to strengthen the Act. Through this collaborative process the timber industry and land owners could see that the proposed changes will yield measurable, beneficial results to fish habitat and water quality. Conversely the timber

industry was able to guide development of legislative changes to achieve protection objectives without unreasonable cost or burden on the industry or private landowners.

Sealaska endorses the process and supports the results that are embodied in HB 373. The State of Alaska already has one of the most comprehensive and effective Forest Practices Acts in the Nation. The proposed amendments will serve to strengthen that Act and still ensure a healthy timber industry.

Thank you for the opportunity to address this issue and speak in support of House Bill 373. I would be pleased to answer any questions that the committee members may have.

Testimony of United Fishermen of Alaska
before the
Senate Resources Committee
on HB 373, relating to forestry and forest practices

April 6, 1998

Mr. Chairman and members of the committee, my name is Liz Cabrera. I am the executive director of United Fishermen of Alaska and will be speaking on their behalf.

UFA has adopted a position in support of HB 373 as introduced. This legislation is the result of both the commercial fishing and forest products industries working together, with the assistance of the Board of Forestry and state agency staff, to find common ground. We support this legislation because it represents an improvement in the laws governing forest practices, and in particular, it affords greater protection for sensitive fish habitat.

We realize that increased protection for riparian areas does not come without its own costs. We recognize that private land owners are paying out of pocket to do what is right for habitat protection, and we appreciate their willingness to do so.

We'd like to thank Speaker Phillips and Senate President Miller for introducing this important piece of legislation. We urge the committee to pass of HB 373 as introduced.

Thank you for the opportunity to comment.



Klukwan Forest Products, Inc.
P.O. Box 34659 • Juneau, Alaska 99803-4659
(907) 789-7361 • Fax: (907) 789-0675

MAR 17 1998

March 13, 1998

Senator Rick Halford
Chair, Senate Resources Committee
Alaska State Legislature
State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Halford:

I am writing in support of HB 373, entitled an "Act Relating to Forest And Forestry Practices". This bill is the result of a two year process to assess the need to provide additional protection for fisheries and water quality in the State's coastal forests.

The bill provides additional protection measures that will achieve real results without causing an unreasonable burden to landowners or the industry. It has wide industry and landowner support and was arrived at through a consensus-based process under the auspices of the Board of Forestry.

We urge Senate support for this measure and we appreciate this opportunity to comment. Please feel free to contact me if I may provide additional information.

Sincerely,

Robert G. Loiselle
President

cc: Richard P. Harris, Sealaska Corporation
Jack Phelps, Alaska Forest Association

Anchorage Daily News



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Publisher

Patrick Dougherty
Managing Editor

Michael Carey, Editorial Page Editor

Gerald E. Grilly, Publisher, 1984-1993
Katherine Fanning, Editor and Publisher, 1971-1983
Lawrence Fanning, Editor and Publisher, 1967-1971
Founded in 1946 by Norman C. Brown

Salmon streams

A measure that matters

More Alaskans, including those who work in the timber trade, are willing to protect salmon-bearing streams in Alaska's coastal rainforest from further degradation.

That's heartening.

Speaker of the House Rep. Gail Phillips has sponsored legislation that moves Alaska closer to better balancing development rights and salmon habitat in the rainforest running from roughly Ketchikan to Kodiak.

This emerging shift in philosophy, if handled properly, can benefit Alaskans who look to the forests for recreation or to sustain their livelihoods, be it fishing, ecotourism, professional guiding or the like.

The Phillips bill, HB373, requires loggers on private property in the affected coastal region to leave no-cut buffers along all streams crossing the property. Right now, only major streams that support fish spawning or rearing are protected.

HB373 also requires loggers to leave buffers of low-val-

ue timber along some types of tributaries "where prudent." The idea here is let nature do its work: debris like fallen trees moves downstream and eventually creates natural pools that salmon favor.

The House measure, which was shepherded through the body by Rep. Bill Hudson of Juneau and amends a 1990 forestry act, passed unanimously earlier this month and is now in the Senate. It originated in the work of a state-backed committee of diverse interests, including the timber industry, that re-

This emerging shift in philosophy, if handled properly, can benefit

Alaskans who look to the forests for recreation or to sustain their livelihoods, be it fishing, ecotourism, professional guiding or the like.

viewed scientific research on this issue for the past two years.

While environmental groups participated in the scientific-review process and largely support the Phillips bill, they're on record with a couple of legitimate concerns. If, as they and scientists contend, the proposed streamside buffers aren't wide enough to conserve salmon stocks, then legislators must revisit the issue. Lawmakers must take care to properly balance the rights of private-property owners who log against their responsibilities — such as properly caretaking public resources like fish and deer and wolves and bear that inhabit their property.

Southeast conservationist Marc Wheeler says, "At least in Southeast Alaska, all the private lands that this would apply to, most of those streams have been cut to the bank already." The state can't go back and undo the damage but it can apply lessons learned in Southeast to other places that have been largely untouched by clearcut logging.

All this said, HB373 is a good measure that helps inch Alaskans toward looking at rainforest watersheds with both wide-angle and closeup lenses. This whole-systems approach is part of evolving science that says smaller streams feeding into larger salmon-bearing streams must be better protected.

Congratulations to the state House of Representatives and Speaker Gail Phillips for getting this bill off and running.

State of Alaska
Office of the Governor

Tony Knowles
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001
NEWS RELEASE



Bob King
Press Secretary
Claire Richardson
Deputy Press Secretary
907-465-3500
FAX: 907-465-3533

FOR IMMEDIATE RELEASE: January 30, 1998

98-023

STAKEHOLDER INVOLVEMENT CRAFTS
FOREST PRACTICES ACT REVISION

Calling it a model of stakeholder involvement, Gov. Tony Knowles hailed the work that crafted proposed amendments to the Forest Practices Act. The changes affecting logging practices on private land in Alaska strengthen fish habitat and water quality protections, and were the result of a stakeholder process initiated by Knowles in 1995.

"By bringing together Alaskans from all sides, we have crafted a bill which increases fish habitat and water quality protections and is workable for the timber industry," Knowles said. "The Forestry Board and the Science and Technical Committee have produced a solid bill that could only come about by bringing all stakeholders to the table."

Knowles created the Science and Technical Committee to work on amendments to the Forest Practices Act after concerns regarding the act were raised by the Alaska Department of Fish and Game. The committee included state agency officials, timber industry representatives and the fishing industry. The nine-member Board of Forestry, which includes representatives of the forest, mining, commercial fishing, and recreation industries, reviewed the work.

The proposal, and the process that created it, won praise from the industry. "The Alaska Forest Association (AFA) congratulates you on the very positive outcome of the process you initiated two years ago to deal with issues surrounding the state's Forest Resources and Practices Act," Jack Phelps, executive director of the AFA, said in a letter to Knowles. "The Science/Technical Committee you established encouraged industry and agency cooperation. The result was a science-based review which enabled us to cooperatively identify areas for improvement in a very sensitive section of Alaska law. The AFA thanks you for your leadership in this very important activity."

Legislation to amend the act to require buffers on ALL anadromous fish streams and strengthen protections along their tributaries was introduced in the state House and Senate this week with bipartisan support. Knowles thanked Senate President Mike Miller and House Speaker Gail Phillips for their support and pledged to work with them as the bill moves to passage.

"The principles on which I base resource decisions are sound science, prudent management and an open, public process," Knowles said. "It's a winning combination that produces solid success, but it's only possible by bringing all Alaskans to the table. It's what 'doing it right' is all about."

Voice of the Times

OPINION: THE RIGHT WAY

Habitat protection legislation introduced recently in the Alaska Legislature merits a lot more public attention than it initially received. Senate Bill 270, and an identical bill in the House, would amend the state's Forest Practices Act and provide additional protection for salmon streams. Specifically, the legislation would require streamside buffers -- areas in which no timber could be harvested -- along so-called "marginal" salmon streams that cross private property. Under existing state law, all anadromous fish streams are protected by no-cut buffer zones, but an exception is allowed for certain marginal fish streams. The new law would eliminate the exception.

Additionally, the bill would make dozens of other modifications and improvements to update the Forest Practices Act. These changes were recommended by the state Board of Forestry after its members evaluated scientific research conducted over a two-year period by biologists hired to study the effects of Alaska's regulations on timber industry operations.

The nine members of the Board of Forestry, appointed by the governor, represent the commercial fishing, mining, tourism and timber industries, the environmental sector and Native groups. The state forester is also a member.

The legislation that was introduced last Thursday is sponsored by the Republican leadership -- Sen. President Mike Miller, R-North Pole, and House Speaker Gail Phillips, R-Homer. The bill is strongly endorsed by Gov. Tony Knowles and is expected to have solid bipartisan support as it moves through the legislative process.

There is a dramatic difference between the process followed by the state to protect all fish streams and the recent decree by the U.S. Forest Service banning new roads in national forests. Both were justified as necessary to protect habitat. The state's policy decision is based on sound science and a consensus negotiated among the stakeholders. It's a win-win situation for all sides. The timber industry can still operate, the salmon stocks remain strong, and streams are not

polluted. Not surprisingly, the bill now enjoys broad support.

The federal action, in contrast, was based on a deal cut by the Clinton administration and the national environmental lobby behind closed doors, according to Alaska Rep. Don Young.

There is no scientific study backing the road ban. A number of local communities, states and businesses are being unnecessarily hurt by it. In Alaska, for instance, if an exception isn't made for the Chugach National Forest, there can be no way of effectively addressing the spruce bark beetle crisis. Few people are happy with the federal edict.

Uncle Sam could learn a thing or two by noting how the process works in Alaska.



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545
E-Mail: ufa@alaska.net

February 17, 1998

The Honorable Gail Phillips
Speaker of the House
State of Alaska
Juneau, AK 99801-1182

Dear Representative Phillips:

Today the Board of Directors of United Fishermen of Alaska (UFA) adopted a position in support of legislation you introduced, HB 373, relating to forests and forestry practices.

This bill is the achievement of industries, assisted by the Board of Forestry and state agency staff, working together to find common ground. The forest products industry and commercial fishing industry worked together to resolve their particular concerns with the proposals advanced by the Board of Forestry, and they were successful. The legislation, as introduced, is supported by United Fishermen of Alaska because it represents an improvement in the laws governing forest practices. It affords greater protection than now exists for sensitive fish habitat.

United Fishermen of Alaska's mission includes preserving fishery resources through research, development and habitat protection. We will continue to work with other industries, as we did in our work on the forest practices provisions embodied in HB 373, to pursue this important objective.

We hope that the members of the Legislature will acquaint themselves with the provisions of this legislation, the language of which was carefully crafted to meet concerns of commercial fishermen and representatives of the forest products industry, and we strongly support the passage of the legislation as introduced.

The commercial fishing industry is very appreciative of your work on this legislation. Thank you.

Sincerely

Jerry McCune
United Fishermen of Alaska

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trollers Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kena Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Sainers Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest Seiners Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Sainers Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters

February 10, 1998

20th Alaska State Legislature
State Capitol
Juneau Alaska 99801-1182

Sent Via-Facsimile to (907) 465-2698

Dear Legislators:

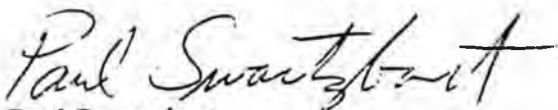
I support House Bill 373 relating to forest practices in the state of Alaska. This bill provides needed changes to the Forest Practices Act that both our state natural resource management agencies and our timber industry agree to.

This is a step forward for salmon habitat protection that will benefit sport and commercial fisherman, and the environmental community. This bill is the result of two years of consensus building and scientific inquiry by state and federal scientists meeting with members of private industry. We have come up with the most habitat protection for the least economic cost to private industry; it is a delicate balance. Any wording changes could have large consequences so I hope it will be considered "as is".

As the commercial fisherman on the Board of Forestry, I feel that salmon habitat protection is vital to the economic health of our state. Being a business person, I also understand how burdensome new regulations can be on an industry. This legislation was written by the timber industry and the resource agencies working together. It will help minimize the impact of logging operations on our salmon runs.

Thank You.

Sincerely,



Paul Swartzbart
Alaska State Board of Forestry
Commercial Fishing Seat

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

3601 C Street, Suite 1034
Anchorage, Alaska 99503-5937

February 12, 1998

Representative Bill Hudson, co-chair
Representative Scott Ogan, co-chair
House Resources Committee
State Capitol
Juneau, Alaska 99801-1182

Dear Sirs,

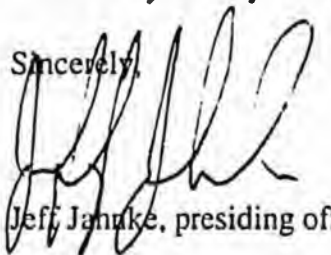
The Board of Forestry would like to register its support for H.B. 373. This bill incorporates the results of two years of work developing an agreement on appropriate changes to the Forest Resources and Practices Act. The Board unanimously endorsed the proposals in the bill after considering the results of a scientific and technical review of the Act, and the recommendations from a drafting process that included representatives of affected interests.

This bill maintains the balance intended by the Act: It ensures adequate protection of fish habitat and water quality while continuing to support the timber and fishing industries. It is important that this bill go forward as proposed without substantive changes. The widespread support this bill has received is contingent on preserving the specific package of changes in the bill.

We are aware that the drafting process has resulted in some minor and non-substantial changes to the specific wording endorsed by the Board. We do not object to these changes. We also understand that the Attorney General's review of the bill has identified some minor wording changes to improve clarity and consistency within the bill. We endorse these changes (attached).

We thank you for your support of this important legislation.

Sincerely,



Jeff Janke, presiding officer

For/cc: Board of Forestry Members Richard Carle, Lawrence Hartig, Bill Jeffress, Chris Maisch, Rick Smeriglio, John Sturgeon, Paul Swartzbart



Koncor Forest Products Company

3501 Denali, Suite 202
Anchorage, Alaska 99503
(907) 562-3335 FAX (907) 562-3591

February 12, 1998

Gail Phillips
Speaker, Alaska House of Representatives
State Capital
Juneau, AK 99801-1182

Dear Gail:

Koncor participated in the development, and fully supports the passage, of HB 373 which modifies the Alaska Forest Resources & Practices Act. This bill represents a balance between economic considerations and protection of public resources such as water quality and fish habitat. The process used to draft the bill is a model for using scientific review, cost/benefit analysis, and consensus building of stakeholders. Passage of this bill is also important to ensure that our forestry laws are the best in the nation, and that these laws will constantly be reviewed and modified as new scientific information becomes available.

We urge the Legislature to pass HB 373.

Sincerely,

John Sturgeon
President





February 11, 1998

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
M/S 3100
Juneau, Alaska 99801-1182

Dear Representative Phillips:

This letter is to inform you of Sealaska Corporation's support for HB 373 titled an "Act Relating to Forest and Forestry Practices". This bill establishes supplemental environmental protection standards on private lands in Region 1 (hemlock, spruce forests of coastal Alaska) and adds a new stream type.

This Act evolved out of a two year process in which biological, environmental and economic issues associated with timber harvest and its interaction with fisheries habitat and water quality were evaluated. This stakeholder review identified opportunities to strengthen the fish habitat and water quality protection in Alaska's Forest Resources and Practices Act. Through this collaborative process the timber industry and land owners could see that the proposed changes will yield measurable, beneficial results to fish habitat and water quality. Conversely the timber industry was able to guide development of legislative changes to achieve protection objectives without unreasonable cost or burden on the industry or private landowners.

This letter is to inform you of Sealaska's endorsement of the process and support for the results that are embodied in the legislation currently before you. The State of Alaska already has one of the most comprehensive and effective Forest Practices Acts in the Nation. The proposed amendments will serve to strengthen that Act and still ensure a healthy timber industry.

We support the current legislation but understand that there are a few clarifying amendments recommended by the Attorney General's office.

These amendments do not change the intent of the legislation as recommended by the Board of Forestry. We support those amendments to the degree they do not alter the consensus objectives established by the Board.

We request your support of this legislation and recognize the carefully crafted compromise between the industry, fisherman and environmental community to develop an effective set of amendments. This collaboration has lead to an impressive working relationship and the results of those efforts should be honored by the legislature by passing the bill before you.

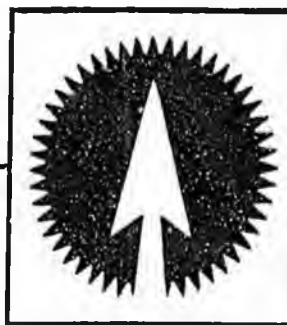
Sincerely,

SEALASKA CORPORATION

Richard P. Harris/jh

Richard P. Harris
Senior Vice President
Natural Resources

cc: House Resources Committee
Senator Mike Miller
Senate Resources Committee
Sam Kito
Senator Robin Taylor
Senator Jim Duncan
Senator Jerry Mackie
Representative Bill Williams
Representative Ben Grussendorf
Representative Kim Elton
Representative Bill Hudson
Representative Albert Kookesh
S.E. Village/Urban Corporation
Jack Phelps, AFA
AFA Technical Committee
Thyes Shaub
Jerry McCune



Statement of Support
House Bill 373
An Act relating to forests and forestry practices

Testimony before the House Resources Committee
February 19, 1998

The Alaska Forest Association desires to be on record in full support of House Bill 373. "An Act relating to forests and forestry practices." This bill is the direct result of a proposal set before the Alaska Board of Forestry after a collaborative process involving the timber industry, the fishing industry and the resource agencies of the state. Both the process and the substance of this effort were based upon sound science and a balancing of interests.

Alaska already has a very effective, science-based forest practices law which ensures protection of important fisheries habitat while recognizing the unique relationship between private land rights and related public resources. The current law, which was developed through a cooperative process in 1989 and 1990, involves the Division of Forestry, the Division of Habitat and Restoration, and the Division of Air and Water Quality in monitoring and enforcing the provisions of the law. It enables timber operators in Alaska who conduct their harvest activities according to best management practices to have the assurance that they are operating in compliance with a variety of laws under which they would otherwise be individually scrutinized. That alternative would cost both the industry and the state more time and money than is necessary under the current system.

Current law also provides for ongoing examination of the effectiveness of Alaska's forest practices standards, so that the law and regulations can be adjusted to reflect new scientific knowledge as it is developed. Over the past two years, the timber industry has participated in a thorough review of the science relating to logging along anadromous fish streams in the coastal forests of Alaska. This review was conducted under the rubric of the Science and Technical Committee appointed by the Board of Forestry with the support of Governor Knowles. The Committee's report and the subsequent stakeholders' meeting led to the introduction of House Bill 373.

It is important to note that the Science & Technical Committee did not specifically recommend 66 foot buffers on type B streams as provided in Section 1 of the bill. The

committee recommended that these streams be given some means of obtaining large woody debris. AFA member companies looked at the operational issues and concluded that buffers of 66 feet or to the slope break would satisfy the goals of the recommendation in a way that field personnel believe can be implemented without severe adverse affects on harvest economics. It does mean surrendering trees of value by leaving them in riparian buffers, but the standard can be applied in the field and can be readily monitored by the regulators. AFA believes this is a good solution, the effects of which can be evaluated over time.

A matter of great importance to AFA is the fact that House Bill 373 is the result of a collaborative process. The agreement that makes these changes in the Act possible depends upon the substance of the bill remaining as it is now. The amendments proposed by the Attorney General's office, which are before the committee today, only provide consistency and clarification and are therefore acceptable. AFA would urge the committee not to entertain any other amendments so that the underlying agreement between affected parties can remain intact.

In summary, House Bill 373 addresses a real need, and represents a balanced approach to resolving an important issue affecting Alaska's forest products sector. When this bill becomes law, it will be a model for broad-based cooperation between affected industries, the agencies, the Governor's office and the legislature. This is a bill that can and should enjoy full, bi-partisan support. I urge its speedy passage.



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Concerning work of the Science & Technical Committee

Testimony of Jack E. Phelps, Executive Director
Offered to the Alaska Board of Forestry
January 21, 1997

The Alaska Forest Association has closely observed the work of the Science and Technical Committee formed last year to examine allegations set forth in the report from the Department of Fish and Game, Habitat Division regarding the state's Forest Resources and Practices Act. Among other claims, the report stated that ADF&G staff are uniformly of the belief that the implementation of the FPA remains seriously deficient. The Science & Technical Committee was formed to investigate those allegations and to determine the extent to which the aforementioned belief could be substantiated by facts.

In short, the question was whether substantial harm was being done to fish and wildlife habitat as a direct result of timber harvests, particularly on private land. A closely related question which was not directly raised by the report but that begged an answer in the process, was whether any reduction in theoretical carrying capacity of any habitat was disproportionate to the benefit derived by the private landowners from managing their timber resources for their shareholders. This question is raised by the fairness doctrine and the no big hit doctrine of the Alaska Forest Resources and Practices Act.

Simply put, these doctrines declare that a balance must be struck between the values at stake when private land interests come in contact with public resource interests, in this case fisheries. The fairness doctrine insists that there be shared risks and incentives for both timber owners and the public, represented by the regulatory agencies. The no big hit doctrine requires that private landowners should not carry an inordinate economic burden for minimal losses to fish habitat. The law envisions a balance of interests between forestry and fisheries when it comes to timber harvests on private land.

After a year of meetings and careful examination of the evidence, the Science & Technical Committee's work suggests that the existing law protecting fish habitat is working very well. Many of the issues discussed by the committee had to do with technical definitions and minutia, not evidence of actual harm. The deliberations tended to verify that logging is having a very minor impact on fish habitat. Timber harvest on private lands, at the rate and under the regulatory conditions that now exist, is taking place without significant harm to Alaska's important fisheries resources.

To those of us in the industry who have worked to comply with the Forest Resources and Practices Act, and have made a sizable investment in fish habitat research over the past several years, this comes as no surprise. It is compatible with the tentative findings of our own ongoing scientific studies and of the research being done by others. A recent paper published in the journal of the American Fisheries Society shows that fewer than 5 percent of the anadromous fish spawning

aggregates in Southeast Alaska are in decline and some of those are in unlogged areas. Private landowners have willingly left millions of dollars worth of trees in riparian buffers over the past half decade, and those contributions are augmenting the health of Alaska's fisheries.

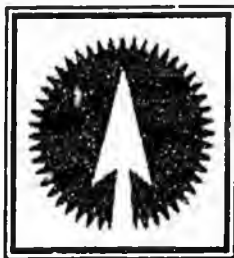
AFA commends the participants in the Science and Technical Committee for ensuring that the process of addressing the Habitat Division's report was conducted in a professional and scientific manner. On balance, the leadership of the committee was fair and diligent. Various participating parties were consistently given a fair hearing, and the committee was able to arrive at a satisfactory level of consensus. The Science and Technical Committee has done a good job of identifying and clarifying technical problems with monitoring and enforcement of the Act, and most of the recommended changes have the industry's support.

It was a good process, but it was an expensive one. It was costly for the state, and it was costly for industry. AFA member companies, one in particular, invested more than \$100,000 over the past year to enable professional and research staff to attend the meetings and study the ADF&G allegations. On the state side, the process demanded huge blocks of time from Division of Forestry and Department of Fish and Game personnel, taking staff away from field work. This is unfortunate and ironic, given the frequently stated complaint from Fish and Game that they lack the financial resources to do adequate field work.

The Alaska Forest Association is committed to supporting reasonable enforcement procedures for the Forest Resources and Practices Act. Industry has shown its willingness to work through the process, even at great expense, to ensure that other resources are not harmed by harvest activities. We hope that the exercise forced upon industry, the Board of Forestry and the other agencies last year by ADF&G's approach will not be repeated in the future. If one agency or another has questions or wishes to raise concerns about scientific or technical issues, those issues should be raised using established interagency procedures, and the discussion should take place in the context of scientific investigation before unnecessary alarm bells are rung with the press and the general public.

Thank you for the opportunity to testify on this important matter.

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*Summary of Legislation Implementing the Recommendations of
the Forest Practices' Science and Technical Committee*

Alaska's Forest Practices Act (the "FPA") was comprehensively amended in 1990 as a result of a two-year cooperative effort by government agencies, fishing and environmental groups, and the timber industry. An integral part of this consensus-based process was a commitment to periodically reappraise the FPA's effectiveness in protecting Alaska's streams.

As a result of that continuing review, legislation has now been prepared to implement two changes to the FPA that would:

- 1. extend the FPA's mandatory no-harvest riparian zones to additional streams;*
- and*
- 2. extend the width of scope stability standards on some streams.*
- 3. provide additional sources of large woody debris (or "LWD") for fish habitat.*

Both changes affect only the "coastal forest of spruce or hemlock" in DNR's "Region I." Forest practices in Regions II and III--basically, anything north of Mt. St. Elias--will continue to be governed by their own rules under the FPA, which, on private, restrict but do not prohibit timber harvest adjacent to streams.

Like the 1990 FPA itself, these changes reflect a broad-based consensus among forest stakeholders. The agreement arose out of an intensive study of the FPA conducted by a group of public and private sector scientists called the Science and Technical Committee (the "S/TC"). The S/TC found much to commend in the FPA, but also recommended two changes, both of which are mirrored in the proposed statutory language:

1. *Extending no-cut buffers to all anadromous streams.* The public and private scientists who collaborated on the 1990 FPA agreed that the need for no-cut buffer zones varied dramatically according to the characteristics of the stream. Even so, the 1990 legislation required 66-foot no-cut zones along most anadromous streams on private lands. These were so-called "Type A" waterbodies.

Another class of anadromous streams--those with rocky banks and bottoms--were subject to special bank stability requirements, though riparian timber harvest was allowed. These were the so-called "Type B" streams, and because their banks were held in place by rock, rather than vegetation, the scientists who worked on the 1990 legislation could not justify the considerable cost of requiring the retention of all timber adjacent to them.

The proposed legislation would reverse that decision, and require 66-foot no-cut buffers along all anadromous streams, irrespective of stream characteristics. This protection would extend both to all "Type B" streams, as well as a small subclass of anadromous streams that were originally not given a formal "type" designation.

In so doing, the proposed legislation assigns a "type" to all segments of an anadromous stream system. Anadromous streams themselves are labeled "A" or "B," while tributaries to anadromous streams are labeled "C" or "D" streams, depending on their steepness. All Types B and C streams would be subject to special stream bank stability rules.

This puts to rest the concern that some segments of an anadromous system were "unclassified" under the FPA.

2. *Requiring timber to be left along other streams in order to provide LWD.* LWD can be an important source of habitat for juvenile fish, and the 1990 FPA encouraged the retention of low-value trees as potential LWD sources even along streams where no formal buffer zone was required.

The proposed legislation goes much further in this respect. It *requires* the retention of low-value timber along certain tributaries to anadromous streams, when it is "prudent" to do so. LWD, of course, is of no direct value to these tributaries, because there are no anadromous fish in them. But, research has shown that certain tributaries--*i.e.*, those of sufficient width and steepness--can transport LWD downstream to the anadromous waterbody itself, and it is for these streams that retention is required.

The "prudence" limitation exists because it is sometimes dangerous to leave wood adjacent to steep tributaries, because the trees can become part of debris torrents. And also, some low-value trees can be damaged as part of the harvest of the more valuable timber that can still be taken along these tributaries. It was never the S/TC's intent to restrict the harvest of valuable, merchantable timber along these tributaries, and the "prudence" limitation assures that operators will still be able to harvest this timber.

PUBLIC LANDS PROTECTION PROVIDED IN STATUTE:

Sec. 41.17.118. Riparian standards for state land.

(a) The riparian standards for state land are as follows:

(1) on state forest land managed by the department that is located north of the Alaska Range, harvest of timber may not be undertaken within 100 feet immediately adjacent to an anadromous or high value resident fish water body unless the division determines that adequate protection remains for the fish habitat;

(2) on state forest land managed by the department that is located south of the Alaska Range,

(A) harvest of timber may not be undertaken within 100 feet immediately adjacent to an anadromous or high value resident fish water body;

(B) between 100 and 300 feet from the water body, timber harvest may occur but shall be consistent with the maintenance of important fish and wildlife habitat.

(b) The commissioner may impose additional riparian protection standards for timber harvest operations through the adoption of land use plans under AS 38.04.065 and under forest management plans and reports under AS 38.05.112 and AS 41.17.230.

(c) In the absence of a site-specific determination by the Department of Fish and Game, the commissioner shall presume for planning purposes that a stream is anadromous if it is connected to anadromous waters that are without Department of Fish and Game documentation of a physical blockage and has a stream gradient of 8 percent or less.

Sec. 41.17.119. Minimum riparian standards for other public land.

On other public land, harvest of timber may not occur

(1) within 100 feet from the shore or bank of an anadromous or high value resident fish water body that is located south of the Alaska Range;

(2) within 100 feet immediately adjacent to an anadromous or high value resident fish water body north of the Alaska Range unless the commissioner determines that adequate protection remains for the fish habitat.

Sec. 41.17.950. Definitions.

In this chapter, unless the context otherwise requires . . .

(11) "other public land" means state land managed by state agencies other than the department, land owned by a municipality, and land owned by the University of Alaska;

DESIGNATION OF REGION I

ARTICLE 07 GENERAL PROVISIONS

11 AAC 95.800

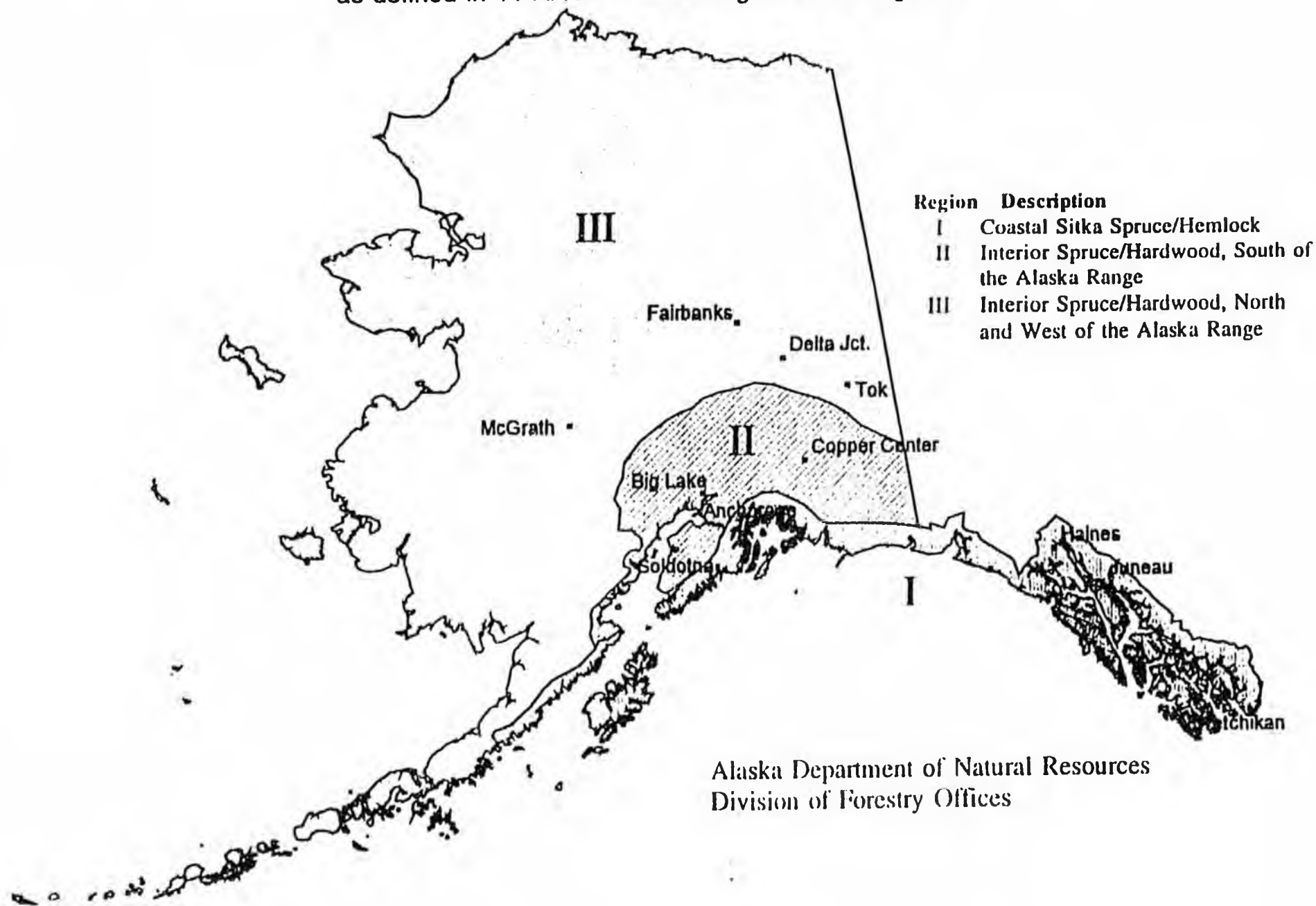
DESIGNATION OF REGIONS.

For the purposes of this chapter; the forest land of the state is divided into three regions as follows:

(1) Region I (Coastal Sitka Spruce/Hemlock Region). Region I, the coastal forest, is comprised primarily of Sitka spruce, western hemlock, mountain hemlock, Alaska cedar, red alder, black cottonwood, western red cedar, and lodgepole pine. Region I consists of the land within the following area: beginning at Tongass, Alaska and then in a northwesterly direction along the United States-Canada border to Mt. St. Elias; then westerly along the crest of the Chugach Mountains to Portage; then continuing southwesterly through Moose Pass, to the north end of the Harding Ice Field; then to the mouth of Fox River; then southwesterly out of Kachemak Bay to Mt. Douglas; then along the divide of the Aleutian Range to Aniakchak Crater; then to Cape Kumliun; then easterly to Cape Sitkinak; then in a northeasterly direction to Cape Suckling; then along the coastline in a southeasterly direction to Cape Spencer; then along the coastline in a southeasterly direction along the outer coasts of southeastern Alaska including all the islands of the Alexander Archipelago to Cape Muzon; then in an easterly direction through Dixon Entrance to Tongass, the point of beginning;

Alaska Forest Resources & Practices Regions

as defined in 11 AAC 95.800 Designation of Regions



Alaska Department of Natural Resources
Division of Forestry Offices