

SB

12

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/2/99

FURTHER: S. 2/11/99

DATE TURNED
IN TO OFFICE: 2/11/99

Finance Committee considered SENATE BILL NO. 12

"An Act classifying anadromous streams and tributaries; relating to the designation of riparian areas; establishing buffers on certain streams and relating to slope stability standards on certain streams; and requiring retention of low value timber along certain water bodies where prudent."

and recommends:

- be replaced with _____ CS _____ (_____)
- 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>Lyle S. Green</i>	✓	<i>Paul S. Green</i>	✓		
<i>Pete Kelly</i>	✓	<i>Walter Stealy</i>	✓		
<i>Al Adams</i>	X				
<i>Gary White</i>	✓				
<i>Bruce D. Finnan</i>	✓				
Co-Chair: <i>J. Johnson</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE: 1

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Bill Version: SB 12
(S) Publish Date: 2-2-99

Revision Date: _____ Dept Affected: Natural Resources
 Title: Forest Practices: Streams, Tributaries BRU: Forestry Management & Development
 Component: Forest Management & Development
 Sponsor: Senator Mackie
 Requestor: (S) Resources Component Serial No. 435

Expenditures/Revenues (Inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONNEL 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						
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 (FY99) 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. DNR is the lead agency for enforcing the Act. In the first year (FY00), 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: 22-Jan-99
 Approved by Commissioner: [Signature] Date: 1-22-99
 Agency: Natural Resources

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SENATOR JERRY MACKIE

SENATE MAJORITY LEADER

SPONSOR STATEMENT

SB 12, Relating to Forests and Forestry Practices.

Senate Bill 12 is the result of a cooperative effort by forest users to evaluate the effectiveness and suitability of the Forest Practices Act and recommend any improvements that would strengthen the protection of Alaska's streams and water quality.

In 1996, the Board of Forestry established a science and technical committee, comprised of scientists from the timber, commercial fishing, and environmental communities as well as state and federal agencies, to review and assess expressed concerns about the adequacy of the act's protections. The committee's two-year study identified several opportunities to improve salmon habitat and water quality. A stakeholders committee then convened to incorporate these findings into recommendations to the Board. The Board subsequently endorsed these recommendations and requested legislative approval of the appropriate measures.

SB 12 affects only the spruce and hemlock forests in the Department of Natural Resources designated Region 1. This is the coastal area from Ketchikan to Kodiak.

Under current regulations, all anadromous streams are protected, although exceptions are allowed for marginal streams. SB 12 will eliminate all exceptions and provide additional protections. As a result, the bill accomplishes several goals:

1. It assigns a "type" classification that covers all streams, putting to rest concerns that some segments of anadromous streams were not included for protection.
2. It extends the no-harvest, riparian buffer zone to ALL anadromous fish streams, relative to "type."
3. It requires the retention of low-value timber along certain tributaries where prudent, so that trees may eventually fall into streams, forming natural pools downstream that are important for fish rearing.

I am pleased to sponsor this legislation that is a product of so much time, effort and deliberation by members of the timber, fishing, and environmental communities. It is a cooperative step forward in the protection and wise utilization of our resources.

*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.*

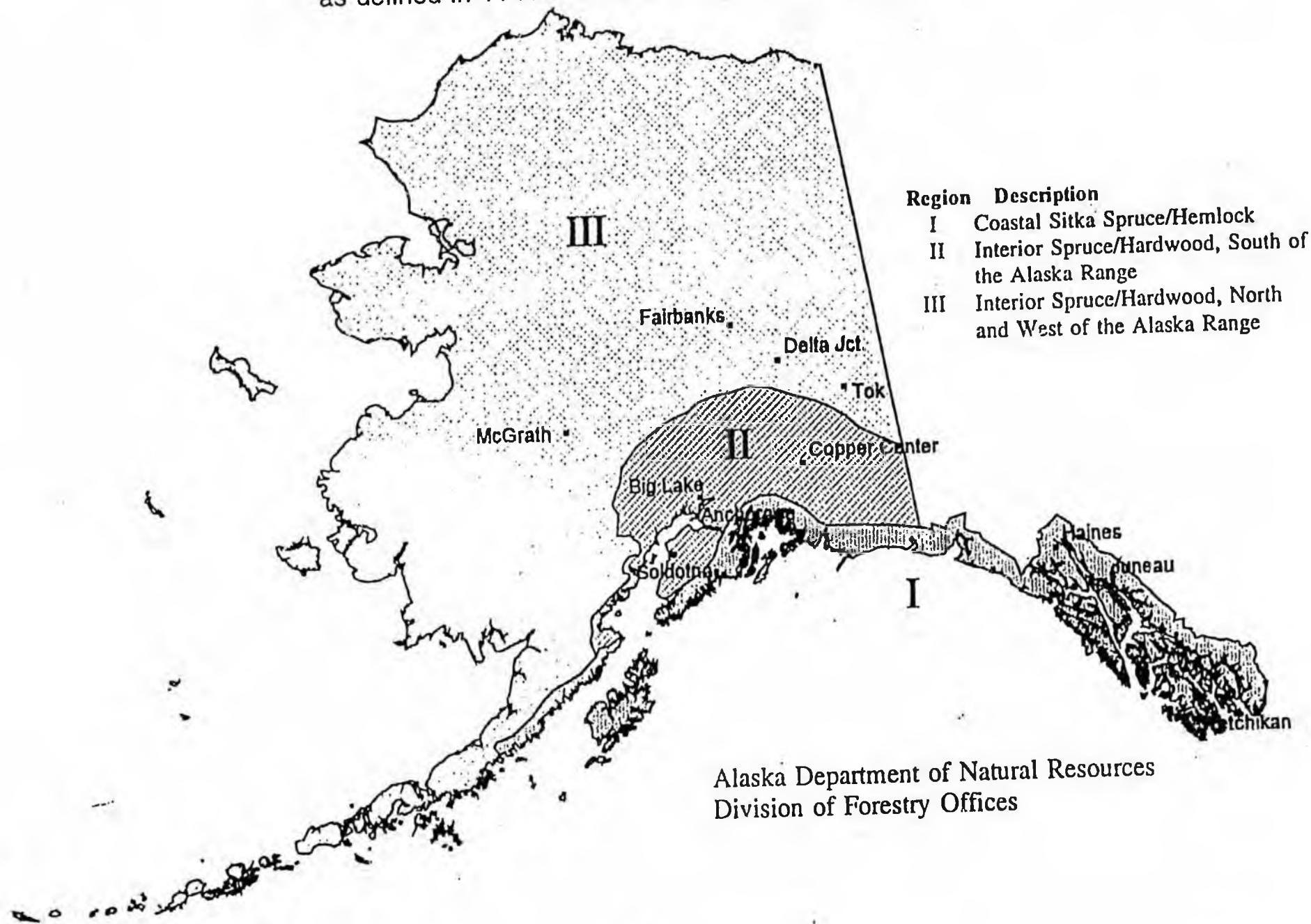
LWD can be an important source of habitat for juvenile fish, and the 1990 FPA encouraged the retention of low-value trees as potential LWD sources even along streams where no formal buffer zone was required.

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.

Alaska Forest Resources & Practices Regions

as defined in 11 AAC 95.800 Designation of Regions

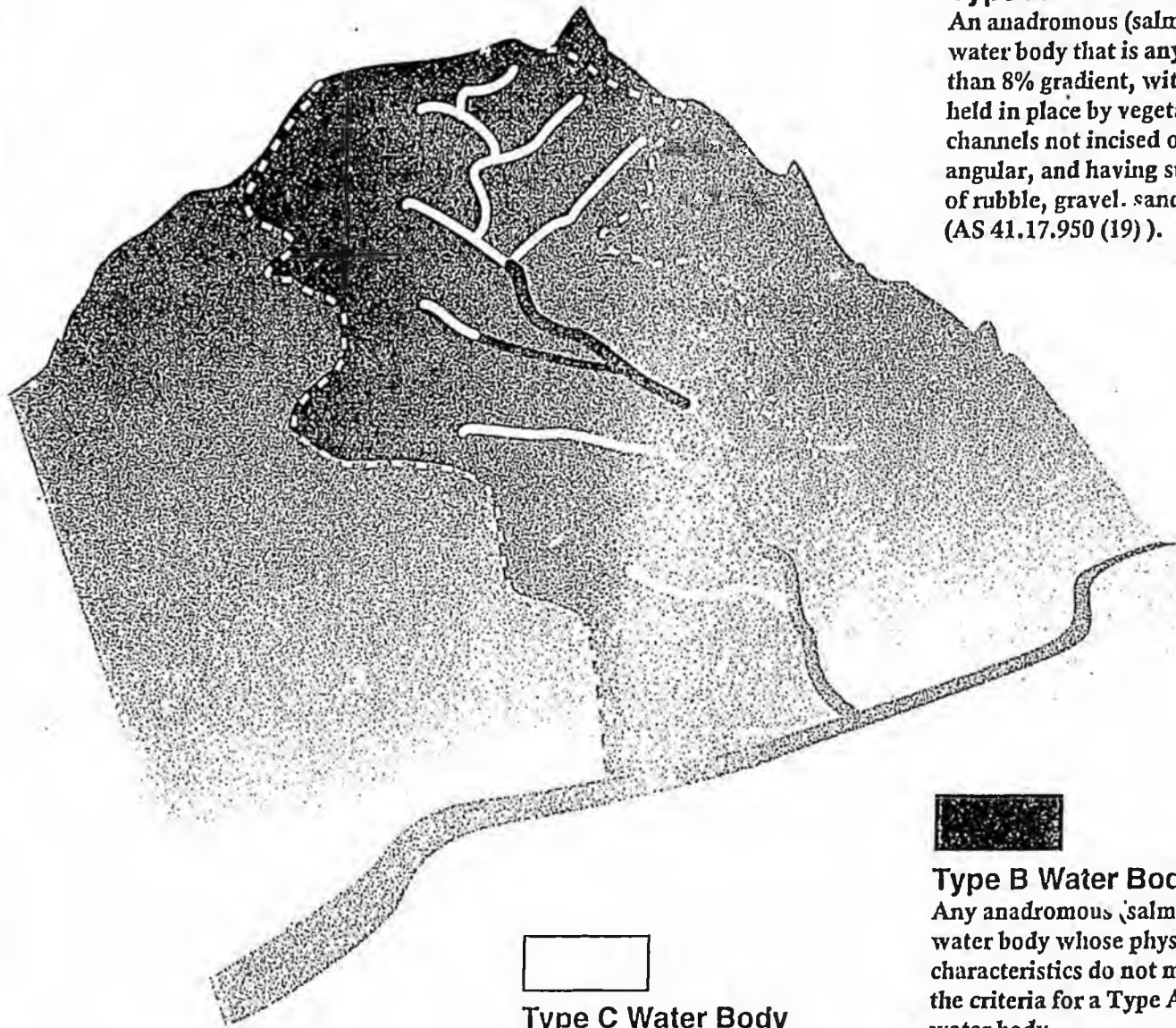


Alaska Department of Natural Resources
Division of Forestry Offices

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.



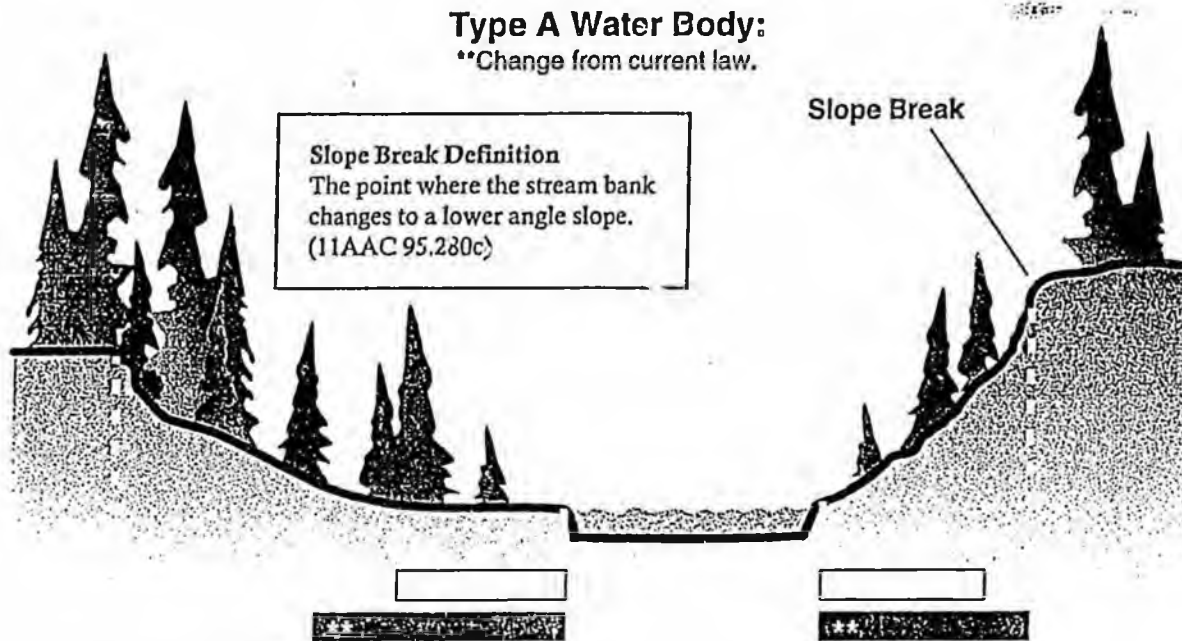
Type D Water Body
A water body that is not anadromous, is a tributary to a Type A or Type B water body, and has a gradient greater than 12%.



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

Type A Water Body:

**Change from current law.



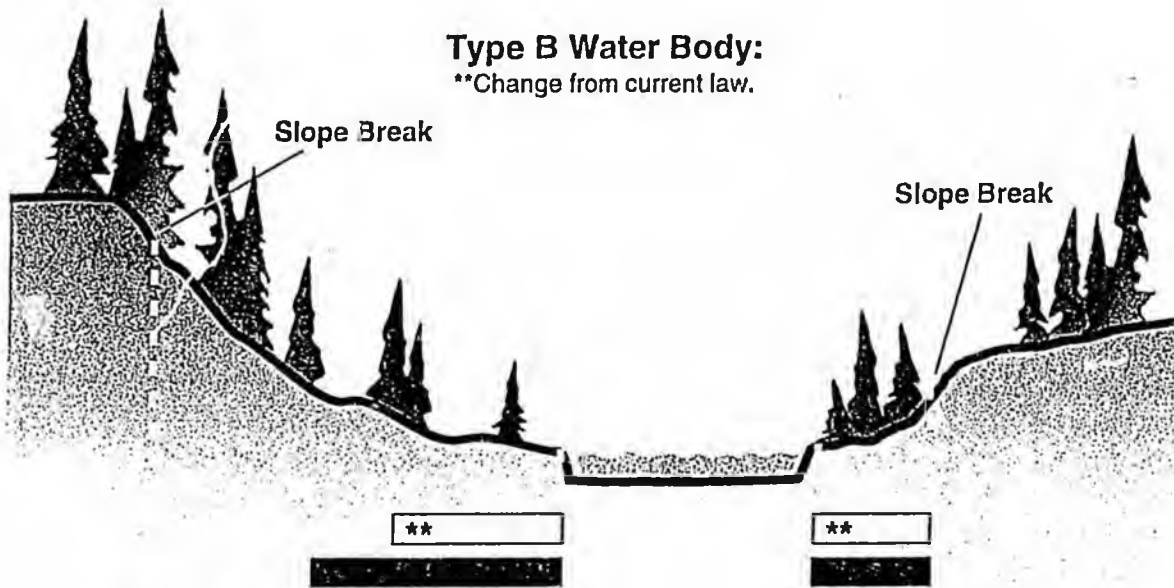
Type A Water Body:

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.



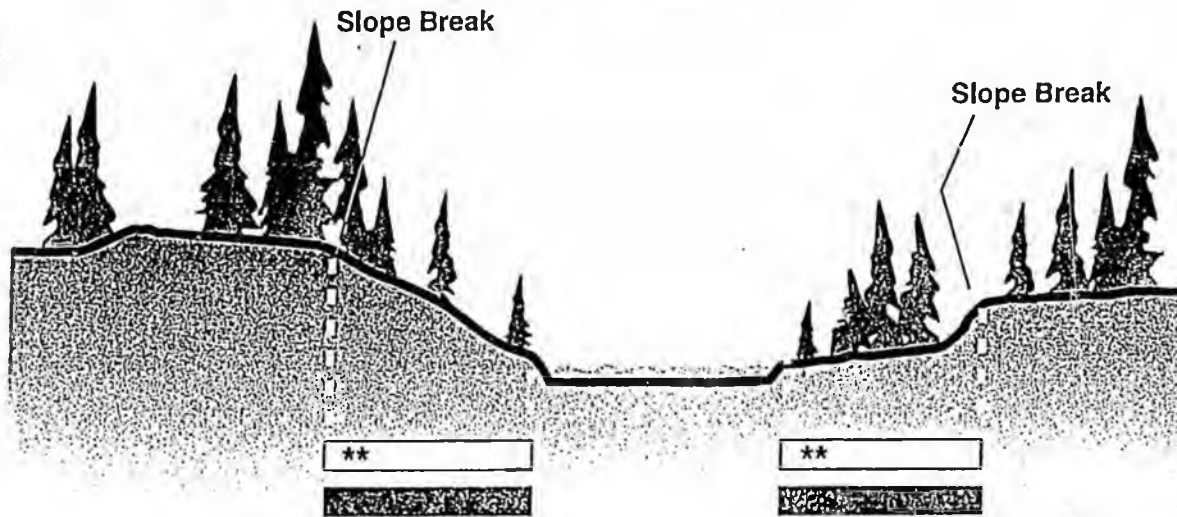
Type B Water Body:

**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:

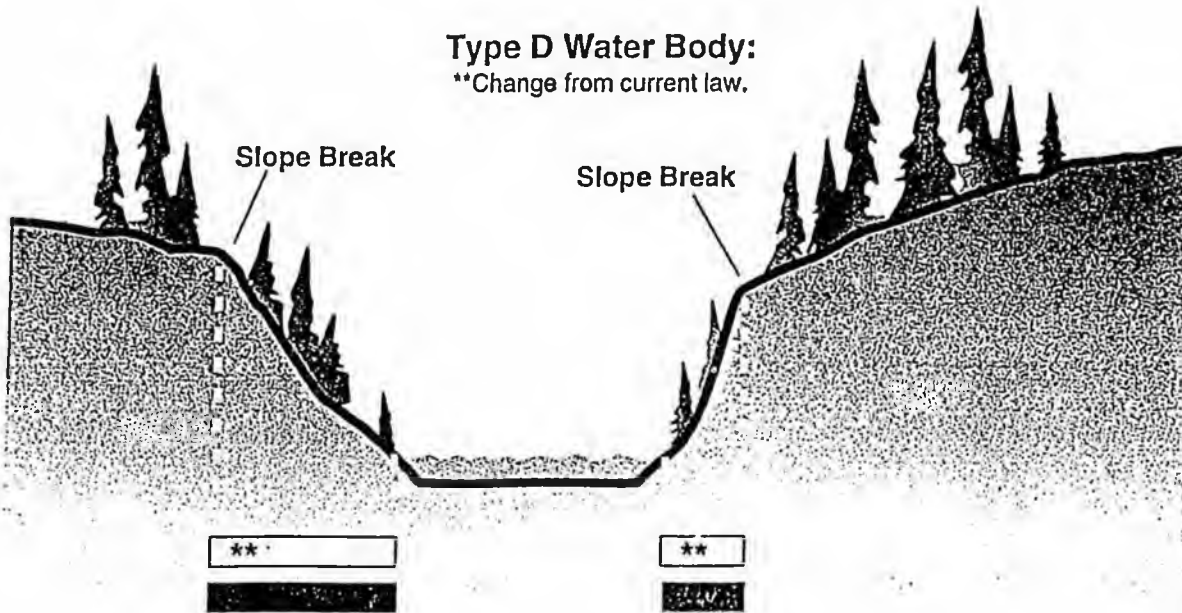


**For streams greater than 8' or 13' (based on channel characteristics), retain low economic value timber 25' up to 100' from the stream depending upon location of slope break.



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:

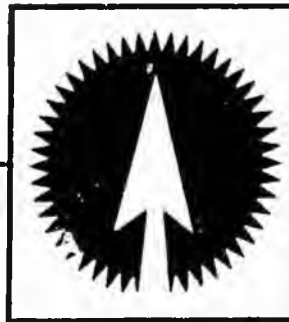


** For streams greater than 8' or 13' (based on channel characteristics), retain low economic value timber 25' up to 50' from the stream depending upon location of slope break.



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

Alaska Forest Association, Inc.



111 STEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920

January 25, 1999

The Honorable Jerry Mackie
Alaska State Senate
State Capitol
Juneau, AK 99801

Dear Senator Mackie:

Thank you for introducing Senate Bill 12, proposing changes to the state's Forest Resources and Practices Act (AS 41.17). This measure is AFA's top legislative priority for 1999.

SB12 is the direct result of a proposal AFA presented to the Alaska Board of Forestry one year ago, 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's current forest practices law is based on good science and is very effective in protecting important fish habitat while recognizing the unique relationship between private land rights and related public resources. The 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 standards governing forestry practices. 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 present 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. Throughout 1996 and 1997, the timber industry participated in a thorough review of the science related to logging near anadromous fish streams in Alaska's coastal forests. The 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 last year's HB373. Your support for last year's bill and your willingness to reintroduce the legislation this year are greatly appreciated by the timber industry.

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 SB12 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. Your support in moving the legislation forward with no amendments is vital to maintaining the needed agreement among the affected parties.

In summary, SB12 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. Thank you again for sponsoring Senate Bill 12.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Phelps".

Jack E. Phelps
Executive Director



UNITED FISHERMEN OF ALASKA

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907/586-2820
Fax: 907/463-2545
E-Mail: ufa@alaska.net

January 26, 1999

Senator Rick Halford, Chair
Senate Resources Committee
State of Alaska
Juneau, Ak 99801-1182

Dear Senator Halford

United Fishermen of Alaska adopted a position in support of SB 12 relating to forests and forestry practices.

This bill, introduced by Senator Mackie, 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 UFA 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 12, 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.

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 • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners 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 • Puro Soina Vessel Owners Association • Sealood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters



February 1, 1999

The Honorable Jerry Mackie
Alaska State Senate
Capitol Building, Room 427
Juneau, AK 99801

Dear Senator Mackie:

This letter is to inform you of Sealaska Corporation's support of SB 12. 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 landowners 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 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
Senior Vice President
Natural Resources

cc: Senator Halford, Senate Resources Committee Chairman
Senate Resources Committee
Senator Kim Elton
Representative Bill Hudson
Representative Beth Kertula
Representative Albert Kookesh
Sam Kito
S.E. Village/Urban Corporations
Jack Phelps, AFA
Thyus Shaub
Jerry McCune

RPH:mlh

KFP
Koncor Forest Products Company

3501 Denali, Suite 202
Anchorage, Alaska 99503
(907) 562-3335 FAX (907) 562-0599

January 26, 1999


Senator Jerry Mackie
State Capital
Juneau, AK 99801-1182

Dear Senator Mackie:

Koncor participated in the development, and fully supports the passage, of SB 12 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 SB 12.

Sincerely,


John Sturgeon
President

SENATE FINANCE COMMITTEE

SIGN-IN

SB 12-FOREST PRACTICES: STREAMS/TRIBUTARIES

NAME: Jeff Tahrke Sub./Bill No: SB 12

Co./Dept./Title: DNR Dir of Forestry Phone: 908 3377

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions