

SB

12

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/19/99

FURTHER: Finance

Date of 5-Day Notice: 1/28/99
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/1/99

Resources 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>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
DNR	1/22	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB12

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
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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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Spec fy Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

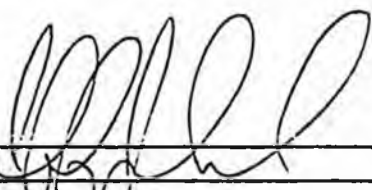
Estimate of any current year (FY99) cost: \$ 0.0

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 stakeholder 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.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB12

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
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						
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)

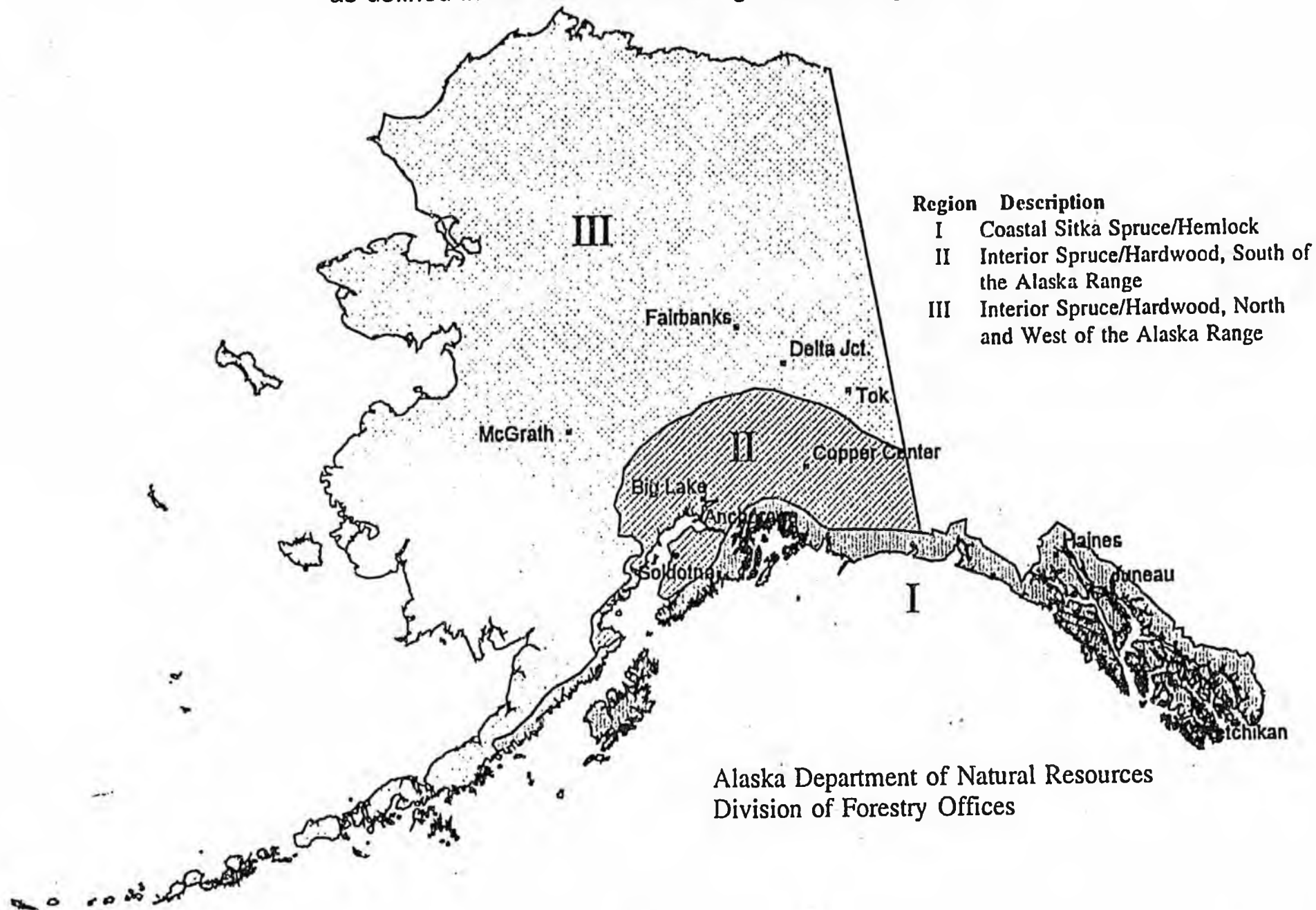
This bill changes the Forest Resources and Practices Act requirements on private land along anadromous waters and tributaries to anadromous waters. Notably, it adds buffers on Type B anadromous streams. DNR is the lead agency for enforcing the Act. In the first year (FY00), training will be needed for landowners, operators, and staff on proper implementation of the new standards. This training will be accomplished within existing resources.

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Alaska Forest Resources & Practices Regions

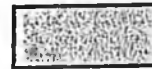
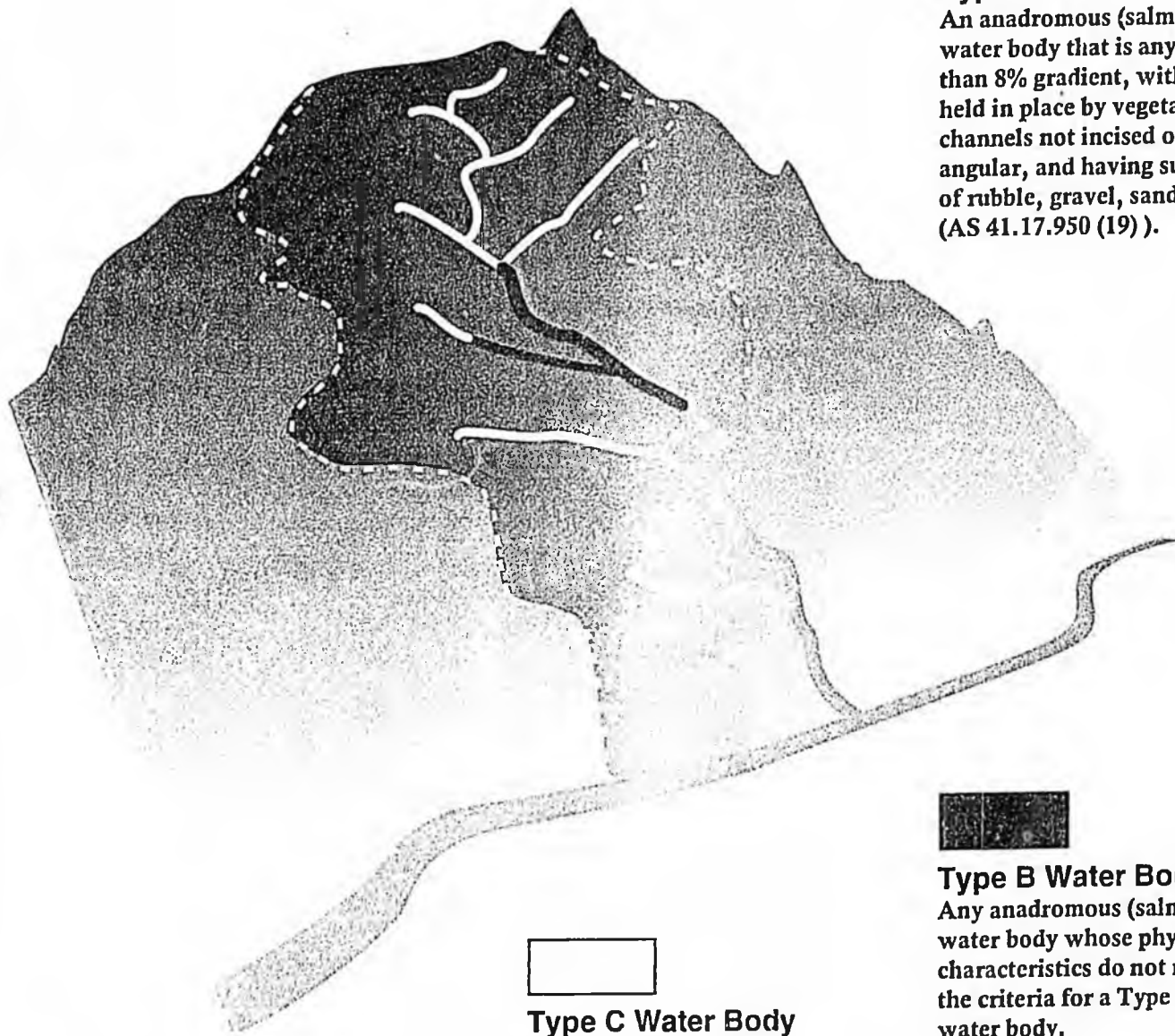
as defined in 11 AAC 95.800 Designation of Regions



Region	Description
I	Coastal Sitka Spruce/Hemlock
II	Interior Spruce/Hardwood, South of the Alaska Range
III	Interior Spruce/Hardwood, North and West of the Alaska Range

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.



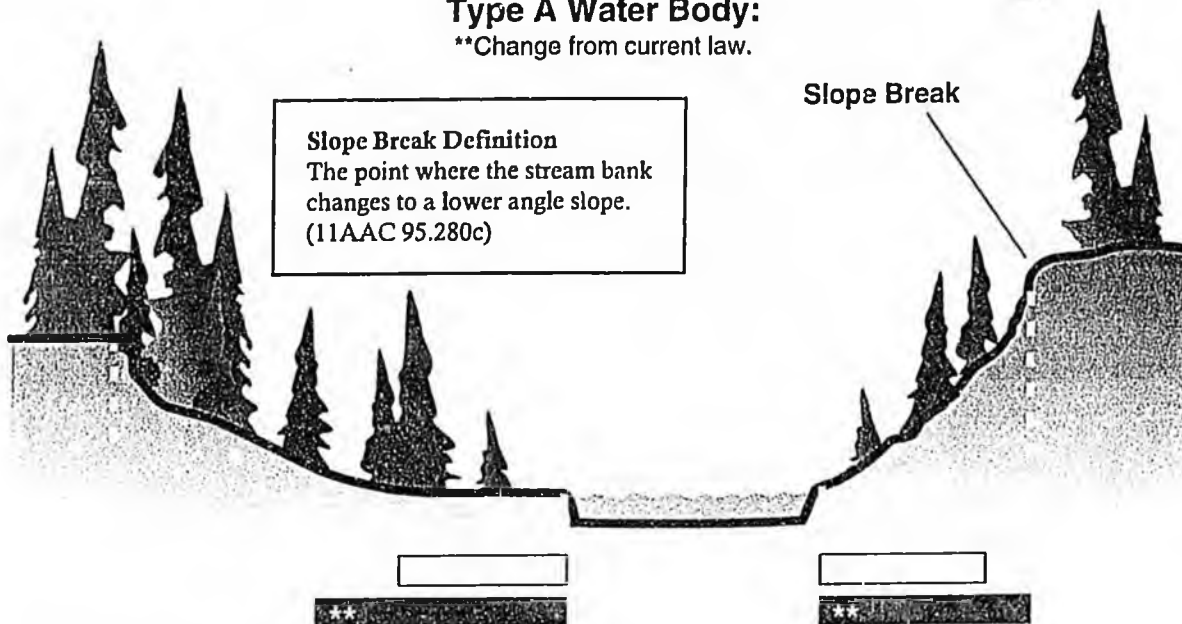
Type D Water Body

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.

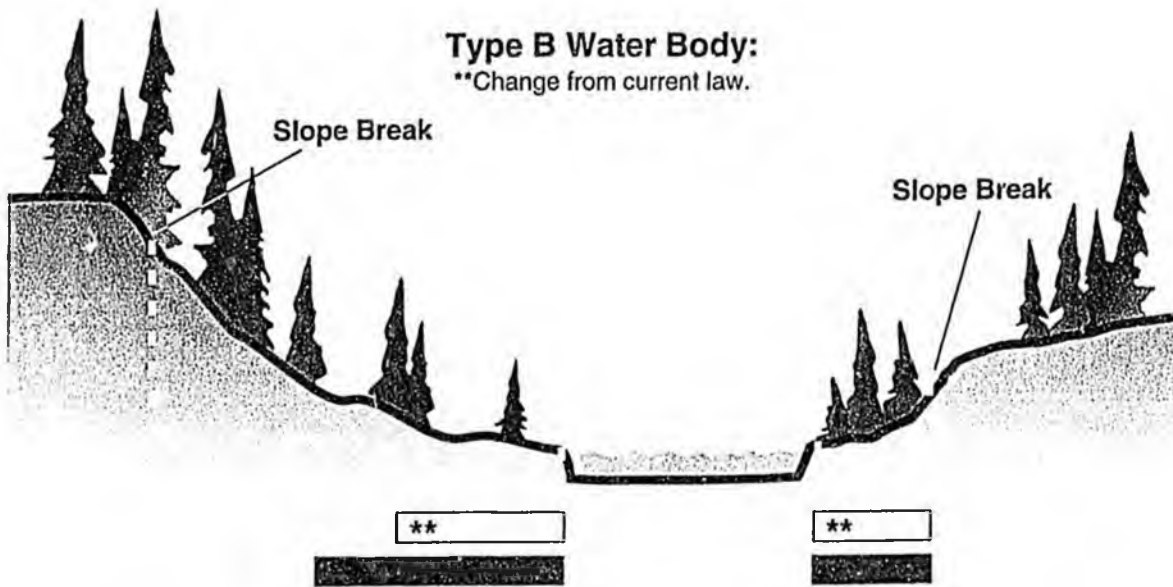


Type A Water Body:



-  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.

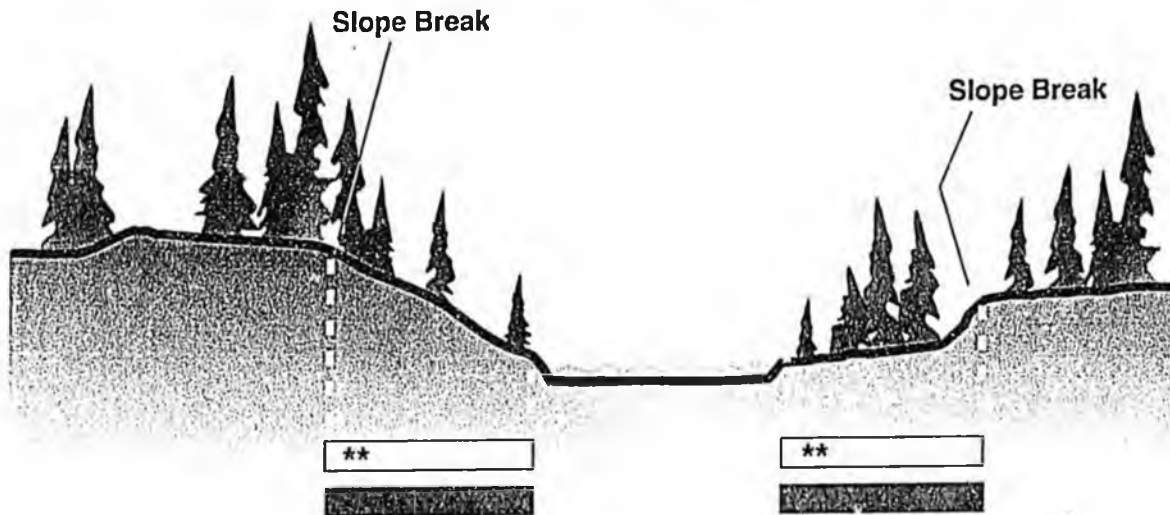


Type B Water Body:

-  **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

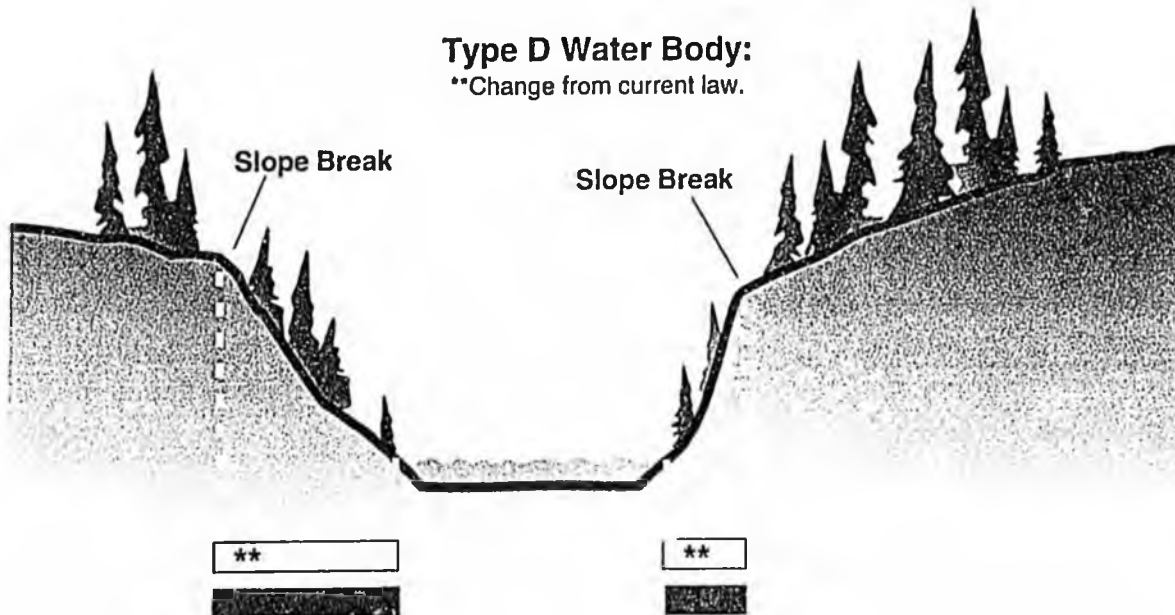
Type C Water Body:
 **Change from current law.



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.



UNITED FISHERMEN OF ALASKA

January 26, 1999

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

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.

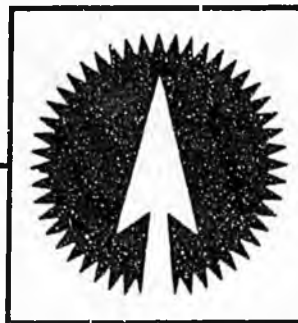
This bill, introduced by Senator Mackie, is the achievement of industries, assisted by the Board of Forestry and state agency staff, working together to find common ground. The forest products industry and commercial fishing industry worked together to resolve their particular concerns with the proposals 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 • Purso Seino Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters



Statement of Support
Senate Bill 12
An Act relating to forests and forestry practices, etc.

Testimony before the Senate Resources Committee
February 1, 1999

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify today on legislation affecting the timber industry in Alaska. The Alaska Forest Association strongly supports Senate Bill 12. SB12 is AFA's top legislative priority for 1999, and the Association urges you to move the bill, as written, out of committee with "do pass" recommendations.

SB12 is the direct result of a proposal AFA put before 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 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 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 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. Throughout 1996 and 1997, the timber industry 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 Senate Bill 12.

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 effects 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. AFA urges the Alaska Legislature not to entertain amendments to SB12 so that the underlying agreement between affected parties can remain intact.

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. I urge its speedy passage.