

HB

131

Sponsor and/or Committee Name			Date
HRES - Rep Scalzi, co-Chair			1/28/02
Start/End Time	Chairing site	Juneau Room	Testimony
1 - 3 PM	Juneau	Cap124	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Pat Hartley (#6890)	465-4708	yes	no

Subject of meeting and/or Bills on agenda
 HB 131 - Forest Practices Act

Sites - LIOs	Sites - Offnets	Phone #
Anchorage		
Barrow		
Bethel		
Cordova		
Delta Junction		
Dillingham		
Fairbanks	<input checked="" type="checkbox"/>	
Glennallen		
Homer		
Juneau		
Kenai		
Ketchikan		
Kodiak		
Kotzebue		
Matsu		
Nome		
Petersburg		
Seward		
Sitka		
Tok		
Valdez		
Wrangell		

Notes
 more sites may want to add
 Thank you

Alaska State Legislature

Representative Beverly Masek
Co-Chair
State Capitol
Juneau, AK 99801-1182
(907) 465-3715
Fax: 465-4822
1-800-505-2678



Representative Drew Scalzi
Co-Chair
State Capitol
Juneau, AK 99801-1182
(907) 465-6890
Fax: 465-4822
1-800-665-2689

House Resources Committee

January 22, 2002

To: Suzi Lowell, Chief Clerk
Members House Resources Committee

From: Rep. Drew Scalzi, Co-Chair
Rep. Bev Masek, Co-Chair

Please notice the following meeting:

HOUSE RESOURCES COMMITTEE MEETING
February 6, 2002 - 1:00-3:00 PM, Capitol 124

***HB131 - FOREST RESOURCES & PRACTICES STANDARDS**

Thank you.

DS:ph

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SITE: FAIRBANKS LIO

COMMITTEE: (H) Resources

DATE: 020602

SUBJECT OF MEETING:

HB 131

UPDATE #: 3



PLEASE SIGN IN

DO YOU WANT

P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

**TO TESTIFY?
Y OR N**

Nancy Fresco		N. Alaska Environ. Center	Y
Email address:			
James Durst (TO ANSWER QUESTIONS)		ADF&G	OBSERVE
Email address:			
Janelle Welbourn for Jan Dawe		AK Boreal Forest	Y
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB131
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Forestry Mgt & Develop
 Component: Forestry Mgt & Develop
 Component Number: 435

Revision Date/Time (Note if correction): 01/30/02
 Title: Forest Resources and Practices Standards
 Sponsor: Rules by Request of Governor
 Requester: (H) RES

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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 (FY2002) cost: none
 Check this box (X) if funding for this bill is included in the Governor's FY2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Based on current levels of harvesting on non-state land, and current funding levels, DNR will not need additional operating funds to implement the changes in this bill. If the amount of harvesting on non-state land increases substantially, or if Forest Resources Practices Act (FRPA) funding, including federal Section 319 funding, declines significantly, additional funds would be needed for field inspections of riparian buffers. On state land, the revised riparian standards can be incorporated into the existing sale design process.

Prepared by: Jeff Jahnke, Director Phone 269-8474
 Division: Forestry Date/Time 30-Jan-02
 Approved by: Pat Pourchot Date 30-Jan-02
 Agency: Natural Resources

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

SPONSOR STATEMENT

HB 131 AN ACT RELATING TO STANDARDS FOR FOREST RESOURCES AND PRACTICES

This bill is the result of hard work by many people over the last two years. It is founded on the best science available, including an extensive review of existing research, and recommendations of an interdisciplinary Science & Technical Committee. The committee included experienced field staff from the state resource agencies, and University, private, and federal scientists. An Implementation Group that included representatives of the timber and fishing industries, Native corporations, and environmental groups drafted consensus language to implement the scientists' recommendations in a practical manner that worked in the field. This bill is unanimously endorsed by the Board of Forestry, and has support from a broad array of interest groups. The entire process was open to the public. This broad support is based on the consensus agreements contained in this bill.

The current standards for Region III were adopted as interim standards in the 1990 revision of the Act. Under these standards, harvesting can occur up to the bank of anadromous waters on both public and private land under some conditions. Under this bill, all anadromous and high-value resident fish waters are classified and riparian standards are established for each water body type. The requirements are tailored to the characteristics and fish habitat needs of each stream type. On most anadromous and high-value resident fish waters, a no-harvest buffer will be required. However, along glacial rivers where some of the most valuable timber occurs, the standards allow harvest of up to half the large white spruce in the landward half of the buffer. This lets landowners capture some of the economic value within the riparian areas while keeping enough large trees to provide large woody debris.

This bill is not a wholesale revision of the Act. It has substantive changes only for riparian management standards in Region III. Other technical revisions include changes to the statewide nomenclature for waterbody classes, to prevent confusion between waterbody types in different regions. The bill also moves definitions of regional boundaries from the regulations to the Act, and makes a minor change to the regional boundary on the Kenai Peninsula to better match the difference between forest types. Most forest land in the affected area is in federal ownership, so the bill will have little impact on landowners.

This bill helps ensure that the FRPA continues to be certified for compliance with federal Clean Water Act and coastal zone management requirements. This means that the Act keeps providing "one-stop shopping" for the timber industry with respect to state and federal non-point source pollution and coastal management standards.

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

- 400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886
- 550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

SECTIONAL ANALYSIS

HB 131

AN ACT RELATING TO STANDARDS FOR FOREST RESOURCES AND PRACTICES

Section 1 of the bill would amend the statute that provides for variations from the riparian protection standards to correct a reference to water body type necessitated by other changes made by the bill.

Section 2 of the bill would amend AS41.17.116 to delineate the standards for private land in Interior Alaska (designated as "Region III" under the bill), and would change the references to water bodies in the standards for Southeast Alaska and other coastal areas (designated as "Region I" under the bill) to match the new nomenclature. The proposed new standards for Interior Alaska provide that the harvest of timber may not be undertaken within 66 feet of a Type III-A water body, and may not be undertaken within 33 feet of a Type III-B water body. Limited harvest of white spruce may occur between 33 feet and 66 feet from a Type III-B water body. Along a Type III-C water body, harvest within 100 feet must protect fish habitat and surface water quality. Under the bill, the commissioner of natural resources would continue to set riparian standard for private land in other areas of the state (designated as "Region II" under the bill).

Section 3 of the bill would change the current riparian protection standards for state land by modifying the existing 100 foot "no-harvest" buffers to provide that, along Type III-A water bodies, harvest may occur from 66 to 100 feet from the water body where consistent with the maintenance of important fish and wildlife habitat; along a Type III-B water body, limited harvest of white spruce may occur between 50 and 100 feet of the water body; and along a Type III-C water body, harvest within the riparian area may occur when consistent with the maintenance of important fish and wildlife habitat.

Section 4 of the bill would provide that, in Region III, the standards for other public land are to be the same as those on state land.

Section 5 of the bill would change the current definition of "riparian area" to mean the areas that are subject to the riparian standards set in or under AS 41.17.116.

Sections 6-9 of the bill would change existing definitions to conform to the new nomenclature used to describe water bodies.

Section 10 of the bill would add 11 new definitions to the Forest Resources and Practices Act. The term "backwater slough" is defined based mostly on flow characteristics. The terms "glacial water body" and "non-glacial water body" are defined based on their receipt of significant surface flow from a glacier under normal conditions. The term "diameter at breast height" is defined in

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

accordance with ordinary usage. The term "ordinary high water mark" is, likewise, defined in the way that hydrologists and foresters use that term. Then, the boundaries of Regions II, III, and I are defined in the statutes. These boundaries previously were defined in regulations of the Department of Natural Resources. The new boundary descriptions are simpler. They change the boundary between Region I and II on the Kenai Peninsula and along Turnagain Arm to better match the border between the coastal forest and boreal forest. Finally, Type III-A, III_B, and III-C water bodies are defined for the Interior region based on whether they provide habitat for anadromous fish and other characteristics.

Section 11 of the bill provides that existing, non-conflicting, regulations may remain in place and be implemented, and provides for the timely adoption of regulations needed to implement the changes made by the bill.

Section 12 of the bill provides an immediate effective date for the latter provision.

Section 13 of the bill provides an effective date for the remainder of the bill.



Briefing:

HB 131 - Region III Forest Practices amendments

December 2001

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Overview. HB 131/SB 98 amends the Alaska Forest Resources and Practices Act (FRPA) for Interior Alaska (Region III). The bill sets standards for forestry activities in riparian areas. The bill ensures that Region III standards

- protect fish habitat and water quality,
- support healthy timber and fishing industries, and
- incorporate the best available science.

The bill is the product of two years of work by a broad array of interests. There is broad support for the consensus in the bill.

Applicability. In Region III, the FRPA applies to commercial forestry operations on all land ownerships where the operation borders surface waters or a riparian area, or where the operation is more than 40 acres and the landowner owns more than 160 acres in total.

Background. This bill is based on work by an interdisciplinary Science & Technical Committee and an Implementation Group that represented affected interests. The Science & Technical Committee reviewed relevant research and published an annotated bibliography of the results, drafted a stream classification system, and recommended changes to current riparian management standards. Committee members had expertise in fisheries, forestry, hydrology, and soils. Members included scientists and experienced field staff from the resource agencies, the University of Alaska, the U.S. Geological Survey, and Alaska Biological Research, Inc.

The Implementation Group discussed how to implement the recommendations of the Science and Technical Committee in a manner that works on the ground, and drafted language for changes to the FRPA and regulations. The group included representatives from the departments of Natural Resources, Fish and Game, and Environmental Conservation; private forest owners, the timber and fishing industries, and environmental groups.

The Board of Forestry reviewed and concurred with the recommendations from the Implementation Group. The recommendations were incorporated into draft legislation, which the Board endorsed. The legislation was introduced as HB 131/SB 98.

Summary of key provisions. The bill defines three types of water bodies, and sets riparian standards for each type as follows:

- On large non-glacial waters and glacial backwater sloughs (Type III-A): a no-cut buffer of 66' on private land, and 100' on public land. Harvesting can occur in the landward 33' of the buffer on public land with the concurrence of ADF&G.
- On other glacial waters (Type III-B): a 66' riparian area on private land and a 100' riparian area on public land. The half closest to the waterbody is a no-cut buffer. In the landward half, up to 50% of the large white spruce may be harvested.
- On small non-glacial waters (Type III-C, <3' wide): a 100' special management area in which harvesting may occur, but must be consistent with maintenance of important habitat.

ADF&G and DNR will do more research on this stream type to determine the extent of occurrence within commercial forests and to assess needed management measures.

The bill also

- Changes the statewide nomenclature for waterbody classes, to prevent confusion between waterbody types in different regions.
- Moves definitions of regional boundaries from the regulations to the Act.
- Makes a minor change to the regional boundary on the Kenai Peninsula to better match the difference between forest types. Most forest land in the affected area is in federal ownership, so there will be little impact on landowners.

For more information, contact:

Jeff Jahnke
DNR Division of Forestry
550 W. 7th Avenue
Anchorage, AK 99501
907-269-8474

Chris Maisch
DNR Division of Forestry
3700 Airport Way
Fairbanks, AK 99709-4699
907-451-2666

Alaska Forest Association, Inc.



111 STEDMAN STREET, SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920
Web Site www.akforest.org

March 6, 2001

The Honorable Drew Scalzi
Alaska House of Representatives
State Capitol, Room 13
Juneau, AK 99801

Dear Representative Scalzi,

House Bill 131 proposes changing the state's Forest Resources and Practices Act (AS 41.17). This measure is a top legislative priority for AFA in 2001. Please schedule HB 131 for consideration in the House Resources Committee at your earliest convenience.

HB 131 is a direct result of a proposal presented to the Alaska Board of Forestry last year, 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 commensurate with the Forest Resources and Practices Act of 1990.

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. In 1999, as you may recall, changes to the laws' riparian standards for Alaska's coastal forests were approved by the legislature. The Forest Resources and Practices Act 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 2000, the timber industry participated in a thorough review of the science related to logging near anadromous fish rivers, streams, and tributaries in Alaska's Interior 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 proposed changes will mandate forested buffers along Alaska's Interior fish streams after harvest. The Committee's report and the

subsequent stakeholders' meeting led to the introduction of HB 131. Your willingness to hear HB 131 in the Resources Committee is greatly appreciated.

In summary, HB 131 addresses a real need and represents a balanced approach to resolving an important issue affecting Alaska's forest products sector. This is a bill that can and should enjoy full, bi-partisan support. Thank you again for scheduling HB 131 in the House Resources Committee at your earliest opportunity.

Sincerely,

Jack Phelps
by [signature]

Jack Phelps
Executive Director

cc: Representative Bev Masek



Alaska Society of American Foresters

Cook Inlet Chapter
Dixon Entrance Chapter
Juneau Chapter
Sitka Chapter
Stikine River Chapter
Yukon River Chapter

December 05, 2001

1520 Scenic Loop
Fairbanks, AK 99709

Tony Knowles
Governor of the State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Rick Halford
President of the Senate, The Alaska State Legislature
P.O. Box 190
Chugiak, AK 99567-0190

Brian Porter
Speaker of the House, The Alaska State Legislature
716 W 4th Suite 300
Anchorage, AK 99501-2133

2001 DEC 7 PM 1 44
RECEIVED
DIVISION OF FORESTRY
CENTRAL OFFICE

Dear Governor Knowles and Legislative Leaders:

The Alaska Society of American Foresters (AKSAF) would like to thank this Administration and Legislature for their support of responsible forest management on state, federal and private lands. Many Alaskan and other US communities rely on a multiple-use policy and appropriate access to public resources to provide the much needed diversity to their economies in both good times and in bad.

We also wish to reiterate our support for the proposed changes to the Alaska Forest Resources and Practices Act as put forth last year in the Legislature. Many of our members were involved on the science and technology advisory panel that worked diligently to summarize the state of our knowledge on riparian practices and stream classification. Others were involved in the subsequent administrative and political

negotiations and some local SAF chapters have written letters of support for the proposed changes. This is consistent with our view that professional managers need to respond to new knowledge, changing conditions, and community values.

It is from this background of support and within the context of the challenge to continually improve our decision-making process, that the AKSAF passed a motion at our 2001 annual meeting in May. The motion was to recommend to Alaskan officials that the professional forester seat on the Alaska Board of Forestry (BOF) be officially designated to be filled by a member of the Society of American Foresters. We recognize that the Governor appoints individuals to the Board of Forestry. However, we feel that specifying that the appointee be a member of and represent the Society of American Foresters, makes it clear that he or she is representing the professional perspective and not that of the individual's current employer or other affiliation.

The Society of American Foresters (SAF) is the national scientific and educational organization representing the forestry profession in the United States. Founded in 1900 by Gifford Pinchot, it is the largest professional society for foresters in the world. The mission of the Society of American Foresters is to advance the science, education, technology, and practice of forestry; to enhance the competency of its members; to establish professional excellence; and, to use the knowledge, skills, and conservation ethic of the profession to ensure the continued health and use of forest ecosystems and the present and future availability of forest resources to benefit society. SAF is a nonprofit organization meeting the requirements of 501 (c) (3). SAF members include natural resource professionals in public and private settings, researchers, CEOs, administrators, educators, and students. The SAF is not a lobbying organization. It is the sole academic accrediting body for forestry degree programs in the United States and like all true professional bodies, the SAF has a detailed Code of Ethics. It is subscription to the aforementioned mission and code of ethics, supported with SAF's continuing education and certification programs, that separates its members from non-members.

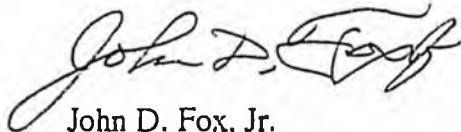
The AKSAF wishes to be very clear that this recommendation does not reflect any complaints or dissatisfaction with current members of the BOF. This recommendation is solely a feeling on our part, that it would be most appropriate and beneficial in a long-range sense, to identify the "professional forester" seat as an "SAF seat", thereby explicitly invoking the mission and code of ethics and making it clear to the individual, the board, and the public, that he or she is representing professional forestry in an institutional sense, not in an employment sense. Accordingly, we also recommend that the employment restrictions on the person filling this seat be dropped with the exception of the restriction that the individual not be a current, non-university,

employee of the State of Alaska. The latter is to avoid any appearance of conflict of interest or any opportunity for, or threat of, retribution.

The SAF charter does not allow political lobbying. Yet, we have a mission to inform the public and decision-makers on the scientific and technical aspects of managing our forest resources. Accordingly, we do not presume to recommend a mechanism whereby our recommendation should be implemented. We also do not wish to jeopardize any existing legislation such as the proposed changes to the Forest Resources and Practices Act. However, we hope that this recommendation is seriously considered. The Alaska SAF and its chapters and members remain willing and able to provide information and expertise with the full backing and resources of the national SAF organization. It is in this spirit that we put forth this recommendation. While many BOF members may be, or may have been SAF members, it has not been explicit that the mission, code of ethics and professional perspective be the mandate of their appointments. We think our recommendation will make the mandate of the professional forester seat very clear.

The Alaska Society of American Foresters offers its services to the Governor, legislators and the Board of Forestry to assist in this process from a professional perspective. We appreciate your favorable consideration of this recommendation and would be happy to answer any questions you may have.

Sincerely,



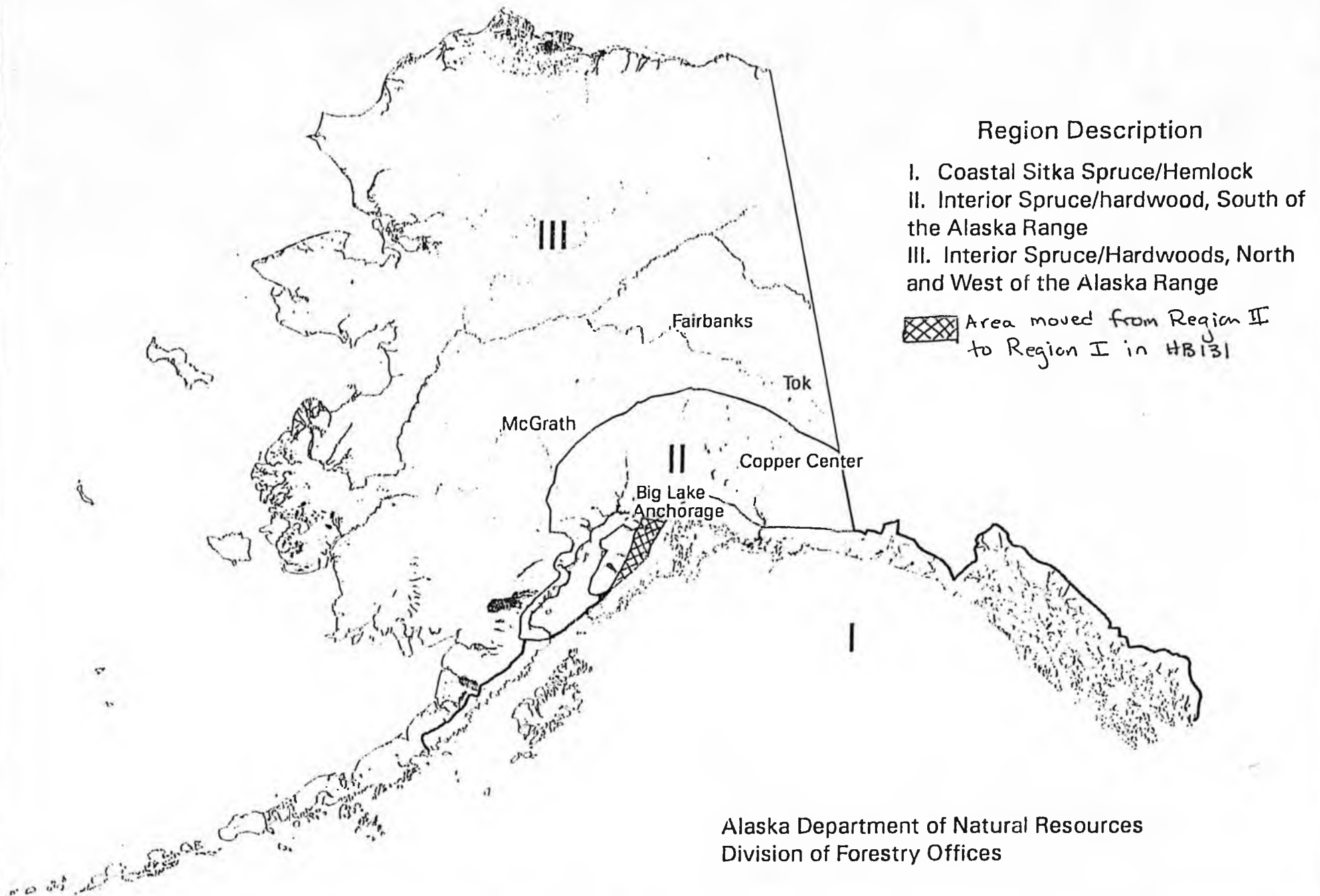
John D. Fox, Jr.

Chair, Alaska Society of American Foresters
(907) 479-6522 <sjfox@gci.net>

cc/ ✓ Jeff Jahnke, State Forester, State of Alaska
Lawrence L. Hartig, Board of Forestry
William R. Jeffress, Board of Forestry
Adrian LeCornu, Board of Forestry
Craig Lindh, Board of Forestry
Richard Smeriglio, Board of Forestry
Chris Stark, Board of Forestry
Gayle Ramey Stevens, Board of Forestry
John Sturgeon, Board of Forestry
Cindy Smith, Coordinator, Boards & Commissions, State of Alaska

Alaska Forest Practices Regions

As defined in 11 ACC 95.800 Designation of Regions





Alaska Conservation Alliance

Uniting for Alaska's Future

Alaska Conservation Alliance Alaska Conservation Voters

HB 131 ~ Standards for Forest Resources and Practices

To: House Resources Committee
Date: February 6, 2002

Alaska Conservation Voters is a nonprofit organization dedicated to protecting Alaska's environment through public education and advocacy. Our 32 member organizations represent over 35,000 registered Alaskan voters. Our members support the conservation of Alaska's forests for the long-term protection of habitat values and the benefits our forests provide humans, wildlife and fish.

House Bill 131, which amends the Alaska Forest Resources and Practices Act (FRPA) in Region III for Interior Alaska, improves both the clarity and content of current regulations and practices. HB 131 is based upon an extensive review of existing scientific research, field data, and public comment, and is the result of a consensus-based, public process that encompassed a broad group of stakeholders including fisherman, loggers, scientists, and land managers.

HB 131 would implement buffer zones along lakes and streams in Interior Alaska, for logging on both private and public land. These substantive changes would allow logging activities to continue in a more ecological and sustainable manner in our interior forests. This bill has incorporated open public process throughout every step of the way. Alaska Conservation Voters urges you to support this legislation.

Danielle B. Brown

"Conserve Alaska: It's Only Natural"

750 W. 2nd Ave. #109, Anchorage AK 99501 / Ph. 907-258-6171 / Fax 907-258-6177

P.O. Box 22151, Juneau AK 99802 / Ph. 907-463-3366 / Fax 907-463-3312 / unite@akvoice.org / www.akvoice.org

