

HB

131

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 131
 (H) Publish Date: 2/16/01
 Dept. Affected: Natural Resources
 BRU: Forestry Mgt & Develop.
 Component: Forest Mgt & Develop.
 Component Number: 435

Revision Date/Time (Note if correction): _____
 Title: Standards for forest resources
and practices
 Sponsor: Rules
 Requester: Governor

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: none
 Check this box (X) if funding for this bill is included in the Governor's FY2002 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 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 12-Feb-01
 Approved by: Pat Pourchot Date 12-Feb-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office



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.

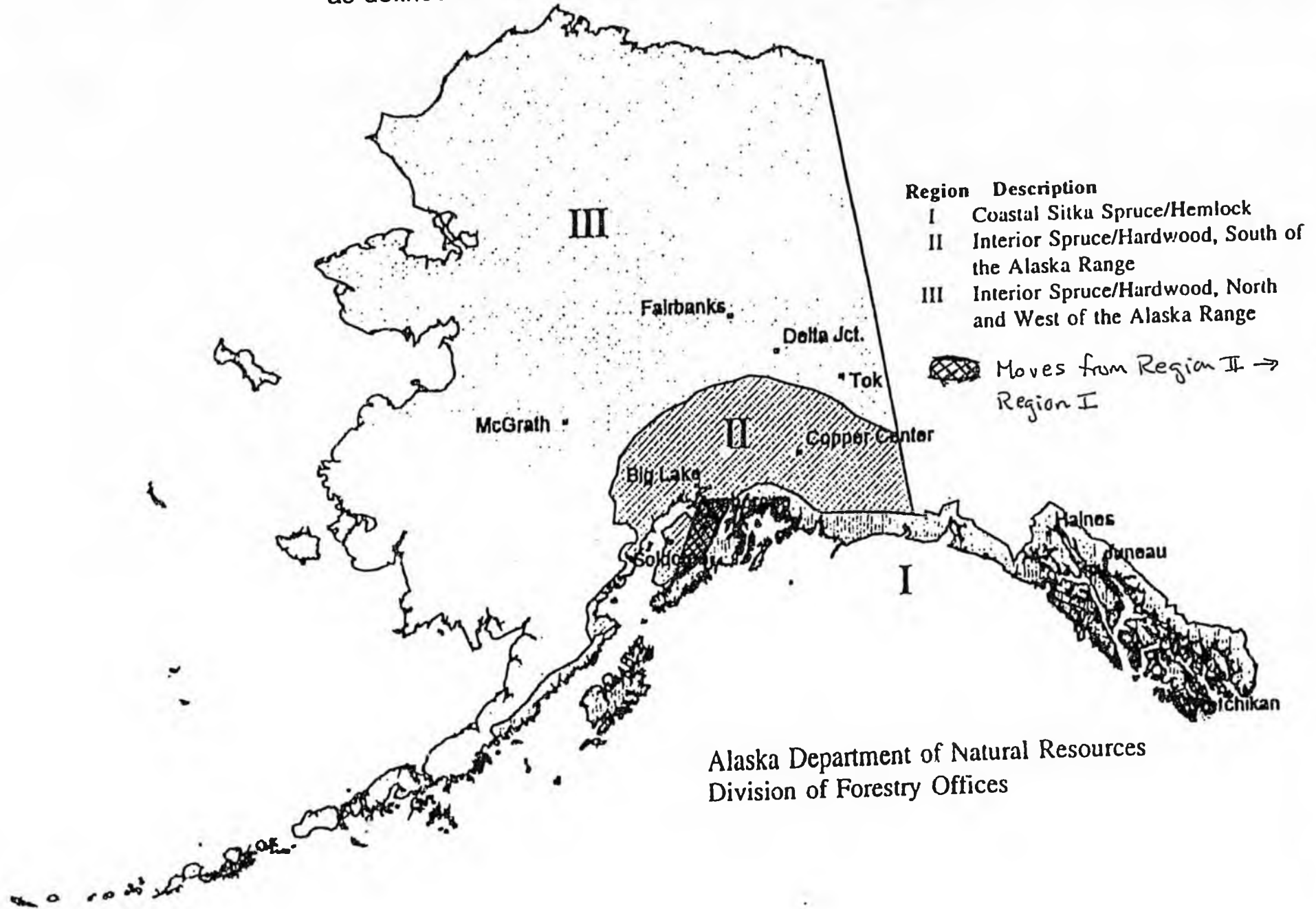
For more information, contact:

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 Resources & Practices Regions

as defined in 11 AAC 95.800 Designation of Regions



Alaska Department of Natural Resources
Division of Forestry Offices

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 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. Finally, Type III-A, III_B, and III-C water bodies are defined for the Interior region based on whether they provided 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.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100
FACSIMILE: (907) 465-2332

March 20, 2002

The Honorable John Torgerson, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Senator Torgerson:

Re: Continued ADF&G Support for HB 131—Forest Resources & Practices Standards

Thank you for scheduling this hearing on House Bill 131—*An Act relating to standards for forest resources and practices; and providing for an effective date.* HB 131/SB 98 amends the Alaska Forest Resources and Practices Act (FRPA) for interior Alaska, by setting standards for forestry activities in riparian areas that protect fish habitat and water quality, support healthy timber and fishing industries, and incorporate the best available science.

The Department of Fish and Game (ADF&G) was an active participant in the interdisciplinary Science and Technical Committee that recommended changes to current riparian management standards and in the stakeholder Implementation Group that drafted language for changes to the FRPA and regulations. We were pleased when the Board of Forestry reviewed and concurred with the recommendations from the Implementation Group. The entire history of HB 131 now before you has occurred by consensus among a diverse group of stakeholders seeking balance among potentially competing uses of state resources.

ADF&G remains firmly in support of HB 131, and we urge this committee to pass the bill on without amendment in a timely manner. Thank you.

Sincerely,



Frank Rue
Commissioner

cc: Gordy Williams, ADF&G Legislative Liaison
Chip Dennerlein

TABLE 2. Existing and Riparian management standards and changes proposed in HB 131 for Region III

Land Owner	Buffer
Public	<p>Existing standard: No harvest of timber within 100' immediately adjacent to an anadromous or high value resident fish water body unless the division determines that adequate protection remains for the fish habitat. AS 41.17.118(a)(1), AS 41.17.119(2)</p> <p>HB 131: Type IIIA (non-glacial waters and glacial backwater sloughs) – no harvest within 100', except that harvesting may occur between 66' and 100' with the agreement of ADF&G. Type IIIB (other glacial waters) – no harvest within 50'; up to half the large white spruce may be harvested between 50' and 100'. Type IIIC (small high value resident fish waters) -- harvest of timber within 100 feet of the water body must be consistent with the maintenance of important fish and wildlife habitat</p>
Private	<p>Existing standard: A timber harvest operation within 100 feet from the shore or bank of an anadromous or high-value resident fish water body must be located and designed primarily to protect fish habitat and surface water quality from significant adverse effects. 11 AAC 95.260</p> <p>HB 131: Type IIIA (non-glacial waters and glacial backwater sloughs) – no harvesting within 66' Type IIIB (other glacial waters) – no harvest within 33'; up to half of large white spruce can be harvested between 33' and 66' Type IIIC (small high value resident fish streams) -- harvest of timber within 100 feet of the water body must be located and designed primarily to protect fish habitat and surface water quality</p>

Other changes:

- Stream classes in Region I (Coastal Alaska) are changed from "A, B,C, D" to "I-A, I-B, I-C, and I-D" to avoid confusion between regions.
- The definitions of the regional boundaries are moved from the regulations to the statute to make it easier to reference the regions in the statute.
- The boundary between Region I (Coastal Alaska) and Region II (the boreal forest south of the Alaska Range) on the Kenai Peninsula and Turnagain Arm is moved to better match the boundary between forest types in this area. The affected area is mainly federal land.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

TONY KNOWLES, GOVERNOR

555 W. 7th Ave., Suite 1450
ANCHORAGE, ALASKA 99501-3566
PHONE: (907) 269-8463
FAX: (907) 269-8931

March 21, 2002

Senator John Torgerson
State Capitol, Room 427
Juneau, AK 99801-1182

Dear Senator Torgerson,

Thank you for hearing testimony on HB 131, the Forest Practices bill for Interior Alaska. In response to a question raised at the hearing, I would like to clarify the process used to develop this bill, and the broad support that it has.

The bill is based on recommendations from a science and technical committee with expertise in forestry, hydrology, fisheries, and soil science. The committee included scientists and experienced field staff from the University of Alaska, state resource agencies, the US Geological Survey, Native corporations, and private consultants. The scientific recommendations were reviewed by an Implementation Group with representatives from the timber and fishing industries, private landowners, state resource agencies, and environmental groups. HB 131 contains the consensus recommendations of this diverse group. The Implementation Group's recommendations were reviewed and unanimously endorsed by the Board of Forestry, which also represents diverse interests, including the timber, fishing, and mining interests, forestry and fisheries biologists, recreationists, and environmental groups.

This broad array of interests has continued to support the bill. There is written testimony in support of the bill from the following interests, and there has been no written opposition to the bill.

- Alaska Forest Association
- Society of American Foresters, Alaska Chapter
- Fairbanks Chamber of Commerce
- White Spruce Enterprises
- Tanana Valley State Forest Citizens' Advisory Committee
- Alaska Conservation Alliance
- Individuals.

In prior hearings, there has been oral testimony supporting the bill from the following interests, and no opposition to the bill.

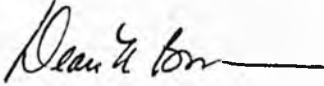
- Board of Forestry
- Yukon River Drainage Fisheries Association
- United Fishermen of Alaska
- Bering Sea Fisherman's Association

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

- Alaska Boreal Forest Council
- Northern Alaska Environmental Center.

Thank you again for consideration of this bill. It reflects a great deal of work by many interests, and continues the successful practice of developing all changes to the Forest Resources and Practices Act through the Board of Forestry. The consensus is based on the involvement of all parties in its development.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Jahnke", followed by a horizontal line.

by Jeff Jahnke
State Forester

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

Please deliver the following pages to:

NAME: Darwin Peterson LOCATION: Jno

FAX NUMBER: 465-4777 # OF PAGES, INCLUDING COVER: 3

FROM: Marty Freeman, DNR-DUF LOCATION: Anch

TELEPHONE: 269-8473 FAX: 269-8931 DATE/TIME: 4/2

COMMENTS:

Darwin - Thanks again for meeting with me on March 22 to discuss HB 131. At the hearing, Bob Zachel noted a concern that ADF+G might request buffers wider than those in the Act on some timber sales. I wanted to let you know that we have reviewed, and I believe resolved, his concerns. DNR + ADF+G jointly sent him the attached letter of clarification, and we met with him today to follow-up. We all reached agreement on how to address his concerns without changes to HB 131. Bob Zachel has said he'll call Sen. Torgerson or you to confirm that. Please call if you have questions, and thanks again for your interest in this bill.

- Marty Freeman, DNR Division of Forestry
269-8473 or martyw@dnr.state.ak.us

STATE OF ALASKA**DEPARTMENT OF NATURAL RESOURCES**

DIVISION OF FORESTRY

TONY KNOWLES, GOVERNOR555 W. 7th Ave., Suite 1450
ANCHORAGE, ALASKA 99501-3566
PHONE: (907) 269-8463
FAX: (907) 269-8931

March 28, 2002

Bob Zachel
Alaska Birch Works
P.O. Box 83244
Fairbanks, Alaska 99708

Dear Bob,

This letter is to follow up on your comments at the Senate Resources hearing on HB 131 on Wednesday, March 20, 2002. At the hearing you expressed concern that the riparian standards in HB 131 would be only a starting point and that the Alaska Department of Fish and Game (ADF&G) would frequently request that timber sales leave wider buffers on fish streams. We would like to clarify how Forest Resources and Practices Act standards are implemented.

The Forest Resources and Practices Act establishes the buffers required for adequate protection of fish habitat and water quality. The proposed new riparian standards for Region III (Interior Alaska) were the consensus of an implementation group, which included ADF&G. On private and other non-state land, the Act is our only authority to require buffers in timber sales -- the agencies cannot require wider buffers than those established by the Act.

On state land, DNR Division of Forestry has the authority to design timber sales, and the buffers in the Act are standard provisions on state sales. If ADF&G has information that additional protection is needed on a particular site, Forestry would consider that information on a case-by-case basis. If there is site-specific evidence that additional protection is needed, Forestry could provide a wider buffer. However, this would be an exception, not a common occurrence. Forestry has been voluntarily implementing the riparian standards in HB 131 on state land for over a year. In that time, ADF&G has not requested wider buffers within any proposed timber sale.

ADF&G has asked for more time to map fish habitat before design is completed on some sales. The need for additional information on which streams have salmon or high value resident fish exists in some areas whether we operate under the existing standards, or the standards proposed in HB 131. The agencies are working to identify the location of proposed sales and needed fish habitat information in proposed sale areas in advance through the Forestry's Five-Year Schedule of Timber Sales. ADF&G will use the Schedule to identify the highest priority areas for

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

March 23, 2002

Page 2

additional fish habitat information and will target fieldwork at these priority areas to allow for timely sale preparation.

Sincerely,



For: John C. "Chris" Maisch, Northern Region Forester
DNR Division of Forestry



Alvin G. Ott, Regional Supervisor
ADF&G Habitat & Restoration Division

cc: Senator John Torgerson
Jeff Jahnke, State Forester



YUKON RIVER DRAINAGE FISHERIES ASSOCIATION

725 Christensen Drive, Suite 3-B, Anchorage, Alaska 99501
Tel: 907-272-3141 Toll free: 877-999-8566
Fax: 907-272-3142 E-mail: yrdfa@alaska.com

TO: Senator Torgerson
COMPANY: Resources Committee, Chair
FAX NUMBER: 907-465-4779

FROM: Jill Klein, Executive Director, YRDFA
DATE: April 1, 2002

Cc:

PAGES INCLUDING COVER SHEET: 2

MESSAGE:

Please accept this written testimony in support of H.B. 131.

Thank you,

A handwritten signature in cursive script that reads "Jill Klein".

Jill Klein, Executive Director
Yukon River Drainage Fisheries Association

**YUKON RIVER DRAINAGE FISHERIES ASSOCIATION**

725 CHRISTENSEN DRIVE, SUITE 3-B • ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-3141 • 1-877-99-YUKON (9.8566)
FAX: (907) 272-3142 • E-MAIL: YRDFA@ALASKA.COM

April 1, 2002

Senator John Torgerson
Resources Committee, Chair
State Capitol, Juneau, AK 99801-1182
Room 427

Re: HB 131 an act relating to standards for forest resources and practices
Submission of written testimony

Dear Senator Torgerson:

The Yukon River Drainage Fisheries Association (YRDFA) works with commercial and subsistence salmon fisheries on the Yukon River. We were formed in 1990 when fishermen gathered in Galena to foster communication and cooperation between historically competing fishermen, to promote cooperative management between fishermen and agencies and to increase returns of salmon through habitat restoration and enhancement projects.

YRDFA was invited to join in the implementation group that was created to include various interests when making recommendations to the Forest Resources and Practices Act. Through the participation of Board members and staff, YRDFA was able to be part of the decision-making process and to ensure that the voice of the fishery resource and the fishermen were at the table.

We support the process that took place and the outcome that resulted in recommendations to the classification of stream types and riparian buffers for public and private lands in region III under the Forest Practices and Resources Act. H.B. 131 is good for both fishing and timber because it strengthens protection for interior fish habitat and does it in a manner that is practical for the timber industry to implement.

Thank you for your consideration of my testimony.

Sincerely,

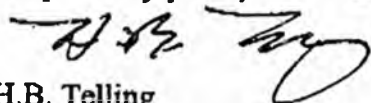
A handwritten signature in cursive script that reads "Jill Klein".

Jill Klein
Executive Director

Dear Elected Official,

The Associated Students of the University of Alaska-Fairbanks is the state's oldest and strongest student association, representing over 6,300 students at the University of Alaska Fairbanks. The following is a resolution passed at the March 29th meeting of the ASUAF Student Senate. This resolution was passed by Unanimous Consent, with Acclamation. This should be considered a very strong message on behalf of the Students of UAF. Please read it, and treat it as such.

Respectfully yours,



H.B. Telling
ASUAF Senate Chair
P.O. Box 756640
Fairbanks, AK 99775
Telephone: 474-7355
Fax: 474-5157

Att. Darwin Peterson

Page 1 of 4

ALASKA BIRCH WORKS

Bob Zachel
P.O. Box 83244
Fairbanks, AK 99708
(907) 455-6164

Darwin,
The following statement covers my concerns in regards to HB 131.

ADF+G must present clear, scientific, peer reviewed data to justify their objections to timber sales beyond the 100 ft setback. ADF+G retains due deference based on expertise on site specific locations.

Also included are three pages of comments from ADF+G to Dept of Forestry in regards to timber sales. I underlined the specific language I found disturbing. Later comments by ADF+G deleted some of the language. However, once this line was broadcast an omission is not the same as a retraction. I do not require a rewrite of HB 131 to address my concerns. A statement by ADF+G personnel concurring with my above statement, at a legislative hearing, would be acceptable.

att. Darwin Peterson pg 2 of 4

MEMORANDUM

**State of Alaska
Department of Fish and Game**

To: Pete Buist, Resource Forester
Division of Forestry
Department of Natural Resources
Fairbanks

Date: October 17, 2001

File No:

Telephone Number: 459-7289
Fax Number: 456-3091

From: Alvin G. Ott, Regional Supervisor
Habitat and Restoration Division
Department of Fish and Game
Fairbanks

Subject: Comments on Agency Draft
Fairbanks Area 5-Year
Schedule of Timber Sales
Fiscal Years 2002 to 2006

The ADF&G has reviewed the Agency Review Draft Five-Year Schedule of Timber Sales (FYSTS) for Fiscal Years 2002 to 2006, developed by the Fairbanks Area Office of DNR Division of Forestry (DOF) in accordance with AS 38.05.113.

We understand that the DOF is seeking scoping-level comments to assist in preparation of Forest Land Use Plans (FLUPs), and in meeting the requirements of AS 38.05.112, AS 41.17.060, and AS 41.17.118. In particular, the ADF&G reviewed how the proposed activities might affect fish and wildlife species and their habitats, and human uses of these forest resources. During the review, the Habitat & Restoration Division consulted with the divisions of Wildlife Conservation (DWC), Subsistence, Sport Fish, and Commercial Fisheries, and incorporated comments they provided. We look forward to working with the Fairbanks Area as FLUPs are prepared and reviewed for each sale.

GENERAL COMMENTS

Better information on the planned transportation systems would greatly improve this FYSTS. In particular, information on the anticipated access season could be easily added as a column in the tables for all fiscal years. Miles of new and maintained or reconstructed roads could be placed in a transportation section.

Several apparently typographic errors were noted in the FYSTS. Check the fiscal year notations throughout, particularly in the Table of Contents and on the regional maps for FY 2006. Check the TBAP management unit for the Little Delta #5 sale.

Lack of Disturbance and Impact to Wildlife Habitat section: We offer the following suggestions and edits to the section found on pages 6 and 7 of the FYSTS.

Att. Darwin Peterson pg 4 of 4

Pete Bulst
October 17, 2001

6

Fairbanks Area 5-yr Schedule
FY 02-06 Agency Draft

NC-741-F Big Bend #3 and NC-1019-F Big Bend Mixed: These sales are best reviewed together, in context with the previous Big Bend sales. The Chena River floodplain between Two Rivers and Chena River Recreation Area, including side channels, provides critical year-round habitat for anadromous and high value resident fish. We recommend that Big Bend #3 be deferred due to the complex drainage system within this sale area, possibly including backwater sloughs, that shows on aerial photos. Until complete information can be obtained on water body locations and types, and the extents of anadromous and high value resident fish habitats, we recommend that no further action be taken on this sale. The highest standards must be applied to unit layout, streamside buffers, road locations, winter stream crossings, and application of BMPs to prevent water quality degradation in fish habitat. The ADF&G recommends that the harvest and fallow areas mosaic for floodplain forest types described in TVSFMP Timber Management Guideline D.2 be maintained in this floodplain area. Crossings of all fishbearing waters will require a Fish Habitat (Title 16) Permit.

NC-751-F Midway Island North: This proposed sale is within the active floodplain of the Tanana River. All watercourses within the limits of ordinary high water provide habitat for anadromous and high value resident fish species. In Barton's 1989 radiotelemetry study, fall chum salmon were documented spawning immediately upstream of the southern end of the sale area of interest. The method for crossing the Tanana side channel by the existing secondary road is not specified, but will require a Fish Habitat (Title 16) Permit unless a bridge currently exists. We are unable to comment farther on road issues because the access routes are not shown. The extensive network of historic channels shown on the sale map will make layout of this sale difficult. In addition, the ADF&G recommends that a mosaic of small units be laid out if this sale is pursued, in an effort to better emulate typical floodplain disturbance patterns. In particular, cutting should be limited in the southern portion of the island (Section 35) where previous harvests have occurred.

NC-844-F Whiskey Island #3: The precise nature of our comments on this proposed sale depends on which of the identified areas of interest are actually used for sale layout. The northern portion of Section 8 has spruce sawtimber on relatively steep slopes, requiring a different level of care during harvest than the flatter sites in the rest of the section. Operations in Section 17 would require a Fish Habitat (Title 16) Permit for crossing Ho' Slough, a side channel of the Tanana River. The proposed crossing site would have to be evaluated based on bed and bank conditions, and winter water levels. All channels within the ordinary high water mark of the Tanana River active floodplain would be considered Type III-B waters for riparian standard purposes. Although we have no site-specific knowledge of waterbodies in this area at this time, the maps we consulted suggest that there may be other waterbodies requiring riparian buffers within these sections. We would appreciate clarification of land status for this sale, since the map for the newly adopted TVSFMP shows these sections to be out of the TVSF.

I do not want this statement to set a precedent.

[REDACTED]

Att Darwin Peterson pg 3 of 4

Pete Buist
October 17, 2001

5

Fairbanks Area 5-yr Schedule
FY 02-06 Agency Draft

or wildlife concerns with these proposed access roads and harvest areas at this time. Areas with steep hillsides in some areas of interest indicate that extra care will be needed during road construction and maintenance activities, and during harvest, to prevent erosion and subsequent sedimentation of downslope surface waters. No cataloged¹ or known high value resident water bodies are present within the sections identified on the 5-Yr Schedule maps for these sales. Based on existing information, Title 16 permits are not needed for any displayed stream crossings. However, we reserve the right to modify this should additional information confirming fish presence become available, and to require correction under AS 16.05.860 should we discover in the future that fish passage has been blocked.

NC-582-F Dunbar North #1: This proposed sale is adjacent to the MFSGR. The small lakes at the toe of the slope may contain northern pike and/or whitefish, although this has not been field tested to date. The Division of Sport Fish will attempt to sample these lakes for fish and water quality this winter. Appropriate BMPs and site-specific care would need to be taken during harvest on the steeper hillside portions of this sale area. See our comments above under *Wildlife Resources* for concerns with increased access to the Dunbar Trail area. Perhaps the mainline road in this area could be kept well up on the ridge, with short spurs down to cutting units.

NC-718-F Jenny M. Birch #10 and NC-1105-F Jenny M. South: These sales are best reviewed together, in context with the previous Mullen Slough and Jenny M. sales. As noted in our comments on Jenny M. South in the previous FYSTS, the Chena River floodplain between Two Rivers and Chena River Recreation Area, including Mullen Slough, the lower portion of Jenny M. Creek, and other side channels, provides critical year-round habitat for anadromous and high value resident fish. We continue to recommend that Jenny M. South be deferred due to the complex drainage system within this sale area, possibly including backwater sloughs, that shows on aerial photos. Until complete information can be obtained on water body locations and types, and the extents of anadromous and high value resident fish habitats, we recommend that no further action be taken on this sale. The highest standards must be applied to unit layout, streamside buffers, road locations, winter stream crossings, and application of BMPs to prevent water quality degradation in fish habitat. The ADF&G is concerned by the potential cumulative effects of the nearly contiguous harvests existing and planned in this portion of the Chena floodplain. Without some sort of long-term DOF plan, it will be difficult for harvest and fallow areas to maintain the mosaic of floodplain forest types described in TVSFMP Timber Management Guideline D.2. Crossings of all fishbearing waters will require a Fish Habitat (Title 16) Permit.

no ongoing study no line

no such thing as "complete information"

¹ For the sake of brevity, it is customary to refer to the rivers, lakes, streams, or parts of them that are specified in the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes pursuant to AS 15.05.870(a) (Anadromous Fish Act), and depicted cartographically in the corresponding Atlas(es), simply as "cataloged."

**Tanana Valley State Forest
Citizens' Advisory Committee**

3700 Airport Way
Fairbanks, AK 99709

March 18, 2002

Senator John Torgerson, Chair
Senate Resources Committee
State Capitol, Room 427
Juneau, AK 99801-1182
Fax: (907) 465-4779

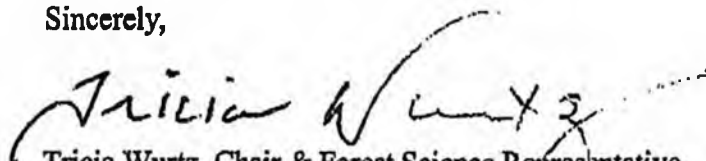
Dear Senator Torgerson,:

As you know, the Tanana Valley State Forest Citizens' Advisory Committee advises the State Forester on matters regarding the management of the Tanana Valley State Forest. We have been tracking the efforts of the many scientists and natural resource professionals working to revise the riparian standards and stream classification system for Region III (Interior Alaska) of the Forest Resources and Practices Act. On March 19, 2001, the Citizens' Advisory Committee unanimously resolved to support the language of HB131 by passing the following:

The TVSF CAC commends the interdisciplinary Science & Technical Committee and the Implementation Group for their work in developing the provisions of HB13. This bill is the result of effective consensus-building among diverse user groups and is based on the best available scientific information. The TVSF CAC recommends prompt passage of this bill as written.

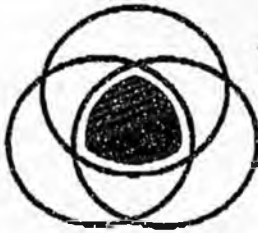
During our meeting on December 5, 2001, we voted to re-issue this letter. We still support prompt passage of these bills as written.

Sincerely,



Tricia Wurtz, Chair & Forest Science Representative
Tanana Valley State Forest Citizens' Advisory Committee

CC: Marty Welbourn Freeman



ALASKA BOREAL FOREST COUNCIL

Sustaining our partnership with the land

*Community
Ecology
Economy*

Senator John Torgerson
State Capitol, Room 427
Juneau, AK 99801-1182

March 20, 2002

Dear Senator Torgerson,

The Alaska Boreal Forest Council urges passage of HB 131/SB 98 in its current form. This bill addresses important provisions for the fuller implementation of the Alaska Forest Resources and Practices Act (FRPA) north of the Alaska Range (Region III of the Division of Forestry). It sets standards for commercial forestry operations in areas bordering surface waters and within riparian areas on all land ownerships throughout the Interior.

The bill itself is the outcome of an excellent two-part process established by the Board of Forestry. First a Science and Technical Committee reviewed the issues and pertinent research. It then drafted a stream classification system for this part of the state, and recommended changes to current riparian management standards based on the special conditions of glacial and non-glacial streams in Interior Alaska. The Implementation Group, comprised of representatives of affected interests, reviewed those recommendations, discussed how to make them work operationally, and drafted language for the bill.

All who have been involved in this process are to be congratulated for their good work. Given their care and expertise, its no surprise that the bill enjoys wide-ranging support from forest-based businesses, academics, agency managers, and community organizations. It is an important piece forward in everyone's expressed interest in sustained yield, multiple use management of forested lands for our region of the state.

Sincerely,

Janice C. Dawe, Ph.D.
Executive Director

WHITE SPRUCE ENTERPRISES, INC.

1029 1/2 Old Valdez Trail - Salcha, AK 99714

Telephone 907-488-3004

Fax 907-488-2551

whitespruce@moscultonet.com

March 20, 2002

Senator John Torgerson
State Capitol, Room 427
Juneau, AK 99801-1182
Fax: 907-456-4779

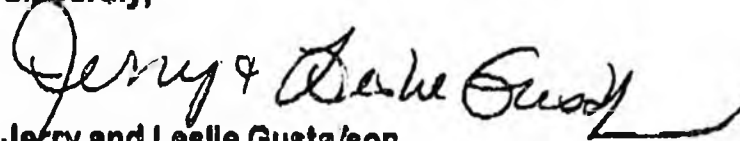
Dear Senator Torgerson,

RE: HB 131

We would like to request your support for HB 131 (the bill establishing a stream classification system and stream protection measure in Interior Alaska). This is a bill that many groups can live with—loggers, environmental interests, and personal land holders. It was an interdisciplinary effort of scientists and technical experts and members of many user groups who came to a consensus solution (not an easy task!).

We would appreciate your support to move this bill forward. We have been to many meetings to work this to an acceptable ruling for the timber industry.

Sincerely,



Jerry and Leslie Gustafson
White Spruce Enterprises, Inc.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 131
 (H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): 01/30/02 Dept. Affected: Natural Resources
 Title: Forest Resources and Practices Standards BRU: Forestry Mgt & Develop
 Component: Forestry Mgt & Develop
 Sponsor: Rules by Request of Governor
 Requester: (H) RES Component Number: 435

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