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SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/28/03

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4-28-03

Resources Committee considered SENATE BILL NO. 88

SB 88 FOREST RESOURCES & PRACTICES STANDARDS

"An Act relating to standards for forest resources and practices; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DNR	4/22/03		✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB88
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Forest Resources & Practices Standards BRU Forest Management & Development
 Component Forest Management & Development
 Sponsor Sen. Seekins
 Requester (S) RES Component No. 435

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()	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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

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)

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 and sale administration process.

Prepared by: Jeff Jahnke, Director Phone 907-269-8474
 Division Forestry Date/Time 4/22/2003
 Approved by: Tom Irwin, Commissioner Date 4/22/2003
 Agency Natural Resources

ALASKA STATE SENATE



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Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 88 Sponsor Statement

This Bill revises the riparian management standards of the Forest Resources Practices Act (FRPA) for Region III by strengthening protection for fish habitat and water quality in a manner that continues to support both the timber and fishing industries.

The current standards for Region III were adopted as an interim measure 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. With the proposed Bill, all anadromous and high-value resident fish waters are classified and riparian standards are established for each classification.

The requirements are tailored to the characteristics and fish habitat needs of each stream type. A no-harvest buffer will be required on most anadromous and high-value resident fish waters. 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 allows landowners to capture some of the economic value within the riparian areas while keeping enough large trees to provide woody debris.

This bill is not a wholesale revision of the Act. It has substantive changes for riparian management standards applying to Region III only. 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 forestland in the affected area is in federal ownership, so there will be minimal impact on other landowners.

SB 88 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 continues to provide "one-stop shopping" for the timber industry with respect to state and federal non-point source pollution and coastal management standards.

This bill 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 private sector as well as University of Alaska and federal scientists.

An Implementation Group that included representatives of the timber and fishing industries, Native corporations and environmental groups drafted language to implement the scientists' recommendations in a practical manner that works in the field. This bill is unanimously endorsed by the Board of Forestry and has support from a broad array of interest groups.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 7, 2003

SUBJECT: Sectional Summary - SB 88 (Work Order No. 23-LS0393D)

TO: Senator Ralph Seekins
Attn: Brian

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents. This bill is a reintroduction of SCS HB 131(FIN) (22nd Legislature). HB 131 was introduced in the 22nd Legislature as a governor's bill.

Sections 1 - 10 of the bill extensively amend AS 47.17.080 - 47.17.143 and 41.17.950, what are commonly referred to as the forest practices act. New definitions and forest practice standards are established for water bodies on public and private land that are also dependent upon the area of the state where the water body is found. Section 10 supplies the new definitions.

Section 11 of the bill provides that regulations not in conflict with the bill remain in effect and also allows the commissioner of natural resources to begin adopting new regulations prior to the effective date of the bill.

Sections 12 and 13 provide effective dates.

GPL:med
03-371.med



Briefing:

Region III Forest Practices amendments

March 2003

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Overview. A bill to amend the Alaska Forest Resources and Practices Act (FRPA) for Interior Alaska (Region III) has been introduced this year as SB 88. This legislation was introduced and heard in the 2001-2002 sessions as HB 131. 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 the private sector.

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 originally introduced as HB 131. In 2001-2002, this bill was heard in the House Special Committee on Fisheries, House Resources Committee, Senate Resources Committee, and Senate Finance Committee, and passed out of all committees without opposition. The House also passed the bill without opposition. The bill was not scheduled for vote on the Senate floor. It was reintroduced as SB 88 in 2003 by Senator Seekins.

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:

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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

**Organizations and Individuals Testifying in Support of HB 131
During 2001-2002 sessions**

- Yukon River Drainage Fisheries Association (Jill Klein, Bill Fliris, Chris Stark)
- Bering Sea Fishermen's Association (Chris Stark)
- United Fishermen of Alaska (Jerry McCune)
- Northern Alaska Environmental Center (Nancy Fresco)
- Board of Forestry members (Larry Hartig, Bill Jeffress, Rick Smeriglio)
- Larry Smith, individual

Written support for HB 131 during 2001-2002 sessions

- Alaska Forest Association (Jack Phelps, executive director)
- Society of American Foresters, Alaska Chapter (John Fox, chair)
- White Spruce Enterprises (Leslie and Jerry Gustafson)
- Tanana Valley State Forest Citizens' Advisory Committee (Trish Wurtz, chair)
- Alaska Conservation Alliance (Danielle Brown)
- Yukon River Drainage Fisheries Association (Jill Klein, executive director)
- Fairbanks Chamber of Commerce (John Burns, chair)
- Individuals
 - Frederick Dean, Fairbanks
 - Tom Paragi, Fairbanks
 - Jim Reynolds, UAA Emeritus Professor of Fisheries, Fairbanks

Additional support in 2003

- Tanana Valley State Forest Unit 2 Planning Team

**Tanana Valley State Forest
Unit 2 Planning Team
3700 Airport Way
Fairbanks, AK 99709**

February 10, 2003

Jeff Jahnke, State Forester
Alaska Division of Forestry
550 West 7th Avenue, Suite 1450
Anchorage, AK 99501-3566

Dear Mr. Jahnke:

The members of the Unit 2 Tanana Valley State Forest Planning Team are working to determine how to manage the lands and resources in Unit 2. We understand the efforts of the many scientists and natural resource professionals that worked together to revise the riparian standards and stream classification system for Region III (Interior Alaska) of the Forest Resources and Practices Act. During our meeting on December 16th, the Planning Team unanimously resolved to support the Region III riparian standards agreement by passing the following:

The Tanana Valley State Forest Unit 2 Planning Team commends the interdisciplinary Science and Technical Committee and the Implementation Group for their work in developing the Region III riparian standards and stream classification system. These agreements are the result of effective consensus building among diverse user groups and are based on the best available scientific information. The Unit 2 Planning Team recommends prompt passage of legislation containing these agreements as written.

Our stakeholder planning team has been convened to advise the Division of Forestry on how Unit 2 should be managed. We represent the diverse interests of the people who use the State Forest. We hope that you will endorse our recommendation by forwarding this letter to the various heads of legislative committees who will consider legislation on these agreements.

Sincerely,

Members of the Tanana Valley State Forest Unit 2 Planning Team

Doug Bowers (Tolovana Lodge)
Tom Bucceri (DNR Division of Oil and Gas)
Jim Durst (Department of Fish and Game)
Chris Foley (Department of Environmental Conservation)
Nancy Fresco (Northern Alaska Environmental Center)
Victor Joseph (Tanana Chiefs Conference)
Edna Hancock (Toghotthele Corporation)
Paul Maki (DNR Division of Forestry)
Steve McGroarty (DNR Division of Mining, Land and Water)
Tom Paragi (Department of Fish and Game)
Eric Pyne (timber industry)
Ron Silas (Minto resident, member of the Fish and Game Advisory Council)
Roselynn Ressa Smith (DNR Division of Mining, Land and Water)

Paul Maki

Tom Paragi

Tom Bucceri

Roselynn Ressa Smith

James W Durst

Eric Pyne

Nancy Fresco

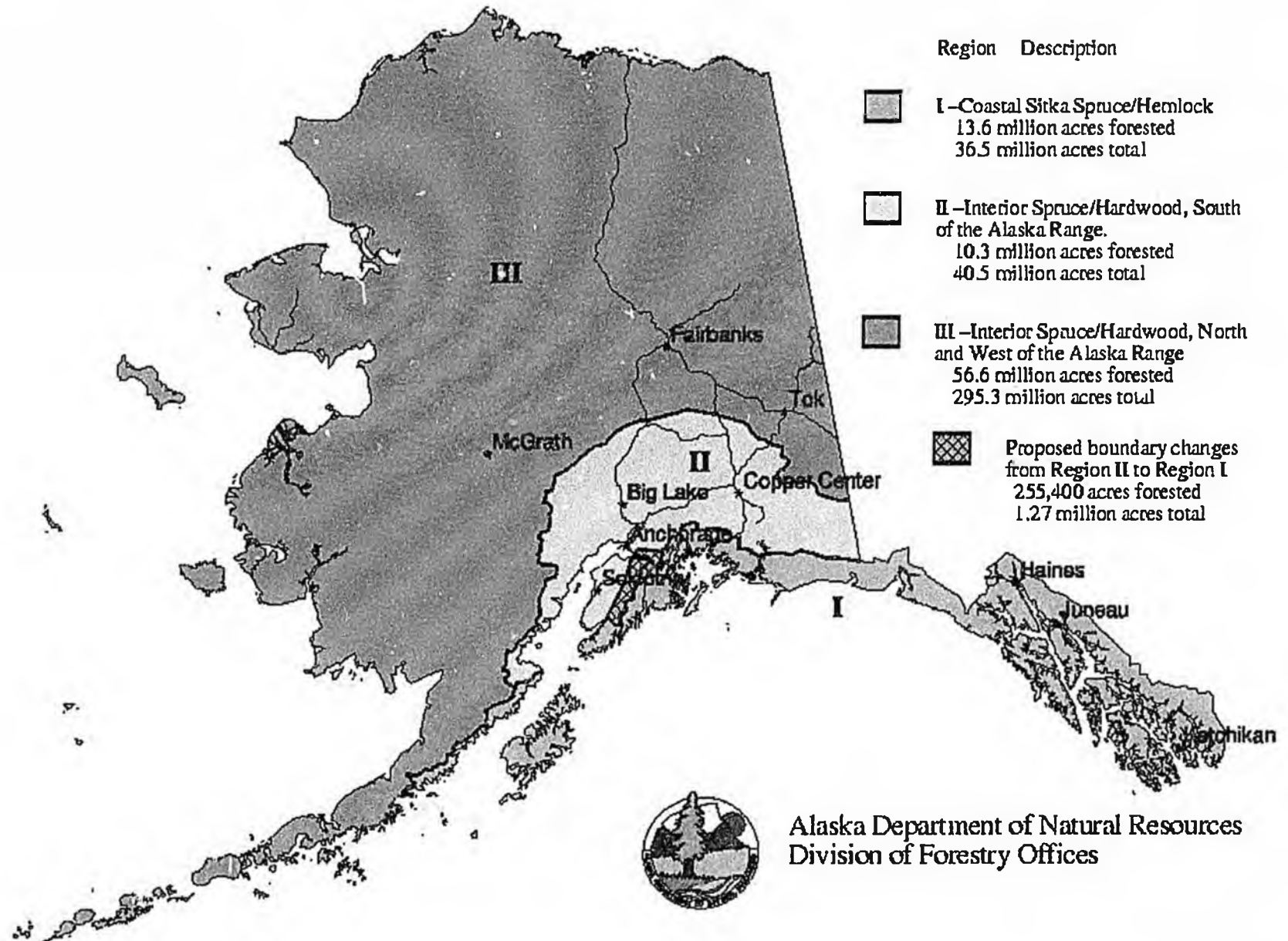
Doug Bowers

Steve for Steve McGroarty





THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Alaska Forest Resources & Practices Regions

Proposed Boundary changes - Spring 2003



Region Description

- 
I - Coastal Sitka Spruce/Hemlock
 13.6 million acres forested
 36.5 million acres total
- 
II - Interior Spruce/Hardwood, South of the Alaska Range.
 10.3 million acres forested
 40.5 million acres total
- 
III - Interior Spruce/Hardwood, North and West of the Alaska Range
 56.6 million acres forested
 295.3 million acres total
- 
Proposed boundary changes from Region II to Region I
 255,400 acres forested
 1.27 million acres total



Alaska Department of Natural Resources
 Division of Forestry Offices

Alaska Forest Resources & Practices Regions

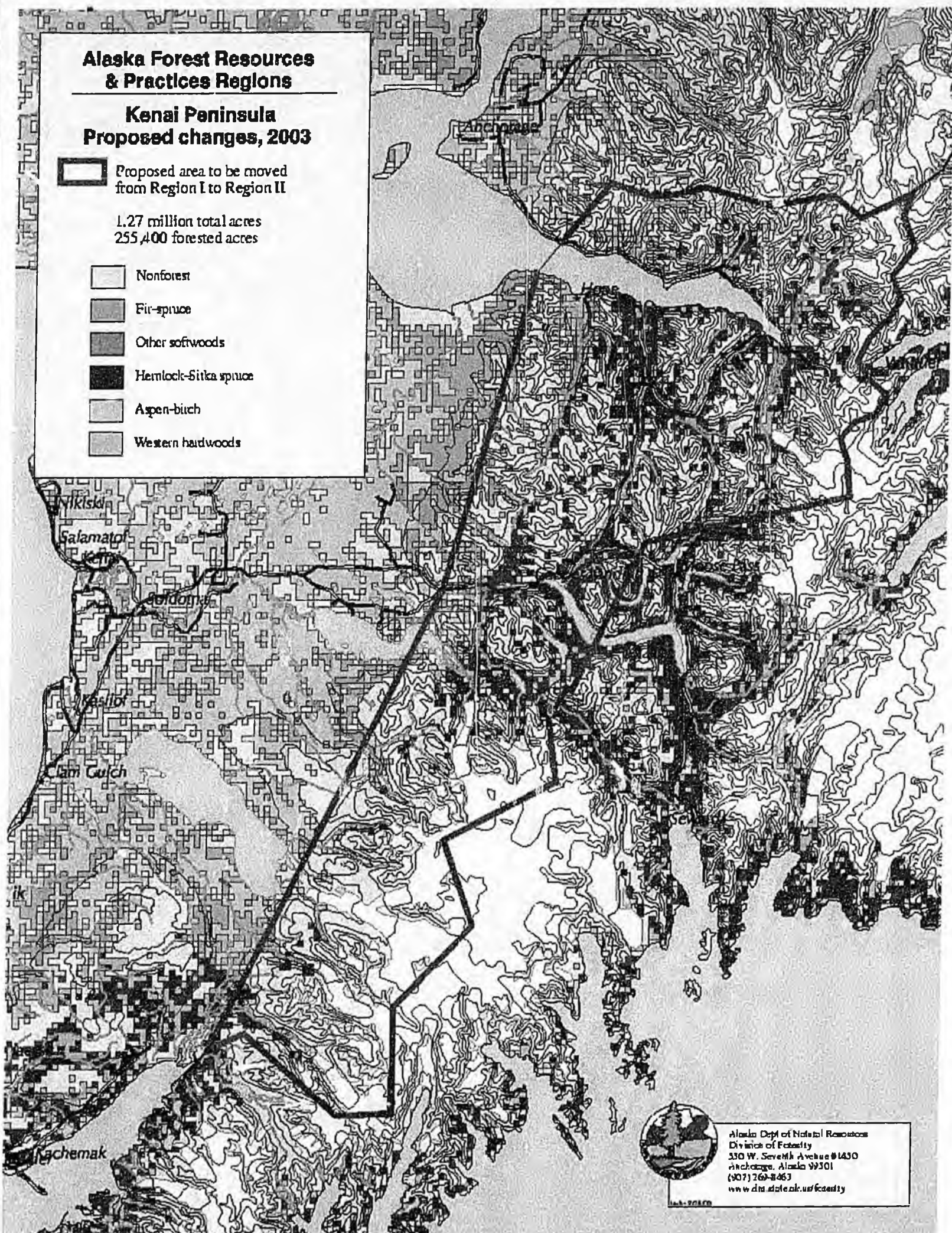
Kenai Peninsula Proposed changes, 2003



Proposed area to be moved
from Region I to Region II

1.27 million total acres
255,400 forested acres

-  Nonforest
-  Fir-spruce
-  Other softwoods
-  Hemlock-Sitka spruce
-  Aspen-birch
-  Western hardwoods



Alaska Dept of Natural Resources
Division of Forestry
330 W. Seventh Avenue #1430
Anchorage, Alaska 99501
(907) 269-8463
www.dnr.state.ak.us/forestry

HOUSE BILL NO. 131 February 26, 2001

"An Act relating to standards for forest resources and practices; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. AS 41.17.087(b) is amended to read:

(b) The commissioner shall adopt regulations that specify the standards under which a variation will be granted for harvesting timber within the riparian area of

(1) a low gradient Type I-A [TYPE A] water body with a width of five feet or less; and

(2) other appropriate water body types.

Sec. 2. AS 41.17.116 is repealed and reenacted to read:

Sec. 41.17.116. Riparian standards for private land. (a) Private forest land adjacent to the following types of waters and located in Region I is subject to the riparian protection standards established in this subsection:

(1) along a Type I-A water body,

(A) operations within 100 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) harvest of timber may not be undertaken within 66 feet of the water body;

(2) along a Type I-B water body,

(A) operations within 100 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) harvest of timber may not be undertaken within 66 feet of the water body or to the break of the slope, whichever area is smaller;

(3) along a Type I-C water body,

(A) operations within 100 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) the operator shall, where prudent, retain low value timber within 25 feet of the water body or to the limit of the area described in (A) of this paragraph, whichever area is greater, where the width of the water body is

(i) greater than 13 feet at the ordinary high water mark; or

(ii) greater than eight feet at the ordinary high water mark if the channel is incised;

(4) along a Type I-D water body,

(A) operations within 50 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) the operator shall, where prudent, retain low value timber within 25 feet of the water body or to the limit of the area described in (A) of this paragraph, whichever area is greater, where the width of the water body is

(i) greater than 13 feet at the ordinary high water mark; or

(ii) greater than eight feet at the ordinary high water mark if the channel is incised.

(b) Private forest land adjacent to the following types of waters and located in Region III is subject to the riparian protection standards established in this subsection:

(1) along a Type III-A water body, harvest of timber may not be undertaken within 66 feet of the water body;

(2) along a Type III-B water body, harvest of timber may not be undertaken within 33 feet of the water body; between 33 feet and 66 feet from the water body, up to 50 percent of standing white spruce trees having at least a nine-inch diameter at breast height may be harvested without requiring a variation;

(3) along a Type III-C water body, harvest of timber within 100 feet of the water body must be located and designed primarily to protect fish habitat and surface water quality as determined by the department with due deference to the Department of Fish and Game.

(c) The commissioner shall adopt regulations for private land in Region II that designate the areas that are subject to riparian protection standards, and the restrictions on timber harvesting operations within those areas that are necessary for their protection under the management goals established in AS 41.17.115.

(d) In this section,

(1) "low value timber" means timber that the owner or operator determines, at the time of harvest, to be uneconomic to harvest and market;

(2) "prudent" means that the requirement can be met using reasonably available means or technology, that complying with the requirement is not likely to create significant impairment of the productivity of the land and water, and that the cost of achieving the requirement is not out of proportion to the benefits that can reasonably be expected to be achieved in the particular situation.

Sec. 3. AS 41.17.118(a) is repealed and reenacted to read:

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

(1) on state forest land managed by the department that is located in Region III,

(A) along a Type III-A water body, harvest of timber may not be undertaken within 100 feet of the water body, except that between 66 feet and 100 feet from the water body harvest of timber may be undertaken where consistent with the maintenance of important fish and wildlife habitat as determined by the department with the concurrence of the Department of Fish and Game;

(B) along a Type III-B water body, harvest of timber may not be undertaken within 50 feet of the water body; between 50 feet and 100 feet from the water body, up to 50 percent of standing white spruce trees having at least a nine-inch diameter at breast height may be harvested;

(C) along a Type III-C water body, harvest of timber within 100 feet of the water body must be consistent with the maintenance of important fish and wildlife habitat as determined by the department with due deference to the Department of Fish and Game.

(2) on state forest land managed by the department that is in Region I or Region II,

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

(B) between 100 and 300 feet from the water body, harvest of timber may occur but must be consistent with the maintenance of important fish and wildlife habitat as determined by the department with due deference to the Department of Fish and Game.

Sec. 4. AS 41.17.119 is repealed and reenacted to read:

body," means a water body that, under normal conditions, does not receive significant surface flow from a glacier;

(26) "ordinary high water mark" or "OHWM" means the mark along the bank or shore up to which the presence and action of the tidal or nontidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics;

(27) "Region I" means all land in Southeast Alaska, plus all land that is south of the crest of the Chugach and St. Elias Mountains and east of a line running from the crest of the Chugach Mountains to O'Malley Peak, then southerly to Gull Rock, then southwesterly to the eastern junction of Skilak Lake Road and the Sterling Highway, then southwesterly to the mouth of the Fox River, then southwesterly through Kachemak Bay to Mt. Douglas, plus all land on the Alaska Peninsula between Mt. Douglas and Cape Kumliun that is east of the crest of the Aleutian Range, plus all islands in the Gulf of Alaska north of 56° 23' North latitude;

(28) "Region II" means all land in the state south of the Nutzotin and Mentasta Mountains, south of the Alaska Range, and east of the Aleutian Range, except for the area within Region I and peninsular and island land south of Cape Kumliun;

(29) "Region III" means all land in the state outside of Regions I and II;

(30) "Type III-A water body" means in Region III, a
(A) non-glacial high value resident fish water body greater than three feet in width at the ordinary high water mark;

(B) non-glacial anadromous water body; or

(C) backwater slough;

(31) "Type III-B water body" means in Region III, a glacial high value resident fish water body or a glacial anadromous water body; "Type III-B water body" does not include glacial backwater sloughs;

(32) "Type III-C water body" means in Region III, a non-glacial high value resident fish water body that is less than or equal to three feet in width at the ordinary high water mark (OHWM) and that does not contain anadromous fish.

Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. (a) To the extent that the regulations are not inconsistent with the language and purposes of this Act, regulations relating to forest resources and practices adopted by the Department of Natural Resources under AS 41.17 and in effect before the effective date of secs. 1 - 10 of this Act remain in effect and may be administered and enforced by the Department of Natural Resources.

(b) Notwithstanding sec. 13 of this Act, the Department of Natural Resources may proceed to adopt regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the statutory change.

Sec. 12. Section 11(b) of this Act takes effect immediately under AS 01.10.070(c).

Sec. 13. Except as provided in sec. 12 of this Act, this Act takes effect September 1, 2001.

Sec. 41.17.119. Minimum riparian standards for other public land. The riparian standards for other public land are as follows:

(1) in Regions I and II, harvest of timber may not be undertaken within 100 feet of an anadromous or high value resident fish water body;

(2) in Region III, the standards are the same as for state land under AS 41.17.118 and regulations adopted under this chapter.

Sec. 5. AS 41.17.950(13) is amended to read:

(13) "riparian area" means

(A) the areas subject to riparian protection standards [SPECIFIED] in AS 41.17.116(a) and (b) on private land in Regions I and III [THE COASTAL FOREST OF SPRUCE OR HEMLOCK];

(B) the areas subject to riparian protection standards [SPECIFIED] in regulations adopted by the commissioner under AS 41.17.116(c) [AS 41.17.116(b)] on private land in Region II [OUTSIDE THE COASTAL FOREST OF SPRUCE OR HEMLOCK];

(C) the area 100 feet from the shore or bank of [OR] an anadromous or high value resident fish water body on state land managed by the department and on other public land;

Sec. 6. AS 41.17.950(19) is amended to read:

(19) "Type I-A [TYPE A] water body" means in Region I, an anadromous water body that is

(A) a stream or river of any size having an average gradient of eight percent or less, with banks held in place by vegetation, channels that are not incised, and a substrate composed of rubble, gravel, sand, or silt;

(B) wetlands and lakes, including their outlets; [AND]

(C) an estuarine area delimited by the presence of salt-tolerant vegetation;

Sec. 7. AS 41.17.950(20) is amended to read:

(20) "Type I-B [TYPE B] water body" means in Region I, an anadromous water body that does not meet the definition of a Type I-A [TYPE A] water body; [AND]

Sec. 8. AS 41.17.950(21) is amended to read:

(21) "Type I-C [TYPE C] water body" means in Region I, a water body that is not anadromous, that is a tributary to a Type I-A [TYPE A] or Type I-B [TYPE B] water body, and that has a gradient of 12 percent or less;

Sec. 9. AS 41.17.950(22) is amended to read:

(22) "Type I-D [TYPE D] water body" means in Region I, a water body that is not anadromous, that is tributary to a Type I-A [TYPE A] or Type I-B [TYPE B] water body, and that has a gradient greater than 12 percent.

Sec. 10. AS 41.17.950 is amended by adding new paragraphs to read:

(23) "backwater slough" means a water body that

(A) has sluggish flow, is warm in summer, and is typically only connected to the main stem or a side channel at one end of the water body;

(B) carries river current only under high water conditions; and

(C) may have only a seasonal connection to the main stem or side channel;

(24) "glacial water body," as used in the phrases "glacial high value resident fish water body" and "glacial anadromous water body," means a water body that, under normal conditions, receives significant surface flow from a glacier; "glacial water body" includes water bodies that receive a mix of glacial water and water from other sources;

(25) "non-glacial water body," as used in the phrases "non-glacial high value resident fish water body" and "non-glacial anadromous water

Journal Text



02-16-2001

House Journal

0346

HB 131

HOUSE BILL NO. 131 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to standards for forest resources and practices; and providing for an effective date."

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated February 15, 2001, appears below:

"Dear Speaker Porter:

Alaska is recognized as a world leader in protecting the habitat and spawning capacity of anadromous and resident fish in our streams and rivers. Our Forest Resources and Practices Act establishes high standards of protection while promoting timber development.

Two years ago, the Legislature amended Alaska's Forest Resources and Practices Act (FRPA) as it applies to the Southeast region of our state. That legislation reflected consensus between the timber and fishing industries and state land management agencies. This bill I transmit today continues to improve the FRPA and its ability to protect fish habitat and water quality in a manner that supports both the timber and fishing industries. This current phase of the FRPA revision addresses management standards in interior Alaska (Region III) and, once again, represents a consensus of interested constituents.

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 and technical committee. The committee included experienced field staff from the state resource agencies, and University of Alaska, private, and federal scientists. Their recommendations were passed on to a group that included representatives of the timber and fishing industries, Native corporations, and environmental groups. Together, they crafted language to implement the scientists' recommendations in a practical manner that will work in the field. Finally, the Board of Forestry unanimously endorsed this legislation. The result of this public effort is an amended FRPA that has support from a broad array of interest groups.

The current interim standards for Region III were adopted in 1990. Under these standards, harvesting can occur up to the bank of anadromous waters on both public and private land under certain 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 appropriate habitat for fish and wildlife.

This bill has substantive changes only for riparian management standards in Region III. Other revisions are technical in nature, such as 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 change will have little impact on private 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, federal and coastal management standards.

I look forward to working with you on the passage and implementation of this bill.

Sincerely,
/s/
Tony Knowles
Governor"

Bill Root: Display Bill Root



TO REPORT PROBLEMS WITH BASIS INQUIRY

**Tanana Valley State Forest
Unit 2 Planning Team**
3700 Airport Way
Fairbanks, AK 99709

February 10, 2003

Jeff Jahnke, State Forester
Alaska Division of Forestry
550 West 7th Avenue, Suite 1450
Anchorage, AK 99501-3566

Dear Mr. Jahnke:

The members of the Unit 2 Tanana Valley State Forest Planning Team are working to determine how to manage the lands and resources in Unit 2. We understand the efforts of the many scientists and natural resource professionals that worked together to revise the riparian standards and stream classification system for Region III (Interior Alaska) of the Forest Resources and Practices Act. During our meeting on December 16th, the Planning Team unanimously resolved to support the Region III riparian standards agreement by passing the following:

The Tanana Valley State Forest Unit 2 Planning Team commends the interdisciplinary Science and Technical Committee and the Implementation Group for their work in developing the Region III riparian standards and stream classification system. These agreements are the result of effective consensus building among diverse user groups and are based on the best available scientific information. The Unit 2 Planning Team recommends prompt passage of legislation containing these agreements as written.

Our stakeholder planning team has been convened to advise the Division of Forestry on how Unit 2 should be managed. We represent the diverse interests of the people who use the State Forest. We hope that you will endorse our recommendation by forwarding this letter to the various heads of legislative committees who will consider legislation on these agreements.

Sincerely,

Members of the Tanana Valley State Forest Unit 2 Planning Team

Doug Bowers (Tolovana Lodge)
Tom Bucceri (DNR Division of Oil and Gas)
Jim Durst (Department of Fish and Game)
Chris Foley (Department of Environmental Conservation)
Nancy Fresco (Northern Alaska Environmental Center)
Victor Joseph (Tanana Chiefs Conference)
Edna Hancock (Toghotthele Corporation)
Paul Maki (DNR Division of Forestry)
Steve McGroarty (DNR Division of Mining, Land and Water)
Tom Paragi (Department of Fish and Game)
Eric Pyne (timber industry)
Ron Silas (Minto resident, member of the Fish and Game Advisory Council)
Roselynn Ressa Smith (DNR Division of Mining, Land and Water)

Paul Maki

Tom Paragi

Tom Bucceri

Roselynn Ressa Smith

James W Durst

Eric Pyne

Nancy Fresco

Doug Bowers

Steve for Steve McGroarty



Alaska Society of American Foresters

Cook Inlet Chapter
Dixon Entrance Chapter
Juneau Chapter
Sitka Chapter
Sukine 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

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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.

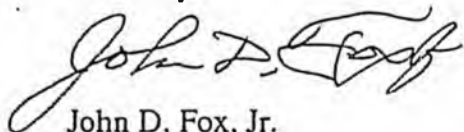
The AKSAF wishes to be very clear that this recommendation does not reflect any complaints or dissatisfaction with current members of the BOF. This recommendation is solely a feeling on our part, that it would be most appropriate and beneficial in a long-range sense, to identify the "professional forester" 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

From: John D. Fox, Jr. [mailto:sjfox@gci.net]
Sent: Monday, March 18, 2002 5:43 AM
To: Senator_John_Torgerson@legis.state.ak.us;
Senator_Gary_Wilken@legis.state.ak.us;
Senator_Rick_Halford@legis.state.ak.us;
Senator_Robin_Taylor@legis.state.ak.us;
Senator_Ben_Stevens@legis.state.ak.us;
Senator_Kim_Elton@legis.state.ak.us;
Senator_Georgianna_Lincoln@legis.state.ak.us; jjahnke@dnr.state.ak.us
Subject: HB 131 Support

March 18, 2002

Members of the Alaskan State Legislature
Senate Resources Committee

RE: HB 131

Dear Alaskan Legislator:

The Alaska Society of American Foresters represents nearly 200 professional foresters in Alaska. We appreciate the work that you and your staff have done to be informed, fair and balanced representatives of the people of Alaska. This letter is to give our statewide support for passage of HB 131 dealing with modifications to the Alaska Forest Resources and Practices Act riparian regulations for Region III.

Many of our members were among those who worked hard on the Science and Technology committee to provide a sound scientific base for these recommendations. Subsequently, there was wide representation in negotiations among stakeholders to work out a viable approach to riparian zone management in Region III. We think it is in the best interest of Alaska and its people to pass this broadly supported legislation during the current legislative session.

As members of the national scientific and educational organization representing the forestry profession in the United States, our mission is to advance the science, education, technology, and practice of forestry; to enhance the competency of our 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.

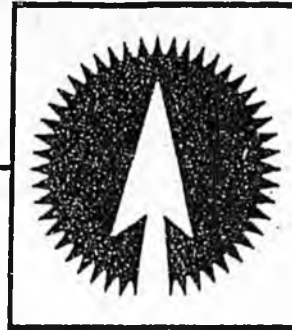
Again, we thank you for your service and continue to offer ours as needed and consistent with our mission and code of ethics.

Sincerely,

John D. Fox, Jr., Chair
Alaska Society of American Foresters
(907) 479-6533
sjfox@gci.net

cc/ Jeff Jahnke, Alaska State Forester

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 Drue Pearce
Alaska State Senate
State Capitol, Room 119
Juneau, AK 99801

DIVISION OF FORESTRY
Central Office

Dear Senator Pearce,

Thank you for introducing Senate Bill 98 in the Senate Rules Committee. SB 98 proposes changing the state's Forest Resources and Practices Act (AS 41.17). This measure is a top legislative priority for AFA in 2001.

SB 98 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.

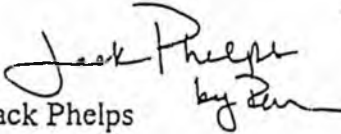
Alaska's current forest practices law is based on good science and is very effective in protecting important fish habitat while recognizing the unique relationship between private land rights and related public resources. The law, which was developed through a cooperative process in 1989 and 1990, involves 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 SB 98. Your willingness to introduce SB 98 through the Rules Committee is greatly appreciated and enjoys broad support.

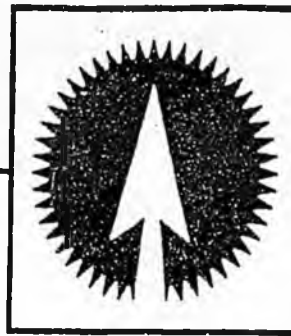
In summary, SB 98 addresses a real need and represents a balanced approach to resolving an important issue affecting Alaska's forest products sector. This is a bill that can and should enjoy full, bi-partisan support. Thank you again for allowing SB 98 to be introduced in the Senate Rules Committee.

Sincerely,


Jack Phelps
Executive Director

cc: Governor Knowles

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 Pete Kott
Alaska House of Representatives
State Capitol, Room 204
Juneau, AK 99801

Dear Representative Kott,

Thank you for introducing House Bill 131 in the House Rules Committee. HB 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.

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.


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subsequent stakeholders' meeting led to the introduction of HB 131. Your willingness to introduce HB 131 through the Rules Committee is greatly appreciated and enjoys broad support.

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 allowing HB 131 to be introduced in the House Rules Committee.

Sincerely,


Jack Phelps *by Ben*
Executive Director

cc: Governor Knowles

WHITE SPRUCE ENTERPRISES, INC.

10293 Old Valdez Trail - Salcha, AK 99714

Telephone 907-488-3004

Fax 907-488-2551

whitespruce@mosquitonet.com

March 20, 2002

Senator Gary Wiken
State Capitol, Room 514
Juneau, AK 99801-1182
Fax: 907-465-4714

Dear Gary,

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.

WHITE SPRUCE ENTERPRISES, INC.

10293 Old Valdez Trall - Saloha, AK 99714

Telephone 907-488-3004

Fax 907-488-2551

white@spruce@moosqultonet.com

March 20, 2002

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

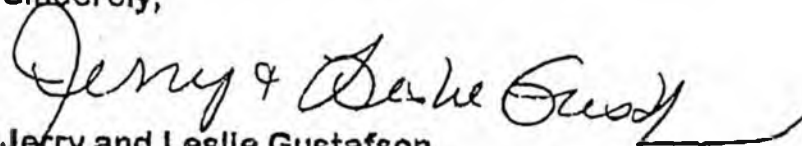
Dear Senator Torgerson,

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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.

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

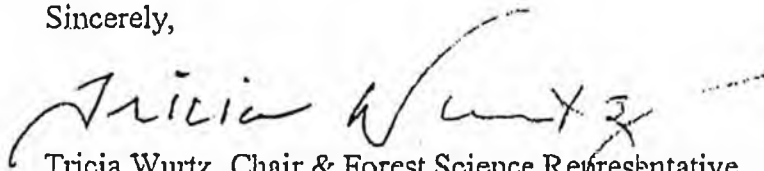
Dear Senator Torgerson,:

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

1702 02/02

Tanana Valley State Forest
Citizens' Advisory Committee

3700 Airport Way
Fairbanks, AK 99709

March 18, 2002

Senator Gary Wilken, Co-Chair
Senate Resources Committee
State Capitol, Room 514
Juneau, AK 99801-1182
Fax: (907) 465-4714

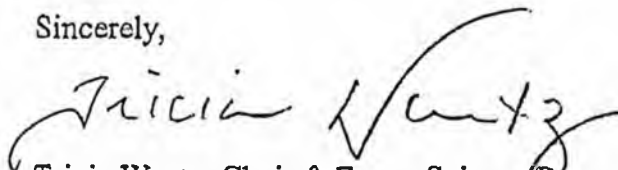
Dear Senator Wilken:

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Sincerely,



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

CC: Marty Welbourn Freeman

Tanana Valley State Forest
Citizens' Advisory Committee

3700 Airport Way
Fairbanks, AK 99709

December 6, 2001

Jeff Jahnke, State Forester
Alaska Division of Forestry
550 West 7th Avenue, Suite 1450
Anchorage, AK 99501-3566

Dear Mr. Jahnke:

As you know, the members of the Tanana Valley State Forest Citizens' Advisory Committee 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. During our regular meeting on March 19, 2001, the Citizens' Advisory Committee unanimously resolved to support the language of HB131 and SB98 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 HB131 and SB98. These bills are the result of effective consensus building among diverse user groups and are based on the best available scientific information. The TVSF CAC recommends prompt passage of these bills 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.

As an advisory committee to the State Forester on matters regarding the management of the Tanana Valley State Forest, the members of the Citizens' Advisory Committee hope you will endorse our recommendation by forwarding this letter to the various heads of legislative committees that will be considering HB131 and SB98.

Sincerely,



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

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CENTRAL OFFICE

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CC: John C. "Chris" Maisch

*Tanana Valley State Forest
Citizens' Advisory Committee*

*3700 Airport Way
Fairbanks, AK 99709*

RECEIVED
MAY 29 2001

Division of Forestry
Central Office

May 29, 2001

Jeff Jahnke, State Forester
Alaska Division of Forestry
550 West 7th Avenue, Suite 1450
Anchorage, AK 99501-3566

Dear Mr. Jahnke:

As you know, the members of the Tanana Valley State Forest Citizens' Advisory Committee 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. During our regular meeting on March 19, 2001, the Citizens' Advisory Committee unanimously resolved to support the language of HB131 and SB98 by passing the following:

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Sincerely,



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

CC: John C. "Chris" Maisch

Subject: RE: HB 131-Forest practices

Date: Wed, 5 Dec 2001 13:22:50 -0900

From: "James B. Reynolds" <ffjbr@uaf.edu>

To: Marty Welbourn <marty_welbourn@dnr.state.ak.us>

Hi Marty,

Thanks for the briefing document on HB 131. I noticed a confusing phrase in the third item under "Summary of key provisions"; it says "...area in which harvesting may occur where harvesting may occur,..." and appears to be a typo. As you request, I'll send some letters to Interior legislators in support.

Best wishes for the holidays,

--jim

Dr. James B. Reynolds
Emeritus Professor of Fisheries
School of Fisheries and Ocean Sciences
University of Alaska Fairbanks
P.O. Box 757220
Fairbanks, Alaska 99775

Carol - I don't know if

Jim sent letters - I haven't

seen copies - Marty

Subject: HB 131

Date: Mon, 18 Mar 2002 07:31:49 -0900

From: Frederick Dean <deansfs@alaska.net>

To: Senator Gary Wilken <Senator_Gary_Wilken@legis.state.ak.us>,
Senator Georgianna Lincoln <Senator_Georgianna_Lincoln@legis.state.ak.us>

Dear Senators Wilken and Lincoln,

Last December I wrote you expressing my strong personal support for HB131 and the Senate counterpart. Now that the House bill has moved to the Senate for hearings, I want to reiterate this very strong support. I sat in as an observer an unofficial contributor to the meetings of the Science and Technical Committee that developed the basis for this bill. I was an official member of the Implementation Group that tried to put the recommendations of the S&TC into a form that could be used to draft legislation. Consequently, I feel well-acquainted with the issues and the outcome.

I hope that you will work very hard to insure passage of HB131 which addresses changes in the Forest Resources and Practices Act. The most critical part of this for the Interior is the set of stipulations for operations within the riparian zone. These have been carefully designed to reduce negative impacts on fish and fish habitat and to also insure a continued supply of large woody debris (LWD) being added to the rivers. LWD has been shown to be an important habitat component; it provides cover, reduces current velocity, and forms good habitat for many food organisms. While there is still much to learn about LWD and its roles in interior Alaska, we do know enough to realize that it is important in many waters. Standing trees along the bank provide shading and thus thermal buffering, especially in slower waters, and visual cover because of the patchy light patterns.

A great deal of time and effort went into crafting a set of practices that would be clear and easily followed on both public and private lands. Provisions have been made to accommodate small-scale operations in rural villages. The final bill, as it passed the House, represents a striking job of getting representatives of all possible interested parties to participate in collecting the underlying information, crafting the proposed standards, and supporting the proposed revisions to the FRPA. If the rest of our government could function this well, we would be way ahead. Please do all you can to insure the passage of HB131, hopefully without any modification.

Sincerely,
Fred Dean

Frederick C. Dean
810 Ballaine Rd.
Fairbanks, AK 99709

907-479-6607

Subject: HB131 Forest Resources and Practices Act

Date: Mon, 18 Mar 2002 07:30:51 -0900

From: Frederick Dean <deansfs@alaska.net>

To: Senator John Torgerson <Senator_John_Torgerson@legis.state.ak.us>

Dear Senator Torgerson,

I am sending this letter to you as Chair of the Senate Resources Committee. I want to express my strong personal support for HB131 and the Senate counterpart. Now that the House bill has moved to the Senate for hearings, I want to emphasize this very strong support. I sat in as an observer an unofficial contributor to the meetings of the Science and Technical Committee that developed the basis for this bill. I was an official member of the Implementation Group that tried to put the recommendations of the S&TC into a form that could be used to draft legislation. Consequently, I feel well-acquainted with the issues and the outcome.

I hope that you will work very hard to insure passage of HB131 which addresses changes in the Forest Resources and Practices Act. The most critical part of this for the Interior is the set of stipulations for operations within the riparian zone. These have been carefully designed to reduce negative impacts on fish and fish habitat and to also insure a continued supply of large woody debris (LWD) being added to the rivers. LWD has been shown to be an important habitat component; it provides cover, reduces current velocity, and forms good habitat for many food organisms. While there is still much to learn about LWD and its roles in interior Alaska, we do know enough to realize that it is important in many waters. Standing trees along the bank provide shading and thus thermal buffering, especially in slower waters, and visual cover because of the patchy light patterns.

A great deal of time and effort went into crafting a set of practices that would be clear and easily followed on both public and private lands. Provisions have been made to accommodate small-scale operations in rural villages. The final bill, as it passed the House, represents a striking job of getting representatives of all possible interested parties to participate in collecting the underlying information, crafting the proposed standards, and supporting the proposed revisions to the FRPA. If the rest of our government could function this well, we would be way ahead. Please do all you can to insure the passage of HB131, hopefully without any modification.

Sincerely,
Fred Dean

Frederick C. Dean
810 Ballaine Rd.
Fairbanks, AK 99709

907-479-6607

Subject: Modifications of the Forest Resources and Practices Act

Date: Tue, 18 Dec 2001 13:57:22 -0900

From: Frederick Dean <deansfs@alaska.net>

To: Senator Pete Kelly <Senator_Pete_Kelly@legis.state.ak.us>,
Senator Georgianna Lincoln <Senator_Georgianna_Lincoln@legis.state.ak.us>,
Senator Gene Therriault <Senator_Gene_Therriault@legis.state.ak.us>,
Senator Gary Wilken <Senator_Gary_Wilken@legis.state.ak.us>,
Senator John Coghill <Representative_John_Coghill@legis.state.ak.us>,
Representative John Davies <Representative_John_Davies@legis.state.ak.us>,
Representative Hugh Fate <Representative_Hugh_Fate@legis.state.ak.us>,
Joe Hayes <Representative_Joe_Hayes@legis.state.ak.us>,
Representative Jeannette James <Representative_Jeannette_James@legis.state.ak.us>,
Representative Jim Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>

Hello to all,

I want to reiterate my personal support for HB 131 and its companion Senate bill. Last year, when these were introduced, I sent you a note in favor of passage of these bills. Some problems developed that related to SE Alaska. My understanding is that these have been resolved. I hope that the bills can be passed without delay this year.


I have attached a briefing paper prepared by the Division of Forestry regarding HB131 for your use if you wish to refresh yourself on the matter. Salient points are that the changes are needed, particularly in Region III (the Interior), that the proposed changes in riparian practices were developed by a very well composed scientific committee, that that group's work was translated into recommended provisions by a widely-based implementation group, and that all concerned seem to feel that the proposed modifications should be adopted.

If there are any questions you think I may be able to answer, please feel free to contact me.

I hope that you will take this opportunity to join a broad spectrum of those interested in Interior forests and forest industry by actively helping to get these bills passed this year.

Frederick Dean
810 Ballaine Rd.
Fairbanks, AK 99709

907-479-6607
<deansfs@alaska.net>

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Dear Senator Torgerson:

I ask you to support hearings on SB 98, which amends the Alaska Forest Resources and Practices Act for Interior Alaska (Region III). Several interest groups, including the timber and fishing industries and environmental groups, have worked over the last year with scientific experts in fisheries, forestry, and hydrology to derive riparian standards for timber harvest that make sense for the Interior. The state Board of Forestry reviewed and concurred with the recommendations of this Implementation Group and has endorsed the draft legislation introduced as SB 98. This legislation would clarify standards that allow the timber industry to operate in some of the most productive forest lands north of the Alaska Range while affording the necessary protection to fisheries that provide income and food to many Interior residents year in and year out. Please help our local industries to move forward with sustainable development by supporting this legislation in the current session. Thank you.

Tom Paragi
P.O. Box 81288
Fairbanks, AK 99708



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

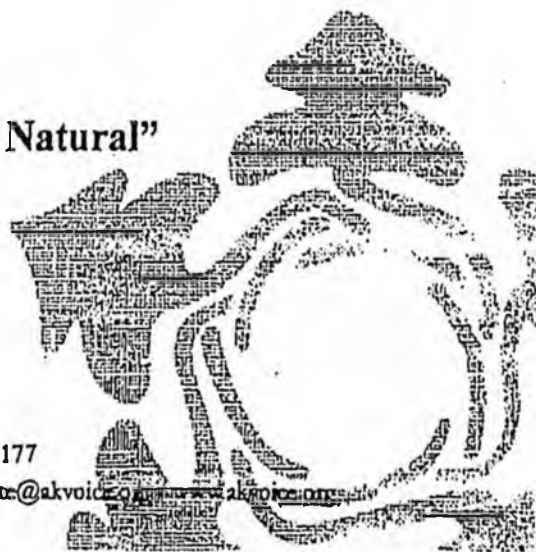
Alaska Conservation Voters is a nonprofit organization dedicated to protecting Alaska's environment through public education and advocacy. Our 32 member organizations represent over 35,000 registered Alaskan voters. Our members support the conservation of Alaska's forests for the long-term protection 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 / units@akvoice.org / www.akvoice.org

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,

Jill Klein
Executive Director

Introduced By: Natural Resources
Date Introduced: March 19, 2001
Date Passed: March 26, 2001
Date Transmitted: March 27, 2001

RESOLUTION 01-0326a

**A RESOLUTION BY THE GREATER FAIRBANKS CHAMBER OF
COMMERCE TO SUPPORT THE PASSAGE OF HOUSE BILL (HB)
131 FOR FOREST PRACTICES AMENDMENTS IN INTERIOR
ALASKA (REGION III)**

WHEREAS Alaska is recognized as a world leader in protecting fish habitat for anadromous and high value resident fish species while promoting timber development; and

WHEREAS HB-131 and it's companion bill SB-98 are the result of a two year process that was initiated by the Board of Forestry and involved an interdisciplinary Science and Technical Committee and an Implementation Group that represented affected interests; and

WHEREAS the Science and Technical Committee had members with expertise in fisheries, forestry, hydrology, and soils and included scientists and experienced field staff from state resource agencies, the University of Alaska, the U.S. Geological Survey, Tanana Chiefs Conference, and Alaska Biological Research; and

WHEREAS the Implementation Group was comprised of private forest owners, the timber and fishing industries, environmental groups, and members from the departments of Natural Resources, Fish and Game and Environmental Conservation; and

WHEREAS this legislation is founded on the best science available and is the result of a public effort that has support from a broad array of interest groups, and the Board of Forestry; and

WHEREAS under this legislation, all anadromous and high value resident fish waters are classified and riparian standards are established for each water body type based on the unique characteristics and habitat needs of fish for each stream type; and

WHEREAS on most anadromous and high value resident fish waters a no-harvest buffer will be required and 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, thus capturing some of the economic value within the riparian zone; and

NOW THEREFORE BE IT RESOLVED that the Greater Fairbanks Chamber of Commerce Board of Directors joins Alaska's Governor Tony Knowles, the Board of Forestry, state agencies, the timber and fishing industry, environmental groups and members of the public in supporting the passage of this legislation during the current session.

BE IT FURTHER RESOLVED that this resolution be distributed to:

Alaska State Legislature
Governor Tony Knowles
Board of Forestry
Commissioner of Natural Resources
State Forester

PASSED in Fairbanks, Alaska this 26th day of March, 2001 by the Greater Fairbanks Chamber of Commerce Board of Directors.

John Burns
Board Chair

Howard "Buzz" Otis
Chair Elect

Fox Sawmill

April 20, 2003

Senator Ralph Seekins
State Capitol, Room 125
Juneau, AK 99801-1182
907-465-2327
fax: (907) 465-5241
email: Senator_Ralph_Seekins@legis.state.ak.us

Regarding: Recommended Additions and Deletions to Senate Bill No. 88

Dear Senator Ralph Seekins:

Attached are the Interior Forest Industry recommendations to the Senate Bill No. 88. These recommendations were developed with the assistance of local professional foresters. The additions are notated with **Bold** font while the recommended deletions are contained within parenthesis ().

If any testimony is needed for SB No. 88, the industry strongly feels that the local Interior area forester(s) i.e. Delta or Fairbanks Area Forestry should testify. These are the foresters that work closely with industry and also know the forest practices the best. Regional and above foresters have less direct knowledge of the impact that these proposed regulations have on Interior forest industry.

If you need further information please contact myself, Eric Pyne owner Boreal Forest Products/ co-owner Fox Sawmill or Jerry Gustafson owner White Spruce Enterprises (488-3004).

Sincerely,



Eric Pyne
P.O. Box 82694
Fairbanks, Alaska 99708
907-455-6526

Sec. ~~38.05.112~~. Forest land use plans.

(a) The department may not authorize the harvest of timber, except for harvests of 10 acres or less or timber salvaged from land cleared for a nonforest use, until a site-specific forest land use plan has been adopted. A forest land use plan is required whether or not a regional or area land use plan under AS 38.04.065 (a) or a forest management plan under AS 41.17.230 has been adopted.

(b) In adopting a forest land use plan, the commissioner shall consider the best available data, including information provided by other agencies [DESCRIBING THE IMMEDIATE AND LONG-TERM EFFECTS OF INDIVIDUAL AND COLLECTIVE FOREST ACTIVITIES ON THE TIMBER BASE AND ON OTHER RESOURCES AND USES].

Sec. 41.17.030. Responsibilities of division.

(a) The division shall manage state forests and, as directed by the commissioner, shall conduct forest product sales and forest [PROVIDE TECHNICAL ADVICE TO THE DIVISION OF LANDS ON SOUND FOREST] practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of this chapter or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally.

Sec. 41.17.083. Clearing or burning of forest land for non-timber purposes.

The Division of Forestry shall (A STATE AGENCY, MUNICIPALITY, OR PUBLIC UTILITY SHALL) determine whether the timber to be removed or destroyed by a state agency, municipality, or public utility has significant salvage value before approving or conducting clearing or burning of forest land for purposes other than timber harvest. If the timber has significant salvage value, the agency or utility shall salvage the timber as part of the clearing process.

Sec. 41.17.200. State forest purposes and management.

(a) The purpose of AS 41.17.200 - 41.17.230 is to permit the establishment of designated state-owned or acquired land and water areas as state forests. The primary purpose in the establishment of state forests is multiple use management that primarily emphasizes [PROVIDES FOR] the production, utilization, and replenishment of timber resources while perpetuating personal, commercial, and other beneficial uses of resources.

(e) The wildlife management objective of the Tanana Valley State Forest is the production of wildlife for a high level of sustained yield for human consumption [USE] through habitat improvement techniques to the extent consistent with the primary purpose of a state forest under AS 41.17.200

Sec. ~~41.17.230~~. Management plans.

(a) The commissioner shall prepare a management plan consistent with AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to assist in meeting the requirements of this chapter. An operational level forest inventory shall be completed before a management plan for the state forest or the unit of a state forest is adopted. The management plan shall be adopted, implemented, and maintained within three years of the establishment of a state forest by the legislature. The management plan must consider and permit the uses described in AS 38.05.112 (c). If the commissioner finds that a permitted use is incompatible with one or more other uses in a portion of a state forest, the commissioner shall affirmatively state in the management plan that finding of incompatibility for the specific area where the incompatibility is anticipated to exist and the time period when the incompatibility is anticipated to exist together with the reasons and benefits for each finding. Sustained yield timber harvest may not be found incompatible or otherwise restricted unless scientific data can justify the restriction as necessary to achieve the primary purpose of the state forest.

Sec. 41.17.950. Definitions

(7) "high value resident fish water body" means [RESIDENT FISH POPULATIONS OF] a particular stream, pond or lake in which [THEY] resident fish reside that are harvested [USED] for recreational, personal use, commercial, or subsistence purposes.

Senate Bill No. 88

Bill Text

BILL ID: SB 88

00 SENATE BILL NO. 88

**01 "An Act relating to standards for forest resources and practices; and providing for
02 an
03 effective date."**

04 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

05 * Section 1. AS 41.17.087(b) is amended to read:

**06 (b) The commissioner shall adopt regulations that specify the standards
07 under**

**08 which a variation will be granted for harvesting timber within the riparian area
09 of**

**10 (1) a low gradient Type I-A [A] water body with a width of five feet or
11 less; and**

12 (2) other appropriate water body types.

13 * Sec. 2. AS 41.17.116 is repealed and reenacted to read:

**14 Sec. 41.17.116. Riparian standards for private land. (a) Private forest land
15 adjacent to the following types of waters and located in Region I is subject to the
16 riparian protection standards established in this subsection:**

14 (1) along a Type I-A water body,
01 (A) operations within 100 feet of the water body or to the break
02 of the slope, whichever area is smaller, shall be conducted in compliance with
03 slope stability standards established in regulations adopted under this
chapter;
04 and
05 (B) harvest of timber may not be undertaken within 66 feet of
06 the water body;
07 (2) along a Type I-B water body,
08 (A) operations within 100 feet of the water body or to the break
09 of the slope, whichever area is smaller, shall be conducted in compliance with
10 slope stability standards established in regulations adopted under this
chapter;
11 and
12 (B) harvest of timber may not be undertaken within 66 feet of
13 the water body or to the break of the slope, whichever area is smaller;
14 (3) along a Type I-C water body,
15 (A) operations within 100 feet of the water body or to the break
16 of the slope, whichever area is smaller, shall be conducted in compliance with
17 slope stability standards established in regulations adopted under this
chapter;
18 and
19 (B) the operator shall, where prudent, retain low value timber
20 within 25 feet of the water body or to the limit of the area described in (A) of
21 this paragraph, whichever area is greater, where the width of the water body
is
22 (i) greater than 13 feet at the ordinary high water mark;
23 or
24 (ii) greater than eight feet at the ordinary high water
25 mark if the channel is incised;
26 (4) along a Type I-D water body,
27 (A) operations within 50 feet of the water body or to the break

28 of the slope, whichever area is smaller, shall be conducted in compliance with
29 slope stability standards established in regulations adopted under this
chapter;

30 and

31 (B) the operator shall, where prudent, retain low value timber
01 within 25 feet of the water body or to the limit of the area described in (A) of
02 this paragraph, whichever area is greater, where the width of the water body
is

03 (i) greater than 13 feet at the ordinary high water mark;

04 or

05 (ii) greater than eight feet at the ordinary high water
06 mark if the channel is incised.

07 (b) Private forest land adjacent to the following types of waters and located in
08 Region III is subject to the riparian protection standards established in this
subsection. No riparian protection standards are required when the annual timber
harvest level is below the threshold of 1/10th of one percent (0.1%) of the lineal distance
along the shore or bank of an anadromous or high value resident fish water body.
Harvesting of private forest land along water bodies shall be monitored by the State
Division of Forestry. Private land owners shall have the first right to harvest timber
along waterbodies that are jointly owned by the State of Alaska. When the annual
timber harvest level is to exceed this threshold then the following riparian protection
levels shall be applied to private lands:

09 (1) along a Type III-A water body, harvest of timber may not be
10 undertaken within 66 feet of the water body;

11 (2) along a Type III-B water body, harvest of timber may not be
12 undertaken within 33 feet of the water body; between 33 feet and 66 feet from the
13 water body, up to 50 percent of standing white spruce trees having at least a
nine-inch

14 diameter at breast height may be harvested without requiring a variation;

15 (3) along a Type III-C water body, harvest of timber within 100 feet of
16 the water body must be located and designed primarily to protect fish habitat
and

17 surface water quality as determined by the department with due deference to the
18 Department of Fish and Game.

19 (c) The commissioner shall adopt regulations for private land in Region II
20 that

21 designate the areas that are subject to riparian protection standards and the
22 restrictions

23 on timber harvesting operations within those areas that are necessary for their
24 protection under the management goals established in AS 41.17.115.

25 (d) In this section,

26 (1) "low value timber" means timber that the owner or operator
27 determines, at the time of harvest, to be uneconomic to harvest and market;

28 (2) "prudent" means that the requirement can be met using reasonably
29 available means or technology, that complying with the requirement is not likely
30 to

31 create significant impairment of the productivity of the land and water, and that
32 the
33 cost of achieving the requirement is not out of proportion to the benefits that can
34 reasonably be expected to be achieved in the particular situation.

35 * Sec. 3. AS 41.17.118(a) is repealed and reenacted to read:

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

02 (1) on state forest land managed by the department that is located in
03 Region III, no riparian protection standards are required when the annual
timber harvest level is below the threshold of 1/10th of one percent (0.1%) of the lineal
distance along the shore or bank of an anadromous or high value resident fish water
body. Harvesting of private forest land along water bodies shall be monitored by the
State Division of Forestry. Private land owners shall have the first right to harvest
timber along waterbodies that are jointly owned by the State of Alaska. When the
annual timber harvest level is to exceed this threshold then the following riparian
protection levels shall be applied to state lands:

04 (A) along a Type III-A water body, harvest of timber may not
05 be undertaken within 100 feet of the water body, except that, between 66 feet
06 and 100 feet from the water body, harvest of timber may be undertaken where

07 consistent with the maintenance of important fish and wildlife habitat as
08 determined by the department with the concurrence of the Department of
Fish
09 and Game;

10 (B) along a Type III-B water body, harvest of timber may not
11 be undertaken within 50 feet of the water body; between 50 feet and 100 feet
12 from the water body, up to 50 percent of standing white spruce trees having at
13 least a nine-inch diameter at breast height may be harvested;

14 (C) along a Type III-C water body, harvest of timber within
15 100 feet of the water body must be consistent with the maintenance of
16 important fish and wildlife habitat as determined by the department with due
17 deference to the Department of Fish and Game;

18 (2) on state forest land managed by the department that is in Region I
19 or Region II,

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

22 (B) between 100 and 300 feet from the water body, harvest of
23 timber may occur but must be consistent with the maintenance of important
24 fish and wildlife habitat as determined by the department with due deference
to
25 the Department of Fish and Game.

26 * Sec. 4. AS 41.17.119 is repealed and reenacted to read:

27 Sec. 41.17.119. Minimum riparian standards for other public land. The
28 riparian standards for other public land are as follows:

29 (1) in Regions I and II, harvest of timber may not be undertaken within
30 100 feet of an anadromous or high value resident fish water body;

31 (2) in Region III, the standards are the same as for state land under
01 AS 41.17.118 and regulations adopted under this chapter.

02 * Sec. 5. AS 41.17.950(13) is amended to read:

03 (13) "riparian area" means

04 (A) the areas subject to riparian protection standards

05 [SPECIFIED] in AS 41.17.116(a) and (b) on private land in Regions I and III
06 [THE COASTAL FOREST OF SPRUCE OR HEMLOCK];

07 (B) the areas subject to riparian protection standards

08 [SPECIFIED] in regulations adopted by the commissioner under

09 AS 41.17.116(c) [AS 41.17.116(b)] on private land in Region II [OUTSIDE
10 THE COASTAL FOREST OF SPRUCE OR HEMLOCK];

11 (C) the area 100 feet from the shore or bank of an anadromous
12 or high value resident fish water body on state land managed by the
department

13 and on other public land;

14 * Sec. 6. AS 41.17.950(19) is amended to read:

15 (19) "Type I-A [A] water body" means, in Region I, an anadromous
16 water body that [IS]

17 (A) is a stream or river of any size having an average gradient
18 of eight percent or less, with banks held in place by vegetation, channels that
19 are not incised, and a substrate composed of rubble, gravel, sand, or silt;

20 (B) consists of wetlands and lakes, including their outlets; and

21 (C) is an estuarine area delimited by the presence of salt-
22 tolerant vegetation;

23 * Sec. 7. AS 41.17.950(20) is amended to read:

Explanation

38.05.112(b) No other resource use (oil, agriculture etc.) has this requirement. It is impossible long term and cumulative impacts in a site specific plan for an individual timber sale enough to survive litigation. These are better covered in the overall forest management plan.

41.17.30 Clarifies that Division of Forestry can manage the timber resource on state lands, not just state forests.

41.17.83 Adds needed protections against wasting timber by making Div. of Forestry the agency that evaluates salvage value.

41.17.200(a) Makes it clear that timber management is the primary purpose of the state forest, and not wilderness, ecosystem management, or old growth. (b) makes it clear that the forest is to produce huntable game, and not managed for preserved for nonexistent wilderness "old growth" species

41.17.230 Prevents the state forest from following the Tongass into becoming a park where logging is slowly squeezed out for old growth preservation and ecosystem preservation.

41.17.950 Puts the definition in line with the terms used in statute. All of the riparian standards in 41.17.118 and SB88 refer to "high value resident fish water bodies". This term needs a definition. Currently the Habitat division is applying this definition to unproductive rivers that are never fished (eg. Gerstle River)

SB88 We are asking that buffers not be imposed on Interior rivers as long as logging remains a totally insignificant impact. If logging ever effects over 1/1000 of a river bank the buffers will be imposed.

GREATER * FAIRBANKS
CHAMBER
OF COMMERCE

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665
phone: (907) 452-1105, fax: (907) 456-6960

e-mail: staff@fairbankschamber.org
website: www.fairbankchamber.org

Introduced By: Natural Resources
Date Introduced: March 19, 2001
Date Passed: March 26, 2001
Date Transmitted: March 27, 2001

RESOLUTION 01-0326a

**A RESOLUTION BY THE GREATER FAIRBANKS CHAMBER OF
COMMERCE TO SUPPORT THE PASSAGE OF HOUSE BILL (HB)
131 FOR FOREST PRACTICES AMENDMENTS IN INTERIOR
ALASKA (REGION III)**

WHEREAS Alaska is recognized as a world leader in protecting fish habitat for anadromous and high value resident fish species while promoting timber development; and

WHEREAS HB-131 and it's companion bill SB-98 are the result of a two year process that was initiated by the Board of Forestry and involved an interdisciplinary Science and Technical Committee and an Implementation Group that represented affected interests; and

WHEREAS the Science and Technical Committee had members with expertise in fisheries, forestry, hydrology, and soils and included scientists and experienced field staff from state resource agencies, the University of Alaska, the U.S. Geological Survey, Tanana Chiefs Conference, and Alaska Biological Research; and

WHEREAS the Implementation Group was comprised of private forest owners, the timber and fishing industries, environmental groups, and members from the departments of Natural Resources, Fish and Game and Environmental Conservation; and

WHEREAS this legislation is founded on the best science available and is the result of a public effort that has support from a broad array of interest groups, and the Board of Forestry; and

WHEREAS under this legislation, all anadromous and high value resident fish waters are classified and riparian standards are established for each water body type based on the unique characteristics and habitat needs of fish for each stream type; and

GREATER * FAIRBANKS

CHAMBER OF COMMERCE

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665

phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

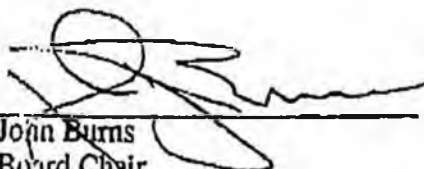
WHEREAS on most anadromous and high value resident fish waters a no-harvest buffer will be required and along glacial rivers where some of the most valuable timber occurs, the standards allow harvest of up to half the large white spruce in the landward half of the buffer, thus capturing some of the economic value within the riparian zone; and


NOW THEREFORE BE IT RESOLVED that the Greater Fairbanks Chamber of Commerce Board of Directors joins Alaska's Governor Tony Knowles, the Board of Forestry, state agencies, the timber and fishing industry, environmental groups and members of the public in supporting the passage of this legislation during the current session.

BE IT FURTHER RESOLVED that this resolution be distributed to:

Alaska State Legislature
Governor Tony Knowles
Board of Forestry
Commissioner of Natural Resources
State Forester

PASSED in Fairbanks, Alaska this 26th day of March, 2001 by the Greater Fairbanks Chamber of Commerce Board of Directors.


Joan Burns
Board Chair


Howard "Buzz" Oas
Chair Elect

Subject: support for SB 88

Date: Thu, 24 Apr 2003 04:44:00 +0000

From: "Thomas Paragi" <tparagi@hotmail.com>

To: senator_scott_ogan@legis.state.ak.us, senator_thomas_wagoner@legis.state.ak.us

23 April 2003

Dear Senators Ogan and Wagoner:

Please support passage of SB 88, which amends the Alaska Forest Resources and Practices Act in Region III for Interior Alaska. Based on guidelines recommended by scientists, these standards for timber buffers along streams and rivers were drafted after consensus among loggers, land managers, fishermen, and environmental interests. They will go a long way to ensuring that logging is compatible with fish habitat in our boreal forest. Thank you.

Sincerely,

Tom Paragi

1271 Lowbush Lane, Fairbanks AK 99709-6039

Add photos to your e-mail with [MSN 8](#). Get 2 months FREE*.

Subject: Support SB88

Date: Wed, 23 Apr 2003 14:17:54 -0700 (PDT)

From: Don Pendergrast <don_pendergrast@yahoo.com>

To: senator_kim_elton@legis.state.ak.us, senator_ralph_seekins@legis.state.ak.us,
senator_scott_ogan@legis.state.ak.us

Dear members of the Senate Resources Committee:

I'd like to encourage each of you to support SB88 which amends the Alaska Forest Resources and Practices Act.

I am a member of the Fairbanks Paddlers Association so rivers and streams are important to me; in fact my love of rivers prompted me to earn a masters degree in aquatic ecology. SB88 would impliment buffer zones along rivers and lakes here in the Interior, resulting in better management of aquatic systems and their own important resources.

The work that has proceded this bill has been a model of cooperation in the decision making process. There has been significant scientific input and a heartening level of cooperation between land managers, fishery interests, and conservationists. The bill has the support of the Division of Forestry and the State Board of Forestry and I hope your support as well.

I appreciate the opportunity for my own imput and will be closely following the bill's progress.

Thank you,

=====

Don Pendergrast, Ph.D.
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April 28, 2003

To: Members of the Senate Resources
Re: SB88

The Northern Alaska Environmental Center would like to urge the Senate Rules committee to pass Senate Bill 88, a bill that would alter the Forest Practices Act to provide logging buffers for Interior waterways. This bill has passed the House without opposition. Senate Rules is the last committee in which it is scheduled. If it does not pass now, it will have to be reintroduced next year, and go through the entire process again.

We support this bill not only because it would provide a higher level of protection for riparian habitats and the fish that depend on them here in Interior Alaska – but also because we support the process by which this bill was drafted.

The bill is based on the best available science, as collected by a specially convened scientific committee. It was put together by a consensus-based group of stakeholders that included fishers, loggers, Native interests, conservationists, and state agency representatives. The establishment of buffer zones will help protect salmon spawning areas and other important fisheries resources.

Failure to pass will stall the review and update of the riparian standards for Southcentral Alaska (Region II). The bill has no adverse fiscal impacts. There is a zero fiscal note.

A representative of the Northern Alaska Environmental Center took part in this stakeholder process. Like everyone else who worked together to resolve this issue, she had to make compromises and incorporate the viewpoints and considerations of others. Because of the fine balance struck in this kind of consensus-based compromise, we ask that the Senate Resources Committee pass the bill out of committee without amendment.

Thank you for your attention in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Fresco". The signature is written in a cursive style with a large initial "N".

Nancy Fresco
Boreal Forest Coordinator

SB 88 Briefing

April 25, 2003

JEFF

I. Introduction

II. Process overview

I am pleased to speak in support of SB 88. This bill is the result of hard work by many people that has led to broad support. The bill responds to the BOF's request that the agencies review the riparian management standards throughout the state. We began with review of the Region I (coastal Alaska) standards which culminated in amendments to the FRPA for Region I in 1999.

We completed the review for Region III in 2001. As in Region I, we began with a Science and Technical committee that recommended changes needed to provide adequate protection for fish habitat and water quality. The next step was to work with an Implementation Group representing affected interests to determine how to implement the recommendations in a manner that works on the ground, and draft legislative changes. Finally, the draft legislation was reviewed with the Board of Forestry.

This legislation was introduced as HB 131 in 2001. In 2001-2002, this bill was heard in the House Special Committee on Fisheries, House Resources Committee, Senate Resources Committee, and Senate Finance Committee, and passed out of all committees without opposition. The House also passed the bill without opposition. The bill was not scheduled for vote on the Senate floor. We appreciate the reintroduction of this bill by Senator Seekins.

At all levels, the process to develop this bill operated by consensus.

- Key points in the bill's development are that
 - The process was based on the best available scientific information.
 - The process was open to the public throughout.
 - The process involved a wide range of interests at each step – scientists, the timber and fishing industries, environmental interests, the BOF, and experienced field staff from state agencies all participated.
- The final package in SB 88 has broad support, including the support of the diverse interests represented by the BOF.

Forest industry	Commercial fishing organization
Native corporation	Environmental organization
Professional forester	Fish & Wildlife biologist
Mining organization	Recreational organization.
- These changes help ensure that the goals of the Act are met -- to provide adequate protection of fish habitat and water quality, and to support the continuation of healthy timber and fishing industries. Importantly, these changes also help ensure that the FRPA continues to satisfy the requirements for non-point source pollution prevention under the federal Clean Water Act, and Coastal Zone Management Act 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.

MARTY

III. Introduction -- Thank you Mr. Chairman and members of the committee
Name/title, co-chair of the Science/Technical Committee and Implementation Group

IV. Relation to existing Act.

- Not a wholesale revision. For many issues, the S/TC and Implementation Group did not recommend changes to the Act or regulations. The changes proposed affect only the part of the Act that addresses stream classification and riparian management in Region III (Interior Alaska), and a minor change to the boundary between Region I and II on the Kenai Peninsula
See Map
- The Interior has been using interim standards since the FRPA was revised in 1990. Under current standards, timber harvesting can occur up to the bank of anadromous waters on both public and private land under some conditions.

V. 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 where 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.

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.

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. CIRI, Chugach AK, MHTU, and KPB have all reviewed this change and have no concerns.

ALASKA STATE SENATE

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Senator Ralph Seekins
District D

Senate Bill 88 Request for Hearing

Attached please find Senate Bill 88 along with a corresponding Sponsor Statement and supporting documentation (Fiscal Note to follow upon our receipt of same). This Bill revises the riparian management standards of the Forest Resources Practices Act for Region III by strengthening protection for fish habitat and water quality in a manner that continues to support both the timber and fishing industries.

It is important to note that SB 88 is identical to HB 131 introduced in the 22nd Legislature. While HB 131 enjoyed broad support across the political spectrum it was a victim of the end of session rush last year. I respectfully request a hearing before your committee on this Bill at your earliest convenience. Thank you.

AS for RS