

HB

420

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 03 2006
SENATE FINANCE COMMITTEE

DATE: 4/29/06

FURTHER:

DATE TURNED
IN TO OFFICE: 3 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 420(FSH)

HB 420 FOREST RESOURCES & PRACTICES STANDARDS

"An Act relating to riparian protection 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

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DNR	1/23/06			✓	*1

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>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

REPORTED OUT
MAY 03 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 420
(H) Publish Date: 2/1/06

Revision Date/Time (Note if correction): 01/23/06 Dept. Affected: Natural Resources
Title Relating to riparian protection standards for RDU Resource Development
forest resources and practices... Component Forest Management & Development
Sponsor Rules Committee
Requester Governor Component No. 435

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 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)

This bill will have a negligible impact on operating costs, and there is no capital cost associated with this project. This bill changes the riparian standards under the Forest Resources & Practices Act, but doesn't change the process DNR uses to administer the standards.

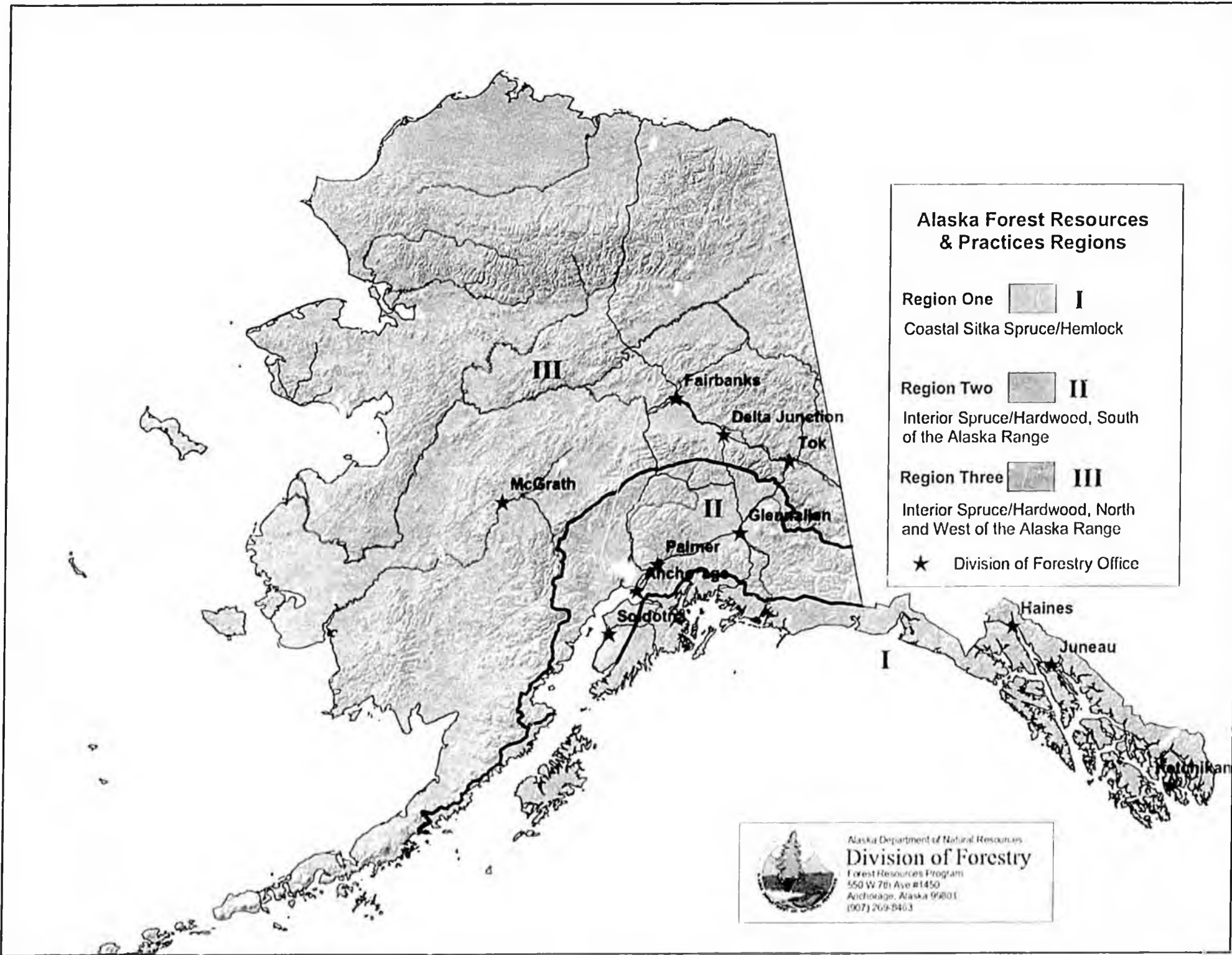
The Division of Forestry included state, municipal, Trust, and private landowners in the development of these recommendations. Their assessment was that the proposed changes would have a negligible economic impact on their operations because the timber value per acre is low, many riparian areas are naturally unforested, and landowners have routinely included voluntary buffers in their harvest operations.

Prepared by: Chris Maisch, Director Phone: 451-2660
Division: Forestry Date/Time: 1/23/2006
Approved by: Mike Menge, Commissioner Date: 1/23/2006
Agency: Natural Resources


COMMITTEE COPY


HB 420 – Forest Resources and Practices Act
Region II Southcentral


4-28-06 Handouts:
Additional Materials



**Alaska Forest Resources
& Practices Regions**

Region One  **I**
Coastal Sitka Spruce/Hemlock

Region Two  **II**
Interior Spruce/Hardwood, South
of the Alaska Range

Region Three  **III**
Interior Spruce/Hardwood, North
and West of the Alaska Range

★ Division of Forestry Office



Alaska Department of Natural Resources
Division of Forestry
Forest Resources Program
550 W 7th Ave #1450
Anchorage, Alaska 99501
(907) 269-8463

FRPA Water body class definitions

Region I	Region II	Region III
<p>Applicability: Types I-A, I-B, I-C, and I-D apply to private lands. Waterbodies on state and other public land are classified only as waters that do or do not have anadromous or high value resident fish</p>	<p>Applicability: Waterbody classes apply to all ownerships. Buffers are the same for public and private land, but only public land has special management zones.</p>	<p>Applicability: Waterbody classes apply to all ownerships. However, buffer widths for Type III-A and III-B waters are different on public and private land.</p>
<p>Type I-A An anadromous water body that (A) is 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) consists of wetlands and lakes, including their outlets; and (C) is an estuarine area delimited by the presence of salt-tolerant vegetation</p>	<p>Type II-A (A) a nonglacial stream greater than 50 feet wide that has anadromous or high value resident fish and that has an unconfined and dynamic channel; and (B) a water body that typically has point bars, islands, scour planes, active or recent side channels, and areas of obvious bank erosion.</p>	<p>Type III-A A waterbody that is a (A) nonglacial high value resident fish water body greater than three feet in width at the ordinary high water mark; (B) nonglacial anadromous water body; <u>or</u> (C) backwater slough;</p>
<p>Type I-B An anadromous water body that does not meet the definition of a Type I-A water body</p>	<p>Type II-B A glacial stream that has anadromous or high value resident fish and that is not a glacial Type II-C water body;</p>	<p>Type III-B A glacial high value resident fish water body or a glacial anadromous water body; "Type III-B water body" does not include a glacial backwater slough</p>
<p>Type I-C A water body that is not anadromous, that is a tributary to a Type I-A or Type I-B water body, and that has a gradient of 12 percent or less.</p>	<p>Type II-C A water body that has anadromous or high value resident fish that (A) is a nonglacial water body >3' wide and ≤50' wide at ordinary high water mark that has an unconfined and dynamic channel; (B) is a nonglacial water body >3' wide at ordinary high water mark that has a confined channel; (C) is a reach of the Kenai River, Kasilof River, or Lake Fork Crescent River >3' wide at ordinary high water mark; or (D) is a lake or pond;</p>	<p>Type III-C A nonglacial high value resident fish water body that is less than or equal to three feet in width at the ordinary high water mark and that does not contain anadromous fish.</p>
<p>Type I-D in Region I, a water body that is not anadromous, that is tributary to a Type I-A or Type I-B water body, and that has a</p>	<p>Type II-D A nonglacial stream or a reach of the Kenai River, Kasilof River, or Lake Fork Crescent River that is less than or equal to three feet wide at ordinary high water</p>	

gradient greater than 12 percent

mark that has anadromous or high value resident fish.

"Anadromous water body" means the portion of a fresh water body or estuarine area that

(A) is cataloged under AS 41.14.040 as important for anadromous fish; or

(B) is not cataloged under AS 41.14.870 as important for anadromous fish but has been determined by the deputy commissioner to contain or exhibit evidence of anadromous fish in which event the anadromous portion of the stream or waterway extends up to the first point of physical blockage;

"high value resident fish" means resident fish populations that are used for recreational, personal use, commercial, or subsistence purposes

HB 420/SB 262 – Forest practices riparian standards in Region II Sectional Analysis

This bill would complete the task of setting statewide riparian protection standards -- stream buffers -- for commercial forest operations. This process began with the 1990 changes to the Forest Resources and Practices Act ("FRPA", AS 41.17), and included updates to the riparian



standards for Region I (coastal forests) in 1999, and for Region III (interior forests) in 2003.

The existing FRPA standards for Region II (southcentral forests, see blue on map) were adopted in 1990 as interim standards pending scientific review. That review was completed in 2004. The recommendations were reviewed by the Board of Forestry and affected interests in 2005, and incorporated into the FRPA amendments in this bill.

Section 1 – Findings. Section 1 comprises legislative findings clarifying the intent to protect fish habitat and water quality during forest operations, and emphasizing the unique characteristics of the forests and fisheries of Southcentral Alaska. The standards in this bill are tailored specifically to conditions in Region II. Compared to other regions, Region II has an abundance of both large, dynamic rivers and narrow anadromous streams in forested areas, high fisheries values, low timber volumes per acre, and a higher proportion of hardwood timber (cottonwood, birch, and aspen).

Section 2: AS 41.17.116 -- Private land. Section 2 sets riparian standards for commercial forest operations on private land along water bodies with anadromous or high-value resident fish in Region II. For large, nonglacial, and most glacial rivers, no-harvest buffers would extend 150 feet from the water body, with a widened buffer along outer bends subject to erosion. Most nonglacial waters, lakes, and glacial rivers with relatively stable banks would have 100-foot no-harvest buffers, similar to the existing interim standard. Small streams would have 50-foot no-harvest buffers. Buffers are designed to prevent erosion and sedimentation and provide large woody debris for fish habitat. Buffers also apply to estuarine areas along anadromous or high-value resident fish streams, using the same width that applies to the adjacent stream type. Forested estuaries are rare in Region II.

Section 3: AS 41.17.118 – State land. Section 3 sets riparian standards for state land along water bodies with anadromous or high-value resident fish in Region II. The no-harvest buffers would be the same as those set for private land. In addition, on state land only, harvesting from the landward boundary of the no-harvest buffer to 300 feet from the water body may occur but must be consistent with the maintenance or enhancement of wildlife habitat.

Section 4: AS 41.17.119 -- Other public land. Section 4 sets riparian standards for other public land along water bodies with anadromous or high-value resident fish in Region II. The no-harvest buffers are the same as those applicable to state and private land.

Section 5: AS 41.17.950 (21) – “Riparian area” definition. This section amends the definition of "riparian area" to be consistent with the riparian standards set forth in sections 2, 3, and 4.

Section 6: AS 41.17.950 (34) – (41) – Other definitions. This section adds definitions for new terms used in the riparian standards in sections 3, 4, and 5. The definitions cover the four new stream categories (Types II-A, II-B, II-C, and II-D), and clarify the terms "outer bend subject to erosion," "point bar," "terrace," and "terrace top break".

Section 7 – Effective date. This section sets the effective date as July 1, 2006.



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

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February 15, 2006

Senator Tom Wagoner
 Chair, Senate Resources Committee
 Alaska State Legislature
 State Capitol
 Juneau, AK 99801-1182

Re: Senate Bill 262 – Forest Resources & Practices Standards

Dear Senator Wagoner:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to express our support for Senate Bill 262. SB 262 amends the Alaska Forest Resources and Practices Act (FRPA) in order to update the state standards for forestry activities in riparian areas. The bill is the product of a two-year consensus process managed by the Board of Forestry and it completes a statewide review of the FRPA riparian standards that began in 1996.

RDC is a private, non-profit business association comprised of individuals and leading companies from Alaska's oil and gas, mining, forest products, fisheries and tourism industries. The association's membership also includes construction companies, local communities, Native corporations, organized labor and a wide range of industry-support firms. RDC works to grow Alaska's economy through the responsible development of the state's natural resources.

SB 262 creates standards for forestry activities in the riparian areas of southcentral Alaska (Region II) that protect water quality and fish habitat while supporting healthy timber and fishing industries. The bill incorporates the best available science and maintains the state's compliance with relevant federal statutes. Most importantly, it has been vetted by government, university and private sector scientists, as well as affected stakeholders, including local governments, private forest owners, timber and fishing industry representatives, environmental groups and the state resource agencies.

SB 262 assigns distinct riparian standards for four different types of water bodies with anadromous or high-value resident fish. The no-cut buffers defined for Region II differ from the other regions in that they are wider on large, dynamic rivers and narrower on small streams. The Board of Forestry's Science & Technical Committee and Implementation Group identified a number of sound reasons for these differences, including the fact that within Region II there are significantly more large rivers that overlap with areas where harvesting is likely to take place.

The Board of Forestry has a proven track record in developing consensus language to amend the FRPA, having successfully crafted the riparian standards for Region I in 1999 and for Region III in 2003. RDC strongly supports the Board of Forestry's work on these issues and we believe they warrant the endorsement of the Legislature. Please move SB 262 forward without amendment.

Thank you for considering RDC's position on this important piece of legislation.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
For Alaska, Inc

A handwritten signature in cursive script that reads "Tadd Owens". The signature is written in dark ink and is positioned above the printed name and title.

Tadd Owens
Executive Director

Legislation would change timber practices in Southcentral Alaska

By HAL SPENCE

Peninsula Clarion

Timber harvesting rules defining buffers meant to protect habitat around Kenai Peninsula rivers and streams would be stiffened under bills now before the Alaska Legislature.

But while some no-cut buffer zones would be widened and others reduced, the primary change would be to require those strict no-cut buffers on private, as well as public land. Nevertheless, the proposed changes are not expected to significantly alter current commercial forestry practices on the Kenai Peninsula, according to harvesters.

The buffer zone amendments are proposed in House Bill 420 and its companion Senate Bill 262, currently in the House Rules Committee and Senate Re-sources Committee respectively.

No-cut buffers 100 feet wide already are required on public lands. The proposed changes generally would widen those buffers around large rivers to 150 feet, keep the 100-foot buffer about smaller rivers, and reduce them to 50 feet along small streams less than three feet wide.

Currently, private lands within 100 feet of rivers and streams have been regulated as special management areas, where tree cutting is permitted if operations are designed to protect habitat and water quality. Here there are no no-cut zones.

That would change under the proposed revisions. If approved, the same no-cut terms applied to public lands would also apply on private property.

Passage of one of the bills would complete a process begun in 1990 to adopt statewide riparian protection standards (stream buffers) for commercial forest operations under the Forest Resources and Practices Act. Revised standards already have been adopted in two of the state's three FRPA regions: Region I, which covers much of southern coastal Alaska, including the east side of the Kenai Peninsula, and Region III, which includes Interior Alaska.

Only Region II, which stretches across much of Southcentral Alaska south of Denali, including western Kenai Peninsula from Homer north to Turnagain Arm and the west side of Cook Inlet, has yet to be revised. That is the purpose behind the two bills.

"The nutshell version is that around large, dynamic rivers, both glacial and nonglacial, we're proposing a wider basic buffer (no-cut zone) of 150 feet. That would apply both on public and private land," said Marty Freeman, with the State Division of Forestry.

Gone would be the special management areas on private land under which harvesting currently can occur near to rivers and streams.

The general purpose behind all the buffers is to protect fish habitat. The high value of fish coupled with the relatively low value of timber in Region II has led to the proposed restrictions.

In many cases, the wider buffers are meant to prevent too much erosion and sedimentation. Along some rivers, however, the aim is to protect natural erosive forces necessary to ensure enough dead wood reaches the rivers to create sloughs and side channels that provide fish with resting and spawning habitat, she said.

"The way to get big logs into big rivers is to have the banks erode," she said. "They need a lot of wood, so you need a wider buffer."

The Alaska Forest Resources and Practices Act is meant to provide the commercial timber industry with a "one-stop shopping" system for complying with the federal Clean Water Act and Coastal Zone Management Act. Forest operations that are consistent with the FRPA are deemed consistent with those acts.

According to the division, final approval of the FRPA as the state's forestry management measure for the Coastal Zone Reauthorization Act depends on adoption of buffer standards on private land in Region II. The two bills now before lawmakers are meant to accomplish that.

According to Freeman, the bills are the culmination of more than two years of work by scientists, agencies, municipalities (Matanuska-Susitna and Kenai Peninsula boroughs included), Native corporations, representatives of the timber industry and other stakeholders, including the University of Alaska and Mental Health Trusts.

"It got a quite broad review," Freeman said.

According to a summary of public comment taken during review of the proposed amendments, landowners and timber operators indicated that impacts from the proposed standards would be limited due to Region II's topography, existing vegetation patterns, and relatively low timber values.

According to the minutes, Dean Kvasnikoff, of Ninilchik Native Association Inc., said the proposals wouldn't make a big difference on the peninsula. Corporation logging practices already included staying well back from streams.

Kvasnikoff noted that the time frame for reforestation under FRPA was a bigger issue. The division plans to initiate a review of Region II and III reforestation standards this fall.

Bob Shavelson, director of Cook Inlet Keeper, said the revisions sounded like they were taking a good direction.

"As climate change takes hold in Alaska and the temperatures in our salmon streams continues to increase, it is important to control the stresses and impacts that we can.

"We may not be able to control the temperature, but we can control the effects of development along our fish streams," he said.

Briefing: HB 420/SBB 262
Region II Forest Practices amendments
DEPARTMENT OF NATURAL RESOURCES



Alaska Department of
**NATURAL
RESOURCES**

February 2006

DIVISION OF FORESTRY

Overview. HB 420/SB 262 would amend the Alaska Forest Resources and Practices Act (FRPA) for the boreal forest in southcentral Alaska (Region II). The bill sets standards for forestry activities in riparian areas and ensures that Region II standards

- support healthy timber and fishing industries,
- protect fish habitat and water quality,
- incorporate the best available science,
- maintain “one-stop shopping” for compliance with federal laws.

The bill is the product of two years of work by an array of interests. There is broad support for the consensus in the bill. This process was convened at the request of the Board of Forestry, and completes a statewide review of the FRPA riparian standards that was begun in 1996. Updates to the standards for Region I were adopted in 1999, and for Region III in 2003.

Applicability. FRPA Region II covers the boreal forest in southcentral Alaska. This includes the Mat-Su valley, the interior part of the Copper River Basin, the west side of the Kenai Peninsula, and the upper Cook Inlet area (see map). In Region II, 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.

Background. This bill is based on work by an interdisciplinary Science & Technical Committee. The Committee reviewed relevant research and published an annotated bibliography of the results, drafted a stream classification system, and recommended changes to current standards. Committee members had expertise in fisheries, forestry, hydrology, and soils. Members included scientists and experienced field staff from state and federal resource agencies, the University of Alaska, and the private sector.

An Implementation Group then 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. Group members represented affected interests, including municipalities, trust land managers, private forest owners, the timber and fishing industries, environmental groups, and the departments of Natural Resources, Fish and Game, and Environmental Conservation.

The Board of Forestry reviewed and concurred with the recommendations from the Implementation Group. The Board added findings to emphasize that this proposal is tailored specifically to the conditions in Region II, and does not revise the standards for Regions I and III. With this addition, the Board endorsed the bill recommended by the Implementation Group. All recommendations from the Science & Technical Committee, the Implementation Group, and the Board of Forestry were consensus recommendations.

Summary of key provisions. The bill defines four types of water bodies that have anadromous or high-value resident fish, and sets riparian standards for each type as follows:

- **Types II-A and II-B.** On large, dynamic, non-glacial rivers and dynamic, glacial rivers: a no-cut buffer of 150'. The buffer widens to 225' on actively eroding outer bends not constrained by terraces on Type II-A rivers, and to 325' on such bends on Type II-B rivers.
- **Type II-C.** On smaller dynamic, non-glacial streams, streams and rivers with stable channels, and lakes: a 100' no-cut buffer.
- **Type II-D.** On small streams (<3' wide): a no-cut buffer of 50'.

Buffers are designed to prevent erosion and sedimentation, provide large woody debris for fish habitat, and provide a long-term supply of the ten habitat characteristics identified by FRPA. Compared to the other regions, these buffers are wider on the big, dynamic rivers and narrower on small streams. The Science & Technical Committee and Implementation Group identified several reasons for the differences in Region II.

- 1) In Region II, there are many more large, dynamic rivers that overlap with areas where harvesting is likely to occur.
- 2) The fisheries values in Region II are very high, and the timber values relatively low. A disproportionate share of sport fishing occurs in Region II, and it takes place primarily in freshwater areas that are adjacent to forested areas.
- 3) The volume of timber per acre in Region II is lower than in Regions I or III, and more of the timber is in hardwoods. This means that it takes a bigger area to get the same amount of large woody debris into the river system, and the wood that gets into the river decays faster.
- 4) There are many small, anadromous streams in forested areas of Region II. Buffers are needed to keep sediment out of these streams, but sediment can be controlled with narrower buffers.

Relation to federal laws. FRPA provides the timber industry with "one-stop shopping" for compliance with federal Clean Water Act and Coastal Zone Management Act compliance. Forest operations that are consistent with FRPA are deemed consistent with these laws. However, final approval of FRPA as the state's forestry management measures for the Coastal Zone Reauthorization Act depends on adoption of buffer standards on private land in Region II. This bill accomplishes that in a manner that is workable for the timber industry.

Public review. Public review to date include input from the Implementation Group, public hearings at the Board of Forestry, and contacts with major forest landowners, including Native corporations, the University and Mental Health trusts, and the Mat-Su and Kenai Boroughs.

Minutes of all Science & Technical Committee and Implementation Group meetings, and the recommendations from these groups were also sent to a mailing list that included 158 names of Native corporations and tribal groups, municipalities, timber businesses, resource agencies, trust land managers, groups representing environmental, recreation, fishing and development interests, and individuals.

Comments from landowners indicated that impacts from the proposed standards are limited due to the Region II topography and existing vegetation patterns, relatively low timber values, and current harvesting practices which typically incorporate voluntary buffers.

For more information, contact:

Marty Freeman
 DNR Division of Forestry
 550 W. 7th Avenue/Anchorage, AK 99501
 907-269-8473



Fact Sheet:

Alaska Forest Resources and Practices Act

December 8, 2005

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Background. The Alaska Forest Resources and Practices Act (FRPA, AS 41.17) governs how timber harvesting, reforestation, and timber access occur on state, private, and municipal land. Forest management standards on federal land must also meet or exceed the standards for state land established by the Act. The FRPA was originally adopted in 1978. Major revisions were adopted in 1990 to address riparian management on private land, enhance notification procedures for timber operations, reorganize the Board of Forestry, and establish enforcement procedures. Additional changes to the stream classification system and riparian management standards were adopted in 1999 for Region I (coastal Alaska) and in 2003 for Region III (interior Alaska). Review of the standards for Region II (southcentral Alaska) is in progress.

Purpose. The Act balances economic concerns for the timber industry with water quality and habitat protection needs. It protects fish habitat and water quality, ensures prompt reforestation, and helps the timber and fishing industries provide long-term jobs. This framework provides certainty and credibility for landowners, operators, and the public.

Key provisions. The Act

- Establishes a process for landowners to notify the state before beginning commercial timber operations. This is not a permit process. Tight timeframes are set for agency review of notifications, and timber operations can proceed if the agencies do not respond within the set time frame.
- Sets standards for forest management along waterbodies, including buffers, and provides flexibility to harvest valuable trees within buffers when it can be done without harming fish habitat or water quality. Harvest within buffers requires agency approval. Buffers are tailored to the conditions in each region.
- Sets standards to prevent erosion from roads and harvest areas into waterbodies.
- Requires reforestation except where land will be converted to another use, or where the harvest area is significantly composed of dead or dying trees.
- Provides one-stop shopping for forest operation compliance with state and federal clean water and coastal management standards.
- Authorizes DOF to enforce the Act through directives, stop work orders, and citations for violations.

Best management practices (BMPs). Regulations adopted under 11 AAC 95 also establish BMPs for road construction and maintenance, and for timber harvesting. These standards are designed to prevent adverse impacts to fish habitat and water quality from timber operations.

Regions and applicability. Alaska is divided into three forest practices regions. Region I covers coastal forests from Southeast Alaska through Prince William Sound, the eastern Kenai Peninsula, the Kodiak Archipelago, and parts of the Alaska Peninsula. Region II is the boreal forest south of the Alaska Range. Region III is the boreal forest in Interior Alaska.

The FRPA applies to commercial timber operations on forestland, including harvesting, roading, site preparation, thinning, and slash treatment operations on forestland. Operations must comply with the FRPA if they are larger than 10 acres in Region I or larger than 40 acres in Region II. In Region III, it applies to operations larger than 40 acres for forest landowners that own more than 160 acres in total. All commercial harvest operations that encompass or border surface waters or a riparian area also must comply with the Act, regardless of their size.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

14B 420
FRANK H. MURKOWSKI, GOVERNOR

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April 28, 2006

Senator Lyda Green, Co-Chair
Senate Finance Committee
Alaska State Legislature
State Capitol, Room 516
Juneau, AK 99801

RE: HB 420 - Relating to riparian protection standards for forest resources and practices; and providing for an effective date.

Dear Senator Green,

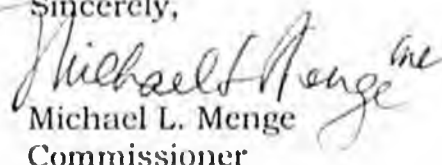
This is a request for your consideration to schedule HB 420 before the Senate Finance Committee at your earliest convenience. This bill passed the House unanimously on April 11, 2006 and has the full support of stakeholders and regulators who drafted this 'fully-vetted' consensus bill. The companion bill, SB 262 was heard in Senate Resources Committee on February 5, 2006, and HB 420 passed out of that committee today with unanimous support.

HB 420 was heard in the House Fisheries Committee on February 15, 2006 with unanimous 'do pass' recommendations, and a minor amendment to correct a technical drafting error - the omission of a specific statutory reference in Sec. 3. AS 41.17.118 (a), was inserted and created a (FSH) committee substitute.

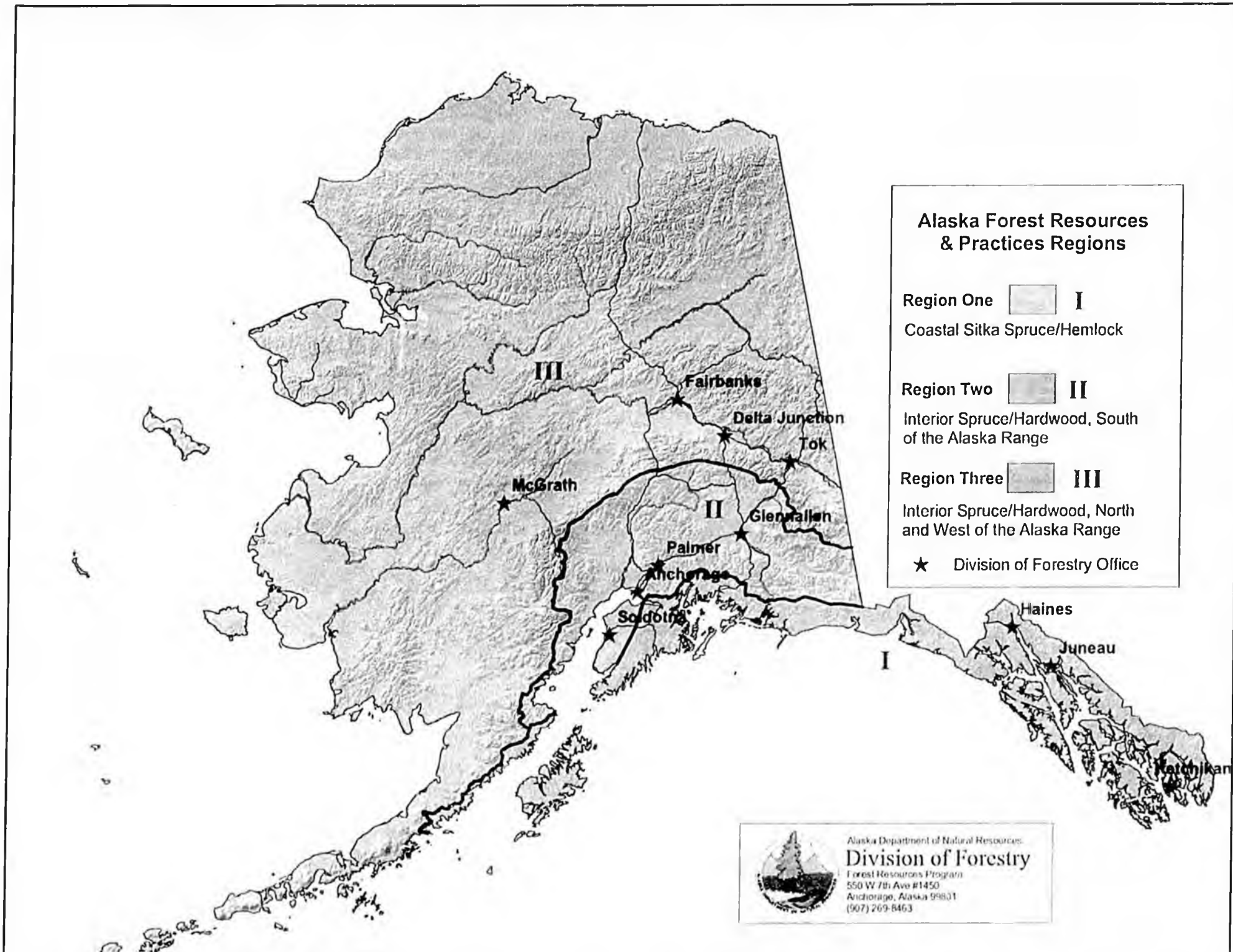

HB 420 would complete the task of setting statewide riparian protection standards that began with the 1990 changes to the Forest Resources and Practices Act (AS 41.17). Standards for Region I, the coastal forest, and Region III, the Interior, have already been established in statute and regulation. Now, the work has been finished to set standards for Region II, Southcentral, Alaska.

Again, Senator Green, thank you for your consideration to schedule this bill. Please contact Melanie Lesh at 465-4730 if you have any questions regarding the bill, she will work with department staff and many supporters including the Resource Development Council to provide testimony in support of the bill. You may also contact Marty Freeman, the Forest Resources Program Manager at 269-8473.

Sincerely,


Michael L. Menge
Commissioner

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

Alaska Department of Natural Resources
Division of Forestry
 Forest Resources Program
 550 W 7th Ave #1450
 Anchorage, Alaska 99501
 (907) 269-8463

FRPA Water body class definitions

Region I	Region II	Region III
<p>Applicability: Types I-A, I-B, I-C, and I-D apply to private lands. Waterbodies on state and other public land are classified only as waters that do or do not have anadromous or high value resident fish</p>	<p>Applicability: Waterbody classes apply to all ownerships. Buffers are the same for public and private land, but only public land has special management zones.</p>	<p>Applicability: Waterbody classes apply to all ownerships. However, buffer widths for Type III-A and III-B waters are different on public and private land.</p>
<p>Type I-A An anadromous water body that (A) is 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) consists of wetlands and lakes, including their outlets; and (C) is an estuarine area delimited by the presence of salt-tolerant vegetation</p>	<p>Type II-A (A) a nonglacial stream greater than 50 feet wide that has anadromous or high value resident fish and that has an unconfined and dynamic channel; and (B) a water body that typically has point bars, islands, scour planes, active or recent side channels, and areas of obvious bank erosion;</p>	<p>Type III-A A water body that is a (A) nonglacial high value resident fish water body greater than three feet in width at the ordinary high water mark; (B) nonglacial anadromous water body; or (C) backwater slough;</p>
<p>Type I-B An anadromous water body that does not meet the definition of a Type I-A water body</p>	<p>Type II-B A glacial stream that has anadromous or high value resident fish and that is not a glacial Type II-C water body;</p>	<p>Type III-B A glacial high value resident fish water body or a glacial anadromous water body; "Type III-B water body" does not include a glacial backwater slough</p>
<p>Type I-C A water body that is not anadromous, that is a tributary to a Type I-A or Type I-B water body, and that has a gradient of 12 percent or less.</p>	<p>Type II-C A water body that has anadromous or high value resident fish that (A) is a nonglacial water body >3' wide and ≤50' wide at ordinary high water mark that has an unconfined and dynamic channel; (B) is a nonglacial water body >3' wide at ordinary high water mark that has a confined channel; (C) is a reach of the Kenai River, Kasilof River, or Lake Fork Crescent River >3' wide at ordinary high water mark; or (D) is a lake or pond;</p>	<p>Type III-C A nonglacial high value resident fish water body that is less than or equal to three feet in width at the ordinary high water mark and that does not contain anadromous fish.</p>
<p>Type I-D in Region I, a water body that is not anadromous, that is tributary to a Type I-A or Type I-B water body, and that has a</p>	<p>Type II-D A nonglacial stream or a reach of the Kenai River, Kasilof River, or Lake Fork Crescent River that is less than or equal to three feet wide at ordinary high water</p>	

gradient greater than 12 percent

mark that has anadromous or high value resident fish.

"Anadromous water body" means the portion of a fresh water body or estuarine area that

(A) is cataloged under AS 41.14.040 as important for anadromous fish; or

(B) is not cataloged under AS 41.14.870 as important for anadromous fish but has been determined by the deputy commissioner to contain or exhibit evidence of anadromous fish in which event the anadromous portion of the stream or waterway extends up to the first point of physical blockage;

"high value resident fish" means resident fish populations that are used for recreational, personal use, commercial, or subsistence purposes

HB 420/SB 262 – Forest practices riparian standards in Region II Sectional Analysis

This bill would complete the task of setting statewide riparian protection standards -- stream buffers -- for commercial forest operations. This process began with the 1990 changes to the Forest Resources and Practices Act ("FRPA", AS 41.17), and included updates to the riparian



standards for Region I (coastal forests) in 1999, and for Region III (interior forests) in 2003.

The existing FRPA standards for Region II (southcentral forests, see blue on map) were adopted in 1990 as interim standards pending scientific review. That review was completed in 2004. The recommendations were reviewed by the Board of Forestry and affected interests in 2005, and incorporated into the FRPA amendments in this bill.

Section 1 – Findings. Section 1 comprises legislative findings clarifying the intent to protect fish habitat and water quality during forest operations, and emphasizing the unique characteristics of the forests and fisheries of Southcentral Alaska. The standards in this bill are tailored specifically to conditions in Region II. Compared to other regions, Region II has an abundance of both large, dynamic rivers and narrow anadromous streams in forested areas, high fisheries values, low timber volumes per acre, and a higher proportion of hardwood timber (cottonwood, birch, and aspen).

Section 2: AS 41.17.116 -- Private land. Section 2 sets riparian standards for commercial forest operations on private land along water bodies with anadromous or high-value resident fish in Region II. For large, nonglacial, and most glacial rivers, no-harvest buffers would extend 150 feet from the water body, with a widened buffer along outer bends subject to erosion. Most nonglacial waters, lakes, and glacial rivers with relatively stable banks would have 100-foot no-harvest buffers, similar to the existing interim standard. Small streams would have 50-foot no-harvest buffers. Buffers are designed to prevent erosion and sedimentation and provide large woody debris for fish habitat. Buffers also apply to estuarine areas along anadromous or high-value resident fish streams, using the same width that applies to the adjacent stream type. Forested estuaries are rare in Region II.

Section 3: AS 41.17.118 – State land. Section 3 sets riparian standards for state land along water bodies with anadromous or high-value resident fish in Region II. The no-harvest buffers would be the same as those set for private land. In addition, on state land only, harvesting from the landward boundary of the no-harvest buffer to 300 feet from the water body may occur but must be consistent with the maintenance or enhancement of wildlife habitat.

Section 4: AS 41.17.119 -- Other public land. Section 4 sets riparian standards for other public land along water bodies with anadromous or high-value resident fish in Region II. The no-harvest buffers are the same as those applicable to state and private land.

Section 5: AS 41.17.950 (21) – “Riparian area” definition. This section amends the definition of "riparian area" to be consistent with the riparian standards set forth in sections 2, 3, and 4.

Section 6: AS 41.17.950 (34) – (41) – Other definitions. This section adds definitions for new terms used in the riparian standards in sections 3, 4, and 5. The definitions cover the four new stream categories (Types II-A, II-B, II-C, and II-D), and clarify the terms "outer bend subject to erosion," "point bar," "terrace," and "terrace top break".

Section 7 – Effective date. This section sets the effective date as July 1, 2006.



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

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Congressman Don Young
Governor Frank Murkowski

February 15, 2006

Senator Tom Wagoner
Chair, Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: Senate Bill 262 — Forest Resources & Practices Standards

Dear Senator Wagoner:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to express our support for Senate Bill 262. SB 262 amends the Alaska Forest Resources and Practices Act (FRPA) in order to update the state standards for forestry activities in riparian areas. The bill is the product of a two-year consensus process managed by the Board of Forestry and it completes a statewide review of the FRPA riparian standards that began in 1996.

RDC is a private, non-profit business association comprised of individuals and leading companies from Alaska's oil and gas, mining, forest products, fisheries and tourism industries. The association's membership also includes construction companies, local communities, Native corporations, organized labor and a wide range of industry-support firms. RDC works to grow Alaska's economy through the responsible development of the state's natural resources.

SB 262 creates standards for forestry activities in the riparian areas of southcentral Alaska (Region II) that protect water quality and fish habitat while supporting healthy timber and fishing industries. The bill incorporates the best available science and maintains the state's compliance with relevant federal statutes. Most importantly, it has been vetted by government, university and private sector scientists, as well as affected stakeholders, including local governments, private forest owners, timber and fishing industry representatives, environmental groups and the state resource agencies.

SB 262 assigns distinct riparian standards for four different types of water bodies with anadromous or high-value resident fish. The no-cut buffers defined for Region II differ from the other regions in that they are wider on large, dynamic rivers and narrower on small streams. The Board of Forestry's Science & Technical Committee and Implementation Group identified a number of sound reasons for these differences, including the fact that within Region II there are significantly more large rivers that overlap with areas where harvesting is likely to take place.

The Board of Forestry has a proven track record in developing consensus language to amend the FRPA, having successfully crafted the riparian standards for Region I in 1999 and for Region III in 2003. RDC strongly supports the Board of Forestry's work on these issues and we believe they warrant the endorsement of the Legislature. Please move SB 262 forward without amendment.

Thank you for considering RDC's position on this important piece of legislation.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
For Alaska, Inc.

A handwritten signature in cursive script that reads "Tadd Owens". The signature is written in dark ink and is positioned above the printed name and title.

Tadd Owens
Executive Director

Legislation would change timber practices in Southcentral Alaska

By HAL SPENCE

Peninsula Clarion

Timber harvesting rules defining buffers meant to protect habitat around Kenai Peninsula rivers and streams would be stiffened under bills now before the Alaska Legislature.

But while some no-cut buffer zones would be widened and others reduced, the primary change would be to require those strict no-cut buffers on private, as well as public land. Nevertheless, the proposed changes are not expected to significantly alter current commercial forestry practices on the Kenai Peninsula, according to harvesters.

The buffer zone amendments are proposed in House Bill 420 and its companion Senate Bill 262, currently in the House Rules Committee and Senate Re-sources Committee respectively.

No-cut buffers 100 feet wide already are required on public lands. The proposed changes generally would widen those buffers around large rivers to 150 feet, keep the 100-foot buffer about smaller rivers, and reduce them to 50 feet along small streams less than three feet wide.

Currently, private lands within 100 feet of rivers and streams have been regulated as special management areas, where tree cutting is permitted if operations are designed to protect habitat and water quality. Here there are no no-cut zones.

That would change under the proposed revisions. If approved, the same no-cut terms applied to public lands would also apply on private property.

Passage of one of the bills would complete a process begun in 1990 to adopt statewide riparian protection standards (stream buffers) for commercial forest operations under the Forest Resources and Practices Act. Revised standards already have been adopted in two of the state's three FRPA regions: Region I, which covers much of southern coastal Alaska, including the east side of the Kenai Peninsula, and Region III, which includes Interior Alaska.

Only Region II, which stretches across much of Southcentral Alaska south of Denali, including western Kenai Peninsula from Homer north to Turnagain Arm and the west side of Cook Inlet, has yet to be revised. That is the purpose behind the two bills.

"The nutshell version is that around large, dynamic rivers, both glacial and nonglacial, we're proposing a wider basic buffer (no-cut zone) of 150 feet. That would apply both on public and private land," said Marty Freeman, with the State Division of Forestry.

Gone would be the special management areas on private land under which harvesting currently can occur near to rivers and streams.

The general purpose behind all the buffers is to protect fish habitat. The high value of fish coupled with the relatively low value of timber in Region II has led to the proposed restrictions.

In many cases, the wider buffers are meant to prevent too much erosion and sedimentation. Along some rivers, however, the aim is to protect natural erosive forces necessary to ensure enough dead wood reaches the rivers to create sloughs and side channels that provide fish with resting and spawning habitat, she said.

"The way to get big logs into big rivers is to have the banks erode," she said. "They need a lot of wood, so you need a wider buffer."

The Alaska Forest Resources and Practices Act is meant to provide the commercial timber industry with a "one-stop shopping" system for complying with the federal Clean Water Act and Coastal Zone Management Act. Forest operations that are consistent with the FRPA are deemed consistent with those acts.

According to the division, final approval of the FRPA as the state's forestry management measure for the Coastal Zone Reauthorization Act depends on adoption of buffer standards on private land in Region II. The two bills now before lawmakers are meant to accomplish that.

According to Freeman, the bills are the culmination of more than two years of work by scientists, agencies, municipalities (Matanuska-Susitna and Kenai Peninsula boroughs included), Native corporations, representatives of the timber industry and other stakeholders, including the University of Alaska and Mental Health Trusts.

"It got a quite broad review," Freeman said.

According to a summary of public comment taken during review of the proposed amendments, landowners and timber operators indicated that impacts from the proposed standards would be limited due to Region II's topography, existing vegetation patterns, and relatively low timber values.

According to the minutes, Dean Kvasnikoff, of Ninilchik Native Association Inc., said the proposals wouldn't make a big difference on the peninsula. Corporation logging practices already included staying well back from streams.

Kvasnikoff noted that the time frame for reforestation under FRPA was a bigger issue. The division plans to initiate a review of Region II and III reforestation standards this fall.

Bob Shavelson, director of Cook Inlet Keeper, said the revisions sounded like they were taking a good direction.

"As climate change takes hold in Alaska and the temperatures in our salmon streams continues to increase, it is important to control the stresses and impacts that we can.

"We may not be able to control the temperature, but we can control the effects of development along our fish streams," he said.

Fact Sheet:

Alaska Forest Resources and Practices Act

December 8, 2005

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Background. The Alaska Forest Resources and Practices Act (FRPA, AS 41.17) governs how timber harvesting, reforestation, and timber access occur on state, private, and municipal land. Forest management standards on federal land must also meet or exceed the standards for state land established by the Act. The FRPA was originally adopted in 1978. Major revisions were adopted in 1990 to address riparian management on private land, enhance notification procedures for timber operations, reorganize the Board of Forestry, and establish enforcement procedures. Additional changes to the stream classification system and riparian management standards were adopted in 1999 for Region I (coastal Alaska) and in 2003 for Region III (interior Alaska). Review of the standards for Region II (southcentral Alaska) is in progress.

Purpose. The Act balances economic concerns for the timber industry with water quality and habitat protection needs. It protects fish habitat and water quality, ensures prompt reforestation, and helps the timber and fishing industries provide long-term jobs. This framework provides certainty and credibility for landowners, operators, and the public.

Key provisions. The Act

- Establishes a process for landowners to notify the state before beginning commercial timber operations. This is not a permit process. Tight timeframes are set for agency review of notifications, and timber operations can proceed if the agencies do not respond within the set time frame.
- Sets standards for forest management along waterbodies, including buffers, and provides flexibility to harvest valuable trees within buffers when it can be done without harming fish habitat or water quality. Harvest within buffers requires agency approval. Buffers are tailored to the conditions in each region.
- Sets standards to prevent erosion from roads and harvest areas into waterbodies.
- Requires reforestation except where land will be converted to another use, or where the harvest area is significantly composed of dead or dying trees.
- Provides one-stop shopping for forest operation compliance with state and federal clean water and coastal management standards.
- Authorizes DOF to enforce the Act through directives, stop work orders, and citations for violations.

Best management practices (BMPs). Regulations adopted under 11 AAC 95 also establish BMPs for road construction and maintenance, and for timber harvesting. These standards are designed to prevent adverse impacts to fish habitat and water quality from timber operations.

Regions and applicability. Alaska is divided into three forest practices regions. Region I covers coastal forests from Southeast Alaska through Prince William Sound, the eastern Kenai Peninsula, the Kodiak Archipelago, and parts of the Alaska Peninsula. Region II is the boreal forest south of the Alaska Range. Region III is the boreal forest in Interior Alaska.

The FRPA applies to commercial timber operations on forestland, including harvesting, roading, site preparation, thinning, and slash treatment operations on forestland. Operations must comply with the FRPA if they are larger than 10 acres in Region I or larger than 40 acres in Region II. In Region III, it applies to operations larger than 40 acres for forest landowners that own more than 160 acres in total. All commercial harvest operations that encompass or border surface waters or a riparian area also must comply with the Act, regardless of their size.

Briefing: HB 420/SBB 262
Region II Forest Practices amendments
DEPARTMENT OF NATURAL RESOURCES



Alaska Department of
**NATURAL
RESOURCES**

February 2006

DIVISION OF FORESTRY

Overview. HB 420/SB 262 would amend the Alaska Forest Resources and Practices Act (FRPA) for the boreal forest in southcentral Alaska (Region II). The bill sets standards for forestry activities in riparian areas and ensures that Region II standards

- support healthy timber and fishing industries,
- protect fish habitat and water quality,
- incorporate the best available science,
- maintain "one-stop shopping" for compliance with federal laws.

The bill is the product of two years of work by an array of interests. There is broad support for the consensus in the bill. This process was convened at the request of the Board of Forestry, and completes a statewide review of the FRPA riparian standards that was begun in 1996. Updates to the standards for Region I were adopted in 1999, and for Region III in 2003.

Applicability. FRPA Region II covers the boreal forest in southcentral Alaska. This includes the Mat-Su valley, the interior part of the Copper River Basin, the west side of the Kenai Peninsula, and the upper Cook Inlet area (see map). In Region II, 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.

Background. This bill is based on work by an interdisciplinary Science & Technical Committee. The Committee reviewed relevant research and published an annotated bibliography of the results, drafted a stream classification system, and recommended changes to current standards. Committee members had expertise in fisheries, forestry, hydrology, and soils. Members included scientists and experienced field staff from state and federal resource agencies, the University of Alaska, and the private sector.

An Implementation Group then 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. Group members represented affected interests, including municipalities, trust land managers, private forest owners, the timber and fishing industries, environmental groups, and the departments of Natural Resources, Fish and Game, and Environmental Conservation.

The Board of Forestry reviewed and concurred with the recommendations from the Implementation Group. The Board added findings to emphasize that this proposal is tailored specifically to the conditions in Region II, and does not revise the standards for Regions I and III. With this addition, the Board endorsed the bill recommended by the Implementation Group. All recommendations from the Science & Technical Committee, the Implementation Group, and the Board of Forestry were consensus recommendations.

Summary of key provisions. The bill defines four types of water bodies that have anadromous or high-value resident fish, and sets riparian standards for each type as follows:

- **Types II-A and II-B.** On large, dynamic, non-glacial rivers and dynamic, glacial rivers: a no-cut buffer of 150'. The buffer widens to 225' on actively eroding outer bends not constrained by terraces on Type II-A rivers, and to 325' on such bends on Type II-B rivers.
- **Type II-C.** On smaller dynamic, non-glacial streams, streams and rivers with stable channels, and lakes: a 100' no-cut buffer.
- **Type II-D.** On small streams (<3' wide): a no-cut buffer of 50'.

Buffers are designed to prevent erosion and sedimentation, provide large woody debris for fish habitat, and provide a long-term supply of the ten habitat characteristics identified by FRPA. Compared to the other regions, these buffers are wider on the big, dynamic rivers and narrower on small streams. The Science & Technical Committee and Implementation Group identified several reasons for the differences in Region II.

- 1) In Region II, there are many more large, dynamic rivers that overlap with areas where harvesting is likely to occur.
- 2) The fisheries values in Region II are very high, and the timber values relatively low. A disproportionate share of sport fishing occurs in Region II, and it takes place primarily in freshwater areas that are adjacent to forested areas.
- 3) The volume of timber per acre in Region II is lower than in Regions I or III, and more of the timber is in hardwoods. This means that it takes a bigger area to get the same amount of large woody debris into the river system, and the wood that gets into the river decays faster.
- 4) There are many small, anadromous streams in forested areas of Region II. Buffers are needed to keep sediment out of these streams, but sediment can be controlled with narrower buffers.

Relation to federal laws. FRPA provides the timber industry with "one-stop shopping" for compliance with federal Clean Water Act and Coastal Zone Management Act compliance. Forest operations that are consistent with FRPA are deemed consistent with these laws. However, final approval of FRPA as the state's forestry management measures for the Coastal Zone Reauthorization Act depends on adoption of buffer standards on private land in Region II. This bill accomplishes that in a manner that is workable for the timber industry.

Public review. Public review to date include input from the Implementation Group, public hearings at the Board of Forestry, and contacts with major forest landowners, including Native corporations, the University and Mental Health trusts, and the Mat-Su and Kenai Boroughs.

Minutes of all Science & Technical Committee and Implementation Group meetings, and the recommendations from these groups were also sent to a mailing list that included 158 names of Native corporations and tribal groups, municipalities, timber businesses, resource agencies, trust land managers, groups representing environmental, recreation, fishing and development interests, and individuals.

Comments from landowners indicated that impacts from the proposed standards are limited due to the Region II topography and existing vegetation patterns, relatively low timber values, and current harvesting practices which typically incorporate voluntary buffers.

For more information, contact:

Marty Freeman
 DNR Division of Forestry
 550 W. 7th Avenue/Anchorage, AK 99501
 907-269-8473

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January 31, 2006

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to riparian protection standards for forest resources and practices.

The bill would complete the task of setting statewide riparian protection standards that began with the 1990 changes to the Forest Resources and Practices Act (AS 41.17). Standards for Region I, the coastal forest, and Region III, the Interior, have already been established. Now, the work has been finished to set standards for Region II, Southcentral.

Section 1 of the bill sets out legislative findings supporting the standards. Such findings are helpful to managers and the regulated community in understanding the underlying purposes and intent for the statutory language. These findings recognize the unique nature of Southcentral Alaska forests and forest uses.

Section 2 of the bill would set the new standards for private land in Southcentral Alaska. For large, nonglacial, and for most glacial, anadromous fish-bearing water bodies, timber harvest may not occur within 150 feet of the water body and wider protections are set for outer bends subject to erosion. Other types of water bodies receive either 100-foot or 50-foot no-harvest buffers, depending on stream characteristics.

Section 3 of the bill would set the new standards for state land in Southcentral Alaska. The no-harvest buffers would be the same as those set for private land. This section also would clarify that adjacent estuarine areas are subject to the same protections as are the fresh water bodies. Also, this section would establish that for all four types of fish-bearing water bodies in

The Honorable John Harris
January 31, 2006
Page 2

the region, harvest may occur from the landward boundary of the no-harvest buffer to 300 feet from the water body only insofar as it is consistent with the maintenance or enhancement of wildlife habitat.

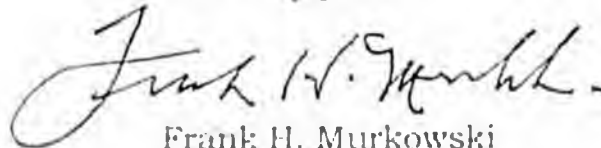
Section 4 of the bill would set new standards for other public land in Southcentral Alaska. These standards are the same as those applicable to state land, except that there is no requirement that harvest from the boundary out to 300 feet be consistent with maintenance or enhancement of wildlife habitat.

In section 5 of the bill, the term "riparian area" would be amended to reflect the new standards for Region II. Section 6 of the bill would add new definitions necessary to understand the standards. Thus, the four new stream categories (Types II-A, II-B, II-C, and II-D) are explained. Finally, the terms "outer bend subject to erosion," "point bar," "terrace," and "terrace top break" all would be defined.

Section 7 of the bill would set the effective date as July 1, 2006.

The bill would complete the fish habitat riparian protection standards that are one of the primary purposes underlying the Forest Resources and Practices Act. I urge your prompt and favorable action on this measure.

Sincerely yours,



Frank H. Murkowski
Governor

Enclosure

SENATE COMMITTEE REPORT

DATE: 4/12/06

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/28/06

Resources Committee considered CS FOR HOUSE BILL NO. 420(FSH)

HB 420 FOREST RESOURCES & PRACTICES STANDARDS

"An Act relating to riparian protection 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

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DNR	1/23			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
Elton <i>[Signature]</i>			✓	
Dyson <i>[Signature]</i>	✓			
Stedman <i>[Signature]</i>	✓			
B. Steens <i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

Weyner