

SCOMM

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

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

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

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: none

Check this box (X) if funding for this bill is included in the Governor's FY2002 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Jeff Jahnke, Director
Division: Forestry
Approved by: Pat Pourchot
Agency: Natural Resources

Phone: 269-8474
Date/Time: 12-Feb-01
Date: 12-Feb-01

For distribution information, call the Governor's Legislative Office

(Rev 11/2000 OMB)

Page 1 of 1

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

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SPONSOR STATEMENT

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

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

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

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

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

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

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DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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SECTIONAL ANALYSIS

HB 131

AN ACT RELATING TO STANDARDS FOR FOREST RESOURCES AND PRACTICES

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

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

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

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

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

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

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

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

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

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

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

Alaska Forest Association, Inc.



MAR 13 2001

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KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
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Web Site www.akforest.org

March 6, 2001

The Honorable Peggy Wilson
Alaska House of Representatives
State Capitol, Room 409
Juneau, AK 99801

Dear Representative Wilson,

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

HB 131 is a direct result of a proposal presented to the Alaska Board of Forestry last year, after a collaborative process involving the timber industry, the fishing industry and the resource agencies of the state. Both the process and the substance of this effort were based upon sound science and a balancing of interests commensurate with the Forest Resources and Practices Act of 1990.

Alaska's current forest practices law is based on good science and is very effective in protecting important fish habitat while recognizing the unique relationship between private land rights and related public resources. The law, which was developed through a cooperative process in 1989 and 1990, involves the Division of Forestry, the Division of Habitat and Restoration, and the Division of Air and Water Quality in monitoring and enforcing standards governing forestry practices. In 1999, as you may recall, changes to the laws' riparian standards for Alaska's coastal forests were approved by the legislature. The Forest Resources and Practices Act enables timber operators in Alaska who conduct their harvest activities according to best management practices to have the assurance that they are operating in compliance with a variety of laws under which they would otherwise be individually scrutinized. That alternative would cost both the industry and the state more time and money than is necessary under the present system.

Current law also provides for ongoing examination of the effectiveness of Alaska's forest practices standards, so that the law and regulations can be adjusted to reflect new scientific knowledge as it is developed. Throughout 2000, the timber industry participated in a thorough review of the science related to logging near anadromous fish rivers, streams, and tributaries in Alaska's Interior forests. The review was conducted under the rubric of the Science and Technical Committee appointed by the Board of Forestry with the support of Governor Knowles. The proposed changes will mandate forested buffers along Alaska's Interior fish streams after harvest. The Committee's report and the

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jack Phelps".

Jack Phelps
Executive Director

cc: Representative Gary Stevens



Resource Development Council for Alaska, Inc.

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March 18, 2001

Representative Drew Scalzi
State Capitol, Room 13
Juneau, AK 99801-1182

Re: HB 131, Forest Resources & Practices Standards

Dear Representative Scalzi:

The Resource Development Council for Alaska, Inc., (RDC) is writing to express its strong support for HB 131, which proposes to modify the state's Forest Resources and Practices Act (AS 41.17) by mandating forested buffers along Alaska's Interior fish streams after harvest.

RDC is a statewide organization representing the forestry, tourism, fisheries, oil and gas, and mining industries as well as business associations, labor unions, Native corporations, local governments and thousands of individuals. RDC's purpose is to expand the state's economic base through the responsible development of our natural resources.

RDC supports the efforts of the Alaska Board of Forestry which collaborated with the timber industry, the fishing industry, and the resource agencies of the state to develop HB 131. 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.

A thorough review of the science related to logging near anadromous fish rivers, streams, and tributaries in Alaska's Interior forests was conducted under the specifications set forth by the Science and Technical Committee appointed by the Board of Forestry with the support of Governor Knowles. This review adds significant merit to HB 131.

Thank you for introducing HJR 131. You have RDC's full support.

Sincerely,

Tadd Owens
Executive Director



Alaska Society of American Foresters Yukon River Chapter

P.O. Box 60570
Fairbanks, AK 99706
March 16, 2001

The Honorable Gary Stevens, Co-Chair
The Honorable Peggy Wilson, Co-Chair
House Special Committee on Fisheries
State Capitol
Juneau, AK 99801-1182

RE: HB 131 (and SB 98)

Dear Representatives Stevens and Wilson:

Post-it® Fax Note	7671	Date	3/19/01	# of pages	1
To	Rep. Gary Stevens	From	Paul Maki		
Co./Dept.		Co.	Alaska SAF		
Phone #		Phone #	474-8650		
Fax #	(907) 465-3517	Fax #			

During its regular meeting on March 15, the members of the Yukon River Chapter of the Alaska Society of American Foresters unanimously voted to support the proposed changes to the Alaska Forest Resources and Practices Act (AS 41.17) as expressed in House Bill 131. As an organization of forestry professionals, we believe the language of the bill will clarify recent riparian management issues in Interior Alaska. It will provide protection for the fish, wildlife, and other ecological concerns in the riparian zone, while allowing timber harvest and other uses to occur.

The changes expressed in HB 131 are the result of an extraordinary effort of natural resource professionals from many disciplines. The blending of their expertise, and their ability to compromise, ultimately resulted in the language contained in the bill. Several of our members participated on the science and technical committee and the implementation group phases of this effort. We hope you will consider our support for the bill and these comments as you deliberate House Bill 131.

Sincerely,

Paul W. Maki, CF
Chapter Chair
Yukon River Chapter
Alaska Society of American Foresters

CC: Representative Masck, Co-Chair, House Natural Resources Committee
Representative Scalzi, Co-Chair, House Natural Resources Committee
Senator Torgerson, Chair, Senate Resources Committee
Senator Donley, Co-Chair, Senate Finance Committee
Senator Kelly, Co-Chair, Senate Finance Committee
Interior Delegation

The Society of American Foresters, with about 17,600 members, is the national organization that represents all segments of the forestry profession in the United States. 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.

BRIEFING
House Committee on Fisheries



HB 131
Forest Practices Standards in Interior Alaska



March 19, 2001

Contents

- ◆ Briefing: HB 131 – Region III Forest Practices amendments
- ◆ Map of Alaska Forest Resources & Practices regions
- ◆ Press release: Knowles legislation supports timber, fishing industries
- ◆ HB 131 text



Briefing:

HB 131 - Region III Forest Practices amendments

February 21, 2001

DEPARTMENT OF NATURAL RESOURCES

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DIVISION OF FORESTRY

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

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

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

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

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

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

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

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

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

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.

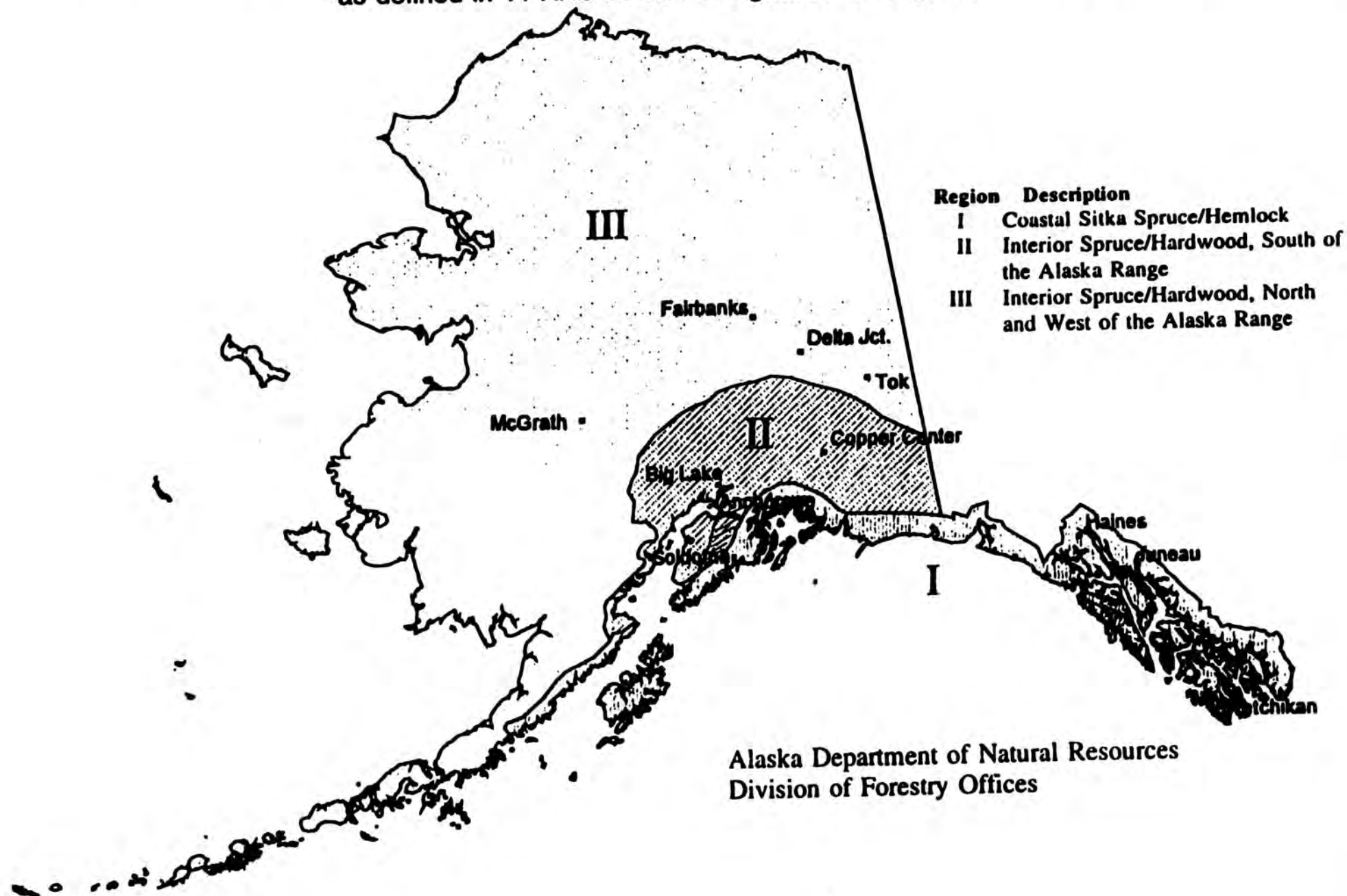
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Alaska Forest Resources & Practices Regions

as defined in 11 AAC 95.800 Designation of Regions





OFFICE OF THE GOVERNOR
Press Releases



February 16,
2001
Release 01050

KNOWLES LEGISLATION SUPPORTS TIMBER, FISHING INDUSTRIES

Gov. Tony Knowles today introduced legislation amending the Forest Resources and Practices Act (FRPA) in Alaska's interior region, which protects fish streams and rivers while promoting timber development.

"Alaska is recognized as a world leader in protecting the streamside habitat essential for productive fisheries," Knowles said. "The bill represents a consensus of biologists, foresters, and stakeholders to improve Alaska's Forest Resources and Practices Act."

Knowles said the bill is founded on the best science available, including an extensive review of existing research and recommendations of a science and technical committee. It included experienced field staff from state resource agencies, the University of Alaska, and private and federal scientists. Recommendations were reviewed by a group of timber and fishing industry representatives, Native corporations, and environmental groups. Together, they crafted language to amend the FRPA which the Board of Forestry unanimously endorsed.

The FRPA was updated for the southeast region two years ago to better protect fish streams while supporting timber development. This bill represents the next phase of updating the act--extending it to the interior region.

The proposed legislation makes substantive changes for riparian, or streamside, management practices. Under the new standards all anadromous and high-value resident fish waters are classified and forestry standards are tailored to the 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 stream buffer while requiring the immediate streamside timber be left untouched. This would allow logging interests to capture some of the timber value within the streamside areas while keeping enough large trees to provide adequate habitat for fish, and essential habitat benefits for wildlife.

The proposed legislation will also help ensure that the FRPA continues to be certified for compliance with the federal Clean Water Act and coastal zone management requirements, providing "one-stop shopping" for the timber industry with respect to state, federal, and coastal management standards.

-30-

Contact:

Claire Richardson, Deputy Press Secretary at 907-465-3996

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