

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6507 SENATE RESOURCES

9/1

owner to shoulder an undue portion of the resource protection costs.

The bill provides an improved process for efficient and detailed review of timber harvest plans. This efficient review allows the timber industry to quickly respond to changing timber markets, but ensures that harvest operations conform to forest practice standards and regulations. To coordinate overlapping agency jurisdiction, the provisions of the bill and the regulations will serve, with the approval of the commissioner of environmental conservation, as the forest practice standards for the Department of Environmental Conservation's program to control nonpoint source pollution. Except for activities subject to AS 16.05.840 or AS 16.05.870, the regulations will also serve as the upland fish habitat protection for timber harvest activities.

A system of coordination between state agencies with enforcement authority over timber operations is established to ensure consistent and non-duplicative action. The Department of Natural Resources would have additional enforcement authority, including the authority to issue stop-work orders, to impose civil and criminal penalties, and to issue remedial orders to correct damage resulting from the violation of forest practices standards. The administrative enforcement process is simplified by providing for hearings to be conducted by an employee of the Department of Natural Resources with appeals to the commissioner.

An additional planning process would be required under the bill before state timber sales. The additional planning will improve public review and will require the state to plan timber harvests that fully integrate resource protection into the sale design. The department would also be required to annually prepare a five-year schedule of proposed timber sales for state land. Except for small sales and emergencies such as salvage, a proposed sale would have to appear on the two five-year schedules preceding the sale. The five-year schedule will inform the public and the timber industry of the state's long-term plans.

Finally, the Board of Forestry would be restructured to a smaller, more balanced membership. This balanced board would provide a forum for representatives of affected interests to discuss and resolve forestry issues before they become divisive. The board has the authority to provide advice concerning research and implementation of the Forest Practices Act and regulations. The board would include a member or representative of a fishing orga-

nization, a Native corporation, an environmental organization, and a forest industry trade association as well as a professional fish or wildlife biologist and a professional forester.

Drafts of this bill have been discussed extensively by the members of the Forest Practices Act Steering Committee and with other representatives of the timber industry, environmental groups, and fishing organizations. The bill is the product of discussion and compromise to meet the major concerns of all those affected by its provisions.

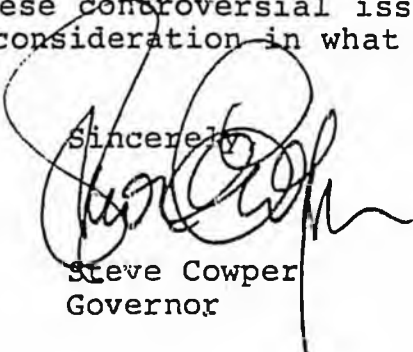
The bill I am transmitting achieves near consensus; it has the support of all but one of the steering committee members. It is supported by representatives of Native corporations, boroughs, fishing groups, and environmental groups but not by the Alaska Loggers Association (ALA).

The ALA objects to a provision of the bill that the association believes would affect harvest on federal land through the Alaska Coastal Management Program. AS 41.17.900(b), in the current law, requires federal harvest to be consistent with the Alaska Forest Practices Act. The bill proposes to amend the law to ensure that the general level of resource protection must be consistent, but that the federal harvest need not follow the specific provisions of that Act. The ALA still fears that this amendment might disrupt an orderly federal planning process that provides sufficient protection.

I realize that it is late in the session for introducing a bill, however, the committee's long and difficult work was not completed until early this week. I felt that it was important to allow the committee to conclude its work and was therefore unable to introduce this bill earlier in the session.

Because of the importance of the bill, and the extraordinary and fragile achievement of reaching near-total consensus on these controversial issues, I urge your prompt and favorable consideration in what little time remains in the session.

Sincerely,



Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Forest Resources & Practices Act

Agency Affected: Environmental Conservation
BRU: Environmental Quality

Sponsor: Rules Committee
Requestor: Governor

Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		171.1	171.1	171.1	171.1	171.1
TRAVEL		15.0	15.0	15.0	15.0	15.0
CONTRACTUAL		42.0	42.0	42.0	42.0	42.0
SUPPLIES		4.0	4.0	4.0	4.0	4.0
EQUIPMENT		20.0	20.0	20.0	20.0	20.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		252.1	252.1	252.1	252.1	252.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		252.1	252.1	252.1	252.1	252.1
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
TOTAL		252.1	252.1	252.1	252.1	252.1

POSITIONS:

FULL-TIME		4	4	4	4	4
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Dave Sturdevant Phone: 465-2653
Division: Environmental Quality Date: 5-2-89

Approved by Commissioner: *ADK* Date: 5/2/89
Agency: Environmental Conservation

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Attachment
Forest Practices Act Funding

	WQM Ecol II	WQM CT III	SERO EFO II	SCRO EFO II	Total
100's	51.1	30.0	45.0	45.0	171.1
200's	5.0	0.0	5.0	5.0	15.0
300's	8.0	8.0	13.0 ^{1/}	13.0 ^{1/}	42.0
400's	1.0	1.0	1.0	1.0	4.0
500's	5.0	5.0	5.0	5.0	20.0
Total	70.1	44.0	69.0	69.0	252.1

^{1/} Includes \$5.0 for contractual support of field monitoring for water quality compliance

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Forest Practices Act
 Sponsor: Rules Committee
 Requestor: Governor

Agency Affected: Dept. of Fish and Game
 BRU: Habitat
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	24.8	297.0	297.0	297.0	297.0	297.0
TRAVEL	2.6	31.5	31.5	31.5	31.5	31.5
CONTRACTUAL	3.7	44.9	44.9	44.9	44.9	44.9
SUPPLIES	0.2	2.0	2.0	2.0	2.0	2.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	31.3	375.4	375.4	375.4	375.4	375.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	6	6	6	6	6	6
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: Frank [Signature] Director Phone: 465-4105
 Division: Habitat Date: 5/1/89

Approved by Commissioner: [Signature] Date: 5/2/89
 Agency: Department of Fish and Game

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

This fiscal note is based on the assumptions that 1) an amended FPA or associated regulations will provide performance standards for activities in riparian management zones, 2) we will need to maintain a significantly greater field presence than we are now in order to effectively implement the standards, 3) we will need to spend significantly more time participating in the Department of Natural Resources' preparation of forest management plans for state lands, and 4) the level of timber harvest north of the Alaska Range does not increase in the immediate future.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Forest Practices Act Revisions
Sponsor: _____
Requestor: _____

Agency Affected: Natural Resources
BRU: Forest Management
Components: Forest Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		306.4				
TRAVEL		40.0				
CONTRACTUAL		32.0				
SUPPLIES		21.1				
EQUIPMENT		38.2				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		437.7	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

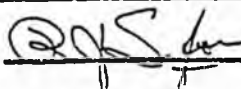
GENERAL FUND		437.7	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		437.7	0	0	0	0

POSITIONS:

FULL-TIME		6				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: George K. Hollett Phone: 465-2491
Division: Forestry Date: 5-2-89
Approved by Commissioner:  Date: 5/2/89
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

DEPARTMENT OF NATURAL RESOURCES
FOREST PRACTICES

Program Summary:

Due to low markets in 1986, the number of notifications received for operations on private lands dropped to a level where budget cuts were made. Increased markets in 1988 has brought about a 173% increase in notifications. With no new funding, the forest practice personnel staff months have not increased to a level necessary to handle the inspections necessary with the increased notifications. FY 1988 saw a 16% increase in inspections with present staff but this is far short of what is needed.

Lack of travel dollars has seriously limited field inspection opportunities. A high level of inspection activity not only ensures compliance with the Forest Practice Act, but also allows us to identify potential problems early and prevent violations. Due to the lack of inspections, the character of forest practices administration has been forced away from land owner assistance and toward enforcement.

What we will need to do the new proposal being considered by the Forest Practice Review Committee.

Total funding needs are \$437,700 broken down as follows:

Southeast Region - \$125,000

Add one Clerk Typist III at Ketchikan and replace six months of Federal Funds for a Clerk Typist III at Juneau. This support staff will free up time now spent in the office by the Forest Practices Foresters doing administrative work and should allow for 30% more field time for necessary inspections. Also will allow for the Ketchikan office to be open full time for the five days per week.

Add one Forester III to be the Southeast Region forest practice coordinator. This position will also be able to fill in on forest practice work within the region on an as needed basis and be the liaison between the field staff and other agency personnel.

Added travel funding will meet the necessary inspection schedule of the increased notifications.

Southcentral Region - \$167,800

Add one Forester II to the Kenai-Kodiak Area to work on the additional forest practice work that is taking place on the Kenai Peninsula and in Prince William Sound. Presently the only position available for the forest practice work is also responsible for all the timber sales on state land so both jobs have suffered.

Add one Forester III to regional staff and replace Federal Funds for an Administrative Assistant I in regional office. The senior Forest Practices Forester will handle notifications and inspections on the remainder of the Gulf of Alaska, Valdez-Copper River, Mat-Su and Southwest areas. Duties will also include being the coordinator between regional field personnel and other agency employees working in forest practices.

The Administrative Assistant I will work at providing the necessary budgetary work needed by the regional forest practice personnel so they can spend more time in the field and less on administrative work.

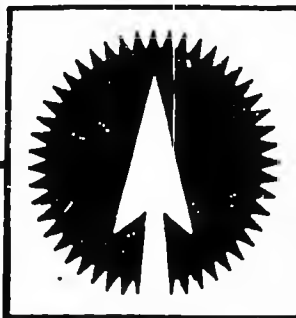
Additional travel and contractual funds are also included to provide the support needed to do the field inspections.

Central Office - \$144,900

Add one Forest Engineer and one Forester II to the staff. The engineer is badly needed to provide expertise in soil stability, logging systems and transportation evaluations. Serve as an expert witness on technical matters. Further responsibilities include research proposal evaluation, support for divisional timber sales, and audit function for Forest Practice compliance on state timber sales. The staff forester position would handle data-base management including reforestation verification, forest practices statistics and public notice provisions as well as be available for temporary assignment around the state to assist in field evaluations during peak periods.

Additional travel and contractual funds are also included to provide the support needed.

Alaska Loggers Association, Inc.



111 STEDMAN, SUITE 200
KETCHIKAN, ALASKA 99901
Phone 907-225-6114

April 23, 1989

Mr. Tom Hawkins
Assistant Commissioner
Alaska Department of
Natural Resources
P. O. Box 107005
Anchorage, AK 99510

Dear Tom:

The Alaska Loggers Association (ALA) Forest Practices Act Committee has reviewed the status of the proposed Forest Practices Act as it came out of the Steering Committee's meeting of April 22, 1989. We recognize that many people have put in long hours and effort in a thoughtful attempt to reach a consensus on a bill.

Regrettably, the process has not left enough time for maturation of all of the issues that need to be addressed to the point of consensus. Furthermore, the process has not left enough time for review of the proposed legislation by all of the people in our Association who would be affected by it. As you know, the people who actually do the timber harvesting are the people who will bear the burden of performing these tasks and we simply have no choice other than to share with them the requirements of the new legislation and to discuss with them in detail what it would mean to them. We would then want to come back with proposed changes. This is part of the give and take of any legislative process, and certainly part of what an Association is required to do for its members. We therefore ask for your understanding in appreciating why the Alaska Loggers Association cannot say "yes" to proceeding with this legislation in this session of the Legislature. Indeed, we believe that were the ALA to agree to it, there would not be sufficient time for the Legislature to review this important change in public policy in a manner which adequately considers the issues raised and what they will mean to State resources in the future.

Accordingly, we propose that after everyone involved with this process has had an opportunity for a much needed rest, we return to the negotiating table and continue the discussions so that we can introduce responsible, fully thought out and fully reviewed legislation in the 1990 Legislature. The unease which so many of the members of the Steering Committee seem to feel makes

Alaska Loggers Association, Inc.

it clear to the ALA that other members have the same concerns, but they are also concerned about "appearing" to be pulling out of the process. For example, we note the Southeast Alaska Conservation Council's (SEACC's) position statement on April 19, 1989, in which SEACC said, among other things,

SEACC's participation in the consensus process was premised on completion by March 1. Seven weeks later we continue to debate. Chances for passage of this agreement in the current legislative session are poor at best.

Given our concern on timing and that of others, the ALA believes that good public policy requires the kind of careful review that the continuation of the process proposed above would bring. It is far better to have good legislation which all of the participants in the process can support seven to eight months from now than to have legislation which is not complete, has not been reviewed by our members and cannot be reviewed by the Legislature itself in a responsible manner simply for political appearances. We believe we have a greater responsibility to the public than that.

Accordingly, the ALA cannot ratify the proposed legislation at this time, but would like your response to our proposal for continuing the effort.

Yours very truly,

Donald L. Finney
Manager,

Alaska Loggers Association, Inc.



111 STEDMAN, SUITE 200
KETCHIKAN, ALASKA 99801
Phone 907-225-6114

May 3, 1989

The Honorable Bettye Fahrenkamp
Chairman, Resources Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

The Alaska Loggers Association (ALA) is disappointed to learn that a state forest practices bill has been introduced by the Governor that does not prevent the application of the state forest practices to federal land through the consistency provisions of the State Coastal Zone Management Act. This is distressing because at the onset of the forest practices revision process, the ALA was advised that the process would move only by consensus agreement. This was the mechanism which was designed to cause negotiations to continue to resolution or stalemate. We were not aware that a stalemate had been reached until today. Indeed, as late as Sunday, April 30, we were still discussing alternative language with the Division of Governmental Coordination that might resolve one of the major problems which the Alaska Loggers Association has with the legislation, which had been presented to the Steering Committee.

The second reason why the state action is distressing is that it had been agreed going into this process that the State Forest Practices Act was to have no impact on federal land. Indeed, there were some within the Department of Natural Resources who agreed that the ALA should not even be included on the Steering Committee because there was no intent to impact federal land.

In order not to impact federal land, several positive steps needed to be taken in the legislation. Two weeks before the negotiations among the members of the Steering Committee ended, the legislation was

Alaska Loggers Association, Inc.

produced and the Alaska Loggers Association learned that the State Forest Practices Act would apply to federal land through the consistency provisions of the Coastal Zone Management Act. We immediately raised the concern in an effort to find a resolution satisfactory to all sides. The ALA proposed language, the Division of Governmental Coordination found unacceptable. At that point, a second proposal was made based upon discussions between the ALA's attorney, a member of the Division of the Governmental Coordination staff and the Attorney General's office. This proposal, as we said earlier, was also under discussion through Sunday, April 30th.

Attached to this letter is our last proposal for legislation solving the Coastal Zone problem from the ALA's point of view. We urge that legislation not go forward in this session of the Legislature so that the consistency problem and other problems can be taken care of between the sessions of the Legislature in an orderly way. We pledge to work to resolve this issue with the Governor's office, the Department of Natural Resources and the Consensus Group Steering Committee in the meantime. If legislation does go forward, please consider the attachment as our request for an amendment.

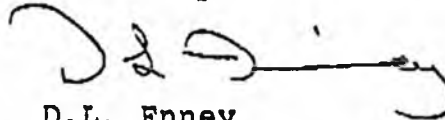
Another major issue of concern has to do with management on state land. The 30 meter no cut zone plus due deference to the Alaska Department of Fish and Game (ADF&G) for the next 60 meters is unacceptable to the ALA. While we understand that there may be changes in the language submitted by the Governor, we really need time to review those changes and to determine their significance.

In the event that the legislation introduced today is delayed until the next session as we are requesting, we would also urge that the Habitat Regulations from the ADF&G and/or Section 319 regulations under the Clean Water Act by DEC and ADF&G be delayed through your good offices pending a resolution in the next session of the Legislature of the key issues facing the state through the State Forest Practices Act.

Alaska Loggers Association, Inc.

We appreciate your courtesy on this matter.
Please let me know if you have any questions.

Sincerely,



D.L. Fnney
General Manager

DLF:es

cc Commissioner Lenny Gorsuch
Sandy Mayo

ENT BY:ROMEJA/JUNEAU

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SECTION 205. STANDARDS FOR DETERMINING
THE CONSISTENCY OF TIMBER HARVESTING
AND PROCESSING ON A NATIONAL FOREST LAND

a. The Legislature declares that applicable federal land and resource management plans promulgated under the Forest and Rangeland Renewable Resources Planning Act of 1976, as amended (16 U.S.C. Sec. 1601 et. seq.), meet or exceed State standards for the protection of forest resources.

b. For purposes of 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L.-92-583) standards incorporated in applicable federal land and resource management plans promulgated pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, (16 U.S.C. 1601 et. seq.) shall serve as the forest management standards and policies for activities on National Forest Lands so long as those standards and policies meet or exceed the following standards:

(i) the location of facilities and the layout of logging systems must be sited so as to minimize adverse environmental impacts;

(ii) free passage and movement of fish in coastal water must be allowed; and

(iii) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, minimize adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

(iv) onshore storage of logs must be encouraged;

(v) sites for in-water dumping and storage of logs must be selected and these activities conducted so as to minimize adverse effects on the marine ecosystem, minimize conflicts with recreational uses and activities, be safe from storms, and not constitute a hazard to navigation;

(vi) roads for log transport and harvest area access must be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, and interference with drainage, and must be adequately maintained until they are

returned to their pre-road natural drainage patterns (put-to-bed); and

(vii) stream crossings, including bridges and culverts, must be designed to withstand seasonal high water and flooding, and must allow the free passage and movement of fish.



April 27, 1989

APR 28 1989

Senator Bettye Fahrenkamp
Chairperson, Senate Resources Committee
Post Office Box V
Juneau, Alaska 99811

Re: Forest Practices Steering Committee

Dear Senator Fahrenkamp:

Over the past six months, the Forest Practices Steering Committee has been involved in intensive negotiations aimed at developing consensus revisions to the Alaska Forest Practices Act. Sealaska Corporation has been active in the committee's workings from the outset, and is dedicated to its success.

Given the number of issues facing the committee; the depth of feeling and economic stakes of those issues; and the diversity of interests involved, the committee's task was exceedingly difficult. Remarkably, the committee has virtually succeeded. After six months of nearly full-time effort, and in a remarkable spirit of cooperation, the committee has produced proposed legislation that: (1) is acceptable to most committee members; and (2) leaves only a few outstanding issues among the remaining minority.

In the committee's bill, all sides have made significant concessions -- concessions that would be impossible outside the special atmosphere of the committee process. Industry has agreed to stringent new restrictions on streamside harvesting that can take up to 5% of a company's timber, forcing it to leave substantial volumes of extremely high quality timber. Industry has also agreed to give the Department of Natural Resources sweeping new powers to change or halt private timber operations. On the other hand, environmental groups have agreed to an absolute prohibition on lawsuits aimed at stopping private timber operations, and have

agreed to retain the existing notification system instead of creating a new permit program.

Our understanding, at this point, is that with the end of the legislative session, the 15 steering committee participants will scatter to the wind, and push their own personal special interest forest practices agenda. We are particularly worried that the state resource agencies will take unilateral action and promulgate regulations using inappropriate statutory authorities to create new, one-sided forest practices rules that would destroy the committee's efforts. Specifically, we have been warned that the Department of Fish and Game is, under the guise of its authority over anadromous streams, planning to enact new habitat regulations establishing broad streamside buffer zones and other upland land use regulations. We are also concerned that the Department of Environmental Conservation may attempt to use a new and untested federal planning program -- the so-called "§319 program" -- to create broad new rules governing upland logging. This would put DEC squarely in the business of state land use controls, and ADF&G has already recommended that DEC establish a land use permit program for timber operations under that federal statute.

Either initiative would usurp the legislature's prerogative over this important public policy issue. It would also deny the legislature the benefits of the committee's work, since unilateral action of this magnitude would inevitably destroy both the committee's product and its spirit. The legislature has a large stake in the committee's work, and we believe that it is in its interest to forestall any action that would impair the legislature's ability to develop a comprehensive resolution of forest practices issues next session.


Accordingly, we would request the Senate Resources Committee to provide active oversight of this issue during the interim. Specifically, we would hope the committee would provide clear direction to the Department of Fish and Game, DEC, DNR and others, that unilateral actions jeopardizing the committee's consensus will not be tolerated. Sealaska shares ADF&G's and other state resource agencies' disappointment over the inability, thus far, to achieve complete consensus. Sealaska's investments in this process are as heavy as anyone's. We believe, however, that full consensus remains so close that our conduct, and the conduct of others, should still be tailored toward preserving and building upon that success. Leaving the table now, and embarking on a course of confrontation, would cause a terrible waste. Sealaska is requesting that Governor Cowper exercise his administrative authority to ensure agency administrative actions do not jeopardize the efforts of the steering committee.

April 27, 1989

Sealaska realizes that the Senate Resources Committee has been very patient with the steering committee process, and would hope that, now, the Resources Committee will give our product the support and protection that it deserves. Our corporation looks forward to working with the committee next year, and helping the committee, in the interim, in any way it can to assure that the progress we have achieved is not undone.

Sincerely,

SEALASKA CORPORATION



Robert W. Loescher
Senior Vice President,
Resource Management

cc: Governor Cowper
Forest Practices Steering Committee
Rep. Curt Menard
Rep. Cliff Davidson
Southeast Alaska Legislators
Sam Kito

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : CS SB 317 (Res)
 PUBLISH DATE : 3/22/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DEC
 Title: Forest Resources and Practices BRU: Environmental Quality
 Act _____
 Sponsor: Rules Committee Components: Environmental Quality
 Requestor: Senate Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	173.5	173.5	173.5	173.5	173.5	173.5
TRAVEL	22.0	22.0	22.0	22.0	22.0	22.0
CONTRACTUAL	38.0	38.0	38.0	38.0	38.0	38.0
SUPPLIES	3.5	3.5	3.5	3.5	3.5	3.5
EQUIPMENT	15.1	15.1	15.1	15.1	15.1	15.1
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	252.1	252.1	252.1	252.1	252.1	252.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	252.1	252.1	252.1	252.1	252.1	252.1
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	252.1	252.1	252.1	252.1	252.1	252.1

POSITIONS:

FULL-TIME	3.5	3.5	3.5	3.5	3.5	3.5
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

ANALYSIS ATTACHED

Prepared by: Dave Sturdevant
 Division: Environmental Quality

Phone : 465-2653
 Date : _____

Approved by Commissioner: A. D. Kyle
 Agency: Environmental Conservation

Date: 16 Mar 90

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

The Department is responsible for water quality under State law and the federal Clean Water Act. The revised Forest Resources and Practices Act establishes the Department of Environmental Conservation as the lead agency for water quality and control of nonpoint source pollution in forest practices. The Forest Resources and Practices Act will establish the nonpoint source pollution control requirements under both State law and the Clean Water Act within the forest practices regulations. Major areas of involvement for the Department include:

- participation in development of Forest Practices regulations and best management practices, and approval of the regulations;
- development of a cooperative agreement among the Departments of Natural Resources, Fish and Game, and Environmental Conservation covering regulations, best management practices, permits, inspections, enforcement and training;
- development of an interagency "uniform enforcement policy;"
- review of forest plans and timber harvest contracts on State lands, and review of all plans of operation for timber harvest on private lands;
- inspection of timber harvest operations, provision of technical assistance, and enforcement activities; and
- development of cooperative efforts in water quality monitoring.

The Department presently has one FTE in Forest Practices for all of southeast Alaska, and .5 FTE for all of southcentral Alaska, both newly established in FY 90. To reasonably carry out its responsibilities under the act, the Department will require a minimum of 3.5 additional FTEs. Of these positions, .5 FTE would be added to the existing .5 FTE in southcentral Alaska. Two new positions would be established as field officers in southeast Alaska in addition to the one existing position. These three positions would be located in Ketchikan, Sitka and Juneau. One additional position would be established as the Forest Practices coordinator in the central office, Juneau. Additional contractual money (\$10.0) will be necessary with the Juneau position for support of field monitoring for water quality compliance.

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Ecologist II	52.1	4.0	18.0	1.0	4.3	79.4
Env. Field Officer II	47.7	7.0	8.0	1.0	4.3	68.0
Env. Field Officer II	47.7	7.0	8.0	1.0	4.3	68.0
Ecologist II	26.0	4.0	4.0	0.5	2.2	36.7
	-----	-----	-----	-----	-----	-----
TOTALS	173.5	22.0	38.0	3.5	15.1	252.1

Position Title Ecologist II			No. of Positions 1	Range/Step 18B	Barg. Unit GGU
Time Status Permanent FT	Staff Months 12		Location Juneau		Election District
Type of Expenditure			Amount		
1	2	3			
Salary	\$38,712				
Benefits	13,342				
Premium Pay					
Other					
Total Personal Services		\$52,054			
Travel		4,000			
Contractual		18,000			
Commodities		1,000			
Equipment		4,300			
Other					
Total Cost		\$79,354			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$79,354			
GF Program Receipts	1005				
Other					
Justification					
<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring with them increased potential for water quality impacts. The department has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in water quality protection under the Forest Practices program, including approval of the corresponding new Forest Practices regulations. This position is the central coordinator and interagency liaison for the Department's activities: revised regulations; Best Management Practices; water quality monitoring activities; application of water quality standards; uniform enforcement policy; technical training programs; cooperative agreements; and procedural matters. The position will participate in ongoing harvest activities, reviewing private plans of operation and State forest plans. The position also will serve as liaison with the U.S. Forest Service and other federal agencies, participating in similar activities to those described.</p>					

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component EQ Projects

Page 1 of 1
 Revised Date 2/6/90

FY 91

Position Title Environmental Field Officer II			No. of Positions 1	Range/Step 16B	Barg. Unit GGU
Time Status Permanent FT	Staff Months 12		Location Ketchikan		Election District
Type of Expenditure			Amount		
1	2	3			
Salary	\$35,076				
Benefits	12,627				
Premium Pay					
Other					
Total Personal Services		\$47,703			
Travel		7,000			
Contractual		8,000			
Commodities		1,000			
Equipment		4,300			
Other					
Total Cost		\$68,003			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$68,003			
GF Program Receipts	1005				
Other					
Justification					
<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This position will be based in the Ketchikan District Office and will serve that area in Forest Practices matters. This field position, plus a similar new field position in Sitka will increase the field staff in the Southeast Region to 3.0 FTEs. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>					

**Request For
New Position**

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BRU Environmental Quality
Component EQ Projects

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FY 91

Position Title Environmental Field Officer II			No. of Positions 1	Range/Step 16B	Barg. Unit GGU
Time Status Permanent FT	Staff Months 12		Location Sitka		Election District
Type of Expenditure			Justification		
1		2	3		
Salary		\$35,076	<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This position will be based in the Sitka District Office and will serve that area in Forest Practices matters. This field position, plus a similar new field position in Ketchikan, will increase the field staff in the Southeast Region to 3.0 FTEs. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>		
Benefits		12,627			
Premium Pay					
Other					
Total Personal Services		\$47,703			
Travel		7,000			
Contractual		8,000			
Commodities		1,000			
Equipment		4,300			
Other					
Total Cost		\$68,003			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$68,003			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component EQ Projects

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FY 91

Position Title Ecologist II		No. of Positions 1	Range/Step 18B	Barg. Unit GGU
Time Status Permanent PT	Staff Months 6	Location Anchorage		Election District
Type of Expenditure		Justification		
1	2	Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This field position, 0.5 FTE, will increase the existing 0.5 FTE in the Anchorage office to 1.0 FTE. This position will serve the entire southcentral region in Forest Practices matters. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.		
Salary	\$19,356	3		
Benefits	6,671			
Premium Pay				
Other				
Total Personal Services		\$26,027		
Travel		4,000		
Contractual		4,000		
Commodities		500		
Equipment		2,200		
Other				
Total Cost		\$36,727		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	\$36,727		
GF Program Receipts	1005			
Other				

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component EQ Projects

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 Revised Date 2/8/90

FY 91

**STATE OF ALASKA
1990 LEGISLATIVE SESSION**

BILL VERSION : CS SB 317

PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Forest Resources and Practices
 Act _____
 Sponsor: Rules Committee
 Requestor: Senate Resources Committee

Agency Affected: DEC
 BRU: Environmental Quality
 Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	173.5	173.5	173.5	173.5	173.5	173.5
TRAVEL	22.0	22.0	22.0	22.0	22.0	22.0
CONTRACTUAL	38.0	38.0	38.0	38.0	38.0	38.0
SUPPLIES	3.5	3.5	3.5	3.5	3.5	3.5
EQUIPMENT	15.1	15.1	15.1	15.1	15.1	13.1
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	252.1	252.1	252.1	252.1	252.1	252.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	252.1	252.1	252.1	252.1	252.1	252.1
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	252.1	252.1	252.1	252.1	252.1	252.1

POSITIONS:

FULL-TIME	3.5	3.5	3.5	3.5	3.5	3.5
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

ANALYSIS ATTACHED

Prepared by: Dave Sturdevant
 Division: Environmental Quality

Phone: 465-2653
 Date: _____

Approved by Commissioner: *A. O'Keefe*
 Agency: Environmental Conservation

Date: 16 Mar 90

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

The Department is responsible for water quality under State law and the federal Clean Water Act. The revised Forest Resources and Practices Act establishes the Department of Environmental Conservation as the lead agency for water quality and control of nonpoint source pollution in forest practices. The Forest Resources and Practices Act will establish the nonpoint source pollution control requirements under both State law and the Clean Water Act within the forest practices regulations. Major areas of involvement for the Department include:

- participation in development of Forest Practices regulations and best management practices, and approval of the regulations;
- development of a cooperative agreement among the Departments of Natural Resources, Fish and Game, and Environmental Conservation covering regulations, best management practices, permits, inspections, enforcement and training;
- development of an interagency "uniform enforcement policy;"
- review of forest plans and timber harvest contracts on State lands, and review of all plans of operation for timber harvest on private lands;
- inspection of timber harvest operations, provision of technical assistance, and enforcement activities; and
- development of cooperative efforts in water quality monitoring.

The Department presently has one FTE in Forest Practices for all of southeast Alaska, and .5 FTE for all of southcentral Alaska, both newly established in FY 90. To reasonably carry out its responsibilities under the act, the Department will require a minimum of 3.5 additional FTEs. Of these positions, .5 FTE would be added to the existing .5 FTE in southcentral Alaska. Two new positions would be established as field officers in southeast Alaska in addition to the one existing position. These three positions would be located in Ketchikan, Sitka and Juneau. One additional position would be established as the Forest Practices coordinator in the central office, Juneau. Additional contractual money (\$10.0) will be necessary with the Juneau position for support of field monitoring for water quality compliance.

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Ecologist II	52.1	4.0	18.0	1.0	4.3	79.4
Env. Field Officer II	47.7	7.0	8.0	1.0	4.3	68.0
Env. Field Officer II	47.7	7.0	8.0	1.0	4.3	68.0
Ecologist II	26.0	4.0	4.0	0.5	2.2	36.7
	-----	-----	-----	-----	-----	-----
TOTALS	173.5	22.0	38.0	3.5	15.1	252.1

Position Title Ecologist II		No. of Positions 1	Range/Step 18B	Barg. Unit GGU
Time Status Permanent FT	Staff Months 12	L. 1 Juneau		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	\$38,712	<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring with them increased potential for water quality impacts. The department has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in water quality protection under the Forest Practices program, including approval of the corresponding new Forest Practices regulations. This position is the central coordinator and interagency liaison for the Department's activities: revised regulations; Best Management Practices; water quality monitoring activities; application of water quality standards; uniform enforcement policy; technical training programs; cooperative agreements; and procedural matters. The position will participate in ongoing harvest activities, reviewing private plans of operation and State forest plans. The position also will serve as liaison with the U.S. Forest Service and other federal agencies, participating in similar activities to those described.</p>		
Benefits	13,342			
Premium Pay				
Other				
Total Personal Services	\$52,054			
Travel	4,000			
Contractual	18,000			
Commodities	1,000			
Equipment	4,300			
Other				
Total Cost	\$79,354			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	\$79,354		
GF Program Receipts	1005			
Other				

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component EQ Projects

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 Revised Date 2/6/90

FY 91

Position Title Environmental Field Officer II			No. of Positions 1	Range/Step 16B	Barg. Unit GGU
Time Status Permanent FT	Staff Months 12		Location Ketchikan		Election District
Type of Expenditure			Justification		
			<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This position will be based in the Ketchikan District Office and will serve that area in Forest Practices matters. This field position, plus a similar new field position in Sitka will increase the field staff in the Southeast Region to 3.0 FTEs. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>		
1	2	3			
Salary	\$35,076				
Benefits	12,627				
Premium Pay					
Other					
Total Personal Services		\$47,703			
Travel		7,000			
Contractual		8,000			
Commodities		1,000			
Equipment		4,300			
Other					
Total Cost		\$68,003			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$68,003			
GF Program Receipts	1005				
Other					

**Request for
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
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FY 91

Position Title Environmental Field Officer II			No. of Positions 1	Range/Step 16B	Barg. Unit GGU
Time Status Permanent FT	Staff Months 12		Location Sitka		Election District
Type of Expenditure			Justification		
		Amount	<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This position will be based in the Sitka District Office and will serve that area in Forest Practices matters. This field position, plus a similar new field position in Ketchikan, will increase the field staff in the Southeast Region to 3.0 FTEs. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>		
1	2	3			
Salary	\$35,076				
Benefits	12,627				
Premium Pay					
Other					
Total Personal Services		\$47,703			
Travel		7,000			
Contractual		8,000			
Commodities		1,000			
Equipment		4,300			
Other					
Total Cost		\$68,003			
Funding Source for Total Cost:					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$68,003			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component EQ Projects

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FY 91

Position Title Ecologist II		No. of Positions 1	Range/Step 18B	Barg. Unit GGU	
Time Status Permanent PT	Staff Months 6	Location Anchorage		Election District	
Type of Expenditure		Justification			
Amount		<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This field position, 0.5 FTE, will increase the existing 0.5 FTE in the Anchorage office to 1.0 FTE. This position will serve the entire southcentral region in Forest Practices matters. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>			
1	2				3
Salary	\$19,356				
Benefits	6,671				
Premium Pay					
Other					
Total Personal Services					\$26,027
Travel					4,000
Contractual					4,000
Commodities					500
Equipment					2,200
Other					
Total Cost					\$36,727
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$36,727			
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Environmental Conservation
 BRU Environmental Quality
 Component EQ Projects

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FY 91

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Forest Practices Act
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. of Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	24.8	297.0	297.0	297.0	297.0	297.0
TRAVEL	2.6	31.5	31.5	31.5	31.5	31.5
CONTRACTUAL	3.7	44.9	44.9	44.9	44.9	44.9
SUPPLIES	0.2	2.0	2.0	2.0	2.0	2.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	31.3	375.4	375.4	375.4	375.4	375.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	6	6	6	6	6	6
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: Frank [Signature] Director
Division: Habitat

Phone: 465-4105
Date: 5/1/89

Approved by Commissioner: [Signature]
Agency: Department of Fish and Game

Date: 5/2/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

This fiscal note is based on the assumptions that 1) an amended FPA or associated regulations will provide performance standards for activities in riparian management zones, 2) we will need to maintain a significantly greater field presence than we are now in order to effectively implement the standards, 3) we will need to spend significantly more time participating in the Department of Natural Resources' preparation of forest management plans for state lands, and 4) the level of timber harvest north of the Alaska Range does not increase in the immediate future.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Fish and Game
 Title: Forest Resources and Practices Act BRU: Habitat
 Sponsor: Rules Components: Habitat
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	297.0	297.0	297.0	297.0	297.0	
TRAVEL	31.5	31.5	31.5	31.5	31.5	
CONTRACTUAL	44.9	44.9	44.9	44.9	44.9	
SUPPLIES	2.0	2.0	2.0	2.0	2.0	
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	375.4	375.4	375.4	375.4	375.4	

CAPITAL	0	0	0	0	0	
---------	---	---	---	---	---	--

REVENUE	0	0	0	0	0	
---------	---	---	---	---	---	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	375.4	375.4	375.4	375.4	375.4	
FEDERAL FUNDS	0	0	0	0	0	
OTHER	0	0	0	0	0	
TOTAL	375.4	375.4	375.4	375.4	375.4	

POSITIONS:

FULL-TIME	6.0	6.0	6.0	6.0	6.0	
PART-TIME	0	0	0	0	0	
TEMPORARY	0	0	0	0	0	

ANALYSIS : (Attach a separate page if necessary)

see attached

Prepared by: Frank Rue, Director *Frank Rue* Phone: 465-4105
 Division: Habitat Date: _____

Approved by Commissioner: *William H. Miller* Date: 3/19/90
 Agency: Department of Fish and Game

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Continuation for CSSB 317 Fiscal Note

The fiscal impact of the Committee Substitute during the last 3 months of 1990 is one quarter of the cost for FY 91

Line 100	74.3
Line 200	7.9
Line 300	11.2
Line 400	0.5
Total Operating	<u>93.9</u>

The line item requirements for the committee substitute are the same as those identified in February 1989 (see attached memorandum) in anticipation of Forest Resources and Practices Act amendments.

The division currently has the equivalent of approximately four full-time positions working on forest practices and forest plans in southeast and southcentral Alaska. This level of staffing is woefully inadequate to deal effectively with the intensive and widespread timber activities on private, state, and federal lands.

The three additional positions for Southeastern and three additional positions for Southcentral requested here will allow the division to do a reasonable job of implementing the new act. Experience clearly shows that the act will only be successfully implemented if we have enough people to work with timber owners as they develop and implement their operations.

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

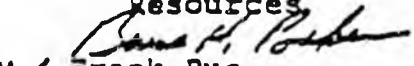
TO: Bob Loeffler
Resource Allocation
Section
Division of Land and
Water Management
Department of Natural
Resources

DATE: February 22, 1989

FILE NO.:

TELEPHONE NO.: 465-4105

SUBJECT: Forest Practices
Funding

FROM: 
Frank Rue
Director
Habitat Division
Department of Fish and Game

At last week's Forest Practices Steering Committee meeting, we understood Jim Waldo to request that agencies estimate their additional funding needs for minimum effective implementation of a revised Forest Resources and Practices Act (FPA).

The following estimates are based on the assumptions that 1) an amended FPA or associated regulations will provide performance standards for activities in riparian management zones, 2) we will need to maintain a significantly greater field presence than we are now in order to effectively implement the standards, 3) we will need to spend significantly more time participating in your department's preparation of forest management plans for state lands, and 4) the level of timber harvest north of the Alaska Range does not increase in the immediate future.

Additional Funding Requirement

Sitka Office:

Habitat Biologist II (12 months)	48.4
Line 200	4.5
Line 300	4.3
Line 400	0.5

Petersburg Office:

Habitat Biologist II (12 months)	48.4
Line 200	4.0
Line 300	4.3
Line 400	0.5

Ketchikan Office:

Habitat Biologist II (12 months)	48.4
Line 200	4.5
Line 300	4.3
Line 400	0.5

Douglas Regional Office:

Line 200	2.5
Line 300	2.0
Line 400	0.5
Subtotal	<u>177.6</u>

<u>Anchorage Regional Office:</u>	
Habitat Biologist III (12 months)	55.0
Habitat Biologist II (24 months)	96.8
Line 200 (travel to Afognak, Cordova, Valdez, McGrath, Kodiak, Denai, and Mat-Su Valley)	16.0
Line 300 (Contractual for vessel and aircraft charters to reach logging areas for stream surveys and enforcement work)	30.0
Subtotal	<u>197.8</u>
TOTAL	<u>375.4</u>

Once again, these estimates reflect additional funding required for minimum effective implementation of an FPA. We assume that you will distribute this memorandum to steering committee members. If there are questions, please call either me or Bruce Baker (465-4105).

cc: Norman Cohen

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CS SB 317(Res) rjr
PUBLISH DATE: 5/13/90

FISCAL NOTE

REQUEST:

Revision Date: 5/16/90
Title: Forest Practices Act Revision

Agency Affected: Natural Resources
BRU: Forest Management

Sponsor: _____
Requestor: Governor

Components: Forest Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	285.9	294.5	344.5	354.8	365.4	376.3
TRAVEL	45.0	45.0	53.7	57.7	57.7	59.0
CONTRACTUAL	32.0	32.0	47.1	47.1	47.1	49.0
SUPPLIES	21.1	21.1	22.3	22.3	22.3	24.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	437.7	392.6	467.6	481.9	492.5	508.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	437.7	392.6	467.6	481.9	492.5	508.3
FEDERAL FUNDS						
OTHER						
TOTAL						

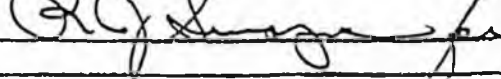
POSITIONS:

FULL-TIME	6	6	7	7	7	7
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: George K. Hollett Phone: 762-2503
Division: Forestry Date: 5/16/90

Approved by Commissioner:  Date: 3/16/90
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Senate Bill 317

Assumptions: The following list of assumptions have a direct effect on the required funding the first five years after passage of the bill:

1. Much public involvement will be needed in the development of regulations. Travel to areas around the state and public meetings will be necessary.
2. Increased field inspections will be necessary to see that standards are being met and riparian areas are left.
3. Training of state personnel in insect and disease activities will take place.
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5. Appeals of stop-work orders and directives will take place during the first few years as all parties learn the new requirements calling for more enforcement work.
6. Board of Forestry will become more active in their operations by having more meetings and requiring more time and effort by staff.
7. Higher demand by the public for review of notifications.
8. Higher coordination of inspections, review and enforcement activities will be required of state agencies.

DEPARTMENT OF NATURAL RESOURCES
FOREST PRACTICES

Program Summary:

Due to low markets in 1986, the number of notifications received for operations on private lands declined and the division reduced the budget accordingly. Increased timber markets in 1988 has increase notifications by 173%. With no new funding available, the forest practice personnel staff months could not be increased to a level necessary to handle inspection requirements. In FY 1988 a 13% increase in inspections over FY 1987 was accomplished with the present division staff. However, in FY 1989 field inspection accomplishment decreased by 11% below FY 1988 because other duties and increased notifications demanded more office time.

The lack of travel dollars has seriously limited field inspection opportunities. A high level of inspection activity is important to not only ensure compliance with the Forest Practice Act, but to also allow identification of potential problems early enough to prevent violations. Due to the lack of adequate inspections, the character of forest practices administration has been forced away from land owner assistance and targeted toward enforcement.

Total funding needs of \$437,700 is detailed as follows:

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Add one full time Clerk Typist III at Ketchikan. This support staff will free up time now spent in the office by the Forest Practices Foresters doing administrative work and should allow for 30% more field time for necessary inspections. This will also allow the Ketchikan office to be open full time for five days per week.

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FOREST PRACTICES

This position will also act as the Board of Forestry-Division of Forestry Coordinator. Meeting preparation, and gathering of research information are some of the duties that will be performed.

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Northern Region

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M I N I S T E R I A L O F F I C E

Position Title Natural Resource Manager II			No. of Positions I	Range/Step 20/A	Barg. Unit GGU																																							
Time Status PFT	Staff Months 12		Location Anchorage		Election District 7																																							
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* Personal Services Salary and Benefits Costs are from PACS.																																												

REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

Page 1 of 1
Revised Date

FY 91

MARR-15-90 FBI 12:42 POF DIRECTOR'S OFFICE

Position Title <u>Natural Resource Manager I</u>		No. of Positions <u>1</u>	Range/Step <u>18/A</u>	Barg. Unit <u>GG</u>
Time Status <u>PFT</u>	Staff Months <u>12</u>	Location <u>Juneau</u>		Election District <u>4</u>
Justification				
<p>The new Forest Practice Act calls for more and better coordination between the State agencies. Field activities are handled by each agency's local personnel but region-wide coordination must take place at a higher level. The addition of one full time Natural Resource Manager I to the division's southeast region office will provide the needed forest practice coordinator. This position will also be able to fill in on forest practice work within the region on an as-needed basis, develop agency and operator training opportunities, meet with the Board of Forestry and act as a hearing officer. This position will be responsible for working on development of the new regulations and handling all of the public process of review within the Southeast Region.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary* 3113 x 12	37,356	////////////////////		
Benefits* 1099 x 12	13,188	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	50.5		
Travel		5.0		
Contractual		7.5		
Commodities		2.0		
Equipment		10.3		
Other				
Total Cost		75.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CLP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 ORU Forest Management
 COMPONENT Forest Management

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 Revised Date

FY 91

Position Title Forester II		No. of Positions 1	Range/Step 16/A	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Soldotna		Election District 5
Justification				
<p>The Kenai Peninsula has seen a large increase in Native Land timber operations which have resulted in forest practice notifications. The opening of the Chugach Native Cooperation sawmill at Seward in 1990 will provide the needed log outlet that has been missing to see a major increase of logging activity.</p> <p>The addition of a full time Forester .II in the Kenai-Kodiak Area office will provide the necessary position to meet the increase and not take the only personnel available for conducting state timber sales away from their job. The spruce beetle kill facing the Kenai Peninsula is demanding all the present forester's time.</p> <p>With the support staff in place this position will be able to spend full time on forest practice work.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary* 2895 x 12	34,740	////////////////////		
Benefits* 1049 x 12	12,568	////////////////////		
Premium Pay (Included In Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services		47.3		
Travel		10.0		
Contractual		3.5		
Commodities		2.0		
Equipment		9.4		
Other				
Total Cost		72.2		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	72.2		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIF Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

Page 1 of 1
 Revised Date

FY 91

Position Title			No. of Positions	Range/Step	Barg. Unit			
Logging Engineer Time Status			1	18/A	GG			
Staff Months		Election District						
PFT		Anchorage		7				
Type of Expenditure			Justification					
			<p>The addition of one full time engineer position will provide expertise in soil stability, logging systems and transportation evaluations. Serve as an expert witness on technical matters. Further responsibilities include research proposal evaluation, and audit function for Forest Practice compliance on state timber sales. New regulations are required to be developed covering areas of road construction, location, maintenance and removal; landing location and construction; drainage construction; material sources and spoil disposal sites; log transfer, sort yards and storage facilities. All of these require the knowledge of an engineer to see that the public is being protected. The division presently does not have an engineer position and this addition will provide the needed expertise to adequately review the above actions as they come in on notifications. This position will be available for statewide work.</p>					
1		2				3		
Salary* 3113 x 12		37,356				////////////////////		
Benefits* 1099 x 12		13,188				////////////////////		
Premium Pay (Included In Above)		////////////////////				////////////////////		
Other		////////////////////				////////////////////		
Total Personal Services		////////////////////				////////////////////		
Travel						50.5		
Contractual						10.0		
Commodities						4.5		
Equipment						3.0		
Other						9.4		
Total Cost						77.4		
Funding Source for Total Cost								
Federal Receipts		1002						
G.F. Match		1003						
General Fund		1004		77.4				
Program Receipts/GF		1005						
I-A Receipts		1007						
CIP Receipts		1061						
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REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

Page 1 of 1
 Revised Date

FY 91

Position Title Clerk Typist III			No. of Positions 1	Range/Step B/A	Barg. Unit GG																																				
Time Status PFT	Staff Months 12		Location Ketchikan		Election District 1																																				
Type of Expenditure			Justification																																						
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REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

Page 1 of 1
 Revised Date

FY 91

FISCAL NOTE

REQUEST:

Revision Date: 5/16/90
Title: Forest Practices Act Revision
Sponsor: _____
Requestor: Governor

Agency Affected: Natural Resources
BRU: Forest Management
Components: Forest Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	285.9	294.5	344.5	354.8	365.4	376.3
TRAVEL	45.0	45.0	53.7	57.7	57.7	59.0
CONTRACTUAL	32.0	32.0	47.1	47.1	47.1	49.0
SUPPLIES	21.1	21.1	22.3	22.3	22.3	24.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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CAPITAL						
---------	--	--	--	--	--	--

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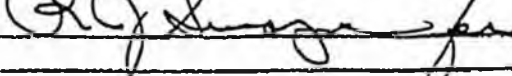
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FULL-TIME	6	6	7	7	7	7
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: George K. Hollett Phone: 762-2503
Division: Forestry Date: 5/16/90

Approved by Commissioner:  Date: 3/16/90
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Senate Bill 317

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DEPARTMENT OF NATURAL RESOURCES
FOREST PRACTICES

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FOREST PRACTICES

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Position Title Natural Resource Manager II			No. of Positions 1	Range/Step 20/A	Barg. Unit GGU
Time Status PFT	Staff Months 12		Location Anchorage		Election District 7
Type of Expenditure			Amount		
1		2	3		
Salary* 3590 x 12		43,080	////////////////////		
Benefits* 1217 x 12		14,604	////////////////////		
Premium Pay (Included in Above)		////////////////////	////////////////////		
Other		////////////////////	////////////////////		
Total Personal Services		////////////////////	57.7		
Travel			10.0		
Contractual			6.5		
Commodities			4.1		
Equipment			9.4		
Other					
Total Cost			87.7		
Funding Source for Total Cost					
Federal Receipts		1002			
G.F. Match		1003			
General Fund		1004	87.7		
Program Receipts/GF		1005			
I-A Receipts		1007			
CIP Receipts		1061			
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

Justification
 An additional full time Natural Resource Manager II position would serve as a Section Chief to assure consistent direction in state-wide Forest Practices inspections and enforcement is achieved. The position would also handle data base management including reforestation verification, forest practices statistics and public notice provisions as well as be available for temporary assignment around the state to assist in field inspections during peak periods.

This position will also serve as staff to the Board of Forestry. Meeting preparation, taking of minutes and research information gathering are some of the duties that will be performed.

Coordination of training opportunities and materials will assure that the same subjects are handled in a similar manner. Working with the Insect and Disease Forester and the U.S. Forest Service training classes both in the office and field will be developed to bring the divisions field staff to a knowledgeable level to handle that portion of the Forest Practice Act.

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REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

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Position Title Natural Resource Manager I		No. of Positions 1	Range/Step 18/A	Barg. Unit GG
Line Status PFF	Staff Months 12	Location Juneau		Election District 4
Justification				
<p>The new Forest Practice Act calls for more and better coordination between the State agencies. Field activities are handled by each agency's local personnel but region-wide coordination must take place at a higher level. The addition of one full time Natural Resource Manager I to the division's southeast region office will provide the needed forest practice coordinator. This position will also be able to fill in on forest practice work within the region on an as-needed basis, develop agency and operator training opportunities, meet with the Board of Forestry and act as a hearing officer. This position will be responsible for working on development of the new regulations and handling all of the public process of review within the Southeast Region.</p>				
Type of Expenditure		Amount		
	1	2	3	
Salary*	3113 x 12	37,356	////////////////////	
Benefits*	1099 x 12	13,188	////////////////////	
Premium Pay (Included in Above)		////////////////////	////////////////////	
Other		////////////////////	////////////////////	
Total Personal Services			50.5	
Travel			5.0	
Contractual			7.5	
Commodities			2.0	
Equipment			10.3	
Other				
Total Cost			75.3	
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004		75.3	
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

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Position Title Natural Resource Manager I			No. of Positions 1	Range/Step 18/A	Barg. Unit GG
Time Status PFT	Staff Months 12		Location Anchorage		Election District 7
Type of Expenditure			Justification		
	1	2	Amount		
			3		
Salary* 3113 x 12		37,356	////////////////////		
Benefits* 1099 x 12		13,188	////////////////////		
Premium Pay (Included in Above)			////////////////////		
Other			////////////////////		
Total Personal Services			50.5		
Travel			10.0		
Contractual			5.5		
Commodities			2.0		
Equipment			9.4		
Other					
Total Cost			77.4		
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004		77.4		
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

The new Forest Practice Act calls for more and better coordination between the State agencies. Field activities are handled by each agency's local personnel but region-wide coordination must take place at a higher level. The addition of one full time Natural Resource Manager I to the divisions southcentral region office will provide the needed forest practice coordinator. This position will also handle notifications and inspections in the Valdez-Copper River, Mat-Su and Southwest areas. The position will develop training opportunities for agency and operator personnel, meet with the Board of Forestry and act as a hearing officer.

This position will be responsible for working on development of the new regulations and handling all of the public process of review within the Southcentral Region.

REQUEST FOR
 NEW POSITION

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 DRU Forest Management
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Position title Forester II		W. of Positions 1	Range/Step 16/A	Barg. Unit GG
Line Status PFT	Staff Months 12	Location Soldotna		Election District 5
Justification				
<p>The Kenai Peninsula has seen a large increase in Native Land timber operations which have resulted in forest practice notifications. The opening of the Chugach Native Cooperation sawmill at Seward in 1990 will provide the needed log outlet that has been missing to see a major increase of logging activity.</p> <p>The addition of a full time Forester II in the Kenai-Kodiak Area office will provide the necessary position to meet the increase and not take the only personnel available for conducting state timber sales away from their job. The spruce beetle kill facing the Kenai Peninsula is demanding all the present forester's time.</p> <p>With the support staff in place this position will be able to spend full time on forest practice work.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary* 2895 x 12	34,740	////////////////////		
Benefits* 1049 x 12	12,568	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	47.3		
Travel		10.0		
Contractual		3.5		
Commodities		2.0		
Equipment		9.4		
Other				
Total Cost		72.2		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1084	72.2		
Program Receipts/GF	1085			
I-A Receipts	1007			
CIP Receipts	1067			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMMODITY Forest Management

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Position Title Logging Engineer		No. of Positions 1	Range/Step 18/A	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Justification		
1	2	3		
Salary* 3113 x 12	37,356	<p>The addition of one full time engineer position will provide expertise in soil stability, logging systems and transportation evaluations. Serve as an expert witness on technical matters. Further responsibilities include research proposal evaluation, and audit function for Forest Practice compliance on state timber sales. New regulations are required to be developed covering areas of road construction, location, maintenance and removal; landing location and construction; drainage construction; material sources and spoil disposal sites; log transfer, sort yards and storage facilities. All of these require the knowledge of an engineer to see that the public is being protected. The division presently does not have an engineer position and this addition will provide the needed expertise to adequately review the above actions as they come in on notifications. This position will be available for statewide work.</p>		
Benefits* 1099 x 12	13,188			
Premium Pay (Included In Above)	//////			
Other	//////			
Total Personal Services	//////			
Travel	10.0			
Contractual	4.5			
Commodities	3.0			
Equipment	9.4			
Total Cost	77.4			
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	77.4		
Program Receipts/GF	1005			
I-A Receipts	1007			
CLP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

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Position Title Clerk Typist III		No. of Positions 1	Range/Step 8/A	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Ketchikan		Election District 1
Type of Expenditure		Justification		
1	2	3		
Salary* 1678 x 12	20,136	////////////////////		
Benefits* 771 x 12	9,252	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	29.4		
Travel				
Contractual		4.5		
Commodities		8.0		
Equipment		5.8		
Other				
Total Cost		47.7		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Hatch	1003	47.7		
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				
<p>The Ketchikan Area Office had an increase of 27% in forest practice notifications between 1987 and 1988. During 1989 some decrease was noted but the acreage size increased as a way around notification. Without support help in the office the Forest Practice Forester has been required to spend more and more time in doing administrative work. Total number of inspections during 1989 dropped. The addition of a full time Clerk Typist III will allow for about 30% more field time for the forester. With increased notifications and required inspections more field time is needed. More time in the field will help prevent damage from taking place and better cooperation between the operator and the State. Additional office help will also allow for the office to be open full time for the five days per week.</p>				

REQUEST FOR
NEW POSITION

AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

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STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 317	SPONSOR Governor
SHORT TITLE OF BILL Forest Resources and Practices			
DEPARTMENT POSITION Support			
PREPARED BY Bruce H. Baker	DATE 5/5/89	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 5/5/89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Dept. of Environmental Conservation Dept. of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All users of state, municipal, or private forests, or the forest resources provided by such forested lands
ORGANIZATIONAL SUPPORT FOR BILL See attached	ORGANIZATIONAL OPPOSITION TO BILL See attached

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
See attached

ANALYSIS OF BILL/PROGRAM EFFECTS
See attached

AMENDMENTS PROPOSED
None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Organizational Support for Bill

A high degree of agreement was reached between commercial fishermen, the timber industry, major private forest owners, environmental interests, affected boroughs, and state resource agencies serving on the Governor's Forest Practices Steering Committee.

Organizational Opposition to Bill

We are aware of no opposition among Forest Practices Steering Committee members but we understand there are one or two remaining issues that timber interests believe need further resolution.

Background/Legislative Intent

The bill has been developed to ensure achievement of the intent language that is in the existing Forest Resources and Practices Act. That language requires that Alaska's forest resources furnish fish and wildlife, tourism, outdoor recreation, water, oil, and air, as well as timber and wood products, and that these resources be managed in perpetuity.

Analysis of Bill/Program Effects

The bill was developed by the Forest Practices Steering Committee on the basis of unanimous consensus. The following are major accomplishments or effects of the bill:

- Board of Forestry: Membership on the advisory Board of Forestry has been reduced from 14 to 7 members, and the composition of the board has been brought into balance, with the number of members representing users of non-timber forest resources equaling the number representing timber products.
- Performance Standards: Performance standards for forest practices that have been highly controversial are either featured in the bill itself or have been agreed to in principle by Forest Practices Steering Committee members for inclusion in the state's revision of existing forest practices regulations.
- Enforcement: Performance standards provided for in the bill are, in contrast to the existing law, enforceable, and violations of such standards may be subject to criminal action. ADNR has authority under the bill to stop violations that threaten to violate the act before they occur. The operator does, however, have the right to appeal such a decision.

Bill Analysis
SB 317
(Page 3 of 3)

- Streamside Protection: The bill contains specific streamside management standards for activities on private forest land in the coastal Sitka spruce-western hemlock forest. Provisions are included in the bill that call for the development of corresponding streamside management standards for private forest holdings in the boreal white spruce/black spruce/birch/aspens forest. Streamside management standards are also provided for state lands in the boreal forest. These standards are to be promulgated by regulation within one year.
- Forest Practices Regulations: The bill provides more specific guidance than the current law as to which forest practices regulations need to be developed for.
- Forest Management Planning for State Lands: In addition to the provision of minimum standards for streamside protection on state lands in the state's Forest Resources and Practices Act, the bill includes an amendment to a separate statute which deals with Forest Land Use Plans. The amendment requires that, among other things, fish and wildlife habitat and fish and wildlife use considerations be discussed in a forest land use plan.
- Wildlife on Private Land: The bill fosters cooperation between private forest owners and the Department of Fish and Game in identifying areas of important wildlife habitat and in developing methods for their protection.
- Forest Insect and Disease Management: Although the part of the act dealing with prevention and suppression of forest insect or disease outbreaks has been strengthened, it has been done in a way that ensures the protection of fish and wildlife and their habitat.

go0529sE
Bradley
3/21/90

Original sponsor(s): Rules/Governor

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 317 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forest resources and practices
7 and to the management of forest lands; and providing
8 for an effective date."

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

10 * Section 1. AS 38.05 is amended by adding new sections to read:

11 Sec. 38.05.112. FOREST LAND USE PLANS. (a) The department may
12 not sell or harvest timber, except for isolated personal use timber
13 harvest, until a site-specific forest land use plan has been adopted.
14 A forest land use plan is required whether or not a regional or area
15 land use plan under AS 38.04.065(a) or a forest management plan under
16 AS 41.17.230 has been adopted.

17 (b) The commissioner shall base a forest land use plan on the
18 best available data, including information provided by other agencies
19 describing the immediate and long-term effects of individual and
20 collective forest activities on the timber base and on other resources
21 and uses.

22 (c) In addition to the requirements of AS 38.04.065(b), a forest
23 land use plan shall consider

24 (1) commercial timber harvesting, including related activ-
25 ities;

26 (2) harvesting of forest products for personal use;

27 (3) fish and wildlife habitat, including

28 (A) identification and protection of important wild-
29 life habitat;

1 (B) retention of riparian, wetland, and ocean-shore-
2 line vegetation critical for fish and wildlife habitat; and

3 (C) classification of water bodies according to phys-
4 ical characteristics;

5 (4) uses of forest land for nontimber purposes, including

6 (A) recreation, tourism, and related activities;

7 (B) mining, mining claims, mineral leaseholds, and
8 material extraction;

9 (C) uses of fish and wildlife;

10 (D) agriculture, including grazing; and

11 (E) other resources and uses appropriate to the area,
12 including compatible traditional uses;

13 (5) soil characteristics and productivity;

14 (6) water quality; and

15 (7) watershed management.

16 (d) A management plan prepared by the commissioner must consider
17 and permit the uses described in (c) of this section. If the commis-
18 sioner finds that a permitted use is incompatible with one or more
19 other uses in a portion of a state forest, the commissioner shall
20 affirmatively state in the management plan that finding of incom-
21 patibility for the specific area where the incompatibility is antic-
22 ipated to exist and the time period when the incompatibility is antic-
23 ipated to exist together with the reasons for each finding.

24 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department
25 shall annually prepare a five-year schedule of timber sales planned on
26 all lands managed by the department. The schedule must be of suffi-
27 cient specificity that it provides a basis for the department to
28 allocate its resources in considering and designing sales and in
29 conducting economic and environmental analyses. The schedule must

1 inform the public and the timber products industry of long-term plans
2 and provide a basis for public comment.

3 (b) Except as provided in (c) of this section, a proposed sale
4 may not be held unless it has been included in the two five-year
5 schedules preceding the sale. This requirement does not apply until
6 one year after the first five-year schedule is prepared under this
7 section.

8 (c) The department may adopt regulations exempting small and
9 emergency sales from the requirements of this section.

10 * Sec. 2. AS 41.17.010 is amended to read:

11 Sec. 41.17.010. DECLARATION OF INTENT. The legislature declares
12 that

13 (1) the forest resources of Alaska are among the most
14 valuable natural resources of the state, and furnish timber and wood
15 products, fish and wildlife, tourism, outdoor recreation, water, soil,
16 air, minerals, and general health and welfare;

17 (2) economic enterprises and other activities and pursuits
18 derived from forest resources warrant the continuing recognition and
19 support of the state;

20 (3) the state has a fundamental obligation to ensure that
21 management of forest resources guarantees perpetual supplies of renew-
22 able resources, provides nonrenewable resources in a manner consistent
23 with that obligation, and serves the needs of all Alaska for the many
24 products, benefits, and services obtained from them;

25 (4) government administration of forest resources should
26 combine professional management services, regulatory measures, and
27 economic incentives in a complementary fashion, and should draw upon
28 the expertise of professional foresters in conjunction with other
29 disciplines;

1 (5) under the leadership of the Department of Environmental
2 Conservation as lead agency, the state should exercise its full re-
3 sponsibility and authority for control of nonpoint source pollution
4 with respect to the Federal Water Pollution Control Act, as amended;

5 (6) subject to AS 41.17.098(c), the provisions of this
6 chapter, and regulations adopted under this chapter, with the approval
7 of the Department of Environmental Conservation, establish the non-
8 point source pollution requirements under state law and sec. 319 of
9 the Clean Water Act for activities subject to this chapter;

10 (7) except for activities subject to AS 16.05.840 or 16.-
11 05.870 and regulations authorized by those sections, this chapter and
12 regulations adopted under this chapter establish the fish habitat
13 protection standards, policies, and review processes under state law
14 [SUBJECT TO 16 U.S.C. 1456(f) (SEC. 307(f) OF THE COASTAL ZONE MANAGE-
15 MENT ACT OF 1972, P.L. 92-583), THE PROVISIONS OF THIS CHAPTER SHALL
16 BE THE BASIS FOR FOREST MANAGEMENT STANDARDS, POLICIES, AND GUIDELINES
17 DEVELOPED UNDER THE ALASKA COASTAL MANAGEMENT ACT].

18 * Sec. 3. AS 41.17.041 is repealed and reenacted to read:

19 Sec. 41.17.041. BOARD OF FORESTRY. (a) The Board of Forestry
20 is established in the Department of Natural Resources, division of
21 forestry.

22 (b) The board is composed of nine members appointed by the
23 governor:

24 (1) a representative of a statewide commercial fishermen's
25 organization;

26 (2) a representative of a Native corporation established
27 under 43 U.S.C. 1601-1628 (Alaska Native Claims Settlement Act);

28 (3) a representative of an environmental organization;

29 (4) a representative of a forest industry trade

1 association;

2 (5) a professional fish or wildlife biologist who is not
3 employed in that capacity by a state, municipal, or federal government
4 agency, except for university employment;

5 (6) a professional forester who is not employed in that
6 capacity by a state, municipal, or federal government agency, except
7 for university employment;

8 (7) a representative of a statewide mining organization;

9 (8) a representative of a statewide recreational organi-
10 zation; and

11 (9) the state forester, who serves ex officio and without a
12 vote.

13 (c) The state forester is the presiding officer of the board and
14 shall, in consultation with the board, establish procedures for sched-
15 uling and organizing board meetings. Seven voting members of the
16 board constitute a quorum. Each decision of the board requires the
17 affirmative vote of each voting member present less one.

18 (d) A board member who is unable to attend a meeting may desig-
19 nate an alternate who possesses the same qualifications as the board
20 member.

21 (e) The division shall serve as staff to the board. The depart-
22 ment, the Department of Fish and Game, and the Department of Environ-
23 mental Conservation shall provide technical staffing and information
24 as needed by the board.

25 * Sec. 4. AS 41.17.047 is repealed and reenacted to read:

26 Sec. 41.17.047. POWERS AND DUTIES OF BOARD. (a) The board
27 shall review and comment to the commissioner on regulations proposed
28 for adoption under this chapter.

29 (b) The board shall provide a forum for representatives of

1 affected interests to discuss and attempt to resolve issues relevant
2 to this chapter and to the forest resources of the state.

3 (c) The board, working with the department, the Department of
4 Environmental Conservation, the Department of Fish and Game, other
5 affected agencies and parties, and the forest-dependent industries,
6 shall conduct an annual survey of research needs related to forest
7 practices. The board shall review research proposals and shall make
8 recommendations to promote research projects that would address these
9 needs to the governor and the legislature.

10 (d) The board shall coordinate the monitoring of the implementa-
11 tion and effectiveness of this chapter, the regulations, and best
12 management practices adopted under this chapter in meeting state water
13 quality standards, fish and wildlife habitat requirements, and other
14 forestry objectives. The board shall report annually to the
15 legislature and the governor on the effectiveness of this chapter and
16 regulations adopted under it, with its recommendations for changes and
17 for needed research and monitoring. The state forester, the
18 Department of Fish and Game, and the Department of Environmental
19 Conservation shall each present an annual report, independently, to
20 the board on the effectiveness of this chapter, the regulations, and
21 best management practices adopted under this chapter that protect the
22 resources for which they have statutory responsibility, and shall make
23 recommendations for changes to correct procedural or substantive
24 problems. The board shall forward the reports to the legislature as
25 part of its annual report. The board shall hold hearings at least
26 once annually in southeast, southcentral, and interior Alaska for
27 purposes of taking public testimony on the subjects.

28 * Sec. 5. AS 41.17.055(d) is repealed and reenacted to read:

29 (d) The commissioner may develop regulations under this chapter

1 as part of the state program for control of nonpoint source pollution
2 under the Federal Water Pollution Control Act, as amended. However,
3 the Department of Environmental Conservation is the lead agency for
4 water quality and control of nonpoint source pollution under that Act,
5 and the regulations are therefore subject to the approval of the
6 commissioner of environmental conservation.

7 * Sec. 6. AS 41.17.060(b) is amended to read:

8 (b) With respect to state, municipal, and private forest land,
9 the following standards apply:

10 (1) to the maximum extent possible, all applicable data and
11 information of applicable disciplines shall be updated and used in
12 making decisions relative to the management of forest resources;

13 (2) environmentally sensitive areas [AND BEST MANAGEMENT
14 PRACTICES] shall be recognized in the development of regulations and
15 best management practices that are designed to implement [IMPLEMEN-
16 TATION OF ANY] nonpoint source pollution control measures authorized
17 under this chapter;

18 (3) administration of forest land shall consider marketing
19 conditions and other economic constraints affecting the forest lanu-
20 owner, timber owner, or the operator;

21 (4) to the fullest extent practicable, harvested forest
22 land shall be reforested, naturally or artificially, so as to result
23 in a sustained yield of merchantable timber from that land; if artifi-
24 cial planting is required, silviculturally acceptable seedlings must
25 first be available for planting at an economically fair price in the
26 state; and

27 (5) significant adverse effects of soil erosion and mass
28 wasting on water quality and fish habitat shall be prevented or min-
29 imized.

1 * Sec. 7. AS 41.17.060(c) is amended to read:

2 (c) With respect to state and municipal forest land only, the
3 following standards also apply:

4 (1) forest land shall be administered for the multiple use
5 of the renewable and nonrenewable resources and for the sustained
6 yield of the renewable resources of the land in the manner that
7 [WHICH] best provides for the present needs and preserves the future
8 options of the people of the state;

9 (2) a [ANY] system of allocating predominant uses or values
10 to particular units within a contiguous area of land shall reflect in
11 reasonable proportion the various resources and values present in that
12 area;

13 (3) to the extent its capacity permits, forest land shall
14 be administered so as to provide for the continuation of businesses,
15 activities, and lifestyles that [WHICH] are dependent upon or derived
16 from forest resources;

17 (4) timber harvesting is limited to areas where data and
18 information demonstrate that natural or artificial reforestation
19 techniques will result in the production of a sustained yield of
20 merchantable timber from that area;

21 (5) there may not be [ANY] significant impairment of the
22 productivity of the land and water with respect to renewable re-
23 sources; [AND]

24 (6) [WHERE ECONOMICALLY PRACTICABLE,] allowance shall [MAY]
25 be made for scenic quality in or adjacent to areas of substantial
26 importance to the tourism and recreation industry; and

27 (7) allowance shall be made for important fish and wildlife
28 habitat.

29 * Sec. 8. AS 41.17.070(b) is repealed and reenacted to read:

1 (b) To maintain a record of division decision making for public
2 and agency review, the commissioner shall compile and index each de-
3 cision made under this chapter regarding directives, stop work orders,
4 waivers from requirements, decisions of hearing officers, and deci-
5 sions on appeals. The commissioner shall submit a summary of this
6 record annually to the board.

7 * Sec. 9. AS 41.17.080 is repealed and reenacted to read:

8 Sec. 41.17.080. REGULATIONS. (a) The commissioner may adopt
9 regulations necessary to accomplish the purposes of this chapter under
10 AS 44.62 (Administrative Procedure Act) regarding forest practices
11 such as

- 12 (1) road construction and maintenance, including
13 (A) road location, construction, maintenance, and
14 post-operation management or removal;
15 (B) landing location and construction;
16 (C) drainage structures;
17 (D) material sources and spoil disposal sites;
18 (2) timber harvesting, including
19 (A) timber harvest unit planning and design;
20 (B) felling and bucking;
21 (C) cable yarding, shovel, tractor, and wheeled skid-
22 der systems;
23 (D) landing clean-up;
24 (E) slash disposal;
25 (3) log transfer, sort yards, and storage facilities,
26 including
27 (A) location, design, and construction;
28 (B) maintenance;
29 (C) closure;

- 1 (D) log storage, rafting, and identification;
- 2 (4) reforestation, including
- 3 (A) site preparation and rehabilitation;
- 4 (B) prescribed burning;
- 5 (C) exemptions from reforestation requirements;
- 6 (5) prevention and suppression of forest insects and dis-
- 7 eases;
- 8 (6) salvage logging;
- 9 (7) vegetative management; and
- 10 (8) fire and flood hazard management.

11 (b) The commissioner shall adopt regulations specifying the

12 information to be submitted under AS 41.17.090(c) in the detailed plan

13 of operations to enable the division to determine whether the activ-

14 ities comply with the requirements of this chapter.

15 (c) The commissioner may establish regions, districts, or other

16 subdivisions of forest land in the state in which different regu-

17 lations apply to reflect varying conditions in the state or to facil-

18 itate administration. In adopting regulations, the commissioner shall

19 make appropriate distinctions between public and private land.

20 (d) The commissioner shall adopt only those regulations neces-

21 sary to accomplish the purposes of this chapter and shall avoid regu-

22 lations that increase operating costs without yielding significant

23 benefits to public resources.

24 * Sec. 10. AS 41.17 is amended by adding new sections to read:

25 Sec. 41.17.082. CONTROL OF INFESTATIONS AND DISEASE. (a) All

26 forest clearing operations and silvicultural systems must be designed

27 to reduce the likelihood of increased insect infestation and disease

28 infections that threaten forest resources.

29 (b) A forest landowner may not conduct or approve timber

1 clearing activities that create conditions fostering outbreaks of
2 infestation or infection that threaten forest resources on forest
3 lands belonging to another person. If the commissioner finds, after
4 notice and hearing, that there has been a violation of this subsec-
5 tion, the commissioner may

6 (1) require the forest landowner, at that person's expense,
7 to remove promptly or cure the conditions fostering outbreaks of
8 infestation or infection; and

9 (2) require the forest landowner, at that person's expense,
10 to undertake environmentally sound, effective, and cost-efficient
11 actions to control the infestation or infection in the immediate
12 vicinity of the improper timber clearing activity.

13 (c) If a forest landowner does not comply with a final order of
14 the commissioner under (b)(1) or (b)(2) of this section, the commis-
15 sioner may enter onto the land and undertake the actions ordered and
16 the landowner is liable for the cost of the actions. The commissioner
17 shall deliver to the landowner an itemized statement of expenses
18 incurred.

19 (d) The commissioner may undertake surveys and appraisals to
20 obtain data on regional insect infestations and disease conditions.
21 Upon a determination that an area is infested with forest insects or
22 infected with diseases injurious to forest resources and that the
23 infestation or infection threatens the forest land or timber of adja-
24 cent owners, the commissioner may establish the boundaries of an
25 infestation or infection zone. The commissioner may enter into an
26 agreement with an owner or with a governmental agency to control or
27 suppress infestation or infection within the zone. Upon a determina-
28 tion by the commissioner that insect and disease control work within
29 the zone is no longer necessary or feasible, the commissioner shall

1 terminate the zone.

2 Sec. 41.17.083. CLEARING OF FOREST LAND FOR NON-TIMBER PURPOSES.

3 A state agency, municipality, or public utility shall determine whether
4 er the timber to be removed has significant salvage value before
5 approving or conducting clearing of forest land for purposes other
6 than timber harvest. If the timber has significant salvage value, the
7 agency or utility shall salvage the timber as part of the clearing
8 process.

9 * Sec. 11. AS 41.17 is amended by adding a new section to read:

10 Sec. 41.17.087. VARIATION FROM REQUIREMENTS. (a) A forest
11 landowner, timber owner, or operator may propose for a particular
12 activity a variation from a requirement imposed by this chapter or the
13 regulations adopted under this chapter. If the state forester deter-
14 mines that the harm intended to be avoided by the requirement is not
15 likely to occur because of site-specific circumstances relating to the
16 particular activity and is not likely to cause significant harm to
17 fish habitat or water quality, the state forester shall agree to the
18 proposed variation. If the state forester does not agree to the
19 proposed variation, a forest landowner, timber owner, or operator may
20 appeal to the commissioner. The appellants shall conform to the
21 requirement during the pendency of the appeal.

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

25 (1) a low gradient Type A water body with a width of five
26 feet or less; and

27 (2) other appropriate water body types.

28 (c) A determination by the state forester under (a) of this
29 section and regulations by the commissioner under (b) of this section

1 shall give due deference under AS 41.17.098.

2 * Sec. 12. AS 41.17.090 is repealed and reenacted to read:

3 Sec. 41.17.090. NOTIFICATION OF PLANS TO HARVEST TIMBER. (a)
4 Operations on forest land shall be reviewed under this section for
5 consistency with the policies and provisions of this chapter and
6 regulations adopted under this chapter.

7 (b) A forest landowner, timber owner, or operator may provide to
8 the commissioner a voluntary plan of operations that describes the
9 long-term plans for timber harvesting. The purpose of a voluntary
10 plan is to give the division and the public an early opportunity to
11 review plans, to identify areas of concern, and to allow the agencies
12 and the public to provide local knowledge and early notice of poten-
13 tial problems to the forest landowner, timber owner, or operator.

14 (c) Before beginning operations on forest land, the operator
15 shall provide the state forester with a detailed plan of operations.
16 The detailed plan of operations must include

17 (1) a description of the proposed operations, identifying
18 the land involved and the action proposed in sufficient detail to
19 inform the public of the nature and location of the proposed opera-
20 tions; the description must include a map and must be in a form suit-
21 able for duplication;

22 (2) the name, address, and approving signature of the
23 forest landowner, timber owner, and operator; and

24 (3) other information required in the regulations adopted
25 under this chapter.

26 (d) Within five days after receipt of a detailed plan of opera-
27 tions under (c) of this section, the state forester shall distribute
28 the information received under (c) of this section to affected state
29 agencies and coastal districts, and shall distribute the information

1 received under (c)(1) of this section to each member of the public who
2 has asked to receive copies of notifications for the affected area.

3 (e) Within 30 days after receipt of a detailed plan of opera-
4 tions, the state forester shall review the plan to determine if the
5 operations are consistent with this chapter and regulations adopted
6 under this chapter. Operations may begin under the plan upon the
7 expiration of the 30-day period or upon notice from the state forester
8 that the review has been completed, whichever occurs first, unless the
9 division has issued a stop work order for a particular portion of the
10 plan or has notified the operator that a one-time, 10-day extension is
11 necessary for agency review under AS 41.17.098(f). The operator may
12 proceed with operations not covered by the stop work order, notice of
13 field inspection, or the agency review. During the review of a de-
14 tailed plan of operations, if a question arises concerning the proper
15 classification of water body type for purposes of the standards in
16 AS 41.17.116(a), the Department of Fish and Game may resolve the
17 question.

18 (f) If the state forester determines that a field inspection is
19 necessary to determine consistency of the detailed plan of operations
20 or a portion of the plan with applicable standards, the state forester
21 shall notify the operator. The notice of field inspection may not
22 cover more than the minimum area necessary to determine compliance
23 with this chapter and applicable regulations. The operator shall
24 inform the state forester when the site will be available for an
25 inspection. The state forester shall conduct the field inspection
26 within 21 days after the date that the site will be accessible and
27 available unless the operator otherwise agrees, and the operator may
28 begin operations at the conclusion of the 21-day period unless the
29 state forester has issued a stop work order under AS 41.17.138.

1 (g) During the review of a detailed plan of operations, modi-
2 fications to accommodate comments may be made without requiring the
3 operator to resubmit the plan. After the review of the detailed plan
4 of operations made under (e) and (f) of this section, an operator
5 shall notify the state forester of a proposed substantial change in
6 operations by following the procedures specified in (c) - (f) of this
7 section.

8 (h) Information and paperwork required of the operator under
9 this section is limited to that necessary to accomplish the purposes
10 of this section.

11 (i) An operator shall renew a detailed plan of operations annu-
12 ally.

13 * Sec. 13. AS 41.17 is amended by adding a new section to read:

14 Sec. 41.17.098. INTERAGENCY COORDINATION AND REEVALUATION. (a)
15 In administering this chapter, the commissioner shall coordinate with
16 other agencies and affected coastal districts that have jurisdiction
17 over activities subject to regulation under this chapter.

18 (b) In a review or implementation of a detailed plan of opera-
19 tions under AS 41.17.090 and in a decision on a proposed variation
20 from requirements under AS 41.17.087, the commissioner shall consider
21 the comments of each affected state agency and, where applicable,
22 coastal districts.

23 (c) The commissioner shall give due deference to the Department
24 of Environmental Conservation in decisions concerning water quality.
25 The commissioner of environmental conservation retains the authority
26 to adopt nonpoint source pollution regulations for activities subject
27 to this chapter to the extent that regulations are not adopted by the
28 commissioner of natural resources and approved by the commissioner of
29 environmental conservation under this chapter. The commissioner of

1 environmental conservation may withdraw approval of regulations adopt-
2 ed by the commissioner of natural resources under this chapter by
3 following the procedure for the adoption, amendment, and repeal of
4 regulations under AS 44.62.180 - 44.62.290.

5 (d) The commissioner shall recognize the expertise of the De-
6 partment of Fish and Game with regard to fish and wildlife habitat.
7 On private land, the commissioner shall give due deference to the
8 Department of Fish and Game regarding effects on fish habitat from
9 timber operations including variations to riparian standards, desig-
10 nation of alternative site-specific riparian protection plans, and
11 road location decision within riparian areas. On public land, the
12 commissioner shall give due deference to the Department of Fish and
13 Game regarding effects on fish and wildlife habitat from timber op-
14 erations including timber harvest in riparian areas, variations to
15 riparian standards, and road location decisions within riparian areas.
16 In making decisions under under AS 41.17.087, the commissioner shall
17 recognize fish habitat as the primary value in riparian areas.

18 (e) In this section, "due deference" means that deference that
19 is appropriate in the context of the agency's expertise and area of
20 responsibility and all the evidence available to support a factual
21 assertion. Where due deference is given, if the commissioner does not
22 agree with a commenting agency, the commissioner shall prepare a
23 written statement of the reasons for the disagreement.

24 (f) If a disagreement described in (e) of this section exists,
25 an officer of an agency may require reevaluation of the disagreement
26 at a higher level within the agencies, or by the governor if
27 necessary, before a decision is made by the commissioner.

28 * Sec. 14. AS 41.17 is amended by adding new sections to read:

29 ARTICLE 1A. RIPARIAN MANAGEMENT.

1 Sec. 41.17.115. INTENT FOR RIPARIAN AREAS. The commissioner
2 shall protect riparian areas from the significant adverse effects of
3 timber harvest activities on fish habitat and water quality. The
4 management intent for riparian areas is the adequate preservation of
5 fish habitat by maintaining a short- and long-term source of large
6 woody debris, stream bank stability, channel morphology, water temper-
7 atures, stream flows, water quality, adequate nutrient cycling, food
8 sources, clean spawning gravels, and sunlight. The commissioner shall
9 adopt regulations for the protection of riparian areas; the regu-
10 lations may include higher standards of protection for fish and other
11 public resources on land managed by the department than on other
12 public land or private land. The regulations may vary by region of
13 the state and must take into consideration reasonable classification
14 of water bodies and the economic feasibility of timber operations.

15 Sec. 41.17.116. RIPARIAN STANDARDS FOR PRIVATE LAND. (a)
16 Private forest land adjacent to the following types of waters and
17 located in a coastal forest of spruce or hemlock is subject to the
18 riparian protection standards established in this section:

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

21 (2) along a Type B water body, timber harvest operations
22 within 100 feet of the stream or to the break of the slope, whichever
23 area is smaller, must be conducted in compliance with slope stability
24 standards established in regulations adopted under this chapter;

25 (3) along a Type C water body, timber harvest operations in
26 the area within 50 feet of the stream or to the break of the slope,
27 whichever area is smaller, must be conducted in compliance with slope
28 stability standards established in regulations adopted under this
29 chapter.

1 (b) The commissioner shall adopt regulations for private land
2 outside of the coastal forest of spruce or hemlock that designate the
3 riparian areas to be protected and the restrictions on timber harvest-
4 ing operations within the areas that are necessary for their pro-
5 tection under the management goals established in AS 41.17.115.

6 Sec. 41.17.118. RIPARIAN STANDARDS FOR STATE LAND. (a) The
7 riparian standards for state land are as follows:

8 (1) on state forest land managed by the department that is
9 located north of the Alaska Range, harvest of timber may not be under-
10 taken within 100 feet immediately adjacent to an anadromous or high
11 value resident fish water body unless the division determines that
12 adequate protection remains for the fish habitat;

13 (2) on state forest land managed by the department that is
14 located south of the Alaska Range,

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

18 (B) between 100 and 300 feet from the water body,
19 timber harvest may occur but must be consistent with the mainte-
20 nance of important fish and wildlife habitat.

21 (b) The commissioner may impose additional riparian protection
22 standards for timber harvest operations through the adoption of land
23 use plans under AS 38.04.065 and under forest management plans and
24 reports under AS 38.05.112 and AS 41.17.230.

25 (c) In the absence of a site-specific determination by the
26 Department of Fish and Game, the commissioner shall presume for plan-
27 ning purposes that a stream is anadromous if it is connected to ana-
28 dromous waters that are without Department of Fish and Game documenta-
29 tion of a physical blockage and has a stream gradient of 8 percent or

1 less.

2 Sec. 41.17.119. MINIMUM RIPARIAN STANDARDS FOR OTHER PUBLIC
3 LAND. On public land other than state land, harvest of timber may not
4 occur

5 (1) within 100 feet from the shore or bank of an anadromous
6 or high value resident fish water body that is located south of the
7 Alaska Range;

8 (2) within 100 feet immediately adjacent to an anadromous
9 or high value resident fish water body north of the Alaska Range
10 unless the commissioner determines that adequate protection remains
11 for the fish habitat.

12 * Sec. 15. AS 41.17 is amended by adding a new section to read:

13 Sec. 41.17.125. ENFORCEMENT COORDINATION. All state agencies
14 with enforcement authority over an activity subject to regulation
15 under this chapter shall establish a uniform enforcement strategy that
16 avoids duplication and inconsistencies. All participating agencies
17 shall agree to and comply with the contents of the uniform strategy.
18 In developing and implementing the uniform strategy, each state agency
19 retains its authority to determine the appropriate remedies under the
20 statutes and regulations it administers.

21 * Sec. 16. AS 41.17.131 is repealed and reenacted to read:

22 Sec. 41.17.131. PENALTIES FOR VIOLATIONS. (a) An operator,
23 forest landowner, or timber owner who violates or permits a violation
24 of this chapter, a regulation adopted under this chapter, a directive
25 issued under AS 41.17.136, or a stop work order issued under AS 41.-
26 17.138 is liable. after notice and hearing, for a civil fine in an
27 amount not to exceed \$10,000 to be assessed by the commissioner. In
28 determining the amount of civil fine, the commissioner shall consider

29 (1) the character and degree of injury to forest resources

1 and values;

2 (2) the degree of intent or negligence of the respondent in
3 causing or permitting the violation;

4 (3) the character and number of past violations caused or
5 permitted by the respondent; and

6 (4) if the information is available, the net economic
7 savings realized by the respondent through the violation.

8 (b) An operator, forest landowner, or timber owner that, with
9 criminal negligence, violates or permits a violation of this chapter,
10 a regulation adopted under this chapter, a directive issued under
11 AS 41.17.136, or a stop work order issued under AS 41.17.138 is guilty
12 of a class A misdemeanor. In this subsection, "criminal negligence"
13 has the meaning given in AS 11.81.900(a).

14 (c) Each day that a violation described in this section occurs
15 is a separate violation.

16 (d) If a respondent violates a directive issued under AS 41.-
17 17.136 or a stop work order issued under AS 41.17.138, the attorney
18 general, at the request of the commissioner, may seek an injunction
19 requiring the respondent to suspend all or part of the operations
20 until the respondent complies with the directive or stop work order,
21 and requiring the respondent to repair or correct damage resulting
22 from the violation.

23 (e) If a respondent violates a directive issued under AS 41.-
24 17.136 that requires the respondent to repair or correct damage, the
25 commissioner may proceed to repair or correct the damage using state
26 agency employees or contractors and the respondent is liable for the
27 cost of the repair. The commissioner shall deliver to the respondent
28 an itemized statement of expenses incurred.

29 * Sec. 17. AS 41.17 is amended by adding a new section to read: