

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6509 SENATE RESOURCES

913

Senator Bettye Fahrenkamp

Page 2

March 21, 1990

the property then the excess was really a payment for the assignment of the permit. The assignment of the permit was void if the amount paid for the property exceeded the replacement value of the property.

During further consideration of this issue, the Task Force decided to further restrict the procedure for the assignment of use area permits by taking away the power of guide-outfitters to determine who would succeed them as assignees of the use area. Use area permits may be assigned only by the Big Game Commercial Services Board. Guide-outfitters would no longer have an opportunity to determine who their successors would be. This approach eliminated the possibility of collusion between the assignor and assignee of use area permit.

This approach also eliminated the need for the Board to monitor the transfer of property between a former permit holder and the new assignee of the permit. Since the former permit holders do not determine who will succeed them, there is no opportunity for the former permittees to receive payment for assigning the permit to particular persons.

Thus subsection (b) of AS 08.54.670 could be deleted without affecting the integrity of the use area permit system proposed by SB 422. Deletion of this provision would also ease the burden on the Board by eliminating the responsibility of the Board to monitor the sales of property between former permit holders and assignees of use area permits.

GU:pl  
WKP3;066

Enclosure

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 9, line 27 through page 10, line 3:

Delete all material.

Reletter the following subsections accordingly.

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: SB 317  
PUBLISH DATE: 5/3/89

## 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						
<b>TOTAL OPERATING</b>	<b>437.7</b>	<b>392.6</b>	<b>467.6</b>	<b>481.9</b>	<b>492.5</b>	<b>508.3</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**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.
4. Notifications will continue to increase for the next two years while the markets are high.
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:

Southeast Region - \$123,000

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.

Add one Natural Resource Manager I to be the Southeast Region Forest Practice Coordinator. This position will also be support forest practice work region-wide on an as needed basis and serve as the liaison between the field staff and other agency personnel.

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

Southcentral Region - \$149,600

Add one Forester II to the Kenai-Kodiak Area to work on the additional forest practice work that is occurring on the Kenai Peninsula. Notifications have increased from 4 in 1987 to 10 in 1989 with acres increasing from 3,287 to 41,935 during the period. Presently the only position available for the forest practice work is also responsible for all the timber sales on state land in the area. Because of this dual role neither area of responsibility has been accomplished. The new saw mill at Seward, heavy spruce bark beetle kill and large native ownerships on the Kenai Peninsula all point to increasing forest practice work for the next five years. We estimate notification acres will increase by some 58,000 acres in the next five years

Add one Natural Resource Manager I to regional staff. The senior Forest Practices Forester will handle notifications and inspections on the remainder of the Gulf of Alaska, Valdez-Copper River, Anchorage 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 regions forest practice work has increased form 9 notifications in 1987 to 20 in 1989 and acres have increased from 6,287 to 50,286 during the same period. We estimate that at least seven (7) new operations with some 91,000 acres will begin operations in the next five years.

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

Central Office - \$165,100

Add one Forest Engineer and one Natural Resource Manager II to the Staff. The engineer is badly needed to provide expertise in soil stability, logging systems and transportation evaluations. This position would also 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 Natural Resource Manager II position would Serve as a Section Chief to assure consistent direction in state-wide forest practices inspection and enforcement is achieved. This 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 evaluations during peak periods.

## 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.

Development of training materials and classes for bringing operators and other agency personnel up to speed on the requirements of the FPA.

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

### Northern Region

Current markets and market projections indicate a continued increase of interest in both white spruce and hardwoods in the Interior of Alaska. With Native Corporate ownerships well along on completing inventories of timber resource developments will be forthcoming in the next few years. At least one Regional corporation is involved in negotiations for development as well as contracting for feasibility studies. Two village Corporations have active sales under contract.

The increasing thoughts of development of resources along with the increase in spruce bark beetle activity indicate that the Northern Region will become involved in forest practices in the next few years. One Forester II position would need to be added within three years to be in place to handle this increase. Total increased cost in year three would be \$95,000.

Position Title			No. of Positions	Range/Step	Barg. Unit
Natural Resource Manager I Time Status Staff Months			1	18/A	GG
PFS 12			Location Jungau		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					
1	2	Amount			
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.					

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRD Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
 Revised Date

FY 91

MAR-16-90 FRI 12:47 DOP DIRECTOR'S OFFICE P.07

Position Title <b>Natural Resource Manager II</b>		No. of Positions <b>I</b>	Range/Step <b>20/A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7</b>
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. Hatch		1003		
General Fund		1004		87.7
Program Receipts/AGF		1005		
I-A Receipts		1007		
CIP Receipts		1061		
Other				
* Personal Services Salary and Benefits Costs are from MACS.				

**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.

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRJ Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
 Revised Date

FY 91

MAR-16-90 FRI 12:49 DOF DIRECTOR'S OFFICE P. 09

Position Title <b>Natural Resource Manager I</b>		No. of Positions <b>1</b>	Range/Step <b>18/A</b>	Borg. Unit <b>GG</b>
Time Status <b>PT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7</b>
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		////////////////////		
<b>Total Personal Services</b>		<b>50.5</b>		
Travel		10.0		
Contractor		5.5		
Commodities		2.0		
Equipment		9.4		
Other				
<b>Total Cost</b>		<b>77.4</b>		
Funding Source for Total Cost				
Federal Receipts	1872			
G.P. Hatch	1873			
General Fund	1034	77.4		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIF 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 Division's southcentral region office will provide the needed forest practice coordinator. This position will also handle notifications and inspections in the Valdez-Copper River, Hat-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**

AGENCY Natural Resources  
 BRU Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
 Revised Date

FY 91

Position title <b>Forester II</b>		Us. of Positions <b>1</b>	Range/Step <b>16/A</b>	Barg. Unit <b>GG</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Soldotna</b>		Election District <b>5</b>
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	=	3		
Salary* 2895 x 12	34,740	////////////////////		
Benefits* 1049 x 12	12,568	////////////////////		
Premium Pay (included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
<b>Total Personal Services</b>	////////////////////	<b>47.3</b>		
Travel		10.0		
Contractual		3.5		
Commodities		2.0		
Equipment		9.4		
Other				
<b>Total Cost</b>		<b>72.2</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Hatch	1003			
General Fund	1004	72.2		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRW Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
Revised Date

FY 91

P. 11  
 AERVA TELECOM 100  
 MAR-16-90 FRI 12:51 DOF DIRECTOR'S OFFICE

Position Title <i>Logging Engineer</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					
		<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	////////////////////				50.5		
Travel					10.0		
Contractual					4.5		
Commodities					3.0		
Equipment					9.4		
Other							
Total Cost					77.4		
Funding Source for Total Cost							
Federal Receipts	P002						
G.F. Match	P003						
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.							

REQUEST FOR  
 NEW POSITION

AGENCY Natural Resources  
 BRU Forest Management  
 COM/BREIN Forest Management

Page 1 of 1  
 Revised Date

FY 91

Position Title <b>Clerk Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>B/A</b>	Barg. Unit <b>GG</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Ketchikan</b>		Election District <b>1</b>	
Type of Expenditure		Justification			
		<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>			
Amount					
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				
S.F. Match	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.					

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRD Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
 Revised Date

FY 91

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF HABITAT

STEVE COOPER, GOVERNOR

BOX 3-2000  
JUNEAU, ALASKA 99802  
PHONE: (907) 465-4106

March 15, 1990

Mr. John L. Sturgeon, President  
Koncor Forest Products Co.  
3501 Denali, Suite 202  
Anchorage, AK 99503

Dear John,

You and others in the Timber Alliance have asked that I clarify this department's position on variations from the riparian standard on private lands for Type A, low-gradient streams with a width of five feet or less that also have low value for fish. At the working group meeting last week, I said that we have a lower level of concern for small, low-gradient streams with low fish values. However, many small, low-gradient streams provide important rearing habitat, especially for coho salmon.

Given the above understanding and the fact that the regulations on this subject are yet to be written, what I suggest here should be viewed as conceptual. It should, however, give you a better idea of the types of criteria I think will be important to capture in the regulations.

ADF&G will be most likely to agree to variations for Type A, low-gradient streams less than five feet wide with low fish values if the following criteria are met.

The proposed method of logging does not present a high risk of soil disturbance and stream sedimentation;

Bank and stream channel stability can be assured;

Sufficient trees within the 20 meter buffer are left standing and alive so there is a future source of large woody debris, and;

Trees proposed for harvest are either not likely to contribute wood to the stream or they are not important for maintaining natural stream flow or temperature.

As I said, we will need to develop these concepts further in the regulations and then see how they work in the field.

The timber industry has also asked for clarification on whether roads can cross buffers and rigging for cable logging systems can be hung from trees in buffers. There is no question that roads

will be allowed to cross buffers. Our main concern will be to have them cross as perpendicular to the buffer as is practical. Hanging rigging from trees in a buffer and any associated clearing is an issue that may come up if buffers create operational constraints. I see no problem hanging rigging in a buffer if no trees are cut or killed and damage is minimal. Where trees need to be cut, I think the intent of 41.17.115 is to address the issue in the regulations and the variation process.

I look forward to working with you and other members of the Alliance in getting the new act passed and the regulations implementing it adopted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Rue", followed by a horizontal line extending to the right.

Frank Rue, Director  
Habitat Division

cc: Members of the FPA Working Group  
Representative Curt Menard, Co-chairman,  
House Resources Committee  
Senator Bettye Fahrenkamp, Chairman,  
Senate Resources Committee



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

## MEMORANDUM

TO: MEMBERS OF HOUSE RESOURCES COMMITTEE  
MEMBERS OF SENATE RESOURCES COMMITTEE

FROM: REP. CURT MENARD, CO-CHAIR HOUSE RESOURCES  
REP. CLIFF DAVIDSON, CO-CHAIR HOUSE RESOURCES

DATE: FEBRUARY 5, 1990

RE: FOREST PRACTICES ACT HEARING IN TALKEETNA

---

We would like to invite members of the Senate and House Resources Committees to attend a hearing on H.B. 331 and S.B. 317, the proposed forest practices act revisions, in Talkeetna.

The hearing will be held on Saturday, February 17, from 1 - 4 p.m. at the Talkeetna Elementary School. The purpose of the hearing is to obtain public comment on the proposed revisions.

If you are interested in attending, please contact Johanna Munson on Rep. Menard's staff so that we can coordinate transportation and lodging arrangements.

Box 020241  
Juneau, Alaska 99802

May 5, 1989

Honorable Betty Farenkamp  
Senate Resources Committee  
Alaska Legislature  
Juneau, Alaska

Dear Senator Farenkamp:

For the Record SB 317

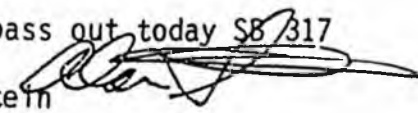
I endorse speedy committee approval and passage of this Forest Practices Bill. It is the result of compromise and mediation between representatives of all effected parties.

In my view, substantial damage occurs to salmon streams without the buffer strip provision contained in the bill. Mud slides into creeks after logging killing eggs and small fry. Exhibit 1, a Fish and Game memo, documents 47 landslides in Southeast alone last November. These slides occur during heavy rains in four year cycles. Without the buffer, mud damages our salmon resource.

Fish kills result from high summer temperature when the umbrella of trees are cut. Exhibit 2 is a list the Forest Service compiled last year showing up to 30,000 estimated salmon kills resulting from the high temperatures which result when we cut trees next to streams. This SB 317 will reduce the effects of clearcutting.

Staff monitoring is not done adequately. I have discovered the state has no turbidity meters which are instruments for measuring how much mud is in the water; like tankers without tug escorts, logging without monitoring is an invitation to destruction of a priceless living resource which the oil spill should have made everyone aware can no longer be accepted. Exhibit 3 gives but one example of roads build directly into salmon streams in 1988. As Exhibit 4 from Fish and Game makes clear, "policies regarding streams may be inadequate for stream protection." As we must do with oil, so we must also do with timber. We must error on the side of caution and create buffers which eliminate some need for monitoring. As Exhibit 5 shows, almost three years elapsed between a promise of the Forest Service and today. I swear, no consistent monitoring for State Water quality regulation occurs on salmon streams in Southeast Alaska. The legislature has provided not enough money and no staff are regularly assigned to monitor water quality with instruments.

Please pass out today SB 317

  
Alan Stein  
fisherman

To: Gary Gunstrom  
Regional Research Supervisor  
Commercial Fisheries  
Juneau, Region I

Date: January 6, 1989

From: John Edgington  
Land Use Project  
Commercial Fisheries  
Petersburg

Subject: Landslides

Observations of landslide areas stopped abruptly with the addition of new snow and poor flying weather. Reports of landslides will probably continue again with the start-up of spring activities.

The following areas and numbers of landslides have been reported:

<u>Area</u>	<u>Landslides</u>	
Lake St. Nicholas	3	
Rush Creek	1	* (tributary of Goose Cr.)
Ratz Harbor	1	* (more than one)
Buster Creek	1	
Deer Bay	2	
Natzuhini River	3	*
Big Salt	1	
Long Island	2	
Fubar Creek	1	
Anita Bay	1	
Mitkof Island	4	
Kupreanof Island	2	
S. Kulu Island		
Elena Bay	1	
W. Thetis Bay	1	*
Gedny Harbor	1	
Crowley Bight	1	
Howard Cove	1	
N.W. Affleck Creek	1	
Three Mile Arm	1	
E. Port Camden	1	
N. Kulu Island		
Saginaw Creek	7	*
Security Bay East	3	*
Saginaw Bay East	1	*
Kadake Creek	1	*
Rowan Bay	1	
Muddy River	1	(Thomas Bay)
Pavlof Creek	1	*
Kadashan River	1	*
Kennel Creek	1	*
Kelsall River	1	*

Total 47 12 \* = Salmon Stream Influence

EXHIBIT 1

Fish kill listing

*Waneta 15 12 kills*

new/old	Stream name	stream no.	est mort	peak esc	rep. yrs	notes
1  13	Very Inlet Cr	101-23-19	2000	24000	1977	
2  14	Wassal Cove	101-30-09	<500	6000	1977	
3  15	Keta River	101-30-30	<500	24000	1977	
4  16	Cabin/Bartholomew Cr	101-55-09	<500	20000	1977	
5  12	Traitors River	101-90-29	15000	108100-'77	1963.77	
6  17	Naha River	101-90-50	20000	90000	1977	
7  18	Port Stewart Cr	101-90-92	7000	17000	1977	
8  19	Sunny Cr	102-40-87	1500	50000	1977	
9  57	Harris River	102-60-82			1986	12.000 pinks
10  11	Lower Karta River	102-60-87			1982	
11  20	Nutkwa Cr	103-21-08	500-1000	17600	1977	
12  03	Shinaku Cr	103-60-13			1987	
13  04	Steelhead Cr	103-60-29			1987	
14  05	Black Bear Cr	103-60-31			1987	
66  06	Port St Nicholas	103-60-59			1987	
70  56	Trocadero Bay	103-60-75/77			1986	n. and s. streams 84 of run
15  21	Sarheen Cr	103-90-04	1000	35000	1977	
16  22	Naukati Cr	103-90-26	500	5000	1977	
17  01	Staney Cr	103-90-30	2000-1977	60200-'77	1977.79.87	
18  02	Sheheen Cr	103-90-42	500-1000	50000-'77	1977.87	
19  23	Kell Bay Cr	105-10-32	2400	13800	1977.87	87:500
20  24	Tunehean Cr	105-32-04	500-1000	6600	1977.79	
21  51	Irish Cr	105-32-12			1979	
22  25	Big John Cr	105-32-16	400	1000	1977.79	
23  26	Caldar Cr	105-42-05	1500	31520	1977	87:600
24  27	El Capitan Cr	105-42-09	5000	45000	1977	87:200
25  28	Shiplay Bay	105-43	500-1000	9000	1977.87	87:400
26  50	Long Cr	105-43-06	25 coho		1974	reported by John Edgington
27  29	Falls Cr	106-21-04	3000	29500	1977.79	
28  30	Trout Cr	106-21-04	105	6925	1977	
29  31	Mosman Cr	106-22-08	1500-200	37500	1977	
30  32	Burnett Inlet	106-22-14	unknown	3000	1977	
31  33	Navy Cr	106-22-16	8000	29000	1977.79	
32  08	Porcupine Cr	106-30-10	300	22000	1981.79	79:500 out of 50000
33  34	Big (108) Cr	106-30-80	500	34800	1977	
34  35	Exchange Cove	106-30-85	57	9275	1977	
35  07	Anan Cr	107-20-01	10000	146000-77	1951.77.79	more yrs? FS fish ladder 1979
36  36	Canoe Pass	107-20-20	200	13150	1977	
37  37	Menefee Cr	107-20-30	1500	42000	1977	
38  38	Fool's Inlet	107-20-70	1000	16400	1977	
39  39	Thoms Cr	107-30-30	2500	27000	1977.79	
40  09	Snake Cr(Olive Cove)	107-30-70	30000	63000-1977	1949.77	
69  55	Blind Slough	108-30-45			1987	Fr. Don Cornelius-juv-dried up
41  10	Sashin Cr	109-10-09			1981	
42  59	Tyee Cr east	109-30-16	1140		1987	
43  52	Kadake Cr	109-42-30	3400		1987	obs Lonnie Anderson. fisherman
44  60	Saginaw Bay S Hd	109-44-37	3300		1987	
45  61	Saginaw Cr	109-44-39	2400		1987	
67  53	Band Cove	109-45-43	5-600		1987	
68  54	Washington Bay	109-51-07	2-300		1987	
46  40	Rowen Bay 1	109-52-07	430	11600	1977	
47  41	Rowen Bay 2	109-52-08	2450	8733	1977	
48  42	Alecks Cr	109-62-13	1870	27500	1977.87	87:13500.100 chum
49  43	Sample Cr	109-62-14	360	22400	1977	
50  44	Petrof Bay East Arm	109-62-20	1385	4000	1977	
51  45	Petrof Bay head	109-62-22	unknown	4200	1977	

*EXHIBIT 2*  
*unaged.*



# MEMORANDUM

# State of Alaska

TO Jack Gustafson  
Area Habitat Biologist  
Habitat Division  
Department of Fish and Game  
Ketchikan

DATE November 9, 1988

FILE NO

TELEPHONE NO 755-2331

FROM Glenn Freeman *G. Freeman*  
Fisheries Biologist  
Department of Fish and Game  
Habitat Division  
Klawock

SUBJECT Field Inspection of  
Forest Service Roding/  
Logging Activities at  
Rush Peak

On November 3, 1988 an interagency field inspection was conducted by U. S. Forest Service and Alaska Department of Fish and Game staff in the upper Thorne River drainage, near Rush Peak. The following individuals were present during the inspection: Debbie Norton, Acting Thorne Bay District Ranger; Vince Harke, Biological Technician; Bill Sills and Ken Methvin, Engineers from the Ketchikan F. S. Supervisor's Office; and myself. The purpose of this inspection was to document existing and potential impacts adjacent to and within Rush Creek, cataloged anadromous stream #102-70-10580-2017-3010-4018, as caused by approved Forest Service roading and logging activities.

Perhaps a letter dated March 6, 1987 from John Erickson, Fish and Wildlife Staff Officer and Biologist for Thorne Bay Ranger District (at that time), to the District Ranger best summarizes the district's fisheries staff feelings regarding the Rush Creek work. In the second and third paragraphs of this letter Mr. Erickson stated, "Because of the quality of this habitat and the high potential impacts associated with this proposed road construction I recommend that another location be found for the road or delete the road totally from the area. Possible impacts are channel construction, siltation of spawning and rearing habitat and mass wasting into the creek."

Road 3013-200 was constructed during September 1988 parallel to upper Rush Creek, above Rush Lake, in sections of steep terrain. Of particular concern is road construction in a steep section approximately 0.5 miles north of the new bridge crossing over Rush Creek. The road was constructed to within approximately 80 feet of Rush Creek in this steep area where a natural slide had already been documented by fisheries staff at Thorne Bay Ranger District. Material from the natural slide appeared to extend just to the edge of the stream channel. Additional overburden approximately 40 feet in width slid down slope from an origin immediately adjacent to the new road, atop and slightly upstream of portions of the natural slide and into Rush Creek. Forest Service personnel would not or could not comment on the date(s) of the roadside slide. Large materials introduced into the stream channel by the

Exhibit 3

slides prior to this inspection did not appear to significantly alter the normal stream flow at this site. However, the upper slide appears active and there appears to be a high probability that additional overburden will continue to impact the stream channel. Road stability in this area is also a major concern. Subsurface runoff was observed atop bedrock on the upslope of the road, at the site of the recent slide. Road ditching improvements appeared to be necessary to reduce erosion potential in this stretch. Excavated materials from roading activity were endhauled to the vicinity of a rock pit located approximately one mile north of the slides, along the 3013-200 Road. Vegetative slash covered the area exposed by the latest slide. Grass seed was apparently not spread atop soils exposed in conjunction with this roading project.

A 70-foot Hamilton metal bridge was installed on about October 1, 1988 across Rush Creek near the end of the 3013-200 Road, approximately 0.5 miles south of the slides. Prior to the bridge, the stream had a main channel approximately 33 feet wide along the east bank and two smaller side channels. Seemingly every fisheries consideration was ignored at this stream crossing. Heavy equipment crossings, instream work, and bridge installation all occurred well outside the requested timing window of May 15-August 15 set by Forest Service fisheries staff. The high water stream channel at the bridge crossing was effectively narrowed from a pre-project (i.e., natural) width of 117 feet to approximately 35 feet. The new 35 foot "stream width" includes a 72 inch CMP culvert which was installed to accommodate the middle side channel, the latter not discernible during this inspection. Road fill displaced the remaining 82+ feet of original stream width at the stream crossing. Thus, the side channel along the west stream bank was completely blocked by road fill. The blocked side channel flowed during normal conditions prior to bridge installation, according to Vince Harke. This side channel appears to have provided high quality coho rearing habitat prior to the road crossing. Two juvenile salmonids, apparently coho, were observed near the head end of the blocked side channel. Installation of a CMP should be considered during the window period to restore flows in this side channel if the bridge may not be removed for several years. The immediate vicinity of Rush Creek at the crossing site was characterized by potentially high quality coho spawning gravels. On an October 13 fisheries survey, Vince said he observed active coho spawning immediately upstream and downstream of the bridge. Specifically, he observed 14 live, spawning adult coho and 40 completed reds along the portion of Rush Creek upstream of Rush Lake. Fisheries staff (FS) were present but were not notified of the bridge work outside the identified timing window. The decision to do this work was reportedly that of the District Ranger.

X X X X



November 9, 1988

Ken Bethvin and Bill Sills stated that an attempt was made by the contractor to bridge heavy equipment on logs above the stream but that the logs were actually ground on the streambed upon crossing. Ken said that he recommended the use of a 15 to 20 foot diameter CMP culvert at the stream crossing rather than the "maximum width" Hamilton bridge which was installed. Debbie Norton inquired what was to be done with the road fill in the channel when the bridge is pulled. I suggested this decision should be made by fisheries staff at a later date and that such work be done during the window period.

Road construction was completed along the 3013-225 Road up to the first stream, a resident fish tributary some 600 feet above the confluence at Rush Creek. The contractor was on hand at this site to express his interest in completing the stream crossing and the remainder of the road. Upon discussion of fisheries concerns to protect downstream water quality and limit cumulative impacts to Rush Creek, Debbie denied the contractor's request. Road 3013-220 parallels Rush Creek north from the 3013-200 Road intersection along the east stream bank. Road construction was completed to a rock pit above and adjacent to Rush Creek, opposite from the slides approximately 0.5 miles from the 3013-200 Road intersection. An additional 0.5 miles of the 3013-220 Road is proposed to access proposed Unit 597-32. The completed portion of this road crossed about five small water quality tributaries of Rush Creek. Small CMP culverts were installed at each road crossing. Timber within portions of Unit 597-18 on both sides of the road were felled prior to this inspection. The rock pit appears to be located only 200-300 feet upslope from Rush Creek. Water quality problems associated with the rock pit have resulted in impacts to Rush Creek as noted in a Forest Service memo dated October 27, 1988.

In summary, road design and construction timing of the 3013-200 Road system was a disaster from a fisheries and water quality standpoint. Future monitoring should be conducted to address existing and potential problems associated with the slides, stream channel changes, LOD and debris transport at the constricted bridge crossing, and cumulative water quality impacts to Rush Creek.

Copies of available Forest Service memos and correspondence regarding the Rush Creek area are attached for additional information.

cc: Steve Hoffman, Area Management Biologist, Sport Fish Division, Ketchikan

Frank Rue  
Director  
Habitat Division

February 10, 1989

465-4290

Weekly Report  
2/6 - 2/10

Richard D. Reed  
Regional Supervisor  
Habitat Division

Items for the Governor's Report: none

Items for the Bulletin: none

Items for the Commissioner: none

Items for the Director:

1. Forecast Service: With the occurrence of several recent events it is becoming more evident that several FS policies regarding streams may be inadequate for the protection of fisheries habitat. These are chronic-type problems which need to be resolved so that suitable habitat protection standards are automatic and large amounts of staff field time are not consumed having to attempt to address each new impact that arises. These problems include, but are not limited to, inadequate stream crossing designs, the placement of culverts in spawning habitat, the replacement of bridges with CMPAs, ignoring construction timing windows, not following the correct construction timing window for the species present, blasting streambanks in haphazard attempts to create rearing habitat, not following the recommendations of FS biologists, restraining the limits as to the recommendations which can be made by FS biologists, the claim of loggers that they can fell into cataloged anadromous habitats, provided the trees and limbs are removed within 48 hours, and the perception of District Rangers that they need to consider ADF&G input on these concerns as advisory only and that adherence to stream protection standards are not within the state's authority or responsibility.

Within the last several months, in the Ketchikan area, examples of these problems include a misguided habitat "enhancement" (blasting) project on Ward Creek, road crossing designs which would block fish passage on the Control Lake-Coffman Cove road, an undesirable roading alignment resulting in massive soil failures entering Rush Creek spawning habitat building the Rush Creek

Exhibit 4

stream crossings in spawning habitat without timing (no ADF&G contact), improper timing standards on newly issued contracts, and bridge removals followed by the installations of inadequate permanent culverts. The latest example includes numerous crossing structures in the Lancaster Cove area where the design and construction timing are inadequate for the protection of fisheries resources. It seems that once again the time has arrived to attempt to resolve these concerns collectively, rather than individually.

cc: Region I Staff  
A. Ott, Habitat  
L. Trasky, Habitat  
D. Anderson, Game  
R. Bosworth, Subsistence  
B. Sele, FRED  
F. Gaffney, Sport Fish  
S. Marshall, Comm. Fish.



United States  
Department of  
Agriculture

Forest  
Service

Region 10

P.O. Box 21628  
Juneau, AK 99802-1628

Reply to: 2600

Date: April 20, 1987

COMMISSIONER'S OFFICE  
**RECEIVED**  
APR 21 1987

Mr. Don Collinsworth, Commissioner  
Alaska Department of Fish and Game  
P.O. Box 3-2000  
Juneau, AK 99802

DEPARTMENT OF FISH AND GAME

*Don*  
Dear Mr. Collinsworth:

We have reviewed with interest the long-term cooperative monitoring study proposal by Gary Gunstrom of your Region 1 Commercial Fish Division Staff. It is a very timely suggestion since we are presently examining our monitoring activities in relation to the effectiveness of our aquatic habitat management prescriptions associated with all land management activities, including the expected benefits from our fish habitat improvement structures and treatments. We plan to continue focusing our monitoring efforts in these areas and improve our ability to measure the effectiveness of these practices in achieving our goal of maintaining and improving fish habitat production.

After our analysis of information and funding needs is complete, we will be contacting the Department to discuss the opportunities for solidifying these monitoring efforts into an effective cooperative venture. We expect to have our analysis completed in the near future.

We appreciated receiving Gary's letter.

Sincerely,

PHILIP J. JANIK  
Director of Wildlife  
and Fisheries Management

040987 1420 WLF 2600 DG

*Exhibit 5*





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

## NATIONAL MARINE FISHERIES SERVICE, ALASKA REGION

### POLICY

#### FOR RIPARIAN HABITAT PROTECTION IN ALASKA

1988

#### INTRODUCTION

National Marine Fisheries Service (NMFS) issued a policy statement in 1976 on the "Protection of Fisheries Resources During Logging Operations in Alaska". This policy called for a mandatory buffer zone of riparian vegetation along both banks of all salmon streams; buffer width was to be based on resource values, topography, wind-firmness, and stream size. Some management activities (e.g., selective harvesting) could be allowed within the prescribed buffer zone. The policy was issued because of the importance of anadromous salmonids in Alaska's economy and because of continuous degradation of fisheries habitat by logging activities. New information and experience suggests that our policy be revised. What follows is our revised statement of policy and the supporting background information.

#### THE POLICY

In order to maintain optimum production of anadromous salmonids the NMFS policy is to advocate the protection of riparian habitat through the retention of buffer zones along all anadromous fish streams and their tributaries in Alaska. NMFS will seek to ensure that a minimum buffer zone width of 30 meters (100 feet) be maintained on each side of the stream, and should consist of the natural/existing undisturbed forest. This policy addresses only the minimum buffer zone width. In some cases a wider zone is necessary to protect riparian resources. Additional research is needed from which more site-specific prescriptions can be developed.



## DISCUSSION

Research conducted under the auspices of the Alaska Working Group on Cooperative Forestry/Fisheries Research has confirmed that riparian vegetation is an important and essential component of anadromous salmonid habitat. This streamside zone is required to sustain optimum egg-to-fry survival, smolt yield, and adult returns. Riparian vegetation left along streams protects salmonid habitat from the effects of clearcutting by maintaining the natural temperature regime, maintaining channel stability, maintaining undercut banks and instream habitat, preventing erosion and sedimentation, providing cover for winter habitat, and permitting adequate sunlight for food production. In essence, riparian vegetation controls and maintains the natural integrity of a stream's characteristics which have evolved in harmony with the development of the old-growth forest for hundreds of years.

Clearcutting without retention of an adequate zone of riparian vegetation can affect habitat, which in turn affects fish production on both a short- and long-term basis. Short-term (1-20 years) impacts can result from increased sedimentation, altered temperature and flow regimes, and reduced quantity of large woody debris. Long-term impacts (20-100 years) can result from closure of the second-growth canopy, reduced input of large woody debris, changes in stream channel morphology, and continued sedimentation from bank erosion, landslides, and roads.

Properly designed buffer zones are an effective management tool for protecting riparian vegetation and can help prevent both short- and long-term adverse impacts on fish and wildlife habitat. Current research by NMFS shows that nearly all of the large woody debris in streams of southeastern Alaska originates from trees within 30 meters (100 feet) of the streambank. Other research shows that canopy shading necessary to maintain natural stream temperature regimes also comes from trees within 30 meters of the stream. These two factors, large woody debris and canopy cover, control stream characteristics essential to salmonid habitat. They also are directly related to the quantity and quality of trees within the riparian zone. There are indications that situations exist where a 30-meter buffer zone is not adequate. There are also special situations in which removal of riparian vegetation is considered a fishery habitat management option to open the forest canopy. In the absence of definitive research findings, buffer zone width in these areas should be set through an interdisciplinary team approach. Team members should take into account wind-firmness, topography, values of fisheries and wildlife habitat, and other resource uses.

Special techniques for selective harvesting of timber within the prescribed boundaries of the buffer zone may be beneficial in some cases for enhancing aquatic productivity; however, prescriptions for stream-side harvest of timber are premature pending research to determine whether there might be long-term impacts on fish habitat.

APPROVED BY:

*Robert W. Mcvey*  
ROBERT W. MCVEY, Director, Alaska Region

Date:

5/3/88

## REFERENCES

- Beschta, Robert L., Robert E. Bilby, George W. Brown, L. Blair Holtby, and Terry D. Hofstra. 1987. Stream Temperature and Aquatic Habitat: Fisheries and Forestry Interactions. In: Streamside Management, Forestry and Fishery Interactions Edited by Ernest O. Salo and Terrance W. Cundy. Institute of Forest Resources, Contribution No. 57. University of Washington, Seattle, WA. Pp 191-232.
- Hartman, G., J.C. Scrivener, L.B. Holtby, and L. Powell. 1987. Some Effects of Different Streamside Treatments on Physical Conditions and Fish Population Processes in Carnation Creek, a Coastal Rain Forest Stream in British Columbia. IN: Streamside Management: Forestry and Fishery Interactions. Edited by Ernest O. Salo and Terrance W. Cundy. Institute of Forest Resources. Contribution No. 57. University of Washington, Seattle, WA. Pp 330-372.
- Koski, K V., Jonathan Heifetz, Scott Johnson, Michael Murphy, and John Thedinga, 1984. Evaluation of Buffer Strips for Protection of Salmonid Rearing Habitat and Implication for Enhancement. II: Proceedings of Pacific Northwest Stream Habitat Management Workshop (Thomas J. Hasler, editor). Humboldt State University, Arcata, CA. Pp 138-159.
- Murphy, M.L., J. Heifetz, S.W. Johnson, K V. Koski, and J.F. Thedinga. 1986. Effects of Clear-cut Logging with and without Buffer Strips on Juvenile Salmonids in Alaskan Streams. Can. J. Fish. Aquat. Sci. 43:1521-1533.
- Murphy, Michael L., J. Mitchel Lorenz, Jonathan Heifetz, John F. Thedinga, K V. Koski, and Scott W. Johnson 1987. The Relationship Between Stream Classification, Fish, and Habitat in Southeast Alaska. USDA, Forest Service R10-MB-10, Wildlife and Fisheries Habitat Management Note No. 12. Juneau, AK. 63 pp.

# ★ Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 1267

Fairbanks, Alaska 99707

907 452-4761

May 4, 1989

MAY 8 1989

The Honorable Steve Cowper  
Governor, State of Alaska  
PO Box A  
Juneau, Alaska 99811

Dear Governor Cowper,


I am writing in support of introduction and passage of the Alaska Forest Practices Act revision. The intent of this legislation has been painstakingly hammered out over the past months by the Forest Practices Review Committee. The committee had representation from all groups interested in the Management of Timber and other resources, which are found in, or depend on forest ecosystems.

My support for this legislation is based on its impact on the Forest Resources within the Fairbanks North Star Borough. I further believe that it is important to preserve the work that has gone into arriving at the agreements which are the core of the revision legislation.

Throughout the forest practices revision process, the various boroughs have been provided with representation in the form of John Duffy/Ted Smith who are from the Mat-Su Borough, and who consulted with us regularly as the process went through. I do feel that there are some areas where further research is necessary to determine what protection measures are really necessary for the protection of Fish and Wildlife habitats. In spite of these areas where questions remain, the legislation is a step in the right direction, and provides the framework for further refinements through operation of the Board of Forestry.

I would appreciate your support of this legislation.

Sincerely,



Juanita Helms, Mayor  
Fairbanks North Star Borough

cc: Lennie Gorsuch, Commissioner  
Department of Natural Resources

Bob Loeffler, FPA Coordinator  
Department of Natural Resources



**COPY FOR YOUR  
INFORMATION**

APR 28 1989

April 27, 1989

Honorable Steve Cowper  
Governor, State of Alaska  
Post Office Box A  
Juneau, Alaska 99811

Re: Forest Practices Committee

Dear Governor Cowper:

On behalf of Sealaska Corporation, I wanted to thank you personally, and your Department of Natural Resources, for the commitments your administration has made to ensure the success of the Forest Practices Steering Committee's efforts. Over the past six months, Tom Hawkins, Bob Dick and Bob Loeffler have put in long and often unpleasant hours holding together a very fragile process.

Largely because of their sacrifices, the steering committee has virtually succeeded in accomplishing a nearly impossible goal: a revised Forest Practices Act acceptable to every forest user. Both sides have made concessions that would not have been made outside the steering committee process. In the compromise bill, for example, industry agreed both to stringent new streamside protection requirements and greatly increased DNR authorities over private timber operations. Environmentalists, on the other hand, abandoned their preference for a permit system under the act, and agreed to an absolute statutory prohibition on third-party lawsuits.

As you know, although the committee's product is acceptable in its present form to most committee participants, a small number of issues have kept the remaining minority from joining the consensus. In the spirit with which the committee has undertaken its task, it is important that everyone honor the seriousness of the remaining concerns, and work towards their resolution. It would be a tragedy, and a waste, for the committee's efforts to be lost when we are so close to final agreement.

Unfortunately, it appears as though some parties, frustrated at the lack of current total consensus, are now prepared to leave the table and embark on unilateral actions that would destroy the committee's efforts. The Department of Fish and Game is considering the adoption of so-called "habitat regulations" that would establish streamside buffer zones satisfactory to that department's views. We are also concerned that the Department of Environmental Conservation will 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.

If either agency initiative is pursued, or indeed if any state agency chooses to take a confrontational course between sessions, the forest practices debate will erupt. The battle would be fought on political, rather than reasoned terms, with the ultimate result probably satisfactory to no one. It would be as though the efforts of the past six months had not occurred.

Sealaska is confident that the steering committee's bill will form the basis for forestry legislation. When that occurs, it will be your administrations' credit for trusting Alaskans to work out their problems themselves. In the meantime, those of us who have worked so hard with the steering committee need your leadership to calm agency impatience, and stay the course. Your administration made the right decision in placing its hopes with the steering committee, and the degree of progress the committee has made in so short a time should strengthen our commitment to the ultimate enactment of the committee's legislation.

Thank you again for the creative leadership you have shown on this issue, and thank you for the assurances we know you will give that the administration, and each of its agencies,

Governor Steve Cowper


-3-

April 27, 1989

remains committed to addressing forest practices issues through the steering committee process.

Sincerely,

SEALASKA CORPORATION



Robert W. Loescher  
Senior Vice President,  
Resource Management

cc: Sen. Farhenkamp  
Rep. Menard  
Rep. Davidson  
Forest Practices Steering Committee  
Southeast Alaska Legislators  
Sam Kito



United States  
Department of  
Agriculture

Forest  
Service

Region 10

P.O. Box 21628  
Juneau, AK 99802-1628

Reply to: 2600

Date: April 20, 1987

COMMISSIONER'S OFFICE  
**RECEIVED**  
APR 21 1987

Mr. Don Collinsworth, Commissioner  
Alaska Department of Fish and Game  
P.O. Box 3-2000  
Juneau, AK 99802

DEPARTMENT OF FISH AND GAME

*Don*  
Dear Mr. Collinsworth:

We have reviewed with interest the long-term cooperative monitoring study proposal by Gary Gunstrom of your Region 1 Commercial Fish Division Staff. It is a very timely suggestion since we are presently examining our monitoring activities in relation to the effectiveness of our aquatic habitat management prescriptions associated with all land management activities, including the expected benefits from our fish habitat improvement structures and treatments. We plan to continue focusing our monitoring efforts in these areas and improve our ability to measure the effectiveness of these practices in achieving our goal of maintaining and improving fish habitat production.

After our analysis of information and funding needs is complete, we will be contacting the Department to discuss the opportunities for solidifying these monitoring efforts into an effective cooperative venture. We expect to have our analysis completed in the near future.

We appreciated receiving Gary's letter.

Sincerely,

PHILIP J. JANIK  
Director of Wildlife  
and Fisheries Management

040987 1420 WLF 2600 DG

*Exhibit 5*





# Southeast Alaska Conservation Council

SEACC • P.O. Box 021692 • Juneau, Alaska 99802 • (907-586-6942)

May 5, 1989

The Honorable Bettye Fahrenkamp  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

The Southeast Alaska Conservation Council (SEACC) would like to go on record supporting SB 317 which revises the current Forest Practices Act.

WE MUST MAKE IT CLEAR THAT WE SUPPORT THIS LEGISLATION ONLY IF NO CHANGES ARE MADE, WHATSOEVER.

SB 317 is the result of months of arduous work by many diverse parties to solve major problems in State forest practices law through the consensus process. SEACC's board and staff have invested an enormous amount of time and energy in making this consensus work. Consensus development was based on the trust that the final result would be supported by all participating parties and passed by the Alaska Legislature unamended. As with all compromises, no one is entirely happy with everything, but at this point we believe it represents a workable solution to current management problems.

The health of Alaska's commercial fisheries is of utmost importance. Therefore, federal land management agencies who manage the public trust of land, river systems and habitat, should grant the same level of riparian habitat protection as established for State lands in SB 317.

This is especially critical to residents of Southeast Alaska where 90% of the salmon harvested in the region are spawned and reared in Tongass National Forest watersheds. We should not put these fisheries at risk.

SEACC, along with 5 other groups, endorsed this point in the Steering Committee meeting on February 13, 1989 by stating that "on all publicly owned lands on all stream types, there will be a minimum no cut buffer strip of 100 meters within a 300 meter RMZ" (see attachment). The language in SB 317 has drastically reduced the 100 meters to 30 meters, but we are willing to accept that standard as a rock-bottom minimum.

Thank you for your prompt scheduling of this important legislation.

Sincerely,



Bart Koehler  
Executive Director

J.F.A., S.V.A., A.C.E., S.E.A.C.C.,  
E.D.F.U., F. & G. R.C.

17 Feb 1989

## INTERIM RIPARIAN ZONE MANAGEMENT POLICY

### FOR PRIVATE LANDS IN COASTAL FORESTS

Since a no cut buffer strip on stream channel "type 1" would have a double impact: 1) withdrawal of timber within the buffer, and 2) making large amounts of other timber inoperable, we are suggesting eliminating a mandatory buffer strip along all stream channel "type 1". However this stream channel type would still have a 15 meter Riparian Management Zone (RMZ) within which there would be flexible prescriptions to minimize negative impacts to stream water quality.

Since the value of prime fisheries habitat is so great, and because we do not know enough to fully anticipate the numerous possible impacts of present and future timber harvest on fisheries production, and because we do not have the funding to adequately administer selective logging close to streams:

THERE WILL BE A NO CUT BUFFER ZONE OF 30 METERS ON ALL STREAMS ON ALL OTHER CHANNEL TYPES. Additionally these other stream types would have RMZ's of the following dimensions:

- \* type 2,3,6, and 8      60 meters
- \* type 4,5,5a, and 7      90 meters

### FOR ALL OTHER LANDS

There is very little scientific research to establish the minimum buffer strips necessary to protect important fisheries resources in the wide variety of riparian zones within the State of Alaska. However, in specific areas, the state has established no cut buffer strips of 100 feet to 1/4 mile.

→ On all publicly owned lands on all stream types there will be a minimum no cut buffer strip of 100 meters within a 300 meter RMZ. This policy only addresses the minimum no cut buffer zone width. In some cases a wider no cut zone will be necessary to protect fisheries resources. This standard should also be applied to private lands in boreal forests.

**ALASKA PULP CORPORATION**

P.O. BOX 1050 • SITKA, ALASKA 99835

May 4, 1989

MAY 5 1989

The Honorable Bettye Fahrenkamp  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

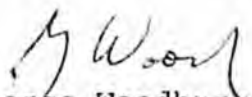
The Alaska Pulp Corporation (APC) has had an opportunity for a limited review of the Forest Practices Act proposed by the Governor. APC completely supports the request for deferral of this legislation until the next legislative session which was made by the Alaska Loggers Association (ALA) in a letter to you dated May 3, 1989.

In addition to the point made by the ALA regarding the failure of the legislation to prevent federal lands from being impacted through consistency requirements (as we had been promised at the outset), APC believes that the change to prescriptions from performance based regulations is a major change in land management and is poor public policy. Furthermore, we believe that some of the proposals are anti-multiple use and foreign to the manner in which timber harvesting activities have been conducted on State lands in the past. We predict that this type of approach could ultimately result in the inability to perform any timber harvesting on State, municipal or university lands in Alaska. This is a matter which deserves your careful examination before you approve it.

You should not rubber stamp the Governor's proposal. It requires your careful attention and the opportunity for public hearings throughout the State to determine whether or not the Legislature should make this fundamental change in management of timber lands belonging to the State.

Should you decide to go ahead with hearings on this matter in this session of the Legislature, APC wishes to have the opportunity to testify and be heard on the subject and explain why we believe it is not in the public interest to pass this legislation.

Yours very truly,

  
George Woodbury

GWS:sd/504

# Alaska Loggers Association, Inc.



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

May 3, 1989

MAY 5 1989

MAY 5 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.

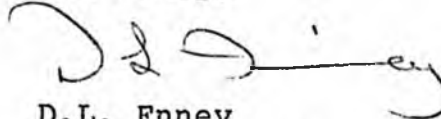
Another major issue of concern has to do with management on state land. The 30 meter no cut zone plus due deference to the Alaska Department of Fish and Game (ADF&G) for the next 60 meters is unacceptable to the ALA. While we understand that there may be changes in the language submitted by the Governor,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

A handwritten signature in cursive script, appearing to read "D.L. Fnney".

D.L. Fnney  
General Manager

DLF:es

cc Commissioner Lenny Gorsuch  
Denby Lloyd

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.

Fish continued from p. 1

are the most critical fish and wildlife habitat.

The destructive effects of logging and roading on prime fisheries are well understood and documented. But in their 1985 report to Congress concerning the status of Tongass National Forest management, the Forest Service claimed that both full protection of the biological potential of fisheries habitats and clearcut logging can occur at the same time. This is an impossible claim. When pressed with criticisms, the Forest Service claims that it is "working on the issue" developing new methods and creating "fish habitat management units." But at present the agency's claims have been meaningless.

Since the approval of the Tongass Land Management Plan in 1979, no implementation of Fish Habitat Management Units (FHMU's) has occurred in 80% of the timber sale environmental documents, according to the Alaska Department of Fish and Game. In FHMU's currently under planning consideration, logging of up to 75% of the timber along streams would be allowed.

The Forest Service's latest attempt (as part of the Alaska Pulp Corporation's 1986-90 Operating Plan) at dealing with FHMU's is very revealing. At first blush, the protection of Class A (Highest Value Streams) fisheries seems assured since the agency states, "We estimate 80% of the trees will be retained for Class A fish habitat." In the next breath, however, they state that "second growth trees will be considered in meeting this objective." (That means cutting the prime old growth to get on with the business of protecting streamside habitat with "second growth.") Take another look and you'll discover that all coniferous trees less than 12 inches diameter at breast height (DBH) will be left to protect habitat. That means all the big old growth over 12 inches DBH will be logged unless they are leaning over the river. This is further emphasized by the phrase "where possible, preference for retention will be given to lower value trees." (This special management zone is only 100 feet wide on either side of the streams.)

It is obvious that FHMU's are only a smokescreen. The emphasis is clearly on timber production, not on fish habitat protection.



(Photo courtesy Alaska Dept. Fish and Game)



Aboard a fish packer. (Photo courtesy the Alaska Dept. Fish and Game)

Additionally, the Forest Service has yet to truly protect streams with real buffers where no trees are cut. Clearcutting to the banks along fish streams is still a common practice in the Tongass. For example, virtually all the alternative development plans for the Alaska Pulp Corporation's 5-year 1986-90 Timber Operating Plan on Chichagof Island would have directly affected 40% of the Class I stream miles of the highly valuable Lisianski River system. This would have included 21 stream crossings by logging roads! Fortunately, the Lisianski River has been given a temporary 5-year reprieve from cutting. But it is still on the chopping block unless it is permanently protected from the implementation of the Alaska Pulp Corporation's 50-year contract. Kadashan has also been given a temporary deferral, but the Forest Service wants to build the road through the heart of the drainage as soon as possible. Ultimate cutting plans include several logging units directly adjacent to the Kadashan River.

It is clear that the few buffers retained in the Tongass are not consistently implemented. And even these have no guarantee of permanent protection.

The chilling truth is that one out of every two high value fishery watersheds in the Tongass are presently scheduled to be logged and slashed by roads. Unless

changes are made during the next few years, more than two out of three high value fisheries watersheds will remain outside of designated wilderness and thus open to future logging and/or road building. It should be noted that watersheds classified as LUD II (administrative backcountry) in the Tongass Land Plan have no guarantee for protection since roads can be built in these areas, and logging operation can be authorized. LUD I release areas, such as the Karta River, are only safe until the Tongass Land Management Plan is revised.

We are facing a major crossroads for the future of the Tongass National Forest and the commercial fisheries of Southeast Alaska. In 1987, Congress is considering reform legislation for the Tongass. Between 1988-90 the Tongass Land Management Plan is scheduled for public comment and revision. Also coming up for review in the next few years will be another set of 5-year timber operating plans for Alaska Pulp's and Louisiana Pacific's 50-year contract areas.

Time is running out for many of the critically important, unprotected commercial fishery watersheds in the Tongass. Yet the opportunity to truly change the course of this great forest is still within our grasp—if we all hang tough and work together.

## Logging effects Shellfish

Finfish are not commercial species which can be affected by logging. Shellfish, too, are affected. In their 1985 report, *Logging in Southeast Alaska and its Relationship to Wildlife, Fisheries, and Economics*, the Territorial Sportsmen noted the following.

"During log dumping and rafting processes, bark is knocked from logs and sinks to the bottom, often in large quantities. This accumulation can greatly increase oxygen demand, resulting in reduced populations of marine benthic organisms, (such as crabs, and other shellfish), and can also smother the bottom so thoroughly that recolonization by benthic forms is prevented.

Observations at several dump sites in Southeast Alaska showed that significant accumulations of organic debris may persist for long periods of time. Marine animals, including crabs and clams, were very scarce in some areas compared with nearby

areas without log dump sites. In general, the impact of these log facilities depends on several conditions including the type and age of the facility and the characteristics of the water (depth, influence of tidal currents, etc.).

Water storage of logs also results in a release of soluble organic compounds (leachates) which further increases the oxygen demand in the storage area. Length of storage, species of logs stored, and various estuarine conditions all influence the effects on marine communities. Much remains to be learned about the effects of water-based log handling in Southeast Alaska. The economic as well as biological considerations involved in rafting and towing versus barging, for example, need to be determined. In general, any method which reduces the amount of bark and other log debris accumulating on the bottom is preferred."



**Klukwan Forest Products, Inc.**

P.O. Box 34659 • Juneau, Alaska 99803-4659

(907) 789-7104 Fax:(907) 789-0675

April 29, 1989

The Honorable Governor Cowper  
Office of the Governor  
P.O. Box A  
Juneau, AK. 99811-0101

MAY 3 1989

Dear Governor Cowper:

We would like to echo Bob Loescher's comments in his April 27, 1989 letter to you regarding forest practices. Bob said it so well that there is little else for me to add.

I would simply like to say that we are very close. So close, indeed, that I would advocate that the process of drafting regulations which reflect the Agreement begin. I firmly believe that the two remaining issues, namely the size of the streamside buffers on certain state lands and the effects of the Act on federal lands can be taken care of in fairly short order.

Even if legislation is not passed until early next session, with the regulations ready, the actual implementation of the Act should not be delayed much, if any, beyond the original time frame (beginning of the 1990 logging season).

Again, we support the process and advocate that it be brought to its logical conclusion, rather than abandoning it because time frames were not met. We appreciate you giving us the opportunity to participate in resolving these issues and pledge our wholehearted support in completing the assigned task.

Sincerely,

Robert G. Loiselle  
Chief Executive Officer

RGL:edl

cc: Sen. Fahrenkamp  
Rep. Menard  
Forest Practice's Steering Committee

## Whitestone Logging, Inc.

Box 389  
Hoonah, Alaska 99829

May 5, 1989

Senator Bettye Fahrenkamp  
Senate Resources Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp,

Whitestone Logging, Inc. has reviewed the proposed revision of the Forest Practices Act. We would like to request a deferral of this legislation. This revised Act is a product of a group of people working diligently to accomplish a given task on a given date for the Governor. As a result many of the proposed prescriptions in the Act are impractical and will waste time, money and resources for little or no environmental benefit.

Our industry, as well as other industries that use the National and State Forests, are operating in an atmosphere of environmental hysteria created by the Tongass debate and the Exxon oil spill. We feel that in this type of atmosphere thoughtful and practical legislation regarding wise resource use cannot be made.

It is very difficult to operate under the current State and Federal regulations regarding timber harvesting. If we continue on the present course of greater governmental harassment and control we will cease to exist as a viable company. The cost of carrying the government is killing us.

It has been stated several times that government is an industry. This is not true. Government regulates, controls and defends - it does not produce. In our country a healthy industry produces jobs and incomes, and in so doing produces a healthy government.

Sincerely,

*Edward Stewart*

Edward Stewart

cc: Curt Menard  
Cliff Davidson

**ANCHORAGE OFFICE**

THE ENSERCH CENTER  
550 WEST SEVENTH AVENUE, SUITE 1200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 277-6693  
TELEX: 090-26-486  
TELECOPY: 907-279-1959

\*\*ROBERT B BAKER  
MICHAEL T THOMAS  
LEROY J BARKER  
\*\*L. G. BERRY  
HAROLD E. SNOW, JR  
JAMES K. BARNETT  
\*\*JULIA B. BOCKMON  
JOSEPH D. DARNELL  
JOHN R. FITZGERALD  
GREGORY G. SILVEY  
SUSAN M. WEST  
\*\*CARL W. WINNER

**WASHINGTON OFFICE**

1050 THOMAS JEFFERSON STREET, N.W.  
SIXTH FLOOR  
WASHINGTON, D.C. 20007  
PHONE: (202) 333-4400  
TELECOPY: (202) 337-0940

STEVEN W. SILVER  
BRADLEY D. GILMAN

**ROBERTSON, MONAGLE & EASTAUGH**

A PROFESSIONAL CORPORATION  
**ATTORNEYS AT LAW**  
JUNEAU, ALASKA 99802

May 6, 1989

**JUNEAU OFFICE**

COURT PLAZA BUILDING, SUITE 800  
240 MAIN STREET  
P.O. BOX 21211  
JUNEAU, ALASKA 99802  
PHONE (907) 586-3340  
TELEX 099-45-376  
TELECOPY 907-586-6818

OF COUNSEL  
F O EASTAUGH

ROYAL ARCH GUNNISON (1873-1918)  
R. E. ROBERTSON (1885-1961)  
M. E. MONAGLE (1902-1985)  
JAMES F. CLARK  
PAUL M. HOFFMAN  
D. ELIZABETH CUADRA\*\*  
ROBERT P. BLASCO  
MARY A. NORDALE  
THOMAS J. SLAGLE

ADMITTED IN WASHINGTON, D.C.  
AND ALASKA

ALL OTHERS ADMITTED  
IN ALASKA

The Honorable Bettye Fahrenkamp  
Chairman, Senate Resources  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

The Honorable Curt Menard  
The Honorable Cliff Davidson  
Co-Chairmen, House Resources  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Senator Fahrenkamp, Representative Menard and  
Representative Davidson:

You had asked for a short memorandum in layman's terms describing the difference between what is presently proposed in Section 27 of the proposed State Forest Practices Act and what is proposed in the Alaska Loggers Association's (ALA's) attached amendment with respect to application of the proposed State Forest Practices Act to federal land. This is an extremely complicated subject, and thus the shorter and more general the explanation, the more likely one is to fall into technical error. With this caveat in mind, we make the following points:

(1) What the Federal Coastal Zone Management Act Requires. National Forest and other federal lands are excluded from the Alaska Coastal Zone. However, Section 307(a) of the Federal Coastal Zone Management Act of 1972 requires:

Each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs (emphasis added).

Senator Bettye Fahrenkamp  
Representative Curt Menard  
Representative Cliff Davidson  
Page 2

The term "consistent to the maximum extent practicable" is defined in 15 C.F.R. Sec. 930.32, which states in pertinent part in subsection (a):

Accordingly, when read together, Sections 307(c)(1) and (2) and 307(e) require federal agencies, whenever legally permissible, to consider state management programs as supplemental requirements to be adhered to in addition to existing agency mandates.

In California Coastal Commission v. Granite Rock, 480 U.S. 572 (1987), the United States Supreme Court found that these requirements even extended to obtaining state permits where they did not conflict with federal law.

In short, the ALA believes that, absent some explicit direction from the Alaska Legislature, the Federal Coastal Zone Management Act will require the application of the State Forest Practices Act to National Forest land through CZM consistency determinations.

(2) What Section 27 of the Proposed Act Requires.  
Proposed Section 27 would repeal AS 41.17.900(b) and re-enact it to read as follows:

(b) The degree of resource protection on federal land shall be no less than that provided by this chapter for state lands, however, the specific provisions of this chapter and its implementing regulations are not applicable to federal lands either directly or for purposes of compliance with the Coastal Zone Management Act. (emphasis added)

The underlined language makes it explicit that the State Forest Practices Act, as it applies to state land is the standard which the federal program must meet "to the maximum extent practicable." The language which is not underlined states that the federal agencies only have to meet the substantive standards of the State Forest Practices Act, not the procedural requirements. Thus, reading the entire section together, it makes the proposed State Forest Practices Act the standard for federal land even though the procedural requirements of the State Forest Practices Act would not apply.

Federal land timber operators are gravely concerned about what may emerge as the State standards when regulations are promulgated pursuant to the directions of the proposed State Forest

Senator Bettye Fahrenkamp  
Representative Curt Menard  
Representative Cliff Davidson  
Page 3

Act. The proposed Forest Practices Act moves away from normal multiple use management, as heretofore practiced on State lands and presently practiced on federal lands, to a more prescriptive type approach (see proposed Sec. 14). The requirement in the law for the 30 meter no harvest zones along streams and the prescriptive regulations which will be written under new AS 41.17.080 on state lands could result in preventing timber development on the approximately 32 million acres of state forest land.<sup>1</sup> While the Alaska Legislature may see this as necessary to protect state resources, federal timber operators believe that federal resources on the Tongass National Forest have been well managed under the multiple use system. They want to keep a system which uses the expertise of land managers in making site specific determinations of multiple use trade offs pursuant to performance based standards rather than replace it with centrally drawn regulations, produced at someone's desk, which may or may not apply to site specific situations.

Federal timber operators have no idea what regulations will be promulgated under the prescriptive direction of AS 41.17.080. Further, there is no question that they will be subject to lawsuits on consistency grounds to determine whether or not harvesting in the riparian zone on federal lands meets the same standards as would be achieved on State lands with its 30 meter no harvest zone.

(3) What the ALA Proposal Would Do. The ALA proposal first would make a finding that for consistency purposes, it is in the public interest to have a different system (multiple use) on federal land than the system on state lands (prescriptions).

In subsection (b), the amendment states that the standards the State will use for purposes of consistency determinations will be the higher of what is in the Forest Service's Federal Forest Management Program or what had been the State Coastal Zone regulations for timber processing prior to passage of the State Forest Practices Act in 1978 (which preempted those regulations). This will assure the continued high standard that the Forest Service has achieved on National Forest, but retain the existing multiple use management approach.

---

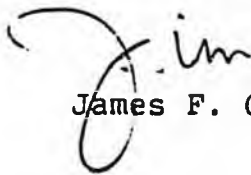
<sup>1</sup> Unlike the provision for private lands in the proposed State Forest Practices Act, there is no 5% cap on the amount of timber on State or municipal lands which can be precluded from harvest.

Senator Bettye Fahrenkamp  
Representative Curt Menard  
Representative Cliff Davidson  
Page 4

The ALA reasonably believed going into this process that there would be no fundamental change in the way National Forest lands are managed were the proposed State Forest Practices Act to become law. The attached amendment would enact that commitment into law. While it is true that language could be crafted which would prevent the proposed State Forest Practices Act from applying to National Forest land without nailing down what the new standard would be in statute, the ALA is opposed to this approach. The standard for consistency with the State Forest practice standards is set forth in the existing Forest Practices Act and the 5% protection for private landowners is in the statute. Accordingly, it would be unfair for our federal timber operators to give up their present statutory protection and be left to the vagaries of what the ACMP might do in the future by way of regulation.

Thank you for the opportunity to provide this information. Please let me know if there are any questions we can answer.

Yours very truly,



James F. Clark

JFC:sd/506  
Attachments

PROPOSED ALASKA LOGGERS ASSOCIATION AMENDMENT  
SETTING FORTH THE STANDARDS FOR DETERMINING  
THE CONSISTENCY OF THE STATE  
FOREST PRACTICES ACT ON NATIONAL FOREST LAND

The material now in Section 27 of the proposed bill is deleted and new Section 27 would read as follows:

AS 41.17.900(b) is repealed and re-enacted to read

(b)(i) The Legislature finds that it is in the public interest that the standards set forth in subsection (ii) be the State standards 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) and the Alaska Coastal Zone Management Act, AS 46.40.010 et seq. (Sec. 1, Ch. 108 SLA 1978), even though the standards set forth in subsection (ii) may be different from the standards for the protection of forest resources under this Act.

(ii) 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) and the Alaska Coastal Zone Management Act, AS 46.40.010 et seq. (Sec. 1, Ch. 108 SLA 1978), 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, policies, and guidelines developed under the Alaska Coastal Management Act, AS 46.40.010 et seq. (Sec. 1 Ch. 108 SLA 1978), for activities on National Forest Lands so long as those standards and policies meet or exceed the following standards:

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

(B) free passage and movement of fish in coastal water must be assured; and

(C) 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.

(D) onshore storage of logs must be encouraged;

(E) 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;

(F) 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

(G) stream crossings, including bridges and culverts, must be kept to a minimum number, must be designed to withstand seasonal high water and flooding, and must provide for the free passage and movement of fish.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.  
JUNEAU, ALASKA 99801-1798  
PHONE: (907) 485-2400

May 5, 1989

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

Dear Senator Fahrenkamp:

The bill before you represents substantial changes to the Alaska Forest Practices Act. It is the result of almost six months of work by representatives of the timber industry, the state resource agencies, and fishing and environmental groups. I believe that this bill, as a result of hard work and compromises by all interest groups, will allow Alaska's forest practices program to both meet the needs of Alaska's growing timber industry and achieve appropriate protection for public resources such as fish habitat and water quality. I would like to take this opportunity explain the consensus mediation process used to arrive at this bill -- the Alaska Forest Practices Act Review, and explain the provisions of the bill.

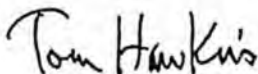
Last year, the Governor directed the state resource agencies to conduct a public review of the Forest Practices Act and to make recommendations for any improvements in the Act, its regulations, and implementation. In order to facilitate an objective and balanced review, a steering committee was formed, including representatives of timber land owners and operators, state agencies, and users of public resources that are affected by forest practices. Because the agencies felt it would be possible to review the state's forest practices program and meet both the needs of the timber industry and resource protection needs for fish habitat and water quality, the committee attempted to operate by unanimous consent. This approach ensured that the committee's decisions respected all interests.


The bill before you achieves near total consensus; it has the support of representatives of Native Corporations, boroughs, fishing groups, and environmental groups. There have been question raised to a provision of the bill that might affect harvest on federal land through the Alaska Coastal Management Program. (For information on that section, please see the attached bill analysis, Section 27.) Agency staff will be available during the committee hearing to discuss any questions raised on this issue.

The committee's long and difficult work was not completed until early this week, and so the bill could not be introduced earlier. However, because of the importance of the bill and the extraordinary and fragile achievement of achieving near-total consensus on these controversial issues, I urge your prompt and favorable consideration.

Attached is an analysis of the bill.

Sincerely,



 Lennie Gorsuch  
Commissioner

**Bill Analysis  
Senate Bill 317**

**An Act relating to forest resources and practices and to the management of forest lands;  
and providing for an effective date**

**Section 1: State Timber Planning Process.** Title 38 is amended to require additional planning before state timber sales. The division of forestry must prepare a site-specific plan before all state timber sales that fully integrates appropriate resource protection measures into the sale design. This site-specific design would also improve public review of individual timber sales.

The department would also be required to annually prepare a five-year timber schedule of proposed state timber sales. Except for small sales and emergencies such as salvage, a proposed sale would be required 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.

**Section 2, 3 and 4: Coordinating Overlapping Agency Jurisdiction.** These sections coordinate overlapping agency jurisdiction regulating timber harvest activities.

**Section 2: DEC.** Regulations of the amended forest practices act will serve as timber harvest standards for non-point source pollution under the leadership of DEC.

**Section 3: ACMP.** The amended forest practices act will serve as the Coastal Management Program for harvest activities on private land.

**Section 4: DF&G.** Regulations of the amended forest practices act provide the fish habitat protection standards except for those activities subject to AS 16.06.840 and AS 16.05.870.

**Section 5: Board of Forestry Membership.** The current 13-member board of forestry is restructured to a smaller, more balanced, 7-member board. (See section 7 for duties of the board.) It also details qualifications for board members, staffing requirements, and voting procedures.

**Section 6: Board of Forestry Terms of Office.** The section amends existing terms of office to provide staggered terms of office for the Board of Forestry.

**Section 7: Powers and Duties of the Board of Forestry.** This section amends the duties of the Board of Forestry. Existing duties include only commenting on regulations. New duties are added: providing a forum for discussion for representatives of affected interests to discuss and resolve forestry issues before they become divisive; coordinating an annual survey of research needs; coordinating the monitoring of the implementation and effectiveness of the forest practices program and making recommendations for change; and holding annual hearings in southeast, southcentral, and interior Alaska to take public testimony on the state's forest practices program.

**Section 8: Technical Change, Coordination with DEC.** References to DEC's program for non-point source water pollution are amended to be consistent with the coordination provisions in Section 3.

**Section 9: Technical Change, Non-point Source Pollution Control.** Wording is changed to make clear the meaning of the existing law concerning recognition of environmentally sensitive areas in non-point source pollution control measures.

**Section 10: Standard for Soil Erosion and Mass Wasting.** The section provides a standard of minimizing or preventing significant adverse effects of soil erosion and mass wasting.

**Section 11: Standard for Scenic Quality.** The existing standard for scenic quality near tourism and recreation areas is amended. The standard applies to state and municipal land only. The standard would be implemented by regulations of the act, and by state and municipal planning for timber harvest.

**Section 12: Standard for Important Fish and Wildlife Habitat.** A new standard is added that requires planning for harvest allowance be made for important fish and wildlife habitat. The standard applies to state and municipal land only. The standard would be implemented by regulations of the act, and by state and municipal planning for timber harvest.

**Section 13: Records for Public and Agency Review.** The division is required to maintain a records of decisions made under the act for use by the public and state agencies in assessing the effectiveness of implementation of the act.

**Section 14: Regulations.** This section provides a list of forestry activities subject to regulation under the act; allows the commissioner to establish regions and make appropriate distinctions between public and private land; and directs the commissioner to only adopt those regulations that yield significant benefits.

**Section 15: Control of Infestation and Disease.** A new section of the act is added that allows the commissioner to take action to control forest infestation and disease outbreaks that threaten forest resources.

**Section 16: Variation from Requirements of the Act.** The state forester is directed to allow variations from forest practice requirements established under this act. The state forester may allow variations to requirements he determines that the harm such as degradation of fish habitat or water quality not likely to occur because of site-specific circumstances of the particular activity. It allows private landowners to appeal an adverse decision by the state forester, but they must conform to the requirement during the period of the appeal.

**Section 17: Review of Private and Municipal Timber Harvest Operations.** The section provides an improved process for efficient and detailed review of timber harvest plans. This efficient review allows the timber industry to respond to changing timber markets but ensures that harvest operations conform to forest practices standards and regulations. The section also requires public review of private harvest plans. Review by state agencies may occur in the office or, if necessary, in the field prior to the start of the operations.

**Section 18: Interagency Coordination.** Because of overlapping agency expertise for issues concerning timber harvest, this section provides coordination mechanisms for DNR, DF&G, DEC, and where appropriate, coastal districts. The coordination system retains DNR as the lead agency for forest practices but ensures that the appropriate agency expertise from DF&G and DEC is included for forest practice issues that involve their expertise. The section requires that the agencies recognize fish habitat as the primary value within the riparian areas established under the bill.

**Section 19: Riparian Management.** This section of the bill provides for a streamside management program that strikes a fair balance between the needs of the timber industry and those of fish habitat and water quality protection. It provides for significant timber harvest while providing appropriate protection for public resources. Riparian standards for timber harvest differ depending on land ownership, stream, type, and region. The section also provides the intent of riparian management standards: a list of fish habitat

components that the riparian standards are designed to protect.

On private land in southeast Alaska, streamside areas of up to 30 meters will be managed for the protection of fish habitat and water quality, although timber operators will not be required to leave more than five percent of their timber volume for this purposes. In this way, strong resource protection exists without requiring any one private owner to shoulder an undue portion of the resource protection costs.

On private land outside southeast Alaska, it directs the commissioner to establish riparian protection standards and provides interim standards until regulations are drafted.

On state land north of the Alaska Range, timber harvest within 30-meters of an anadromous or high value resident fish waterbody will be allowed where adequate protection remains for fish habitat.

On state land south of the Alaska Range, no timber harvest is allowed within 30-meters of an anadromous or high value resident fish waterbody. Within the adjacent 60-meters, timber harvest must be consistent with the maintenance of important fish and wildlife habitat.

For municipal and trust lands, timber harvest within 30-meters of an anadromous or high-value resident fish waterbody must be sited and designed primarily to protect fish habitat and water quality.

**Section 20: Enforcement Coordination.** Because existing overlapping jurisdiction by DEC, DF&G, and the department of law, and because of additional authorities provided DNR by this bill, this section directs the agencies to establish "uniform enforcement strategy." The strategy requires a method of coordinating enforcement that avoids duplicating and inconsistent enforcement by the agencies. All agencies retain existing enforcement authorities.

**Section 21: Penalties for Violations.** This section amends the act by streamlining existing procedures for levying civil penalties of up to \$10,000 per violation, and adds additional enforcement authorities. Under these additional authorities, the state may issue a citation for a class A misdemeanor for violations of the act, its regulations, agency directives or stop orders; also, DNR may issue remedial orders requiring operators to repair or correct damage resulting from a violation.

**Section 22: Directives.** This new section provides that DNR may issue enforceable, written orders directing that timber operations that violate or would violate this act or its regulations be changed. These directives may be written as part of the DNR office or field review of private timber operations as provided under Section 17 of the act. Directives may be appealed and operations may continue pending the outcome of the appeal.

**Section 23: Stop-work Orders.** If the forester determines that a violation of the act or its regulation is occurring or is likely to occur and that significant harm to public resources is likely to occur if work is not halted before a hearing, the state forester may issue a stop-work order. A stop-work order may be written as part of the DNR office or field review of private timber operations as provided under Section 17 of the act. Stop-work orders may be appealed, but the operation must stop pending the outcome of the appeal.

**Section 24: Hearing Procedures.** This section amends the cumbersome hearing process existing law by deleting the requirement that hearings be held before lawyer appointed by the attorney general. The new process allows the hearing officer to be an employee of the department. The new process will be quicker, and more efficient for both the landowners and the department. It will also be significantly less costly for the department.

**Section 25: Appeals and Judicial Review.** This section provides appeal procedures from department decisions. It provides for appeal of DNR decisions by landowners or timber operators to the state forester, in some cases to the commissioner, and gives the option of going to court. Also it provides that parties other than an aggrieved forest landowner, timber owner, or operator may not receive judicial review of individual timber harvest decisions. Third parties may, however, seek judicial review of regulations, or of a systematic error in DNR decisions.

**Section 26: State Forest Plans, technical change.** This section changes existing law by deleting a list of uses to consider in completing plans; and instead referencing a similar list in Title 38 (section 1 of this bill). It eliminates confusion from two close but not identical lists with similar purposes.

**Section 27: Affect on Federal Timber Harvest.** Other sections of this bill set specific standards for activities on state, municipal, and private land. This section states that the bill's specific resource protection provisions, such as riparian management zones defined for private, state, and municipal lands, do not apply to timber harvest activities on federal land. However, the bill proposes that the federal government achieve a level of resource protection commensurate with that provided for on state lands. This would occur as the federal agency, primarily the Forest Service, proceeds with its normal environmental planning process for timber harvest activities. While this measure does create a broad performance test for operations on federal land, the real effect on Forest Service actions is not considered to be significant, given the generally higher federal requirements for environmental protection.

The bill assures that federal lands will not be subject to the specific forest practice act standards "either directly or for purposes of compliance with the (federal) Coastal Zone Management Act." This statement effectively severs the applicability of the Act's specific standards to National Forests and other federal lands. However, some participants in the forest practices discussions wanted to take the point one step further to resolve a long-standing discussion of what specific environmental protection the state can ask the federal government to provide on National Forest lands through the coastal management consistency process.

The forest practices act discussions did not address federal timber harvest activities in any detail. Therefore, the parties to the consensus decided that the bill was not the appropriate vehicle to include specific environmental protection standards for federal lands, nor address the application of coastal management standards to federal timber harvest activities. Instead, the vehicle to address this question will be through a change to the Alaska Coastal Management Program regulation established for timber harvest and processing by the Alaska Coastal Policy Council (CPC). Following enactment of the forest practices act, the CPC will amend this timber harvest standard as necessary to address lands not covered by the forest practices act, including federal lands. The CPC will provide for the full involvement of the federal government, industry, and the public in drafting the new timber harvest standards.

**Section 28: The Act Does Not Alter Other Rights and Jurisdictions.** This new section of the act confirms that it does not alter or diminish the authorities of DF&G under title 16, DEC under title 46, or any state agency under other laws. It also confirms that the act does not diminish the rights of Alaska Native or of Alaska Native corporations with respect to the Alaska Native Claims Settlement Act.

**Section 29: Wildlife on Private Land.** This new section provides that state agencies and private landowners will establish cooperative, voluntary processes for protection of wildlife habitat on private land.

**Section 30: Definitions, technical changes.** This section provides definitions necessary for the act. Few changes are made.

**Section 31: Legislative Review.** This section provides legislative acknowledgement that this act should be reviewed by the legislature within three years after further research and experience is gained in implementing the act.

**Section 32: Repeal of Superseded Sections.**

**Section 33: Effective Date.** An effective Date is provided: January 1, 1990.



## Mission Statement

The Forest Alliance is a broad-based coalition of organizations, businesses, Alaska forest land owners and individuals dedicated to the responsible management and use of Alaska's forest resources and to environmentally sound development of those resources to provide economic opportunities to the citizens of the state. We believe that development of Alaska's forest resources can take place while, at the same time, protecting and enhancing co-existing natural resources. The Alliance is dedicated to the principle that wise management of Alaska's forest lands today will guarantee that this renewable resource will be able to meet the needs of Alaskans for generations to come.

Toward that goal, the Alliance mission is to:

- A) Increase the public understanding of and appreciation for the management of Alaska's renewable forest resources and the forest products industry through dissemination of accurate, timely information;
- B) Promote environmentally sound development of Alaska's forested lands in a manner which will achieve protection of water quality, fish and wildlife and other uses while allowing operation of a viable forest products industry;
- C) Inform and educate the public, media, administrative and legislative officials about critical issues related to land use and management of Alaska's forested lands;
- D) Promote passage by the Alaska Legislature of significant revisions to Alaska's Forest Practices Act which will provide safeguards for co-existing land uses while, at the same time, allow the continued operation of a viable forest products industry in Alaska;
- E) Advocate for allocation of sufficient state resources to adequately and responsibly administer regulations concerning management of state and private forest lands.
- F) Advocate for responsible regulations to establish fair and efficient public notification and review processes of land and forest management plans and clear enforcement guidelines and policies that protect rights of both the public and landowners;
- G) Encourage cooperative agreements and working relationships between co-existing users of Alaska's resources;
- H) Promote the rights of private forest land owners.

10624 Starlight Court • Juneau, Alaska 99801 • (907) 463-2581 • FAX (907) 463-2584

Alognak Native Corporation  
 Ahna, Inc.  
 Alaska Loggers Association  
 Alaska Pulp Corporation  
 Atigun Forest Products  
 Chukot Lumber Company

Chugach Forest Products, Inc.  
 Citikon  
 Cook Inlet Region, Inc.  
 Deyon, Ltd.  
 The Eyak Corporation

Goldbelt, Inc.  
 Huna Totem Corporation  
 ITT Rayonier, Inc.  
 Kavico, Inc.  
 Ketchikan Pulp Company

Klawock Heenya Corporation  
 Klukwan Forest Products  
 Klukwan, Inc.  
 Koncar Forest Products  
 Sealaska Corporation

Shee Atika, Incorporated  
 Tanana Chiefs Conference  
 Taititex Native Corporation  
 Timber Trading Company  
 West Coast Stevedoring

May 5, 1989

**KFP**

**Koncor Forest Products Company**

3501 Denali, Suite 202  
Anchorage, Alaska 99503  
(907) 562-3335 FAX (907) 562-0599

Senator Bettye Fahrenkamp  
P.O. Box V  
Juneau, AK 99811

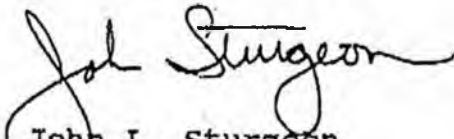
Dear Senator Fahrenkamp:

It is Koncor's understanding that a hearing has been scheduled for Senate Bill 317 which will revise the current forest practices law. Koncor would like to go on record supporting this proposed legislation.

Koncor has spent a tremendous amount of time and money working to develop the language in this proposal. All parties that worked on the development of this compromise can readily point out concerns. However, that is to be expected of any product developed by a compromise process. Since this is a product of compromise we can support it only if no changes are made. A change could tip the balance that we all worked so hard to secure.

The private land owners of Alaska are making some tremendous sacrifices in this revised forest practices legislation. The legislature should assure that State agencies do not exceed the intent of these statute changes through unreasonable regulations. If unreasonable regulations are promulgated the sacrifices of private landowners could quickly be converted into a death sentence for Alaska's forest products industry.

Sincerely,

  
John L. Sturgeon  
President

JLS/mlm

LARRY SMITH

235 7879

FRITZ CREEK 99603

SC FIG Regional Council

DNR - no stat  
language on reg  
not to specify DNR commis  
mk regz. Plans to meet w/  
DNR.

WILDLIFE HABITAT  
PRIVATE LANDS

state  
sovereignty?

INTENT

ON PRIVATE LANDS, THE STATE DESIRES TO PROTECT, MAINTAIN,  
AND WHERE POSSIBLE, ENHANCE FISH AND WILDLIFE HABITAT. THE  
PROTECTION OF WILDLIFE HABITAT ON PRIVATE LANDS SHALL BE  
UNDERTAKEN PURSUANT TO A COOPERATIVE AGREEMENT OR  
UNDERSTANDING BY AND BETWEEN THE PRIVATE LANDOWNER AND THE  
APPROPRIATE AGENCY OR AGENCIES OF THE STATE.

THE PRIVATE LANDOWNERS AND THE STATE ARE ENCOURAGED TO  
DEVELOP THESE AGREEMENTS. THROUGH THESE AGREEMENTS THE  
DEPARTMENT OF FISH AND GAME SHOULD COOPERATE WITH THE  
PRIVATE LANDOWNER TO IDENTIFY CRITICAL WILDLIFE HABITATS.  
AGREEMENTS SHOULD ADDRESS HOW THE DEPARTMENT WILL PROVIDE  
ASSISTENCE IN THE FURTHER EVALUATION OF SUCH HABITATS.

TO FURTHER THIS PROCESS THE STATE SHALL THROUGH A  
COOPERATIVE PROCESS PROVIDE EDUCATION, TECHNICAL ASSISTENCE,  
AND EXTENSION SERVICES TO HELP THE LANDOWNER AND OPERATOR TO  
ASSESS WILDLIFE HABITAT VALUES AND TO DESIGN MANAGEMENT  
OPTIONS TO TO PROVIDE WILDLIFE HABITAT AND TO MEET THE THE  
LANDOWNERS MANAGEMENT AND USE OBJECTIVES.

To the extent that wildlife habitat  
can be enhanced

3

# SE private Riparian Management Zone

The riparian (streamside) zone is of particular importance to both the fisheries and timber resources.

The zone provides many of the critical components necessary to produce long-term fisheries resources. It also contains many of the most productive tree growing areas. In light of these facts, the parties recognize the need to both protect fish habitat and meet the needs of the logging industry, private timber owners, and those dependent on timber and forest resources.

The parties, therefore, agree that there should be a riparian management zone along all streams. In implementing a riparian management system, the parties recognize that the landowner has a public trust responsibility to provide protection for the fisheries resources, and the general public has the responsibility to allow the landowner to realize economic return from their timber resources.

In summary, the task is to provide for the necessary protection of the fishery habitat without unnecessarily reducing timber harvest or increasing the costs of timber operation: "The goal must be that one dollar of costs achieves one dollar of protection."

Fisheries Habitat Components. The parties agree that the riparian management system must address the following components:

- \* 1. Streambank Stability, and Channel morphology (form)
- \* 2. Large Woody Debris
- \* 3. Temperature
- \* 4. Turbidity and Sedimentation
- 5. Discharge Peaks and Streamflow
- 6. Nutrients
- 7. Other Water Quality
- 8. Food Resources
- 9. Gravel
- 10. Sunlight

\* = component to address first. Whatever Riparian Management system could address these four components would likely also be sufficient for the remaining five (although we should check to make sure).

Timber Operational Components. The parties agree that the riparian management system must address the following components:

- 1. the volume of the merchantable timber required to be left standing;
- 2. the operational costs within and adjacent to the riparian zone;
- 3. the impact on the ability to harvest adjacent timber; and
- 4. the safety of those woods.
- 5. *Isleru propose windform design*

Riparian Management Standards. The parties agree to develop Riparian Management Standards and an implementation program to achieve the results described above. The standards will be based on a stream classification system. The size of the riparian management zone, the leave tree requirements, and operational constraints will be specified for each stream category.

Future Site-specific Alternative Plans. The parties agree that the regulations should permit and the agencies and industry should pursue site specific plans which will achieve the best fit between the requirements of the fisheries habitat and timber operating components. The

*Baker - this does not capture where it gap arrived*

long-term goal should be site-specific plans which meet fisheries needs (performance goals) with the least impact on timber operations. The primary constraint to achieving this goal is the time and expense required to successfully utilize this approach.

Monitoring and Evaluation. The parties recognize that our understanding of the riparian zone management requirements and inter-actions is limited. Therefore monitoring, research, gathering information on experience and research in other areas will be a priority.

Review of Riparian Management Program. The parties agree that the requirements, standards, and implementation of the program on the ground (including site-specific plans) shall be thoroughly reviewed after (5-6) years to assess the effectiveness of these provisions.

May 2, 1989

Commissioner Don Collinsworth  
Alaska Department of Fish and Game  
Post Office Box 3-2000  
Juneau, Alaska 99811

Commissioner Dennis Kelso  
Alaska Department of Environmental Conservation:  
Post Office Box O  
Juneau, Alaska 99811-1800

Commissioner Lennie Boston-Gorsuch  
Department of Natural Resources  
400 Willoughby Avenue  
Juneau, Alaska 99801

Re: Forest Practices Act: Steering Committee Process

Dear Commissioners Collinsworth, Kelso and Gorsuch:

On behalf of the Senate Resources Committee, I wanted to express my appreciation for the effort your agencies have devoted to the Forest Practices Steering Committee process. As a result of the dedication of your agencies and others toward building a consensus on this controversial issue, the steering committee has virtually succeeded in its task.

While the steering committee was unable to achieve consensus on every issue facing it, it has produced proposed legislation that leaves only one or two issues subject to some disagreement. The steering committee's success has meant that the principals themselves have worked out most forest practices issues in a way that is satisfactory to all, sparing the legislature the long and acrimonious debate that would otherwise attend this kind of controversy.

May 3, 1989  
Page 2

Because of the time it has saved us, and the quality of its product, the legislature has a major stake in preserving the steering committee's consensus until legislation can be enacted next year. To do this, all of the participants must avoid the natural temptation to strike out on their own, and pursue their own forest practices initiatives in the interim. If individual state agencies begin promulgating their own forest practices rules, be they through "habitat regulations", "§319 regulations" or otherwise, before the legislature can act next year, the existing consensus would collapse. My committee would be denied the benefit of the steering committee's work, and would be required to rehear all of the positions that should have been accommodated through the steering committee process. That waste of resources -- ours and yours -- would be a great disappointment to my committee.

The forest practices debate raises a number of serious public policy issues, and establishing new forest practices rules is the legislature's job. To preserve my committee's jurisdiction over this matter, I need your help in assuring that no unilateral initiatives are undertaken in the interim that would cause division among steering committee participants.

Thank you again for the resources you have devoted to this effort, and the Senate Resources Committee looks forward to working with you next year to put the finishing touches on a splendid accomplishment.

Sincerely,

Bettye Fahrenkamp, Chair  
Senate Resources Committee

Options for relating to management of federal lands under the Forest Practices Act.

Option 1 (Current SB 317/HB 331):

OBJECTIVE: Creates a broad performance test for operation on federal lands, but severs the applicability of specific FPA standards to federal lands.

LANGUAGE AS 41.17.900(b):

The degree of resource protection on federal land shall be no less than that provided for by this chapter for state land. However, the specific provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 2:

OBJECTIVE: Keep FPA neutral with respect to federal land management.

LANGUAGE AS 41.17.900(b):

The legislature finds that it is in the public interest that the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) may be different from the standards for the protection of forest resources under this Act, and the provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 3:

OBJECTIVE: Establish in statute specific standards for review of federal activities which are distinct from FPA standards and which are based on the prior Coastal Policy Council regulatory standard.

LANGUAGE AS 4.17.900(b):

(1) The legislature finds that it is in the public interest that the standards set forth in subsection (2) be the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) even though those standards may be different from the standards for the protection of forest resources under this Act.

**ANCHORAGE OFFICE**

THE ENSERCH CENTER  
550 WEST SEVENTH AVENUE, SUITE 1200  
ANCHORAGE, ALASKA 99501  
PHONE (907) 277-6693  
TELEX 090-26-486  
TELECOPY: 907-279-1959

\*\*ROBERT B. BAKER  
MICHAEL T. THOMAS  
LEROY J. BARKER  
\*\*L. G. BERRY  
HAROLD E. SNOW, JR.  
JAMES K. BARNETT  
\*\*JULIA B. BOCKMON  
JOSEPH D. DARNELL  
JOHN R. FITZGERALD  
GREGORY G. SILVEY  
SUSAN M. WEST  
\*\*CARL W. WINNER

**WASHINGTON OFFICE**

1050 THOMAS JEFFERSON STREET, N.W.  
SIXTH FLOOR  
WASHINGTON, D.C. 20007  
PHONE (202) 333-4400  
TELECOPY: (202) 337-0940

STEVEN W. SILVER  
BRADLEY D. GILMAN

**ROBERTSON, MONAGLE & EASTAUGH**

A PROFESSIONAL CORPORATION  
**ATTORNEYS AT LAW**  
JUNEAU, ALASKA 99802

April 28, 1989

**JUNEAU OFFICE**

COURT PLAZA BUILDING, SUITE 800  
240 MAIN STREET  
P.O. BOX 21211  
JUNEAU, ALASKA 99802  
PHONE (907) 586-3340  
TELEX 099-45-376  
TELECOPY: 907-586-6818

OF COUNSEL  
F.O. EASTAUGH

ROYAL ARCH GUNNISON (1873-1918)  
R. E. ROBERTSON (1885-1961)  
M. E. MONAGLE (1902-1985)  
JAMES F. CLARK  
PAUL M. HOFFMAN  
D. ELIZABETH CUADRA\*\*  
ROBERT P. BLASCO  
MARY A. NORDALE  
THOMAS J. SLAGLE

ADMITTED IN WASHINGTON, D.C.  
AND ALASKA

ALL OTHERS ADMITTED  
IN ALASKA

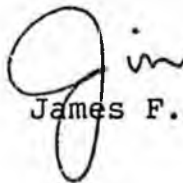
The Honorable Bettye Fahrenkamp  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Re: Forest Practices Act

Dear Senator Fahrenkamp:

Attached is a copy of a letter stating Alaska Loggers Association's (ALA's) position regarding the Alaska Forest Practices Act. Essentially, the ALA believes more work needs to be done on the Act to achieve a final document and that such work cannot be completed prior to the next session of the Legislature. However, even as this is written, we are working with State agencies to resolve unresolved issues prior to the end of this session. As the attached letter from Bob Loescher of Sealaska Corporation points out, that unilateral agency action would be unproductive to successful completion of the process. The ALA agrees with the points made in Mr. Loescher's letter.

Yours very truly,



James F. Clark

JFC:sd/429  
Enclosure

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Options for relating to management of federal lands under the Forest Practices Act.

Option 1 (Current SB 317/HB 331):

OBJECTIVE: Creates a broad performance test for operation on federal lands, but severs the applicability of specific FPA standards to federal lands.

LANGUAGE AS 41.17.900(b):

The degree of resource protection on federal land shall be no less than that provided for by this chapter for state land. However, the specific provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 2:

OBJECTIVE: Keep FPA neutral with respect to federal land management.

LANGUAGE AS 41.17.900(b):

The legislature finds that it is in the public interest that the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) may be different from the standards for the protection of forest resources under this Act, and the provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 3:

OBJECTIVE: Establish in statute specific standards for review of federal activities which are distinct from FPA standards and which are based on the prior Coastal Policy Council regulatory standard.

LANGUAGE AS 4.17.900(b):

(1) The legislature finds that it is in the public interest that the standards set forth in subsection (2) be the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) even though those standards may be different from the standards for the protection of forest resources under this Act.

(2) 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 Alaska Coastal Management Act (Sec. 1 Ch. 108 SLA 1979) timber harvest and processing standard 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 assured; and

(iii) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent 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 kept a minimum and designed to withstand seasonal high water and flooding, and must provide for free passage and movement of fish.

**ANCHORAGE OFFICE**

THE ENSERCH CENTER  
550 WEST SEVENTH AVENUE, SUITE 1200  
ANCHORAGE, ALASKA 99501  
PHONE (907) 277-6693  
TELEX: 090-26-486  
TELECOPY: 907-279-1959

\*\*ROBERT B. BAKER  
MICHAEL T. THOMAS  
LEROY J. BARKER  
\*\*L. G. BERRY  
HAROLD E. SNOW, JR.  
JAMES K. BARNETT  
\*\*JULIA B. BOCKMANN  
JOSEPH D. DARNELL  
JOHN R. FITZGERALD  
GREGORY G. SILVEY  
SUSAN M. WEST  
\*\*CARL W. WINNER

**WASHINGTON OFFICE**

1050 THOMAS JEFFERSON STREET, N.W.  
SIXTH FLOOR  
WASHINGTON, D.C. 20007  
PHONE (202) 333-4400  
TELECOPY (202) 337-0940

STEVEN W. SILVER  
BRADLEY D. GILMAN

**ROBERTSON, MONAGLE & EASTAUGH**

A PROFESSIONAL CORPORATION  
**ATTORNEYS AT LAW**  
JUNEAU, ALASKA 99802

April 28, 1989

**JUNEAU OFFICE**

COURT PLAZA BUILDING, SUITE 800  
240 MAIN STREET  
P.O. BOX 21211  
JUNEAU, ALASKA 99802  
PHONE: (907) 586-3340  
TELEX: 099-45-376  
TELECOPY: 907-586-6818

OF COUNSEL  
F.O. EASTAUGH

ROYAL ARCH GUNNISON (1873-1918)  
H. E. ROBERTSON (1885-1961)  
M. E. MONAGLE (1902-1985)  
JAMES F. CLARK  
PAUL M. HOFFMAN  
D. ELIZABETH CUADRA\*\*  
ROBERT P. BLASCO  
MARY A. NORDALE  
THOMAS J. SLAGLE

ADMITTED IN WASHINGTON, D.C.\*\*  
AND ALASKA

ALL OTHERS ADMITTED  
IN ALASKA

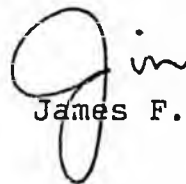
The Honorable Bettye Fahrenkamp  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Re: Forest Practices Act

Dear Senator Fahrenkamp:

Attached is a copy of a letter stating Alaska Loggers Association's (ALA's) position regarding the Alaska Forest Practices Act. Essentially, the ALA believes more work needs to be done on the Act to achieve a final document and that such work cannot be completed prior to the next session of the Legislature. However, even as this is written, we are working with State agencies to resolve unresolved issues prior to the end of this session. As the attached letter from Bob Loescher of Sealaska Corporation points out, that unilateral agency action would be unproductive to successful completion of the process. The ALA agrees with the points made in Mr. Loescher's letter.

Yours very truly,



James F. Clark

JFC:sd/429  
Enclosure

Options for relating to management of federal lands under the Forest Practices Act.

Option 1 (Current SB 317/HB 331):

OBJECTIVE: Creates a broad performance test for operation on federal lands, but severs the applicability of specific FPA standards to federal lands.

LANGUAGE AS 41.17.900(b):

The degree of resource protection on federal land shall be no less than that provided for by this chapter for state land. However, the specific provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 2:

OBJECTIVE: Keep FPA neutral with respect to federal land management.

LANGUAGE AS 41.17.900(b):

The legislature finds that it is in the public interest that the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) may be different from the standards for the protection of forest resources under this Act, and the provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 3:

OBJECTIVE: Establish in statute specific standards for review of federal activities which are distinct from FPA standards and which are based on the prior Coastal Policy Council regulatory standard.

LANGUAGE AS 4.17.900(b):

(1) The legislature finds that it is in the public interest that the standards set forth in subsection (2) be the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) even though those standards may be different from the standards for the protection of forest resources under this Act.

(2) 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 Alaska Coastal Management Act (Sec. 1 Ch. 108 SLA 1978) timber harvest and processing standard 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 assured; and

(iii) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent 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 kept a minimum and designed to withstand seasonal high water and flooding, and must provide for free passage and movement of fish.

Options for relating to management of federal lands under the Forest Practices Act.

Option 1 (Current SB 317/HB 331):

OBJECTIVE: Creates a broad performance test for operation on federal lands, but severs the applicability of specific FPA standards to federal lands.

LANGUAGE AS 41.17.900(b):

The degree of resource protection on federal land shall be no less than that provided for by this chapter for state land. However, the specific provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 2:

OBJECTIVE: Keep FPA neutral with respect to federal land management.

LANGUAGE AS 41.17.900(b):

The legislature finds that it is in the public interest that the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) may be different from the standards for the protection of forest resources under this Act, and the provisions of this chapter and its implementing regulations are not applicable to federal land either directly or for purposes of compliance with the Coastal Zone Management Act.

Option 3:

OBJECTIVE: Establish in statute specific standards for review of federal activities which are distinct from FPA standards and which are based on the prior Coastal Policy Council regulatory standard.

LANGUAGE AS 4.17.900(b):

(1) The legislature finds that it is in the public interest that the standards set forth in subsection (2) be the state standards under 16 U.S.C. Sec. 1456(c) (Section 307(c) of the Coastal Zone Management Act of 1972, P.L. 92-583) even though those standards may be different from the standards for the protection of forest resources under this Act.

(2) 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 Alaska Coastal Management Act (Sec. 1 Ch. 108 SLA 1978) timber harvest and processing standard 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 assured; and

(iii) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent 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 kept a minimum and designed to withstand seasonal high water and flooding, and must provide for free passage and movement of fish.

**MEMORANDUM** (Brief Communications)

State of Alaska

TO:	Name <i>Alan Stein</i>	Dept./Div./Sect.	M
FROM:	Name <i>Gary Gunstrom</i>	Dept./Div./Sect.	Tr
SUBJ.:	<i>Phil Davik's reply</i>		Date <i>2/16</i>

*Found it! There was never any follow-up to this.*

*G.*

# ★ Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 1267

Fairbanks, Alaska 99707

907/452-4761

May 4, 1989

The Honorable Steve Cowper  
Governor, State of Alaska  
PO Box A  
Juneau, Alaska 99811

Dear Governor Cowper,

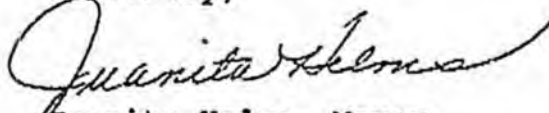
I am writing in support of introduction and passage of the Alaska Forest Practices Act revision. The intent of this legislation has been painstakingly hammered out over the past months by the Forest Practices Review Committee. The committee had representation from all groups interested in the Management of Timber and other resources, which are found in, or depend on forest ecosystems.

My support for this legislation is based on its impact on the Forest Resources within the Fairbanks North Star Borough. I further believe that it is important to preserve the work that has gone into arriving at the agreements which are the core of the revision legislation.

Throughout the forest practices revision process, the various boroughs have been provided with representation in the form of John Duffy/Ted Smith who are from the Mat-Su Borough, and who consulted with us regularly as the process went through. I do feel that there are some areas where further research is necessary to determine what protection measures are really necessary for the protection of Fish and Wildlife habitats. In spite of these areas where questions remain, the legislation is a step in the right direction, and provides the framework for further refinements through operation of the Board of Forestry.

I would appreciate your support of this legislation.

Sincerely,



Juanita Helms, Mayor  
Fairbanks North Star Borough

cc: Lennie Gorsuch, Commissioner  
Department of Natural Resources

Bob Loeffler, FPA Coordinator  
Department of Natural Resources

Ken Castner's 10/12 teleconference testimony.

FOREST PRACTICES ACT

NOT FINISHED

- Steering Committee is self appointed. It is not a fact finding Task Force.
- Loggers have the most to lose, that is because they are almost unrestricted in their present activities. New act is needed to balance rights of public with profit demands of industry. Need real forest practices . . . not a timber extraction bill.
- One of the reasons the fiscal note is so large is because the bill is so overwhelmingly complicated. A logger will not be able to measure back from a stream bank and begin cutting. A regulator can not simply fly over a harvest area to inspect buffers. The riparian cutting area (with the unworkable basal cap) will be very complex, perhaps even computer generated.
- The loggers say the public should pay for the costs of the act. The act is to prevent environmental degradation. Water quality and habitat protection are not for sale. The non-riparian impacts are large enough.
- There is a curious lack of mention of sustained yield. Isn't this a forest practice? The State Constitution demands sustained yield practices.
- Reforestation and thinning requirements should be included, and in the case of state or municipal lands, be bonded for, in the bid price of the timber sale.
- Board of Forestry should elect their own chairman and change voting to majority rule. As set up, it amounts to minority rule. Any two people can prevent passage or change.
- If the Legislature believes that all the missions held by DF&G and DEC should be combined into DNR then they should do so completely and not in an incremental piecemeal fashion.

- There are no bonding requirements for failure of performance. Post-cutting bankruptcy is not uncommon in the Pacific Northwest. Who pays, then, for removal of the unwanted deadfall that provide prime breeding for the forest damaging spruce bark beetle? Who pays for removal of temporary fuel storage facilities, equipment and buildings that have been left behind? Who pays for replanting and thinning? Aren't these considered "forest practices"?

- There is a lot of work needed on this bill to make it both workable and affordable. It would not be appropriate to return the bill to the steering committee for further work. The House and Senate Resources Committees are now the correct venue for this topic.

- Thank you.

Fahrenkamp P.1 SB317



**UNITED COOK INLET DRIFT ASSOCIATION**

BOX 4649 - KENAI, ALASKA 99611

(907) 283-3600

FAX COVER LETTER  
FAX NUMBER (907) 283-3306

DATE: January 31, 1990 TIME: 10:00 am

NUMBER OF PAGES (INCLUDING COVER LETTER): 3

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (907) 283-3600 AS SOON AS POSSIBLE.

TO: Senator Fahrenkamp FROM: Mya Black for  
Representative Menard Theo Matthews  
Representative Davidson  
Governor Louper

SUBJECT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## UNITED COOK INLET DRIFT ASSOCIATION

BOX 4649 - KENAI, ALASKA 99611

January 30, 1990

Bettye Fahrenkamp, Chair  
Senate Resources Committee  
Room 125, Capitol Building  
Juneau, AK 99811

Curt Menard, Co-Chair  
Cliff Davidson, Co-Chair  
House Resources Committee  
Room 125, Capitol Building  
Juneau, AK 99811

Dear Senator Fahrenkamp, Representative Menard, and Representative Davidson:

Since the joint House and Senate Resource Committees will be discussing Forest Practices Act legislation introduced by the Governor, the United Cook Inlet Drift Association (UCIDA) Board felt it might be timely to pass on a few initial comments to committee members.

UCIDA supports the Governor's legislation with the following conditions:

First, any deviation from the "consensus" agreement proposed by the timber industry will necessitate UCIDA withdrawing all support and pressing for alternative legislation. This is especially true of buffer strips on state land and Federal consistency provisions.

Secondly, the site specific nature of the "agreement" on private lands makes funding of the legislation an integral part of the overall plan to institute this agreement. Indeed, as stated in the Final Report (June, 1989) of the Alaska Forest Practices Act Review (p. 4) "The parties' agreement is to the entire plan... not to individual parts of it. Thus, if the agreement is changed, including failure to pass funds to implement it (emphasis ours), the parties are not bound to continue their support."

Given the importance of funding, UCIDA respectfully requests your insight **as soon as possible** into the probability of funding being provided should the bill pass.

Finally, the first draft regulations by the Department of Forestry to implement the Forest Practices Act agreement were totally unacceptable. They merely served to water down provisions seen by the fishing industry as essential to implement the "spirit and intent of the agreement." UCIDA regards the proper wording of implementing regulations as a vital part of the agreement.

In conclusion, UCIDA appreciates the joint Resources Committees taking the time to review the Forest Practices Act agreement. At this time, UCIDA supports the Governor's bill and requests its passage as submitted. Our major concern early in this legislative session is that attempts to alter the agreement. a lack of funding or indeed failure to pass any legislation simply furthers the interests of those in the timber industry who are quite satisfied with the status quo. In that event, both Alaska's forests and our attempts to foster a working relationship with the timber industry will suffer.

Sincerely,

*Theo Matthews*  
MB

Theo Matthews  
President

cc: Governor Cowper  
Senator Fischer  
Senator Szymanski  
Senator Kerttula  
Representative Swackhammer  
Representative Navarre  
United Fishermen of Alaska

1/31/90

Doug Ogden, Pres.

AK. Sportfish Assn.

PO Box 200593

561-1840

fax - 561-1843

Anch. AK 99520

Forest Practices Act

Don't want to reduce 100' buffer zone.

In favor of bill, <sup>with</sup> 100' buffer zone.

TESTIMONY OF ROBERT W. LOESCHER  
before the  
JOINT HOUSE/SENATE RESOURCES COMMITTEE  
regarding revisions to the Forest Practices Act

January 31, 1990

MY NAME IS ROBERT W. LOESCHER AND I AM EXECUTIVE VICE PRESIDENT OF SEALASKA CORPORATION. SEALASKA HAS BEEN AN ENTHUSIASTIC SUPPORTER OF THE CONCENSUS PROCESS FOR ADDRESSING POSSIBLE CHANGES TO ALASKA'S FOREST PRACTICES ACT SINCE ITS INCEPTION IN LATE 1987. SEALASKA HAS DEDICATED CONSIDERABLE TIME AND RESOURCES WORKING WITH OTHER STEERING COMMITTEE PARTICIPANTS TO CRAFT CONCENSUS LEGISLATION, AND HAS WILLINGLY COMPROMISED ON A BROAD RANGE OF MATTERS OF SUBSTANTIAL CORPORATE IMPORTANCE. THE RESULTS OF OUR EFFORT, AND THE EFFORTS OF OUR COLLEAGUES, APPEAR IN SB 317, AND ITS HOUSE COUNTERPART HB 331. AS WE HAVE SAID BEFORE, SEALASKA SUPPORTS THAT LEGISLATION AND URGES THE LEGISLATURE TO ENACT IT THIS SESSION.

SEALASKA RECOGNIZES THAT DIFFERENCES REMAIN ON TWO IMPORTANT ISSUES. THE FIRST IS THE APPLICATION OF THE ACT'S NEW STANDARDS TO FEDERAL LANDS; THE SECOND INVOLVES THE DEGREE OF RIPARIAN PROTECTION APPROPRIATE FOR STATE LANDS. IT IS OUR HOPE THAT THOSE PRINCIPALLY INVOLVED IN THIS ISSUE CAN QUICKLY REACH AN AGREEMENT THAT WILL LEAVE ALL STEERING COMMITTEE PARTICIPANTS SATISFIED WITH THE LEGISLATION AS A WHOLE.

OVER THE PAST SIX MONTHS, THE STATE HAS BEGUN THE ARDUOUS TASK OF WRITING IMPLEMENTING REGULATIONS TO THE LEGISLATION, AND SEALASKA HAS SUPPORTED THAT EFFORT. INEVITABLY, THAT EXERCISE HAS ALERTED THE STEERING COMMITTEE TO THE NEED FOR A NUMBER OF TECHNICAL CHANGES TO THE LEGISLATION. A NUMBER OF THESE CHANGES HAVE BEEN DISCUSSED BY THE STEERING COMMITTEE, AND ALL THE PARTICIPANTS AGREE THAT TECHNICAL AMENDMENTS CAN AND MUST BE MADE TO THE LEGISLATION WITHOUT JEOPARDIZING THE UNDERLYING CONCENSUS.

FOR EXAMPLE, SB 317 PROVIDES THAT THE LEGISLATION'S RIPARIAN PROTECTION REQUIREMENTS CANNOT RESULT IN THE FORCED RETENTION OF MORE THAN 5% OF AN OPERATOR'S TIMBER. THE BILL CURRENTLY PROVIDES THAT THIS CEILING WILL BE MEASURED ON A SO-CALLED "BASAL AREA" BASIS--A BASIS WHICH THE STEERING COMMITTEE NOW CONCEDES IS A CUMBERSOME MEASURE THAT ADEQUATELY PROTECTS NO ONE'S CONCERNS. AS A RESULT, PARTICIPANTS HAVE AGREED TO AN AMENDMENT WHICH WOULD ESTABLISH THE MEASURE AS EITHER BASAL AREA, OR ANY "OTHER COMPARABLE MEASURE." THE TECHNICAL TASK OF DEVISING AN APPROPRIATE ALTERNATIVE MEASURE WILL THEN BE DONE IN THE DEPARTMENT OF NATURAL RESOURCES' REGULATIONS.

FURTHER, THE STEERING COMMITTEE AGREED TO ESTABLISH A TECHNICAL AMENDMENT PROCESS, UNDER WHICH COMMITTEE MEMBERS WOULD FORWARD PROPOSED TECHNICAL AMENDMENTS TO THE PRINCIPAL STATE AGENCIES INVOLVED. THE RESULT, HOPEFULLY, WILL BE A

PACKAGE OF TECHNICAL AMENDMENTS THAT WILL YIELD A BETTER BILL WITHOUT GENERATING ADDITIONAL CONTROVERSY.

OBVIOUSLY, THE LEGISLATURE IS GOING TO EXERCISE ITS INDEPENDENT JUDGMENT ON THIS LEGISLATION. IN THE COURSE OF DOING SO, IT WILL BE ASKED TO CONSIDER AMENDMENTS BOTH TECHNICAL AND SUBSTANTIVE. I'M SURE THAT ALL STEERING COMMITTEE PARTICIPANTS WILL RECOGNIZE THAT THIS DEBATE IS AN INHERENT PART OF THE LEGISLATIVE PROCESS. THE FOREST, WE HOPE, WILL NOT BE LOST FOR THE TREES. WHILE STEERING COMMITTEE PARTICIPANTS WILL INEVITABLY DISAGREE OVER WHETHER A PARTICULAR AMENDMENT IS A TECHNICAL IMPROVEMENT, OR A REOPENER, I HOPE THAT NONE OF US LOSE SIGHT OF THE OVERALL GOALS WE ARE DEDICATED TO ACHIEVING. THE STRUCTURE OF THE LEGISLATION, AND ITS PRINCIPAL ELEMENTS, ARE A SOUND, CREATIVE, AND WORKABLE COMPROMISE. AND, IT IS MY HOPE THAT THE REMARKABLE ATTRIBUTES OF THIS LEGISLATION ARE NOT LOST IN THE MORE TECHNICAL DEBATE THAT BEGINS TODAY.

THANK YOU FOR THE HARD LOOK THAT I KNOW YOUR COMMITTEES WILL GIVE THIS LEGISLATION, AND SEALASKA LOOKS FORWARD TO WORKING WITH YOU IN THE COMING MONTHS.

Testimony of Thyes Shaub  
For The Alaska Loggers Association  
Joint House-Senate Resources Committee Hearing  
January 31, 1990  
Juneau, Alaska

Senator Fahrenkamp, Representative Menard and Davidson, and members of the Committee, my name is Thyes Shaub. I am director of governmental affairs for the Alaska Loggers Association (ALA).

The Alaska Loggers Association formed in 1957 as a private, non-profit organization comprised of companies related to Alaska's forest products industry. Currently there are 115 regular member companies and 180 associate member companies. The regular members companies alone have over 4000 employees who are directly involved in timber operations.

My testimony before you today will be very similar to the message I gave you last May and at the joint hearing held in Palmer in October. We still have two major concerns: 1) the effect of this legislation on the management of federal timberlands and 2) the mandated 30 meter no harvest zone on state lands south of the Alaska range.