

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6510 SENATE RESOURCES

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The Alaska Loggers Association is part of the newly formed Forest Alliance. You all received information packets about the Forest Alliance last week. The Forest Alliance members are currently working on a few amendments including the federal and state land issues I have mentioned.

Regarding the coastal zone management issue on federal lands - as we understood it, the revision of the act was to apply to private, state and municipal lands only. It was understood that it would be neutral to federal lands. However, because the Forest Practices Act serves as the standard for the Coastal Zone Consistency process, federal lands were affected.

Although the Alaska Loggers Association has been through several draft amendments to remedy this problem, we have not yet landed on the solution. We could easily have an amendment that would satisfy the industry but our goal is to forward an amendment to you that is acceptable to the Forest Service and the State of Alaska. We have begun meetings that will hopefully lead us to that end.

Regarding the buffer issue on state land we have a problem with a rigid 30 meter no harvest zone. We recognize the importance of the protection of fish habitat and water quality. We believe this can be achieved with a more flexible

standard that would allow for site specific decision making by the regulating agencies. The original steering committee agreement allowed for this type of flexibility on state land. If necessary, a flexible standard could be made more stringent on a local level through the land planning process. During legislative drafting this standard for state land was changed to a 30 meter no harvest zone. We would like to see the flexibility restored.

I would like to emphasize that through alot of hard work and dedication by all who were involved, the Forest Practices Steering Committee came very close to consensus. However we did not reach complete consensus. As I have explained, we still have a couple problem areas to fix before the Alaska Loggers Association can fully support this legislation.

I will keep you informed as to the progress of the amendment language regarding these issues.

Thank you for the opportunity to testify.



Alaska Center for the Environment

700 H Street, Suite 4 • Anchorage, Alaska 99501 • (907) 274-3621

TESTIMONY TO THE JOINT SENATE/HOUSE RESOURCES COMMITTEE

By Cliff Eames, Issues Director, Alaska Center for the Environment, speaking for Steering Committee Member Alan Phipps

October 12, 1989

On behalf of the Alaska Center for the Environment and the Susitna Valley Association (Loisann Reeder will also be testifying later on behalf of the SVA), I appreciate the opportunity to testify this morning regarding the proposed amendments to the Forest Practices Act. ACE and SVA continue to support the proposed amendments to the Act, even though we believe an amended Act would still fall short of adequately protecting our fish, wildlife, water quality, and the continued future health of our forests. We feel that improvements to the woefully inadequate existing act are needed immediately, and therefore urge the legislature to pass this bill into law this session.

I would like to briefly outline and discuss what we consider to be both the strong points and the inadequacies of the proposed amendments. We believe that the portions of the proposal that go the farthest towards improved forest practices include:

1. The restructured Board of Forestry. The new Board, with more balanced representation, will hopefully provide for increased sensitivity to the concerns of all forest dependent industries and users, not just logging interests. For example, the timber sales that were proposed for the Susitna Valley two years ago have made the tourism and recreation industries generally, Anchorage hotel owners, local lodge owners, air taxi operators, guides and outfitters, local residents, owners of recreational cabins, fishermen, hunters, and other recreationists, extremely sensitive to the very high value of the existing, uncut forest in the valley, a resource that they had taken for granted previously.

2. The increased provisions for enforcement, including enforceable directives, stop work orders, and criminal penalties for non-compliance.

appeals of agency actions, even though the right of appeal is specifically given to the timber operator. A permit process is the only way that the state can adequately monitor and enforce the law to ensure protection of public resources.

5. There is no requirement for protection of wildlife habitat on private land, even though wildlife is a public resource.

6. There is no maximum allowable size for clearcuts on public or private land, or provisions to ensure adequate leave strips between clearcuts for wildlife cover.

7. There is no "citizen suit" provision allowing for public opportunity to ensure enforcement of the act.

8. Under the proposed act, ADF&G has an advisory role only on decisions relating to protection of fish and wildlife habitat, and DEC has an advisory role only on decisions relating to water quality. In response to comments made by Sealaska, I would like to add that we have urged the administration to release the draft habitat regulations, as proposed by ADF&G, for public review and comment. Additionally, we would adamantly oppose any erosion of ADF&G's authority.

9. The bill does not address the continuing problem of how to ensure adequate reforestation. According to the Division of Forestry's recently released Timber Sale Review Report, "In Northern and Southcentral regions, there is a severe problem with reforestation after timber harvest".

10. The committee process failed to resolve the question of how to adequately fund the administration and enforcement of the provisions of the proposed revisions, and did not research or consider ways to ensure adequate funding other than merely requesting additional funds from the legislature.

Our continued support of this bill depends on several things. First, there must be adequate funding as proposed in the accompanying fiscal note; without adequate funding, there will be an appearance of reform without the reality; the proposed revisions will merely perpetuate the inadequacies of the existing act. Secondly, the bill must pass with no weakening amendments; we are specifically concerned about ongoing discussions regarding deleting the bill's provision for equal protection on federal land. This provision is essential to this compromise, and must not be deleted.

(over)



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TESTIMONY TO THE JOINT SENATE/HOUSE RESOURCES COMMITTEE

FEB 7 1990

RE: HB 331 / SB 317 Amendments to the Forest Practices Act

By Alan Phipps, ACE State Land Use Specialist, member of Forest Practices Act Review Steering Committee

January 31, 1990

In October we testified to the Joint Committee, detailing what we see as the strengths and weaknesses of this proposed legislation. In the interest of efficiency I won't repeat that testimony here today. Instead I would like to focus on the ongoing attempts by the timber industry and the Mat-Su Borough to delete from the proposed legislation two provisions which we consider to be essential components of the amendments.

I am disturbed by the distortion of the Steering Committee process by the newly formed Forest Alliance, to which four of the five pro-logging Steering Committee members belong. They are characterizing themselves as supporting the agreement, while actively seeking changes. They justify this by saying that the changes they seek are "unresolved issues". There are no unresolved issues. HB 331 and SB 317 are the result of the work of the committee, and were submitted to the legislature as such by the governor. These bills include essential provisions for mandatory buffers on state lands south of the Alaska Range, and equivalent resource protection on federal lands.

These provisions were negotiated as a part of the final package, and enabled ACE and the Susitna Valley Association to support the agreement. We agreed to support the bill, and as Steering Committee members agreed to observe the ground rule that we support the bill without seeking changes. The logger's characterization of these provisions as last minute changes not agreed to by the full steering committee misrepresents the mediated consensus process, and the ground rules the committee established for this process. We all agreed that the proposal could only be viewed as an integrated, holistic document. The ground rule was that members of the committee could only support or oppose the entire package.

HB 331 and SB 317 are a political compromise. The assertion that it impacts unequally on land owners is true, but that is because we lacked the political clout in the committee to require private and borough land owners to adequately protect public resources

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
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October 12, 1989

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I would like to briefly outline and discuss what we consider to be both the strong points and the inadequacies of the proposed amendments. We believe that the portions of the proposal that go the farthest towards improved forest practices include:

1. The restructured Board of Forestry. The new Board, with more balanced representation, will hopefully provide for increased sensitivity to the concerns of all forest dependent industries and users, not just logging interests. For example, the timber sales that were proposed for the Susitna Valley two years ago have made the tourism and recreation industries generally, Anchorage hotel owners, local lodge owners, air taxi operators, guides and outfitters, local residents, owners of recreational cabins, fishermen, hunters, and other recreationists, extremely sensitive to the very high value of the existing, uncut forest in the valley, a resource that they had taken for granted previously.

2. The increased provisions for enforcement, including enforceable directives, stop work orders, and criminal penalties for non-compliance.

3. Requirements for an improved public process on state lands, including a Five Year Timber Sale Schedule and an enhanced Best Interest Finding process.

4. Provisions for achieving the same level of resource protection on federal lands as that required on state lands.

5. Most importantly, the requirement on state lands south of the Alaska Range for a 30 meter no-cut zone plus a 60 meter management zone along all anadromous and high value resident fish waters. This is absolutely essential to the future protection of our fish, wildlife, and water quality, as recent examples of fish die-offs along unbuffered streams in southeast Alaska have again demonstrated. This 30 meter no-cut buffer and 60 meter management zone requirement provides the minimum of protection, and is based on scientific data, including the National Marine Fisheries Service policy which advocates the retention of a minimum 30 meter no-cut zone.

On the other hand, we believe that the proposal falls short in a number of ways:

1. Riparian management standards for private lands are an extremely complex formula which will be difficult to calculate and enforce, and which do not provide the minimum 30 meter no-cut protection advocated by the National Marine Fisheries Service. We reject the underlying assumption articulated in the final report that the people of the state should "share the risk" of the adequate protection of their publicly owned fish, wildlife, and water quality resources.

2. The riparian buffer requirement for borough lands is a 30 meter "special management zone". Borough lands should be held to the same level of resource protection as state lands. Therefore, riparian management standards for borough lands should include a 30 meter no-cut zone plus a 60 meter management zone.

3. There are no requirements of any kind for buffers along tidelands on public or private land.

4. Loggers are not required to obtain a permit prior to the commencement of logging activities on borough or private land. The proposed notification system perpetuates the opportunity for loggers to proceed with timber harvest without ensuring adequate review by the state. It also precludes adequate opportunities for public review and comment, and does not provide for public

appeals of agency actions, even though the right of appeal is specifically given to the timber operator. A permit process is the only way that the state can adequately monitor and enforce the law to ensure protection of public resources.

5. There is no requirement for protection of wildlife habitat on private land, even though wildlife is a public resource.

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Our continued support of this bill depends on several things. First, there must be adequate funding as proposed in the accompanying fiscal note; without adequate funding, there will be an appearance of reform without the reality; the proposed revisions will merely perpetuate the inadequacies of the existing act. Secondly, the bill must pass with no weakening amendments; we are specifically concerned about ongoing discussions regarding deleting the bill's provision for equal protection on federal land. This provision is essential to this compromise, and must not be deleted.

(over)

Since there are so many weaknesses in the bill, we feel that the legislative review provision is also essential. We strongly believe that after two field seasons the inadequacies of these proposed amendments will be apparent, and that substantial improvements will need to be made at that time. We urge the legislature to take seriously the intent language recognizing the adoption of this act as an interim measure.

Finally, an improved process on paper cannot ensure adequate and proper management of our resources. As we have seen with the Kashwitna Unit of the Willow Sub-basin Area Plan, it is critical that state agencies observe the provisions of existing planning documents and laws regarding procedural requirements. Existing statutes, regulations, and planning documents must be consulted and understood prior to laying out and selling timber, and public processes must be observed in good faith.

Thank you for the opportunity to appear before the committee this morning. Again, we urge the quick passage of this bill without substantial changes.

I would be happy to try to answer any questions you might have.



Alaska Center for the Environment

700 H Street, Suite 4 • Anchorage, Alaska 99501 • (907) 274-3621

TESTIMONY TO THE JOINT SENATE/HOUSE RESOURCES COMMITTEE

FEB 7 1990

RE: HB 331 / SB 317 Amendments to the Forest Practices Act

By Alan Phipps, ACE State Land Use Specialist, member of Forest Practices Act Review Steering Committee

January 31, 1990

In October we testified to the Joint Committee, detailing what we see as the strengths and weaknesses of this proposed legislation. In the interest of efficiency I won't repeat that testimony here today. Instead I would like to focus on the ongoing attempts by the timber industry and the Mat-Su Borough to delete from the proposed legislation two provisions which we consider to be essential components of the amendments.

I am disturbed by the distortion of the Steering Committee process by the newly formed Forest Alliance, to which four of the five pro-logging Steering Committee members belong. They are characterizing themselves as supporting the agreement, while actively seeking changes. They justify this by saying that the changes they seek are "unresolved issues". There are no unresolved issues. HB 331 and SB 317 are the result of the work of the committee, and were submitted to the legislature as such by the governor. These bills include essential provisions for mandatory buffers on state lands south of the Alaska Range, and equivalent resource protection on federal lands.

These provisions were negotiated as a part of the final package, and enabled ACE and the Susitna Valley Association to support the agreement. We agreed to support the bill, and as Steering Committee members agreed to observe the ground rule that we support the bill without seeking changes. The logger's characterization of these provisions as last minute changes not agreed to by the full steering committee misrepresents the mediated consensus process, and the ground rules the committee established for this process. We all agreed that the proposal could only be viewed as an integrated, holistic document. The ground rule was that members of the committee could only support or oppose the entire package.

HB 331 and SB 317 are a political compromise. The assertion that it impacts unequally on land owners is true, but that is because we lacked the political clout in the committee to require private and borough land owners to adequately protect public resources

based on documented science. Mandatory 100' no-cut plus 200' management zone buffers on state lands are based on the National Marine Fisheries Service policy for minimum protection of fish habitat and is supported by documented scientific evidence. In addition, mandatory buffers ensure minimum protection in the face of inadequate funding and the ever-present problem of insufficient field staff for site-specific monitoring and enforcement.

The assertion made by the Forest Alliance that the state lands buffer provision has "no biological justification" is indefensible. The argument being forwarded by the Mat-Su borough that no-cut buffers will wither, die and turn into grasslands if not actively managed is also indefensible. The forests of Alaska were here when we got here, and have been here for thousands if not millions of years. If they couldn't survive without us, they wouldn't have been here in the first place.

We were concerned from the very beginning of this effort a year and a half ago that the logging community had no incentive to see a successful completion of this process. We still question whether they have any incentive to see a new bill passed. Their strategy of appearing to support the agreement while actively working to change it indicates that perhaps they are only interested in stalling any legislative action which would ensure the adequate protection of our fish, wildlife, and water resources. It has also put the environmental community at an extreme disadvantage in promoting improvements to the bill, since we have remained faithful to the ground rules of the agreement.

If the Committee wishes to consider amendments, we would be happy to put forth for consideration several items which we feel would greatly improve the legislation, including:

1. Strengthening and simplifying buffer requirements on borough and private lands;
2. Permits in lieu of "enhanced notification"
3. Third party lawsuits;
4. Improved public involvement;
5. Tax on raw log exports.

Please see the enclosed testimony given by ACE at the October 12, 1989 hearing for a more complete listing of items we believe would strengthen the legislation.

I urge the legislature to quickly pass this bill as written in order to provide at least minimal protection for our publicly owned fish, wildlife, and water.

SB317

JAN 29 1990

PO Box 202045
Anchorage, AK 99520
January 24, 1990

Senator Bettye Fahrenkamp
Senate Resources Committee
PO Box V
Juneau, AK 99811

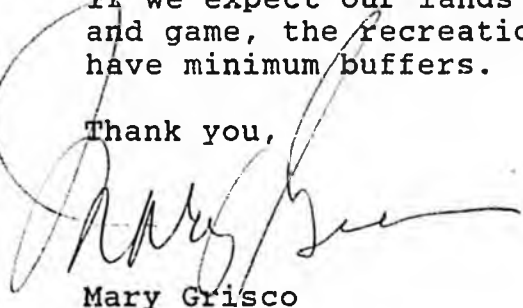
Dear Senator Fahrenkamp and Members,

I am writing regarding the upcoming hearing on the revised Forest Practices Act.

I urge that you retain at least 100 foot and in some cases, 200 foot buffers around every body of water. The protection of our water resources and habitat must remain of the highest priority.

If we expect our lands to continue to support fish and game, the recreational industry and clean water, we must have minimum buffers.

Thank you,



Mary Grisco

Mary Grisco

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Alamy Photo

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Please pass Freshly Practices

Consider posing a raw log box or keeping logs in Alaska for

We must become more self-sufficient. Otherwise we

giving it away and liquidating our assets whereas we

and pin much more. Thank you for all your hard work Betty.

Hillstrand
Kitoi Bay
Kodiak, 99697



Bettye M. Fahrenkamp
Box V
Juneau, Alaska
99811

Respond
A friend



March 1, 1990

Senator Bettye M. Fahrenkamp
Alaska State Legislature
Capitol Building, Room 125
P. O. Box V
Juneau, Alaska 99811

Representative Curt D. Menard
Alaska State Legislature
Capitol Building, Room 110
P. O. Box V
Juneau, Alaska 99811

Re: Forest Practices Legislation
Our File No.: 600,100.646

Dear Senator Fahrenkamp and Representative Merard:

On behalf of Sealaska Corporation, I wanted to thank both of you for bringing the Steering Committee participants together during a work session on the evening of February 27, 1990. As a result of your efforts, the participants were able to agree on language on one issue which has heretofore been a substantial impediment to final agreement -- that is, treatment of federal lands under the Coastal Zone Management Act.

At the meeting, the participants, from the Alaska Loggers Association on one side to the Southeast Alaska Conservation Council on the other, agreed to the specific language enclosed with this letter. This has always been a "language" controversy, and Tuesday night's session ended weeks of unsuccessful word bargaining.

The negotiated federal lands/CZM language was developed in response to a package of proposed amendments prepared by UFA. To

Senator Bettye M. Fahrenkamp
Representative Curt D. Menard
March 1, 1990
Page 2

make this package work, everyone is continuing to work on individual elements of the package. The parties have made significant progress by putting behind us the precise language on the federal lands/CZM issue that would go into a committee substitute.

All this happened in large part because of your efforts. Resolving this language issue was an important first step, and the parties intend to meet again next week to address the other issues before us.

Thank you for your help.

Sincerely,



Robert Loescher
Executive Vice President,
Resource Management

RL/JKT/amw
cc: Members of Forest Alliance
Southeast Village Corporations
Tom Dillon
Jim Clark
UFA
SEACC

Federal Lands
Steering Committee Working Group
Substitute Language
Feb. 27, 1990

DRAFT

1. Amend Section 27 of SB 317 to read as follows:

AS 41.17.900 is amended as follows:

AS 41.17.900. Applicability. (a) Unless otherwise specified, this chapter applies to forest land under state, municipal, or private ownership.

(b) [THE PROVISIONS OF THIS CHAPTER APPLICABLE TO STATE LAND ARE APPLICABLE TO FOREST LAND UNDER FEDERAL OWNERSHIP TO THE EXTENT PERMITTED BY LAW.] The degree of resource protection on federal land shall be no less than that provided for by this chapter for state land, except that the minimum riparian standard shall be that set in Sec. 41.17.119. [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.] Compliance with this standard shall satisfy the requirements of the Alaska Coastal Management Program for forest management activities covered by this chapter.

(c) Subject to 16 U.S.C. § 1456(f) (§ 307(f) of the Coastal Zone Management Act of 1972, P.L. 92-583), for private lands, the provisions of this chapter and the regulations adopted under this chapter set out the forest management standards, policies, and review processes for purposes of the Alaska Coastal Management Act.

[(c)] (d) The commissioner shall exempt by regulation from the provisions of this chapter

(1) minor, small scale, or incidental commercial operations of little significance with respect to the purposes of this chapter; and

(2) operations for primarily noncommercial purposes, including, but not limited to the harvesting of timber for personal use.

[(d)] (e) Notwithstanding any other provision of this chapter, the commissioner may not employ the authority vested by this chapter so as to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for (1) regulations under the Coastal Management Act; and (2) if authorized by the commissioner environmental conservation regulations relating to control of nonpoint source pollution. (§ 1 ch 108 SLA 1978)

(f) Nothing in this chapter diminishes the rights, privileges or immunities of Alaska Natives or Alaska Native corporations with respect to land conveyed under 43 U.S.C. 1601-1628 (Alaska Native Claims Settlement Act), or to alter or diminish the authority of the Department of Fish and Game under AS 16 or of the Department of Environmental Conservation under AS 46 or of any state agency under other laws.

2. Delete Section 3 and 28 of SB 317.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 485-3715

MEMORANDUM

TO: FOREST PRACTICES ACT TASK FORCE MEMBERS

FROM: REP. CURT MENARD, CO-CHAIR HOUSE RESOURCES COMM.
REP. CLIFF DAVIDSON, CO-CHAIR HOUSE RESOURCES COMM.
SEN. BETTYE FAHRENKAMP, CHAIR SENATE RESOURCES COMM.

DATE: JANUARY 22, 1990

RE: JOINT HOUSE & SENATE RESOURCES COMMITTEE HEARING

We are writing to let you know that the House and Senate Resources Committees will be hearing H.B. 331 and S.B. 317 regarding the proposed forest practices act revisions on Wednesday, January 31, at approximately 2:15 p.m. in the Capitol, Room 124. The hearing will immediately follow a presentation by the Alaska Board of Forestry scheduled to begin at 1:30 p.m.

We would like to request that you be present to update House and Senate Committee members on your position regarding the proposed revisions. Each task force member, including each resource agency, will be allotted 3 minutes of oral testimony. Additional written testimony can be presented to the Committees.

We look forward to seeing you there.

FEB 8 1990



**WILDLIFE
FEDERATION
OF ALASKA**

The Alaska Affiliate of the
National Wildlife Federation

RE: HB 331, SB 371; Streamside buffers

January 31, 1990

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

Dear Senator Fahrenkamp:

The Wildlife Federation of Alaska strongly opposes efforts to weaken the proposed Forest Practices Act by eliminating or reducing mandatory streamside buffers.

Last year the Forest Practices Act Steering Committee discussed, debated, and negotiated proposed amendments to the Forest Practices Act. Although WFA was not directly represented on the committee, we did participate in several meetings, and we also worked very closely with the representatives of the Alaska Center for the Environment. Throughout the entire process, WFA considered mandatory streamside buffers to be the MOST important element of any amendments. Our support for mandatory streamside buffers is based on two primary factors. First, buffers are necessary to protect fish habitat. Second, clearly stated minimum buffers are easy to understand and enforce, in contrast to case-by-case determinations which require an army of State employees to review, determine, and oversee.

In the end, the Steering Committee reached certain compromises. The result is HB 331/SB 317. The compromises are not entirely to our liking, and we find the compromise, at best, minimally acceptable. The requirements for buffers are in many instances based on "political" considerations, such as land status and ownership, rather than on the biological requirements of fish habitat. The requirements too often vary and require individual determinations, which will strain agencies. As stated, we found the compromises minimally acceptable, but such is the nature of compromise.

Opponents of buffers and other protections are now trying to subvert this process. They argue that varying the width of buffer by ownership is illogical, and then argue to reduce or eliminate all minimum buffers. They are, of course,

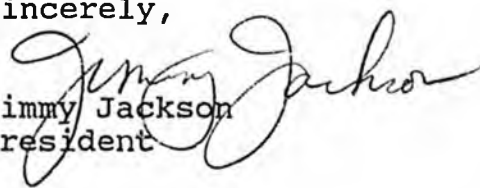
correct that the need for buffers should not vary by ownership, but they are incorrect that the buffers should, therefore, be reduced and eliminated. Logically, the minimum 100 foot no-cut buffers should apply everywhere. Politically, the compromise was not to apply that standard, for example, on private land. Any further "compromise" to reduce or eliminate streamside buffers is totally unwarranted and unacceptable.

Opponents are also trying to eliminate provisions of the bill which would provide the same level of resource protection on federal logging areas as on state lands. Again these opponents are attempting to achieve more than they achieved through the compromises reached by the committee and, again, such compromise would destroy the balance of interests which was achieved.

WFA urges you to reject all attempts to reduce the protections to streams which are contained in b HB 331 and SB 317. If the proposed protections are weakened in any way whatsoever, WFA would oppose the legislations and urge you to defeat it.

Thank you for your consideration and interest.

Sincerely,


Jimmy Jackson
President

HEARING BEFORE SENATE RESOURCES
COMMITTEE (SEN. PATRICKAMP) ON MON.
2-19-90 AT 2:00 PM - LEGIS. AFFAIRS OFFICE

PURPOSE: TESTIMONY RE AMENDMENTS TO
FOREST PRACTICES ACT.

FIND POSITION: CURRENT LAW IS ADEQUATE
PROVIDED DIVISION OF FORESTRY IS GIVEN
SUFFICIENT FUNDING FOR ENFORCEMENT.
PROPOSED AMENDMENTS ARE OVERKILL AND
CREATE A VERY NEGATIVE ~~ENV~~ ENVIRONMENT
RE THE FOREST INDUSTRY, AT A TIME WHEN
THE STATE SHOULD BE DOING ALL IT CAN TO
ENCOURAGE RESPONSIBLE FOREST INDUSTRY
DEVELOPMENT. BILL SHOULD NOT PASS WITHOUT
MAJOR CHANGES FOCUSING ON LESS
REGULATION, NOT MORE.

Read For Ron Aickens (FIDC)

by LARRY Kelly

709 2nd Ave.

FAIRBANKS, AK 99701

452.1105



FEB 22 1990

For Release
February 16, 1990

Contacts:
Bob Loiselle 463-1581
Virginia McKinney/
Jeff Day 277-5454

FOREST ALLIANCE GIVES GROUND ON STREAMSIDE BUFFERS

In a major policy shift, the Forest Alliance announced today that it is dropping its opposition to one of the most restrictive provisions of the draft amendments to the Forest Practices Act. On the eve of legislative hearings scheduled in Talkeetna, Fairbanks and Juneau, the newly formed group of Alaska forest owners and operators dropped its opposition to a proposed 30-meter no cut buffer around all anadromous and high value resident fish waters on state lands south of the Alaska range.

"We're relieved and happy to be making this concession," says Alliance Executive Director Bob Loiselle. "It brings us one step closer to total agreement on these important changes to the Forest Practices Act. And if all the diverse interest groups can sign off on the package of changes, that will dramatically increase the probability of getting a bill out of the Legislature this spring."

--more--

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

Alognak Native Corporation
Ahtna, Inc.
Alaska Loggers Association
Alaska Pulp Corporation
Alpena Forest Products

Chilkoot Lumber Company
Chugach Forest Products, Inc.
Citikon
Cook Inlet Region, Inc.
Doyon Ltd.

The Eyak Corporation
Goldbelt, Inc.
ITT Rayonier, Inc.
Kavlico, Inc.
Ketchikan Pulp Company

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

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

"Make no mistake, the Alliance remains firmly opposed to inflexible buffers slapped along streams without biological justification. But in this case we made the decision to take a pragmatic approach for the sake of achieving passage of the bill.

"I'm confident now that we can put this issue behind us," says Loiselle. "That leaves only the one problem still outstanding: impact of the Forest Practices Act changes on federal lands. Our people have been working hard with the agencies and the other interest groups, trying to get this one resolved. It's been tough, but I remain hopeful.

"When all is said and done, all of us want this bill--industry, fishermen, environmentalists. We've worked hard to lay our differences to rest, and we're so close now to total consensus that I can taste it."

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"We're relieved and happy to be making this concession," says Alliance Executive Director Bob Loiselle. "It brings us one step closer to total agreement on these important changes to the Forest Practices Act. And if all the diverse interest groups can sign off on the package of changes, that will dramatically increase the probability of getting a bill out of the Legislature this spring."

--more--

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

Alognak Native Corporation
Ahtna, Inc.
Alaska Loggers Association
Alaska Pulp Corporation
Alpen Forest Products

Chilkoot Lumber Company
Chugach Forest Products, Inc.
Citikot
Cook Inlet Region, Inc.
Dnyon, Ltd.

The Eyak Corporation
Goldbell, Inc.
ITT Rayonier, Inc.
Kavilco, Inc.
Ketchikan Pulp Company

Klawock Heonya Corporation
Klukwan Forest Products
Klukwan, Inc.
Koncor Forest Products
Sealaska Corporation

Shee Aika, Incorporated
Tanana Chiefs Conference
Tatitlek Native Corporation
Timber Trading Company
West Coast Stevedoring

The Forest Practices Act governs timber harvesting practices on state, municipal and private lands. The complex set of revisions to the 12-year-old law were hammered out last year in a months-long steering committee process which brought together representatives of fishermen, environmentalists, resource agencies and the industry. The compromise package was introduced as SB 317 and HB 331. At the heart of the legislation is a streamside management program for protecting fisheries habitat and water quality.

To resolve the buffer issue, the Alliance is advocating a return to the intent of the original agreement reached last spring: language which establishes the 100-foot no cut zone only on state lands where there is no areawide plan already in place.

Key to the Forest Alliance's change in position, according to Loiselle, was a Department of Natural Resources memo outlining which state lands would be impacted by the 30-meter no cut provision.

"Based on this information, we feel the original agreement language is workable," he says. "We saw that as a practical matter, the amount of state land subject to this inflexible buffer would not be as significant as we had feared.

"Make no mistake, the Alliance remains firmly opposed to inflexible buffers slapped along streams without biological justification. But in this case we made the decision to take a pragmatic approach for the sake of achieving passage of the bill.

"I'm confident now that we can put this issue behind us," says Loiselle. "That leaves only the one problem still outstanding: impact of the Forest Practices Act changes on federal lands. Our people have been working hard with the agencies and the other interest groups, trying to get this one resolved. It's been tough, but I remain hopeful.

"When all is said and done, all of us want this bill--industry, fishermen, environmentalists. We've worked hard to lay our differences to rest, and we're so close now to total consensus that I can taste it."

##

Testimony of Robert G. Loisel
For The Forest Alliance
Senate Resources Committee Hearing
SB 317
March 19, 1990
Juneau, Alaska

The Forest Alliance is a broadly constituted organization of forest land owners, manufacturers, loggers and others having commercial and professional interests in the proper management and development of forest lands. The members of the Alliance include all of the major private timber owners in the state of Alaska. The Alliance was formed in late 1989, and has undertaken the special mission of bringing the broad support of the timber industry to the Forest Practices Act, Senate Bill 317 and House Bill 331.

At the beginning of the legislative session, the Forest Practices Act had the general support of the Forest Alliance and its members. We believed that there were only a few points of disagreement between the timber industry and the other interested groups, and that these differences were not insurmountable. As we testified on February 27, a proposal from the United Fishermen of Alaska had been made that very day, and we believed that the proposal could form the basis for agreement on the terms of the Forest Practices Act.

As a result of hard work on the part of the members of the Alliance, the other interested groups, the state agencies, and particularly our moderator, Diane Mayer, we believe that agreement has been reached upon the terms of a bill that enjoys the support of the Forest Alliance, as well as all of the other interested parties.

This bill incorporates a number of carefully drawn provisions reflecting compromise on a number of issues of great importance to the interested parties. In our view, it can establish a new framework for environmentally sound development of Alaska's forested lands. We urge you to adopt this bill, and the amendments agreed by the interested parties, without significant change.

As a result of the management prescriptions embodied in the act, the members of the Alliance will contribute valuable resources, in the form of merchantable timber left standing and in the form of increased operating costs, to the protection of public resources. The Alliance has agreed to a provision of the act that makes the new riparian standards or their substantial equivalent, effective upon passage of the act, in order that these new protective measures be implemented as soon as possible. In fact, many Alliance members are already voluntarily providing buffer zones and a number of major land owners have put strict buffer provisions in their timber sale agreements.

Wise development and protection of forested lands will require the commitment of significant state resources to develop final regulations implementing the Forest Practices Act and to make available the expertise of the state's foresters, biologists, soil scientists and water quality specialists. In that regard, the members of the Forest Alliance believe that adequate funding of the act, as proposed by the state agencies, is essential. We ask that you give special consideration to these fiscal requirements and that you provide the funding necessary to carry out the purposes of the act.

Having stated the support of the Alliance for the act, I want to turn to three of the provisions of the bill for special comment.

Proposed AS 41.17.116(1), as set out in the proposed amendment, would impose a 66-foot no-harvest zone along virtually all anadromous fish streams that flow through private lands. The members of the Alliance have accepted this requirement on the understanding that appropriate relief from this strict prescription will be afforded under the variations provision, proposed AS 41.17.087. The proposed new subsection (B), we believe, will require the commissioner to adopt regulations providing for the more or less routine agreement to variations in the riparian no-harvest requirement in certain cases. These cases are those where measures other than the full 66-foot no-harvest zone would provide for effective protection of fish habitat. We also expect that variances will be granted to permit such things as hanging logging rigging in the buffer zones or the cutting of a few trees for narrow yarding corridors to permit logs to be brought through the zone, as long as they are suspended and do no damage to the zone. This technique permits road building to be minimized, a result that all parties find desirable. And clearly, the road construction across the buffer zones will be permitted as long as the disruption to the zone is minimized, particularly by making the crossings as perpendicular to the zone as possible.

Proposed AS 41.17.119 changes the riparian standard for other public land from essentially a 100 foot conditional harvest zone to a 100 foot no-cut zone. This is the one issue that the working group was not able to reach agreement on. The representative of

the Mat-Su Borough, an Alliance member, will be asking for support for more local control on this issue than is provided for in the bill. We are confident that you will be able to find an equitable solution to this one remaining issue.

We note that Section 27 of the bill continues in effect a provision that dictates the degree of resource protection on federal lands. We question the effectiveness under the federal constitution of any state law that attempts to regulate federal lands, except in a manner allowed by federal law, such as the Coastal Zone Management Act. The provisions of proposed AS 41.17.900(b) (1), as currently written, would not, we believe, pass constitutional scrutiny. Alliance members whose activities may be affected by this provision will likely challenge its constitutionality if it is ever applied to regulate directly timber harvest on federal lands.

In conclusion, let me again state that the Forest Alliance supports SB 317/HB 331 with the amendments being proposed. We ask that you adopt the bill without significant further amendment. We understand that there may be some minor wording changes made to more adequately reflect the agreement reached and we would like the opportunity to review these changes before giving our final endorsement to the bill.

I would be happy at this time to respond to any questions you may have.

City of Tenakee Springs

RESOLUTION 90-12

MAR 29 1990

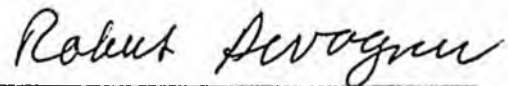
In the Council
March 22, 1990

Introduced by
Robert Pegues

A RESOLUTION FOR THE CITY OF TENAKEE SPRINGS, ALASKA
SUPPORTING CHANGES IN ALASKA STATUTES TO PROVIDE
MINIMUM 100 FT BUFFERS ALONG ANADROMOUS STREAMS

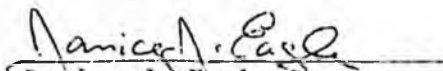
- WHEREAS, the fisheries resource of Southeast Alaska is dependent largely upon the quality of our streams and lakes; and
- WHEREAS, these waters constitute the habitat of the resource which is the life-blood of the commercial fisheries industry, and produce also the stock for the sports and subsistence fisheries; and
- WHEREAS, numerous studies have demonstrated that timber harvest and roading operations affect, often negatively, fisheries habitat; and
- WHEREAS, factors associated with logging practices which can affect the habitat of anadromous and resident fish populations include large organic debris, channel stability, stream temperature, nutrient content, stream flow and sediment; interrelated factors whose total accumulated effects often have the greatest impact; and
- WHEREAS, the 1979 Forest Practices Act does not provide minimum enforceable standards to safeguard the integrity of this critical environment during both planning for logging activities and operation of road building; then
- THEREFORE BE IT RESOLVED by the common council of the City of Tenakee Springs, Alaska to urge the Alaska State Legislature to adopt changes in the statute to provide minimum 100 foot buffer zones on each side of all anadromous streams and their tributaries, and that buffers should consist of the existing, natural undisturbed forest.

ADOPTED 4 YES, 3 ABSENT THIS 22ND DAY OF MARCH 1990



Robert P. Wagner
City Council President
ex officio MAYOR

ATTEST:



Janice J. Eagle
City Clerk

Whitestone Logging, Inc.

Box 389
Hoonah, Alaska 99829

March 18, 1990

MAR 20 1990

The Honorable Bettye Fahrenkamp
Alaska State Legislature
Capitol Building Rm. 125
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fahrenkamp,

Much of what we have said against the revision of the Forest Practices Act in 1989 has been restated by Mr. Joseph R Henry in his letter to you on March 6th of this year. We would like to emphasize one very important point for you to consider when you are contemplating changing the act.

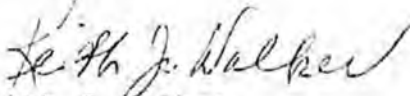
A mandatory no-cut zone, regardless of size, would be the single most crippling blow to forest management given in a legislative body.

We support site specific management of the riparian zone for anadromous streams. We support policies that will enhance fisheries on forested land, but we will not support a policy that will further the goals of the detractors of our industry.

A mandatory no-cut zone, even if only a few feet in width, would become a judicial weapon that would enable the preservationists to entangle us in litigation and regulatory harassment.

Any organization that agrees to a no-cut zone of any width along a waterbody on State, Federal or private land does not speak for the owners, managers or employees of this company.

Sincerely,



Keith J Walker

MAR 20 1990

TELEX 309763
TELESCOPIER 907 741 5446
TELEPHONE 907 741 2211



ALASKA PULP CORPORATION

4600 SAWMILL CREEK ROAD
SITKA, AK 99835-9801

March 14, 1990

The Honorable Bettye Fahrenkamp
Alaska State Legislature
Capitol Bldg., Rm. 125
P.O. Box V
Juneau, Alaska 99811

Re: Forest Practices Legislation

Dear Senator Fahrenkamp:

For over a year now, Alaska Pulp Corporation (APC) has carefully observed the State Forest Practices Act process. APC will be impacted by the Act through the Federal Coastal Zone Act. That is, the Forest Service must find that its timber sales are consistent, to the maximum extent practicable, with State Forest Practice standards. Federal lands were not impacted by the original State Forest Practices Act in 1978. When the Governor began this process two years ago, it was our understanding from the Administration that federal lands would not be impacted. Just before the legislation was introduced last year, that changed because certain groups claimed that it had in fact been their intent to impact federal land. The legislative process was held up last year to provide time to resolve this issue in the legislation.


The language now proposed to address this issue has many problems. For example, in proposed Section 41.17.900(b)(1), the State has unconstitutionally directed the federal government how to manage federal land. More important, in proposed Section 41.17.119, there is a flat prohibition against any harvest along "any water body" which we would call a Class I stream on National Forest land. The prohibition is so strong and comprehensive that we are certain a State court could preclude road building through buffers to cross streams and could preclude any other legitimate timber harvest activity within buffers. Accordingly, as a matter of public policy, APC desires to include language in Section 41.17.119 that authorizes roads to cross buffer strips; authorizes the harvest of blow down salvage timber (timber which is diseased, burned, or killed by insects); and allows use of cable yarding and logging systems inside the buffer strip area. Placing rigging on trees within the buffer, instead of outside of the buffer reduces the angle of deflection and lets us move trees fully suspended over Class I streams. This will prevent sedimentation of streams and thus, is good environmental practice. Finally, there should be authorization to harvest timber within a buffer zone where it would provide fisheries enhancement. APC's proposed language is attached as Exhibit A to this letter.

Senator Bettye Fahrenkamp
March 14, 1990
Page 2

Permitting the foregoing seems eminently reasonable. Therefore, we are shocked to learn from our colleagues the concern that the addition of such language would "break the deal." From APC's perspective, as one who could be directly impacted on federal lands, because such activities are not permitted within buffer strips on state lands, there is a serious public policy problem in passing the State Forest Practices Act if reasonable timber harvest activities are to be precluded. We urge that the language we have attached be added to this legislation.

Yours very truly,

ALASKA PULP CORPORATION


George S. Woodbury
Vice President - Timber Operations

GSW:lh

cc: Senator Dick Eliason
Robert Loiselle
Robert Loescher
John Sturgeon
Ron Wolfe
Don Finney
Owen Graham
Tom Dillon
Mike Barton
Bob Maynard

EXHIBIT A

At the end of the first sentence of AS 41.17.119, add the following:

...provided, however, that timber within such 100 foot zones may be harvested to provide stream enhancement, to control fire, insects and disease; and to remove blown down timber; and provided further that road crossings of streams, cable yarding corridors, and approved logging systems shall be allowed within the 100 foot zones.

Whitestone Logging, Inc.

Box 389
Hoonah, Alaska 99829

MAR 20 1990

March 18, 1990

The Honorable Bettye Fahrenkamp
Alaska State Legislature
Capital Building, Rm. 125
P.O. Box V
Juneau, Alaska 99811

Re: Forest Practices Legislation

Dear Senator Fahrenkamp,

I have been involved in efforts to revise the State Forest Practices Act from the beginning and am represented in the Forest Alliance through Alaska Loggers Association and as a Sherstone Inc. board member in Cordova.

My company, Whitestone Logging Inc., is half owner of 350 million board feet of timber in Prince William Sound near Cordova. We also hold contracts to log and build road on Federal land near Hoonah and on private land owned by Sealaska west of Hoonah. The present direction of the F.P.A. revision causing it to impact Federal land and timber means that every area of our operations will be potentially affected.

It became apparent early on that the requirement by the Governor for a consensus on the revision committee would result in fuzzy language giving the regulatory agencies no clear direction. It also became clear that a power struggle was going on between A.D.F.&G and D.N.R. The A.D.F.&G. has shown an increasing anti-development bias. To add to their power base, A.D.F.&G. have allied themselves with the D.E.C. to form a de-facto "super agency" which pushes D.N.R. aside. The lack of clear direction in the F.P.A. revision leaves wide areas of regulation open to agency discretion. The "super agency" A.D.F.&G./D.E.C. clearly intends to move into this discretionary vacuum. The whole thrust of the F.P.A. revision has become to protect fisheries. Protecting fisheries is a worthy goal but should not be the only one. Protecting fisheries should be balanced with protection of the forest industry, mining, tourism and recreation.

I believe the worst part of S.B.317 or H.B.331 is the confiscation of private land and timber. I don't see how any other face can be put on mandatory buffer zones on private land no matter what their dimensions. A.D.F.&G. has adopted certain unsubstantiated studies by various groups, such as National Marine Fisheries Lab, as gospel. These studies are flawed by unfounded assumptions and not supported by what is actually

Whitestone Logging, Inc.

Box 389

Hoonah, Alaska 99829

happening on the ground.

I believe this bill would stifle and probably kill any chance of a viable timber industry in the interior. With the already almost intolerable burden of regulation borne by industry, who would be foolish enough to invest further when in constant jeopardy from the "discretionary" judgement of some agency individual?

Millions of board feet of timber have been killed on the Kenai while state agencies wring their hands in impotency. The Hemlock Looper is infesting timber in Prince William Sound and is now in the third year of increasing virulence. Is this vast natural renewable resource to be wasted. Surely this can not be in the best interest of anyone. If the bug-killed timber on the Kenai is not harvested by man in the near future then nature will surely harvest it in an inferno.

We have been stunned by the rapid collapse of totalitarian governments in Eastern Europe. They obviously didn't work and the released rage of millions of oppressed citizens is testimony to that fact. Is this a time for Alaska, which was built and populated by strong willed individuals, to seek our own socialist government agency dominated state. I say no! I believe many thousand of fellow Alaskans also say no!

Even though many hours of intense labor and many dollars have been spent on this revision effort, this bill should not be adopted unless it is truly beneficial. I don't believe it is. The process and results of forming S.B.317 or H.B.331 are fatally flawed. It should be rejected. The money and time spent are not wasted but can form the foundation for a new and better directed effort.

Sincerely,



Edward Stewart



MAR 21 1990

March 20, 1990

Sen. Bettye Fahrenkamp
P.O. Box V
Juneau, Alaska 99811

Dear Sen. Fahrenkamp:

You may have seen an article entitled "Loggers group opposes consensus on revising Forest Practices Act" in last night's Juneau Empire (3/19/90).

This headline could not be farther from the truth. Both the Forest Alliance and the Alaska Loggers Association support the amended bill currently before both resources committees.

We have no idea how this reporter could have reached this conclusion, but it is dead wrong.

Please feel free to contact me or Thyes Shaub at the Alaska Loggers Association (463-3175) if you have any questions.

Sincerely,

Robert G. Loiselle
Executive Director

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

Alagnak Native Corporation
Ahtna, Inc.
Alaska Loggers Association
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Atikon Forest Products

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Chugach Forest Products, Inc.
Citikon
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Klukwan, Inc.
Koncor Forest Products
Sealaska Corporation

Shee Atika, Incorporated
Tanana Chiefs Conference
Tatitlek Native Corporation
Timber Trading Company
West Coast Sievedoring



MAY 3 1990

April 27, 1990

Bob Girt
Wayne Valentic
Sealaska Timber Corporation
2030 Sea Level Drive, Suite 202
Ketchikan, AK 99901

Dear Bob and Wayne:

Enclosed you will find the April 19, 1990 Forest Practices inspection report by Chris Westwood of the Alaska Department of Natural Resources. I wanted to personally take time and thank each of you for the excellent job that you are obviously doing on road and unit layout, and logging in the Cabin Creek drainage area. It is through your constructive efforts that we will be able to effectively log this area while still providing protection for fisheries habitat, protection of water quality and achieving compliance with the revised Forest Practices Act.

Thank you both for a job well done.

Sincerely,

SEALASKA CORPORATION

Richard P. Harris
Vice President
Resource Planning and Administration

RPH:mt

cc: Gildersleeve Logging
Byron I. Mallott
Marlene Johnson
Robert W. Loescher
Jack Coady
Commissioner Lennie Gorsuch
Commissioner Don Collinsworth
Commissioner Dennis Kelso
House Resources Committee Co-Chairmen
Senate Resources Committee Chairman

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

FILE #17-203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

STEVE COWPER, GOVERNOR

SOUTHEAST REGION OFFICE
400 WILLOUGHBY AVE., 5th FLOOR
JUNEAU, ALASKA 99801
PHONE: (907) 465-2491

KETCHIKAN AREA OFFICE
2030 SEA LEVEL DRIVE, SUITE 217
KETCHIKAN, ALASKA 99901
PHONE: (907) 225-3070

HAINES AREA OFFICE
P.O. BOX 263
GATEWAY BUILDING
HAINES, ALASKA 99827
PHONE: (907) 766-2120

April 19, 1990

Mr. Bob Girt
Chief Logging Engineer
Sealaska Timber Corporation
2030 Sea Level Dr, Suite 202
Ketchikan, AK 99901

RE: Cabin Creek (SE-88-010)


Dear Bob:

Enclosed are two Forest Practices Inspection Reports dated March 29, 1990. These reports cover Sealaska Corporation's land at Cabin Creek.

Please sign and return the original white copies to me.

Feel free to contact me if you have any questions concerning these reports or forest practices in general.

Sincerely,


Chris Westwood
Ketchikan Forester

Enclosure

cc/enc: J. Gustafson, DF&G, Ketchikan
C/ Kent, DEC, Juneau
✓ R. Harris, Sealaska, Juneau
W. Valentic, Sealaska Timber, Ketchikan
K. Gildersleeve, Gildersleeve Logging, Ketchikan
B. Askren, Sealaska Timber, Ketchikan
G. Freeman, DF&G, Klawock
J. McAllister, DOF, Juneau

RECEIVED
APR 20 1990

SEALASKA CORPORATION
NATURAL RESOURCES DEPT.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

FOREST PRACTICES INSPECTION REPORT

SE-88-010
Operation No.
Cabin Creek
Name
Page 1 of 3

Operator: Sealaska Timber Corp Date: 3/29/90
Location: Polk Inlet Type of Insepction: Operational
Travel Time: 2 hrs. Priority: High Inspection Time: 4 hrs

Individuals Present:

Name	Representing	Name	Representing
<u>Wayne Valentic</u>	<u>STC</u>		

This report contains recommendations and inspection results pertaining to the following:

- | | | |
|---|--|--|
| <input type="checkbox"/> Reforestation | <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Slash |
| <input checked="" type="checkbox"/> Road Construction & Maintenance | <input type="checkbox"/> Log Transfer & Storage | <input checked="" type="checkbox"/> Harvesting |
| <input type="checkbox"/> Wildlife Consideration | <input type="checkbox"/> Cleanup & Stabilization | <input type="checkbox"/> Other |

Inspection Results/Recommendations/Required Actions: Recommended actions are provided in order to prevent violation of the Forest Resources and Practices Act.

1000 Road from port yard to upper Cabin Creek bridge
looks good. Ditches and culverts are in as requested, and
working well.

Upper Cabin Creek bridge was placed outside of timing
with no machine crossings or in stream work. Excellent
job. The near bank shows only minor disturbance and
the far bank is intact and shows no disturbance.
very good job. Small 30ft log stringer bridge. just

This report indicates the conditions found to exist at the time of this inspection for those items checked or noted above. It does not imply that all parts of the operation were inspected nor does it indicate items not inspected are approved.

Signatures:

Operator _____
Christy Westwood
State Forester or Authorized Representative

Date _____
4/8/90
Date

Cabin Creek
SE-88-010
March 29, 1990

before the upper bridge, is well placed. Small overflow Channel is intact and the eastern bank shows minimal disturbance. The west bank required more excavation, but this was discussed and ~~approved~~ approved during an earlier inspection.

Drove out the 1000 road on the north side of the valley along the newer construction. Steep slopes and areas of glacial till (blue clay) were noted, but it looks as if these have been taken into account in the construction practices. Continue the full bench construction and minimize side casting. When yarding on these steep slopes maintain at least partial suspension to minimize soil and site disturbance. In one particularly tough area large left trees were going to be marked. The use of these should help considerably. Ditches were being improved and culverts installed at the time of inspection, please continue in this manner.

1160 Rd. Road is well built and turned out better than I thought it would. Small creek to the east of the road is ^a tributary to Cabin Creek. It is my understanding that a buffer strip ^{should} be left along the creek for about $\frac{1}{3}$ its length. Excellent. ^{in your}. Trees were also left along both sides of the steep 'V' notch that enters this creek from the east. The cutters have done an excellent job of keeping debris out of the notch. The area to the southeast of the notch is ~~is~~ approved for cross stream yarding. Maintain at least partial suspension to minimize disturbance. When cutting and yarding the timber ~~at~~ ~~to~~ upstream from the buffer, along the creek, minimize deposition of debris

(CW)

March 29, 1990

and clean as an on going process.

4000 Rd + Lower Cabin Creek Bridge: 60ft. bridge will be sufficient.

This should provide adequate length to protect the low, vegetative, undercut banks. If the bridge is placed outside of the timing window with no machine crossings or in stream work, please try and notify ADOF and ADFG at least 48 hours ahead of time for possible on site monitoring.

Small tributary to the east was flagged with blue and white fish flagging. Buffer left along stream is greatly appreciated. This is voluntary compliance to the highest degree.

Small overflow/rivulet just past bridge should have a 18" culvert installed and bedded for fish passage. Small fish creek in Unit 3 is flagged and should be protected. Directionally fall timber away from creek and leave as much non merch + undisturbed brush along the banks as possible. A 36" culvert should be adequate; bed for fish passage. A small clump of hemlocks will most likely have to be removed ~~to~~ in order to install the culvert properly.

STC ^{Gibbersteeve log.} is doing an excellent job of voluntary compliance. The buffer strips along Cabin Lake, Cabin Creek, th. low gradient tributaries to Cabin Creek and along some 'V' notches and salt water are appreciated and I believe show STC's effort to its fullest. Thankyou.

Chris Westwood
4/8/90

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

STEVE COWPER, GOVERNOR

PO BOX 7-005
ANCHORAGE ALASKA 99510
PHONE (907) ~~661-2220~~ 762-2117

September 21, 1989

Dear Board of Forestry Members:

Since the agenda for the October 10, 1989 meeting is booked full, I am sending you a "preview summary" of the Managed Forest Resource Program. Our new program name is the TREE Program-Total Resource Enhancement. At the June board meeting, members requested involvement in the project before the public review stage. Please realize that this document is at the in-house DRAFT stage. It has not been provided to other agencies, nor the public. I would appreciate any initial in-sights you might provide me with at this time. How can this document better serve your constituents in the future? Please give me a call at 762-2131, or write by October 20th, 1989.

The Division of Forestry staff is busy reviewing the draft document and adding specific Area and Regional Office tasks, with target dates for completion. The Regional Foresters will be meeting October 24-26, 1989 to revise the draft document and to prioritize the tasks. Upon completion of the revisions, we will be preparing a draft document to go out for agency review. The Board of Forestry review will be included during the agency review period, and you will have a full thirty days to give us specific comments at that time.

We will now be holding a separate public review period, rather than one that coincides with the agency review. We will be holding statewide public meetings and a thirty day comment period in January 1990. It is a change from our earlier schedule, but one that should allow for a more in-depth review of the proposals.

We will be submitting the Legislature with a draft document in January, rather than the final. An up-dated time schedule is attached.

If you have any questions concerning the project after reviewing this summary, please call me. I would enjoy hearing from you at any time.

Sincerely,



Lisa Holzapfel
Statewide Planning Manager

Attachments

ALASKA MANAGED FOREST RESOURCE PROGRAM REVISED 1989-90 SCHEDULE

June 1989

Organization Process and Research Past Efforts

July 1989

Interview Staff Statewide/Develop Mission Statement

August 1989

Division-wide Development of Mission/Goals/Tasks

September 1989

Incorporate Staff Revisions; Modify Mission Statements

October 1989

Manager's Meeting to Finalize and Prioritize Division Mission/Goals/Tasks

November 1989

Prepare Agency Review Draft; Brief DNR Director's; Agency Review of Draft Document (30 days)

December 1989

Incorporate Agency Comments; Prepare Public Review Draft and Informational Brochure

January 1990

Public Review of Draft (30 days); Hold Statewide Public Meetings

February 1990

Incorporate Public Comments into Draft Final Document

March 1990

Review of Draft Final Document; Prepare Final Document

April 1990

Prepare and Print Final Document; Distribute Final Document Statewide

May 1990

Initiate Statewide Forest Resource Planning Efforts

THE TREE PROGRAM— TOTAL RESOURCE ENHANCEMENT

Program Mission: Provide sound forest ecosystem management to the people of Alaska.

Resource Management Program Mission: Make available on a sustained yield basis, at a reasonable cost, all those products and benefits usually associated with a forest.

Goal A: Maintain a high level of forest productivity.

Objective 1: To identify and establish a forest land base for sustained yield production by FY 94.

Objective 2: To provide management to existing commercial timber stands improving their annual growth to a minimum of 65 cubic feet/acre/year.

Objective 3: To support resource planning efforts statewide.

Objective 4: To provide area offices with forest inventory statistics and analysis, vegetative type maps, and resource (aerial) photography, and produce inventory publications for the general public.

Objective 5: To provide genetically superior product for regeneration of public and private forest lands by FY 1995.

Objective 6: To ensure that forest resources are used efficiently when developed under state contracts.

Goal B: Improve the efficiency and quality of the timber sale preparation and administration.

Objective 1: To conduct a statewide audit of timber sale procedures to determine differences and suggest improvements by 9/15/89.

Objective 2: To provide adequate and timely information to the public and other land managers to facilitate their participation in forest harvest planning in accordance with AS 38.05.945.

Objective 3: To offer timber sales of sizes and durations consistent with industry demand and silvicultural objectives.

Objective 4: To develop statewide standards (PPM's) for preparation, administration, appraisal, and engineering. Take into consideration, regional differences and needs.

Objective 5: To provide adequate training and certification to our staff in timber sale preparation and administration.

Objective 6: To develop routine and periodic quality control systems to evaluate sale preparation and administration performance by 7/1/91.

Objective 7: To manage the timber sale work force to effectively accomplish the objectives of the timber sale program by including it as a part of the annual work plan by 7/1/90.

Objective 8: To recover federal suppression money for permanent full-time and seasonal employees.

Goal C: Protect water quality, fish and wildlife habitat, and other forest values through the use of appropriate forest practices.

Objective 1: At a minimum, to ensure that forest practices standards prescribed by the Forest Practices Act are applied to timber sales on state lands at all times.

Objective 2: To enforce all contract specifications relating to protection of other resources.

Objective 3: To coordinate with other resource agencies during planning and preparation to ensure that all resource values are addressed on each sale at all times.

Objective 4: To develop meaningful five year plans in each region/area and submit them to other agencies and the public for review every year.

Goal D: Identify research information desired, locate and distribute existing data, and develop a funded program for conducting additional research in the event deficiencies exist.

Objective 1: To perform an internal survey to identify desired research.

Objective 2: To locate and consolidate existing research for central collection and distribution.

Objective 3: To identify additional research needs.

Objective 4: To develop a funded program for additional research.

Goal E: Provide for cost effective regeneration on state lands meeting the requirements of the Forest Practices Act (FPA).

Objective 1: To establish standards for stocking level and species mix for site classification by Area.

Objective 2: To regenerate productive sites currently below stocking standards which have been harvested or burned.

Objective 3: To improve regeneration on future harvest areas to reduce need for remedial treatments and reduce post sale costs.

Objective 4: To improve growing stock through improved seed quality and genetics.

Objective 5: To operate a nursery program providing a genetically sound healthy seedling at a cost within industry standards meeting total planting requirements for the Division of Forestry.

Objective 6: To provide a sound fiscal base for reforestation.

Goal F: Ensure a direct and indirect return on investment.

Objective 1: To accurately determine the return on investment of forest land management.

Forest Protection Program Mission: Minimize to the extent practical and economically reasonable, the detrimental impacts from destructive agents on the forest resources on public, private, and municipal lands.

Goal A: Provide wildfire protection at a level consistent with the values of the resources at risk.

Objective 1: To provide cost effective fire suppression by using state of the art systems in detection, initial attack, prevention, suppression, and logistical support capabilities.

Objective 2: To reduce and prevent the number and size of human caused fires occurring in the railbelt and roadnet regions of the state by 10% in the next 5 years.

Objective 3: To maintain the division's ability to exchange personnel with the federal cooperators in-state and in the lower 48 states.

Objective 4: To develop and implement a prevention program designed to reduce the frequency of unpermitted debris burning and fireworks fires by 25% over the next 2 years.

Objective 5: To support public and private land managers in applying fire as a safe and effective resource tool.

Goal B: Protect water quality, fish and wildlife habitat, and other forest values through the use of appropriate forest practices.

Objective 1: At a minimum, to ensure that forest practices standards prescribed by the Forest Practices Act are applied to timber sales on state lands at all times.

Objective 2: To enforce contract specification relating to protection of other resources.

Objective 3: TO coordinate with other resource agencies during planning and preparation to ensure that all resource values are addressed on each sale at all times.

Objective 4: To develop meaningful five year plans in each region/area and submit them to other agencies and the public for review every year.

Goal C: Minimize the adverse impacts from forest pests, such as insects and disease, through good forest health and ecosystem management policies.

Objective 1: To complete a comprehensive policy statement which defines the state's role in integrated forest pest management.

Objective 2: TO develop the Policy and Procedure Manual (PPM) for applying and implementing the state's policy concerning integrated forest pest management.

Objective 3: To identify and assign a person in each region and area as the primary position to serve as the lead person for integrated forest pest management. The person will address concerns, field coordination, request training needs, and implement policies and procedures.

Objective 4: To designate integrated forest pest management personnel throughout the division to meet annually for training,

coordination of field efforts, and a review of policies and procedures including development of any recommended changes, additions or deletions in policy. Evaluation of program to be included.

Objective 5: To include integrated forest pest management into field operations and planning.

Objective 6: To assign an integrated forest pest management specialist to review each initial attack fire, and prescribed fire plan, to ensure that there will not be residual problems with forest pests.

Objective 7: To participate in cooperative research of forest pests on a continuing basis.

Objective 8: To coordinate and participate in annual detection surveys of state land, and municipal and private lands where feasible.

Objective 9: To coordinate integrated forest pest management efforts with all other land owners wherever feasible.

Goal D: Minimize adverse environmental impacts from public use of state land.

Objective 1: To eliminate timber trespasses which adversely effect utilization of state managed forests.

Objective 2: To minimize significant adverse public impacts on state forest lands.

Forestry Assistance (on non-state lands) Program Mission: Assist landowners and businesses in attaining their goals while contributing to the economic diversity and quality of life in Alaska.

Goal A: Assist private and municipal land managers to achieve their management goals. (Service Forestry.)

Objective 1: To provide assistance to every interested private and municipal owner within three weeks of receiving request.

Goal B: Provide existing and potential industry with technical assistance necessary to be more competitive in the market place. (Marketing and Utilization.)

Objective 1: To provide assistance to all existing and potential industry within five weeks of receiving request.

Goal C: Direct research projects toward solving operational problems.

Objective 1: To initiate one research project every year that provide answers to current operational problems/issues.

Goal D: Keep program staff abreast of state-of-the-art management and marketing opportunities.

Objective 1: To provide structured training program to all program staff within three years of employment and keep them current in state-of-the-art technology and opportunities.

Objective 2: To provide structured training program to all program staff within three years of employment and keep them current in state-of-the-art technology and opportunities.

Support Services Program Mission: Provide administrative and technical services necessary to support program activities and fully meet state administrative directives.

Goal A: Provide high standard, professionally managed and operated, aviation support for total division requirements.

Objective 1: To maintain the current standards identified for contracting, in-flight procedures, operating procedures, interagency commitments.

Objective 2: To maintain the excellent safety record.

Objective 3: To enhance use of the Division of Forestry aircraft.

Goal B: Manage the organization to provide directives, program priorities, and accomplishment reports so that the work force knows what work is required and when it is due.

Objective 1: To establish a sound set of policy and procedures to guide the Division of Forestry's operations.

Objective 2: To provide an easily accessible and easily updatable way of using the Division of Forestry's policy and procedure manual.

Objective 3: TO provide an easy-universal method of accomplishment reporting.

Objective 4: To provide a work planning system to effectively guide the Division of Forestry activities.

Goal C: Manage property to provide effective maintenance, storage, and accountability, to support various programs of the division.

Objective 1: To maintain division equipment and facilities to proper standards.

Objective 2: To maintain property accountability commensurate with department directives.

Objective 3: To provide adequate space for warehouse storage at each facility.

Objective 4: To provide inventory and stock values for state annual financial report.

Goal D: Manage the work force to provide effective personnel support to the project budget and programs of the division.

Objective 1: To complete all performance evaluations on time.

Objective 2: To streamline the effectiveness of the Division of Forestry paperwork.

Objective 3: To familiarize the Division of Forestry administrative personnel with the personnel policies and procedures issued by the Division of Management.

Objective 4: To provide and maintain an eager and stimulated workforce.

Goal E: Assure that Division of Forestry employees have up-to-date knowledge on how to do their jobs.

Objective 1: To provide a means for making sure the division trains for its needs.

Objective 2: To develop statewide performance and training standards for specific forestry skills such as cruising and scaling.

Objective 3: To establish training priorities for the division.

Objective 4: To provide a budget to properly train the workforce.

Goal F: Manage the budgeted funds of the division to maintain fiscal integrity and to support division programs.

Objective 1: To follow U.S.F.S./OMB and the division of Management instructions and timeframes for budget preparation.

Objective 2: To assist program managers in maintaining integrity for their allocated funds.

Public Relations Program Mission: Provide factual and timely information to public and sister agencies about resource issues and the role of the division.

Goal A: To determine the public and sister agencies needs and perceptions of forest management.

Objective 1: To periodically determine the public and sister agencies needs and perceptions.

Goal B: Educate the public and sister agencies about resource management and the Division of Forestry.

Objective 1: To educate the public and sister agencies about the dynamics of the forest ecosystem and environmentally sound resource management.

Objective 2: To educate the public and sister agencies about the economic benefits derived from the forest ecosystem.

Objective 3: To educate the public that a healthy forest improves the quality of life for all.

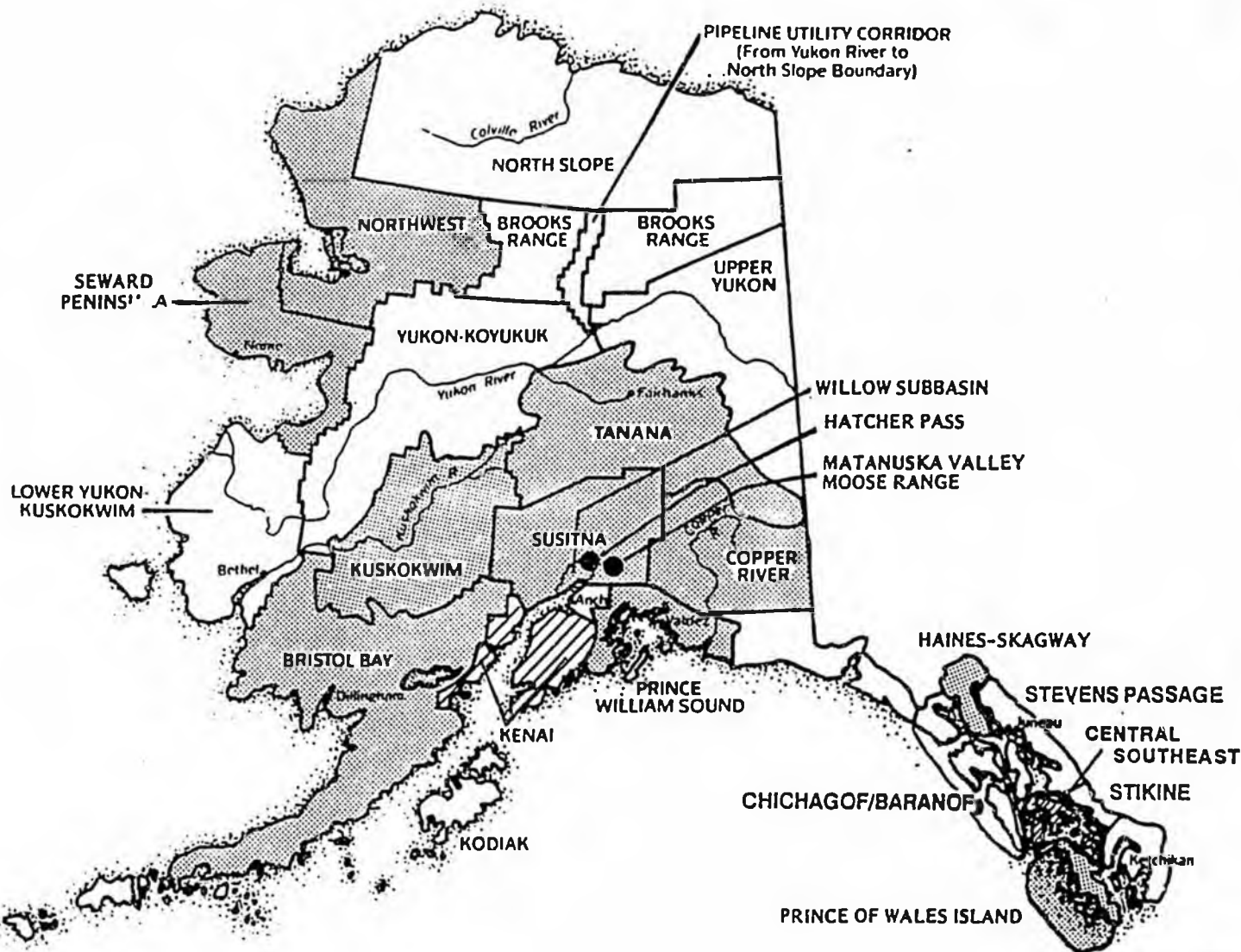
Objective 4: To educate the public and sister agencies on applied research and technological advancements.

Objective 5: To improve the image of the Division of Forestry.




Objective 6: To provide information to the public on forest protection programs.

Alaska Department of Natural Resources

AREA PLANS



AREA PLANNING STATUS

-  Completed area plans
-  Area plans in progress
-  Not scheduled for area plans at this time

MARCH 1989



Alaska Department of
**NATURAL
RESOURCES**

WHY DO AREA PLANS?

The planning process is a way of settling differences, it is a way of deciding how to manage and use state lands. There are many different ideas on how state lands should be used, and sometimes these proposed uses have the potential to conflict with each other. However, with advance planning, many potentially conflicting uses can occur in the same area. Through the planning process, the people of the state can help choose the ways the land should be managed. The plans also make it clear to the public what choices have been made and the reasons for these choices.

THE PLANNING PROCESS

Public Identifies Issues - Public meetings are held to learn of local problems, interests, and concerns about state lands.

General information - Information about natural resources (oil and gas, minerals, fish, forests, soils, etc.), existing land uses and ownership, and economic and social characteristics is gathered, mapped, and analyzed.

Prepare Plan Alternatives - Different land use options are developed using public comments, resource information, and state policy.

Public Reviews Alternatives - Public meetings are held to review alternatives.

Prepare Draft Plan for State Lands - Public comments are reviewed, conflicts are resolved, a preferred alternative is selected, and a draft plan is written.

Public Reviews Draft Plan - Public hearings are held on the draft plan.

Prepare Final Plan - Changes to the draft plan are made based on public comments. Final plan recommendations are developed.

Adopt and Implement the Plan - The Commissioner of the Department of Natural Resources adopts the final plan. The plan guides the state's land management decisions.

STATUS OF AREA PLANS

Bristol Bay. Adopted in September, 1984. Covers 13 million acres of state-owned and state-selected land. Copies are available for review at DNR Information Offices and state depository libraries.

Copper River Basin. Adopted in November, 1986. Covers 3.3 million acres of state-owned and state-selected land. Copies are available for review at DNR Information Offices and state depository libraries. Additional copies are available for \$5.00 through the Resource Allocation Section of DNR.

Haines/Skagway. Adopted in June, 1979. Covers 400,000 acres of state-owned or state-selected land. Superseded by the Alaska Chilkat Bald Eagle Preserve Management Plan (September, 1985) and the Haines State Forest Management Plan (February, 1986). Copies of all three plans are available for review at DNR Information Offices and state depository libraries.

Kuskokwim Basin. Adopted in March, 1988. Covers 16 million acres of state-owned or state-selected land. Copies are available for review at DNR Information Offices and state depository libraries. Additional copies may be purchased for \$5.00 through the Resource Allocation Section of DNR.

Northwest. Adopted in February 1989, this plan is for 10 million acres of state-owned or state-selected lands in the Bering Straits region, the Northwest Arctic Borough, and the far western segment of the North Slope Borough. Copies are available for review at DNR Information Offices and state depository libraries. Additional copies may be purchased for \$5.00 through the Resource Allocation Section of DNR.

Prince of Wales Island. An area plan covering the southwestern part of the island was adopted in June, 1985. A plan for the remainder of the island was adopted in December 1988. This plan is for 30,000 acres of state-owned or state selected uplands and

about one million acres of adjacent tidelands and submerged lands. The plan addresses such issues as land offerings, log transfer and storage facilities, floating camps, floathomes, sea-farming, and state selections from the Tongass National Forest. Copies are available for review at DNR Information Offices and state depository libraries. Additional copies may be purchased for \$5.00 through the Resource Allocation Section of DNR.

Prince William Sound. Adopted in June, 1988. This plan is for 850,000 acres of state-owned or state-selected uplands and most of the tidelands and submerged lands in Prince William Sound. Copies are available for review at DNR Information Offices and state depository libraries. Additional copies may be purchased for \$5.00 through the Resource Allocation Section of DNR.

Susitna. Adopted in April, 1985. Covers 9.5 million acres of state-owned and state-selected land. Copies are available for review at DNR Information Offices and state depository libraries. Additional copies may be purchased for \$5.00 through the Resource Allocation Section of DNR.

Tanana Basin. Adopted in April, 1985. Covers 12.5 million acres of state-owned and state-selected land. Copies are available for review at DNR Information Offices and state depository libraries. An update of the Tanana Basin Area Plan will begin in the Spring of 1989.

Kenai. This plan will cover state land within the Kenai Peninsula Borough with the exception of lands that have been legislatively designated and for refuges, critical habitat, and other special use areas. Planning for the Kenai area is scheduled to begin in the Spring of 1989. Alternatives will be prepared in 1990, a draft plan will be reviewed by the public in the fall of 1990, and the final plan adopted in 1991.

Central Southeast. This plan will cover the area from the Cleveland Peninsula north to Frederick Sound. The Communities of Meyers Chuck, Wrangell, Kake and Petersburg and the major islands of Etolin, Zarembo, Kupreanof and Kuiu will be in the planning area. The Stikine - Leconte Wilderness within the planning area will be used to develop policy for state tide and submerged lands adjacent to federal wilderness areas. The plan also includes the Stikine River so there will also be a Shorelands River Management Component. Work on the plan will begin in the spring of 1989 with the first public meetings proposed for early fall of 1989. Alternatives will be prepared in 1990, a draft plan reviewed by the public in the fall of 1990, and the final plan adopted in 1991.

For more information on area plans, contact:

**State of Alaska
Department of Natural Resources
Land and Resources Section
P.O. Box 107005
Anchorage, Alaska 99510-7005
(907) 762-2660**

November 28, 1989

Mr. Ron Ricketts
Fairbanks Industrial Development Corp.
520 5th Ave., Suite 410
Fairbanks, Alaska 99701

Dear Ron;

As you requested I have reviewed both the material related to the Forest Practices Act and the preview summary. I will start first with some overall observations.

First, I am not sure if I agree with your observation that Bob Dick's plan should proceed attempts at revising the Forest Practices Act. Bob has to know what the playing field will be before he can develop a plan. The changes proposed in the revision are quite significant and will have far reaching impacts on any forest management plan. I know I would be hard pressed to put together a plan with this revision waiting in the wings. I would think that Bob's efforts should be directed towards adding to or modifying various aspects of it in such a manner as to allow him to develop a reasonable management plan. Hopefully, that is exactly what he is doing and should be an ally in helping to produce a Forest Practices Act that is both practical and workable. And, applicable to the interior.

Second, I was surprised at the lack of mention of the Department of Forestry in the documents that you sent me. They appeared to have no direct representation on the steering committee and little input into the revision. To me, that is unfortunate.

There is a tendency in the forest industry to over react (I won't say exaggerate.) to the impact of legislative decisions on forest operations. So, as I comment on these documents I will attempt to avoid that kind of response. What I will do is to go through the documents, referencing page numbers and making comments.

Let's tackle the Alaska Forest Practices Act Review of June 1989 first.

One thing that is apparent throughout this document is the desire of the various agencies to not give up any of their authority over resource activities. Everywhere you turn you will see statements like "The DNR is the lead agency here but will give due deference to DF&G in this area and due deference to DEC in that area and consult with this group and discuss this with that group". It goes on and on. It is my opinion that to have an effective Forest Practices Act you must have one agency that is responsible for the administration of the act. Other agencies can set their standards for their areas of responsibility but only one agency should speak to landowners and operators on behalf of the state government. This revision appears to have most everyone involved. This is wrong and it will not work. In many states, the administrator of the act is an interface between the landowner/operator and other agencies. Their job is to keep everyone in compliance with the act. This includes overzealous agency representatives. Forest landowners are not the only ones that violate Forest Practices Acts.

It would certainly be my preference for this interface agency to be the Department of Forestry as their expertise should cover the broad range of resource concerns. The other agencies should act as a pool of specific expertise for the interface agency to draw upon. When I try to picture how this act will be administered I get a vision of all kinds of agency people crawling all over a forest operation. There is a fisheries guy down in the creek. Over there is a big game specialist looking for moose tracks. There is a DEC man looking for non point source pollution. There's a DNR representative doing a field review. And, they are all telling the operator what he can and cannot do. That's a scary picture and, if true, would sure keep me and my company out of the woods!

Page 9-Stream Channel Types: Alaska is a diverse environment that maybe needs nine channel types but I rather doubt that.

Page 10-Buffers: One of things you learn after working in the woods for some time is that the forest is a unique place with as much variation as you can imagine. I believe buffers and riparian zones are necessary in a number of circumstances (heresy in some circles). But, each stream is unique. To apply buffers and/or zones of specific widths over a huge area like Alaska is a shotgun approach to management. It is the easy way out. Guidelines need to exist, no question. But, the important thing is to apply the appropriate buffer or zone in the appropriate place. The Forest Practices Foresters in the field are the people that should be making these calls with the cooperation of the landowner and help from the appropriate agencies.

Page 12-Riparian Working Group Conclusions: I applaud the working groups stand regarding the area of adequate compensation to the landowner or timber owner for timber retention requirements in excess of 5% (I'll talk about this 5% thing shortly.). I have just two questions. Who pays the compensation and where does the money come from?

Page 16-Determining the Operating Area and 5% Cap: This is an interesting approach. I would have never come up with it. First off, if I owned a large tract of land I would designate every bit of my planning area as my operating area. Because if I didn't I would have areas that I could not harvest until the next rotation. Suppose markets change and an area that I thought was unmerchantable all of sudden became something I could sell. I certainly wouldn't want to wait till the next rotation to harvest it. Who knows what the market standards might be at that time?

I have a real problem with this 5% approach to retaining vegetation in riparian areas. Just to get some idea as to how this approach might work in the interior I put together a hypothetical forest ownership. This is a pretty simplified example. I would think a real life situation would be much more complicated. Let's call our hypothetical forest the Ricketts Native Corporation forest holdings.

RICKETTS NATIVE CORPORATION
FOREST HOLDINGS

Total Acreage: 10,000 acres
This acreage is broken down as follows:

Aspen Stands

High Stocking	1500 acres
Med. Stocking	2500 acres

Birch Stands

High Stocking	1500 acres
Med. Stocking	2500 acres

Cottonwood Stands

High Stocking	500 acres
Med. Stocking	500 acres

White Spruce Stands

High Stocking	400 acres
Med. Stocking	400 acres

Black Spruce Stands	35 acres
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Lake	20 acres
------	----------

River (channel 6)	145 acres
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Looking over the above, forester Ricketts observes that he has nine different vegetation types when he looks at them by species and stocking levels. Forester Ricketts has designated all of his holdings as his "operating area" except the lake and river. This is due to the fact that all of his forest holdings are merchantable to one degree or another. Also, it's all the same age, fortunately for Ricketts. Otherwise, he would have a lot more vegetation types to deal with.

It's pretty obvious to forester Ricketts, from the aerial photography of his property, that his stands of trees have basal areas that range all over the place. But, to comply with the law he has to figure out what 5% of his total forest basal area amounts to. Besides, he doesn't want to have to set aside any more than the required basal area.

Unfortunately, Ricketts is like a lot of other managers of forest holdings in the interior. He just doesn't have much real good inventory information, especially for his hardwood stands. Forester Ricketts thinks over his options and comes to the conclusion that there is only one way to adequately meet the Forest Practices Act standards and still be sure he sets aside only what he is required to set aside. He grabs his trusty Relaskop from the shelf and heads for the field to determine, to the best of his ability, what the basal area is on his forest holdings.

Also, unfortunately, forester Ricketts' property is like a lot of forest land in Alaska. It just doesn't have a decent road system yet. So, four weeks later Ricketts, a little worse for wear, crawls out of the brush. He has collected all the field data he needs to calculate his 5%. What he found follows:

	Basal Area	Total Basal Area
<u>Aspen Stands</u>	<u>Per Acre</u>	<u>For Veg. Type</u>
High Stocking	135 sq. ft.	202,500 sq. ft.
Med. Stocking	80 "	200,000 "
<u>Birch Stands</u>		
High Stocking	130 "	195,000 "
Med. Stocking	85 "	212,500 "
<u>Cottonwood Stands</u>		
High Stocking	137 "	68,500 "
Med. Stocking	60 "	30,000 "
<u>White Spruce Stands</u>		
High Stocking	160 "	64,000 "
Med. Stocking	100 "	40,000 "
Black Spruce Stands	10 "	350 "
Total Basal for Property		1,012,850 sq. ft.

Ricketts calculates that 5% of his forest basal area is equal to 50,642 sq. ft. This is the amount of stocking that forester Ricketts has to retain for his riparian management zones (RMZ) and, he assumes, his conditional harvest zones (CHZ).

Well, Ricketts feels pretty good about all his effort and the accuracy of his data. Checking his copy of the Forest Practices Act, he finds that the DNR has to evaluate his proposal and check to see if his basal area calculation is correct. He notes, with some alarm, that this check has to be plus or minus 10%. The first thing that pops into his mind is what if the DNR says his figures are all wet? What happens then? To get some answers, he heads for the office of the local DNR representative with his plan and figures.

The meeting with the DNR goes pretty well. They inform Ricketts that his figures look pretty darn good but they will have to check it out. Of course, they can only use his figures for reference. They know forester Ricketts is a pretty good guy and wouldn't give them any bad numbers but they have to protect themselves. It is possible that this guy, Ricketts, did this work in the comfort of his pickup truck.

So, the DNR representative grabs his trusty Relaskop from the shelf and heads for the brush. He's a little quicker than Ricketts. He has Ricketts' field notes and Ricketts has told him how to get to all the stands. Also, forester Ricketts was good enough to break a considerable amount of trail for him in the previous four weeks. Three weeks later the DNR representative crawls out of the brush with his basal area information. After several days in the office, it becomes apparent that Ricketts was right on the money. The DNR buys his figures.

Now, forester Ricketts can get down to the business of managing his forest. Of course, seven plus weeks have gone by and there is an early nip in the air. Ricketts knows he has to get on with this. He's got an anxious chip buyer from the lower 48 trailing him around like a lost puppy wondering what the heck is going on. This chip buyer keeps mumbling something about a contract deadline and the future of his position with his employer.

Anyway, the channel 6 river flows through Ricketts property for ten miles. There really aren't any tributary streams to the river that harbor any anadromous fish population. Ricketts is darn glad about this situation. Looking at the Forest Practices Act, he finds that channel 6 rivers have to have a 15 meter CHZ on each side of the river and a 15 meter RMZ in addition to the CHZ. He sees that

there is a 50% retention per size distribution. Ricketts isn't too sure what "per size distribution" means. But, further reading reveals that this problem gets worked out by a committee in the field. (Forester Ricketts is pleased that he gets to be on the committee. He has always enjoyed serving on committees.) The river that flows through Ricketts' forest has some excellent fish runs in it. As a result, he's pretty sure that DF&G won't want much, if any, harvesting taking place in the CH2 or RMZ. Being a realist, he looks at the worst that could happen to him.

Thus, he has a 100 foot or so strip on each side of the river where he can't harvest any timber. Some of his best birch and aspen stands are located right along the river. Ricketts gets his calculator out and figures out just what this means. There are about 242 acres of his holdings that are unavailable for harvest. This acreage contains 33,154 sq. ft. of basal area. That's 65% of his 5% retention level. Ricketts observes that this is a pretty good size piece of ground to protect fish habitat. Especially since the river is a huge thing that is chewing away at its banks constantly. He's not too sure how a 100 foot leave strip will protect fish under these circumstances but he's no fisheries expert.

Dog gone it, forgot about the lake. The lake has a perimeter of 3960 feet and it too will require the 15 meter CH2 and 15 meter RMZ. They are not going to let him harvest anything here either, he figures. So, there goes another nine acres out of his land base. And, along with it goes another 1233 sq. ft. of basal area. Now he is left with 16,255 sq. ft. of basal area in his 5% retention level. Using his average basal area per acre of all his productive forest lands, he finds that this amounts to another 146 acres that he will have to set aside somewhere. He has no idea where or why or even if he really has to set it aside. The law just isn't clear. Forester Ricketts does notice that if his 5% cap has not been reached he can harvest timber outside his operating area. Unfortunately, he doesn't have another operating area. Further reading reveals that if he has not exceeded the 5% cap, which he will not, then the DF&G can recommend a different configuration of the riparian zone. Well, that's what he assumed would happen. But, he also notices that it's up to him to decide whether to follow DF&G's recommendation. If he doesn't he can fall back and apply the riparian standard in the Forest Practices Act.

Ricketts has got it figured out that it is in his best interest to go along with the DF&G recommendations. He reads that if he agrees to leave more than the riparian

standard the state may offer compensation to him at fair market value for the trees he leaves. He's still not sure why he needs to leave so many trees but as long as he is compensated then.....? Wait a minute. What do they mean by "may"?

Well, you get my drift. I am sure that a better example could be put together. The point is that this is not going to be easy to do for anyone involved. This approach hasn't been applied to the interior yet and I sincerely hope it isn't. It appears that the committee tried to apply a broad brush approach to the entire state. I think a more practical approach would be to look at each harvest unit as an individual and retain the basal area in the riparian zones (if they are truly necessary) that is adequate to protect the stream. The landowner should be compensated for the volume he leaves in the riparian areas. It looks to me that the 5% approach will increase costs for everyone. As an operator in Alaska, I would have a real problem with this approach.

Page 23-Riparian Standards for State Land: In paragraph two it says that there will be a 30 meter no cut zone on all anadromous and high value resident fish waters south of the Alaska Range. It also states that between 30 and 90 meters that harvest must be consistent with maintenance of important Fish and wildlife habitat. I'm not sure what this means. The next paragraph says requirements in addition to those listed may be required. This is a pretty broad statement and needs definition of what it means and where it applies. Thankfully, these standards were changed from the April 10th draft (bottom of page). 300 feet is pretty extreme.

Page 25-Public Information: I do not understand why on private land there would be a public comment period if the operation meets the requirements of the Forest Practices Act. Notifying some list of individuals of legal, regulated operations seems costly and extreme to me. Why not make these approved plans available for public review at offices of the State Forestry Department? How long is the comment period and what purpose would the comments serve? I cannot see how this would serve the best interests of the public or the landowner.

Page 26-Standard of Review: To operate in Alaska I would need to know what these standards would be. It would seem to me that they should be part of the Forest Practices Act. Not some nebulous statute that will be put together later. Looks like some work needs to be done here. I can't imagine a legislative body passing some act that leaves these important "standards" so open. Putting together these

standards later leaves the act wide open to be manipulated by special interests. In fact, the development of these standards could easily change the act to something entirely different. I think you should be very concerned about this. In my view, this may be the biggest flaw in the whole thing.

Page 26-Agency Review, Paragraph 1,c,4: Appeal to whom?

Page 27-Review Schedule: This is the way I interpret the review schedule. After the plan is submitted for review the DNR has 30 days to respond. If a field review is required the landowner would have to give the DNR another 21 days to conduct the field review. Then over on page 29, item 4 it appears that if there is a disagreement between agencies there would be another 10 day delay. This totals up to 61 days. Two months! Believe me, in that period of time markets can change substantially.

Page 28-Variations from Standards: Who would the landowner appeal the denial of the variation to? I would hope not to whatever agency was involved but to one appeal process in one agency.

Page 29-Due Deference: If DNR does not agree with DF&G then it prepares a written finding. So, then what? It's hard for me to believe that DF&G will lay down and die. It looks like, in item 4, that this will be elevated to a "higher level authority". Who would that be?

Page 29-Confidential Data: Why would financial data be submitted to DNR? I'm not sure under what circumstances this would occur.

As you get further into this document it appears more and more to be some attempt to put together an administrative process to handle the Forest Practices Act. I don't believe the act is where this kind of stuff belongs. A Forest Practices Act has to lay down some important, easy to understand rules, regulations, and guidelines. The key to making an act work for everyone is the Forest Practices Officer in the field. This guy has to look at each operation as an individual and, with the cooperation of the operator and/or landowner and other responsible agencies, make practical, intelligent decisions in the field that produce compromises that everyone can live with. These people are the most important cog in the wheel. They need to be experienced and respected. And, above all, Know What They Are Doing!!!!

Page 35-Board of Forestry: The State Forester is a non voting member of the board. This means that a tie cannot be broken.

Just a few comments on Bob Dick's "preview summary".

Page 1, Goal B, Objective 5: I do not believe that it would be possible to provide a genetically superior tree for regeneration by 1995 unless the State of Alaska has a genetic improvement program that has been on going for years.

Page 2, Goal C, Objective 4: Developing five year plans is fine. You have to keep in mind that they are pretty much worthless the day after they are written as things change so much. But, they are a necessary evil to get things in focus. Agency and public review every year would seem a little burdensome to me.

Page 2, Goal D: Who is going to do the research? The University of Alaska? Where will it be based?

Page 3, Goal E, Objective 5: Running a forest nursery can be a difficult and expensive operation. The state might want to look at making some arrangement with some private operators. This might be difficult in Alaska.

Overall, it looks like a good and ambitious plan. It's obvious that the department has put a lot of thought into it. I would hope they would prioritize all of this and tackle the most important ones that will make a visible difference first. If Bob tries to do them all at once he will be a basket case in short order. I am sure he is aware of that.

Well, I hope the above helps. In my opinion, there is a heck of a lot of work to be done on the Forest Practices Act. My sympathies go out to the committee members that had to try to throw something together in a mere five months. That is probably why this revision is not a good one. Development of a balanced and fair act will take a lot of time. I think you should make this clear to your legislators and put the committee back to work.

For the interior, you folks need to develop regulations that address your area. As you know, Alaska is about as diverse as a state can get. I would think that it would be impossible to write an act that addressed all of the state without breaking it into regions. You also need to be darn

sure that you get a voting representative on any committee that starts messing around with the Forest Practices Act. I see they excluded you folks completely last time around. The bottom line for my company is that I would be very reluctant to establish an operation in Alaska with this kind of poorly thought out legislation pending.

Sincerely,

Chief Forester



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, AK 99503 (907) 276-0347

14 December 1989

Senator Bette M. Fahrenkamp
119 N. Cushman Street, Suite 201
Fairbanks, Alaska 99701

Dear Senator Fahrenkamp:

Governor Cowper has requested the Alaska Legislature to revise the Forest Practices Act enacted in 1978. His proposal eliminates representation of the Alaska Miners Association on the Board of Forestry.

At the annual meeting and convention of the Miners, held in Anchorage in November, the Board of Directors unanimously objected to the governor's proposal to delete the Miners' representative from the Board of Forestry. The Association does not favor revision of the Forest Practices Act; if, however, the legislature shall insist on changing the law, then we strongly urge that our representation be retained.

The proposed revisions to the forestry act are portrayed by their proponents as a "consensus" result, arrived at by compromise among all concerned parties. Please be advised that the Alaska Miners Association was never invited to the "consensus" meetings. Furthermore, when our former representative on the forestry board resigned, it took around five months to have our successor nominee appointed, leaving the Association unrepresented during what turned out to be the critical time when a "consensus" was being formed.

Mining interests should definitely be represented on the Board of Forestry; the interplay between mining and logging, between minerals and forests, is dynamic and important. Under the proposed revisions, the six voting members of the forestry board will consist of a professional forester and a member representing a forest industry trade association; the other four voting members will be a fish or wildlife biologist, and representatives of an environmental organization, a commercial fishermen's organization, and a Native corporation. So at least two members aligned with fish interests will have membership, but mining is given no assured representation.

We oppose the revision, and ask that the proposed law changes be rejected. Thank you for your continued interest in Alaska mining and its necessities.

Sincerely yours,

Steven E. Borell, Acting
Executive Director



hb331
sb317

MAY 4 1990

May 3, 1990

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

Dear Senator Fahrenkamp:

I am writing with regard to the recent amendment made to the Forest Practices Act (HB 331) by the House, changing the word "variation" to "variance". While from a semantic point of view this makes sense, the word "variation" was chosen specifically to stay away from the legal connotations which the word "variance" carries with it.

Specifically, a variance is normally thought of in terms of a zoning variance, and this concept does not fit the intent of the steering committee. Variations are to be granted on a much more regular and systematic basis than variances normally are and we don't want to be stuck with the more narrow interpretation.

I have attached a brief memo from Jon Tillinghast outlining the problem in greater detail.

We have asked the Senate Finance Committee to reverse this amendment, changing the word "variance" back to "variation", and we ask for your concurrence with this change.

Thank you for considering our concern.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Loiselle".

Robert G. Loiselle
Executive Director

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

Alognak Native Corporation
Ahtna, Inc.
Alaska Loggers Association
Alaska Pulp Corporation
Atitken Forest Products

Chilkoot Lumber Company
Chugach Forest Products, Inc.
Citikou
Cook Inlet Region, Inc.
Doyon, Ltd

The Eyak Corporation
Goldbelt, Inc.
ITT Rayonier, Inc.
Kavilco, Inc.
Ketchikan Pulp Company

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

Shea Atika, Incorporated
Tanana Chiefs Conference
Tatitlek Native Corporation
Timber Trading Company
West Coast Stevedoring

RATIONALE FOR PROPOSED CHANGE TO CSHB 331 am N

The revised Forest Practices Act would create a 66 foot buffer zone around anadromous streams on private land. The Steering Committee participants recognized, however, that this buffer zone would not always be needed to adequately protect fish habitat. As a result, a system where the buffer zone requirements could be tailored to site specific conditions became critical to the functioning of the legislation.

The legislation, as drafted by the Steering Committee, created a flexible system for varying the buffer zone requirements both on a case-by-case basis, and for types or categories of streams. In doing so, the Steering Committee purposefully avoided the word "variance." A "variance" is normally thought of in terms of a zoning variance, and that concept did not fit the Steering Committee's intent for three reasons:

1. A zoning "variance" usually carries with it a high standard of proof. The Steering Committee, however, did not envision that any extraordinary standard of proof would apply in this situation.

2. A zoning "variance" is usually granted only when the applicant's property is unique -- that is, that there is something physically different about the property that sets it apart from other properties of its type. The Steering Committee, on the other hand, envisioned that variations would be granted under conditions that are typical of forest properties generally. For example, the

committee envisioned, and the Department of Fish and Game has acknowledged, that variations would be granted in the typical situation of small low-gradient streams that do not need adjacent large trees for adequate habitat protection.

3. Similarly, "variances" are normally granted on a case-by-case basis only. On the other hand, the legislation itself envisions that variations would be allowed for classes or categories of activities, like operations along the small low-gradient streams described above.

As a result, "variance" is the wrong word to describe the flexible system created by the Steering Committee, and upon which both the effectiveness of and support for the revised forest practices legislation depends. This requires a return to the original language.



UNITED FISHERMEN OF ALASKA

APR 24 1990

April 19, 1990

211 4th Street, Suit 112
Juneau, AK 99801
907-586-2820
Fax# 907-463-2545

MEMBER ASSOCIATIONS

Alaska Crab Coalition
Alaska Independent Fishermen's
Marketing Association
Alaska Longline Fisherman's
Association
Alaska Trollers Association
Bering Sea Fishermen's Association
Bristol Bay Driftnetters Association
Concerned Area 'M' Fishermen
Cook Inlet Aquaculture Association
Copper River Fishermen's Cooperative
Cordova District Fishermen United
Kenai Peninsula Fishermen's Association
North Pacific Fisheries Association
Northern Southeast Regional
Aquaculture Association
Peninsula Marketing Association
Petersburg Vessel Owners Association
Prince William Sound
Aquaculture Association
Prince William Sound Seiners Association
Seafood Producers Cooperative
Southeast Alaska Seiners
Southern Southeast Regional
Aquaculture Association
United Cook Inlet Drift Association
United Southeast Alaska Gillnetters
Western Alaska Cooperative
Marketing Association

Commissioner Lennie Gorsuch
Department of Natural Resources
400 Willoughby Avenue
Juneau, AK 99801

Dear Commissioner Gorsuch:

It has come to our attention that there are 15 operations in the Ketchikan area specifically targeting on reparation timber that had been left behind during the initial forest harvest. There will be more in other areas. The owner/operator is clearly submitting these plans in anticipation of the new Forest Practices Act that is now before the legislature. We are very concerned that valuable fish habitat is being damaged.

The steering committee groups, including the Alaska Loggers Association, and several native corporations, agreed last year, to voluntarily comply with the reparation requirements of the Forest Practices Act. UFA, and many other steering committee groups, spent a lot of time and effort negotiating improved forest practices. A major objective of the act is the protection of reparation zones. Clearly, the act is not intended to hasten the harvest of reparation zones. Logging along salmon streams before implementation of the act is unacceptable and is unfair to those who dealt in good faith. I assume the state would share the same sentiment.

Though we recognize that compliance is voluntary, we wonder if there is any pressure within your authority that can be applied to these operations until the new Forest Practices Act becomes law?

Sincerely yours,

Theo Matthews
President

cc: Governor Cowper
Resources Committee
FPA Steering Committee Members

S B

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FILE 2



April 25, 1989

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

Re: Forest Practices Act Steering Committee

Dear Governor Cowper:

Sealaska Corporation has been requested by Commissioner Gorsuch to ratify the legislation developed by the Forest Practices Act Steering Committee by April 24. Sealaska Corporation verbally advised Commissioner Gorsuch that Sealaska is prepared to ratify the legislation as proposed; but that Sealaska wishes to provide the Southeast ANCSA Village Corporations an opportunity to express their opinions before Sealaska formally ratifies the legislative package.

Enclosed you will find a letter to the Southeast Village Corporations summarizing the results of the Steering Committee's legislative package and Sealaska's recommendation that they support this legislation.

Even though the Forest Practices Act Steering Committee did not reach a consensus prior to the deadline, Sealaska is still requesting the Southeast ANCSA Corporations complete their review. Sealaska will continue to encourage these corporations to endorse the proposed legislation.

Sealaska Corporation continues to be committed to finding acceptable solutions and will work with the Administration to achieve that objective. We appreciate your commitment to this process and believe that even though the Steering Committee was not able to come to a consensus, significant progress was made which will be a valuable stepping stone for final resolution of Forest Practices issues.

Sincerely,

SEALASKA CORPORATION



Robert W. Loescher
Senior Vice President
Resource Management



Richard P. Harris
Vice President
Resource Planning and Administration

RWL/RPH:mt

cc: Byron I. Mallott
Marlene Johnson
William M. Howe
Commissioner Lennie Boston-Gorsuch



Same letter sent to the following:
Joseph Wilson, Goldbelt
Bruce Cook, Haida Corporation
George Cooper, Huna Totem Corporation
Clarence Jackson, Kake Tribal Corp.
Louis Thompson, Kavilco, Inc.
Reynolds Skan, Klawock Heenya Corp.
Ralph Strong, Klukwan, Inc.
Dr. Walter Soboleff, Kootznoowoo, Inc.
James Senna, Shee Atika, Inc.
Glenn Charles, Shaan-Seet, Inc.
Lowell Peterson, Yak-Tat Kwaan, Inc.
Richard Stitt, ANB Grand Camp
Edward Thomas, Tlingit & Haida

April 24, 1989

Mr. William K. Williams, President
Cape Fox Corporation
P.O. Box 8448
Ketchikan, AK 99901

Re: Forest Practices Legislation

Dear Mr. Williams:

Governor Steve Cowper initiated a consensus based process to review and where necessary to amend the Alaska Forest Practices Act, and associated regulations. To address these issues in a comprehensive manner, Governor Cowper created a Steering Committee to attempt to develop an "Agreement in Principle" which would guide the development of any legislative and regulatory changes to the Forest Practice Laws. The Steering Committee consists of State resource agencies, environmental groups, fishermen, local government and Native Corporation representatives. The Native Corporation representatives are Klukwan, Koncor and Sealaska.

The Steering Committee has completed a draft "Agreement in Principle" and "final" proposed legislative amendments to the Alaska Forest Practices Act. The "Agreement in Principle" remains a draft because changes are needed to accurately reflect the proposed legislative amendments and additional revisions to clarify intent that will direct the preparation of regulations. Enclosed for your review are:

1. Steering Committee recommended amendments to the Forest Practices Act. For your convenience a copy of the current Forest Practices Act is also enclosed.
2. Draft "Agreement in Principle." The Steering Committee is continuing to work toward finalizing the Agreement as soon as possible. Although a draft, the "Agreement" provides important

operators simply notify the department at least 30 days before operations begin.

B. New Bill. The notification system is retained--the Steering Committee rejected environmentalist requests for a permit. However, if DNR finds something in the plan that it feels will violate a standard, it will be able to direct the operator to change his plan. The operator can appeal to the commissioner and the courts, if he disagrees.

2. Enforcement.

A. Present Law. DNR can order a stop in operations if a violation and damage have occurred. DNR's power to issue administrative orders is so cumbersome that the agency doesn't use it. Instead, forestry violations are usually handled by Fish and Game, which has stronger enforcement statutes. The result is that forest practices enforcement is handled by ADF&G, using ADF&G's criminal penalties. ADF&G seldom recognizes economic and practical issues in taking enforcement action. Industry has felt that if DNR is given effective enforcement tools, it won't have to rely on ADF&G and future enforcement actions will be more balanced.

B. New Bill. DNR would be given a more typical range of enforcement tools. DNR's administrative order statute is made easier to use, and violations of the standards will become a misdemeanor. Since ADF&G already uses its criminal penalties, the expected result of this change is that DNR, rather than ADF&G, will be making the decision as to whether to prosecute forest practices violations criminally. DNR will be given the authority to stop threatened violations of the Act before they occur; however, except in emergency circumstances, that order won't go into effect until the operator has been given a hearing. For the first time in any state statute, in cases where more than one state agency has authority over a violation, all involved agencies will be required to coordinate their actions and develop a uniform state enforcement policy.

3. Streamside protection standards.

A. Present Law. There are no specific restrictions on logging next to fish streams. However, DNR might have the authority to write regulations establishing those restrictions.

CORRECTION

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



Same letter sent to the following:
Joseph Wilson, Goldbelt
Bruce Cook, Haida Corporation
George Cooper, Huna Totem Corporation
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The Steering Committee has completed a draft "Agreement in Principle" and "final" proposed legislative amendments to the Alaska Forest Practices Act. The "Agreement in Principle" remains a draft because changes are needed to accurately reflect the proposed legislative amendments and additional revisions to clarify intent that will direct the preparation of regulations. Enclosed for your review are:

1. Steering Committee recommended amendments to the Forest Practices Act. For your convenience a copy of the current Forest Practices Act is also enclosed.
2. Draft "Agreement in Principle." The Steering Committee is continuing to work toward finalizing the Agreement as soon as possible. Although a draft, the "Agreement" provides important

background to understand the intent of the legislation.

3. Letter from the Alaska Loggers Association (ALA) regarding proposed legislative language.

The draft legislation was finalized on Friday, April 21. The Cowper Administration has asked that the bill be ready for introduction by Monday, April 24. Sealaska Corporation has been asked to ratify the bill. Our position at this time is to ratify the legislation, subject to review by the private ANCSA Corporations in Southeast Alaska.

Sealaska believes that legislative and regulatory changes affecting the forest industry are inevitable. The Alaska Department of Fish and Game has already served public notice of its intent to promulgate generic "Habitat Regulations" that will apply to all activities that may effect fish habitat. The Department of Environmental Conservation has initiated the "319 Non-Point Source Pollution (NPS) Control Program" to regulate non-point source discharges including discharges from forestry operations. If the proposed legislation is adopted, these regulatory initiatives will be incorporated into the Forest Practices Act.

If the current steering committee legislative effort fails, the industry will be at serious risk. Our risk is that more restrictive legislation will be enacted. This risk has increased because of the atmosphere created by the Exxon Valdez spill. We also run the risk that the Departments of Environmental Conservation, Fish and Game, and Natural Resources may enact administrative regulations establishing tougher standards than we could get through negotiations.

As a result of these risks, the industry entered into these negotiations willing to agree to changes both in the way the Forest Practices Act operates and the content of its rules. The issue now is, whether the final draft is liveable or whether it goes too far. A summary of the major differences between the current law and the final draft, follows:

1. Notification.

- A. Present Law. Timber operators don't currently need DNR's permission to begin timber operations. Instead,

operators simply notify the department at least 30 days before operations begin.

B. New Bill. The notification system is retained--the Steering Committee rejected environmentalist requests for a permit. However, if DNR finds something in the plan that it feels will violate a standard, it will be able to direct the operator to change his plan. The operator can appeal to the commissioner and the courts, if he disagrees.

2. Enforcement.

A. Present Law. DNR can order a stop in operations if a violation and damage have occurred. DNR's power to issue administrative orders is so cumbersome that the agency doesn't use it. Instead, forestry violations are usually handled by Fish and Game, which has stronger enforcement statutes. The result is that forest practices enforcement is handled by ADF&G, using ADF&G's criminal penalties. ADF&G seldom recognizes economic and practical issues in taking enforcement action. Industry has felt that if DNR is given effective enforcement tools, it won't have to rely on ADF&G and future enforcement actions will be more balanced.

B. New Bill. DNR would be given a more typical range of enforcement tools. DNR's administrative order statute is made easier to use, and violations of the standards will become a misdemeanor. Since ADF&G already uses its criminal penalties, the expected result of this change is that DNR, rather than ADF&G, will be making the decision as to whether to prosecute forest practices violations criminally. DNR will be given the authority to stop threatened violations of the Act before they occur; however, except in emergency circumstances, that order won't go into effect until the operator has been given a hearing. For the first time in any state statute, in cases where more than one state agency has authority over a violation, all involved agencies will be required to coordinate their actions and develop a uniform state enforcement policy.

3. Streamside protection standards.

A. Present Law. There are no specific restrictions on logging next to fish streams. However, DNR might have the authority to write regulations establishing those restrictions.

B. New Bill. For many anadromous waters, harvesting will usually be prohibited for the first 50 feet from the stream bank. In the next 50 feet, operators will have to leave 50% of the timber. For anadromous waters that have incised rock banks, and for tributaries to anadromous waters, there will be no specific restrictions, but bank stability must be maintained.

However, timber left because of the 100-foot restriction, together with timber that is inoperable because of that restriction, can't exceed 5 percent of the "basal area" of the entire operating area. If it does, less strict standards will be imposed so that the so-called "5 percent cap" is met.

The operator can request DNR to loosen these restrictions where they aren't necessary to protect fish habitat. However, because the way the bill is written, it is unlikely that this "variation" will be granted unless Fish and Game believes that fish habitat won't be harmed.

4. Standards for Operations.

A. Present Law. DNR's regulations usually require only that operator's avoid undesirable results (i.e. avoiding mass wasting). Recommended ways of avoiding those results are set out in best management practices.

b. New Bill. New rules will be developed that will regulate activities, for example, that may result in increased pollution from non-point sources (e.g. road runoff) and landslides; and regulation of activities in the streamside areas that may effect fish habitat. The promulgation of these rules will occur with or without legislative changes to the Forest Practices Act. However, the changes to the Act give ADNR a dominant role in the promulgation and enforcement of upland activities, require that other agency regulations not duplicate ADNR laws, and that the regulations of other agencies be incorporated into the Forest Practice Regulations. The industry is further protected because DNR can write a new rule only if it's necessary to prevent harm to important public resources, and operator's can apply for variations from those rules based on site-specific conditions.

5. Other Agencies' Authorities.

A. Present Law. Fish and Game has been attempting to use its own "habitat regulations" to control forestry

activities that might affect fish habitat. Environmental Conservation is required, under federal law, to develop its own control program for water pollution from forestry activities. Fish and Game has recommended that DEC establish a new permit program to control logging activities under that federal law.

B. New Bill. With DEC's approval, the Forest Practices Act and its regulations will satisfy DEC's responsibilities, under the Federal Clean Water Act for the regulation of non-point source pollution (319 Program) and that agency won't adopt additional rules to regulate nonpoint sources. Fish and Game agrees to confine its authority to what is set out in its statutes, although industry and that department still disagree on the extent of that authority.

6. Third Party Suits.

A. Existing Law. DNR doesn't make many "decisions" under the existing law, so there isn't much opportunity for environmentalists or other "third parties" to sue the agency and operators. However, any new standards or legislation will provide new opportunities for litigation, and without a specific provision prohibiting third parties from filing these suits, they probably would be able to sue individual operators.

B. Existing Bill. The bill specifically provides that third parties cannot file lawsuits (or even administrative appeals) over timber operations on private land. If enacted, this would be the first industry protection of this kind in state statute. We do not expect that we could obtain this type of provision from the legislature other than through the Steering Committee process.

7. State Land.

A. Present Law. Planning and procedures for state timber sales is handled by regulation and informal policy. Recently, state planning procedures have, as a matter of agency policy, become stricter. There are currently no specific streamside restrictions governing state land.

B. New Bill. The new, more rigorous state planning process will be put in statute and regulation. A 100 foot "no harvest" zone will be established around anadromous streams on state land, and the next 200 feet can be harvested only with DNR's permission. However, these rules

do not apply north of the Alaska Range, and they do not apply to existing sales or land management plans (i.e. the Haines plan). DNR believes that this change will not significantly restrict timber harvest on state land, since all existing land use plans south of the Alaska Range, and the proposed Susitna plan, already have a 30-meter "no cut zone."

8. Federal lands.

A. Present law. Under the federal Coastal Zone Management Act, activities on federal land must be consistent with the state coastal program "to the maximum extent practicable." The Forest Practices Act sets the standard for judging the consistency of forestry activities on federal land.

B. New Bill. The new Act is not intended to apply to forest development on federal lands. Activities on federal land won't have to meet the standards in the bill, but federal regulations must provide the same degree of resource protection as the state standards applicable to state land. This leaves discretion to the federal government to determine how the state's goals can be met. We anticipate that the state Coastal Policy Council will review federal standards to determine if they meet those goals. See ALA letter on this issue.

9. Board of Forestry.

A. Present Law. The Board is currently composed of fourteen members of which six have direct interest in the development of forest industry and one each environmental and fisherman representative. Because of lack of clear responsibility, funding and interest, the Board currently has been inactive.

B. New Bill. A six-member board will be split between industry and other interests, and can act only by a "super majority" (so that neither interest can dominate the Board). The Board will be responsible for monitoring DNR's administration of the Act, recommending changes to the regulations, deciding what research is necessary, and reporting to the legislature. Through these changes the Board will assume a more active role in the administration of the forest practice laws and regulations.