

Alaska Board of Forestry 2014 Annual Report to the Governor

A Review of the Alaska Forest Resources and Practices Act: Its Implementation and Effectiveness

April 21, 2015

The Alaska Board of Forestry

The Board of Forestry provides a forum for forest practices issues and management of forests on state land. The Board monitors the implementation and effectiveness of the Forest Resources and Practices Act and reports its findings to the Legislature and Governor. Board members represent the following constituencies:

- ◆ Native Corporations, Ron Wolfe
- ◆ Professional Forester, Wayne Nicolls
- ◆ Recreation, Erin McLarnon
- ◆ Mining, Denise Herzog
- ◆ Timber Industry, Eric Nichols
- ◆ Fishing Industry, Mark Vinsel
- ◆ Environmental Interests, Chris Stark
- ◆ Fish & Wildlife Biologist, Matt Cronin
- ◆ DNR State Forester, Chris Maisch, Chair

**2014 Report from the Board of Forestry to the Governor on the Forest
Resources and Practices Act (FRPA)
April 21, 2015**

Summary

The Forest Resources & Practices Act, when properly implemented, protects fish habitat and water quality while ensuring that the timber and fishing industries can operate efficiently. Continued effectiveness will depend on sufficient funding for the resource agencies to carry out essential duties, and cooperative efforts among the agencies, the Board, and the resource industries to find ways to adapt FRPA implementation to shrinking budgets.

Background

The Alaska Forest Resources and Practices Act (FRPA, AS 41.17) governs how commercial timber harvesting, reforestation, and timber access occur on state, private, and municipal land. The Act is designed to protect fish habitat and water quality and ensure prompt reforestation while providing for an economically viable timber industry.

The FRPA balances economic concerns for the timber industry with water quality and habitat protection needs. The FRPA framework provides certainty and credibility for landowners, operators, and the public, and establishes one-stop shopping for compliance with state and federal clean water standards. This approach helps the timber and fishing industries continue to provide long-term jobs.

FRPA Effectiveness

The Board of Forestry affirms that the Alaska Forest Resources and Practices Act continues to be an effective means of protecting fish habitat and water quality in a practical manner. We base our finding on the following information.

- Twelve years of thorough compliance monitoring by professionals from the Division of Forestry of operations on private, trust, municipal, and state lands shows that the Act is well implemented. Compliance rates are very strong in Coastal Alaska (Region I) and Southcentral (Region II) -- best management practices implementation ratings scored an average of 4.8 out of a perfect 5.0 in Region I and 4.7 in Region II. The average scores for Interior Alaska (Region III) scores were satisfactory (4.2), but monitoring identified some problems with road and bridge maintenance on state land that were exacerbated by the record summer rainfall in 2014 and public use of forest roads. These problems need prompt attention. The Department of Natural Resources (DNR) Division of Forestry has submitted a supplemental budget request for 2015 to correct the problems.
- Twenty years of effectiveness monitoring in Southeast Alaska conducted by Sealaska in cooperation with state agencies and federal agencies have documented that fish streams remain healthy after logging conducted under the FRPA regulation. This is a fine example of government, stakeholder and industry cooperation. There is no other data set anywhere in the

Pacific Northwest of repeat, multiple observations of stream locations according to scientifically valid methodology. This work has resulted in multiple scientific peer reviewed papers being published in scientific journals.

- The Division of Forestry and the Department of Fish and Game (ADF&G) Habitat Division surveyed road and stream crossing conditions on forest roads in Southeast Alaska and the Kenai Peninsula Borough. The surveys found that forest roads constructed under FRPA regulations are in good shape throughout these areas. The surveys also strengthened protection of fish habitat by identifying new anadromous streams that will be added to the ADF&G Catalog of Anadromous Waters. The 2013-14 Kenai surveys also identified 23 culverts that impede or restrict fish passage. Landowners have already replaced or repaired seven of those culverts, reopening important salmon habitat or improving fish access. The Division of Forestry is working with landowners to find funding to remediate the remaining 16 sites.
- The DEC-maintained list of impaired waters identifies waterbodies that do not meet state water quality standards. None of the waters listed are impaired due to forest operations under FRPA.
- DNR, ADF&G, and the Department of Environmental Conservation (DEC) Division of Water all report that the Act is effective in protecting fish habitat and water quality from impacts of forest operations. Their 2014 reports are attached. All three agencies review detailed plans for forest operations on non-state land and forest land use plans for state land, and participate in field inspections for issues in their areas of expertise.

The Board appreciates the commitment of the state resources agencies to reliable implementation of the Forest Resources and Practices Act. Interagency involvement in plan reviews, inspections, monitoring, and road condition surveys protects sustainable timber, fish, and water resources and is important to the health of the industries that depend on them. Agency work has also driven additions to the Anadromous Waters Catalog which is valuable for protection of salmon.

The Board also recognizes the value of robust public comment at Board meetings. Public input is a vital part of our responsibility to provide a forum for resolving forest practices issues and safeguarding forest resources and uses.

FRPA research, monitoring, and training needs

The Board is committed to ensuring that the FRPA reflects the best available information and is properly implemented. Three current initiatives will help maintain this standard.

- Under the Board's direction, DNR and ADF&G are co-chairing a review of reforestation standards in Interior and Southcentral Alaska (Regions II and III). The agencies are working with a Science and Technical committee to synthesize the best available scientific data, incorporate 20 years of experience with the existing standards, and recognize the impacts of climate change on reforestation options. The Board will review the scientists' recommendations, and then work with stakeholders to determine how to implement the recommendations in a practical and effective manner on the ground.
- DNR, through funding from the Mat-Su Salmon Fish Habitat Partnership, will conduct post-timber harvest stream monitoring in the Willer-Kash area of the Mat-Su in 2015. Together

with the pre-harvest monitoring on the same sites, this is the first FRPA effectiveness monitoring study in the Mat-Su area.

- DNR and ADF&G will conduct road condition and stream crossing surveys on forest roads in the Matanuska-Susitna Borough in 2015. The high value of salmon resources in this area underscores the importance of this effort.
- The Board encourages the agencies to provide training on FRPA implementation to field staff, landowners, and operators to ensure that the best management practices in the regulations are properly implemented.
- The Board helped host a Forestry Fisheries Forum that identified research topics regarding design and management of riparian buffer to optimize benefits for forest management and fish habitat, including:
 - The role of alder in fish production, stream stabilization, and overall stream health;
 - The role of wind-throw in riparian buffers;
 - Agency capacities for research, mapping, and implementation of variable-width riparian buffers
 - Impacts of forest harvest practices on stream temperature and sedimentation, and effects of these impacts on fish habitat; and
 - Effects of riparian young growth management on fish habitat;

Budget

The BOF recognizes the state's serious fiscal situation and is willing to work with the agencies to examine options for implementing the FRPA with fewer agency staff and smaller budgets. However, thorough, professional implementation of the Forest Resources and Practices Act is imperative for the survival of the Alaska timber industry. The Board is concerned that impending budget cuts to the resource agencies may have both direct impacts and unintended consequences for FRPA implementation. Interagency reviews of Detailed Plans of Operation and field inspections, DNR enforcement actions, ADF&G permitting and anadromous waters identification, DNR Division of Agriculture phytosanitary certificates, and Division of Forestry Certificates of Lawful Timber Harvest are all part of the network that supports credible, sustainable, and economically viable timber operations. The agencies must have sufficient funding to conduct their statutorily required work.

Southeast forest management

The Southeast Alaska timber industry continues to be in trouble due to drastic declines in timber supply from the Tongass National Forest. Collapse of the timber industry would have ramifications beyond the loss of logging and milling – it would also undermine the remaining transportation infrastructure and services in many parts of Southeast. The state has played a key role in Tongass issues, most critically by coordinating and consolidating state agency comments to federal administrative processes and litigation on the Tongass. The Board is concerned that cuts to the DNR Office of Project Management and Permitting (OPMP) may threaten this approach. The state's influence will be compromised if it no longer speaks with one voice on federal issues.

We encourage you to continue to be engaged in Endangered Species Act (ESA) actions that will affect Alaska. Please continue to oppose ESA listing of Southeast wolves and Alaska yellow-cedar. Neither of the proposed listings is warranted. It is clear scientifically that these species are not going extinct and listing them would be devastating to forestry. It is important to determine whether such ESA listings would apply on private, State, and other non-federal land in southeast Alaska. The experience of States and private landowners in the Pacific Northwest where ESA listings have negatively affected the timber industry and local communities can be informative in this regard.

Changes to land ownership in Southeast Alaska are essential to ongoing support for the timber industry. We welcome the passage of federal legislation that resolved Sealaska's land entitlement issues and continue to support the proposed land exchange between the US Forest Service and the Alaska Mental Health Land Trust. Remaining gaps in the Southeast forest land ownership puzzle are resolution of the last Alaska Native land entitlement issues and acquisition of additional state land in Southeast Alaska. If the Division of Forestry is going to pay its own way as oil revenue declines, the state will need more forest land in Southeast. We recognize that a stable land ownership pattern for Southeast Alaska that includes a sustainable timber base must address both timber industry and conservation concerns.

Conclusion

The 1990 revision of the Alaska Forest Resources and Practices Act was based on four principles endorsed by all the parties.

- Fairness: Any successful system must be based on shared risk and incentives for both timber owners and regulators to make it work.
- No "Big Hit": Neither fish nor timber should bear an inordinate share of the burden; a balance must be found. No private landowner should have to bear an unusually large burden.
- Enforceability: Standards and regulations should be understandable and measurable for ease in implementation.
- Professional management: To provide optimum utilization of manpower and some system flexibility for fish and water quality protection, and timber management, the new system would require careful planning and targeted field effort.

The Board continues to affirm these principles in its duties to oversee, assess, and revise the FRPA and its regulations. We will rely on them as we work with the agencies to maintain the effectiveness of FRPA in the face of budget gaps.

Sincerely,

John "Chris" Maisch, State Forester
Chair, Alaska Board of Forestry

Alaska Board of Forestry
Ron Wolfe, Alaska Native Corporations
Eric Nichols, Forest Industry Trade Association

Wayne Nicolls, Non-governmental Professional Forester
Chris Stark, Environmental Organization
Erin McLarnon, Recreation Organization
Mark Vinsel, Commercial Fisherman's Organization
Denise Herzog, Mining Organization
Matt Cronin, Non-governmental Professional Fish/Wildlife Biologist

Attachments

- Annual Report to the Board of Forestry: 2014 Forest Practices Effectiveness. DNR Division of Forestry. February 18, 2015
- 2014 Annual Report to the Board of Forestry. DEC Division of Water. March, 2015
- 2014 Annual Report to the Board of Forestry. ADF&G Habitat Division. March, 2015

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Ed Fogels, Deputy Commissioner, Dept. of Natural Resources
Larry Hartig, Commissioner, Dept. of Environmental Conservation
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Sam Cotten, Commissioner, Dept. of Fish & Game
Kevin Hanley, DEC Forest Practices
Tony DeGange, Director, ADF&G Habitat Division
Sylvia Kreel, DNR Office of Project Management and Permitting
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