

Alaska Board of Forestry 2016 Annual Report to the Governor

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

May 31, 2017

The Alaska Board of Forestry

The Board of Forestry provides a forum for addressing issues regarding forest practices and management of forests of the state. 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, Keith Coulter
- ◆ Professional Forester, Will Putman
- ◆ Environmental Interests, Chris Stark
- ◆ Mining, Denise Herzog
- ◆ Timber Industry, Eric Nichols
- ◆ Fishing Industry, Mark Vinsel
- ◆ Recreation, Erin McLarnon
- ◆ Fish & Wildlife Biologist, Bill Morris
- ◆ DNR State Forester, Chris Maisch, Chair

**2016 Report from the Board of Forestry to the Governor on the Forest
Resources and Practices Act (FRPA)
May 31, 2017**

Summary

The Board of Forestry is pleased to submit our annual report to the Governor regarding the Forest Resources and Practices Act and forest management issues in Alaska. We find that 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 depends on sufficient funding for the resource agencies to carry out essential duties.

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 practical approach helps the timber and fishing industries continue to provide long-term jobs.

FRPA effectiveness and funding

Overall, the FRPA was effective in protecting water quality and fish habitat, while providing for continued timber and fishing industry opportunities in 2016. The ADNRC Division of Forestry, ADF&G Division of Habitat, and ADEC Division of Water all reported that the Act was effective in protecting fish habitat and water quality from impacts of forest operations. The agencies maintained sufficient field presence to implement the Act, and to conduct compliance monitoring on the low level of FRPA activity that occurred in 2016. The 2016 agency reports are attached.

Strong results from the compliance score sheets in all three regions indicate a high degree of compliance with the Act, and show continued success in preventing problems through Detailed Plan of Operations review, training, and field consultations with the operators. DEC listed no impaired waters under Section 303(d) of the Clean Water Act due to forestry activities on private, state, or other public lands regulated by the FRPA. DOF completed work to fix road maintenance problems on state land in Region III that were identified in 2014. A 2016

effectiveness monitoring report on timber harvesting in the Susitna Valley found no differences in water quality or habitat characteristics that could be attributed to timber harvest activities.¹

We appreciate the stability in FY18 state budgets for resource agency work on FRPA. Resolving the overall state budget issues is a priority so that we can have a consistent management program. Stability and staff retention are essential for protection of fish habitat and water quality on forest operations. The Board notes that at current levels of funding, the effectiveness of the Act depends on the low level of current harvest activity, experienced landowners and operators, and a high level of compliance. Expected increases in state timber sales and activity on new Sealaska land, are likely to increase FRPA activity, as could resolution of the Mental Health trust land exchange. In the Interior, work may increase in association with wood fuel use for space heating in numerous communities, especially in rural locations. A pilot project that will test a combined heat and power unit will occur in Fairbanks in the coming year. This technology could be a breakthrough in power production at smaller scales and could have wide application in off-grid communities throughout the state.

FRPA is important to forest industry operations, and to protection of fish habitat and water quality. Effective implementation depends on agency field presence, and over the last three years, all three agencies have lost positions that conduct this work. If the level of FRPA activity increases, if new operators that require additional training begin work, or if violations increase, effectiveness will be compromised. Current budget levels would constrain DOF's ability to respond to increased needs for field inspections, compliance monitoring, and training, and DEC reports that in 2017 they no longer have the funding and staffing to routinely review harvest plans on state and private land. DEC will conduct reviews in locations where watersheds for community drinking water or other important water uses overlap with commercial harvest activities.

Regulations and legislation

To remain effective, FRPA and its regulations must stay current with the best scientific information. The FRPA requirements for reforestation for Interior and Southcentral Alaska were adopted in 1993 when reforestation research for this area was scarce. Better data is now available, and changing climatic conditions rendered some old practices obsolete. Beginning in 2014, ADNR and ADF&G worked with a science and technical committee and a stakeholder group to review relevant information and compile and synthesize it into an extensive annotated bibliography, review the existing standards, consider potential impacts of changing climatic conditions, and recommend changes where needed. This process concluded in May 2016, and the Board endorsed the final recommendations in August 2016. To implement the recommendations, DNR adopted amendments to the FRPA regulations that went into effect in March 2017.

¹ Davis, J.C, G.A. Davis, and R.J. Burns. 2016. Region II Forest Resources and Practices Act Effectiveness Monitoring. Unpublished report prepared for the Department of Natural Resources, Division of Forestry and the US Fish and Wildlife Service. May 2016. 46 pp.

The agencies used a model process to develop the FRPA regulation amendments – it was science-based and involved stakeholders. For over 25 years, amendments to FRPA have been developed through a broad-based consensus process designed to protect multiple interests, including fish habitat. Many people have come together to reach agreement on difficult issues. In contrast, HB199 was introduced this year to revamp fish habitat permitting with no outreach to the Board of Forestry or the many constituencies that will be affected. It includes an amendment to FRPA that ignores the long-standing consensus process used to adopt and update the FRPA. This bill would undermine decades of hard work to build a successful and effective Act that protects both fish and timber interests. The proposed amendment to FRPA is anti-business, and unnecessary.

Alaska forest management issues

Southeast timber industry. The timber industry has evolved in the last five years. Land management issues increasingly threaten the survival of the timber industry in Southeast Alaska. Continued decline will lead to further losses of jobs, schools, and services in small Southeast communities, jeopardize the State of Alaska timber sale program, and threaten timber sale programs that are important sources of revenue for the University of Alaska and Mental Health Trust.

The state has become an active participant in the southeast timber industry through work on federal land with the USFS and other partners. That work load could grow. The Division of Forestry (DOF) has taken on new responsibilities to help sustain the Southeast Alaska timber industry. New activities include timber inventory of young-growth stands, workforce development, and timber sale preparation on federal land via the Good Neighbor Authority. This federal legislation allows a state to conduct timber sales and related activities on federal lands using state procedures for various aspects of the project including layout, timber appraisal, sale offer, and sale administration. The U.S. Forest Service retains the decision-making authority and conducts the National Environmental Protection Act (NEPA) review. If this approach works, it could lessen the need for putting 2,000,000 acres of state land from the Tongass into state ownership.

The Board appreciates the dedication of the Governor and the state agencies to maintaining a sustainable Southeast forest industry, and ensuring an adequate supply of timber from federal, state, private, and trust land. Passage of SB88 to facilitate the Mental Health Trust-US Forest Service land exchange is a high priority for 2017.

Wildfire risk. Wildfire hazards remain high across much of Alaska. Fire preparedness is important to ensure that the state can manage wildfire effectively and efficiently to minimize adverse impacts to life, health, and property, and retain opportunities to capture the ecosystem benefits of wildfire. The DOF utilizes the “militia concept” for increasing the size of its workforce during fire season and most employees in the forest management side of the division shift to fire duties as the need arises. This is an efficient use of talent and staff and is a critical part of the overall wildland fire program.

Interior inventory. The DOF has also taken on leadership of Forest Inventory and Analysis (FIA) work in Interior Alaska that is funded by the US Forest Service. This is the last forest region in the US to acquire this data. A comprehensive range of information is collected that allows land managers to track changes over time in forest composition, distribution, growth, and health, while monitoring soil, permafrost, and wildland fire dynamics across the landscape. FIA data is used in many ways, by many clients, and provides economic opportunities for willing landowners to participate in traditional forest management activities and evaluate emerging markets for carbon and other ecosystem service products. This project has also enabled the Division to hire and train inventory foresters and technicians, increasing the state's technical capacity.

Wood energy. The Alaska Energy Authority (AEA) wood biomass program has been a stellar example of a program that has achieved great results in many communities around the state – it provides jobs, keeps money in communities, provides a renewable fuel for space heating, improves food security, offsets high energy costs in schools, provides learning opportunities for students, and encourages local use of resources. Overall, wood energy contributes to self-sufficiency for communities. Many wood energy projects have benefitted from feasibility analyses, project design, and project construction assistance (technical and fiscal) through the AEA Renewable Energy Fund. The Board advocates continued growth of wood energy use across the state, and we support efforts to find new ways to fund this program.

Conclusion

The Board endorses the Alaska Forest Resources and Practices Act and its regulations as a practical and effective approach to protecting fish habitat and water quality, ensuring reforestation, and maintaining sustainable timber and fishing industries. Continued effectiveness will depend upon adequate funding and staffing. If the level of timber harvest and road construction increases, effectiveness will be compromised without additional funding.

Sincerely,

John “Chris” Maisch, State Forester
Chair, Alaska Board of Forestry

Alaska Board of Forestry

Keith Coulter, Alaska Native Corporations
Eric Nichols, Forest Industry Trade Association
Chris Stark, Environmental Organization
Erin McLarnon, Recreation Organization
Mark Vinsel, Commercial Fisherman's Organization
Denise Herzog, Mining Organization
Bill Morris, Non-governmental Professional Fish/Wildlife Biologist
Will Putman, Non-governmental Professional Forester

Attachments

- Annual Report to the Board of Forestry: 2016 Forest Practices Effectiveness. DNR Division of Forestry. February 16, 2017
- 2016 Annual Report to the Board of Forestry. DEC Division of Water. April, 2017
- 2016 Annual Report to the Board of Forestry. ADF&G Habitat Division. March, 2017

Distribution

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State Senators

State Representatives

Senator Lisa Murkowski

Senator Dan Sullivan

Congressman Don Young

Andrew Mack, Acting Commissioner, Dept. of Natural Resources

Ed Fogels, Deputy Commissioner, Dept. of Natural Resources

Larry Hartig, Commissioner, Dept. of Environmental Conservation

Michelle Hale, Director, DEC Division of Water

Gretchen Pikul, DEC Forest Practices

Sam Cotten, Commissioner, Dept. of Fish & Game

David Rogers, Director, ADF&G Habitat Division

Glenn Haight, Board of Fisheries

Beth Pendleton, U.S. Forest Service, Region 10

Alaska Board of Forestry

Alaska State Library

Marty Freeman, DOF Board Liaison