

NOTE: THESE MINUTES ARE DRAFT UNTIL REVIEWED AND APPROVED BY THE BOARD OF FORESTRY AT THE WINTER 2019 BOARD MEETING

DRAFT Minutes: Board of Forestry Teleconference Meeting

Tuesday, December 3, 2019: 8am – 3:45pm

Teleconference sites:

Anchorage – 550 W. 7th Ave., Suite 1450;
Fairbanks – 3700 Airport Way, large conference room;
Juneau – 400 Willoughby Ave., 4th floor conference room A

Call to Order and Roll Call. Chris Maisch, State Forester, called the meeting to order in Fairbanks at 8:05am. Teleconference sites were connected in Anchorage, Juneau, and Fairbanks. Present: **Chris Stark** (Fairbanks), **Nathan Lojewski** (Anchorage), **Adam Davis**, TCC (Anchorage) for Will Putman, **Eric Nichols** (calling from Washington), **Denise Herzog** (Fairbanks), **Bill Morris** (Fairbanks), and **Mark Vinsel** (Juneau). A quorum was established.

Chris Beck called in from Oregon for the afternoon session.

Also present telephonically:

- **Anchorage teleconference:** Alison Arians (minutes), Will Frost (ADFG), Jerry Kilanowski (UA), Ashley List (DOF)
- **Fairbanks teleconference:** Paul Keech (DOF), Jeremy Douse (DOF), Todd Nichols (ADFG), Nick Carter (DOF), Doug Hanson (DOF)
- **Juneau teleconference:** Joel Nudelman, DOF; Robert Venables (SE Conference)
- **Other call-in locations:** Tim Dabney (Eagle River), Ben Mulligan (Anchorage), Dan Govoni (Palmer), Geoff Orth (Mexico)

Public Meeting Notice. The meeting was noticed by issuing public service announcements and press releases (handout in packet), emailing announcements to interested parties, and posting a notice on the state's Online Public Notice System and Department of Natural Resources (DNR) website.

Approval of agenda. The agenda was approved.

Approval of Minutes. By unanimous consent, the Board reviewed and approved the August 28, 2019 minutes with one correction: Vinsel pointed out that Eddie Grasser's name was misspelled. Vinsel made a motion to approve, Stark seconded. Unanimous approval.

Announcements.

Lojewski: Provider's Conference in Anchorage this week. Usually brings in tribal administrators from around the state.

Davis: Intertribal Conference June 1-4 in Fairbanks. Putman is at a planning meeting for that right now.

Maisch: Staffing for DOF: two key resignations.

1. Paul Keech resigning as Regional Forester. He is moving into a new career in aviation maintenance, and will start flying planes soon. We will miss Paul. Thank you for your service.

2. Ed Soto, Coastal Regional Forester, has left DOF to be a Colonel, wing commander as aircraft maintenance. We will miss him, as well.

Both of these resignations happened within two weeks of each other. We have recruitment out for both of these positions. Please let us know if you have any suggestions for applicants. Ed will be back from training at Christmas, and then his last day will be in March. He thinks he'll be able to spend some time on DOF activities. A lot of other recruitment out—vacancies in Tok, Delta, etc. All of state government looks like this these days.

Funding, legislation, and regulations

Agency budgets and legislation

Chris Maisch, DOF: Funding—in DOF, not anticipating any swings in either direction on funding. We will be neutral in terms of budget process. Governor's budget is due on the 15th, but that's a weekend, so maybe we'll hear right after that. Budget is a deliberative process document until the Governor releases it. Not much to say on that until it comes out.

Legislation: working on that now, .118 and .112 legislation. Forest Land Use Plan and negotiated sales. Some others are working on public notice in the Governor's office—we may not be required to publish in newspapers. Modernization and efficiency for public notice.

Printed out latest cost sheet for fire season. Lots of interest—with good reason, since it's been an expensive year. Fiscal year ends at the end of June, right in the middle of fire season. We're talking about two different years. Federal authority—legislature gives us permission to spend federal funds on fires. General fund money—use that and then get reimbursed. I'll talk about calendar year amounts. [See Appendix at the end of minutes for numbers.]

Often we will overestimate on authority, to make sure we have enough funds. We are making daily estimates on costs to try and track all these things. Actuals are what we actually spend.

An expensive year. Not a record, but it's close. 2015 was higher. Even though we didn't set any acreage records, fires were close to communities, so they were expensive.

Three fires were FMAG fires: McKinley, Redshirt Lake, and Hard Luck Creek fires. They are 70% reimbursable. That is FEMA money, and takes 2-3 years to complete. That will soften the blow to GF, but doesn't go back into our activity code. We start each year with \$13.8 million—not a lot.

Stark: Do you anticipate the costs of fighting fires to continually increase? Or do you think there are efficiencies that can happen?

Maisch: Cost per acre doesn't go down over time. Aviation costs drives it up. As the country has modernized the air tanker fleet, they are larger and jets. We are fortunate that we have affordable air tankers, and we have 2 years left on that contract before we have to rebid that. They are on 5-year contracts, and renewable. If you look at the expenses on a Type 1 incident, there are so many. Catering, fire retardant, etc. Then the next is people. We can break this down for you if you're interested. Each team will show you the breakdown. Probably the cost per acre is not going to go down. The only way that will happen if there is a really big year and we're not actively managing it. That would be by chance, not by design. The fire plan dictates that—Limited, Full, etc. A big year like this is just going to be expensive. The Swan Lake fire at one

point was the most expensive fire in the nation. Could still be the most expensive if California fires didn't exceed it. Feds fought this one, so it won't be audited.

Herzog: Different fiscal years make a difference/cause problems?

Maisch: We calculate by where the fire started. Federal gov't year ends at the end of September—most fires end by then. Feds aren't affected by our fiscal year. We usually get audited on fire activity code, and for the last 3 years, we have been audited by federal cross-billing: legislative audit. We're doing our 3rd year in a row. They had findings there, for timesheets especially. We have to marry up the state timesheet with another timesheet. The auditors have found some failures there—it's very difficult to track people down all over the country to get both timesheets signed. If we get the audit this year, we could provide it to the Board of Forestry if you're interested.

Maisch: DOF has asked for increased federal receipt authority for Challenge Cost Share, GNA. \$1.8 million annually; we are asking to push it to \$7 million. Doesn't mean we'll get the money, just means we can get it if it's available. Previous legislators pushed that amount down, but it doesn't make an actual difference in the budget.

Joel Nudelman for Gretchen Pikul for Nancy Sonafrank, DEC: DOW. Email from Gretchen this morning—had an emergency. Nancy's report from the August BOF meeting is still applicable. Haven't been any changes, but now Gretchen is now the BOF representative. In August, Denise Elston did the job for about a month, and now it's back to Gretchen after Denise moved out of state. This representation might move to the compliance section, but not sure at this point.

Ben Mulligan, ADF&G: Habitat. Deputy Commissioner ADFG. Don't have definitive budget numbers yet. Not sure how it will shake out—there was a memo with 15% reduction, but not thinking we will get that. Habitat should be Ok, but some other divisions, more GF heavy, might be impacted. No legislation for ADFG that will impact BOF and FRPA. Habitat doesn't have regulations work going on. Since new administration, at ADFG our smaller divisions that are now sections, had administrative functions consolidated. That wasn't working out, so admin positions have been redistributed to individual bodies. That took a while to get settled. Our admin support didn't stay within consolidated section—they left for other jobs. So we had to find two new admin positions. One of our new admins got filled by admin tech, and now we're looking for program tech. Position is out on the street now. Kate out of the Juneau office is trying to figure out her HB4 position. Either downgrade that to a 3 or flex 3/4 after we get through the process. We have been experiencing a series of budget reductions with the state budget, we are just taking a look at what permit fees are looking like. Taking a look at that to see what is reasonable, what we can generate so that we can keep up a level of service without fees being burdensome. We are at least a year out from that.

Miasch: Have you noticed any appreciable increase in federal funds?

Mulligan: For Habitat, receipt authority has stayed the same. Majority of Habitat is RSAs, and that fluctuates. Even though I may see an RSA that's an increase, that doesn't necessarily mean an increase from the spend for that. We've started to be a little more aggressive with putting gate checks on quarterly budget checks. Keeping a close eye on our numbers so we can be prepared to know what's going on.

Stark: I haven't gotten the memo. \$50 million ADFG budget. You mentioned a 15% cut. That's a lot—please clarify?

Mulligan: When we originally started through this, a memo got leaked to the press from the Governor's office, which said that would be cuts up to 15%. From everything we're getting news of, it's not going to be that bad. I don't think we'll see it go that far.

Morris: Curious—are you still seeing success in receiving grants for additional AWC catalog work?

Mulligan: We still have success, as a majority of AWC cataloging work comes from Alaska SSF grants. They are still very interested in seeing those, and we would like to pursue them. To what level depends on the region, to see what they can do. We have people do them incidentally on the road system as they can do it, but SE areas take a lot more funding to get to the sites. They rely on those grants to travel and fly. Depends on which office, how much they can do.

Fire prevention regulations update: Stephanie Bishop, DOF. Stephanie came on a year after regulations process started, has been working on education campaign for public notice about fire safety. State burning practices in WUI areas. Given past fire season, this is a hot topic—incorporated with Firewise program. Slogan includes the moose.

Timeline

Regulations:

| | |
|------------------|--------------------------------------------------------------------------------------|
| June 2018: | House Bill 355 is approved by the Alaskan Legislature |
| July 2018: | Work begins on drafting new regulations and bail schedule |
| January 1, 2019: | Newly adopted Statutes under AS 41.15 come into effect |
| February 2019: | Draft regulations go out for public comment |
| March 2019: | Public comment period closed and recommendations for changes made |
| April 2019: | Final Regulations packet submitted to Dept of Law for review |
| May 2019: | Final regulations packet submitted to Lt. Governor's office for signature and filing |
| June 2, 2019: | Regulations under 11 AAC 95 fully adopted |

Bail Schedule:

| | |
|---------------|-------------------------------------------------------------------------------|
| May 2019: | Draft Bail Schedule submitted to Alaska Supreme Court for review and approval |
| June 2, 2019: | Bail schedule fully adopted |

In June, regs were adopted right in the middle of fire season. New pink books were printed, sent out to different jurisdictions, plus state parks. Burn permits: shows difference between old and new. Make sure all the divisions have the new gold permits. New instructions are very clear about how many people are required.

Also a statewide permit, for areas that are state/muni/private lands. McGrath will be using the blue one, not a gold one. For example, Yakutat could use this one if they don't create their own. Small communities can use this, or create their own.

Regulation changes summary:

11 AAC 95.422 Permit Conditions (formerly 11 AAC 95.420)

- Clear definition to:

- permit minimum requirements

- what the permit holders must adhere to
- permit holder responsibility to comply with all federal, state, and muni laws and regs

11 AAC 95.430 Denial, suspension or revocation of permit

- Expands the Divisions authority to deny, suspend or revoke burn permits

11 AAC 95.460 Public Notice

- Updated to include the internet for notifications

11 AAC 95.470 Environmental control

- Removed general references to 18 AAC 60, Solid Waste Regulations and 18 AAC 50, Air Quality Control Regulations
- Replaced to clearly specify only permitted burning allowed under 18 AAC 50.056(b),(c) & (d), Air Quality Regulations
- Enforceable during permit season only if imminent threat to wildland. Outside info is forwarded to DEC

11 AAC 95.495 Definitions (formerly 11 AAC 95.900)

- Clear definition of an “approved burning device”, “burn barrel”, “forested land”, etc.

Changes to Wildland Fire Prevention Program:

- “Take the Time to LEARN Before You Burn” WUI granted awarded (\$270k)
 - Multi year statewide public education campaign directed at promoting a variety of resource and wildland fire prevention focused programs including: Firewise, RSG, HB 355, Stewardship, Spruce bark beetles, permitted burning and newly adopted laws, regulations and bail schedule.
 - Focus is a 10% annual decrease in Human Caused wildfires (per 1,000 residents) in DOF WUI protection areas over the course of a four-year period beginning in 2019.
- Extensive updates to Wildland Fire Prevention Policies and Procedures
- Extensive updates to the Small and Large scale permitted burning programs including the website
- Development of new enforcement/investigation policies and Wildland Fire Prevention Enforcement training course.

Questions:

Lojewski: Local gold permits and blue permits—confusing. How do you know which permit you need?

Bishop: On gold permit, DNR logo, says Tok Area Forestry, or Mat-Su, one for Fairbanks, one for Kenai, Copper River. That’s a local permit, in a DOF permitted area. The statewide is blue, and they are given the numbers to the areas to call, if they are in an area that is outside DOF land. Public can call the nearest DOF number to get information. You can get an idea of whether it’s safe to burn. If you are not in a DOF area, you just need the blue one.

Keech: Yellow is for state forestry protection areas, blue is a statewide regulation—outside of state protection areas. North of the Yukon, within BLM protection zone, you are required to burn

by state regulation. Like SE Alaska is USFS protected, but if you're on state land, this would apply.

Govoni: Blue ones will only be available on the website. SE Alaska, McGrath, BLM/AFS zones. In the past, we focused a lot on DOF protection, but now these regulations apply statewide, but needed to address other state & Municipal lands outside of DOF protection area.

Stark: Are the rules for the 2 different permits are the same? If I want to be sure, do I get both?

Govoni: They are the same, but the gold permits make you call in every day. Blue permit, it's up to you to determine if it's not safe.

Stark: Because some people don't read the rules, is it OK to get both?

Govoni: You would need either one permit or the other. Gold is more restrictive because you have call into a hotline each day. If you're in an area that requires gold but you have a blue, we'd just swap it out and explain the difference. Blue means you have to make the decision yourself.

Herzog: If you have a blue permit and you start burning, does AFS know about this fire? If I'm burning on the Dalton highway, and a trucker goes by and reports it? Do they know about that already?

SB: Blue statewide one is not notifying anyone specifically.

Govoni: Gold permits go to a recording to tell you whether you can burn that day. It's nearly impossible to track where every permit is being used each day. We've tried to do this over the years, but there isn't a way to know. If there is smoke in the area, we're going to send resources to respond. In a couple of cases, we knew there was a small scale burn permit but we responded anyway, and there WAS a wildfire. Large scale permits, we will know exactly where they are. We can contact those people and check in, and also can send resources.

Lojewski: People might find the two kinds of permits confusing if they go on the website—make sure on the website that it's really clear to get the right one.

Govoni: If you go on the website, and you click on the Kenai Peninsula, you can only get the gold permit.

Lojewski: That really helps.

Maisch: You have to identify where you are when you go on the website.

Govoni: Can't get a yellow permit and a blue permit if you identify your location.

Maisch: Challenge is federal protection area that has state lands in it, muni, and private. It's as clear as we can make it, but we are always open to suggestions.

Stark: Do the federal lands folks also have permits?

Keech: This is for state, private, and municipal lands. Federal agencies have their own regulations.

Stark: What about Livengood? State land or state claim, these apply.

Maisch: Burn closures: affect state lands, coordinate with DPOR, USFS, AFS, etc. Really high fire danger, and use the boroughs when we're opening and closing them. Public Information is really hard—political machinery wants burn closure, but smoke reports go through the ceiling. Other times, less fire danger, just no burning with a permit.

Govoni: We have a mailing list, and we have already been in touch with all fire departments to let them know. Later this winter, we will be sending information out about the permit system to all the fire departments. If there are any questions, they can contact us. It's a new system, and will take some time to catch on. We've had lots of good coordination with other agencies.

Effectiveness monitoring research priorities workshop report: Alison Arians, DOF

October 28: first meeting in 7 years. Represented: DOF, USFS, ADFG, Sealaska, BOF.

DOF proposal for EM: apply to USFS for a Challenge Cost-Share Grant for a road condition survey. DOF would pay a % and the USFS would pay a larger %. Michael Shephard with USFS was optimistic, and Joel Nudelman recently spoke to Jim Eleazer, who said he had found funding for the project. Not sure which funds these are, but will keep you posted. [Note: We have gotten word from USFS that we may use USFS funds for the RCS.] Would like to do a RCS on east Icy Bay. It is Chugach Corp. ownership, on east side of Icy Bay. It's a harvest area whose roads were closed in 1999 and 2000, and log stringer bridges were allowed to be left in place. We would like to see how that looks after so many years: how they have worn, and what do those stream crossings look like after so much time.

Haven't done RCS surveys in a while, but funding sources have usually been through Sustainable Salmon Funding, and our own funding, and the old Forest Land Enhancement grants.

2020 Effectiveness Monitoring Proposals

- Road Condition Surveys, Joel Nudelman, DOF.
- Windthrow in SE Alaska, Greg Albrecht, ADFG.
- Three reforestation projects in the interior:
 - Variant for FVS Forest Vegetation. Monitoring silvicultural prescriptions. Might address the goal of Assess/predict future growth and yield of spruce and hardwood stands. Already happening. Jeremy Douse, DOF.
 - non-native species. Would be really valuable going forward with climate change. Jeremy Douse, DOF.
 - Site preparation techniques. Jeremy Douse, DOF
- Fish passage mapping, Neil Stichert, USFS; Joel Nudelman, DOF.

Prioritization

Group reluctant to prioritize one type of work over another, since important in different regions.

- Sealaska prioritizes RCS, and fish passage mapping.
- Federal agencies prioritized windthrow and fish passage mapping.

All the high priority projects are worthy to work on. No need to prioritize one over the other, since they apply to different regions.

Was this useful to participants, beyond it being DOF's statutory responsibility? Yes. Group agreed to meet every 6 months and share progress and information. Alison will check-in first through email, then a short teleconference call with the group.

Chris Stark stated: Don't worry too much about where the money will come from. Ideas come first, then money will follow.

Questions:

Mark Vinsel: Will we be able to see red culverts (pipes) on the map for this, along with upstream habitat available beyond the blockage?

Nudelman: Red, green and grey culverts surveyed by ADFG are already visible to the public on the ADFG fish mapper website, as are the fish streams. The Eff Monitoring group would like to see the pipes from DNR RCS surveys on non- federal land displayed with their 1 to 4 ratings, like the culverts from the ADFG surveys.

Stark: Are you speaking of 2003 surveys?

Joel: Conducted in 2004-08 with ADFG. Earlier surveys were done on USFS roads. We did the surveys on FRPA lands.

Bill Morris: I agree, and hope that it continues, and can see some boots on the ground work that supports it. Funding sources for fish passage and mapping and incorporating the RCS into the culvert condition index so that it's available to see more easily, along with associated fisheries resources. Some new Army Corps of Engineers—companies looking around all the time to find ways to get mitigation credits, to spend money in this state to fix these kind of problems. There are ideas out there.

Arians: Do you know particular companies that might be interested?

Morris: Could ask around.

Maisch: One thought would be shovel-ready projects—maintain a registry of sorts—here are projects that are ready to go, XX company could take a look at that.

Herzog—It's a negotiated process, by watershed.

Morris: Even Title 16 has some mitigation teeth, depending on the type of project being permitted. Federal and state mitigation goals that would be met. Ever-changing.

Lojewski: Is this something that could help landowners deal with problem bridges and culverts? This is something that could help out a lot of people with these problems. They don't have the funding to fix the problems now.

Maisch: Known projects—could be on state, municipal or private lands, to fix the problem. EQIP money has been going into projects.

Alison: Morris, Herzog and Stark volunteered to be on a working group to make a presentation for next meeting.

Stark: Also maybe environmental groups could help with this.

Alaska State Forest Action Plan: Ashley List, DOF. The State Forest Action Plan process is underway. State Forest Action Plans are required in the 2008 Farm Bill, and must be completed in order for Alaska to continue to receive funding for the cooperative fire and cooperative forestry programs funded by State & Private Forestry. From 2009-2019, that's almost \$50 million for programs like Volunteer Fire Assistance, WUI grants, Community Forestry, Forest Stewardship, Forest Health, State Fire Assistance, Landscape Scale Restoration grants. Alaska's first State Forest Action Plan was finalized in 2010 and updated in 2016. Those are available on the DOF website, linked on the left side if you would like to take a look. A new, fully revised plan is due in June 2020. The plan's purpose is to analyze current forest conditions and trends, identify threats to forests, and develop strategies to address these issues. The strategies are supposed to meet the national goals to conserve working forest landscapes, protect forests

from harm, and enhance public benefits from trees and forests. The plan also needs to identify a “priority landscape” where the strategies will be targeted. The goal is to have a statewide, all lands view to leverage resources to the issues that everyone agrees are the priority. The work of the cooperative forestry and cooperative fire programs over the next 10 years should stem from the strategies in the plan, and the plan’s content helps the cooperative programs when applying for competitive grant funding.

Currently the division is identifying existing information, and has met internally to get the process started. I’m starting initial outreach to stakeholder groups and let them know that the process is happening. Some are required stakeholders (like the Forest Stewardship Committee, ADF&G, NRCS, and federal land managers). I’d like to reach as many other interested stakeholders as possible, so please let me know if you have contacts or know of upcoming meetings where people might like to hear more.

Once the division has gathered information for a draft assessment of forest resources, I’ll be contacting stakeholders for more in-depth input to the strategy. I’ll give you an update at your next meeting, and if any of you would like to be more closely involved, please let me know.

Questions:

Mark: would it be appropriate to put the EM list be included in this document? Could include that list in

Ashley: Definitely include this. To the extent that we can loop that into the broad strategy, that would be good.

Alison: Will give the list to Ashley [sent.]

Maisch: Federal funds will focus in priority areas—whether fire risk reduction, or more timber production. Establishing priority areas will be an important piece of this effort. An important document that will guide our work with federal government over the next 5-10 years.

FLUP and BIF appeals and a potential statute change: Chris Maisch, DOF. We have 2 separate bills that have been drafted through LAW, in the final stages of being prepared as Governor’s bills. AS 38.05.118 authority is for large scale negotiated sales, and we would be broadening definition to allow us to choose in the BIF the best tool to use, which could be competitive sale, negotiated sale, or salvage sale. Would make it clear that .118 would apply to round log export negotiated sales. Over the course of the last 10 years, there have been changes (2 years ago) that removed some of the criteria to make it more flexible. This is the last step to make it very clear. Some ambiguity in the last draft. As soon as I can share this with you, I will.

AS 38.05.112 is the section of statute that requires us to do a FLUP in addition to a BIF, that decides whether it’s in the state’s best interest to have a timber sale, which is an appealable document. Usually the FLUP is done concurrently for small sales. Over a longer sale, we can do the FLUPs for 3-5 years, but reaching out past that is difficult. This legislation would make the FLUP not appealable. It would still require us to do a FLUP and require agency comments, but would not be appealable. If we do a 20-25 year sale, we don’t want to have it be an appealable document, which could potentially slow or stop the sale. Basic philosophical approach to this change. They have been developed as stand-alone bills, but will run them together through the legislature. Will get a resource referral and probably finance referral, so we can just do one set of hearings on both bills.

Stark: I think we’ve brought this topic up a couple of times. I’m concerned that the FLUP will have distinctions that we don’t know about until they are developed later on, and will be unstoppable. I don’t agree to the changes to .112.

Maisch: We still give due deference to agencies. Public is involved in the BIF process.

Stark: I don’t agree with the public not having a voice in the FLUPs.

Maisch: So noted. As soon as we can release the actual language, with a fiscal note, briefing papers for each one updated to reflect the actual language, we will share these with the board.

Morris: Any input from sister agencies?

Maisch: No comments from sister agencies either supporting or not supporting the proposed change. It's confidential and deliberative at this point.

Mulligan: This will go through the process. They will reach out to sister agencies for comment. Will be part of the process. Once you are happy with it, moves on. Just now coming around—would expect to see it, in deliberative and confidential process now. Final outcome will be closer to session when Governor's office rolls out suite of legislation.

Morris: At some point in the process, there will be a final weigh-in from the various agencies.

Mulligan: As part of the legislative process, you'll have the other agencies. Any sort of permitting bill—while the executive has their own deliberative confidential process, the legislators will weigh in, will hear comments from agencies. We will already have weighed in, put in our comments, worked through any issues that have arisen. Then legislators will ask everybody questions. It won't just be DNR DOF there—ADFG Habitat would be there, too, to answer questions and make comments. Everyone will hear that.

Maisch: Thank you for that clarification of that internal process. The bill will be run through the Governor's office at their discretion, then the more public side of the process begins.

Roadless Rule public process: Chris Maisch, DOF. State has been going through a rule-making petition on the application of the roadless rule in SE Alaska, specifically on the Tongass National Forest. Scoping process early last spring. Draft EIS on the preliminary decision. Taking public comment on that decision now. 17 public meetings scheduled—at least three communities added to that original schedule. Skagway, Haines, and Pelican in SE. These meetings are being held and run by USFS, and State DOF and OPMP have been trying to get there, but travel has been very difficult in the winter because of reduced ferry schedule and canceled plane flights. Three different teams flying around to do these meetings. All have been done except Haines and Gustavus (scheduled and cancelled), Kake (tried three times). Will keep trying. USFS process, but we are the petitioner, so it's important that we hear what the public has to say. Meeting format: 30 minutes that explains the EIS, the preferred alternative. Short break, then convene for a formal subsistence hearing, which is primarily in smaller more rural communities. Oral testimony is transcribed and will become part of the official record. On the state side, the only thing we're working on is the advisory committee. Meridian is doing individual interviews with each advisor on the committee, to ask them whether the USFS got it right. That will inform the state, which will then write a response to the draft EIS, headed up by Kyle Mosell, working with Mary Gramling. House oversight hearing on this, before the public meeting. Chaired by NM Representative. Kyle Mosell represented the State of Alaska on Panel 1, Chris French from USFS represented on Panel 2. Robert Venable testified for the advisory board. Mary will give us more updates on this after the break.

Stark: link to public meeting notes? Can I get the transcripts?

Maisch: They don't take public comment at the meetings—only written comments. Subsistence comments will be transcribed. I don't know—that is a USFS question. The person would be Chad Van Ohmer to get this information.

Stark: I'm not hearing from ADFG.

Maisch: You won't hear from state agencies. Would be through USFS process. We submit through weblink.

Stark: If deadline is December 17, I don't have access to what people are saying in SE Alaska.

Maisch: I suggest talking with USFS.

Vinsel: I don't have any concrete information from fishing groups, but a letter from 200 fishermen and their vessels. [included in Appendix.] The letter supports any of the different alternatives except for the complete exemption. SE groups and UFA might come out with opinions, but probably not before the deadline. I had heard a rumor that the deadline was extended, but don't think that's true.

Maisch: I'll send Kyle a text and see if there is any change. [No change to deadline—still 12-17.]

Public Comment

Anchorage: none.

Juneau: Robert Venables.

Fairbanks: none.

Call-in: none.

Robert Venable: Executive Director for SE Conference, state's regional development corporation for all SE Alaska. I've been involved with Roadless Rule process. I'm very disappointed with USFS for the following reasons:

- 1) Communications on the impacts of the action, and the acreage involved. That hasn't been clear, and has led to lots of confusion. 9.2 million acres were said to be available for logging—completely not true, probably 98% false. This has led to lots of misinformation.
- 2) Did not adopt the Citizen's Advisory Committee language, but instead kept the same language with qualifying exceptions that gives USFS discretion without information about what they exceptions would be.
- 3) Polarizations of extremes. I was glad to hear Mr. Vinsel's comment about letters. For me personally, if the USFS were to adopt the Citizens' Advisory Committee recommendations, I would suggest other alternatives than the bookends on each end. Would encourage USFS to adopt the language. Could still improve the product.

I want to acknowledge what I saw in the news—I saw the DOF's agreement with Tok School for biomass. SE Conference is involved with biomass projects. I would encourage BOF and DOF to prioritize the energy side in the Forest Action Plan, especially for products in the waste stream.

Public comments closed at 10:09.

Forest Management

Yellow cedar listing update: Alison Arians, DOF

USFWS announced findings that Yellow-cedar is not warranted for listing as an endangered or threatened species.

SUMMARY OF FINDING

Yellow-cedar is a slow growing tree that can live 500 to 700 years with individuals documented up to 1,600 years old. Yellow-cedar has a moderately broad geographic range, extending from southern Alaska to northern California, and occupies a wide variety of ecological niches. It reaches its largest size on well-drained soils but can employ a strategy of slow, shrub-like growth on the fringes of bogs and other poorly drained soils where nutrient availability is low. Yellow-cedar reproduces sexually through seed and asexually through vegetative layering (rooting of branches that grow into independent clones), but regeneration through layering is more common.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the yellow-cedar, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these stressors. The primary stressors affecting the species' biological status include the effects of climate change (including changes in temperature and precipitation patterns), timber harvest, fire, and herbivory.

We found that yellow-cedar is experiencing a decline primarily caused by a changing climate in the core of its range; therefore, it has somewhat reduced resiliency. However, the area affected represents less than 6 percent of the species' range, and there are still high levels of representation and redundancy as demonstrated by its high levels of genetic diversity and wide distribution on the landscape, respectively. Despite impacts from effects of climate change, timber harvest, fire, and other stressors, the species is expected to persist in thousands of stands across its range, in a variety of ecological niches, with no predicted decrease in overall genetic diversity into the foreseeable future.

Therefore, we find that listing the yellow-cedar as an endangered species or threatened species under the Act is not warranted.

Questions:
None.

Maisch: Introduction of **Nick Carter**—new employee in Tok, Area Forester. Came on at the beginning of fire season. Worked in Idaho for 26 years, fire and timber background. Nick is looking forward to continuing here and adding from past experiences.

Roadless Rule: Mary Gramling, LAW. Juneau office. Recently took over Roadless Issues from Tom Lenhart, who has retired. Appreciate the opportunity to address the Board. I don't have that much to present about the litigation, since the litigation has been stayed. Most of the activity has been on the USDA's rulemaking as was briefly discussed earlier.

Litigation: State's challenge to 2001 Roadless Rule is before the DC circuit of appeals. 2017 District Court decision, State of Alaska appealed. Intervener appellants requested an abeyance due to rulemaking underway. Court granted the abeyance, but required status reports every 90 days. Last status report was on Sept 19th, and we noted that rulemaking was several months behind, and we still opposed the abeyance. Following the draft EIS, USFS counsel filed an update with a new schedule for rulemaking, with draft EIS. That notice was consistent with rulemaking. Final EIS would be May 2020, June 2020 would be final rule. Next status report is due December 17th by the parties. That's where we are with the litigation. Briefing has been done, and it's all available. Litigation is stayed pending the rulemaking. ANILCA, Tongass Timber Reform Act.

Comments on rulemaking: to the extent that people have made comments already, you can visit these comments on the federal government reading room, and those comments are pretty up to date.

Maisch: Interesting that the status is due on the same day as public comments. Chris Stark had asked the question about the comments. Reading Room is the place to go?

Stark: Please send me the link to the Reading Room. <https://www.fs.usda.gov/project/?project=54511>

Maisch: Will send this link to the board. Mary, could you send this to Alison and then she can share it. [Sent to board of Forestry by email.]

Stark: Has the board seen the state's petition to the federal government?

Gramling: State's petition is available on the forest service website's page on the rulemaking. Not sure if all the attachments are there.

Stark: Can someone send this to me? [emailed link, above.] Is it possible to reverse the alternative to another alternative? From a legal standpoint, once this goes through, is it possible to have a legal change from the public to reverse this if we have a new administration?

Maisch: This decision can be appealed, just like happened before. The same process could unfold for this decision. The state could file a suit if they didn't get what they wanted, or others could file an appeal. Rulemaking process is at the discretion of the administration. Doesn't have to undertake a rulemaking.

Gramling: Regulatory process, any administration can propose rules. Petition process, current state process by Governor Walker and continued by Dunleavy—another state could petition for a different rule. There is a process to start a rulemaking. If there is a rule, people can appeal it.

Morris: A fairly recent similar example with DOI Eastern Interior—politics changed, companies changed, and there was a reconsideration that happened. They picked pieces of middle recommendations—not from either end. End result—have a preferred alternative, but can blend any of the alternatives suggested.

Maisch: Congressional review act could be another vehicle, in a change in administrations, if not completed by a certain timeline. Aware of this issue—trying to conclude this process before the deadline so it can't be overturned by this process.

Stark: Any legal ramifications removing protections for T77 streams?

Maisch: Will have to double check. T77 is in the plan—rulemaking doesn't change how T77 streams are treated.

Start: Trout Unlimited says that T77 protections are gone.

Maisch: My impression is that no changes to the plan can be made by rulemaking.

Nichols: T77 is plan amendment—nothing changes on the plan amendment.

Stark: TU is claiming that all those protections are gone.

Nichols: You can go on the roadless website, and go through it. Nothing on the plan amendment changes with the roadless rule.

Maisch: By removing roadless, frees up 185,000 acres of "suited" land for timber land—Young Growth and Old Growth. Lots of other acreage that isn't economic.

Vinsel: Previous lawsuit is in abeyance pending the outcome of this process. Whatever alternative is chosen, or a combination, if that were to not be appealed, can we assume that the lawsuit goes away, and there is peace in the valley and timber companies can get to work? If it is appealed, we would have two lawsuits? Challenging this outcome, and would leave the previous suit under abeyance brought back?

Gramling: State's mission, that the rulemaking would not obviate the decision. The state has claimed that the application of rule state-wide would still need to be made. As far as an appeal, it's hard to say would that would look like and whether the state would be involved.

Maisch: Kyle is on the same floor as Joel in Juneau—Stark can talk with Kyle off-line.

Note: Clarification about T77 watersheds, via emails between Stark and Maisch after BOF meeting, via email:

On Tue, Dec 3, 2019 at 5:36 PM Maisch, John C (DNR) <chris.maisch@alaska.gov> wrote:

Chris [Stark],

I did some digging around and chatted with Kyle. Here is the exact language from Appendix A of the 2016 Forest Plan.

Old-growth forest located within Phases 2 and 3 of the Tongass Timber Sale Program Adaptive Management Strategy (refer to the December 2016 Tongass National Forest Timber Sale Program Adaptive Management Strategy map), or within the T77 Watersheds and The Nature Conservancy / Audubon conservation priority areas (refer to the June 2016 Final EIS Alternative 5 Suitable Land map) is identified as not suitable for timber production. However, young-growth stands located within Phases 1, 2, and 3 in the T77 Watersheds and The Nature Conservancy / Audubon conservation priority areas are identified as suitable for timber production.

And here is the footnote:

The Tongass 77 (T77) refers to value comparison units (VCUs), which approximate major watersheds located on National Forest System lands that Trout Unlimited, Alaska Program identifies as priority salmon watersheds. As a result of the Sealaska Land Entitlement Finalization in the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), there was a net reduction in the T77. To provide clarity and consistency, the T77 nomenclature will continue to be used in this document when referring to these priority watersheds.

So, you were correct in your interpretation, roads could be constructed in T77 watersheds under Alt 6 and YG could be harvested, but this last point is because of what is in the 2016 Forest Plan, not by any changes being made by the DEIS and the rule making. Part of the reason for allowing YG harvest in the Forest Plan in these watersheds was the recognition that less OG harvest would be required if more YG acreage was made available, thus the flexibility suggested by the FP. This also tracks with the co-intent language used by the TAC in their efforts to encourage YG harvest in areas that normally would not see harvesting occur.

I'm not sure why TU would assert the rule making allows harvesting to occur, the FP already does, at least for YG.

Also here is the link to the state petition and all the attached documents:

<https://www.fs.usda.gov/project/?project=54511>

Look to the bottom of the page and there are two documents LtrGovWalker Part1 and Part2 you will need to download.

I had no luck in finding any public comments from the ongoing public meetings during the DEIS process. The Reading Room is not easy to use and very large, limited search options or my skills are lacking! The Reading Room link is on the "Get Connected" tab on the right, three down in the bulleted list. You can use the same link as above to access.

Chris [Maisch]

On Tue, Dec 3, 2019 at 5:57 PM, Thomas Stark <tcstark@alaska.edu> wrote:

Did I hear both you and Eric state that no harvest was going to take place in the T77 drainages?

On Wednesday, December 4, 2019 8:58 AM, Maisch, John C (DNR) <chris.maisch@alaska.gov> wrote:

Chris [Stark],

I'll pass this FP information along to Alison and we can footnote the minutes with this information. We will make sure the minutes reflect the conversation as it occurred, but provide the supplemental information to ensure the record reflects the actual situation. I think the context of the discussion was what affect the DEIS and proposed Alternative (6) had on the T77 watersheds and the answer was that no harvesting would occur by changes the proposed Rule would make. That was unintendedly misleading to the average participant of the meeting, as the underlying Forest Plan does permit YG harvest in T77 watersheds and harvest could occur today under an approved project if not dependent on road access for areas currently designated as roadless by the 2001 Rule. (I'm not sure if all the T77 watershed are overlaid by Roadless...).

To be clear, the DEIS Alternative 6 would allow roadbuilding to occur in the T77 watersheds, but only as approved by a project level analysis for a specific action. As you know, the Rule by itself doesn't approve any ground disturbing activities.

If Eric or Alison would like to weigh-in with their thoughts on this discussion, please add your voice to this thread.

Chris [Maisch]

**Spruce beetle strategy update: Alison Arians, DOF
\$2 million CPG grant progress**

Kenai-Kodiak Area: Hans Rinke. Have DOF staff working on State Parks in Soldotna area, in conjunction with hand felling staff in DPOR. About a dozen people working on this through the end of the month. That will likely conclude our work on this.

Stewardship: John Winters. WUI defensible space subgrants on Kenai. 60 properties signed on. 29 completed. Still have about 31 site visits to go. Have about 16 stewardship plans associated with subgrants. Purpose of stewardship plans is to sustain defensible space that they created, as well as beetle mitigation. Fire activity and spruce beetle damage driving the interest. Uptick in interest in Cooper Landing.

Mat-Su: Stephen Nickel.

- Byers Lake wrapped up for the season. Contractor is complete. DPOR and DOF still have work with crews. Still a little cleanup—slash piles to burn in the spring, some infrastructure to move back into place.
- South Rolly—Contractor now working there. Progress is slower than we'd hoped, but moving along. Techs and staff out there now, piling and burning slash, working on felling some trees on the road into Nancy Lake. Some issues with equipment and getting stuck. About 35 hours of harvester work left. Probably next spring will be moving log decks. Working with DPOR to get access to the area.
- Montana Creek Campground. Cut a contract for local tree service in October. Completed the work out there. About 45 trees removed. Done there, contract completed.
- RSA with DPOR: they have spent half of that, which was \$100,000.
- \$50,000 agreement in place with the Mat-Su Borough to keep their collection sites for dropping off slash from beetle-kill. For chipping and disposal of debris.
- Working with ADFG on other campgrounds.

ADF&G Access Program: Tracy Smith

- Have been working on Sheep Creek, Caswell, Susitna Landing. Trees flagged for removal. Waiting for that to happen when bid is open. Prepared the contract with Taya, contract is now in procurement. Low bid looks to be under \$50,000. Everything has been marked.
- Little Su public use facility. Over 1000 trees flagged at 7 remote campsites. Starting next spring. Met with Stephen and Taya about this—will be done by forestry field crew.

Questions:

Lojewski: Kenai Peninsula Borough invested a lot of money in powerline clearing.

Arians: answer—MEA has been involved from the beginning of this process.

Maisch: I've heard about a general permit. [Asked Stephen Nickel about that: He hasn't heard about any recent progress. Alison will contact Manny Lopez @ MEA.] In California, powerline ignition from start from windstorms. A lot of landowners—quite a challenge. Would get interesting—California might address this issue, also property rights issue. Will set the standard. Utilities have stepped up their games. Have their own hotshot crew, response crews. Have a suppression capability independent of other agencies, plus meteorologists, other staff to have an aggressive right of way defense. Public power shutoffs as a preventative measure. Right now the infrastructure doesn't allow them to do a tailor-made shutoff. A lot of problems associated with that.

Mental Health Trust exchange update & forestry activity: Paul Slenkamp, MHT. We're moving wood, which is exciting. Small sale in Nikiski, Haines and Gustavus. Icy Bay timber sale moving along, although markets aren't cooperating. Talking with Sealaska about how to move forward. Have logged 29 million BF. Ship loading has gone well. Negotiating with them to come up with solutions. Next year is up in the air. If they do operate next year it will be the last season. Small parcel in Hollis, harvesting timber and constructing road with funds from the timber to access the lots for sale.

Naukati sale with Viking Timber. So far, they have logged 9 million feet. Sale has been going well, working with surrounding community. That sale has been instrumental with keeping Viking in wood. Unfortunately, we've had a difficult time implementing the Exchange Act, there are so many things that have to be done. Every bit as challenging as legislation. Legislation passed in 1997, supposed to have full conveyance in 2017, everything done 2019. Appraisal process got messed up in procurement. We've had trouble implementing timber crew with appraisal. Working on conveyance of Unit 2A, but that won't work with Viking's wood needs. So far, to complete the overall exchange, hoping to finish it next fall. Appraisal has been difficult with timber cruise. Working through USFS issues—difficult time implementing their own policies. Still have Hollis and Shelter Cove, which we'd like to put up. Land exchange is really the only timber available. Doing everything we can to keep SE timber companies in business.

Questions:

Lojewski: Not too familiar with the land exchange: How far through the process are you? What %?

Slenkamp: Value for value exchange. Trust land and USFS lands need to be appraised. Parcel by parcel. We have completed Phase 1—2,400 acres in Ketchikan and Naukati. MHT acreage is spread out all throughout communities in SE Alaska. Huge array of steps for environmental studies, title studies, etc. About 40% of the overall lands have been harvested previously. Some of them have economic value as far as timberlands. Appraisal based on highest and best value. Complicated. Value equalization happens at the very end of this process. Don't really know what the exchange looks like until we've completed it.

Maisch: We wish you well on the appraisal process.

Southeast timber, tariffs and sales: Chris Maisch, DOF.

Tariffs: Trade war between China & US. Tariffs have hurt young growth markets out of SE. Affected GNA sales that we sold in 2017 to Alcan Forest Products, Sealaska. Markets for spruce have been dramatically affected by a bark beetle epidemic in Europe that has put a lot of dead wood on the market. NASF and AFA have been working on this issue. Hardwood flooring has been hit very hard—high percentage of these sales had markets in China. Lots of plant closures in PA, MO. NASF has written a letter to the Secretary. Hopefully next week we'll have meetings with US trade representatives to talk about impacts to timber companies. I hope I'll be one representative, and can bring up problems with young growth—either way, that topic will be in briefing papers. We are losing markets and market share—will be difficult to get these markets back. It's a big deal, and we're doing what we can to help industry address this. Encouraging Western states to do fuel management, but if you don't have a market, we have to subsidize timber harvest. It's hitting all segments of the country very hard. Trying to raise awareness in DC.

Sales: Recent sales in Tok to the school. See press release at the end of these minutes, in Appendix.

Nick Carter: 10 identified hazardous fuel sales. Fit the Tok School's needs to create a more steady supply of timber than WUI grants, which can vary in scale. Purchasing this sale gives them a steady supply for 3 years. They can operate on an annual basis. Adjust harvest regime to see what they need, and see what they can harvest with WUI grants. Definite steady supply. WUI grants can reduce hauling costs. Contracting with local operators for hauling, then do chip work. Will be able to come up with the true costs. They haven't found out the true cost because of the WUI grants in the past. This will put them in a real-world scenario, what they are saving. We have plenty of wood to supply them.

Maisch: All BOF members have been there and seen operation. Press release did have pictures of greenhouse, generator. Will get this out to the board. Thanks to Paul and Nick for getting this squared away. Some revenue for DOF.

Keech: Business as usual. Fairbanks-Delta has stable, continuous logging. Northland and Delta sales the same. Heating oil costs are down, so demand for pellet mill is a little down.

Maisch: Not much change in Kenai areas—a few small sales, but low activity. In Mat-Su, trying to put together a larger program for beetle salvage. Working with Mat-Su Borough and Commerce to try and attract businesses. Meeting today with a company that has expressed interest. Wood fuel—chips are not an easy thing to make pencil out. Some people looking—we will continue to help them to see if something will work for them and us. Main effort has been in Southern SE, over the last couple of months. Working on longer-term sales, .118 sales negotiated to Viking Lumber. Update on where that process is. Goal is to identify 50 million BF of timber through a negotiated sale for a POW Island mill on Klawock. They cut old growth timber. Preliminary discussions near Thorne Bay, called Bay View sale. Work this summer, currently preparing BIF and a FLUP. Other locations are Sumez Island, not sure if that will pencil out. Whale Pass is 3rd area, and final area is El Capitan. Brings us up to just short of 50 million, close to the goal. Not many acres in SE, so that's a good deal from our point of view. One of these sales is drawing a lot of volume off lands in Settlement lands with MLW to allow that to occur. All of the areas have some MLW involvement.

Parlay timber sale on Kosciusko. Staffing changes here—younger foresters have left. Greg Staunton is the only forester left. Mike Cooney is helping us, along with Terra Verde contracting work, and some AFA forester on economic timber projects. Trying to get a lot of work done with not as many people as we'd like to have.

GNA updates: Some initial volume harvested under that contract. A number of challenges under that sale. First GNA sale. USFS has not relinquished control like they were supposed to. Sale is supposed to be purchaser layout, and we are interested in economic timber. Have had some problems with turning in final layout for approval. They have had the first set of maps for several months, and then finally came

back with a “not acceptable.” New approval protocol—they will have 30 days to respond and we go ahead. Paul Slenkamp is the administrator there. Alcan has had to be more than patient with the process. Other issues: we are updating the SPA agreements with the Farm Bill, that allows us to be more flexible with the timber harvest payments. USFS has approached us about reforestation and thinning work, asking us whether we would like to administer this part of the sale. Quite a few things going on in SE right now.

Federal Programs—program review for State Action Plans. Chris Maisch. Happens every 5 years. Coordinating that review process so that each state is getting reviewed the same way by USFS. Fiscal audit. Up to USFS to decide which to audit. Challenge Cost Share 1, helping implement new forest plan. Close to \$6 million, including young growth inventory. Other program audit is CPG: Consolidated Program Grant. Two fiscal grants will go along with program review. Scheduled for March 9th.

Board Initiatives

Rosie Creek forestry roads + recreation partnership update: Alison Ariens, DOF

Board of Forestry initiates forestry road and recreation partnership

- Chris Beck’s presentation on the Alaska Trails Initiative sparked interest in BOF’s own project.
- Make the pie bigger: economic advantages of recreation, the “sleeping giant.”
- Recreation advocates and forestry managers are often at odds, since timber harvest can disrupt recreational patterns.
- Timber harvest roads provide access: a valuable asset to recreationists like mountain bikers, skiers, snowmachiners, dog mushers, etc.
- Partnerships like this have been done in Oregon and New Zealand: working forest and recreational trails together.
- Where should BOF initiate a pilot project?
 - Jeremy Douse, Fairbanks/Delta Area Forester recommended **Rosie Creek: Unit 5B within TVSF.**
 - Harvest and reforestation has been completed for the next 30 years.
 - Recreationists already use the area for cross-country skiing, mountain biking, hunting, ATV riding, snowmachining, running, dog mushing, etc.
 - Beautiful views of the Tanana Valley and Alaska Range.
 - Rosie Creek encompasses several interesting features:
 - Rosie Creek fire
 - Forest management
 - Non-native plantations

What recreational improvements needed?

- Directional signs. Easy to get lost!
- Signs about forest management & land ownership
 - Tanana Valley State Forest
 - Mental Health
 - Fairbanks North Star Borough
- Road maintenance: erosion when DOF not actively managing timber.
- Interpretive signs: Rosie Creek Fire, plantations, and forest management.

Who will pay for improvements?

- Division of Forestry doesn’t have the funds for the project.
- Recreation partnership is not core mission.
- Few staff to work on project.

RTP Grant for public agencies or non-profits.

Stipulation 1 projects only. Relevant lines from grant application:

3. Rehabilitation contained within the footprints of existing trails and trailhead facilities, including resurfacing or improving the trail facility surfaces;
4. Regrading within the footprint of existing trail and/or parking areas;
5. Development and distribution of educational materials;
6. New installation of signs, kiosks and markers at, and along, existing facilities;

Public meeting for grant application

- Press release issued October 1st for a public meeting, public notice posted online and around Fairbanks.
- October 14th public meeting held at the Potter Road Fire Hall, in the Rosie Creek subdivision.
- 40 people attended, no objections. Agency comments: MHT, FNSB.
- Comments refined project. Priorities:
 - Road & parking lot/trailhead maintenance for long term
 - Directional signs
 - Map kiosk
 - Link to online GPS map
 - No interpretive panels needed now. (Proposed parking area informal shooting range.)

Proposed recreational improvements:

- regrading and resurfacing an 18-mile system of existing forestry roads to reduce ruts and erosion;
- clearing brush from portions of existing forestry roads;
- regrading a portion of a material site on the Parks Highway to provide parking at the trailhead, and removing junk cars and other garbage from the site;
- constructing and installing a map kiosk near the trailhead to detail the forestry road system and explain land ownership and timber management in this working forest;
- installing signs to
 - indicate directions to stay on the maintained route,
 - inform users of seasonal trail conditions that branch off from the road system, and
 - inform users when they enter and leave State Forest land, and what restrictions exist on adjacent land ownerships (such as Mental Health Trust and Fairbanks North Star Borough); and
- provide a link to a downloadable GPS map on TrailForks.com.

Rosie Creek grant proposal: reasons for optimism

- \$100,000 for projects that include motorized access: historically, not many applications.
- TVSF Management Plan endorses recreational use.
- Resolution of support from Fairbanks North Star Borough Assembly.
- Letters of support from:
 - Board of Forestry
 - Tanana Valley State Forest Citizens Advisory Committee
 - FNSB Trails Advisory Commission
 - Explore Fairbanks
 - State Parks Northern Region Citizens Advisory Board
- Partnering with Interior Alaska Trails and Parks Foundation.
- Road system only 20 minutes from downtown Fairbanks.

Project solves some problems:

- Conflict between recreation advocates and forestry managers: timber harvest can disrupt recreational patterns.

- Timber harvest roads can provide access for recreation. Adding recreational improvements:
 - encourages recreationists to use forestry roads,
 - educates them about the working forest,
 - fosters a better relationship between the two groups.
- Rosie Creek forestry roads have great potential as recreational trails, but they are unsigned and confusing to navigate.
 - large map kiosk, online map, and directional signs.
- Steeper sections of the roads are beginning to erode.
 - Grading and resurfacing the existing forestry roads.
- Parking is inadequate to access the Rosie Creek forestry road system.
 - Removing junk cars & grading a DOF material site for a trailhead,
 - Parking provided for large vehicles and trailers for ATVs and snowmachines.
- Motorized vehicles can get stuck and cause erosion to trails and wetlands when they cross wet areas that should only be used for winter travel.
 - Signage indicating "winter use only" will help travelers make better decisions.
- Some unauthorized use of Mental Health Trust Land, private land occurs in conjunction with recreational use of TVSF forest roads.
 - Signage indicating where users enter and leave public lands, and what uses are allowed there.

Schedule for RTP award cycle

- **November 22, 2019:** Application due date. *[done!]*
- **December 30, 2019:** Qualified applications are sent to the Outdoor Recreational Trails Advisory Board (ORTAB) for review.
- **January 22 & 23, 2020:** ORTAB meets in Anchorage for final scoring of qualified applications.
- **February, 2020:** Applications that have been recommended for award are forwarded to FHWA for review.
- **March through June, 2020:** Award and grant agreements are signed and implemented.

Summary

- Rosie Creek project will demonstrate how recreation and forestry interests can work together to provide long-term benefits for each.
- Proposed recreational improvements benefit residents and visitors alike:
 - beauty of a northern boreal forest,
 - gorgeous views of the Tanana Valley and the Alaska Range.
- The Fairbanks economy also benefits:
 - visitors could rent mountain bikes, cross-country skis, ATVs or snowmachines,
 - spend a few extra days in hotels and restaurants in the area.

Questions

Stark: What about our liability? If a mountain biker gets hurt after we encourage them to use our forestry roads. Does that make us liable?

Beck: My understand is that it's a common issue across all state lands. Regulations created to release public landowners from recreational liability. 100 million acres in Alaska—if the state had to defend itself from every accident, that wouldn't work. A framework is in place that includes recreational use to occur without getting any supplemental insurance.

Geoff Orth: There are specific state statutes that give tort protections. [See Appendix for statutes that Orth emailed, and Arians forwarded to the Board.]

Stark: What about vendors—does that require the state permit? They would have liability.

Keech: Tanana Valley State Forest Management Plan allows that kind of use. They would need a permit. We do already have that kind of vendor on some other state forest lands.

Maisch: For example, people could sign up for ATV tours—concessionaire. Would have to check and see, but there are mechanisms to allow that to happen.

Beck: Heartfelt praise to everything Alison has done. Lots of obstacles that she had to overcome to get this far.

Orth: Spent time in NZ—rental bikes available.

Beck: Also in Oregon. RTP Grant looks like a good fit, but I think it would also be worth considering Pittman-Robertson funds. ADFG has been told that at least \$2 million will be available to 3rd party entities. Good opportunity to secure funds there. Are there other things that can be done here?

Maisch: have done a lot already with Pittman-Robertson funds for maintenance of existing roads.

Arians: This is meant as a pilot project, so please be thinking about where else would be good to do recreational partnerships with forestry areas.

Maisch: Right. This is a pilot project. We don't view this as our core mission, but it's an important aspect of what we can do, especially finding the partners that can help us manage it. It would be great to make some revenue off it in the meantime. Maybe we need a donation button on the website. We appreciate the partnerships and the interest. Could lead to good things for forestry community and recreation community.

Morris: Keeping highway vehicles off but still allowing ATVs—is that enough to fit the silvicultural exemption?

Maisch: Yes—wouldn't anticipate any issues. We are allowed other activities in the Management Plan. If we suddenly start generating more income from recreational activities than from timber harvest, we could deal with it. I predict that we get this grant.

Keech: We are really just limiting highway vehicles to protect water quality.

BOF Update--Wildland Fire: Alison Arians, DOF. How would we like to present the BOF's update? Printed? Online?

Maisch: I'll update the Board on some other, related things we've been working on. On maintenance of current fuel breaks and Firewise, we have some very specific interest from the Governor. We recently prepared a one-page policy briefing paper, then a more detailed 4-page paper with specific information on projects. I have a call about that with the Governor's office. As soon as I can release more information on that, I will share with the board. We are asking for \$20 million from federal government to implement a suite of activities to mitigate wildland fire. It would be a CIP. When we get fire cost recovery activities, it could go into some kind of revolving fund. BOF could be instrumental in being more proactive. This letter is perfect for where we are. I'll ask if I can share these with the Board.

Lojewski: Sterling fuel break was used in Swan Lake Fire. Pieces were used. Sterling was not evacuated because of the fuel break. East Fork. [Arians will add this to the update.] USFWS had a prescribed fire—habitat improvement, \$300/acre. Link to a story map on the Swan Lake fire. Worth taking a look at. [Link to story map:

<https://nifc.maps.arcgis.com/apps/MapSeries/index.html?appid=8ab1e7c87c294afb90c101cc4ca38e41>]

Vinsel: Is it worth mentioning the Learn Before You Burn in this context? Did they learn what started the McKinley fire? Link the educational program campaign in this document. So many people will be driving by the fire and seeing this fire—burned structures with trees nearby, vs. firewise houses that were not burned. Traffic that goes by—such an obvious view. Interpretive signs—cause of origin. 15% reduction with Learn Before You Burn should be attainable. Add to the list.

Maisch: Really good video produced for McKinley fire. Speaking to Firewise message. Make sure to share this with BOF. Would be cool to have a pull-off and interpretive signs for Firewise. Real-life example—quite a firewise example. Ask Stephen Nickel for link. Make additions, then use it with the Governor, back in DC. [Video link: <https://youtu.be/5j1LRvPG07Y>]

Beck: It doesn't take too much time to add some visuals to the update. Would be good to show observable evidence of the fire. One or two of these photos.

Maisch: Use story board photos—fuel breaks, residential neighborhood. [Arians will ask Tim Mowry, and also could get photos from Hard Luck fire.]

Nathan: One last comment—justification for Sterling fuel break, was that we could tolerate a little more fire in the wilderness. That could be good for the ecosystem. We were successful getting a lot of money that way. Fire can be a good thing in the boreal landscape when it doesn't burn our stuff down.

Maisch: I might not want to present this angle until we put a little time between now and the Swan Lake fire. Most Alaskans understand this—when the opportunity is right.

Vinsel: Are the Swan Lake and McKinley fires out?

Maisch: Swan Lake not officially out. We are expecting holdover to next year. Enough organic materials out there, we'll have smokes come up in the spring. Hans Rinke has responded to that. It's up to the USFWS how they want to respond to the smokes. Our response would be to immediately respond to them. The worst thing we could do is to have another smoky summer from this same fire after last year. That's addressed in the story map. McKinley is less likely, but it burned so deeply that I imagine we'll have some holdover fires like that. Usually they crop up in the spring before greenup on a windy day. Sometimes a few acres—but if it's in your backyard, that's a problem.

Morris: I run a trapline in the Tanana Flats, and in one of the big fire years, we would be driving around in the snow, and we would see smoke here and there, and in some places a little fire. Amazing, the persistence.

Vinsel: Was there much use of aerial chemical fire retardant this year?

Maisch: Depended on ownership. On USFWS refuges, there are some restrictions on retardant use, but you are allowed to use it to protect life and property. I know we had at least 3 tanker trucks of concentrate delivered from Canada and Lower 48.

Keech: On Swan Lake fire, on USFWS lands that usually doesn't allow retardant, they did give approval to use concentrate on portions of the fire.

Maisch: Along highway corridor, especially. On state land, we are less restrictive, more likely to use retardant. We also used some Blazetamer—polymer that makes the water more clingy. Relatively new. Don't use firefighting foams, so there was no contamination there.

Vinsel: I understand sometimes it's necessary to use it.

Maisch: We don't drop it near water bodies unless it's really necessary. Will send a picture of the Kenai River from a few years ago. Mixed data on effect on fish populations.

Keech: I have been hit by retardant—it's very salty. You need to wash it off right away. Definitely not something you would want on you.

Vinsel: Anecdotally, in 2005: Study about what kind of toxics are in fish—salmon fry or smolt, reared in the ocean for 3-4 years. When the fire retardant is on the list, that was what Jay Leno focused on—"are they afraid the fish are going to catch on fire?" PR things—in this day and age, something small like that can change market habits in the "buy wild salmon" campaign. I don't mention it to change policy, just FYI.

Maisch: This issue has been floating around ever since retardant was developed.

Keech: What about berry picking questions. After shearblading, we get the best blueberries. Pickers wondered—is it safe to eat? We recommended they don't eat the red berries.

Maisch: We use more water than retardant—buckets and scooping. Injector systems that you can use on some systems, but usually use water.

3:15 Wrap-up

- Spring meeting date: March 17, St. Patrick's Day

Potential agenda items:

- March 9 program review
 - **Chip-and-Ship Pilot Project.** ERI's Dr. Han-Sup Han will discuss chipping low value logs from Arizona's 4FRI region and shipping the wood chips via rail and barge to South Korea for electricity production, including benefits of rail transportation, logistics associated with operations - haul logs, chip, fill shipping containers, load onto railcars, and alternative delivery logistics to improve economics.
 - Chris Maisch will talk with Michael Shephard about this more. Will do some vetting first.
 - **Responsible Source.** An alternative designation to forest certification. Intent: to recognize regulatory BMPs as similar to the voluntary requirements of the Certified Source programs. Regulatory statutes have an enforcement mechanism to follow BMPs, while certification is voluntary, and violations only result in certification termination based on an annual audit. According to NASF, Alaska is one of the states that qualifies for Responsible Source because FRPA is a regulatory program that implements best management practices.
 - Nathan Lojewski presentation on **Sterling fuel break.**
 - **Initiative from Governor on fuels mitigation.** Together with Nathan's presentation.
 - **Funding sources for fish passage and mapping** and incorporating the RCS into the culvert condition index so that it's available to see more easily, along with associated fisheries resources.
 - Lojewski: Native lands have some problems—bridges fail and then culverts go out. It's mess—need to put in 4 or 5 bridges.
 - Frost: Koncor used their own funds to fix bridge piers. On Afognak, bridges were out. What about EVOS money?
 - Lojewski: Port Graham is approaching EVOS now.

- **Ecosystem Bank Quantification tool:** EPA and USFWS. Adam Davis. Idea is to expand on wetland bank and riparian credits, and determine what mitigation is needed. Initial planning meeting going on Feb 2. Toni Smith with Invasives, SWCD.
 - **Update on Roadless Rule,** comment period.
 - **Followup on Fire Update.** Beck: previous meeting about strategic plan, we wanted to increase impact of the knowledge and interests of our board. Both with timber management and with fire piece, we are doing some of that.
 - **Followup on Recreation & Forestry partnership**—other locations to apply these ideas. [Haines State Forest: brushing forestry roads and a trail to Walker Lake, with Greg Palmieri.]
 - **Possibility for a pull-out at McKinley Fire.**
 - **Strategic plan: educate the public about benefits of sustainable timber harvest.** Help Alaskans recognize benefits of timber harvest. That’s amorphous subject—opportunities for timber harvest that are slow, some are market reasons. Communication. Informing the public. Fire and Recreation—keeping that discussion going would be good.
 - Maisch: Tok biomass project—share this, get the word out to legislature and to the public. Affects funding and policy. We’ll talk more about that. Pullout is a great opportunity to get the point across. Right there. Educational opportunity.
 - Keech: Willow Creek pullout. I think there’s one on the Taylor Highway, looks back into Mt. Prindle. Informative display there. Talks about fire, and fireweed, rotation. Could do something more firewise.
 - Maisch: significant structure losses. Opportunity to educate. Living with fire. Fire-adapted communities. Some opportunities for WUI grants. Could be firewise education proposal. Could be a new proposal, could maybe be integrated into an existing one. Will talk with Dan about that. Check in with both communities about how they feel about it. Ask them first. We’ll do some internal staff work on this. Part of it might be after the legal stuff works through the system, before we portray something a certain way. Check with LAW on that.
 - **Carbon credit situation, trading, etc.** Vinsel: the ones we knew about were in CA, and the clock had stopped. Curious about that has played out. Are there new opportunities going forward? Maisch: CA is not done. We could put something together. Terra Verde talked with us before. Also Council of Western State Foresters—Blue Source. State of Washington is getting ready to roll out a program. CA ready to reissue a second round of credits. In play until 2030.
 - Nathan: Will Putman is having me organize a panel for the June ITC meeting.
 - Maisch: Maybe a good time for BOF to have summer meeting. Tentatively pencil in June 2-3.
 - **AS 38.05.112.** Morris. Maisch: if the Governor decides to do that, will release to the board the legislative packet. Will know committee referrals at that point. More opportunity to discuss, and potential weigh-in from the board.
- **Board comments**

Vinsel: Thanks to the staff and division for organizing an interesting meeting. Impressed with enthusiasm on Rosie Creek project: Alison and Jeremy. New burn permits should be effective. Reducing burning by 10% is a low bar and we should get more than that if we spread the word.

Davis: Let the BOF know—in the works, interested parties doing a stream credit program, getting land managers and other experts together to figure out metrics and a tool to earn stream credits, like wetland credits. Want to get Alaska involved in that. FRPA could benefit from that. US Army Corps of Engineers. Spearheaded by the EPA and Salcha Soil & Water Conservation District.

Denise: Thank you Alison for your organization and Rosie Creek work. Lots of exciting opportunities to get involved.

Stark: Thank you, Alison.

Morris: Thanks, Alison, and the Division, for putting together an informative meeting. Glad to see we are moving in productive directions. Rosie Creek is productive. Also glad to see the EM meeting occurring, and my own involvement as necessary. Glad to see those things moving forward. I probably mention this as most of these meeting—I think we're all in agreement that FRPA is effective. In our last letter to the Governor, we explained that it's a 3-legged stool. It seems pretty apparent that DEC's role is not increasing. Remains very important that the BOF needs to pay attention to this. One leg is getting pretty flimsy.

Maisch: Thank you to the board members. Glad that you're finding them productive. Rosie Creek initiative is exciting. See how that develops. Would like to expand that in other locations. Get in front of the fire problem instead of always responding to the problem. I think we're on the cusp of doing that, with the letter already written, and the initiative with the Governor's office. Staff changes—both regional foresters, two key members of the management team. Anxious to fill those positions. Thanks to Paul and Ed. Maybe we'll be able to ask you questions.

3:42 Adjourn

Appendix on following pages contains:

1. Division of Forestry 2019 Fire Cost Summary
2. Press release: Timber sale extends Tok School's biomass-fueled power system
3. Commercial Fishers' letter to USFS re: Tongass National Forest
4. Alaska State Statutes Pertaining to Recreational Trails

Division of Forestry 2019 Fire Cost Summary

State Fiscal Year 2019

| BUDGET: | State GF | Reimbursable | TOTAL |
|-----------------------------------------------------------|-------------------|---------------------|-------------------|
| Initial Authorized Budget | 5,241,000 | 3,460,400 | 8,701,400 |
| Adopted Budget Language (8/15/18) | | 8,500,000 | 8,500,000 |
| Supplemental Budget | 7,900,000 | 8,600,000 | 16,500,000 |
| Declaration of Need (GF) / Supplemental Request (Fed) -1 | 13,800,000 | 12,300,000 | 26,100,000 |
| Declaration of Need (GF) / Supplemental Request (Fed) -2 | 21,000,000 | 2,000,000 | 23,000,000 |
| TOTAL AUTHORIZED SFY19 BUDGET | 47,941,000 | 34,860,400 | 82,801,400 |
| EXPENDITURE: | | | |
| Estimated expenses from July 1, 2018 to December 31, 2018 | 2,274,527 | 17,755,600 | 20,030,127 |
| Estimated expenses from January 1, 2019 to June 30, 2019 | 35,654,368 | 15,808,400 | 51,462,769 |
| TOTAL (Estimated) EXPENSE for SFY2019 | 37,928,895 | 33,564,001 | 71,492,896 |
| PROJECTED BALANCE | 10,012,105 | 1,296,399 | 11,308,504 |

Calendar Year 2019 (YTD - 11/21/2019)

| BUDGET: | State GF | Reimbursable | TOTAL |
|---------------------------------------------------------------|--------------------|---------------------|--------------------|
| Estimated SFY19 Apportionment for 2nd half (1/1/19 - 6/30/19) | 45,666,473 | 17,104,800 | 62,771,273 |
| Initial SFY20 Authorized Budget | 13,641,000 | 11,960,400 | 25,601,400 |
| Declaration of Need (GF) / Supplemental Request (Fed) - 1 | 42,500,000 | 13,000,000 | 55,500,000 |
| Declaration of Need (GF) / Supplemental Request (Fed) - 2 | 52,000,000 | 42,000,000 | 94,000,000 |
| TOTAL ESTIMATED CY2019 BUDGET: | 153,807,473 | 84,065,200 | 237,872,673 |
| EXPENDITURE: | | | |
| Estimated expenses from January 1, 2019 to June 30, 2019 | 35,654,368 | 15,808,400 | 51,462,769 |
| Estimated expenses from July 1, 2019 to November 21, 2019 | 106,447,649 | 66,945,968 | 173,393,618 |
| ESTIMATED EXPENSE for CY2019 (CYTD - 11/21/19) | 142,102,018 | 82,754,369 | 224,856,386 |
| PROJECTED BALANCE TO DATE (CYTD - 11/21/19) | 11,705,455 | 1,310,831 | 13,016,286 |

State Fiscal Year 2020 (YTD - 11/21/2019)

| BUDGET: | State GF | Reimbursable | TOTAL |
|-----------------------------------------------------------|--------------------|---------------------|--------------------|
| Initial Authorized Budget | 13,641,000 | 11,960,400 | 25,601,400 |
| Declaration of Need (GF) / Supplemental Request (Fed) - 1 | 42,500,000 | 13,000,000 | 55,500,000 |
| Declaration of Need (GF) / Supplemental Request (Fed) - 2 | 52,000,000 | 42,000,000 | 94,000,000 |
| TOTAL AUTHORIZED SFY20 BUDGET: | 108,141,000 | 66,960,400 | 175,101,400 |
| EXPENDITURE: | | | |
| Estimated expenses from July 1, 2019 to November 21, 2019 | 106,447,649 | 66,945,968 | 173,393,618 |
| ESTIMATED EXPENSE for SFY2020 (YTD - 11/21/19) | 106,447,649 | 66,945,968 | 173,393,618 |

Corri A. Feige
Commissioner



Department of
Natural Resources

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Anchorage, Alaska

STATE OF ALASKA

PRESS RELEASE

For Immediate Release: November 27, 2019

Timber sale extends Tok School's biomass-fueled power system

(Tok, AK) – A recent state timber sale will ensure the Tok School can keep relying on locally-produced wood chips to generate heat and electricity, while reducing hazardous fuels and risk of wildland fires around the community.

The state Division of Forestry signed a timber sale contract last week with the Alaska Gateway School District to purchase the equivalent of nearly 700 cords of firewood for \$17,520 in the Tok Hazardous Fuels #1 sale, Director Chris Maisch said today.

"This sale provides a long-term, stable fuel supply for the Tok School biomass facility and demonstrates how well-managed forests can provide economic opportunities and reduce wildfire risk for the community and residents," Maish said.

The five-year contract, with an optional one-year extension, covers approximately 75 acres along the outside edge of fuel breaks previously constructed north of Tok. The timber is mostly white spruce averaging seven inches around. The school will hire a local contractor to harvest and chip wood from about 20 acres a year, generating 50 tons of biomass per acre.

The Tok School's biomass facility was built in 2010 to help combat high local heating fuel and electrical costs. Initially, a biomass boiler burning wood chips from local forest thinning projects heated the 80,000 square-foot school. A year later, a low-speed electric steam turbine was added to create a combined heat and power (CHP) system providing both heat and electricity to both the school and a 2,400 square-foot, on-campus greenhouse. In 2014, a steam engine was added to the system to produce more power.

"The Tok School biomass facility demonstrates yet another way Alaskans are using our natural resources to improve the quality of life and reduce the cost of living," said Governor Michael J. Dunleavy. "I'm proud of the innovators who got this project rolling, and of the staff of the Division of Forestry who are helping to keep it going strong."

(MORE)

Tok timber sale
Nov. 27, 2019
Page 2

Burning wood instead of 59,000 gallons of heating fuel saves the district about \$280,000 a year, said District Superintendent Scott MacManus, who added that the Tok School's biomass facility has been as a model for other Alaska biomass projects.

"Between heat and power, we're probably saving \$400,000 to \$500,000 a year," said MacManus. "That money goes toward better education, counselors, arts programs and science, technology, engineering and mathematics programs; those are the things that keep kids in school."

In addition to saving energy costs, the biomass-heated greenhouse produces 20,000 pounds of fresh vegetables each year which the district uses to help feed students, MacManus said. Earlier this year, the district added hydroponic unit producing 150-200 heads of lettuce per week for the school or for sale to local markets. The district plans to add two more greenhouses in the future.

The biomass project also reduces the threat of wildfires in the Tok area by reducing hazardous fuels identified in a 2010 Community Wildfire Protection Plan, Maisch said. It is also integrated into the school curriculum to teach students about sustainable energy and the value and importance of the forest, MacManus said.

The Division of Forestry has identified nine future local hazardous fuels sales, all of them including commercial and biomass components, and all of which would fit the school system's needs, said Tok Area Forester Nick Carter. Those sales could be used for a combination of biomass and commercial timber, at the discretion of other buyers.

CONTACT: Alaska Division of Forestry Public Information Officer Tim Mowry, (907) 356-5512, tim.mowry@alaska.gov.

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The Honorable Sonny Perdue Secretary,
U.S. Department of Agriculture 1400 Independence Ave.,
SW Washington, DC 20250

Ms. Vicki Christiansen Chief, U.S. Forest Service 1400 Independence Ave.,
SW Washington, DC 20250

22 October 2019

**Dear Secretary Perdue and
Chief Christiansen:**

We are commercial fishermen who live and work in the Tongass National Forest. We represent various gear groups that participate in Southeast salmon fisheries, including seine, troll, and gillnet. Some of us are just breaking into the industry; some of us have carried on a family tradition over generations. All of us are invested in smart, sustainable stewardship of the resources, lands, and waters that sustain our industry and the people of Southeast Alaska. The future of our industry, our lifestyle, our ability to feed our families and the American people, all depends upon the salmon populations that are supported by the clean water and healthy, intact fish habitat of the Tongass. We are thus concerned about the release of the Draft Environmental Impact Statement for the Alaska Roadless Rulemaking process and the potential effects of a full exemption on Tongass salmon habitat. **Please protect our livelihoods and Alaska's salmon spawning grounds by selecting an alternative that broadly protects fish habitat, continues the phase-out of industrial scale old growth clear-cutting, and prioritizes the restoration of degraded watersheds and streams.**

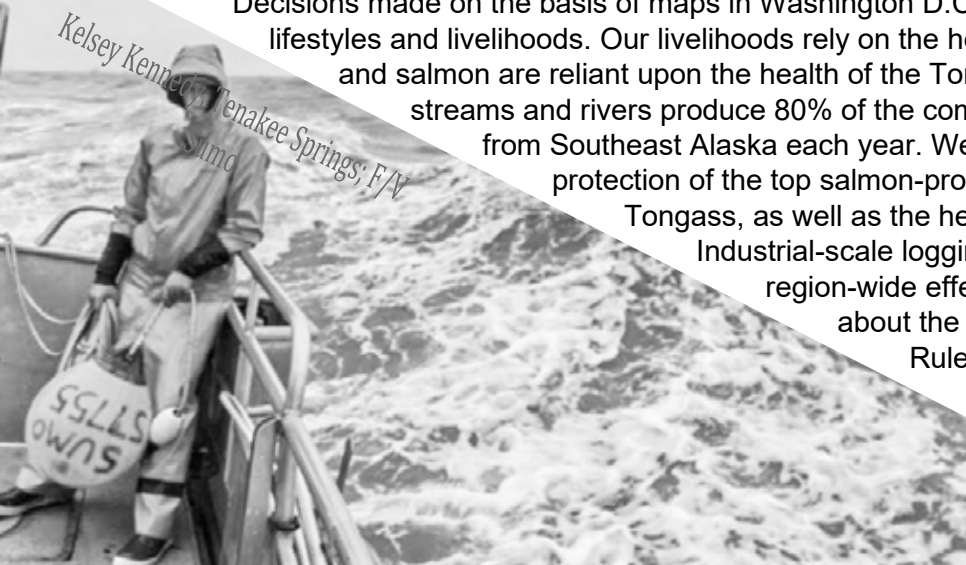
Commercial fishing is the economic backbone of Southeast Alaska. There are troll permit holders living in every single community in Southeast Alaska. 80% of all the Southeast salmon permit holders - trollers, seiners, and gillnetters - are Alaskan residents. We are small business owners that support our local communities year-round. One in ten jobs in Southeast is in the seafood industry, and we contribute 10% of all regional employment earnings. According to a McDowell report on the Economic Value of the Alaskan Seafood Industry (2013), these percentages equate to direct employment of 13,500 individuals and an estimated \$321 million in labor income in the Southeast region alone.

Decisions made on the basis of maps in Washington D.C. have palpable implications for our lifestyles and livelihoods. Our livelihoods rely on the health of the salmon, and salmon are reliant upon the health of the Tongass National Forest; these streams and rivers produce 80% of the commercial salmon harvested from Southeast Alaska each year. We are economically invested in the protection of the top salmon-producing watersheds on the Tongass, as well as the health of the forest ecosystem.

Industrial-scale logging negatively impacts fish habitat with region-wide effects, and we are concerned about the effects that a new Alaska Roadless Rule could have on our industry and the



*John W. Bean, Petersburg; F/V
Loon*



*Kelsey Kennedy, Tenakee Springs; F/V
Sumo*

resource we depend upon.

There are many challenges facing salmon populations that are beyond our control, such as changing ocean conditions, climate change and ocean acidification, and treaty agreements. By contrast, the fate of the Alaska Roadless Rule is well within your control. By conserving the most valuable and productive watersheds for fish production, the 2001 Roadless Rule is working for us. As you weigh your decision about the Alaska Roadless Rule, we collectively urge you to keep the Tongass Transition on track and phase out old growth logging; protect the T77 and TNC/Audubon areas and the other top salmon-producing watersheds in the forest, especially those on northern Prince of Wales Island; and urge the Forest Service to invest in stream rehabilitation and watershed restoration with the goal of improving salmon habitat and salmon production.

We advocate for these management prescriptions as a start, but we maintain that they are nowhere near sufficient. The T77 proposal excludes many of the most productive salmon streams on the Tongass, especially those on Prince of Wales Island, which contains a third of Southeast's most productive salmon streams. Prince of Wales is also the island that has sustained the worst impacts from the logging industry, both historically and at present. The island and the productivity of the anadromous waters on it will continue to suffer if the 2001 Roadless Rule protections are removed. With the future of Southeast Alaska's most important resource at risk, the Forest Service must work harder to protect and restore productivity in all the anadromous waters of Southeast Alaska, from the waters located in intact habitat as well as those in previously-degraded habitat.

In closing, as much as salmon fishing is our economic livelihood, it is also our way of life. We live in the communities that we fish out of, and we are invested in the economic, social, and ecological prosperity of these communities. We need to strengthen and protect the Tongass National Forest in order for it to keep it producing salmon for local economies, our families, our communities, and the next generation of fishermen. This forest supports a way of life that is unique across the world. We depend on the forest, we are important stakeholders, and our economic contributions to Southeast Alaska need to be recognized. **Please select an alternative to the Alaska Roadless rule that prioritizes protecting and sustaining the Southeast salmon resource and its habitat in perpetuity.** Thank you for your consideration.

Sincerely,

The dedicated salmon fishermen and women of Southeast Alaska

- *Spencer Severson*; F/V Dryas
- *Jesse Remund*; F/V Faithful
- *Tracy Sylvester*; F/V Faithful
- *Eric Jordan*; F/V I Gotta
- *Sarah Jordan*; F/V I Gotta
- *Ember Livingston-Emmons*; F/V Quest
- *Marty Remund*; F/V Teasha
- *Laurie Mastrella*; F/V Teasha
- *Charlie Wilber*; F/V Alexa K
- *Woody Cyr*; F/V Patience
- *Walt Corum*; F/V Seawolf
- *Chad Winnop*; F/V Myra
- *Gavin Cambak*; F/V Jetta D
- *Jeff Martinson*; F/V Tamarack
- *David Richey*; F/V Albee Rose
- *Courtney Howard*; F/V Mickey V
- *William L Patrick*; F/V Defiant
- *Drew Terhaar*; F/V Mary Carl
- *Randall Nichols*; F/V Nekton
- *Jeff Farvor*; F/V Apollo
- *Jeff Turner*; F/V Mirage
- *Francis Mendez*; F/V Ilona B
- *Chris Peterson*; F/V Ida Marie
- *Lance Preston*; F/V Duna
- *Stan Lopata*; F/V Eileen
- *Dan Dunn*; F/V Eigel B
- *Amy Kane*; F/V Eigel B
- *Tom Van Eeckhout*; F/V Drea Mor
- *Kory Teas*; F/V Invictus
- *Olivia Wilson*; F/V Seabreeze
- *Deena Hand*; F/V Erin K
- *Daniel Hand*; F/V Erin K
- *Justin Bate*; F/V Avalon
- *Kelsey Kennedy*; F/V Sumo
- *Tracy Rivera*; F/V Good News
- *Uriah Strong*; F/V Njord
- *Mark Meyer*; F/V Contagious
- *Sommers Cole*; F/V Energizer
- *Joe Sebastian*; F/V Alta E
- *Joan Kautzer*; F/V Alta E
- *Franz Sunonburg*; F/V Sea Spy
- *Arne Dahl*; F/V Jubilee
- *John W. Bean*; F/V Loon
- *Don Hernandez*; F/V West Rock
- *Angela Hernandez*; F/V West Rock
- *Abby Hosier*; F/V Ebb and Flow
- *John Magnuson*; F/V Harmony
- *Thomas Wood*; F/V Lutele
- *Ezra Sbonek*; F/V Red Salmonberry
- *Joseph Schwantes*; F/V Kalliste
- *Andrew Hankerd*; F/V Kalliste
- *Natalie Schwantes*; F/V Kalliste Dylan Jackson; F/V Kalliste
- *Sid Fleming*; F/V Kalliste
- *Colin Nobili*; F/V Ginny O
- *Andre Bois*; F/V Ginny O
- *Cheston Clark*; F/V Lorna Dee
- *Cody Nelson*; F/V Carole D
- *Keiran Owens*; F/V Shackleton
- *John Welsh*; F/V Shackleton
- *Moses P Johnson*; F/V Cloud Nine
- *Cole Gregorich*; F/V Orion
- *Chris Nash*; F/V Orion
- *Mike Day*; F/V Nikka
- *Jerome Abbott*; F/V Nikka
- *Matthew P Stroema*; F/V Acumen
- *Calvin Dahlheimer*; F/V Acumen
- *Abigail Devries*; F/V Mindalina
- *Joel Barker*; F/V Mindalina
- *Ben Lawrie*; F/V Mindalina
- *Vincent Mandyck*; F/V Born Again
- *Steve Fish*; F/V Kariel
- *Micah Delong*; F/V Lucky Star
- *David Glazier*; F/V Ulla
- *Martin Johnson*; F/V Poiken
- *Tina Johnson*; F/V Poiken
- *Tom Corso*; F/V Leeward
- *Deb Rose Gifford*; F/V Luck Pt
- *Mirabel Davis*; F/V Judith
- *Steve Kort*; F/V Judith
- *David Castle*; F/V Eyak
- *Brian O'Riley*; F/V Lynn Christine
- *Olivia Ritta*; F/V Lynn Christine
- *Thomas "Sonny" Williams*; F/V Keta
- *Woody Pahl*; F/V Melinda Rae
- *Scott Phillips*; F/V Carolyn Ann
- *Dan Flickinger*; F/V Angie Lynn
- *Luck Dunbar*; F/V Wampum
- *Macky Cassidy*; F/V Inseine
- *Jake Bell*; F/V Inseine

- *Mike Strens*; F/V Deluxer
- *Nick Fama*; F/V Molly
- *Isaac Reynolds*; F/V AprilL
- *Alec Cunningham*; F/V SeaLion
- *Cale LaDuke*; F/V Saami
- *Gene Gildin*; F/V Trisha Marie
- *John Lavretta*; F/V Diamond Lil
- *Oliver Christenson*; F/V Silent 'C'
- *Orion Fenner*; F/V Commando
- *Steven W. Carr*; F/V Lisa Jean
- *Roy Uber*; F/V Silver Cloud
- *Dee Corbell*; F/V Silver Cloud
- *Bjorn Ostenson*; F/V Eyvindr
- *Gary Hughes*; F/V Coral Sea
- *Troy Mutz*; F/V Lady Jane
- *David Callistini*; F/V Spellbound
- *Gil Knubor*; F/V Jackpine
- *Doug Jenny*; F/V Windchime
- *Lexi Fish Hackett*; F/V Myriad
- *Adam Hackett*; F/V Myriad
- *Garrett Wood*; F/V DoeBay
- *Brian Trekell*; F/V Nausicaa
- *Ryan Vander Poppa*; F/V Geraldine
- *Tracey Emanuel*; F/V Yankee
- *Peter Roddy*; F/V Laurel Lin
- *Jessica Robbins*; F/V Alsek
- *Sonnie Woessner*; F/V Ocean Cape
- *Dave Baxter*; F/V Bren Marie
- *Ryan Gullufsen*; F/V Bad Company
- *Thomas Perkins*; F/V Eileen J
- *Jeff Stewart*; F/V Snark
- *Joshua Songstad*; F/V Handler
- *Franklin Magnuson*; F/V Sailor Lad
- *Mary Magnuson*; F/V Sailor Lad
- *Richard "Chip" Sprague*; F/V Sailor Lad
- *Dave Clark*; F/V Angelique
- *Allen Hudson*; F/V Carole D
- *Casey Cook*; F/V PacificStar
- *Kathleen Murphy*; F/V Grace
- *David Lembke*; F/V Grace
- *Jerry Sandero II*; F/V Sophia Nicole
- *Lucas Murphy*; F/V Legacy
- *Alaura Bergeson*; F/V Deer Harbor
- *Allan Engstrom*; F/V Catherine
- *Charles Peep*; F/V Avente
- *Robert Boll*; F/V Village Idiot
- *Debra Page*; F/V Madam Ching
- *Taiga Bell*; F/V Triad
- *Tim Johnson*; F/V Nexus
- *Steve Stromme*; F/V Genesee
- *Lane Ply*; F/V Ryba
- *Scott Visscher*; F/V Standby
- *Erik Stromme*; F/V Genesee
- *Shane Sinclair*; F/V Triad
- *J. J. Goryn*; F/V Isla Rose
- *Joey Harvey*; F/V Silverlance
- *Holly Enerle*; F/V Pacific Dream
- *Hap Leon*; F/V Lizard Rock
- *Nelson Merrell*; F/V Lady Ann
- *Jake Kumma*; F/V Sanctuary
- *Philip Spencer*; F/V Georgia
- *Brent Crowe*; F/V Pavlof
- *Forest Sebastian*; F/V Clara
- *Matthew Wiedeman*; F/V Kibitzer
- *Ian Seward*; F/V Kathy Ann
 - *Patrick Baum*; F/V Deep Sea
 - *Derek Stewart*; F/V Monique
 - *Danielle Stewart*; F/V Monique
 - *Nathan Pollock*; F/V Janie C
 - *Garrett Kroschel*; F/V Whitecup II
 - *Allen "Red" O'Neill*; F/V Sun Dance
 - *Tom Hagen*; F/V Colette
 - *Suzanne Fuqua*; F/V Elinor Jane
 - *Jeff Robinson*; F/V Elinor Jane
 - *Tamara Kyle*; F/V Nona S
 - *Frank Kyle*; F/V Nona S
 - *Brian Newman*; F/V Highwayman
 - *John Murray*; F/V Sea Bear
 - *Tracy Brown*; F/V Lady Sharon
 - *Jeffery Thomas*; F/V Kathleen Jo
 - *Lindy Thomas*; F/V Kathleen Jo
 - *Adam Smith*; F/V Haven
 - *Tyler Green*; F/V Haven
 - *Ashley Green*; F/V Haven
 - *Richard Curran*; F/V Cherokee
 - *Michael Pickett Sr*; F/V Bertha R
 - *Eric Anderson*; F/V Marilyn
 - *Dustin Peters*; F/V Pioneer
 - *Jainie King*; F/V Zaba
 - *Steve Ol*; F/V Monarch

- *David Barry*; F/V Ursa Major
- *Thor Proulx*; F/V Trendsetter
- *Mya DeLong*; F/V Trendsetter
- *Amber Hansen*; F/V Deer Harbor II
- *Meredith Redick*; F/V I Gotta
- *Chris Hanson*; F/V Diamond Lil
- *Robby Bruce*; F/V Northwind
- *Lauren Mitchell*; F/V Northwind
- *Alex Carleton*; F/V Ginny C
- *Luke Thorington*; F/V Whisper
- *Michaela Coleman*; F/V Second Chance
- *Paul Wellain*; F/V Lite Weight
- *Heather Bauscher*; F/V Patience
- *Venice Pickett*; F/V Bertha R
- *Erin Uhl*; F/V Bertha R
- *Kari Hagedorn*; F/V OceanBeauty
- *Hank Moore*; F/V Sonray
- *Bob Stein*; F/V Myriad
- *Madeleine Taylor Turner*; F/V Mirage
- *Bronwyn Walton*; F/V SeaBear
- *Tyson Fick*; F/V Heather Anne
- *Pat Kehoe*; F/V Chaos
- *Katy Pendell*; F/V Chaos
- *Howard Pendell*; F/V Chaos
- *Rosalind Palof*; F/V Norisle
- *Elizabeth Figus*; F/V Quest
- *Heather Hardcastle*; F/V Heather Anne
- *Tessa Eleonore Schmidt*; F/V Jodan
- *Joel Hanson*; F/V Sakura
- *Michael Erb*; F/V Legacy
- *Wayne Weis*; F/V Legacy
- *Kurt Hansen*; F/V Middleton
- *Randy Kraxberger*; F/V Middleton
- *Francis Mender*; F/V Ilona B
- *Shane Towles*; F/V Legacy
- *Jason Gjersten*; F/V Ocean Cape
- *Andrew H. Scorzelli*; F/V Jessica C
- *Aurora Schein*; F/V Sea Miner
- *Noah Cash*; F/V Reiver
- *Jeb Morrow*; F/V Coral Lee
- *Ocean Mayo*; F/V Coral Lee
- *Linda Behnken*; F/V Woodstock

Alaska Trails

Enhancing Alaska's trails through advocacy, education and technical assistance.

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www.alaska-trails.org

Alaska State Statutes Pertaining to Recreational Trails

The reader is advised to confirm accuracy and to consult an attorney. Alaska Trails assumes no responsibility for this information.

AS 09.65.070. Suits Against Incorporated Units of Local Government.

(a) Except as provided in this section, an action may be maintained against a municipality in its corporate character and within the scope of its authority.

(b) A municipality may not require a person to post bond as a condition to bringing a cause of action against it. (c) An action may not be maintained against an employee or member of a fire department operated and maintained by a municipality or village if the claim is an action for tort or breach of a contractual duty and is based upon the act or omission of the employee or member of the fire department in the execution of a function for which the department is established.

(d) An action for damages may not be brought against a municipality or any of its agents, officers, or employees if the claim

(1) is based on a failure of the municipality, or its agents, officers, or employees, when the municipality is neither owner nor lessee of the property involved,

(A) to inspect property for a violation of any statute, regulation, or ordinance, or a hazard to health or safety;

(B) to discover a violation of any statute, regulation, or ordinance, or a hazard to health or safety if an inspection of property is made; or

(C) to abate a violation of any statute, regulation, or ordinance, or a hazard to health or safety discovered on property inspected;

(2) is based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty by a municipality or its agents, officers, or employees, whether or not the discretion involved is abused;

(3) is based upon the grant, issuance, refusal, suspension, delay, or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a rezoning;

(4) is based on the exercise or performance during the course of gratuitous extension of municipal services on an extraterritorial basis;

(5) is based upon the exercise or performance of a duty or function upon the request of, or by the terms of an agreement or contract with, the state to meet emergency public safety requirements; or

(6) is based on the exercise or performance of a duty in connection with an enhanced 911 emergency system and is not based on an intentional act of misconduct or on an act of gross negligence.

(e) In this section

(1) "municipality" has the meaning given in AS 01.10.060 and includes a public corporation established by a municipality;

(2) "village" means an unincorporated community where at least 25 people reside as a social unit.

AS 09.65.200. Tort Immunity for Personal Injuries or Death Occurring on Unimproved Land.

- (a) An owner of unimproved land is not liable in tort, except for an act or omission that constitutes gross negligence or reckless or intentional misconduct, for damages for the injury to or death of a person who enters onto or remains on the unimproved portion of the land if
- (1) the injury or death resulted from a natural condition of the unimproved portion of the land or the person entered onto the land for recreation; and
 - (2) the person had no responsibility to compensate the owner for the person's use or occupancy of the land.
- (b) This section does not enhance or diminish rights granted under former 43 U.S.C. 932 (R.S. 2477).
- (c) In this section, "unimproved land" includes land that contains
- (1) a trail;
 - (2) an abandoned aircraft landing area; or
 - (3) a road built to provide access for natural resource extraction, but which is no longer maintained or used.

AS. 09.65.202. Tort immunity for landowners' allowing recreational activity; adverse possession. (2008 HB25)

- (a) A landowner that allows a recreational activity on the landowner's land without charge does not, by allowing that activity,
- (1) owe a duty of care to maintain the land safe for entry or use for a recreational activity or to eliminate, alter, or control the inherent risks of a recreational activity;
 - (2) owe a duty to warn persons using the land for a recreational activity of any dangerous condition, known or unknown, apparent or hidden;
 - (3) owe a duty to curtail or prevent use of the land for recreational activities;
 - (4) implicitly ensure that the land is safe for any purpose;
 - (5) confer a legal status, such as invitee or licensee, to which a special duty of care is owed; or
 - (6) assume responsibility for any injury to persons or property.
- (b) This section applies only during the time that a landowner allows recreational use under a recorded grant of a public recreational use easement as required in AS 34.17.100.
- (c) This section does not apply to a civil action
- (1) if the landowner collects a charge for entry on the land for a recreational activity; or
 - (2) that is based on intentional, reckless, or grossly negligent conduct of the landowner.
- (d) This section may not be construed to conflict with, nor does it have any effect on, a liability release agreement between a participant in a recreational activity and a landowner.
- (e) Except as provided for under AS 09.45.052(d), land use allowed by a landowner for a recreational activity without charge may not form the basis of a claim for adverse possession, prescriptive easement, or a similar claim.
- (f) In this section,
- (1) "charge" means a fee or admission price imposed for access to or use of land, a recreational activity, a service, an entertainment, or another activity, except that the following is not considered a "charge":
 - (A) consideration received by the landowner from the state or political subdivision for land leased or dedicated to the state or political subdivision;
 - (B) property tax relief in exchange for a landowner's agreement to open land for a recreational activity; or
 - (C) a contribution in kind, service, or cash from a user if all of the contribution is used to improve access or trails, to remedy or reduce damage, to provide warning of a hazard, or to remove a hazard from the land;
 - (2) "land" includes private
 - (A) unimproved land;

- (B) improved land, exclusive of buildings, structures, machinery, or equipment on the land;
- (C) ways or land subject to an easement or right-of-way;
- (D) roads and trails;
- (E) water and watercourses on or running through the land;
- (3) "landowner" means a private person who owns land;
- (4) "private person" has the meaning given in AS 09.55.240;
- (5) "recreational activity" has the meaning given "sports or recreational activity" in AS 09.65.290.

AS 09.65.290. Civil Liability for Sports or Recreational Activities.

- (a) A person who participates in a sports or recreational activity assumes the inherent risks in that sports or recreational activity and is legally responsible for all injuries or death to the person or other persons and for all damage to property that results from the inherent risks in that sports or recreational activity.
- (b) This section does not require a provider to eliminate, alter, or control the inherent risks within the particular sports or recreational activity that is provided.
- (c) This section does not apply to a civil action based on the
 - (1) negligence of a provider if the negligence was the proximate cause of the injury, death, or damage; or
 - (2) design or manufacture of sports or recreational equipment or products or safety equipment used incidental to or required by a sports or recreational activity.
- (d) Nothing in this section shall be construed to conflict with or render as ineffectual a liability release agreement between a person who participates in a sports or recreational activity and a provider.
- (e) In this section,
 - (1) "inherent risks" means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of a sports or recreational activity;
 - (2) "provider" means a person or a federal, state, or municipal agency that promotes, offers, or conducts a sports or recreational activity, whether for pay or otherwise;
 - (3) "sports or recreational activity"
 - (A) means a commonly understood sporting activity, whether undertaken with or without permission, including baseball, softball, football, soccer, basketball, hockey, bungee jumping, parasailing, bicycling, hiking, swimming, skateboarding, horseback riding and other equine activity, dude ranching, mountain climbing, river floating, whitewater rafting, canoeing, kayaking, hunting, fishing, backcountry trips, mushing, 4 backcountry or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding, telemarking, snow sliding, snowmobiling, off-road and all-terrain vehicle use;
 - (B) does not include
 - (i) boxing contests, sparring or wrestling matches, or exhibitions that are subject to the requirements of AS 05.10;
 - (ii) activities involving the use of devices that are subject to the requirements of AS 05.20; or
 - (iii) skiing or sliding activities at a ski area that are subject to the requirements of AS 05.45.

AS 29.45.062. Land Subject to a Conservation Easement.

- (a) Land that is subject to a conservation easement created under AS 34.17 and used consistent with the conservation easement shall be assessed on the basis of full and true value for use subject to the conservation easement and may not be assessed as though it was not

subject to the conservation easement. The assessor shall maintain records valuing the land for both full and true value and value subject to the conservation easement. The municipality may, by ordinance, require that if the land is sold, leased, or otherwise disposed of for uses incompatible with the conservation easement or if the conservation easement is conveyed to the owner of the property, the owner shall pay to the municipality an amount equal to the additional tax at the current mill levy together with eight percent interest for the preceding 10 years, as though the land had not been assessed subject to the conservation easement.

(b) To secure the assessment under this section, an owner of land subject to a conservation easement shall apply to the assessor before May 15 of each year in which the assessment is desired. The application shall be made upon forms prescribed by the assessor and shall include information that may reasonably be required to determine the entitlement of the applicant.

AS 34.17.055. Tort Immunity From Personal Injuries or Death Arising Out of the Use of Land Subject to a Conservation Easement.

(a) In addition to the immunity provided by AS 09.65.200 , an owner of land, a portion of which is subject to a conservation easement that is 50 feet or less in width, that has been granted to and accepted by the state or a municipality, and that provides public access for recreational purposes on the land subject to the conservation easement is not liable in tort, except for an act or omission that constitutes gross negligence or reckless or intentional misconduct, for damages to a person who uses the easement to enter onto or remain on the land if

(1) the person had no responsibility to compensate the owner for the person's use of the easement or the land; and

(2) the damages arise out of the person's use of the easement for recreational purposes on the land.

(b) The immunity under (a) of this section extends to the grantee of the conservation easement providing public access to the land for recreational purposes.

AS. 34.17.100. Public recreational use easements. . (2008 HB25)

(a) A public recreational use easement may be created for the purposes of AS 09.65.202 by recording the grant of the easement in the recorder's office for the recording district where the 5 land affected by the easement is located. The grant of the public recreational use easement must

(1) be on a form provided by the Department of Natural Resources;

(2) identify the land affected;

(3) set out restrictions, conditions, or reservations affecting the easement, including terms addressing duration or termination of the easement, if any; and

(4) state that the purpose of the easement is to make the land available for public recreational activity.

(b) The easement granted under (a) of this section may be a conservation easement under AS 34.17.010 - 34.17.060 (Uniform Conservation Easement Act).