ALASKA FOREST RESOURCES & PRACTICES ACT (FRPA)

Overview

October 15, 2021 for Division of Forestry Resources Meeting

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Forest Practices and Resource forester

Alaska Department Of Natural Resources
Division of Forestry
FRPA Focus

FRPA (AS 41.17)

- Governs how commercial timber harvesting, reforestation, and timber access occur on state, private, and municipal land.
- Establishes the Division of Forestry and Board of Forestry
- Establishes the State Forest system
BMPs are tailored to the forest types, climate, and topography of each region.
Applicability

- Commercial forest operations
  - Region I: >10 acres
  - Region II: >40 acres
  - Region III: >40 acres for forest landowners that own more than 160 acres in total.

- All commercial harvest operations that encompass or border surface waters or a riparian area, regardless of size.
The Act was developed and endorsed by diverse interests reaching a common and fair understanding.

It established a program for regulating harvest operations based on providing notice to regulatory agencies of the activity.

It contained no specific standards for management of riparian areas.
The first regulations for harvest operations were adopted in 1981. A separate Field Manual contained best management practices (BMPs) which were advisory.
Key provisions – Coordination

- 1-stop shopping for forest operation compliance with state and federal clean water standards.
- DNR is the lead agency for FRPA implementation
- DNR must give due deference to DEC for water quality decisions. DOF must give due deference to ADF&G for fish habitat issues on private land, and for fish and wildlife habitat on public land.
Key provisions - DPOs

Detailed Plan of Operations required prior to operations on non-state land.

- DNR, DEC, and ADF&G review DPOs for consistency with FRPA and its regulations
- Agencies can require site inspection and check stream classification
- This is not a permit process; timber operations can proceed if the agencies do not respond within the set time frame.
- Change in operations (95.230)
Key provisions – Inspections

- DNR may inspect forest land and activities in conjunction to ensure compliance with FRPA and its regulations.
- DEC & ADF&G have the same authority to enforce their own laws and regulations on forest land.
- DNR, DEC, and ADF&G coordinate inspections.
- Inspections are routinely conducted, and may occur before, during, and after operations.
- Compliance monitoring score sheets are part of inspections.
Key provisions – Reforestation

- Prompt reforestation unless the land will be converted to another use
- Exemption for harvest areas significantly composed of dead or dying trees
Key provisions – Enforcement

DOF has authority to enforce the Act through
- directives,
- Notices of violation,
- stop work orders, and
- civil fines.
Implementation actions

- Statutory amendments
- Regulatory amendments
- Implementation fieldbook
- DPOs and Forest Land Use Plans
- Training
- Research
- Monitoring
Detailed Plan of Operations (DPO)
Workflow
The operator shall provide DOF with a DPO before beginning forest operations on:

- Municipal land,
- Private forest land, including mental health trust land,
- State land not managed by the division, including university land.

Sec. 41.17.090(c); 11 AAC 99.140(a)
Region I...based on calendar Year
Region II and III...one year after start date
DPO’s must be renewed if not completed within timeframe.

11 AAC 95.220(d)
The name, address, and approving signatures of the forest landowner, timber owner, and operator;

Dates that the operation is expected to begin and end

Location map (1:63,360 or better)
  - Unit boundaries
  - New and existing road system
  - Approximate locations of material extraction sites
  - Surface waters

DPO REVIEW: REQUIRED INFO
The location and, if applicable, the classification of known surface waters that abut or are within harvest units (see FRPA 101 D);

The approximate location of

- proposed stream crossings;
- stream crossings requiring approval by the ADF&G under AS 16.05.871 (catalogued anadromous waters);
- surface waters for which the operator requests ADF&G determine or verify the presence of fish by a field inspection

11 AAC 95.220(a)(5)
DPO REVIEW: ADFG ANADROMOUS WATERS CATALOG

- Fish streams (ADFG Alaska Fish Resource Monitor website:
  https://adfg.maps.arcgis.com/apps/MapSeries/index.html?appid=a05883caa7ef4f7ba17c99274f2c198f
Reforestation and site preparation methods, including:

- The preferred target species,
- Regeneration technique,
- Site preparation method.

11 AAC 95.220(a)(10), .375(a)
Any requests for variation, including
- Variations from riparian standards or other standards in FRPA or its regulations (11 AAC 95.235)
- Small streamside variations in Region (11 AAC 95.240)
ALLOWED USES IN RIPARIAN AREAS

- Road building for stream crossings (road construction standards 11 AAC 95.285(b))
- Water body crossings (bridge standards in 11 AAC 95.300)
- Locating material extraction sites (material site standards in 11 AAC 95.325)
DISTRIBUTION OF COMPLETED DPO

- Cover letter addressed to agencies:
  - ADFG (local area habitat biologist)
  - DEC (Jon Wendel, based in Juneau)
- Cc Operator
- Cc Landowner

11 AAC 95.220(e),(f)
ENTER DPO IN DATABASE
DOF shall review the plan to determine if the operations are consistent with FRPA and its regulations.

Operations may begin under the plan when the 30-day period expires or upon notice from DOF that the review has been completed, whichever occurs first.

AS 41.17.090(e), .098(f), .116(a)
DPO REVIEW

- DOF will provide a written review of a DPO within 30 days.
- DOF need not consider comments received more than 20 days after the date a DPO is filed.
- DOF will forward copies of all comments to the forest landowner.

11 AAC 95.225(d)
Field Inspections

Overview
Fish Habitat Factors

- short-term & long-term LWD source
- stream bank stability
- channel morphology
- water temperatures
- stream flows
- water quality
- adequate nutrient cycling
- food sources
- clean spawning gravels
- sunlight

AS 41.17.115(a)
## COMPLIANCE SCORE SHEETS

### FOREST PRACTICES COMPLIANCE SCORE SHEET

**Region I**

<table>
<thead>
<tr>
<th>Operation Name: Naukati (Yatuk)</th>
<th>Forester's name and Area Office: Joel Nudelman, SE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Number: SSE 19-01</td>
<td>Land Owner: MHT</td>
</tr>
<tr>
<td>Unit #: 11,9,10 and 6 Road #: All</td>
<td>Operator: Viking</td>
</tr>
</tbody>
</table>

#### BMPs

<table>
<thead>
<tr>
<th>General</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>815b Disposal of Petroleum Products</td>
<td>2 n.a.</td>
</tr>
<tr>
<td>815c Disposal of Scrap Metal</td>
<td>2 n.a.</td>
</tr>
</tbody>
</table>

**Riparian Areas**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>265 Classification of Surface Water Bodies</td>
<td>3</td>
</tr>
<tr>
<td>280d5 Sidecasting Material in Riparian Areas</td>
<td>2</td>
</tr>
<tr>
<td>285b Locating Roads in Riparian Areas</td>
<td>2</td>
</tr>
<tr>
<td>350c Leaving High Stumps in Riparian Areas</td>
<td>2</td>
</tr>
<tr>
<td>355e1 Falling Trees into Retention Areas</td>
<td>2</td>
</tr>
<tr>
<td>360c4 Cable Yarding Adjacent to Riparian Areas</td>
<td>2</td>
</tr>
<tr>
<td>365b Ground Skidding in Riparian Areas</td>
<td>2</td>
</tr>
</tbody>
</table>

**Timber Harvesting**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>345a,b Landing Location, Construction, &amp; Operation</td>
<td>2</td>
</tr>
<tr>
<td>350a Min. Disturbance Adjacent to Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>350b Avoid Disturbing LWD in Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>355c Removal of Trees from Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>355d Bucking of Trees in Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>360a,b Cable Yarding Adjacent to Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>360c1-3 Obtaining Deflection when Cable Yarding</td>
<td>2</td>
</tr>
<tr>
<td>365f Proper Skidding Techniques Followed</td>
<td>2</td>
</tr>
<tr>
<td>365g Stabilizing &amp; Water Earning Skid Trails</td>
<td>2</td>
</tr>
</tbody>
</table>

**Road Construction**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>290c Erosion Controls on Unstable Soils</td>
<td>2</td>
</tr>
<tr>
<td>290d End-Haul of Waste Material</td>
<td>2</td>
</tr>
<tr>
<td>290e Fall Away from All Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>290j Disposal of Material in Suitable Sites</td>
<td>2</td>
</tr>
</tbody>
</table>

**Drainage**

<table>
<thead>
<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>205b Adequate Number of Drainage Structures</td>
<td>2</td>
</tr>
<tr>
<td>205c Drainage Structures on all Natural Drainages</td>
<td>2</td>
</tr>
<tr>
<td>295d Roads Outsloped or Ditched on Uphill Side</td>
<td>2</td>
</tr>
<tr>
<td>295f Relieve Ditches Away from Surface Waters</td>
<td>2</td>
</tr>
<tr>
<td>205i Do Not Discharge onto Unprotected Slopes</td>
<td>2</td>
</tr>
</tbody>
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**Bridges**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
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</thead>
<tbody>
<tr>
<td>300a1 Install Relief Culverts on Approaches</td>
<td>2</td>
</tr>
<tr>
<td>300a2 Anchor One End of Log Bridge</td>
<td>2</td>
</tr>
<tr>
<td>300a3 Protect Earth Embankment from Erosion</td>
<td>2</td>
</tr>
<tr>
<td>300a4 Install Curbs &amp; Filter Fabric</td>
<td>2</td>
</tr>
<tr>
<td>300a8 Min. Disturbance to Bed &amp; Bank of Stream</td>
<td>2</td>
</tr>
<tr>
<td>300d Do Not Enroach on Fish Stream</td>
<td>2</td>
</tr>
<tr>
<td>305a3 Culvert is not Perched</td>
<td>2</td>
</tr>
<tr>
<td>305a4 Culvert Terminates on Non-erodible Material</td>
<td>2</td>
</tr>
</tbody>
</table>

**Culverts**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>305a7 Clear of Mobile Slash</td>
<td>2</td>
</tr>
<tr>
<td>305a8 Catch Basins and Headwalls</td>
<td>2</td>
</tr>
<tr>
<td>305a9 Culverts are Proper Length</td>
<td>2</td>
</tr>
</tbody>
</table>

**Road Maintenance**

**Active Roads**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
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</thead>
<tbody>
<tr>
<td>315b1 Culverts Functional</td>
<td>2</td>
</tr>
</tbody>
</table>

**Inactive Roads**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>315c2 Surface Not Conductive to Erosion</td>
<td>2</td>
</tr>
</tbody>
</table>

**Closed Roads (Post 1993)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
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</thead>
<tbody>
<tr>
<td>320b1 Road Condition Suitable to Control Erosion</td>
<td>2</td>
</tr>
</tbody>
</table>

**Score Calculation**

\[
\text{Score} = \left( \frac{\text{Sum of all scores}}{\text{Sum # BMP's rated}} \right) \times 5 \times 100 = 97\%
\]

**Comments:** See inspection report for detail. No new road construction was reviewed on the Yatuk side during this inspection, so BMP's related to road construction, bridges or culverts were not reviewed.
What Happens to the Score Sheet Data?
Inspection Field Tools

- Tablet or smart phone
- Avenza or Esri Field Maps (formerly Collector)
Field Inspection Follow Up

- Go over all significant items with people present...operator, landowner, etc.
- Address problem areas
- Preferably complete score sheet in the field with operator.
- Write inspection report and send to operator, land owner and agencies, with scoresheet.
The End! Questions?