

**FINAL MINUTES**  
**Board of Forestry Meeting**  
**March 26-27, 2013**  
**DEC Conference Room, 410 Willoughby Ave., Juneau**

**Tuesday, March 26, 2013**

**Call to Order and Roll Call.** Chairman Chris Maisch called the meeting to order at 8:35 a.m. The Anchorage and Fairbanks teleconference sites were connected. Jeff Foley, Erin McLarnon, Matt Cronin, Mark Vinsel, Wayne Nicolls, Eric Nichols, and Ron Wolfe were present. A quorum was established. Chris Stark joined the meeting at 8:40.

**Public Meeting Notice.** The meeting was noticed by issuing public service announcements and press releases, mailing announcements to interested parties, and posting a notice on the state and Department of Natural Resources (DNR) websites. *(See handout)*

**Approval of Minutes.** The Board reviewed and unanimously approved the November 8-9, 2012 minutes with no changes. *(See handout)* The Board reviewed and unanimously approved the December 14, 2012 teleconference minutes with no changes. *(See handout)*

**Approval of agenda.** *(See handout)* The agenda was unanimously approved with changes in presentation times for Paul Slenkamp and Ron Wolfe.

**Old Business I**

**FY14 FRPA Budget proposals.**

**ADF&G.** Randy Bates – the Habitat Division has no dedicated FRPA funding; it uses General Fund money, and for FY13 received a one-time increment of \$85,000. ADF&G has asked for an ongoing increment for the same amount starting in FY14. ADF&G remains committed to implementing FRPA and Title 16 requirements. The Habitat Division has \$4.2 million in General Fund money plus \$2.8 million in interagency receipts, and a small amount in Statutorily Dedicated Program Receipts. Maisch -- DOF is also providing a Reimbursable Service Agreement (RSA) to ADF&G to participate in planning for timber sales to support large biomass projects. Bates – The Habitat Division prioritizes its work for allocating funds and is successful in meeting needs. Constraints in how funding types may be used aren't a roadblock for doing needed work.

For mining projects, the DNR Office of Project Management and Permitting (OPMP) may receive funding from a mining company for necessary permit work, and some can be used to support ADF&G permitting work. Stark – is there a role for some entity to ask groups putting together biomass energy proposals to fund advance work for habitat research? Bates – for biomass energy, there are multiple companies vying for a timber sale rather than a single company with existing mineral rights. The Habitat Division does have an RSA with DOF to work on timber sale planning in response to biomass demand. Mike Curran, DOF – state timber sale contracts could include requirements for certain work to be done. Bates – the Habitat

Division is funded for permitting; it would like to move more into advance planning. Habitat issued 4,955 permits in 2012, with an average time for issuing the permits of 7.1 days.

Wolfe – There is no FRPA equivalent for other resource development, and the FRPA monitoring programs are effective. However, there is no mechanism for forward-funding FRPA work.

**DEC.** Kevin Hanley – The Division of Water anticipates level funding for FY14. Federal Section 319 funding is at an historic low and unlikely to recover. Section 319 grant funding is all focused on waterbody recovery efforts.

Stark – the University has been successful going to mining companies prior to permitting and asking them to accomplish needed research – the research work is a small part of the total project cost. Nichols – what is the responsibility of the individual company vs. a government responsibility? When does the agency essentially become a private entity?

**DOF.** Maisch – See DOF annual report for funding history, adjusted for inflation. Funding levels are down, along with the number of Detailed Plans of Operations (DPOs) and acreage in DPOs. DOF expects level funding for FY14, plus CIPs for road access and bridge replacement in the Tanana Valley (\$800,000) and timber inventory in the McGrath, Galena, and Haines areas (\$300,000).

**Roads to Resources projects and funding.** *(See handout)* Mike Curran, DOF – The Alaska Department of Transportation and Public Facilities (DOT) has primary authority for road construction, with authority for some projects delegated to the DNR Division of Parks and Outdoor Recreation (DPOR). DOF has no licensed engineer – we use DPOR certified engineers or private contractors to approve road project designs. DOF is considering options to expand the DPOR office or add an engineer to the DOF staff for forestry roads. DOF has established a CIP-funded road project coordinator to design forest roads, coordinate with a licensed engineer in DPOR, and oversee forest road construction. DOF will fill this position as soon as possible.

Past and proposed forest road projects are described in the handout. DOF will continue to seek CIPs for road construction and maintenance, and support for the DOF roads office. Road maintenance is a big issue, especially where the public uses roads heavily and expects them to remain open.

CIP funding for firewood access has been allocated to DOF area offices to provide firewood access in southcentral and interior Alaska. Firewood permit fees and commercial firewood sale revenue don't cover access costs.

Wolfe stated support for the Edna Bay bypass. Nichols encouraged DOF to hire a forest engineer rather than a civil engineer. Curran -- DOF will continue to use its own staff to engineer roads and crossings, and have a DPOR certified engineer approved the design. Few forest engineers are certified. Nichols -- concerned that the Shelter Cove road won't be built in time for the proposed timber sale. He encouraged DOF to build at least the hook-up road quickly, and to coordinate Edna Bay work with the upcoming University timber sale auction in that area.

**Susitna State Forest and negotiated timber sales.** Maisch: (*see handouts*) HB79/SB28 was introduced by request of Governor; this is the first year of the session. Maisch has been meeting with legislators, especially from Mat-Su. The Division is working on getting support from Mat-Su Assembly – they defeated the mayor’s resolution of support 4-3. DOF is getting out factual information on uses of the state forest and the availability of other land for settlement. The Division is also doing more outreach with the City of Houston, and the Mat-Su mayor, Borough manager, and Assembly.

Some wildlife organizations want the State Forest to be bigger; others are concerned that it will lock up land to various public uses. Nichols said that some operators fear there will be fewer timber sales. Maisch emphasized the Division’s record in developing all-season and winter access into the forest over time. One handout shows the difference between state forests and state parks, and the Attorney General’s Office wrote a memo reinforcing the information in the chart. Nichols – there is a history in other states and on federal land of additional land being set aside for non-forest purposes within state and national forests. Maisch -- without a legislative designation, state forest land is subject to reclassification whenever area plans are updated. DOF is continuing to work to get support from local citizens, organizations, and elected officials.

Wolfe -- continue the information efforts, otherwise there could be a backlash on forestry issues. There may be concerns between the two sections on the Susitna State Forest and the negotiated timber sale option in HB 79. Nicolls -- reorder the items on the briefing paper comparing a State Forest designation to the forestry classifications.

**Vinsel** – HB 77 has implications for in-stream flow reservations of concern to United Fishermen of Alaska. Under the bill, only a government agency could apply for a reservation to maintain water in a stream. Alaska has a good system and ADF&G has a history of acquiring reservations to keep water in streams.

**FRPA mass wasting regulations.** Freeman: The public comment period for the draft regulations closed January 31, 2013. Notices were published on state online sites and in the Anchorage Daily News, e-mailed to mail lists for the Board, S&TC and IG process mailing lists, Board of Forestry (BOF) meeting notices, DNR regulations mail list, and legislators. KFSK did an interview with Freeman and Ed Wood, and the SAF published the notice in their newsletter. She noted that two individuals on the mail lists didn’t receive direct notices by e-mail, but they were each on two e-mail lists, she confirmed that the notices were sent, including to their e-mail addresses, and others on the same lists did receive the notices. DOF received comments from Sealaska Timber Corporation and the Southeast Alaska Conservation Council (SEACC) (*see handout*). No changes were made as a result of the comments.

The Sealaska comments reviewed potential operational and economic impacts of the regulations and stated that they could be incorporated into existing harvest methods without undue cost or difficulty. SEACC generally supported the regulation changes but stated their disappointment with the Board’s decision not to ask for authority to address public safety. They also requested that indicators for “unstable slopes” be included in the regulations rather than the implementation handbook, and that the 1994 Chatwin et al. citation be included in the regulations. Consistent

with prior Board discussions, DOF did not change the decision to address the “unstable slope” indicators through the implementation handbook and training. Similarly, DOF believes that the specific reference is best incorporated through training.

The final regulations have been submitted to the DNR Commissioner for signature. The next step will be the DEC Commissioner’s signature, final review by the Attorney General’s Office, and filing by the Lieutenant Governor.

**Alaska Coastal Management Program (ACMP) regulation repeal.** Freeman -- Regulation amendments to reflect the termination of the ACMP were adopted and became effective on December 27, 2013 (*see handout*). There were no changes to the draft regulations that the Board previously reviewed. The Department of Law revisor of statutes also updated FRPA to remove references to the Coastal Zone Management Act in AS 41.17.900 (d) and (e). Bates confirmed that state participation in CZMA is voluntary; without a state coastal program, there is no federal requirement for CZMA participation.

**FRPA compliance monitoring.** Joel Nudelman, DOF – (*see handouts*) All inspections are documented with compliance monitoring score sheets. There have been improvements in all regions over the last 10 seasons. Details of monitoring results are in the handouts.

Wolfe – It is important to publicize the extent of this effort and the results to demonstrate the success of the FRPA. Maisch – DOF will work with the public information officer to get the word out. Nicolls – need to reinforce the quality of the standards that are being applied as well. Stark – agreed; this is something that the environmental community doesn’t hear about.

**Road condition survey.** Nudelman – DOF and ADF&G surveyed crossing structure, road, and reforestation BMPs, and evaluated culverts for fish passage on the Region II part of the Kenai Peninsula and around Tyonek (*see handout maps*). This will be a 100% sample in these areas. So far, the survey has covered 115 out of 130 miles of forest roads on the Kenai. Most are active roads. Few problems were found -- the area is relatively flat, many streams are bridged – there were only 12 fish stream culverts on the 115 miles surveyed to date. Of the 12 culverts two were rated 4, five rated 3, three rated 2, and two rated 1. The agencies will do upstream habitat surveys on the culverts that rated 1 and 2. Some of the culverts were not originally built for fish passage based on the catalogued waters at the time.

The Kenai Peninsula Borough funded DOF to expand the project to Tyonek. There was little data on the area. Most of the roads were built for forest management in the 1970s-80s prior to FRPA and are now heavily used for oil and gas exploration. Tyonek Native Association and some of the oil and gas companies are doing maintenance on the roads in use. The survey covered 74 out of approximately 115 miles of forest road subject to FRPA. Of the fifteen culverts identified, one rated 4, six 3, three 2, and five 1.

Stark – why was the timeframe selected for the fish surveys? Juveniles move higher into streams in the fall. Nudelman – that was the only time housing was available, however ADF&G found fish everywhere they expected to even in the summer samples, and can get back to the Kenai sites.

In 2013, DOF and ADF&G will complete the online database, and the data will be available to the public, complete the survey on the Kenai Peninsula, and conduct upstream habitat surveys.

On the pipes rated 1 and 2 with upstream fish habitat, DOF will seek funds to fix the problems – there may be opportunities through the US Fish and Wildlife Service or the Alaska Sustainable Salmon Fund.

Wolfe – it is important to get the road condition survey information out to the public. There are few problems for the extent of the road system. Nichols -- there aren't many problems even though a lot of the Tyonek roads were built prior to the FRPA standards, and are still actively used. Stark – the agencies should confirm that there really aren't fish in the culverts that are believed to be on non-fish waters.

**Public comment.** Darrel and Deanna Gross, Wrangell: Wanted to complain about Mental Health Trust (MHT) logging back of the Wrangell Institute. A road is going in next to their property. Mr. Gross is blind and disabled, and his wife also disabled. The roading is causing mental anguish and pushing them off their property. The Trust will leave a 100' buffer, but the noise will still cause too much stress. Renters on the property have children. The road is a safety hazard and will make the driveway unsafe, too. The Grosses pick berries and tea in the area: this takes subsistence away. The road will go through a wetland. They do not have the money to fight this. Isn't the MHT supposed to be helping the mentally disabled? This affects the whole island – the Trust has 1500 acres more elsewhere on the island. They don't clean up after their messes—they left an RV, a tree went through a house, and Mental Health wouldn't help. The mayor and planning and zoning commission didn't know anything about this, and the mayor said he can't do anything about it. This shouldn't be allowed on any islands with towns – tourism is going down the tubes. Mental Health took our Constitutional rights away. Mr. Gross talked with Paul Slenkamp and people higher up at the Trust. They won't call back and hung up on other callers. There were no notices from MHT. No one at the local paper or radio wants to put this on the news. This is Alaskans' land, don't take this away. Only 15% of the Mental Health revenue goes to help the handicapped. I'm not against logging, but I don't want it on our islands. People should get to vote on this.

#### Discussion

- Maisch – contact the Mental Health Trust board of directors. Under FRPA, Mental Health Trust lands are classified as private lands. Maisch is not aware that the Trust has broken the law. They have to submit a DPO that is reviewed for compliance by DNR, DEC, and ADF&G. The BOF is an advisory board.
- Vinsel – recommends communicating to legislators about mental health funding for the state. Rural residents near these projects bear the brunt of impacts. Changes in how mental health services are funded would require legislative changes. Gross – no one wants to do anything. He has contacted Rep. Peggy Wilson, Sen. Begich, and others. Can the Trust cut off local input?
- Cronin – The MHT people are just following their mandate. The legislators are the ones responsible for administering these programs. It is not appropriate to accuse the Trust of being financially irresponsible.

- Stark – suggested sending a letter with these concerns to this Board and the local newspaper.
- Nicolls – what law do you think is being broken? Gross – the Planning and Zoning person said there weren't required permits because it is private property.
- Nichols – I have logged a lot of MHT land. The Trust is constituted to generate funds for their constituents. If you don't like them harvesting the timber, it's a legislative issue.

**David Beebe, Petersburg** – Parnell's "One Voice Policy" regarding state input on federal timber sales restricts state biologists' comments on federal NEPA documents. Comments don't include the full range of biological concerns. The Board of Game recognized NEPA's failure to maintain huntable populations of deer. We are getting winter deer kills as a result. FRPA has no standards for maintaining minimal populations of deer, but the Constitution requires fair access to wildlife. The Board of Game said reductions in bag limits on federal land are not providing sufficient resources to local communities and the federal standards are higher than FRPA standards. This is a big impact on rural communities. The Board should be more concerned and address these issues. Game Management Unit 3 is impaired for providing resources to rural communities. FRPA isn't functioning in a manner that will provide the Constitutional rights of citizens to have access to fish and game resources.

#### Discussion

- Maisch – BOF doesn't usually weigh in on federal policies, but has gotten more engaged on federal topics recently. Cronin – the NEPA process and reports are the proper place to give information, assess science, and come up with management plans. Different camps provide different information and it takes a lot of effort to sort out what is really going on. Dealing with the actual science isn't trivial, and people often get told things that are simplistic.
- Wolfe asked Maisch to find out about the Board of Game meeting in Sitka and let the Board know what was covered. The deer population issue is very significant to Native corporation landowners and subsistence users. There is a need for a scientific forum on this issue, but it's probably not the BOF. Sealaska has some good information to contribute.
- Cronin – Beebe implied that state biologists' viewpoints are being altered because of the "One Voice Policy". No one has been asked to alter the science, but the Governor is elected to set the policy and his employees are expected to implement the policy.
- Beebe – My intent is to provide context for the concern that the federal and state government need to maintain populations of deer for rural communities.

**Mental Health Trust Land Office updates.** Paul Slenkamp, MHT – The Trust is moving forward with USFS-MHT land exchange and the proposal has quite a bit of support. Ed Wood worked on letters of support from the City of Petersburg and the Mitkof Highway Homeowners Association. Recent timber sales were issued at Wrangell and Kasaan. The MHT exchange includes most of the Wrangell land. The Trust tried to come up with a balance of exchange lands in that area. The City insisted that the parcel behind Mr. Gross's house not be traded to the USFS because they want the option for future residential growth. The MHT went through the public process for the sale and the City of Wrangell has no concerns with this sale.

The MHT portfolio is diverse, and includes office buildings in Alaska and Outside. The Trust has done considerable development around Providence Hospital, and has residential subdivisions on the Kenai Peninsula, owns coal and mining properties, etc. Since 1994, \$115-120 million has

been generated from Trust Land, including about \$45 million from timber. Timber is a good liquid asset for the Trust. The Trust Land Office has a mandate to manage Trust land to generate revenue; the MHT Authority allocates the revenue. Eighty-five percent of the timber revenue goes into a permanent fund for mental health services.

**Sealaska land legislation.** Wolfe – the bill was not successful in the last Congress but has been reintroduced as SB 740/HB340 and awaits committee hearings. Sealaska has negotiated all of the substantive issues and now has an endorsement from the SE Alaska Conservation Council. Wolfe hopes that broad-based support will help the bill through Committee.

**Alaska Energy Authority (AEA) project updates.** Devany Plentovich, AEA—The Environmental Protection Agency (EPA) emission rules were finalized in December 2012. Emission limits apply to new biomass units over 10 MMBTU/hour. The standards include a one-time energy assessment for new and existing systems. A tune-up to manufacturer recommended specifications is required for new or existing biomass units, including seasonally-operational units, except for hot water boilers rated < 1.6 MM BTU/hr, such as Garn boilers and smaller pellet units. Existing boilers must conduct the tune-up by March 2014.

The definition of solid waste includes waste paper, construction and demolition wood, and railroad ties – burning them is considered incineration. AEA would like to have these items redefined as potential fuels. EPA is still collecting comments on this definition.

Fairbanks is in non-attainment for the PM2.5 standard under the Clean Air Act. To reach attainment they have to reduce levels 20% below the 2009 levels. BLM is looking at installing a pellet boiler in their Fairbanks office. Efficient wood stoves and pellet boilers have lower emissions than most fuels, but are higher than fuel oil. For residential units, switching from fuel oil to any type of biomass will increase PM2.5, but switching from other fuels/burners improves PM2.5. Particulate emissions are not the same for large industrial units with electrostatic precipitators and bag houses.

Renewable Energy Fund update:

- Finished GarnPacs are in place at Thorne Bay, but are awaiting dry wood.
- Round 6 Renewable Energy grant recommendations for biomass projects include projects in Mentasta, Galena, Tok, Kake, Hydaburg, Seward, Nenana, Haines, Bethel, North Pole, Petersburg, and Afognak, and Interior Regional Housing Authority feasibility studies for eight villages. If these aren't funded, AEA will work with the applicants to improve their proposals.
- In Round 7, AEA will consider purchase of wood harvesting equipment, but it will increase the cost of proposals.
- All 19 pre-feasibility studies identified by the Alaska Wood Energy Development Task Group will be funded in 2013.
- AEA is working on performance assessments of operational systems at Delta, Gulkana, and Tanana for economic viability and emissions.

AEA is tightening its review of the sustainable, dry, wood-fuel supply when reviewing proposals. Maisch -- DOF is assessing timber inventories with funding from AEA. The Forest Stewardship program can also work with private owners for supply analysis.

**Biomass energy proposals and state timber sales.** Curran (DOF) – the best interest finding for a 25-year timber sale to support biomass proposals around Tok was finalized today. All commenters will get a copy of the final finding, including all comments and responses. After the appeal period, DOF will draft a timber sale contract, and advertise the sale, with a target to offer for sale in May. This will be a contract for 35,000 tons/year. The contract will include a non-performance clause and a performance bond. FLUPs for specific harvest areas will be prepared following purchase of the sale. Stumpage price will be reviewed every five years. The sale will be appraised at fair market value, and base rates cannot be below the cost to administer the sale. DOF will update the base rates prior to the sale.

DOF is preparing a best interest finding for a timber sale with 100,000 tons/year for 10 years in the Delta area. There is interest from Siemens, Superior Pellets, and Randy Hammer (for a European torrefication company). DOF hopes to have the preliminary best interest finding out for public review in May while continuing with the regular timber sale program in all areas.

Stark – appreciated the time DOF took to respond to comments on the Tok finding and the opportunity for the public to ask for improvements.

**FRPA, biomass harvesting, and BMPs.** (*See white paper handout.*) Freeman -- interest in harvesting timber for energy may result in larger, longer-term timber sales on state land, especially in interior Alaska. DOF has continued discussions internally and with ADF&G on how to address issues raised by expanded harvesting. There are three parts to the approach:

- Implementation of existing guidance in FRPA (AS 41.17, 11 AAC 95), forest and land management laws and regulations (AS 38, 11 AAC 71), and state land use plans.
- Development of management guidelines to address remaining issues through the best interest finding and forest land use plan process, coupled with monitoring and evaluation of the results and adjustments as needed.
- Review of the FRPA Region II-III reforestation and site preparation standards under the aegis of the Board.

On state land, DNR land use planning, timber sale, and public notice requirements complement the FRPA standards. While FRPA focuses on fish habitat, water quality, roading, and reforestation issues, state regional plans also include wildlife habitat, sensitive areas, recreation and scenic quality, and subsurface resources. State timber sale contracts include specific stipulations to implement the intent of the planning documents. DOF inspects timber sales to ensure compliance with the contract stipulations, FRPA, and Title 38.

Remaining issues that may be associated with large-scale, long-term timber sales, include:

- Maintenance of long-term site productivity, including soil nutrients, retention of standing trees and debris, and use of roots and stumps;
- Effects of large-scale harvesting on black spruce and aspen ecology;
- Re-entry to remove residual wood after timber harvesting;

- Conversion of forests to intensively managed, short-rotation tree plantations; and
- Effects of large-scale harvests on wildlife habitat.

The best interest finding for the proposed 25-year Tok timber sale provides an opportunity for the Division to develop an initial approach for addressing the remaining issues. The finding includes provisions to address the remaining site productivity, re-entry, forest plantation, and wildlife habitat issues. If the Tok sale is purchased, DOF will develop FLUPs for the harvest areas within the sale boundary. The Division has established an RSA with ADF&G to work cooperatively on planning for this and other large, long-term sales. DOF will use an adaptive management approach to large-scale harvesting for wood fuel and other uses on state land. As harvesting occurs, DOF, ADF&G, and the University will monitor the results, and adjust management practices as needed. Successful provisions may be added to the Division Policy & Procedures Manual.

The region II-III reforestation and site preparation regulations need review regarding the time frame for natural reforestation, density of seedlings/acre, and potential impacts of large-scale site preparation activities. The Boreal Alaska Learning, Adaptation, and Production (BAKLAP) project at UAF will help provide information to evaluate the reforestation standards and effects on black spruce and aspen. BAKLAP is designed to synthesize and interpret findings from published literature and past and current forest management research and harvest operations in Alaska.

Revision to the FRPA standards would require a change in regulation. The Board has typically asked the agencies to convene a Science & Technical Committee/Implementation Group process to recommend changes to the regulations. DOF recommends that the Board ask the agencies to convene a Science and Technical Committee to review these regulations when the BAKLAP synthesis of reforestation data and relevant literature is available.

Stark – Does DOF look at timber types in laying out the mosaic of harvest and retention areas mosaic or is it just based on the location? Curran – DOF will develop the mosaic through FLUP. Stark – Will DOF have a role in overseeing how BAKLAP synthesizes literature and research? Maisch – yes.

Nichols – Will you target current variability or changes in timber type after harvesting? Maisch – some of the land is Settlement land, which will eventually be converted to another use, but the target will be to encourage hardwood regeneration. Curran – Fuel mitigation near Tok have come back in aspen. One objective is to reduce hazard fuels around Tok, and aspen is more fire-retardant than black spruce. Where it returns to black spruce, we'll have to manage it for fire purposes. Nichols – if you have a successful biomass plant, are you going to convert some area to more intensive management? Maisch – the land in the old Delta barley project may have potential for agroforestry areas.

**Annual Agency Reports.** (*See handouts*) DOF. Jim Eleazer -- DPOs are down to the lowest level since 1991, and inspections are at a record low. Some DPOs were for pre-commercial thinning which doesn't require inspection in many cases. There was a spike in variation trees,

especially on Afognak, but it is not a long term trend. No enforcement actions were needed for the third year in a row – things are going smoothly in the woods.

The Mat-Su data for timber sales shows as zero for FY12, but there were sales just outside the fiscal year – there are plenty of opportunities for timber sales in the Mat-Su Valley. They typically sell three to five sales per year.

On the Kenai, the timber is accumulating at a faster percentage rate than any other place in the state as it regrows following the bark beetle infestation and harvesting.

DOF received a DPO for 400 acres along the Kuskokwim River. It's the first example of an increase in harvesting in areas that aren't experienced working with FRPA. Maisch and Eleazer noted that DOF needs to work more with some of the Native corporations to get information out in advance, especially in areas where projects are being constructed in the AEA Round 4-6 projects. Maisch said that DOF may need to establish "circuit rider" foresters for FRPA implementation and state timber layout in these remote areas.

Nichols – how many DPOs are for timber harvest vs. other activities like PCT or road closeout?  
Eleazer – DOF has separated out DPOs for pre-commercial thinning, but hasn't separated out other types. Wolfe requested a break out of DPO types. There is less timber activity, but there is more silvicultural activity like thinning.

DEC. Hanley -- DEC reviewed and commented on all DPOs, FLUPs, and federal NEPA documents for timber sales and restoration, participated in 36 days of inspections on Kodiak and Afognak islands, and assisted on USFS monitoring program. Road closure DPOs have increased recently on Sealaska land in Southeast; statewide about 2/3 of the DPOs are for timber harvest. FPRA is effective when implemented properly; no changes are recommended at this time.

Nichols – Washington State is closing logging roads during high rain events, but there is also high natural background in sedimentation. The effectiveness isn't clear, but the impact on the industry is huge to stop and restart operations. Stark said that there is a lot of research assessing natural events and how much is added by roads. There is solid science on the addition of sediments to the streams; it is less solid on the biological impacts of the additions. The cost of dealing with further declines in endangered species is far higher than the measures to control sedimentation. Nichols – it's not clear that the blanket application of this policy is justified. Hanley – it would be hard to shut them down if the state water quality standards aren't exceeded. Stark – it's very site-specific, but if there's heavy rain on a heavily harvested watershed, it's clear that there is additional sedimentation.

ADF&G. Bates – ADF&G considers FRPA an effective measure for maintaining fish habitat during forestry activities. Bates wants to increase ADF&G field presence, increase the information and accuracy in the Anadromous Waters Catalog, conduct training for the industry and agencies on fish habitat identification, and continue to participate in Tongass Land and Resource Management Plan implementation activities.

Nichols – is ADF&G involved in approval of fish habitat restoration activities? ADF&G hasn't initiated many of these projects, but any rehabilitation of fish waters requires permits or concurrences from ADF&G, e.g., the Harris River project. ADF&G works with the USFS and other proponents to protect fish habitat. ADF&G has not developed a list of restoration proposals, but there is a prioritization for culvert replacement.

Stark – people along the Salcha, Chena, and Goodpaster rivers are chopping down trees for riprap. The riprap doesn't last long, and 1000 stems were lost along the bank last year. There's been no reply from Habitat Division. Whose jurisdiction is it? Bates – ADF&G authorities are within ordinary high water. Maisch -- If it is not on state land, and is within the Fairbanks North Star Borough, it could be a borough issue.

**DOF Realignment.** Maisch – DOF has instituted a Large Project Team for large timber sales. For the Fire Program, DOF is considering consolidating dispatch services to Palmer and Fairbanks. It would move some seasonal employees from the area offices. Maisch wants to establish a Fire Management Officer (FMO) or Assistant FMO position in each area. There are some shifts in lines of supervision to better mirror the nationwide incident command system. It will take another year to implement all the changes. All area offices will be retained, with the possible exception of McGrath. DOF is discussing having the BLM Alaska Fire Service (AFS) take over the McGrath office, which would free up state funding. The State currently provides initial attack on a disproportional amount of acreage. DOF is talking with the USFS about having DOF do initial attack on Chugach National Forest land on the Kenai Peninsula – it would save the USFS considerable money, but they have concerns about fuel mitigation work. The goal is increased efficiency and better recruitment within the Division. There may be future opportunities to consolidate DOF and AFS dispatch systems.

**DOF planning update.** Jim Schwarber (DOF) – The State Historic Preservation Office (SHPO) provides DOF with access to the Alaska Heritage Resources Survey which has confidential data on known historic sites for use in advance planning on timber sales. DOF tries to work with SHPO to get their review before proposals reach the public comment period; more training may be needed to make sure that happens.

The Yukon-Tanana Area Plan awaits the Commissioner's final review and signature. The amount of land classified for forestry was reduced by 2% but that may include land that was recently added to the Tanana Valley State Forest (TVSF), and recommends forest-classified land for addition to the TVSF.

The Susitna-Matanuska Area Plan is the subject of a case that is currently in Superior Court under a challenge from Alaska Survival. More detailed forest management planning in the Susitna Valley awaits the outcome of the Susitna State Forest legislation. DOF held two workshops and two webinars on the Susitna State Forest proposal in December. DNR intends to establish a citizens' advisory committee for the State Forest once it is established.

The TVSF Citizens' Advisory Committee (CAC) is active and engaged. Three seats are currently vacant; DOF is working to fill them. The CAC passed a resolution supporting the Tok Biomass Sale best interest finding. Public meetings were held in Tok and Fairbanks for the best

interest finding on the Tok Biomass Sale. The Fairbanks meeting was held concurrently with a CAC meeting, and resulted in good discussion.

Southeast State Forest (SESF) management planning is in process. Schwarber is working with Area Forester Pat Palkovic on the draft plan.

DOF is working with the BAKLAP program to ensure that the results are useful to the Division.

Stark – is a CAC appropriate for the SESF? The TVSF CAC has been hugely beneficial – much complaining is resolved through CAC discussions. Nichols – the SESF is so small and scattered that the impact isn't the same as for the Tanana or Susitna forests. The big issues are when timber sales come in to the edge of towns. Maisch – if we get a two million acre SESF, it would be a different question. Wolfe – there could be a similar question for the Haines State Forest, but there is relatively little activity there. Schwarber – the TVSF CAC is established by the TVSF Management Plan, and if conditions change, a CAC could be added to a future version of the SESF Management Plan.

**National Forest planning.** Kyle Moselle, DNR Office of Project Management and Permitting (OPMP) explained that OPMP consolidates comments on the Tongass issues. The assessment for a five-year review of the Tongass Land and Resource Management Plan (Forest Plan) is underway. The State was a cooperating agency for the NEPA review of the Forest Plan, and is therefore participating in the current assessment. The public comment period has been extended to June 30, 2013. This is not required by NEPA since this is an internal process. The USFS will respond to the public comments. The State attended public meetings on the assessment. The State is discussing approaches for reviewing the old growth conservation strategy with the USFS, and hopes to facilitate a “summit” where alternatives to the current strategy are presented in a public forum. The USFS hopes to wrap up their assessment in January, 2014. The Forest Supervisor then determines what revision work is needed, if any. The revision process would be subject to NEPA. Stark would like to see a summary of the public comments.

Moselle – reapplication of the Roadless Area is a major change since the Forest Plan was adopted. The State has asked the USFS to assess the impact of the Roadless Rule on their ability to “seek to meet demand” under the Tongass Timber Reform Act, but not to take action until the State’s legal challenges to the Roadless Rule have been decided.

Cronin – Governor Parnell should be asked about his policy on old growth harvesting. The Palin administration’s letter supported a transition to young growth. Maisch – the Governor already stated that he does not endorse abandonment of old growth harvesting. He supports actions that will provide jobs – if that’s young growth harvesting, that’s OK, but we don’t think it means no old growth harvesting. Cronin – the state should officially rescind the prior comments. Moselle – the prior comments recognized that old growth harvesting will continue, while envisioning a change to young growth harvesting as the second growth matures.

Nicolls – the USFS can’t manage according to the Tongass Forest Plan because all the decisions are in Washington, D.C. No matter what the plan is, someone else will decide. Moselle – the challenge is to figure out what happens in the Tongass in the era after the pulp era. Wolfe –

Alaska needs to have a position in this effort, and the State's work has been important. Maisch -- the amount of Tongass timber sold has increased somewhat from the low point in 2008; there's still a long way to go.

**Tongass Land Management Plan (Forest Plan) implementation and The Working Forest Group.** (See handouts) Clarence Clark (DOF) – the federal government manages 95% of SE Alaska land, but only 3% of the Tongass National Forest is available for timber sales, and much of that area is subject to restrictions or unforested. Restrictions affect old growth and young growth availability. The Working Forest Group supports working forests that create jobs through active forest management and contribute to a “triple bottom line” of a healthy environment, society, and economy. Resource users from different sectors should work together to figure out how to manage the forest. The draft Tongass Integrated Management Plan for 2013-17 reflects priorities based on the “triple bottom line.” The five-year plan includes about 500 MMBF of timber, which is less than the “seek to meet demand” level, but more than harvest levels in recent years. The Working Forest Group and State plan to submit comments to the USFS on changes for the Tongass plan. Viking Lumber, Sealaska Timber Corporation, Southeast Stevedoring, Alaska Power & Telephone, and Awesome Shredding are the major participants in The Working Forest Group. Stewardship contracting offers a way to accomplish restoration work, conduct road maintenance, harvest timber, and retain funding within the Tongass. It does reduce the school funding money. Wolfe and Stark – the five-year Integrated Management Plan is a new and helpful approach for the USFS.

**Chugach National Forest (CNF) Plan revision.** Clark is the DOF lead on the CNF plan revision. CNF is one of the first forests to revise their plan based on the new USFS planning rules. The process will take about three years; public meetings started in February. The State is considering putting together a Chugach Team to comment with a single voice. Maisch wants to identify areas that would benefit from restoration following the bark beetle infestation, and re-establish an allowable cut on the CNF.

**Adjourn Day 1:** 5:35 p.m.

**Wednesday, March 27, 2013**

**Reconvened:** 8:10 a.m. The GCI teleconference system was down. Jeff Foley, Erin McLarnon, Matt Cronin, Chris Maisch, Mark Vinsel, Eric Nichols, Chris Stark, and Ron Wolfe were present and a quorum was established. Wayne Nicolls was absent.

**NPDES permitting and forest roads.** Tom Lenhart, Attorney General's (AG) Office – the Supreme Court reversed the Ninth Circuit Court ruling regarding National Pollutant Discharge Elimination System (NPDES) permitting for runoff from forest roads. The Supreme Court ruled on the most important issue and said that forest roads are not an “industrial activity,” therefore no NPDES permits are required at this time. The ruling applies to all land ownerships. They did not address whether forest roads are a point source or a nonpoint source, and remanded the case to the Ninth Circuit. Justice Scalia's dissent said there was too much deference to the agencies – it makes them legislators and judges.

The court decision did not consider the difference between moving a stream under a road vs. collecting ditch water and moving it downhill. Hanley – ditch line culverts were the issue, not taking a stream across the road.

**Roadless Rule update.** Lenhart – there are two cases regarding the Roadless Rule. 1) Alaska filed an appeal with the Ninth Circuit Court on the Alaska District Court ruling that invalidated the Tongass National Forest exemption from the Roadless Rule. The case was argued in August 2012, and we await the ruling.

2) Alaska filed a challenge against the rule in the D.C. district court. The court granted the USFS motion to dismiss based on expiration of 6-year appeal period. When the Roadless Rule first applied in 2001, Alaska appealed timely but settled the case when the Tongass exemption was put in place. The state of Wyoming also appealed and their district court held the rule invalid and enjoined it; the injunction applied nationally. The USFS repealed the original rule and instituted the petition rule, then later reinstated the original rule. Wyoming again appealed, the rule was again held invalid and enjoined. The rule was not in effect most of time since 2001, and the state couldn't have appealed when it was not in effect. Appellants are usually entitled to "equitable tolling" when there is a good reason why a party can't appeal during the 6-year period. The USFS argued that the federal statute of limitations is different – federal agencies can only be sued when they consent to be sued, and the court has no jurisdiction after the 6-year period to even consider equitable tolling. Case law on this issue varies; in the DC court the rulings have upheld the 6-year rule, but the Supreme Court may have reversed this ruling. The AG's Office is evaluating the next step for the state; Alaska has 60 days to file an appeal. The question is a significant national question that goes beyond the specific forestry issues.

**Alaska Timber Jobs Task Force implementation.** (*See handout*) Maisch – the Governor's Office introduced HB79 to establish a Susitna State Forest and broaden DOF authority for negotiated timber sales. The Governor spoke to the Alaska Forest Association about pursuing acquisition of additional state land from within the Tongass, and is reviewing the options to do so, including remaining state land selections, land purchases land, land trades, or a combination of those methods. DOF will work with DMLW to assess the options. The Department of Commerce, Community, and Economic Development (DCCED) developed and staffed a trade show booth featuring Alaska forest products from many different producers.

**Cooperative forestry programs.** Mark Eliot (DOF) – The Community Forestry Program trains people statewide on tree care, planting, and inventory. Recent projects include work with the cities of Sitka and Soldotna, and the Kodiak Garden Club. The University of Alaska Tree Campus committee got a grant to plant 6000 locally-grown trees on the Kenai Peninsula. DOF works with other states to offer on-line classes on tree care. Anchorage refilled its city forester position and was recognized as one of only a few cities nationwide to have the "triple crown" of urban forestry – participation in Tree City, Tree Line, and Tree Campus USA programs.

This year the Forest Stewardship program provided grants to the Ouzinkie, Kuskokwim, and Togotthele Native corporations for forest stewardship planning. CIRI and the Tetlin Village Council have plans in process. The program also developed plans for 22 individual landowners,

monitored past plans, and issued 52 grants to landowners for specific practices. DOF is trying to target communities that receive biomass grants and work with them in advance.

Roger Burnside retired as the Forest Health forester, but will mentor the new forester when hired. There is a good applicant pool.

Cronin commented that people want salvage from Anchorage fire breaks made available for firewood.

**2012 Effectiveness monitoring.** Wolfe – this work is a terrific cooperative effort with private, state, and federal entities. Dr. Doug Martin has been the principal investigator for 20 years. Last season's measurements were the 20<sup>th</sup> year. Analysis and summary of the data is in progress (*see handout of PowerPoint*).

Martin – This monitoring began in 1994; the 20-year conclusions are preliminary -- analysis is in process. The purpose is to evaluate FRPA effectiveness in providing adequate protection of fish habitat. The program monitored 18 basins with a mix of helicopter harvesting, patch-harvesting and clear-cutting and various harvest levels. Monitoring included pre- and post-harvest sampling on streams ranging from about 15' to 30' wide that support pink, chum, and coho salmon.

The study evaluated habitat features – pools, large woody debris (LWD), and substrate composition. Pre- and post- harvest data exist for 10 streams and the data extends as far as eight years pre-harvest and 10 years post-harvest. Combined results across all 10 streams show:

- No significant change in pool density, depth, or surface area overall five to ten years post-harvest. There was some change in pool density more than ten years after harvest. If associated pools are included with main channel pools, there is a significant increase in pool density post-harvest. Pool area and pool density are correlated. Pool area is correlated with instream large LWD. Large wood in streams is negatively correlated with substrate size: as more wood enters streams, the stream slows and less small substrate is moved downstream.
- A significant increase in wood frequency in the streams that continues to increase more than ten years after harvest as overhanging wood decays and enters the stream. LWD is the parameter most directly connected to harvest activity.
- Substrate particle size has decreased, and continues to decrease more than ten years after harvest. Particle size can reflect bank erosion and upstream events such as mass wasting. There's not active erosion of these stream banks. One landslide that entered a stream reach several years after logging during the study. The buffer was about 100'. A year later, the stream has meandered through the slide. The slide brought in coarse gravel, fine sediment, and wood.

There's no identifiable loss of fish habitat post-harvest. There is some decrease in particle size. Beavers cause dramatic changes in pool area. Beaver pools are good rearing habitat for juvenile coho. Some, but not all, beaver dams are associated with windfall post-harvest.

Windthrow does increase, particularly near the buffer edge. The supply of potential LWD post-harvest and post-windthrow is about 91% of the pre-harvest supply.

Martin will do analyses to relate the 18 study streams to all the streams on Sealaska land. He is assessing the extent of stream buffers, susceptibility to windthrow and mass wasting, sensitivity to land uses, and probability of landslides entering streams. A final report should be out in late summer.

#### Discussion

- Vinsel -- all species depend on clean gravel for spawning; only some benefit from pools.
- Nichols – are you looking at regeneration in windthrow areas – what is coming back into the buffers? Is there much alder coming in? Wolfe – the aerial photography is from 2005, so it won't capture more recent developments.
- Vinsel – can coho get through beaver dams during low water periods? Martin – the coho get through the dams; beavers can't keep them completely closed. Vinsel – different practices can have different impacts on different species. UFA doesn't take positions on actions that could affect allocations between different fleets. He greatly appreciates the depth of the research. Nichols – most beavers are in upper watersheds where coho are.
- Stark – in interior Alaska and Canada they are still taking beaver dams out, but there is also data that beavers are good for coho rearing habitat. Is windthrow causing streams to move outside the buffer? Martin – there is not much movement – the streams are too small.
- Martin – the study is not finding temperature effects post-harvest.
- Stark – without the tree canopy, flow regime changes as trees retain or get rid of snow. Is there a change in year-round flow? Wolfe – Martin's work doesn't track flow, but Dale McGreer did look at that on Sealaska land. Stark – have there been changes in species abundance? Habitat shifts can change fish use patterns. It's something to keep an eye on. Great job by Martin.
- Rick Harris – is the decreasing particle size degrading spawning habitat? Martin – the channel can't move the sediment as efficiently, but the change in median size is slight, and the gravel is still there, but sometimes in a different part of the channel. Stark – some decreases in grain size can be beneficial, depending on the species and the original size of the gravel.
- Wolfe – Sealaska is very interested in getting this information out. The Effectiveness Monitoring Working Group helped Sealaska get grants for this work. Sealaska wants to discuss where to go next with research and monitoring. Eleazer – DOF hopes to convene the working group in April or May.

**Endangered Species listings in Southeast Alaska.** Bill Hanson, US Fish & Wildlife Service (USFWS) – The Endangered Species Act (ESA) goals are to protect and recover endangered species and conserve at-risk species so that they don't need listing. USFWS manages land-based wildlife, plants, freshwater fish, sea otters, walrus, and polar bears; the National Marine Fisheries Service (NMFS) manages other marine species. Candidate species in Southeast are Kittlitz's murrelet and the yellow-billed loon. The Southeast population of sea otters is not listed. The American peregrine falcon has been delisted and the bald eagle was never listed in Alaska

Candidate species have enough information to propose the species for listing, but there are other species of higher priority. A decision for the Kittlitz's murrelet is due in September 2013; the yellow-billed loon decision is due September 2014. The loon is a winter resident in Southeast; main threat would be oil spills. The murrelet's densest population is along the Gulf Coast

between Yakutat and Cordova, and in Prince William Sound, with the range extending to the Arctic and eastern Russia. The southern extent of the range is between Wrangell and Ketchikan. It nests on bare rocks in alpine areas and near glaciers.

Reviews of species for potential listing are initiated through petitions to list, delist, or change status, and through internally initiated reviews of species of concern.

- USFWS review (90-day finding) – uses info in the petition and existing USFWS files to determine if there is substantial information to determine that species may warrant listing
- Status review – reviews all available scientific and commercial data to determine whether or not to list
- Draft and final rules in Federal Register; draft rules are subject to public and peer review of the scientific and commercial information used.

USFWS recently issued a negative 90-day finding for the Prince of Wales Island flying squirrel. A draft 90-day finding for the Alexander Archipelago Wolf is in D.C. awaiting publication. Cronin -- There are several wolf decisions re ESA that are currently before the USFWS.

ESA can protect endangered species through critical habitat designations, restrictions on hunting, trapping, and trading, and control of illegal “takes”. On non-federal land, USFWS can issue permits for incidental “takes” subject to approved Habitat Conservation Plans (HCPs); there are no HCPs in Alaska because there is usually a federal nexus, i.e., the action is conducted, funded, or authorized by a federal agency. Federal agencies must consult with USFWS prior to an action; 98% of consultations are informal and take only a few days. The USFWS has not stopped any projects or required major modifications to projects in Alaska.

USFWS works with the USFS on the Tongass Forest Plan and funded goshawk and Prince of Wales spruce grouse studies. The USFWS determined that Alexander Archipelago Wolf and Queen Charlotte Goshawk did not merit listing in Alaska in 1997. The goshawk was listed as threatened on Vancouver Island. Listing in foreign countries affects trade in those species across international boundary. The difference is the Tongass conservation strategy.

Lenhart – the new USFS planning rule has substantial protection for candidate species and species of special concern beyond listed species. Will this change USFWS management of ESA on Forest Service lands? Hanson – Currently the Tongass National Forest Plan is governed by the 1982 planning rule, so I am unsure how the new rule will change things when the plan is revised 5 years from now. ESA is only one aspect of the USFWS concerns and responsibilities; the agency also addresses conservation of species that are valuable and may be at risk from various factors beforehand to avoid the need for the ESA. The FWS tries to figure out practical solutions that both conserve the species and the ecosystems on which it depends, while allowing for development actions.

Vinsel – how is a distinct population segment defined? Can it be used to list species cove by cove along the coast? Cronin – it must be a “discrete and significant” population. Hanson – USFWS wouldn’t go cove by cove. A more typical scale in Alaska would be the Southwest Alaska and Southeast Alaska populations of northern sea otters.

Brad Meyen (AGO) -- Relatively few ESA issues have occurred in SE Alaska. ESA work is often driven by petitions from non-governmental organizations. Other federal laws are often involved in listing issues (e.g., NEPA or Marine Mammal Protection Act (MMPA)). When a species is listed, there is also a determination of critical habitat. Much of Alaska is ringed by critical marine habitat.

Climate change is now connected to many listing petitions due to habitat loss or issues such as ocean acidification. NMFS listing decisions have included projections of future conditions related to climate change which raises questions: Is it possible to maintain species in their historic range if the ecosystem changes? Are there any species that can't be listed?

Economic issues are not considered as part of a listing decision, but are considered in designating critical habitat.

USFWS says it hasn't stopped or significantly altered projects due to ESA decisions, but NMFS has had major impacts, e.g., related to sea lions.

Matt Cronin (UAF) – ADF&G and DCCED funded his research. Scientific flaws in the ESA process include selective use of science, a flawed review system for comments, arbitrary divisions of subspecies and populations, consideration of predicted future threats in ESA decision, and court deference to agency decisions.

Distinct population segments can be based on geography or areas of different management (e.g., different countries). Examples include Cook Inlet belugas, Steller sea lions, and sea otter populations in Alaska. Breaking salmon populations into separate stocks in the PNW for management is reasonable. Breaking them into subspecies under ESA isn't appropriate – ESA should apply to species.

Discussion:

- Meyen – one species can affect another, as with sea otter and salmon. The legal interaction of the ESA and Marine Mammal Protection Act continues to develop. There is discussion of killing barred owls to allow northern spotted owls to recover.
- Nichols – what has the cost of ESA been to the gross domestic product? Foley – economic analysis has to be done in critical habitat designations. In a recent case, the agency numbers were very low and were contradicted by industry input. Cronin – calculations also may miss decisions by companies to just avoid areas with ESA listings. Nichols – the social costs are also high. Stark – the cascade effect of losing species is also huge. You can't just evaluate one side of the coin. Wolfe – Alaska loggers are an endangered subspecies.
- Cronin – water and air conditions should be regulated by the Clean Air Act and Clean Water Act, not by the ESA. Hanson – those aren't the discussions that occur when considering species for listing– we focus directly on the species and the habitat on which it depends. When we review a species, we must consider the potential risks of climate change to the species. . USFWS is required to use the best available scientific information, and science highlights uncertainties. Interpretations do vary even by qualified scientists. Multiple taxonomists, for example group wolves differently. USFWS provides for a peer review of the information used in listing decisions. Someone will disagree with every decision.

- Nichols – when the decisions go back to D.C., politics do come in, and we lose transparency. Hanson – final decisions reflect both science and policy. Local agency staff talk with the D.C. staff during the process so that the DC office doesn't get the decision cold. USFWS seeks consistency at the local, regional, and national levels. Nichols – can modeling be manipulated? Hanson – models are tools that can help sort out different parts of the questions organize information, and assess uncertainty. The outputs certainly can be manipulated. You have to be cautious with model outputs. Cronin – scientists do and should use models, but their results shouldn't be used as unqualified conclusions. Policy-makers may view them as results rather than hypotheses.
- Wolfe – does ESA define “ecosystem?” Hanson – no; the point is that we have to look at the things on which a species depends. It is intended to be a broad and inclusive term.
- Vinsel – is it appropriate for the Board to ask the delegation to have Congress look into the concerns that we and others have. Wolfe – it would be more appropriate to run that through the Governor's Office.

► **Letter of support for HB79.** The Board unanimously voted to send the draft letter as a final (*see handout*).

**Ed Fogels, DNR Deputy Commissioner** – thanked the Board for their work. He is briefing the Commissioner on the mass wasting regulations and expects them out so on after the session ends.

Wayne Nicolls joined the meeting and the teleconference was re-established.

**Tongass 77 Campaign.** Mark Kaelke, Trout Unlimited (TU) – Tongass 77 is a proposal for legislative conservation of high-value trout and salmon habitat in 77 watersheds on the Tongass National Forest. Tongass produces 30% of the annual Alaska salmon catch. About 35% of Tongass fish habitat is currently protected; the proposal would protect an additional 23%. Southeast salmon and trout contribute about \$986 million to the regional economy, including 10% of the jobs in the region. The watershed selection process considered the Nature Conservancy/Audubon conservation assessment, reviews with agency biologists, and Tongass Land Use Designations (LUDs). The proposal totals 1.99 million acres, including 60 intact watersheds, and 17 partly modified watersheds. All are in development LUDs. The proposal would reclassify them as LUD2, but some people believe that LUD2 is too permissive, and a different designation may be requested. LUD2 allows personal use but not commercial timber harvest. The proposal overlaps with 177,000 acres of the Tongass timber base, including 69,500 acres outside the Roadless Rule designations. Two watersheds overlap with Sealaska selections; none with MHT exchange lands. These are not a critique of buffer standards; TU believes these watersheds should be held to a higher standard to maintain habitat diversity and provide hydrologic connectivity. A map of the 77 areas is available on the Trout Unlimited website. This is a placeholder for habitat conservation recognizing changes in the Tongass including land ownership, hydro projects, mining, and climate and ocean changes.

Nichols – would TU back a 2 million-acre designation where timber is the sole designation if it doesn't overlap the Tongass 77 areas? Kaelke – TU is not opposed to timber harvest and would look at opportunities to support the timber industry going forward. Nichols – only 2% of the Tongass is now available for timber. There needs to be peace in the valley and fisheries interests

have to give something up, too and agree to timber designations. We need to grow timber in the most cost effective way to do that in a global market. If we could talk about timber LUDs, then there could be support. You need to identify how you are going to offset the impacts of this. Kaelke – Tongass Future Roundtable discussions to identify an overall solution didn't go anywhere. Maisch – the State didn't feel the Roundtable was productive and pulled out, and the state has identified 2 million acres of timber interest. Nichols – TU has the power to strong-arm some of the organizations into looking at a broader solution. Someone needs to decide the best uses of watersheds once and for all. If we want to realign the designation boundaries, let's do it in consideration of all the resources.

Cronin – does timber harvest with the current protection measures for fish cause significant harm to warrant essentially a wilderness designation? Kaelke – at the watershed scale there are benefits to fish from the watershed protection. Stark – there are things we don't know about long-term human impacts on ecosystems. We don't know, for example the impacts of decreasing grain size. Start by identifying areas where there's no conflict. Nichols – how much more than 98% is needed? Cronin – fish are protected in many ways, not just by closing the watershed to any use. They can be protected in areas open to multiple use. Kaelke – other activities are allowed in LUD2s, like tourism and hydro development. Some activities like ORV use aren't sufficiently protected under the Forest Plan. This proposal was developed prior to reapplication of the Roadless Rule, and the acres outside Roadless designation may be reconsidered, especially for second-growth harvesting. Nichols – there are also roaded areas in the “Roadless” designations. Vinsel – the proposal should assess areas that are previously roaded “Roadless” areas. The issues of unpoliced damage from ORVs and personal harvest shouldn't be a reason to prohibit regulated timber harvest.

Kaelke – ADF&G information helped identify high value sites. Wolfe -- there are concerns about the Conservation Assessment approach. Your premise is that there is a problem, and I challenge that assumption – what is the data? Kaelke – fish declines worldwide reflect many factors. We're trying to be proactive. Wolfe – with 85% of Southeast off limits to development, the situation is already proactive.

Stark – restoration and enhancement work is evidence of past problems. Wolfe – I'm not aware of data demonstrating fish declines in Southeast Alaska. Many restoration projects go back to the era when the industry cleaned wood out of streams. Restoration doesn't necessarily indicate a problem – e.g., the Harris River is a strong producer of pink salmon. There is a huge difference between the old practices and forest practices for the last twenty years.

**ADF&G Chinook salmon research and assessment plan.** Eric Volk, ADF&G Commercial Fisheries Division – The plan is designed to help identify causes behind changes in stock status statewide. Total fish runs peaked about 1997. There's a lot of variability in different stocks in different regions, but all have declined in the last six years. More information on the plan, symposium, and gap analysis is on the ADF&G website (*also see handout*).

Since 2008, Alaska has achieved only about 50% of the escapement goals, and new stocks of concern have been identified in the western Cook Inlet, Susitna, Karluk, and Yukon drainages. This results in severe restrictions to subsistence, commercial, and sport fisheries. Federal

disasters were declared in the Yukon and Kuskokwim drainages – these were major economic and social hits. Management is complicated by mixed fisheries, such as low king runs overlapping with high sockeye runs.

The Chinook salmon initiative will identify needs through gap analysis, a public Chinook salmon science symposium, and a long-term research and assessment program. The gap analysis used 12 indicator stocks statewide, and results were issued prior to the symposium. The research and assessment plan recommends actions for each indicator stock. ADF&G wants to improve knowledge of productivity and abundance during key life history periods and the causes behind the changes, and then use this information in escapement-based fishery management.

The Governor has requested a \$30 million, five-year CIP, including \$10 million in FY14. It's important to do this over at least a king salmon life cycle, not just five years.

#### Discussion

- Stark – BOF is focused on land-based issues. Will the initiative do any land-based assessment? Volk – no, it is all stock-based studies.
- Maisch – has there been discussion between Habitat and Commercial Fisheries about restoration projects on the Kenai Peninsula? Volk – none known. Maisch – restoration work could have some short-term benefits.
- Cronin – does the broad decline in stocks statewide suggest that some ocean factors are the cause? Volk – I believe that is likely.
- Nichols – how much effect is there from bycatch and undersized fish catch? Volk – bycatch is inconsistent. There is incidental take of small fish, but it's hard to quantify impacts. There is some illegal fishing. Salmon bycatch from the Russian trawl fishery is an unknown. California is seeing an increase in salmon, but it's hard to know whether there is a regime shift with populations favoring the southern vs. northern waters.

**Boreal Alaska Learning, Adaptation, and Production (BAKLAP) briefing.** Glenn Juday, UAF – Coping with new demand for renewable biomass energy in the context of Alaska's changing environment is a big challenge. The economics of wood energy are compelling in interior Alaska. The project is designed to upgrade forest research field installations, and improve teaching and learning outcomes.

Information will include a data atlas for forest research installations and an operational regeneration assessment. The regeneration assessment is looking at all recorded harvest units 1-100 ha in size since statehood. Planting spruce post-harvest resulted in good spruce regeneration; seeding got a partial response.

One Tree is the model used for the education component in BAKLAP. This approach harvests one tree and tries to find how much can be made from that tree. Students learn about the forest by making things from the tree. The focus is on teaching teachers so that they can spread the curriculum. Phenology is the central curriculum thread; genetic concepts are being introduced. Nichols – the One Tree idea plays into the notion that increasing utilization of each tree reduces the number of trees that need to be cut to sustain the industry. Juday – that's not the intent of the program, and the next phase will bring in biomass management to the curriculum.

In the Interior, vegetation growth has declined, but it has increased north of the Brooks Range. Warmer, dryer interior weather results in declines in tree growth; near the coast, warmer temperatures increase growth. Future forest productivity in the interior can't rely on past performance.

Nichols – there's no research in the type of stands that will be harvested in the future for biomass. We're spending a lot of time and money researching the past rather than anticipating the future. We should look at other species. Juday – BAKLAP is also looking at that, e.g., lodgepole pine planting results. The study will calibrate how the trees are doing in response to the climate. Maisch – we have needed longer-term permanent plots to tune our growth and yield models. Nichols – you need to be in the hardwood stands for biomass production, and if you harvest them, what's the best thing to bring back in those areas? Maisch – in the interior, fuelwood values have outstripped sawlog value. Juday – the hope would be that as markets increase producers will be able to match the wood with the best products.

Vinsel – will kids get wood shop classes? The Task Force recommendations have no accomplishments under workforce development – this is the closest nexus to that. We need to teach students that things can be made from wood. Maisch – One Tree students meet wood workers and furniture makers and visit a sawmill. Juday – BAKLAP is working with charter schools and vocational schools as well. Wolfe recommended connecting to the Alaska Resource Education program under the Resource Development Council.

**Riparian buffers in FRPA Region I and the Tongass.** Freeman: There is no simple way to compare state and federal standards because they are based on different stream classification systems.

State riparian management. State land is managed under FRPA. *(See handouts)*

- FRPA establishes 100' no-harvest buffers on all anadromous and high-value resident fish waters on state land in Region I. From 100' out to 300' from the waterbody, timber harvest must be consistent with the maintenance of important fish and wildlife habitat as determined by DNR with due deference to ADF&G.
- Under FRPA regulations, slope stability standards (11 AAC 95.280) apply to riparian areas on anadromous streams, high-value resident fish streams, and their tributaries. They apply within 100' of the anadromous and high-value resident fish waters and tributaries to these waters with a gradient of 12% or less. Tributaries steeper than 12% use these standards within 50' of the water body. Slope stability standards address
  - Road construction on toe slopes
  - Retention of low-value timber
  - Partial suspension in yarding operations
  - Falling timber away from V-notches, and
  - Sidecasting of soil from road construction.
- Best management practices established by FRPA regulations to prevent significant adverse effects of timber harvest on water quality and fish habitat apply to all surface waters.
- State land use plans may impose additional riparian protection standards. For example, some plans designate wider buffers along specific river corridors with high recreation value.

Federal riparian management. Federal land in the Tongass National Forest is managed under the Tongass Timber Reform Act (TTRA) and the Tongass Land and Resource Management Plan.

- Tongass streams are classified into
  - four classes based on fish populations and habitat, width, incision, and influence on downstream water quality and fish habitat, plus a fifth class for “non-streams” and
  - ten process groups (nine for streams and one for lakes and ponds) based on geomorphology. The process groups are further subdivided in to 41 channel types.
- TTRA establishes 100’ no-harvest buffers on all Class I (anadromous) waters and on Class II (resident fish) waters that flow directly into a Class I stream.
- The Forest Plan and the Region 10 Aquatic Management Handbook establish additional standards and guidelines for streams based on the stream class and process group. Examples of guidelines include windfirmness zones, areas excluded from the timber base for the allowable sale quantity, and special provisions within V-notches.

Stark – are there marine water buffers? Freeman – for the state, marine buffers would be determined by an area plan beyond the estuarine areas; for Tongass there is an estuarine process group.

Nichols – The main streams are protected under both systems. Freeman – anadromous and high value resident streams or Class I/Class II-direct streams both have legislative 100’ buffers. Hanley – the biggest difference is protection on Class III streams, which are non-fish streams. Freeman – on state land there are slope stability standards and retention of low-value timber where prudent within 25 feet on non-fish tributaries to anadromous streams.

**Forestry/Fisheries Symposium report.** Wolfe -- a formal review of science for FRPA Region I riparian standards is merited. He suggested hosting a symposium on Forestry and Fisheries in Southeast this fall and using that as a springboard for a review of Region I standards. Maisch – the Region II/III regeneration standards review is a priority for the Division of Forestry. He is cautious about available staffing from DOF. A symposium could help determine whether a Science & Technical Committee (S&TC) process is needed. Stark -- extend a hand to non-governmental organizations to help sponsor a symposium. Maisch – reach out to trust landowners as well. Cronin – is the goal a synthesis of the science? Maisch – the focus would be on new science and the track record of existing standards. Martin – if you want a view of effectiveness of modern forest practices, you want to cover what people are doing on the Pacific coast, including studies on thinning. Vinsel – there has been a lot of restoration work but we won’t see results for a year or two in Alaska. Federal agencies are likely to lose funding, and may not be able to participate. The following fall might be better. Stark – keep the symposium small and focused.

Wolfe – We want to get to an S&TC accompanied by an Implementation/Administration Group. Nichols – this is opening Pandora’s box. Be careful what you wish for. If you open up the Act you don’t know what will result. The symposium would look at how FRPA regulations and other state systems have worked. If we say Alaska is doing well, but others are doing more, then what? We run the risk of coming out with more of a Forest Service model with more protection in the headwaters. Wolfe – I’m not afraid to go where the science leads us. We can wait for the

issues to come to us, or see issues coming and be proactive. Nichols – a high percentage of private land has been cut to the existing standards. Changes would apply primarily to second growth harvest, and to public landowners.

Maisch – agreed with symposium, but is concerned about convening an S&TC/IG process now given other staff and budget demands, and the expansion of biomass issues in the interior. What is pushing us to do this now? Stark – many research staff are within five years of retiring. It shouldn't be put off too long. Cronin recommended Wolfe and Martin proceed with organizing the symposium.

**Annual report to Governor topics.** The Board:

- Asks the Governor to work with the Congressional delegation to request a Congressional briefing on scientific issues with ESA. The wolf situation in SE is particularly important to the timber industry.
- Notes compliance monitoring results document solid implementation.
- Observes that road maintenance funding in interior produced results as demonstrated by compliance monitoring; thanks for the CIP
- Reports that effective monitoring confirms FRPA success and the three agencies reported that FRPA continues to work well
- Believes that tri-agency participation is important, including a strong field presence with DOF lead
- Supports continued agency FRPA budgets, supports the ADF&G increment request for FRPA
- Emphasizes the poor health of Southeast regional economy and timber industry, reinforce support for the Task Force recommendations; letter of support for TF report and implementation; letter of support for HB79; need for work force development, continue efforts to push forward the recommendations, attach the implementation matrix; Support for Native land issues
- Appreciates the State's effort on issues that are important to the industry – ESA, Tongass, etc. NPDES and Roadless Rule decision
- Supports the Working Forest Group approach
- Appreciates the State speaking with One Voice on federal issues/State Tongass Team and CNF forest plan update

**DOF Southeast, Southcentral, and Tok area reports.** Curran – road maintenance is a big issue on the 100 miles of road in the Haines State Forest. The roads receive a lot of public use. The Afognak and Kodiak operations are the two biggest operations in the state; DOF conducts lots of FRPA inspections there. The road condition survey is continuing on the Kenai Peninsula. The Mat-Su Area Forester, Ken Bullman, retired and Rick Jandreau is the new Area Forester. The Susitna State Forest proposal is a big issue. DOF recently laid out a new sale in the Kuskokwim. In Tok, the 25-year timber sale proposal is taking up a lot of time. DOF also conducts FRPA inspections on state, private, and other public land, and continues to offer timber sales in every area for sawlogs, commercial firewood, and personal use firewood. The 2013 fire seasons starts April 1.

Maisch -- recruitment is an ongoing work load – DOF has over 40 positions vacant, mostly in the Fire program. Nichols – the decline in the timber industry has also reduced the available pool of candidates for state positions.

**DOF Fairbanks, Delta, Copper River area reports.** Mark Eliot, DOF – Road maintenance and road ownership determinations are important issues in the Fairbanks Area. The Fairbanks North Star Borough has subdivided land along forest roads and wants DOF to continue to maintain them. The Fairbanks Area auction in June will offer 9-10 sales; a number of sales remain available over-the-counter, and 78 sales are currently active. Brian Young is Fairbanks Resource forester. A Forester I position is vacant. DOT forest road bridge inspection results require a scour plan. The Area is working to keep pace with personal use firewood demand. Delta is keeping up with sales for the local industry, and working on access development in TVSF. Right-of-way timber from road work is decked and made available for sale. Copper River Area is working on access developments. Ahtna Corporation is going to offer public firewood permits on their land.

**Next meeting date and agenda items: August 12-13, on the Kenai Peninsula with field trip.**

In addition to ongoing issues:

- Doug Hanson briefing on Kenai inventory and regeneration
- Review breakout of DPOs with respect to timber harvest, thinning, and road closures
- Briefing on how Alaska funds its Mental Health needs, and the role of forestry in that
- University Land Trust revenue and the role of forestry
- Cook Inlet Keeper water temperature studies
- Post-beetle forest and fisheries restoration and reforestation projects
- Post-beetle fire management on the Kenai
- CNF management and planning
- Retrospective of bark beetle infestation and management approaches?

#### **Board comments**

- Nicolls – Clark’s presentation from The Working Forest Group was excellent and refreshing.
- Foley – heard more encouragement in this meeting despite some serious legal, political, and economic issues. That’s testimony to many good people. Want to recognize that the current Administration has encouraged that.
- Vinsel – appreciated Doug Martin’s presentation and the inclusion of new factors. He appreciates the Board’s consideration of fish issues and the respect for the TU presenter. He recognizes that the TU proposal differs from Board desires. High praise for staff support.
- Wolfe – would like to consider how to change the timber industry-environmental group relationship into something less adversarial. Vinsel – some environmental groups are interested in using local resources, especially with energy costs. Stark -- biomass in interior is less controversial than if it were export. Wolfe would like the Board to spend more time on higher level policy issues such as the ESA, be proactive on issues, and reach out to the public with our information.
- Stark – Appreciates the tolerance for the environmental organizations at the meeting. It’s refreshing to deal with the issues here compared to many other agencies and industries.
- Cronin – Appreciates the presentations from Juday, Martin, and Clark. Hope we stand up for fellow citizens on all lands. A wolf ESA listing would affect forest management profoundly.

- Nichols – Appreciates pulling in different speakers, e.g., the Department of Law and ESA speakers. He appreciates the ability to speak out for the industry and private owners.
- McLarnon – Enjoyed all the presentations.

## **Adjourn Day 2: 5:30 p.m.**

### Attendees

- Randy Bates, ADF&G-Habitat
- Dave Beebe, Petersburg (teleconference)
- Clarence Clark, DOF
- Mike Curran, DOF
- Jim Eleazer, DOF
- Mark Eliot, DOF
- Marty Freeman, DOF
- Tom Gemmell, United SE Alaska Gillnetters
- Kevin Hanley, DEC
- Dave Harris, USFS
- Rick Harris, Sealaska, and ex-BOF member
- Jeff Jones, Office of the Governor
- Glenn Juday, UAF
- Mark Kaelke, Trout Unlimited
- Brian Kleinhenz, Sealaska
- Tom Lenhart, AGO (teleconference)
- Buck Lindekugel, SEACC
- Doug Martin, Martin Environmental
- Ruth Monahan, USFS
- Kyle Moselle, DNR-OPMP
- Joel Nudelman, DOF
- Devany Plentovich, AEA
- Elaine Price, SE Conference
- Maggie Rogers, DOF
- Jim Schwarber, DOF
- Paul Slenkamp, Mental Health Trust Land Office
- Bill Thomas, Sealaska, and ex-BOF member
- Eric Volk, ADF&G
- George Woodbury, Alaska Forest Association

### Handouts

- Agenda
- Public notice
- November 8-9, 2012 Board of Forestry minutes
- December 14, 2012 Board of Forestry minutes
- Updated contact list
- Division of Forestry road construction projects
- Susitna State Forest/negotiated sale bill text and briefing paper
- Briefing paper: State Forests and public access
- Briefing paper: Land & transportation planning on state forests
- Briefing paper: Negotiated Timber Sales and Susitna State Forest
- Draft State Forest and State Park comparison chart
- Tanana Valley State Forest roads map
- Current conditions v. State Forest designation chart
- Draft letter of support for HB79/SB 28
- Final ACMP regulations/green field book errata sheet
- Draft landslide regulations
- Public comments and agency responses re proposed regulations on forestry and mass wasting
- Compliance monitoring report

- Tyonek road condition survey map – August 2012
- Kenai Peninsula road condition survey map – October 2011-September 2013
- Agency annual reports
  - DNR Division of Forestry
  - DEC Division of Water
  - ADF&G Habitat Division
- BOF letter to Gov. Parnell re Task Force report
- Update of Alaska Timber Jobs Task Force Recommendations and Status
- DCCED press release re Alaska building products featured at spring home show
- DOF discussion paper on sustainable management of timber harvesting on state land
- The Working Forest Group briefing
- Tongass Draft Integrated Plan: 2013-2017 Projects
- Status and Trends of Fish Habitat Conditions on Private Timberlands in Southeast Alaska after 20 years: Are we meeting the primary goal of FRPA? March 27, 2013.
- Chinook Research Plan
- Stream classification and riparian management under FRPA chart
- Stream classification and riparian management under TTRA and TLMP chart
- Tanana Valley State Forest Citizens Advisory Committee letter to DNR Commissioner Sullivan re support for mitigation of windthrow in the Tanana Valley and need for satellite imagery, December 11, 2012
- Response to Citizens Advisory Committee letter from State Forester Chris Maisch, December 21, 2012
- Tongass National Forest Riparian Standards and Guidelines
- Forestry 2012 Summary, DNR Division of Forestry brochure