



The Alaska Forest Resources and Practices Act as the Basis of Forestry Operations on State, Municipal and Private Lands in Alaska

A Position Statement of the Alaska State Society of American Foresters

Position

The Alaska Society of American Foresters (SAF) recognizes the importance of protecting non-timber resources, sustaining forestlands and maintaining working forests in Alaska. The Alaska Forest Resources and Practices Act (FRPA) is designed to protect fish habitat and water quality, and ensure prompt reforestation of forestland while providing for a healthy timber industry. Alaska SAF advocates for FRPA being the basis for forest operations on private, municipal and state lands in Alaska. Correct implementation of Best Management Practices (BMPs) are the best way to both ensure protection of fish habitat and water quality while still allowing for silvicultural treatments and economic activity. Alaska SAF believes that the best way to ensure the correct implementation of BMPs is through regular training of land managers and loggers as well as the existing compliance monitoring program. Alaska SAF also believes that any changes to regulatory requirements of forest operations or changes to BMPs be subject to the existing effectiveness monitoring program.

Issues

There have been efforts to change the definition of anadromous waterways and the regulation of those waterways. These efforts would conflict with existing regulations in FRPA. In 2018, Alaska House Bill 199, “An Act establishing major and minor anadromous fish habitat permits for certain activities; establishing related penalties; and relating to fish ways and the protection of anadromous and other fish habitat” was introduced to the Alaska House of representatives. A parallel effort called the “Alaska Salmon Habitat Protection Standards and Permits Initiative” was made which is a ballot initiative that will move forward if the house bill fails to make it out of committee. These efforts state that:

- All waterways in Alaska are assumed to be anadromous
- Riparian buffers will be determined by biologists
- Fees will be collected to process and administer habitat permits
- Performance bonds for activities requiring mitigation measures are required

The Alaska Division of Forestry has conducted BMP compliance monitoring on state, municipal, private, and trust land for 14 years in region I and region II and twelve years in region III. Compliance monitoring shows that foresters and operators are correctly executing BMPs in all three regions of Alaska. BMPs are rated on a scale from 1 (rarely and ineffectively implemented) to 5 (consistently and effectively implemented). Since 2003 the Division has compiled more than 27,000 individual field ratings. In 2017 average BMP scores for region I were 4.57 out of 5.00 on the ratings, region II scored 4.51 and region III

scored 5.0. When deficiencies occur, corrections are immediately made. Since 2003 all three regions have scored higher than 4.0 on all BMPs. Annual reports to the Alaska board of forestry show that the Department of Environmental Conservation and the Alaska Department of Fish and Game agree that FRPA is effective at both protecting fish habitat and water quality.

Background

Protecting water quality and fish habitat during forest operations in Alaska is done through FRPA and the BMPs developed under the act. FRPA was originally adopted in 1978 and major revisions were made in 1990 to provide for mandatory riparian retention and other management standards to protect water quality and anadromous and resident fish habitat. FRPA is a regulatory act, meaning the state of Alaska has enforcement authority to protect fish habitat and water quality. The BMPs used to implement the act are designed to promote compliance. When deficiencies are identified training and remediation are enacted to fix those deficiencies.

FRPA is subject to both compliance and effectiveness monitoring. Compliance monitoring is determining if FRPA BMPs are being implemented correctly. Effectiveness monitoring is determining if FRPA is meeting resource protection goals. Foresters regularly conduct compliance monitoring and report on their findings. The data is included in annual reports to the board of forestry and as deficiencies are identified they are immediately corrected. Effectiveness monitoring is a much more lengthy process that requires research and scientific analysis. There have been numerous effectiveness studies since FRPA has been enacted. Some of those studies include:

- Windthrow and large wood recruitment to streams
- Long-term trends and conditions in fish habitat and effectiveness of buffer strips
- Water quality and fish habitat response to experimental buffering
- FRPA standards to avoid or minimize the impacts of mass wasting

The effectiveness monitoring studies to date show that BMPs are protecting fish habitat however the Division of Forestry continues to coordinate with other agencies, landowners and researchers to prioritize monitoring needs.

When changes are proposed in FRPA, a scientifically rigorous and practical implementation process is followed. The Alaska Board of Forestry (BOF) commissions a science and technical committee to review current literature, develop analysis tools to address the issue and make recommendations for regulatory changes. The proposed changes are then forwarded on to an implementation group which is made up of public and private stakeholders, to determine if those changes are feasible on the ground. This process is lengthy and scientifically rigorous which usually produces unanimous consent by those involved. Two recent examples of this process occurred. In 2007 a review of FRPA standards in relation to soil mass wasting and in 2014 a review of reforestation standards in interior and south central Alaska were completed.

FRPA protects both anadromous and non-anadromous waterways. A stream classification by FRPA region is provided in the BMP manual and buffer widths for each type of water body are included in the manual. Buffers exist for all types of fish bearing waters and all surface waters are protected under

current regulations. In addition to buffer widths, operational BMPs exist to protect all surface waters. These BMPs are very descriptive and very specific on what is expected from the operators.

Two of the founding principles of FRPA are “Fairness” and “No Big Hit”. That means:

- 1) Any successful system must be based on shared risk and incentives for both timber owners and regulators to make it work; and
- 2) Neither fish nor timber should bear an inordinate share of the burden; that a balance must be found. No private landowner should have to bear an unusually large burden.

These recent efforts to change the regulatory requirements of fish habitat permitting would go counter to the fairness principle of FRPA. Fisheries would bear none of the risk while forestry or other industries would shoulder the full cost of delays, restrictions, or prohibitions to commercial operations on waters that may or may not actually be anadromous, without providing commensurate benefits for fish habitat.

Reference

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Alaska Department of Natural Resources, 2017. Forest Practices Effectiveness Monitoring. Briefing paper. Available at:

<http://forestry.alaska.gov/Assets/pdfs/forestpractices/Briefing%20Effectiveness%20Monitoring%20March%202017.pdf>

Alaska Department of Natural Resources, Board of Forestry, 2018, Letter to Governor Bill Walker dated January 18, 2018 regarding Alaska House Bill 199.

This position statement was adopted by the AKSAF Executive Committee on May 8th 2018. The statement will expire on May 8th 2023 unless after thorough review it is renewed by the AKSAF Committee.