Changes proposed for state forestry rules

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1/08/13 am am mid pm

Lead:

State rules for logging steep, unstable hillsides will see some language changes under a proposal from the Alaska Department of Natural Resources. The regulatory amendments were prompted by concerns from a group of Petersburg residents who worry that a potential timber sale will trigger landslides above their homes. They say the new wording fails to address the issue of public safety. Matt Lichtenstein reports:

-15FORESTRY- 5:20 or

-15FORESTRYSHORT 3:26 ***(edits marked in bold italics)***

The new language was recommended by the Alaska Board of Forestry, which advises on logging issues for state, municipal and private lands. The Department of Natural Resources Marty Freeman is Board Liason for the Division of Forestry.

-tape- “We have a series of regulations that are designed to strengthen the current best management practices, which in Alaska are part of our regulations, that insure when forest operations occur that they prevent or minimize significant adverse effects of soil erosion or mass wasting.” :16

Mass wasting means landslides and it was public concern over that danger in Petersburg that got the board talking about the issue.

In 2005, The Alaska Mental Health Trust proposed a major timber sale for its land holdings along Mitkof Highway. There was an outcry of opposition from a group of about 90, downslope home owners who pointed out the steep hillside is prone to slides. Several have occurred over the years. Trust officials eventually agreed to **try** and swap that property for federal lands that could be logged elsewhere. But they left the Mitkof harvest on the table if the swap didn’t pan out.

So, about five years ago, the homeowners approached the Board of Forestry in the hopes of getting some protections for their property under the Alaska Forest Practices Act. They asked for a regulation change to restrict or prevent logging on **landslide-prone** slopes, if it posed a threat to public safety.

According to Freeman, the board considered the issue over the course of 15 meetings and through two stakeholder committees.

-tape- “The board decided that it was really primarily a local issue that would be most effectively addressed through local zoning authorities or in the case of the Mitkof Island Issue, through an exchange between the mental health trust and the us forest service and the board has sent a letter of support for that proposal.” :19

***Freeman notes that there’s only a small percentage of state-governed timber land that could be affected by this issue. She says the Forest Practices Act is designed to address fish and water resources and would require legislative change for the board to address public safety.***

***-tape- “But the board did say it would be appropriate for the agencies to review the current best management practices that deal with prevention of landslides that could cause problems for fish habitat or water quality.” :34***

***The board includes the State Forester and representation from the timber industry, native corporations, mining, commercial fishing as well as recreation and conservation interests. The Board also has seats for a non-governmental forester and a fish or wildlife biologist.***

***They ultimately recommended the proposal that’s now out for public review. It elaborates on the definition of an unstable slope….and it calls on timber operators to consider techniques to minimize soil disturbance as they prepare their harvest plans in such areas. Those plans have to be reviewed by the Alaska departments of Natural Resources, Fish and Game and Environmental Conservation. According to Freeman, the language increases the emphasis on advanced planning:***

***-tape- “It doesn’t give us authority in terms of directives and stop work orders and so forth. What it does is again increase the upfront information that’s available to the agencies for review. It also has some specifics dealing with specific direction to minimize disturbance to soils if they’re operating on slopes that are potentially unstable. And also the operators have to give advanced notice to the division of forestry if they’re doing ground operations. Skidding timber on the ground or using construction equipment or machinery on the ground if those slopes are unstable.” :34***

-tape- “None of the division of natural resources proposed regulations pertain to public safety which has been the focus of the Mitkof Highway Homeowners Association.”

Ed Wood is co-founder of that group, which still wants state forestry rules to include protections for human life and property:

-tape- “Rather the divisions proposed changes only represent the status quo and only pertain to fish streams and hillside runoff.” :07

Wood notes that the forest practices act already calls for the prevention of –quote- “Significant adverse effects of soil erosion and mass wasting on water quality and fish habitat” He says the board just tried to fine tune those existing protections. ***He points out that the board’s own science and technical committee identified landslide hazard areas in 11 Southeast communities, not just Petersburg.***

By leaving public safety to local zoning rules, Wood says the board cast off the Division of Forestry’s authority to regulate timber harvests.

-tape- “This despite the fact that government at all levels, but especially the state, through its constitutional statement of policy, sold property and encouraged settlement in what turned out to be landslide hazard areas. It seems odd that DNR can opt out of its obligations to the people who bought land in good faith by not regulating logging on the steep, unstable slopes above their homes while at the same time it updates its landslide standards for water quality and fish habitat.” :30

In 2011, Wrangell Republican representative Peggy Wilson introduced a bill to address public safety in the forest practices act. The measure was heard by the house resources committee but never got a floor vote before the end of the session.

The Division of Forestry’s draft regulations are out for public review with a comment period that closes at the end of January.

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