

2019 Annual Report to the Board of Forestry

**Alaska Department of Environmental Conservation
Division of Water**



February 2020

I. Overview

The Alaska Department of Environmental Conservation (DEC) appreciates the opportunity to present to the Board of Forestry (Board) its 2019 annual report on the effectiveness of the Alaska Forest Resources and Practices Act (FRPA) and the FRPA regulations in meeting state water quality objectives.

DEC's FRPA water quality objectives for forest operations are: (1) meeting state water quality standards (18 AAC 70); and (2) not causing "degradation of water quality" as defined in 11 AAC 95.900.

The FRPA and regulations specify and require the proper application of Best Management Practices (BMPs) to meet the FRPA water quality objectives. Determining if the BMPs are implemented, and if they are effective in meeting the water quality objectives, occurs primarily through: (1) state resource agency staff conducting formal compliance monitoring on timber harvest operations, and conducting forest practices field inspections; (2) operators performing routine self-monitoring; and (3) the collection, analysis, and reporting of water quality and fish habitat monitoring data from comprehensive BMP effectiveness projects. Under the authority of the federal Clean Water Act (CWA), DEC is involved in similar activities on U.S. Forest Service (USFS) lands.

In 2019, DEC received timber harvest plans on all land ownerships and performed summary reviews focused on the forest practices activities that may affect drinking water sources and public health to ensure that those activities are in compliance with the requirements of the Alaska Drinking Water Regulations. Due to budget reductions, DEC participated in no field inspections. The Department of Natural Resources (DNR) Division of Forestry (DOF) and the Department of Fish and Game (DFG) Habitat Division conducted reviews and inspections which have proven valuable to ensuring that the BMPs are properly implemented and are effective at protecting water quality.

II. Forest Practices Implementation on Private, Municipal, and Trust Lands

DEC maintained minimal staff position assigned with statewide Forest Practices Program responsibilities on all land ownerships. Because of this limited staffing, the department has focused its reviews on forest practices activities that may affect drinking water sources and public health.

a. Review of Forest Practices Notifications:

DEC provided summary reviews on the Forest Practices Notifications that were received for 40 Southeast Region 1, five Southcentral Region 2, and one Interior Region 3 logging operations.

Pre-commercial thinning notifications were also received for 17 for Region 1.

b. Compliance Monitoring and Forest Practices Inspections:

In 2019, formal BMP compliance monitoring continued to be conducted by the DOF Forest Practices Foresters on all operations in their respective areas in conjunction with routine forest practices inspections. DEC did not participate in any compliance monitoring inspections, but

reviewed other agency inspection comments. We look forward to reviewing the DOF's statewide summary of the 2019 compliance monitoring results.

III. State Land Activity

Activity on state land consisted of providing a summary review on Forest Land Use Plan (FLUP) on Vallenar Bay Timber Sales and Fairbanks-Delta Area Forestry FLUPs/PBIFs that was received in 2019. DEC will conduct a more thorough review if these forest practice activities have the potential to affect drinking water sources and public health.

IV. Federal Land Activity

The USFS continues to make progress on water quality issues by implementing the Tongass National Forest tasks identified in the Alaska Nonpoint Source Pollution Control Strategy (2013), and in the 1992 Memorandum of Understanding (MOU) between the USFS and DEC. The basis of DEC's work with the USFS is the state's (through DEC) authority over water quality on federal lands, per the provisions of the federal Clean Water Act.

The MOU establishes the USFS as the agency responsible for monitoring and protecting water quality on National Forest System lands in Alaska, and describes specific DEC and USFS activities to accomplish that policy directive. The USFS has continued to accept input from DEC on improving its annual program for monitoring the implementation of BMPs and Forest Plan Standards and Guidelines for the protection of water quality and fish habitat. USFS and DEC plan to update the MOU in the future.

The revised Tongass Land Management Plan (TLMP) commits the USFS to monitoring the implementation and effectiveness of water quality and fish habitat-related BMPs (found in the USFS Region 10 Soil & Water Conservation Handbook and the USFS National Core BMPs) and Standards and Guidelines (specified in TLMP). DEC continues to work with the USFS to ensure that this monitoring is carried out, and that analysis of the data presents an accurate assessment of the implementation and effectiveness of the BMPs and Standards and Guidelines.

V. Special Projects

Alaska's Clean Water Actions (ACWA) Grant Solicitations

DEC has administered an ACWA grant program on an annual basis in conjunction with DNR and DFG since 2002. The program funds waterbody assessment and restoration projects throughout the state from a variety of funding sources, including Clean Water Act (CWA) Section 319 grants. Projects are either specific to a single waterbody or designed as "stewardship" projects, which affect multiple waterbodies. In addition, in an effort to streamline the grant application processes, projects specifically related to the Beaches Environmental Assessment and Coastal Health (BEACH) Act funding have been included since 2006. More information on the ACWA program can be found on the ACWA website located at <http://dec.alaska.gov/water/water-actions/>.

CWA Section 319 funding provides the majority of monies available through the ACWA grant program. However, there has been a downward trend in CWA Section 319 funding nationwide. Given the decline in Section 319 funding, EPA worked with states to complete an analysis of the 319 program to determine how best to use the available funds. As a result, EPA is focusing on using the reduced funds for waterbody restoration/recovery efforts.

In addition, the ACWA grant period had been adjusted to extend to two calendar years during the FY2019-FY2020 ACWA grant. The grant cycle began in March 2019 and will end February 28, 2021. Projects may be less than two years, but must be implemented during this time period. Because DEC is soliciting for two year projects, there will not be another full solicitation until fall of 2020. Although, there may be additional limited waterbody specific solicitations on an as-needed bases that would occur during this grant period.

DEC has identified specific high priority waterbody actions which (1) fulfill DEC’s public commitment to address a concern, (2) assess threatened waters for impairment, (3) assist in development of a Total Maximum Daily Load (TMDL) or recovery plan, or (4) implement TMDLs or recovery plans. These actions agree with EPA’s direction in focusing funds on waterbody recovery and restoration efforts. The anticipated available funding sources and approximate amounts for FY20 are unsure at this time due to federal budget issues; anticipated funding is shown below.

| Funding Source | Approximate FY20 Amount Available (in thousands of \$)¹ |
|---|---|
| Nonpoint Source Pollution (CWA Sec. 319) | \$600.0 |
| DEC BEACH Grant (monitoring marine beaches for bacterial pollution) | \$200.0 |
| Clean Vessel Act funding | \$0.0 |

As mentioned previously to the Board, given the decline in available funding combined with higher priority actions, DEC decided to eliminate the Forest Practices as a stewardship priority, particularly since monitoring to date has shown that the BMPs have been effective at protecting water quality.

VI. Budget and Staffing

In past years, DEC’s program of work related to forest practices focused on ensuring the implementation of forestry BMPs via timber harvest plan reviews and field inspections on state, municipal, federal, and private lands. During this time, DEC maintained one full-time staff position to oversee forest practices activities statewide. This position is funded primarily through a Performance Partnership Grant from the EPA. Because of department budget reductions and associated reallocated workloads and priorities, starting in FY16 (July 1, 2015), this position was

¹ Projected FY20 amounts for Nonpoint Source and BEACH grants are based on the FY19 budget amounts and may be subject to change.

reduced to half-time forest practices work. With the relatively low amount of timber harvesting throughout the state, this level of staffing was appropriate, particularly given the oversight of forest practices activities provided by the greater number of DOF and Habitat Division staff. However in 2017, because of further staffing shortages and the need to focus available resources on DEC's statutory responsibilities, the department's continued involvement in Forest Practices centered on the "shall" sections of the Forest Resources & Practices Act. Specifically, the sections shown below.

AS 41.17.041(e), which states *"The division shall serve as staff to the board. The department, the Department of Fish and Game, and the Department of Environmental Conservation shall provide technical staffing and information as needed by the board;"*

AS 41.17.047(c), which states, in part, *"The board, working with the department, the Department of Environmental Conservation, the Department of Fish and Game, other affected agencies, and the forest-dependent industries, shall conduct an annual survey of research needs related to forest practices;"* and

AS 41.17.047(d), which states, in part, *"The state forester, the Department of Fish and Game, and the Department of Environmental Conservation shall each present an annual report, independently, to the board on the effectiveness of this chapter, the regulations, and best management practices adopted under this chapter that protect the resources for which they have statutory responsibility, and shall make recommendations for changes to correct procedural or substantial problems."*

Although DEC's involvement in Forest Practices work has been reduced, we continue to accomplish the following tasks.

- Be available as water quality experts for questions that arise from the Board, the Department of Natural Resources, and the Department of Fish and Game.
- Participate in the review and inspection of forest practices activities on all land ownerships that may affect drinking water sources and public health to ensure that those activities are in compliance with the requirements of the Alaska Drinking Water Regulations.
- Participate in all Board of Forestry meetings and present our annual report to the board on the effectiveness of the Act and Regulations in protecting water quality.
- Participate in the interagency Forest Practices Effectiveness Monitoring work group.
- If funding is available, participate in the Tongass National Forest annual BMP implementation and effectiveness monitoring.

Unless additional funding becomes available, we no longer accomplish the following work.

- Review all Forest Practices Notifications, State Forest land Use Plans, and Forest Service NEPA documents, unless they are for activities that present concerns for impacts to drinking water sources.

- Participate in routine Forest Practices Inspections, unless they involve activities that may affect drinking water sources.

VII. DEC observations on the effectiveness of the FRPA in protecting water quality

The three resource agencies have relied primarily upon plan reviews and field inspections to evaluate the success or failure of forestry BMPs. Information and new knowledge from these efforts, and from forest practices effectiveness monitoring projects, have and will continue to provide the basis for future recommendations on any improvements to the FRPA and its supporting regulations. DEC continues to believe that, when properly implemented, the BMPs of the Forest Practices Regulations are effective at protecting water quality.

DEC did not participated in the Best Management Practices Evaluation with USFS and ADFG in 2019.

VIII. Tasks and Initiatives for Calendar Year 2020

In addition to the standard FRPA implementation tasks on state, private, and federal lands, the department expects to complete the following tasks in 2020:

- Continue to work with DOF and the Habitat Division in prioritizing and reviewing BMP effectiveness monitoring projects.
- Work with the USFS to update the MOU between DEC and USFS.