



LAWS OF ALASKA

2003

Source
CSSB 149(RES)

Chapter No.

AN ACT

Relating to timber, to the sale of timber by the state, and to the management of state forests.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to timber, to the sale of timber by the state, and to the management of state forests.

2
3 * **Section 1.** AS 38.05.112(a) is amended to read:

4 (a) The department may not authorize the harvest of timber, except for
5 harvests of 10 acres or less or timber salvaged from land cleared for a nonforest use,
6 until a site-specific forest land use plan has been adopted. A forest land use plan is
7 required whether or not a regional or area land use plan under AS 38.04.065(a) or a
8 forest management plan under AS 41.17.230 has been adopted. **The requirements of**
9 **AS 38.04.065(b) shall apply to a land use plan adopted under this section only if a**
10 **regional or area land use plan under AS 38.04.065(a) or a forest management**
11 **plan under AS 41.17.230 has not been adopted.**

12 * **Sec. 2.** AS 38.05.112(b) is amended to read:

13 (b) In adopting a forest land use plan, the commissioner shall consider the best

1 available data, including information provided by other agencies [DESCRIBING THE
2 IMMEDIATE AND LONG-TERM EFFECTS OF INDIVIDUAL AND
3 COLLECTIVE FOREST ACTIVITIES ON THE TIMBER BASE AND ON OTHER
4 RESOURCES AND USES].

5 * **Sec. 3.** AS 38.05.112(c) is repealed and reenacted to read:

6 (c) In adopting a forest land use plan on lands not covered by a forest
7 management plan under AS 41.17.230, the commissioner shall consider non-timber
8 uses and resources within the sale area.

9 * **Sec. 4.** AS 38.05.113(a) is amended to read:

10 (a) **Every two years, the** [THE] department shall [ANNUALLY] prepare a
11 five-year schedule of timber sales planned on all land managed by the department.
12 The timber sale schedule must provide a time line that identifies timber sales, their
13 **volumes** [AMOUNTS], and their locations and must **contain** [BE] sufficient
14 **information** to provide the public and the forest products industry with a basis to
15 comment on **proposed** [FUTURE] sale offerings.

16 * **Sec. 5.** AS 38.05.113(b) is amended to read:

17 (b) Except as provided in (c) of this section, a proposed sale may not be held
18 unless it has been included in **one of** the two five-year schedules **immediately**
19 preceding the sale.

20 * **Sec. 6.** AS 38.05.123(d) is amended to read:

21 (d) Before a sale may be negotiated under this section,
22 (1) the area of the sale must be designated for forestry purposes **or**
23 **other purposes that permit forestry uses** by a valid existing area plan adopted under
24 AS 38.04; and
25 (2) the requirements of AS 38.05.112 and 38.05.113 must be met.

26 * **Sec. 7.** AS 38.05.123(j) is amended to read:

27 (j) In this section,
28 (1) "high value-added wood product" means [KILN-DRIED OR
29 COMMERCIALLY DRIED LUMBER,] interior finish paneling, [AND] trim
30 **molding**, flooring, doors, [AND] windows, cabinet stock, furniture, musical
31 instruments or parts of instruments, toys, tools and implements, ready-to-assemble

1 building kits, veneer, plywood, finger-jointed lumber, **faced** house logs, **dissolving**
2 **pulp, engineered wood products, paneled wood products, kiln-dried lumber,** and
3 other similar finished wood products **as determined** [SPECIFIED] by the
4 commissioner **to have received processing beyond sawing and planing that adds**
5 **high value to the wood product** [BY REGULATION AND, FOR DECIDUOUS
6 ASPEN, POPLAR, AND HIGH DEFECT BIRCH, INCLUDES ENGINEERED
7 WOOD PRODUCTS AND PANELED WOOD PRODUCTS];

8 (2) "other value-added wood product" means **round house logs**
9 [PULP], chips, [WAFERBOARD, CHIPBOARD, FIBERBOARD,] green lumber,
10 **flitches,** cants, **rough** [SLABS, OR] planks [INTENDED FOR
11 REMANUFACTURE], and other similar wood products **as determined**
12 [SPECIFIED] by the commissioner [BY REGULATION].

13 * **Sec. 8.** AS 41.15.315(a) is amended to read:

14 (a) The Haines State Forest Resource Management Area shall be managed
15 under the principles of multiple use and sustained yield **and** [,] under AS 41.17 [,]
16 AND UNDER A MANAGEMENT PLAN PREPARED BY THE DEPARTMENT.
17 THE PLAN MAY NOT BE ADOPTED OR REVISED WITHOUT PRIOR REVIEW
18 BY THE BOARD OF FORESTRY OR WITHOUT A PUBLIC HEARING HELD IN
19 HAINES AND KLUKWAN].

20 * **Sec. 9.** AS 41.15.320 is repealed and reenacted to read:

21 **Sec. 41.15.320. Management plan and regulations.** In adopting a forest
22 management plan for the Haines State Forest Resource Management Area under
23 AS 41.17.230, the department shall consult with the Department of Fish and Game
24 and the governing bodies of each municipality in the general area. The Department of
25 Fish and Game shall consult with the department and local fish and game advisory
26 committees, if any, before adopting regulations governing fish and wildlife
27 management in the Haines State Forest Resource Management Area. Regulations may
28 not be adopted by either department without prior review at a public hearing in Haines
29 and Klukwan.

30 * **Sec. 10.** AS 41.17.118(b) is amended to read:

31 (b) The commissioner may impose additional riparian protection standards for

1 timber harvest operations through the adoption of land use plans under AS 38.04.065.
2 **Within a state forest established under AS 41.17.200 - 41.17.230, riparian**
3 **standards adopted by the commissioner under this subsection may not exceed the**
4 **standards established under (a) of this section unless the commissioner makes a**
5 **finding of compelling state interest** [AND UNDER FOREST MANAGEMENT
6 PLANS AND REPORTS UNDER AS 38.05.112 AND AS 41.17.230].

7 * **Sec. 11.** AS 41.17.200(a) is amended to read:

8 (a) The purpose of AS 41.17.200 - 41.17.230 is to permit the establishment of
9 designated state-owned or acquired land and water areas as state forests. The primary
10 purpose in the establishment of state forests is **timber** [MULTIPLE USE]
11 management that provides for the production, utilization, and replenishment of timber
12 resources while **allowing** [PERPETUATING PERSONAL, COMMERCIAL, AND]
13 other beneficial uses of **public land and** resources.

14 * **Sec. 12.** AS 41.17.220 is amended to read:

15 **Sec. 41.17.220. Management of state forests.** Land within a state forest or
16 within a unit of a state forest shall be managed under

17 (1) the [PRINCIPLES OF MULTIPLE-USE AND] sustained yield
18 **principle**;

19 (2) this chapter; and

20 (3) a **forest** management plan prepared by the department.

21 * **Sec. 13.** AS 41.17.230(a) is amended to read:

22 (a) The commissioner shall prepare a **forest** management plan consistent with
23 AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to
24 assist in meeting the requirements of this chapter. An operational level forest
25 inventory shall be completed before a **forest** management plan for the state forest or
26 the unit of a state forest is adopted. The **forest** management plan shall be adopted,
27 implemented, and maintained within three years of the establishment of a state forest
28 by the legislature. **To the extent they are found to be compatible with the primary**
29 **purpose of state forests under AS 41.17.200, the forest** [THE] management plan
30 must consider and permit [THE] uses **of forest land for nontimber purposes,**
31 **including recreation, tourism, mining, mineral exploration, mineral leasing,**

1 **material extraction, consumptive and nonconsumptive uses of wildlife and fish,**
2 **grazing and other agricultural activities, and other traditional uses** [DESCRIBED
3 IN AS 38.05.112(c)]. If the commissioner finds that a permitted use is incompatible
4 with one or more other uses in a portion of a state forest, the commissioner shall
5 affirmatively state in the management plan that finding of incompatibility for the
6 specific area where the incompatibility is anticipated to exist and the time period when
7 the incompatibility is anticipated to exist together with the reasons and benefits for
8 each finding.

9 * **Sec. 14.** AS 41.17.230(b) is amended to read:

10 (b) The commissioner shall review **and revise** a **forest** management plan [AT
11 LEAST ONCE EVERY FIVE YEARS AND MAY REVISE THE PLAN] when
12 necessary.

13 * **Sec. 15.** AS 41.17.400(c) is amended to read:

14 (c) **The** [IN ADDITION TO THE USES DESCRIBED IN AS 38.05.112(c),
15 THE] commissioner may establish transportation corridors within the Tanana Valley
16 State Forest.

17 * **Sec. 16.** AS 38.05.113(d); AS 41.17.210(a)(3), 41.17.210(a)(4), and 41.17.230(d) are
18 repealed.