



Senate Bill 85
Forest Land Use Plans; Timber Sales
Sectional Analysis, Version A, 2/17/2021

Section 1 – Amends AS 38.05.035(e)(6)(A) Powers and duties of the director, with conforming language to maintain the exemption of sales of 500,000 board feet of timber or less under AS 38.05.118 from a written best interest finding (BIF) requirement.

Section 2 – Amends AS 38.05.110(c) to add specific criteria the commissioner must consider when deciding whether to offer a timber sale under AS 35.05.110 - .123. Those are: the best interests of the state under AS 38.05.035(e); the local timber market; specialized or developing foreign or domestic markets; the presence of underutilized timber; the economic constraints of the intended timber market; and any other reasonably foreseeable benefits to the state and local economy resulting from the sale.

Section 3 – Amends AS 38.05.112(a) Forest land use plans to expand from 10 acres to 20 acres the size of timber sales exempt from the need for a forest land use plan, and maintains the exemption to sales of timber salvaged during land clearing for non-forest use. The section also bars DNR from authorizing timber harvest in a harvest unit until a FLUP has been adopted; allows a single FLUP to authorize timber harvest for multiple harvest units in a timber sale contract; and allows DNR to award a timber sale contract without first having to adopt a FLUP. The section also deletes language regarding the requirements for FLUPs in regional or area land use plans under AS 38.04.065(a) and forest management plans under AS 41.17.230; that language is readopted in Section 4 of this bill.

Section 4 – Adds two new subsections to AS 38.05.112. The first new subsection, AS 38.05.112(d), readopts language deleted from Section 3 of this bill. That language 1) requires a FLUP to meet the requirements of AS 38.04.065(b) if higher-level planning documents have not been adopted for an area covered by the FLUP; and 2) retains the requirement that the commissioner, in adopting or revising a regional and site-specific land use plan for land covered by a FLUP, must meet the eight conditions laid out in AS 38.04.065(b). The second new subsection, AS 38.05.112(e), eliminates a person's ability to appeal a FLUP decision to the commissioner.

Section 5 – Amends AS 38.05.115(a) Limitations and conditions of sale, by deleting the DNR commissioner's authority to conduct small negotiated sales. That authority is restored in Section 7 of the bill.

Section 6 – Amends AS 38.05.118(a) Negotiated sales, to eliminate exemptions provided by AS 38.05.120 and 38.05.123 to the commissioner's authority to negotiate a timber sale, and retains the requirement that the commissioner must conduct a best interest finding in advance of a negotiated sale.

Section 7 – Amends AS 38.05.118(b) to require notice of intent to negotiate a contract for sales of more than 500,000 board feet of timber (or equivalent other measure of timber). This restores language deleted in Section 5 of the bill, thus consolidating all negotiated sale authority in AS 38.05.118.

Section 8 – Adds a new subsection AS 38.05.118(d), which allows the commissioner to negotiate more than one timber sale for more than 500,000 board feet of timber with the same purchaser. [This limitation of one such sale each year was removed in Section 5 of the bill, by amendment to AS 38.05.115(a).] This section also exempts negotiated sales of 500,000 board feet of timber or less from the requirement of AS 34.15.150 Execution of Conveyances.

Section 9 – Amends AS 38.05.123(a) to modify the conditions under which the commissioner may negotiate a sale of timber for use in local manufacture of high-value-added wood products. First, it expands the commissioner's authority to negotiate timber sales for local manufacture of high-value-added wood products to also include manufacture of low-value added wood products. Second, modifies the commissioner's authority to negotiate such timber sales by eliminating the exemption contained in AS 38.05.115, and adding exemptions contained in AS 38.05.118.

Section 10 – Amends AS 38.05.123(c) by deleting the requirement that the commissioner, in negotiating a timber sale contract under this section, must include contract terms limiting the sale to the amount of timber the commissioner determines to be the maximum amount that could be commercially practical to harvest.

Section 11 – Amends AS 41.23.470(b) to clarify that the commissioner's authority to negotiate a timber sale for personal incidental use of timber rests only in AS 38.05.118.

Section 12 – Repeals AS 38.05.115(b), 38.05.115(c), and 38.05.123(g).

Section 13 – Establishes an immediate effective date for the bill under AS 01.10.070(c).