



**CSHB 98(RES)**  
**Forest Land Use Plans; Timber Sales; Emergency Firefighters**  
**Sectional Analysis, Version B, 2/4/22**

**Section 1** – Amends state uncodified law to express the legislature’s intent that the commissioner of the Department of Natural Resources shall, when deliberating whether a timber sale is in the best interest of the state, consider the economic benefits from local manufacture of high value-added wood products, and of processing of the wood by the purchaser for local manufacture of other value-added products. Also amends state uncodified law to express the legislature’s intent that the state increase the areas available for personal use firewood.

**Section 2** - Amends AS 38.05.035(e)(6)(A), which establishes the powers and duties of the director of the division of lands, to add conforming language to maintain the exemption of sales of 500,000 board feet of timber or less under AS 38.05.118 from the director’s written best interest finding (BIF) requirements.

**Section 3** – 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; detrimental effects on the surrounding environment, including erosion, drainage and riparian stability; effects on wildlife habitat; and any other reasonably foreseeable benefits to the state and local economy.

**Section 4** – Amends AS 38.05.112(a) to expand from 10 acres to 20 acres the size of timber sales exempt from the need for a forest land use plan (FLUP). The section also maintains the exemption from the requirement to produce a FLUP for sales of timber salvaged during land clearing for non-forest use. The section also 1) bars DNR from authorizing timber harvest in a harvest unit until a FLUP has been adopted, 2) allows a single FLUP to authorize timber harvest for multiple harvest units in a timber sale contract, and 3) 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 (this language is readopted in Section 5 of this bill).

**Section 5** – Amends AS 38.05.112 by adding two new subsections. The first new subsection, AS 38.05.112(d), readopts language deleted from Section 4 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 seek reconsideration of or appeal a FLUP decision to the commissioner.

**Section 6** – Amends AS 38.05.115(a), by deleting the commissioner's authority to conduct small negotiated sales from the list of limitations and conditions for such sales. (That authority is restored in Section 8 of the bill.)

**Section 7** – Amends AS 38.05.118(a) to remove the restriction of local manufacture only for negotiated sales sold under AS 38.05.118.

**Section 8** – 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 6 of the bill, thus consolidating all negotiated sale authority in AS 38.05.118.

**Section 9** – Amends AS 38.05.118 by adding two new subsections. The first new subsection, AS 38.05.118(d), 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 6 of the bill, by amendment to AS 38.05.115(a)]. It also exempts negotiated sales of 500,000 board feet of timber or less from the requirement of AS 34.15.150, relating to execution of conveyances. The second new subsection, AS 38.05.118(e), allows the commissioner to require a timber purchaser to provide additional analysis and/or retain a consultant to provide financial or technical data the commissioner needs to issue a best interest finding for a negotiated timber sale.

**Section 10** – 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. 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.

**Section 11** – 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 12** – Amends AS 41.15.030(b) to remove the prohibition against using general fund appropriations for emergency firefighting personnel engaged in nonemergency activities.

**Section 13** – 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 14** – Repeals AS 38.05.115(b), 38.05.115(c), and 38.05.123(e).

**Section 15** – Establishes an immediate effective date for the bill under AS 01.10.070(c).