



CSSB 85 (RES)
Forest Land Use Plans; Timber Sales
Sectional Analysis, Version B, 4/6/22

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 38.05.112(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 3 of this bill).

Section 3 – Adds two new subsections to AS 38.05.112. The first new subsection, AS 38.05.112(d), readopts language deleted from Section 2 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 4 – 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 6 of the bill, and Sections 7 and 8 describe the requirements for small negotiated sales.

Section 5 – Adds a new subsection to AS 38.05.115(d), which requires the commissioner, when making a best interest finding, to consider whether the timber sale buyer commits to hiring Alaska residents, contracting with Alaskan businesses, and using or establishing Alaskan hiring facilities, job centers, or internet job systems.

Section 6 – Amends AS 38.05.118(a) to remove the restriction of local manufacture only for negotiated sales sold under AS 38.05.118.

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 4 of the bill, thus consolidating 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 no 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 4 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. It expands the commissioner's authority to negotiate timber sales for local manufacture of high value-added wood products to also include manufacture of other value-added wood products.

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), 38.05.123(e) and 38.05.123(g).

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