

**HOUSE BILL NO. 16**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BRICE, Foster

Introduced: 1/16/95

Referred: State Affairs, Resources, Finance

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to forest management and multiple purpose use of state land."

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

3 \* **Section 1.** AS 38.04.065 is amended by adding a new subsection to read:

4 (j) A land use plan prepared under this section is subject to AS 38.05.112.

5 \* **Sec. 2.** AS 38.05.112 is amended to read:

6 Sec. 38.05.112. FOREST LAND USE PLANS. (a) The department may not

7 [SELL OR] harvest timber, except for sales of less than 50 M.B.M. of timber or

8 timber salvage from land cleared for a nonforest use [ISOLATED PERSONAL

9 USE TIMBER HARVEST], until a site-specific forest land use plan has been adopted.

10 A forest land use plan is required whether or not a regional or area land use plan under

11 AS 38.04.065(a) or a forest management plan under AS 41.17.230 has been adopted.

12 (b) The commissioner shall base a forest land use plan on the best available

13 data, including information provided by other agencies [DESCRIBING THE

14 IMMEDIATE AND LONG-TERM EFFECTS OF INDIVIDUAL AND COLLECTIVE

15 FOREST ACTIVITIES ON THE TIMBER BASE AND ON OTHER RESOURCES

1 AND USES].

2 (c) A [IN ADDITION TO THE REQUIREMENTS OF AS 38.04.065(b), A]  
3 forest land use plan shall consider

4 (1) commercial timber harvesting, including related activities;

5 (2) harvesting of forest products for personal use;

6 (3) fish and wildlife habitat, including

7 (A) identification and protection of important wildlife habitat;

8 (B) retention of riparian, wetland, and ocean-shoreline  
9 vegetation critical for fish and wildlife habitat; [AND]

10 (C) classification of water bodies according to physical  
11 characteristics; **and**

12 **(D) the use of silvicultural practices, commercial timber**  
13 **harvest, and related activities to maintain and enhance the quality of fish**  
14 **and game habitat;**

15 (4) uses of forest land for nontimber purposes, including

16 (A) recreation, tourism, and related activities;

17 (B) mining, mining claims, mineral leaseholds, and material  
18 extraction;

19 (C) uses of fish and wildlife;

20 (D) agriculture, including grazing; and

21 (E) other resources and uses appropriate to the area, including  
22 compatible traditional uses;

23 (5) soil characteristics and productivity;

24 (6) water quality; and

25 (7) watershed management.

26 (d) A management plan prepared by the commissioner must consider and  
27 permit the uses described in (c) of this section. If the commissioner finds that a  
28 permitted use is incompatible with one or more other uses in a portion of a state forest,  
29 the commissioner shall, **consistent with AS 41.17.200 - 41.17.230**, affirmatively state  
30 in the management plan that finding of incompatibility for the specific area where the  
31 incompatibility is anticipated to exist and the time period when the incompatibility is

1 anticipated to exist together with the reasons **and benefits** for each finding.

2 \* **Sec. 3.** AS 38.05.113 is amended to read:

3 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department shall  
4 annually prepare a five-year schedule of timber sales planned on all land managed by  
5 the department. **The schedule of timber sales must provide a timeline, amount, and**  
6 **location of the timber to be offered for sale and must provide the public and the**  
7 **timber products industry with a basis for comment on future timber sales** [THE  
8 SCHEDULE MUST BE OF SUFFICIENT SPECIFICITY THAT IT PROVIDES A  
9 BASIS FOR THE DEPARTMENT TO ALLOCATE ITS RESOURCES IN  
10 CONSIDERING AND DESIGNING SALES AND IN CONDUCTING ECONOMIC  
11 AND ENVIRONMENTAL ANALYSES. THE SCHEDULE MUST INFORM THE  
12 PUBLIC AND THE TIMBER PRODUCTS INDUSTRY OF LONG-TERM PLANS  
13 AND PROVIDE A BASIS FOR PUBLIC COMMENT].

14 (b) Except as provided in **this subsection or** (c) of this section, a proposed  
15 sale may not be held unless it has been included in [THE] two five-year schedules  
16 preceding the sale. **However, a proposed timber sale that has been included in two**  
17 **five-year schedules preceding the scheduled date of the sale may be offered for**  
18 **sale past the originally scheduled date of sale without having been included in a**  
19 **subsequent five-year schedule, if the sale**

20 **(1) was offered as scheduled but was not purchased at the sale;**

21 **(2) was sold on the scheduled date but the purchaser did not**  
22 **harvest all of the timber offered for sale and returned the unharvested timber to**  
23 **the state; or**

24 **(3) is held within two years after the date proposed in the most**  
25 **recent** [THIS REQUIREMENT DOES NOT APPLY UNTIL ONE YEAR AFTER  
26 THE FIRST] five-year schedule [IS PREPARED UNDER THIS SECTION].

27 (c) **Sales of less than 500 M.B.M., salvage sales of dead or down timber,**  
28 [THE DEPARTMENT MAY ADOPT REGULATIONS EXEMPTING SMALL] and  
29 emergency sales **are exempt** from the requirements of this section. **However, in each**  
30 **region established by the commissioner under AS 41.17.080(c), not more than the**  
31 **greater of 10 percent of the timber sold in the region or 1,000 M.B.M. of timber**

1           may be offered for sale under this subsection during each year.

2       \* **Sec. 4.** AS 38.05.300 is amended by adding a new subsection to read:

3           (d) For purposes of this section, state land is closed to multiple purpose use  
4           if the commissioner prohibits an otherwise lawful use of the land or of the resources  
5           on the land or prohibits access to the land.

6       \* **Sec. 5.** AS 41.17.090(c) is amended to read:

7           (c) Before beginning operations on **municipal or private** forest land, the  
8           operator shall provide the state forester with a detailed plan of operations. The detailed  
9           plan of operations must include

10           (1) a description of the proposed operations, identifying the land  
11           involved and the action proposed in sufficient detail to inform the public of the nature  
12           and location of the proposed operations; the description must include a map and must  
13           be in a form suitable for duplication;

14           (2) the name, address, and approving signature of the forest landowner,  
15           timber owner, and operator; and

16           (3) other information required in the regulations adopted under this  
17           chapter.

18       \* **Sec. 6.** AS 41.17.200 is amended to read:

19           Sec. 41.17.200. STATE FOREST PURPOSES. The purpose of AS 41.17.200  
20           - 41.17.230 is to permit the establishment of designated state-owned or acquired land  
21           and water areas as state forests. The primary purpose in the establishment of state  
22           forests is the **production, utilization, and replenishment of timber resources under**  
23           **the principle of sustained yield while perpetuating** [PERPETUATION OF] personal,  
24           commercial, and other beneficial uses of resources through multiple-use management.

25       \* **Sec. 7.** AS 41.17.220 is amended by adding new subsections to read:

26           (b) In managing a state forest, the commissioner shall

27           (1) allow for the fullest possible access to, and use of, natural  
28           resources, including timber, game, fish, and minerals;

29           (2) maintain forest growth at a high level of productivity; and

30           (3) restrict public use of the land and its resources only when necessary  
31           to carry out the purposes of this chapter.

1 (c) In a state forest, the commercial harvest of timber may not be found to be  
2 an incompatible use or otherwise restricted unless the commissioner documents the  
3 finding with scientific data that clearly justifies the finding or clearly demonstrates the  
4 benefit of the restriction.

5 \* **Sec. 8.** AS 41.17.230(a) is amended to read:

6 (a) The commissioner shall prepare a management plan consistent with  
7 AS 38.04.005, **AS 38.05.112**, and this chapter for each state forest and for each unit  
8 of a state forest to assist in meeting the requirements of this chapter. **A state forest**  
9 **management plan prepared by the commissioner must consider and allow the**  
10 **uses described in AS 38.05.112(c)**. An operational level forest inventory shall be  
11 completed before a management plan for the state forest or the unit of a state forest  
12 is adopted. The management plan shall be adopted, implemented and maintained  
13 within three years of the establishment of a state forest by the legislature.