

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 16

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BRICE, Foster

Introduced: 3/1/95

Referred: State Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to forest management."

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

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

4 (a) The department may not [SELL OR] harvest timber, except for sales of
5 less than 50 M.B.M. of timber or timber salvage from land cleared for a nonforest
6 use [ISOLATED PERSONAL USE TIMBER HARVEST], until a site-specific forest
7 land use plan has been adopted. A forest land use plan is required whether or not a
8 regional or area land use plan under AS 38.04.065(a) or a forest management plan
9 under AS 41.17.230 has been adopted.

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

11 (b) The commissioner shall base a forest land use plan on the best available
12 data, including information provided by other agencies [DESCRIBING THE
13 IMMEDIATE AND LONG-TERM EFFECTS OF INDIVIDUAL AND COLLECTIVE
14 FOREST ACTIVITIES ON THE TIMBER BASE AND ON OTHER RESOURCES
15 AND USES].

1 * **Sec. 3.** AS 38.05.112(c) is amended to read:

2 (c) **If a regional or area land use plan under AS 38.04.065(a) or a forest**
3 **management plan under AS 41.17.230, that includes the area to be covered by the**
4 **forest land use plan required under (a) of this section, has been adopted, the**
5 **requirements of AS 38.04.065(b) do not apply to a forest land use plan under (a)**
6 **of this section. If a regional or area land use plan under AS 38.04.065(a) or a**
7 **forest management plan under AS 41.17.230, that includes the area to be covered**
8 **by the forest land use plan under (a) of this section, has not been adopted, the**
9 **requirements of AS 38.04.065(b) apply to a land use plan under (a) of this section.**
10 **Regardless of whether AS 38.04.065(b) applies to a forest land use plan under (a)**
11 **of this section,** [IN ADDITION TO THE REQUIREMENTS OF AS 38.04.065(b),]
12 a forest land use plan **must** [SHALL] consider

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

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

15 (3) fish and wildlife habitat, including

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

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

19 (C) classification of water bodies according to physical
20 characteristics; **and**

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

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

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

26 (B) mining, mining claims, mineral leaseholds, and material
27 extraction;

28 (C) uses of fish and wildlife;

29 (D) agriculture, including grazing; and

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

- 1 (5) soil characteristics and productivity;
- 2 (6) water quality; and
- 3 (7) watershed management.

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

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

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

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

23 **(1) was offered as scheduled but was not purchased;**

24 **(2) was sold as scheduled but the purchaser did not complete the**
25 **removal of all of the timber offered for sale; or**

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

29 * **Sec. 6.** AS 38.05.113(c) is repealed and reenacted to read:

30 (c) The requirements of this section do not apply to

- 31 (1) emergency sales; or

1 (2) sales of less than 500 M.B.M., provided the total of sales each year
2 under this paragraph in each region established by the commissioner under
3 AS 41.17.080(c) does not exceed the greater of 10 percent of the timber sold in the
4 region or 1,000 M.B.M.

5 * **Sec. 7.** AS 41.17.090(c) is amended to read:

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

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

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

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

17 * **Sec. 8.** AS 41.17.220 is amended by adding new subsections to read:

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

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

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

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

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

28 * **Sec. 9.** AS 41.17.230(a) is amended to read:

29 (a) The commissioner shall prepare a management plan consistent with
30 AS 38.04.005 and this chapter for each state forest and for each unit of a state forest
31 to assist in meeting the requirements of this chapter. An operational level forest

1 inventory shall be completed before a management plan for the state forest or the unit
2 of a state forest is adopted. The management plan shall be adopted, implemented, and
3 maintained within three years of the establishment of a state forest by the legislature.

4 **The management plan must consider and permit the uses described in**
5 **AS 38.05.112(c). If the commissioner finds that a permitted use is incompatible**
6 **with one or more other uses in a portion of a state forest, the commissioner shall**
7 **affirmatively state in the management plan that finding of incompatibility for the**
8 **specific area where the incompatibility is anticipated to exist and the time period**
9 **when the incompatibility is anticipated to exist together with the reasons and**
10 **benefits for each finding.**