

HOUSE BILL NO. 212

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 3/1/95

Referred: State Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the management and sale of state timber and relating to the
2 administration of forest land and classification of state land."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 (a) The department may not [SELL OR] harvest timber, except for sales of
6 less than 10 acres or [ISOLATED PERSONAL USE] timber salvaged from land
7 cleared for a nonforest use [HARVEST], until a site-specific forest land use plan has
8 been adopted. A forest land use plan is required whether or not a regional or area land
9 use plan under AS 38.04.065(a) or a forest management plan under AS 41.17.230 has
10 been adopted.

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

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

1 FOREST ACTIVITIES ON THE TIMBER BASE AND ON OTHER RESOURCES
2 AND USES].

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

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

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

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

8 (3) fish and wildlife habitat, including

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

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

12 (C) classification of water bodies according to physical
13 characteristics; **and**

14 **(D) the use of silvicultural practices, commercial timber**
15 **harvest, and related activities to maintain and enhance the quantity and**
16 **quality of wildlife habitat;**

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

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

19 (B) mining, mining claims, mineral leaseholds, and material
20 extraction;

21 (C) uses of fish and wildlife;

22 (D) agriculture, including grazing; and

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

25 (5) soil characteristics and productivity;

26 (6) water quality; and

27 (7) watershed management.

28 * **Sec. 4.** AS 38.05.113 is amended to read:

29 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department shall
30 annually prepare a five-year schedule of timber sales planned on all land managed by
31 the department. The **timber sale** schedule must **provide a timeline that identifies**

1 timber sales, their amounts, and their locations and must be sufficient to provide
2 the public and the forest products industry with a basis to comment on future sale
3 offerings [BE OF SUFFICIENT SPECIFICITY THAT IT PROVIDES A BASIS FOR
4 THE DEPARTMENT TO ALLOCATE ITS RESOURCES IN CONSIDERING AND
5 DESIGNING SALES AND IN CONDUCTING ECONOMIC AND
6 ENVIRONMENTAL ANALYSES. THE SCHEDULE MUST INFORM THE PUBLIC
7 AND THE TIMBER PRODUCTS INDUSTRY OF LONG-TERM PLANS AND
8 PROVIDE A BASIS FOR PUBLIC COMMENT].

9 (b) Except as provided in (c) of this section, a proposed sale may not be held
10 unless it has been included in [THE] two five-year schedules preceding the sale.
11 [THIS REQUIREMENT DOES NOT APPLY UNTIL ONE YEAR AFTER THE
12 FIRST FIVE-YEAR SCHEDULE IS PREPARED UNDER THIS SECTION.]

13 (c) Sales under 500,000 board feet, salvage sales of dead or down timber,
14 [THE DEPARTMENT MAY ADOPT REGULATIONS EXEMPTING SMALL] and
15 emergency sales are exempt from the requirements of this section.

16 * **Sec. 5.** AS 38.05.113 is amended by adding a new subsection to read:

17 (d) A proposed timber sale that has been scheduled as specified in (b) of this
18 section may be offered past the originally scheduled year without being included in
19 future schedules if the sale

20 (1) was offered as scheduled and was not purchased;

21 (2) was sold as scheduled and was returned to the state uncompleted;

22 or

23 (3) is held within two years of the scheduled year.

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

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

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

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

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

5 * **Sec. 7.** AS 41.17.200 is amended to read:

6 Sec. 41.17.200. STATE FOREST PURPOSES. The purpose of AS 41.17.200
7 - 41.17.230 is to permit the establishment of designated state-owned or acquired land
8 and water areas as state forests. The primary purpose in the establishment of state
9 forests is **multiple use management emphasizing the production, utilization, and**
10 **replenishment of timber resources while perpetuating** [THE PERPETUATION OF]
11 personal, commercial, and other beneficial uses of resources [THROUGH MULTIPLE-
12 USE MANAGEMENT].

13 * **Sec. 8.** AS 41.17.200 is amended by adding a new subsection to read:

14 (b) In managing a state forest, the commissioner shall, consistent with the
15 primary purpose of a state forest under (a) of this section,

16 (1) allow for the fullest possible access to, and use and consumption
17 of, the natural resources, including timber, fish and wildlife, and minerals;

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

19 (3) restrict the public use of the land and its resources only when
20 necessary to carry out the purposes of this chapter; and

21 (4) manage wildlife habitat for increased production of species
22 important for human consumption through habitat improvement techniques, including
23 timber harvest, crushing, and prescribed and natural fire.

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

25 (a) The commissioner shall prepare a management plan consistent with
26 AS 38.04.005 and this chapter for each state forest and for each unit of a state forest
27 to assist in meeting the requirements of this chapter. An operational level forest
28 inventory shall be completed before a management plan for the state forest or the unit
29 of a state forest is adopted. The management plan shall be adopted, implemented, and
30 maintained within three years of the establishment of a state forest by the legislature.

31 **The management plan must consider and permit the uses described in**

1 AS 38.05.112(c). If the commissioner finds that a permitted use is incompatible
2 with one or more other uses in a portion of a state forest, the commissioner shall
3 affirmatively state in the management plan that finding of incompatibility for the
4 specific area where the incompatibility is anticipated to exist and the time period
5 when the incompatibility is anticipated to exist together with the reasons and
6 benefits for each finding. Commercial timber harvest may not be found to be an
7 incompatible use or otherwise restricted unless the commissioner provides
8 scientific data that clearly justifies the finding of incompatibility or restriction and
9 demonstrates the benefits of the restriction.

10 * **Sec. 10.** AS 41.17.400 is amended by adding a new subsection to read:

11 (e) The wildlife management objective of the Tanana Valley State Forest is the
12 production of wildlife for a high level of sustained yield for human consumption
13 through habitat improvement techniques to the extent consistent with the primary
14 purpose of a state forest under AS 41.17.200.

15 * **Sec. 11.** AS 38.05.112(d) is repealed.