

HOUSE BILL NO. 261

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 3/15/95

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the management and sale of state timber and materials;
2 relating to access across state land to navigable or public waters; and relating
3 to the management of state forests."

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

5 * **Section 1.** AS 38.05.115(a) is repealed and reenacted to read:

6 (a) The commissioner shall determine the timber and other materials to be sold,
7 and the limitations, conditions, and terms of sale. The limitations, conditions, and terms
8 shall ensure that consumptive uses of all replenishable timber have preference over
9 nonconsumptive uses of all replenishable timber resources, and that these replenishable
10 timber resources be maintained on the sustained yield principle in conformity with art.
11 VIII, sec. 4, of the Alaska Constitution. The commissioner may negotiate sales of timber
12 or materials and on the limitations, conditions, and terms that are considered to be in the
13 best interests of ensuring the development of the replenishable timber resources to their
14 maximum use in conformity with art. VIII, sec. 1, of the Alaska Constitution. The

1 commissioner may negotiate a sale without advertisement under AS 38.05.945 to a
2 purchaser of

3 (1) up to and including 10,000 M.B.M. or equivalent other measure of
4 timber; or

5 (2) 50,000 cubic yards or less of materials from an existing site.

6 * **Sec. 2.** AS 38.05.115 is amended by adding a new subsection to read:

7 (d) In this section,

8 (1) "maximum use" means sustaining population levels and preventing
9 long-term declines by requiring active husbandry and management;

10 (2) "replenishable" means able to be restocked, resupplied, refilled, or
11 made complete again;

12 (3) "sustained yield" means the achievement and maintenance in
13 perpetuity of the maximum harvest of timber that can be maintained year after year.

14 * **Sec. 3.** AS 38.05.120 is amended to read:

15 Sec. 38.05.120. DISPOSAL PROCEDURE. **Whenever two or more parties**
16 **express interest in a sale, timber** [TIMBER AND OTHER MATERIALS] shall be sold
17 either by sealed bids or public auction, depending on which method is determined by the
18 commissioner to be in the best interests of the state, to the highest qualified bidder as
19 determined by the commissioner **under** [. AN AGGRIEVED BIDDER MAY APPEAL
20 TO THE COMMISSIONER WITHIN FIVE DAYS AFTER THE SALE FOR A
21 REVIEW OF THE DETERMINATION. THE SALE SHALL BE CONDUCTED BY
22 THE COMMISSIONER, AND AT THE TIME OF SALE THE SUCCESSFUL BIDDER
23 SHALL DEPOSIT THE AMOUNT SPECIFIED IN THE TERMS OF SALE. THE
24 MEANS BY WHICH THE AMOUNT OF DEPOSIT IS DETERMINED SHALL BE
25 PRESCRIBED BY APPROPRIATE] regulation. The commissioner shall immediately
26 issue a receipt containing a description of the timber or materials purchased, the price
27 bid, and the terms of sale. [THE RECEIPT SHALL BE ACCEPTED IN WRITING BY
28 THE BIDDER. A CONTRACT OF SALE, ON A FORM APPROVED BY THE
29 ATTORNEY GENERAL, SHALL BE SIGNED BY THE PURCHASER AND THE
30 CONTRACT SHALL BE SIGNED BY THE COMMISSIONER ON BEHALF OF THE
31 STATE.] The commissioner may impose conditions, limitations, and terms considered
32 necessary and proper to protect the interests of the state. Violation of any provision of

1 this chapter or the terms of the contract of sale subjects the purchaser to appropriate legal
2 action.

3 * **Sec. 4.** AS 38.05.127(f) is amended to read:

4 (f) Rights-of-way or easements to waterways established under AS 38.05.020
5 may [(a)(2) OF THIS SECTION SHALL] be established approximately once each mile
6 [UNLESS THE COMMISSIONER MAKES A WRITTEN FINDING THAT
7 REGULATING OR LIMITING ACCESS IS NECESSARY FOR OTHER BENEFICIAL
8 USES OR PUBLIC PURPOSES].

9 * **Sec. 5.** AS 41.17.210(a) is amended to read:

10 (a) The governor may propose to the legislature the establishment of state forests
11 consisting primarily of commercially valuable forest land determined by the governor to
12 be necessary for retention in state ownership for management under the principles of
13 multiple use and sustained yield and consistent with AS 38.05.115 [AS 38.04.005]. The
14 proposal of the governor must include a report and recommendations of the
15 commissioner including

16 (1) a preliminary forest inventory;
17 (2) a summary of the testimony offered at public hearings held on the
18 management of the proposed state forest in communities proximately located to a
19 proposed state forest [;

20 (3) THE FINDINGS OF THE COMMISSIONER ON ANTICIPATED
21 INCOMPATIBILITIES OF USES DESCRIBED IN AS 38.05.112(c) UNDER
22 AS 38.05.112(d);

23 (4) WRITTEN COMMENTS FROM APPROPRIATE STATE
24 AGENCIES ON THE COMPATIBILITY OF THE USES DESCRIBED IN
25 AS 38.05.112(c) WITHIN THE PROPOSED STATE FOREST;

26 (5) AN ESTIMATE OF THE COST OF A FULL IMPLEMENTATION
27 OF AN OPERATIONAL LEVEL FOREST INVENTORY AND THE MANAGEMENT
28 PLAN].

29 * **Sec. 6.** AS 41.17.220 is amended by adding a new subsection to read:

30 (b) At least once every five years the department shall request competitive sealed
31 proposals in the manner provided in AS 36.30.200 - 36.30.270 from companies and other
32 persons with professional experience in managing timber resources to manage the state

1 forests for their maximum yield and production.

2 * **Sec. 7.** AS 41.17.230(a) is amended to read:

3 (a) The commissioner shall prepare a management plan consistent with
4 AS 38.05.115 [AS 38.04.005] and this chapter for each state forest [AND FOR EACH
5 UNIT OF A STATE FOREST] to assist in meeting the requirements of this chapter. An
6 operational level forest inventory shall be completed before a management plan for the
7 state forest [OR THE UNIT OF A STATE FOREST] is adopted. **The operational level**
8 **forest inventory must be completed within one year of the establishment of a state**
9 **forest by the legislature.** The management plan shall be adopted, implemented, and
10 maintained within **one year** [THREE YEARS] of the establishment of a state forest by
11 the legislature. **The prime object of a management plan shall be the highest and best**
12 **use of the forest by timber production under the principles of sustained yield. The**
13 **management plan must consider and allow the uses described in (g) of this section**
14 **so long as the uses do not interfere with the highest and best use of the forest,**
15 **which is timber production. If the commissioner finds by clear and convincing**
16 **evidence that an allowed use under (g) of this section is incompatible with one or**
17 **more other uses in a portion of a state forest, the commissioner shall affirmatively**
18 **state in the management plan that finding of incompatibility for the specific area**
19 **where, and the time period when, the incompatibility is anticipated to exist together**
20 **with the reasons for each finding. In this subsection, "sustained yield" has the**
21 **meaning given in AS 38.05.115.**

22 * **Sec. 8.** AS 41.17.230 is amended by adding a new subsection to read:

23 (g) In addition to the requirements of AS 38.04.065(b), a forest management
24 plan may consider

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

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

27 (3) fish and wildlife habitat, including

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

29 (B) classification of water bodies according to physical
30 characteristics; and

31 (C) the use of silvicultural practices, commercial timber harvest,
32 and related activities to maintain and enhance the quantity and quality of wildlife

- 1 habitat;
- 2 (4) uses of forest land for nontimber purposes, including
- 3 (A) mining, mining claims, mineral leaseholds, and material
- 4 extraction;
- 5 (B) uses of fish and wildlife;
- 6 (C) agriculture, including grazing; and
- 7 (D) other resources and uses appropriate to the area, including
- 8 compatible traditional uses;
- 9 (5) soil characteristics and productivity;
- 10 (6) water quality; and
- 11 (7) watershed management.

12 * **Sec. 9.** AS 41.17.400(c) is amended to read:

13 (c) In addition to the uses described in AS 41.17.230(g) [AS 38.05.112(c)], the

14 commissioner may establish transportation corridors within the Tanana Valley State

15 Forest.

16 * **Sec. 10.** AS 38.05.112, 38.05.113, 38.05.127(a), 38.05.127(b), 38.05.127(c), 38.05.127(e),

17 38.05.127(g); and AS 41.17.118(b) are repealed.