

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 30, 2012

1:07 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Peggy Wilson, Vice Chair
Representative Alan Dick
Representative Neal Foster
Representative Cathy Engstrom Munoz
Representative Berta Gardner

MEMBERS ABSENT

Representative Bob Herron
Representative Scott Kawasaki

COMMITTEE CALENDAR

HOUSE BILL NO. 91

"An Act relating to the regulatory and administrative standards for managing forest resources."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 40

Commending the governor and the administration for aggressively working to enforce the rights of the state in R.S. 2477 rights-of-way; urging the governor and the attorney general to develop a working alliance with other western states to protect and enforce appropriation request to fund an aggressive effort by the state to resolve issues relating to R.S. 2477 rights-of-way, including possible litigation, and to continue to work to preserve the rights of the state in regard to R.S. 2477 rights-of-way.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 91

SHORT TITLE: MANAGEMENT OF FOREST RESOURCES

SPONSOR(S): REPRESENTATIVE(S) P.WILSON

01/18/11 (H) PREFILE RELEASED 1/14/11
01/18/11 (H) READ THE FIRST TIME - REFERRALS
01/18/11 (H) RES, FIN
03/30/12 (H) RES AT 1:00 PM BARNES 124

BILL: HJR 40

SHORT TITLE: RS 2477 RIGHTS-OF-WAY
SPONSOR(S): REPRESENTATIVE(S) KELLER

02/22/12 (H) READ THE FIRST TIME - REFERRALS
02/22/12 (H) RES, JUD
03/26/12 (H) RES AT 1:00 PM BARNES 124
03/26/12 (H) Heard & Held
03/26/12 (H) MINUTE(RES)
03/30/12 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

ED WOOD, Co-Founder
Mitkof Highway Homeowners Association
Petersburg, Alaska
POSITION STATEMENT: Testified in support of HB 91.

SUZANNE WEST, Co-Founder
Mitkof Highway Homeowners Association
Petersburg, Alaska
POSITION STATEMENT: Testified in support of HB 91.

JULIANNE THOMPSON
Petersburg, Alaska
POSITION STATEMENT: Testified in support of HB 91.

MICHELE PFUNDT, Member
Mitkof Highway Homeowners Association
Petersburg, Alaska
POSITION STATEMENT: Urged passage of HB 91.

DAVID BEEBE
Petersburg, Alaska
POSITION STATEMENT: Testified in support of HB 91.

CHRIS MAISCH, State Forester
Division of Forestry
Department of Natural Resources (DNR)
Fairbanks, Alaska
POSITION STATEMENT: Answered questions during the discussion of
HB 91.

REPRESENTATIVE WES KELLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 40 as the prime sponsor of the resolution.

JIM POUND, Staff
Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed changes encompassed in Version M.

KENT SULLIVAN, Assistant Attorney General
Natural Resources Section
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HJR 40.

ACTION NARRATIVE

[1:07:31 PM](#)

CO-CHAIR PAUL SEATON called the House Resources Standing Committee meeting to order at 1:07 p.m. Representatives P. Wilson, Dick, Gardner, Munoz, Feige, and Seaton were present at the call to order. Representative Foster arrived as the meeting was in progress.

HB 91-MANAGEMENT OF FOREST RESOURCES

[1:07:58 PM](#)

CO-CHAIR SEATON announced that the first order of business would be HOUSE BILL NO. 91, "An Act relating to the regulatory and administrative standards for managing forest resources."

[1:08:56 PM](#)

REPRESENTATIVE P. WILSON, speaking as the sponsor, stated that HB 91 defines forest management practices for logging on steep unstable terrain within inhabited forested areas. She explained she introduced HB 91 at the request of Mitkof Homeowners Association. She stated that this issue arose as a result of land sales by the state. In the Mitkof Island area near Petersburg, the land was steep and the timber was considered not

harvestable. Years later the land was transferred to the Alaska Mental Health Trust Authority (The Trust), which decided to log the land as a means of managing its assets for income. When the trust announced plans to log, the homeowners worried the land was steep and unstable.

REPRESENTATIVE P. WILSON stated that in January 2006, some 90 homeowners organized the Mitkof Homeowners Association to deal with the problems of potential logging on the steep land. The group worked with the Division of Forestry Science & Technical Committee, their legislators, and Dr. Douglas Swanston, a certified public geologist. A great deal was learned about the problem and possible solutions during nearly four years of meetings and studies. The meetings were held with the state of Alaska, Alaska Division of Forestry. The Mitkof Homeowners Association hired Dr. Douglas Swanston to advise them. The state's Division of Forestry is the controlling authority for all timber harvesting in Alaska under the Alaska Forest Resources and Practices Act (FRPA). The attorney general indicates that the FRPA does not have the authority to address public safety issues. The FRPA focuses on protection of public resources, such as timber, fish habitat and water quality. Currently, the public safety of humans living on the land is not addressed as a resource and has not been considered when planning timber management.

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REPRESENTATIVE P. WILSON said this bill would provide that public safety will be considered when managing Alaska's forests. The bill would add a provision in FRPA that will address public safety as it applies - narrowed down as close as possible - to timber harvest. Studies have shown that in areas of slopes greater than 45 percent or a slope angle of 24 degrees the risk is too great to chance any unnecessary land disturbance within a half mile of a public road or inhabitants. She related that instituting these parameters minimizes the impact to the timber lands available for harvest. This impact would affect less than .03 percent of the land in Southeast Alaska. Cutting timber is a livelihood for many people and the bill attempts to minimize the impact on them. With passage of HB 91, Alaska would join Washington, Oregon, California, and British Columbia in adding public safety to their forest management practices. She highlighted that although the state sold the land, it still has the responsibility to manage it. Further, HB 91 would add tools to the Division of Forestry's toolbox to enable them to manage forests, providing for the safety of Alaskans who live near

unstable, forested slopes. In response to Representative Gardner, she restated that the state maintains the responsibility to oversee logging even though it sold the land.

[1:14:59 PM](#)

ED WOOD, Co-Founder, Mitkof Highway Homeowners Association, stated that the Division of Forestry's controlling authority for all timber harvest in Alaska is the FRPA. He explained that DNR, BLM was originally made available to the public for settlement. In Petersburg, the original trust land properties were granted to Alaska in 1961 and transferred to The Trust in 1996.

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CO-CHAIR SEATON related his understanding that timber cutting is restricted to 50 or 100 feet under the FRPA depending upon whether it is on public or private land. He remarked that the FRPA balances other resources with timber interests.

MR. WOOD offered his belief that state standards for buffers when logging is 66 feet on each side of a stream while the U.S. Forest Service requirement is 100 feet on each side.

REPRESENTATIVE P. WILSON added that along the highway where homeowners live was designated as state land when they purchased their homes. Homeowners never dreamed it would be logged and it likely wouldn't have been logged if it had remained state land. Once the land status changed and ownership was transferred to The Trust, The Trust is required to manage the land to gain revenue when possible. Thus the land has been designated for logging.

[1:17:43 PM](#)

CO-CHAIR SEATON questioned whether any liability is incurred when permitted logging on steep slope has caused a land/snow slide, which subsequently destroys private property. He asked whether any liability exists.

MR. WOOD answered that the matter was discussed during the past four and one half years of Board of Forestry meetings. He said any action would be reactive in that homeowners could attempt to sue the Alaska Mental Health Trust Land Office (Trust Land Office), the state DNR, or the logging contractor. This bill would be a preventative measure to try to avoid that matter.

1:18:58 PM

REPRESENTATIVE MUNOZ asked whether any federal rules apply to logging on state lands, particularly for Alaska Mental Health Trust lands.

MR. WOOD replied no; FRPA pertains to state and private lands, not federal lands.

REPRESENTATIVE MUNOZ noted that typically permits are required of federal agencies. She wondered if any affected logging practices.

MR. WOOD responded that the Division of Forestry must sign a detailed plan of operation, not a permit, which acknowledges a timber harvest at a certain place, time, and manner. He was unaware of the requirement for anything else.

1:20:29 PM

MR. WOOD paraphrased from the following written remarks listed under Tab B in the binder [original punctuation provided]:

Mr. Chair, House Resources Committee members: My name is Ed Wood. I am representing the Mitkof Highway Homeowners Association as one of its co-founders.

The Alaska Forest Resources & Practices Act is the Division of Forestry's controlling authority for all timber harvest in Alaska on state, municipal and private properties.

FRPA's "Section 41.17.080 - Regulations address forest practices such as disease and insect infestation, reforestation, water quality, and fish habitat, road construction and maintenance, fire and flood hazard management and all aspects of timber harvesting. The notable exception being public safety precautions relating to potential landslides associated with timber harvest within inhabited areas.

California, Oregon, and Washington each address public safety in their forest practices pertaining to timber harvest related landslides in one way or another. The Minister of Forest and Range in British Columbia has the power to intervene on any activity that is likely to have a

catastrophic impact on public safety. Alaska remains the only coastal region north of the Mexican border that does not address public safety in any way in its timber harvest practices.

Because of the Division of Forestry's lack of authority to address public safety, the Mitkof Highway Homeowners Association approached the state forester on October 10, 2007, with a proposal to amend the Forest Resources & Practices Act. Our proposed amendment was a verbatim quote from a 1983 Department of Natural Resources document titled, "Geologic Hazards in Southeast Alaska - An Overview," which states, in part, "Activities that increase suspect ability to slope failures such as logging should be prohibited or restricted if slope failures pose a danger to life or property."

"Timber harvesting is a leading contributor to slope failure. A correlation has been found between frequency of mass movements and timber harvesting (Bishops and Stevens, 1964)."

[1:22:47 PM](#)

The March 17-18, 2010 Board of Forestry meeting minutes include the attorney general's office advising that public safety could be added to one section of the Forest Resources Practice Act. For example, AS 41.17/060(b)(5) without requiring that public safety be considered under the act's other provisions.

That is what we've done with HB 91.

On a fiduciary note, some of Alaska's most valuable assets, including roads and public buildings funded and constructed at state expense, as well as private homes, personal property, and human lives may be at increased risk in unstable areas because of accelerated landslide activity due to timber harvest.

[1:23:31 PM](#)

I doubt there is another legislator who is more supportive of the timber industry than Representative Peggy Wilson, however, she also sees the need to keep Alaska's communities safe. Representative Wilson's letter to the

Board of Forestry and the State Forester three and one-half years ago, on August 4, 2008 stated:

Other states have looked at this issue and taken steps to ensure safety both to the environment and to homeowners and their property. As a legislator and also personally, I deem public safety to be a top priority in Alaska. I am optimistic that the Division of Forestry is willing to move toward this goal and at the same time provide good management practices throughout the state. This can be a win-win situation for the state and for Alaskans.

[1:24:17 PM](#)

Since 2007, the Division of Forestry's own landslide science and technical committee found the inhabited landslide hazard areas in its scoping study to represent less than one quarter of one percent of the available timber base. While small in area, they are of huge importance to those of us who live and transit in them. In the final analysis, people can only build homes and raise families where land is made available to them for settlement. Consider then that the state with its constitutionally mandated policy in Article VIII, Section 1, encouraged settlement in landslide hazard areas affecting at least eight populated municipalities and communities or within the boundaries of twelve communities or boroughs between Ketchikan and Cordova. While the state many not have recognized these areas as being unstable at the time, they have now been scientifically scoped and mapped as landslide hazard areas. The state's responsibilities to safeguard the public should not be outsourced to industry, large private landowners, or through local zoning ordinances. HB 91 gives the Division of Forestry the authority to manage timber harvest statewide within inhabited areas with public safety being the highest priority or benefit.

[1:25:30 PM](#)

For the record I'd like to end with a short paragraph from the Fourth Edition of Gordon Harrison's Citizen's Guide to Alaska's Constitution, page 128.

"Article VIII of Alaska's Constitution clearly establishes that the natural resources of Alaska should be developed. Indeed, to the convention delegates the very success of statehood hung in the balance. But while this article creates a strong presumption in favor of resource development, it will not abide that which is wasteful or to the rights of others in the larger public interest."

Thank you Representative Wilson for sponsoring HB 91. Thank you Mr. Chair and committee members for providing me this opportunity to speak in support of HB 91.

[Refer to Tab B in binder]

[1:26:32 PM](#)

CO-CHAIR SEATON recalled the sponsor's statement referred to the slope as 45 degrees or a 24 percent slope. He asked whether the degree and slope is the same thing or if it is different criteria.

MR. WOOD offered his belief that Representative P. Wilson intended to say 45 percent grade or 24 degree slope. He explained that the percent of grade is a little different. It is like going up a set of stairs, with forward and vertical motion, which a formula turns into a percent of grade. In further response to Co-Chair Seaton, he agreed that 45 degrees and 24 percent slope are two different ways of measuring the same angle.

[1:27:55 PM](#)

REPRESENTATIVE GARDNER said she was unsure what that specific slope would look like. She asked whether 80 percent of the land would be steeper than that. She recalled him saying that Oregon, Washington, and California have human protection in their forest management acts. She pointed out that Oregon's law refers to slopes steeper than 65, 70, or 80 percent depending on the area, which is significantly different than the 45 percent grade. She asked whether Oregon's standards are more or less stringent than the ones being proposed in HB 91.

MR. WOOD answered that Oregon's standards are much steeper than 45 percent grade. He pointed out that 45 percent grade is used in this context as a reference - like a yellow light - for the Division of Forestry to examine the criteria for public safety. He characterized the standard as a beginning. In further response to Representative Gardner, he agreed it is a trigger.

REPRESENTATIVE GARDNER asked whether 45 percent grade reflects the angle.

MR. WOOD answered that the angle is roughly 24 degrees. He explained that 45 percent grade is roughly 24 degrees. In response to Co-Chair Seaton, he confirmed it would be off the horizontal axis and a little less than a 30-degree triangle.

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REPRESENTATIVE MUNOZ referred to the letter in members' packets dated August 4, 2008, from the Board of Forestry requesting an amendment to their White Paper. She asked whether he could describe the white paper and if the amendment had been adopted. At the chair's request, she identified the tab as tab F.

REPRESENTATIVE P. WILSON referred to Tab M to the White Paper, which is a paper the department has prepared on landslides, public safety, and Alaska Forest Resources and Practices Act (FRPA). She said the White Paper was brought forth for discussion at her request. She explained that a committee met quarterly.

MR. WOOD responded that the Landslide Science and Technical Committee (LS&TC), consisting of qualified experts from the U.S. Forest Service, the Department of Environmental Conservation (DEC), and the state Division of Forestry, met for approximately two years.

REPRESENTATIVE MUNOZ inquired as to the outcome of the suggested amendment.

MR. WOOD answered that on two occasions the aforementioned committee unanimously voted to not adopt public safety language, but recommended that local zoning ordinances would be preferable.

[1:32:38 PM](#)

CO-CHAIR SEATON asked whether Mitkof is located in a municipality.

MR. WOOD answered that although Mitkof is located in a municipality, several sites were assessed by LS&TC, which does not have local zoning authority.

[1:33:05 PM](#)

REPRESENTATIVE MUNOZ asked whether the City of Petersburg adopted anything in its land use plan to address public safety.

MR. WOOD replied no; the Trust Land Office put its timber harvest plans in abeyance. The Trust Land Office has attempted land exchanges and is currently engaged with the U.S. Forest Service with an administrative exchange, which has not yet gone to local ordinances yet. One fear is that The Trust may want to sue the City of Petersburg as a taking. If they decide not to risk that and with Petersburg not having effective zoning ordinances, the Trust Land Office runs the risk of being sued by Petersburg residents. He characterized the City of Petersburg's position as being very difficult.

REPRESENTATIVE P. WILSON stated that The Trust has tried to resolve this matter. She highlighted that there have been landslides without any logging. The Trust Land Office would like to exchange the land and has pursued this at the federal level to no avail, and thus is now seeking help at the state level.

[1:35:29 PM](#)

MR. WOOD acknowledged the Trust Land Office has been diligent in seeking solutions. However, not all of the properties involved in the scoping process belong to the Trust Land Office. Some of the administrative exchanges with the U.S. Forest Service probably would not fall into the criteria, but the parcels are closest to communities, such as South Douglas Island. He turned to the Mitkof Highway Homeowners Association's supplemental information binder. Tab A introduces the Mitkof Highway Homeowners Association to the committee. Tab B provides copies of his testimony. Tab C provides a copy of the draft Version M of HB 91. Tab D contains Representative P. Wilson's sponsor statement. Tab E provides a sectional analysis of the bill. Tab F is a copy of Representative P. Wilson's letter to the Division of Forestry. Tab G provides a letter from Mr. Wood to the State Forester, DNR Commissioner Sullivan, and Governor

Parnell. Tab H provides a copy of the July 9, 1983, DNR document which first discovered that slide activity was a notable event relative to timber harvest and page 9 provides a copy of the division's proposed amendment.

[1:37:24 PM](#)

CO-CHAIR SEATON asked whether he received a response to his February 28, 2012, letter.

MR. WOOD related his understanding the state forester is working on a response, but Mitkof Highway Homeowners Association has not yet received a response.

[1:38:03 PM](#)

MR. WOOD referred to Tab H, page 9, of the Division of Geological and Geophysical Surveys. He read, "Critical facilities, homes, and other buildings for human occupancy should not be located in areas susceptible to major slope failures." He pointed out that the Division of Forestry recognized that is beyond its mandate and withdrew that language from the original amendment. He clarified that the FRPA pertains to commercial timber harvest and not structure sitings. Tab I contains the FRPA's Landslide Science & Technical Committee brief findings showing communities with hazard in boundaries or hazard zones in populated areas.

CO-CHAIR SEATON referred to Tab I and asked whether the blue means hazard in boundary, the white means no hazard, and a question mark means unknown.

MR. WOOD answered yes; and referred to Tab S, page 31, and read, "Freeman noted that areas with potential for slides near Hollis, Whale Pass, Port St. Nicholas, and Klawock Lake are currently outside incorporated communities." He offered his belief that also may have had something to do with the coloring.

[1:40:04 PM](#)

MR. WOOD referred to the pie chart on Tab I, page 2, and to the hazard zones adjacent to populated areas, which equals 0.03 percent. He said this area covers structures and is the Mitkof Highway Homeowners Association primary area of concern. The other sections of HB 91 are open to harvest within one-half mile of a public road and in hazard zones or 0.2 percent. He said these areas are easily accessible to automobiles, such as a

logging road. Tab J contains a scoping map prepared by the FRPA LS&TC that the Mitkof Highway Homeowners Association altered to show landslides. He recalled five slides have occurred since 2009. In response to Representative Gardner, Mr. Wood specified that the slides were not due to logging activities, but use slides with the slope in the natural state.

[1:41:31 PM](#)

MR. WOOD referred to Tab K, which contains DOT&PF's traffic map showing the average daily traffic. Tab L contains a series of maps prepared by the FRPA LS&TC. The LS&TC mapped from Cordova to Ketchikan, with the red indicating structures and the yellow indicating landslide hazard areas within one-half mile of the road. He highlighted that the LS&TC used 50 percent or greater, while HB 91 uses 45 percent. In response to Co-Chair Seaton, Mr. Wood agreed the 45 percent would mean all of the areas identified plus some others between 45-50 percent.

[1:43:23 PM](#)

REPRESENTATIVE GARDNER referred to the first map under Tab L, to the light yellow. She asked for clarification on "protected natural land cover."

MR. WOOD said he was unsure.

CO-CHAIR SEATON answered that it may mean it is off limits to logging.

[1:44:53 PM](#)

MR. WOOD referred to Tab M, which contains the Division of Forestry White Paper dated June 18, 2008, and discusses other states and includes the proposed amendment. Tab N provides an updated Division of Forestry White Paper of 2010. He referred to page 3, as follows: "Statutory: FRPA does not include public safety in the factors to consider for preventing or minimizing adverse impacts of mass wasting." This would require a statutory change. It describes the forest practice in Oregon, Washington, California, and the province of British Columbia.

[1:45:57 PM](#)

REPRESENTATIVE GARDNER asked for the definition of mass wasting.

MR. WOOD explained mass wasting refers to the soil mass movement, debris flows, commonly known as landslides.

CO-CHAIR FEIGE stated he previously taught the course. Mass wasting would be landslides, such as when an earthquake causes a large chunk of soil or rock to let go when the earth moves.

CO-CHAIR SEATON suggested it doesn't have to be instantaneous. He informed the committee that everything in Homer is moving down the slope towards Kachemak Bay.

[1:47:26 PM](#)

MR. WOOD referred to Tab O, which contains the April 1, 2009, Landslide Science & Technical Committee minutes, which describes a discussion of how the committee arrived at the percentage grade of slope. The minutes also relate a recommendation from Ms. Johnson to look at gradients of 45 percent and up that would include a [greater or equal to] 95 percent of slides - or two percent more slides than under 50. He said that Tab P contains the November 23, 2010, Landslide Science & Technical Committee minutes. He referred to page 5, which read, "She also noted that Swanston said that 50 [percent] gradient suggested in the indicators should be lowered to 45 [percent] if protection of public safety is the goal." He turned to Tab Q, which contains Mr. Douglas Swanston's resume. Mr. Swanston basically wrote the book for soil mass movement and prepared a soil risk analysis on the Trust Land Office slopes above the Mitkof Highway Homeowners Association homes. He was also instrumental in providing technical expertise when drafting HB 91. He said Tab R provides the Board of Forestry meeting minutes of February 12-13, 2008. There were three questions the board previously raised and the board chose option 3, which he characterized as a reactive rather than preventative measure. Tab S contains the Board of Forestry meeting minutes March 17-18, 2010. He referred to page 30, and read "DOF consulted with the Attorney general's office, who advised us that public safety could be added to one section of the FRPA, e.g., AS 41.17.060(B)(5) without requiring that public safety be considered under the Act's other provisions." The Mitkof Highway Homeowners Association sent the proposed bill and the legislative attorneys put it into legislative format, which changed the formatting. He related that Tab T contains approved Board of Forestry meeting minutes November 29-30, 2011, although it reads "draft." He said two words were changed, according to his wife, who listened in to the meeting.

[1:51:43 PM](#)

MR. WOOD referred to page 16, which is a discussion between the state forester and the DNR commissioner. He read, "The DNR Commissioner, who is also the former Attorney general, expressed some concern that the Board hadn't addressed public safety, although he was open to the Board process." It struck him odd that the board didn't address public safety with regard to forest operations. The final sentence changes one word. He read, "The Board could pass the buck, but this Board was appointed to provide good advice on issues like this." On page 20, the highlighted text read, "Curran commented that DOF wouldn't want to manage the Mitkof land." He interpreted the former regional forester's comment to mean the land is unstable, hard to log, and is no place for local zoning ordinances to have effect. Tab U - contains a copy of Alaska's Constitution - A Citizen's Guide.

[1:53:56 PM](#)

REPRESENTATIVE P. WILSON stated the Mitkof Highway Homeowners Association is concerned that one of the association member's homes will be covered in a landslide and the homeowner will have to spend \$127,000 of his/her own money and six years of his/her time to address this issue.

[1:55:06 PM](#)

SUZANNE WEST, Co-Founder, Mitkof Highway Homeowners Association, read from a prepared statement, which read [original punctuation provided]:

I'd like to share a true story. Numerous residents as well as Oregon Department of Transportation personnel had expressed concern about logging the steep slopes above homes along Hubbard Creek, near Roseburg, Oregon in 1984, where a private landowner had decided to log his land. Ten years later a major slide occurred during a threshold weather event, which killed four people in one house. However, in response, one Oregon Division of Forestry area director said, [quote] "The Oregon Division of Forestry is not in the business of protecting houses." [close quote]

3. In another location, a woman was waiting for the road to be cleared from a slide event, when yet a new slide came down and pushed her car off the road and into a river, where she drowned. There were

approximately 50 people hurt in slides that fall in Oregon.

[1:56:15 PM](#)

4. As a result, the governor of Oregon asked the Legislature to form a task force to include public safety in Oregon's Forest Practices Act, which it did with Senate Bill 1211 in 1997. Through legislation enacted in 1999, the Oregon Board of Forestry was required to adopt rules to consider the exposure of the public to landslide safety risks.

5. In a proactive move, the State of Washington elected to include public safety in its Forest Practices Act in 2001.

6. The entire Oregon situation is eerily similar to what Petersburg residents have experienced since December 2005. A large private landowner, the Trust Land Office, wanting to log steep and unstable slopes comparable to those near Oregon's Hubbard Creek, in an area of known permanent habitation, and with the Division of Forestry personnel telling us that public safety is not part of their Forest Resources and Practices Act, and cannot be a consideration.

7. Though the argument could be made that threshold events that trigger slides cannot be managed, both Oregon and Washington concluded that the attempt to mitigate the potential for increased slide activity by logging had to be made.

8. House Bill 91 is intended as a statewide preventive measure that gives the Division of Forestry the authority to manage timber harvests in areas where the public's safety may be at risk.

9. I would like to request that the House Resources Committee pass HB 91 into the House of Representatives for approval.

10. Thank you, Mr. Chair and Committee members, for this opportunity to speak in support of HB 91. Thank you Representative Wilson for understanding our concerns and for sponsoring HB 91.

[1:58:33 PM](#)

JULIANNE THOMPSON stated that she has lived in Petersburg and Wrangell for over 20 years. She related that the Alaska Forest [Resources] Practices Act protects water quality and fish habitat, but it does not provide the authority to protect public safety during forest management activities adjacent to communities. The correlation between timber harvest and landslides on steep slopes was established by peer review studies decades ago in the Pacific Northwest and specifically in Alaska, as well. The Board of Forestry Science & Technical Committee considered this information and map landslide hazard zones adjacent to communities throughout Southeast Alaska. She said that this bill will bring the best information to bear on Alaska's forest practices derived from decades of study, knowledge, and experience, combined with current regional expertise. This bill would provide the state with the authority to protect public safety in forest management adjacent to communities. It would also give equal weight to water quality, fisheries, and public safety. She concluded by thanking members for considering HB 91.

[2:00:04 PM](#)

MICHELE PFUNDT, Member, Mitkof Highway Homeowners Association, requested that members pass HB 91. Alaska's forests contain a great resource, which is currently not protected under the Alaska Forest Resources Practices Act (FRPA). She offered her belief the greatest legislation that can be addressed by any legislature is one proposed by the people, as is the case with HB 91. This bill has been developed by a few people for the protection of many people.

[2:00:45 PM](#)

MS. PFUNDT said this bill is a preventative measure designed to give statutory authority to the Division of Forestry to safeguard the public from timber harvest practices. In December 2005, a large state agency submitted a logging plan to the Department of Natural Resources (DNR) to log parcels of land uphill from residents and transit routes in Petersburg. The logging plan was signed without considering possible ill impacts to homeowners below. Citizens formed the Mitkof Highway Homeowners Association. She related that the association is comprised of average citizens, many of whom - including herself - have never previously opposed any logging activities. However, they have enough knowledge of the terrain and effects

of logging to be concerned about logging a steep gradient behind their homes.

2:01:37 PM

MS. PFUNDT explained the [association's] concern over the plan to log Petersburg's steep slopes behind the homes of over 95 families and the daily transit weight of over 800 vehicles led the association to seek assistance from Douglas Swanston, PhD. She stated that Dr. Swanston is a retired U.S. Forest Service geologist, and is the leading authority on logging steep hillsides. He confirmed the logging plan presented to the community of Petersburg was unsafe. It was then that the citizens discovered that the FRPA protects fish, spawning streams, or fresh water, but it does not provide the Division of Forestry the authority to address public safety related timber harvest activities. The citizens were told there was nothing they could do except wait for damage resulting from possible unsafe logging practices and sue the person responsible or enact local zoning ordinances. She said that Petersburg's story isn't unusual as in Southeast Alaska most livable locations are at shore below tree or timber areas. When conflicts arise, the public must be protected, as well as the fish and water resources.

MS. PFUNDT said the Board of Forestry's Science and Technical Committee found that only a quarter of one percent of loggable timber lands under state control are of such a gradient and are above homes or important transit roads. However, in just one community, nearly 100 families are affected by this lack of a public safety provision. She stated that many other families throughout the state will be positively affected by this legislation. She suggested that legislation is the proper way to address conflicts between adjacent landowners. She said the Division of Forestry has been given the mandate to administer the state's forested lands. She highlighted that passing HB 91 can guide the agency in addressing public safety.

2:03:52 PM

MS. PFUNDT said the Mitkof Highway Homeowners Association has tried to address the problem and asked the Division of Forestry to assist; however, the attorney general has indicated public safety is not addressed by the Act and would require a legislative amendment. Since then, the Board of Forestry has twice voted not to take an official stand on HB 91, and instead, recommending that local communities should rely on their own

zoning ordinances. She highlighted this as a statewide issue as local ordinances place an undue burden on local communities since they don't have access to the Board of Forestry's Science and Technical Committee. Further, communities are ill equipped to defend the zoning ordinances. Finally, zoning ordinances do not work for statewide problems since many communities are unorganized and do not have any zoning authority.

[2:05:35 PM](#)

MS. PFUNDT said the Mitkof Highway Homeowners Association went through the entire process without a solution. The association then sought the assistance of their legislator for a legislative solution and HB 91 was drafted. She emphasized that Alaska's Constitution inherently guarantees that the state, by way of its government and agencies must consider the safety of its public; however, there are currently no public safety considerations within the FRPA regarding timber harvesting. She did not understand how an Act could be in conflict with Alaska's Constitution. The states of California, Washington, and Oregon and western provinces of Canada have all recognized that their forest practices acts should contain public safety considerations. In this situation, Alaska truly is the "Last Frontier," but it is not a mark of honor but one of shame. She concluded that Alaska should remain the "Last Frontier" in mystique, but not for an inability to consider public safety since its people are truly its greatest resource. She thanked members for their consideration of HB 91.

[2:07:06 PM](#)

DAVID BEEBE stated he is testifying in support of HB 91. He said that timber harvest on unstable slopes increases risk of landslides by a factor of five on glaciated land. He pointed out that HB 91 is about public safety and the obligation of the state to provide safe domicile for its residents. He offered his belief this is a reasonable expectation of safety. He doesn't live below an unstable slope, but can recognize the threat of unstable slopes affects everyone, whether they are traveling or hunting below slopes. He highlighted that landslides travel large distances and much of the slopes above the Mitkof highway have the hallmark characteristics of landslide areas, including steep slopes with runouts that end at roads, houses, and public utility infrastructure. He has seen images of the aftermath of landslides and has walked up the slopes 24 hours after a debris avalanche has occurred. He characterized the accumulation of avalanche degree as being

similar to a "cocked gun." He said that a threshold weather event is all it takes to pull the trigger. He acknowledged that local zoning ordinances are a possible fix, but beyond the expertise of most planning and zoning committees and thus is a matter of the state. He urged members to consider this as a moral obligation.

[2:10:52 PM](#)

CO-CHAIR SEATON noted he requested that the Division of Forestry testify, but no division representative is present today. He referred to Tab P, page 5, noting the highlighted area points to the difference between 45 and 50 degrees as a 90-95 percent confidence level. Members may want to consider how that relates to several other tabs, including Tab O, page 2, which states, "a 50 degree and steeper initiation angle would include 93 percent of the 115 landslides" He also referred to Tab P, page 5, which states that Mr. Burkhart observed that 85 percent of Southeast Alaska's slopes would fit that category. He noted that Johnson suggested the angle should be lowered to 45 degrees for public safety. Many sites don't indicate a public safety hazard so the committee would need to narrow its focus. He offered his belief that adding a public safety hazard at those locations would not mean logging couldn't occur on 45, 50, or 60 degree slopes in Southeast, but would be restricted only in areas that create public safety issues.

[2:14:42 PM](#)

REPRESENTATIVE P. WILSON answered that slope is not the only consideration, but criteria such as the thickness of ground cover, bedrock, and porosity so discovering the slope initiates a review to determine what other criteria might be present.

REPRESENTATIVE MUNOZ asked whether access to logging operations and hillsides that abut those logging roads will also be included in the public safety determination.

[2:16:15 PM](#)

REPRESENTATIVE GARDNER said it isn't just land immediately above a home, but if adjacent land is logged, wind damage can result in downed trees. She was unsure how to address that aspect as it might not be enough to only protect the land immediately above someone's home.

CO-CHAIR SEATON commented that he is interested in how broadly or narrowly the bill concerns the slope versus the other activities.

MR. WOOD referred to a pie chart on Tab I, page 3. He said the area open to harvest within one-half mile of a public road and in hazard zones adjacent to populated areas equals 0.03 percent. He offered his belief that it covers class 3, 4, and 5, of the U.S. Forest Service classifications for roads, which he thought was accessible by passenger car. He pointed out that it's a bit larger area than where homes are located, but the impact would only be 0.23 percent. In response to Chair Seaton, he indicated it would include logging roads.

[2:19:17 PM](#)

REPRESENTATIVE MUNOZ thanked him for such a well done presentation.

MR. WOOD stated that the constant that never goes away is the slope angle. He related that it isn't possible to know when a threshold event will happen, but the slope angle is the greatest indicator of potential landslides.

CO-CHAIR SEATON pointed out this is a statewide issue that affects Prince William Sound, too.

REPRESENTATIVE MUNOZ asked whether HB 91 would affect existing logging roads and if they fall under the public safety aspect.

[2:21:40 PM](#)

CHRIS MAISCH, State Forester, Division of Forestry, Department of Natural Resources (DNR), stated that the bill wouldn't apply to activities that have already taken place. This bill would only apply to future activities. In further response to Representative Munoz, he agreed that the bill would apply to more than just removal of trees, since it would apply to all forest management activities, including road building and other harvesting on steep slopes. He explained that often harvesting on steep slopes is not done since it doesn't meet the best management practices for that kind of situation. He pointed out it might be harvesting via helicopter on steep slopes. He reported that the Board of Forestry has developed some regulations that were identified in this process. The regulations would close some loopholes in the best management practices for steep slope harvesting and helicopter operations.

The division wanted to have a series of additional best management practices to help address some issues with that particular type of harvest.

[2:23:18 PM](#)

REPRESENTATIVE GARDNER referred to a letter dated February 28, 2012, requesting a position on HB 91 and asked if this was finalized.

MR. MAISCH answered no; the letter is being finalized through the commissioner and governor's office. In response to Co-Chair Seaton, he offered to furnish a copy to the committee when it is available. In response to Representative Gardner, he indicated the response would be forthcoming shortly.

[2:24:33 PM](#)

REPRESENTATIVE MUNOZ referred to page 2, line 6, of HB 91, which indicates this would apply to public roads. She asked whether logging roads are considered public roads.

MR. MAISCH answered that it depends upon the type of land ownership. He stated that if the logging road was on public land it typically would be considered a public road. Companies often close out roads once timber harvest operations are completed, which is called "putting them to bed" since they will not have to maintain drainage and culverts. He stated that if a landowner will continue forest management activities the owner may keep the roads open, but must follow maintenance standards. If the roads are located on private lands they are treated as a private road and are generally not open for public access.

[2:25:42 PM](#)

CO-CHAIR SEATON referred to page 2 of HB 91, to the specific language "adjacent to an area of human habitation." He asked for clarification.

MR. MAISCH responded that he can't answer as "adjacent" is not a term that is defined as part of the division's regulations or in statute. In response to Co-Chair Seaton, he agreed to define "adjacent" or to provide a substitute term. He said he understood the committee wants to avoid unintended consequences.

[2:27:53 PM](#)

REPRESENTATIVE MUNOZ asked if he would recommend deleting "public road" and just have it apply to threats to public safety one-half mile within the area of human habitation. This would remove the issue of application to logging roads and other developments.

MR. MAISCH responded that it is difficult to answer without having the administration's formal position yet.

[2:28:48 PM](#)

CO-CHAIR SEATON stated that the division might consider the question and what 45 and 50 percent grade would cover.

MR. MAISCH acknowledged this and said he caught that earlier and will be prepared to address it at the next hearing.

[HB 91 was held over.]

HJR 40-RS 2477 RIGHTS-OF-WAY

[2:30:32 PM](#)

CO-CHAIR SEATON announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 40, Commending the governor and the administration for aggressively working to enforce the rights of the state in R.S. 2477 rights-of-way; urging the governor and the attorney general to develop a working alliance with other western states to protect and enforce the states' interests in ensuring access using rights-of-way authorized by R.S. 2477; urging the governor and the attorney general to support the State of Utah and the southern counties of Utah in a lawsuit against the federal government concerning R.S. 2477 rights-of-way, including filing an amicus brief in support of Utah; urging the governor to dedicate state resources to establish, protect, and enforce the state's interests in R.S. 2477 rights-of-way and to preserve state rights-of-way against encroachment by the federal government; urging the governor to reestablish a federalism section in the Department of Law and sections in the Department of Natural Resources and the Department of Fish and Game to support the preservation of the state's rights and powers in compact cases; and urging the governor to prepare an appropriation request to fund an aggressive effort by the state to resolve issues relating to R.S. 2477 rights-of-way, including possible litigation, and to continue to work to preserve the rights of the state in regard to R.S. 2477 rights-of-way.

2:31:06 PM

REPRESENTATIVE WES KELLER, Alaska State Legislature, speaking as the sponsor of HJR 40, stated that his staff, Jim Pound, would explain the changes in the proposed committee substitute. Additionally, Mr. Kent Sullivan, Department of Law (DOL) is also available to answer questions.

2:32:19 PM

CO-CHAIR FEIGE moved to adopt the proposed committee substitute (CS) for HJR 40, Version 27-LS1407\M, Bullock, 3/29/12, as the working document.

CO-CHAIR SEATON objected for the purpose of discussion.

2:32:35 PM

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, stated that the sponsor worked with DOL on the changes. Some of the original language referred to language related to the state of Utah's lawsuit with the federal government. The sponsor proposed the Alaska DOL would file an amicus brief; however, DOL held conversations with the Utah official, who preferred that Alaska not do so. Therefore, the language relating to the amicus brief is dropped; however, the reference to the Utah lawsuit remains. He highlighted that the administration has been very active in the R.S. 2477 assertions and the language is slightly changed with respect to commending the governor. He noted that Malcolm Roberts has worked on the R.S. 2477 issue dating back to Senator Jack Coghill's tenure. He reiterated Version M deleted language regarding the lawsuit and inserts that the state will continue asserting its efforts to assert Alaska's R.S. 2477, which is supported by Utah.

MR. POUND referred to page 3, line 31, which adds the language such that it would read as follows: "... that the Alaska State Legislature urges the governor further to strengthen the resources of the state for protecting the state's rights by continuing to focus the efforts of the Department of Law, the Department of Natural Resources, the Department of Fish and Game, and other departments on defending the state's rights and powers with regard to access and federalism issues;..." This would address the federalism section which wasn't necessary since the possibility exists that it would add a layer of bureaucracy over DOL that is not needed. At the same time, the

Department of Environmental Conservation (DEC) has sometimes been involved in this type of litigation. Further, other departments may be involved with asserting state's rights at some point in time and this additional language would allow for that to happen.

[2:37:06 PM](#)

CO-CHAIR SEATON referred to page 3, line 29, " ... to strengthen the resources of the state" He asked whether that means the state would appropriate funds.

MR. POUND agreed that would be the case at some point, but he believes that currently sufficient funds exist in DOL. In further response to Co-Chair Seaton, Mr. Pound responded that should the governor need more funds, he/she would need to approach the legislature and so indicate the need to improve the state's stance of federalism-type issues.

[2:37:59 PM](#)

REPRESENTATIVE GARDNER referred to page 2, lines 13-14, which read "**WHEREAS** R.S. 2477 rights-of-way were established in the state through use or development until virtually all federal land in the state was withdrawn in 1969; and...." She asked whether that refers to Alaska.

MR. POUND replied yes, adding that is when the federal government started taking land from the state of Alaska. In further response to Representative Gardner, he offered his belief that the land was withdrawn from development for parks and forest and withdrawn from being considered state land.

[2:39:12 PM](#)

REPRESENTATIVE MUNOZ suggested that resolutions normally send copies to interested parties, such as the U.S. Delegation and members of Utah.

REPRESENTATIVE KELLER said he considered this and asked the committee for guidance on whether to expand the distribution list, which would be fine.

[2:40:17 PM](#)

MR. POUND explained the next changes are repetitive and conforming changes through the title and resolution. He

referred to page 1, lines 10-13, which eliminate the language "federalism section," that is also found on page 3, lines 23-27, of the original version. These changes make the title and resolution text same.

[2:41:03 PM](#)

CO-CHAIR SEATON referred to page 4, line 1, and asked whether this addresses federalism issues or should be removed.

MR. POUND answered that it should remain since it refers to the definition of federalism, but not a federalism section.

[2:41:47 PM](#)

REPRESENTATIVE P. WILSON asked for clarification of the term "federalism" and the R.S. 2477 plans.

REPRESENTATIVE KELLER stated that the R.S. 2477 stands for Revised Statute 2477 from 1866, which is one year prior to Alaska's purchase from Russia. The Federal Land Policy and Management Act retained Alaska's rights to R.S. 2477 access across federal land. He declared he is passionate about this issue. Although R.S. 2477 is specifically recognized, departments have taken the stand that they don't authorize them unless there is litigation and adjudication. What has happened is that the current and prior attorney general have supported and encouraged the governor to maintain Alaska's rights and Utah is connected since other Western states share similar concerns. He pointed out that 66 percent of Utah's land is federal.

[2:44:09 PM](#)

REPRESENTATIVE MUNOZ asked for clarification on rights-of-way and historically the reason they are so important.

REPRESENTATIVE KELLER deferred to DOL.

[2:44:37 PM](#)

CO-CHAIR SEATON understood aggressively pursuing the protection of R.S. 2477s; however, he said he is troubled with specific language urging the governor and the attorney general to support litigation in Utah. He commented they can decide to do so, but he was unsure how this resolves the R.S. 2477. He suggested that the legislature would have a stronger resolution if it worked with the governor and the Congressional Delegation to

resolve Alaska's issues. He recapped his concern over addressing specific counties and another state.

[2:46:25 PM](#)

REPRESENTATIVE GARDNER asked the reason this resolution references the State of Utah.

MR. POUND answered that Utah is involved because they're on point, and are already in court and have won. They have already established R.S. 2477 trails and the court has upheld their assertion. Although, he noted it is on appeal in some counties. The attorney general has been in contact with the attorneys in Utah. He said, "Our money is better spent if we start asserting our R.S. 2477 and try to get litigation."

[2:48:22 PM](#)

KENT SULLIVAN, Assistant Attorney General, Natural Resources Section, Department of Law, stated that R.S. 2477 is important - the federal law of 1866 said that anytime the public created trails over unreserved federal land that created a public right-of-way in favor of the state. That statute continued to 1976 when it was repealed by the federal repealed in 1976 upon enactment of the Federal Land Policy and Management Act (FLPMA), but already existing rights-of-way were grandfathered into the law. This is important to states with high amounts of public lands, which has been how roadways in many Western states were created. In particular, in Alaska with its recent history, it is important since Alaska needs to have rights over federal land. Today, the federal land may have been transferred to Native Corporations, or private landowners, but if the rights were created earlier they still exist.

[2:50:40 PM](#)

MR. SULLIVAN referred to Representative Gardner's question about the significance of 1969 and the withdrawal of federal lands. In 1969 Public Land Order [PLO 4582] took all land in Alaska under general federal ownership, withdrew the remaining land under federal ownership, and transferred it to wildlife refuges or for state or Native Corporation selection, as part of the Alaska National Interest Lands Conservation Act (ANILCA) and the Alaska Native Claims Settlement Act (ANCSA) processes. The last of general federal land came out of ownership in 1969. He explained that when the state examines establishing R.S. 2477 rights-of-way, it has to look at roads created prior to 1969

because roads created after 1969 do not qualify for R.S. 2477 rights-of-way.

MR. SULLIVAN, regarding Co-Chair Seaton's question about initiating litigation in Utah, noted that DOL has worked closely with the sponsor on HJR 40 and Version M. The department is supportive of Version M with a minor exception. The state of Utah has related that the best way to help them is not to file an amicus brief, but for Alaska to file similar litigation in Alaska. Therefore, on page 3, line 20, following "Utah", he suggested deleting "in a lawsuit to enforce Utah's interests in" and replacing it with "concerning" and on line 22 following "rights-of-way" inserting "in this state." He said that will make clear what the state is doing is to seek to assist Utah in its R.S. 2477 efforts by initiating litigation in this state without tying it to Utah's litigation or leave it open to whether Alaska would be asked to file an amicus brief in their litigation. Save that one minor issue, DOL is very supportive of all of the changes [embodied in Version M].

[2:54:38 PM](#)

REPRESENTATIVE GARDNER surmised then that federal land has some specific designation, but is not under general federal ownership.

MR. SULLIVAN answered yes.

[2:55:03 PM](#)

REPRESENTATIVE MUNOZ related her understanding that the Alaska legislature, through statute, has identified these R.S. 2477 rights-of-way, but now the federal government is saying that Alaska does not have a legitimate right unless the state litigates.

MR. SULLIVAN responded yes. Basically, the federal land managers have taken a policy - due to actions the Congress has taken - that the federal government's "hands are tied" to recognize R.S. 2477s unless a court of law adjudicates the rights-of-way. He referred to language on page 4 of Version M, which urges the Congressional Delegation and/or the Congress to enact legislation requiring federal land managers to develop a policy to recognize R.S. 2477s once a notice of intent to litigate on R.S. 2477 has been filed and in instances where it is a valid and existing R.S. 2477. Currently, the federal government does not have any policy in place to do so.

[2:56:26 PM](#)

REPRESENTATIVE MUNOZ stated that Utah has successfully litigated these rights-of-way.

MR. SULLIVAN answered yes; the state of Utah is at forefront. He said he has read all of the R.S. 2477 cases since 1866. There are approximately 50 of these cases, of which 90 percent were from Utah. Currently, there are three cases filed in Alaska, which have been settled, and Utah has several dozen cases actively being litigated. Furthermore, Utah is ready to embark on litigation on 18,000 roads before the end of May. He commented that Alaska can learn from Utah's successes and failures.

[2:57:44 PM](#)

REPRESENTATIVE MUNOZ inquired as to how the Roadless Rule in the Tongass National Forest impacts the R.S. 2477 rights-of-way in Southeast Alaska.

MR. SULLIVAN related that he has worked with DOL's attorney who is handling the Roadless Rule. He related his understanding that there are exceptions within the Roadless Rule that recognize valid and existing rights, for instance, R.S. 2477. He did not think the U.S. Forest Service Roadless Rule policy closes the door; however, the agency still maintains, as other federal agencies have said, that they cannot recognize the R.S. 2477 rights unless litigation occurs.

[2:59:03 PM](#)

REPRESENTATIVE GARDNER said it doesn't make sense to litigate all cases state-by-state and road-by-road to retain R.S. 2477 rights-of-way. She asked whether it makes sense to lobby the federal government to enact legislation to retain the pre-1969, R.S. 2477 rights-of-way.

MR. SULLIVAN said that makes a lot of sense, but Alaskans all know that things can seem easier to accomplish than they actually are.

[3:00:14 PM](#)

CO-CHAIR FEIGE offered his belief that the courts don't render decisions in many of the cases that are litigated so there isn't

any case law. Instead, the federal court just runs the case out until it is settled.

MR. SULLIVAN stated his agreement, adding that 95 percent of the cases are resolved through summary judgment or settlement, short of actual trials. However, there is concern that one of the motivations by the federal government to delay or not adopt policies is that witnesses are people who were alive in 1969. He related that Utah is concerned that the federal government is waiting and there won't be any witnesses. The longer they wait, the fewer the witnesses and the more difficult it is to prosecute. Although it is possible to litigate without living witnesses, it is much more difficult and challenging to do so.

[3:02:06 PM](#)

CO-CHAIR SEATON referred to page 3, lines 13-22, and asked whether this language gives the attorney general full direction in pursuing the state's interest.

MR. SULLIVAN referred to the language on page 3, lines 19-22, and said with slight changes the language is helpful because Utah requested this approach and both estimate it is the best way of achieving it.

[3:03:39 PM](#)

CO-CHAIR SEATON referred to page 4, line 1, with respect to introducing federalism issues. He asked whether this language is fully understandable and doesn't give the attorney general any problems.

MR. SULLIVAN answered that is not problematic from DOL's perspective. The DOL's only concern was to establish a separate federalism section. Although DOL is handling federalism and access issues currently and has been effective, DOL wants to preserve the status quo. He pointed out the DOL is still working on federalism issues and this language accurately reflects this.

[3:04:53 PM](#)

CO-CHAIR SEATON removed his objection to Version M.

[There being no further objection, Version M was treated as adopted.]

3:05:14 PM

REPRESENTATIVE MUNOZ offered to make an amendment.

CO-CHAIR SEATON said he preferred to have Legislative Legal Services prepare the amendment.

[HJR 40 was held over.]

3:05:46 PM

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:05 p.m.