

Introduced: 1/22/76
Referred: Commerce and
Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 563

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forest resources and practices;
7 and providing for an effective date."

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

9 * Section 1. AS 41 is amended by adding a new chapter to read:

10 CHAPTER 17. FOREST RESOURCES AND PRACTICES.

11 Sec. 41.17.010. FINDINGS AND PURPOSE. (a) The legislature
12 finds that

13 (1) the forest land and water resources of Alaska are among
14 the most valuable natural resources of the state;

15 (2) healthy industries and businesses derived from the
16 products, benefits, and services obtained from forest land and water
17 resources are of prime importance to the state;

18 (3) the public interest demands that productive state,
19 municipal, and private forest land be administered consistent with
20 sound and refined principles of natural resource management;

21 (4) the forest land and water resources furnish timber and
22 numerous wood products derived from timber, fish and wildlife, tourism,
23 outdoor recreation and aesthetic enjoyment, water, minerals, soil,
24 air, diverse lifestyle opportunities, general health and welfare, and
25 a multitude of other valuable products, benefits, and services;

26 (5) it is the policy of the state to formulate prudent and
27 responsible forest management measures calculated to serve the needs
28 of all Alaskans for the many products, benefits, and services obtained
29 from forest land and water resources;

1 (6) imprudent forest management would preclude receiving
2 all of the products, benefits, and services obtained from forest land
3 and water resources, upon which the economy and welfare of Alaska
4 depend and will continue to depend in the future; and

5 (7) failure to implement wise forest management measures
6 designed to guarantee perpetual supplies of renewable resources and to
7 make available nonrenewable resources in a compatible manner would be
8 a grave disservice to the people of Alaska.

9 (b) It is the purpose of this chapter to insure that timber
10 harvesting will continue to contribute substantially to Alaska's
11 economy; to protect the longevity of Alaska's forest products industry
12 by implementing effective forest management practices and maintaining
13 over the long term Alaska's supply of timber; to prevent degradation
14 of renewable resources; and to create and maintain a system for the
15 administration, regulation, and use of productive state, municipal,
16 and private forest land so as to guarantee continuous and perpetual
17 supplies of the various products, benefits, and services obtained from
18 it.

19 Sec. 41.17.020. ADMINISTRATION. (a) The commissioner shall
20 administer this chapter, except where otherwise specified. The com-
21 missioner may delegate his authority under this chapter to subordinate
22 employees or units within the department to the extent he considers
23 advisable.

24 (b) The commissioner may designate and operate experimental
25 forests on land owned by the state, except that those forests must be
26 limited to the size necessary to conduct the requisite experiments.

27 (c) The commissioner may undertake cooperative forestry programs
28 and extension service programs.

29 (d) The commissioner may establish and maintain forest tree

1 seedling nurseries and greenhouses and similar facilities to provide
2 planting stock for reforestation purposes. He may make forest tree
3 seedlings available to organizations, agencies, and individuals for
4 reforestation and afforestation projects.

5 (e) The commissioner may perform any other acts reasonably
6 necessary to carry out his duties under this chapter.

7 Sec. 41.17.030. EXEMPTIONS. (a) Noncommercial forest land
8 under municipal or private ownership is not subject to the provisions
9 of this chapter.

10 (b) Any small parcel or tract of forest land is exempt from the
11 provisions of this chapter if the commissioner determines that the
12 parcel or tract is:

13 (1) 160 acres or less in size;
14 (2) owned entirely by one person or group of persons;
15 (3) not to be utilized as part of a timber harvesting or
16 forest development plan or agreement of any kind involving other
17 parcels or tracts of forest land; and

18 (4) not appurtenant to other parcels or tracts of forest
19 land either owned by the same person or groups of persons or in which
20 that person or group of persons has any property interest.

21 (c) As used in this section only, "person" includes the state or
22 a municipality.

23 (d) The commissioner may adopt regulations, in accordance with
24 the Administrative Procedure Act (AS 44.62), necessary to implement
25 this section.

26 Sec. 41.17.040. REGULATORY AND ADMINISTRATIVE STANDARDS. (a)
27 All regulations, administrative actions, and other activities and
28 duties undertaken pursuant to this chapter must be in full accordance
29 with the standards set out in this section.

1 (b) With respect to state, municipal, and private forest land,
2 the following standards apply:

3 (1) timber harvesting is not permitted in an area unless it
4 can be shown by a preponderance of the evidence that there will be no
5 reforestation problems leading to the inability of that area to produce
6 a sustained yield of merchantable timber;

7 (2) to the extent practicable, all relevant data and infor-
8 mation shall be used in making decisions relative to the administration
9 of forest land;

10 (3) where consistent with the other provisions of this
11 section, administration of forest land with respect to production
12 levels of timber and timber products shall allow reasonable consideration
13 for changes in marketing conditions;

14 (4) there shall be no significant impairment of the produc-
15 tivity of the land and water with respect to renewable resources; and

16 (5) scenic and aesthetic quality shall be maintained in or
17 adjacent to areas of significant importance to the tourism and recrea-
18 tion industry.

19 (c) With respect to state and municipal forest land only, the
20 following standards also apply:

21 (1) forest land shall be administered for the multiple use
22 of the renewable and nonrenewable resources and for the sustained
23 yield of the renewable resources of the land in the manner which best
24 provides the present needs and preserves the future options of the
25 people of Alaska;

26 (2) any system of allocating key values to particular units
27 within a contiguous area of land shall reflect in reasonable proportion
28 the various resources and values present in that area;

29 (3) determinations of multiple use patterns to be established

1 within any area shall begin with the assumption that all resources and
2 values are of equal priority; and

3 (4) to the extent its capacity permits, forest land shall
4 be administered so as to provide for the continuation of businesses,
5 industries, activities, and lifestyles which are dependent upon or
6 derived from forest land and water resources.

7 Sec. 41.17.050. ADMINISTRATIVE PLAN AND REPORT. (a) In addition
8 to the requirements of sec. 40 of this chapter, the commissioner shall
9 develop and continually maintain a plan for the administration of this
10 chapter insuring that the sustained yield of merchantable high-quality
11 timber from forest land subject to this chapter will be maintained or
12 increased, and that forest land will be protected from depletion or
13 degradation caused by overharvesting, unsatisfactory forest management,
14 failure to recognize areas incapable of prompt reforestation or
15 adequate stocking, or other factors. The commissioner shall conduct
16 periodic inventories of timber on forest land subject to this chapter
17 to assist in meeting the requirements of this section.

18 (b) On June 30, 1979, and at two-year intervals after that date,
19 the commissioner shall submit a detailed report to the legislature
20 reviewing the administration of this chapter over the preceding two
21 years and demonstrating compliance with (a) of this section.

22 Sec. 41.17.060. REGULATIONS. (a) The commissioner may adopt
23 regulations in accordance with the Administrative Procedure Act (AS
24 44.62) governing operations on forest land with respect to the follow-
25 ing:

26 (1) timber harvesting and management and directly related
27 activities;

28 (2) disposal of slash and debris;

29 (3) reforestation and stocking;

- 1 (4) precommercial thinning and similar activities;
- 2 (5) control of soil erosion and waste;
- 3 (6) logging road and bridge and trail construction and
- 4 maintenance;
- 5 (7) fire prevention and control;
- 6 (8) fertilization;
- 7 (9) salvage of trees and brush control;
- 8 (10) protection of forest land from damage by insects,
- 9 pests, noxious weeds, and diseases;
- 10 (11) flood control;
- 11 (12) protection of scenic, recreational, aesthetic, and
- 12 other natural values, where consistent with sec. 40(b)(5) of this
- 13 chapter;
- 14 (13) general administrative requirements.

15 (b) The commissioner shall consult with interested state and
16 federal agencies, private individuals, and organizations in conjunction
17 with the adoption of regulations under this section. The commissioner
18 may establish regions, districts, or other subdivisions of forest land
19 within the state in which different regulations apply in order to
20 reflect varying conditions throughout the state, or for other purposes.

21 (c) The authority vested in the commissioner by (a) of this
22 section may not be employed by the commissioner in a manner that would
23 result in duplicating or pre-empting the statutory authority of other
24 state agencies to adopt regulations governing resources, values, or
25 activities on forest land.

26 Sec. 41.17.070. REVIEW AND APPROVAL OF OPERATIONS. (a) Opera-
27 tions on forest land shall be reviewed and approved under this section
28 for consistency with the policies and provisions of this chapter and
29 regulations adopted under sec. 60(a) of this chapter. However, the

1 commissioner may adopt regulations under the Administrative Procedure
2 Act (AS 44.62) exempting certain operations from review and approval
3 under this section if they are of minimal concern with respect to the
4 policies and provisions of this chapter.

5 (b) Prior to operating on forest land, the operator shall first
6 give formal notification to the commissioner. Notification shall con-
7 sist of filing a notification certificate together with a United
8 States Geological Survey map of the largest available scale showing
9 the locations of all proposed activities. The operator shall also
10 submit a brief description of the proposed operation on a form provided
11 by the commissioner.

12 (c) Within five days after receipt of formal notification, the
13 commissioner shall distribute copies of the certificate, map, and
14 description to all state agencies whose areas of responsibility could
15 be significantly affected by the proposed operation for their review.
16 Those agencies shall complete their review and submit their recommen-
17 dations to the commissioner within 25 days after receipt of that
18 material. The commissioner may extend the review period for up to an
19 additional 20 days upon a showing by an affected state agency that the
20 proposed operation is exceedingly complex to permit adequate review
21 within 25 days.

22 (d) Upon expiration of the review period, the commissioner
23 shall, within 15 days:

24 (1) grant unconditional approval of the proposed operation,
25 if appropriate;

26 (2) grant conditional approval, including the terms and
27 conditions he considers necessary to insure consistency with the poli-
28 cies and provisions of this chapter and regulations adopted under this
29 chapter, based on his or other agencies' recommendations; or

1 (3) upon his own recommendation or that of another agency,
2 require the submission of additional plans or descriptions from the
3 operator for part or all of the proposed operation, but only to the
4 extent necessary for proper assessment of the operation.

5 (e) If action is taken under (d)(3) of this section, the com-
6 missioner and affected agencies requesting additional plans or descrip-
7 tions have an additional 20-day review-and-recommendation period, at
8 which time the commissioner shall take action under (d)(1) or (d)(2)
9 of this section. The commissioner shall disapprove a proposed operation
10 only if he considers it impossible to take action under (d)(2) of this
11 section.

12 (f) If the commissioner takes no action under (d) or (e) of this
13 section within the time specified in this section, he is presumed to
14 have taken action under (d)(1) of this section.

15 (g) At the time formal notification is given by the operator,
16 the operator shall provide copies of documents submitted to the
17 commissioner to the timber owner or forest landowner or both, if
18 different from the operator. Upon receipt of any formal notification,
19 the commissioner shall publish a brief description of the proposed
20 action in one newspaper of general circulation within the state and
21 invite and consider public comment during the statutory review-and-
22 recommendation period.

23 (h) If recommendations of another state agency submitted during
24 the statutory review-and-recommendation period are not accepted by the
25 commissioner, he shall provide the agency with a written statement of
26 the reasons for the rejection.

27 (i) In reviewing proposed operations under this section, the
28 commissioner and affected state agencies shall consider the practi-
29 calities and economic constraints affecting the operator. In addition,

1 the commissioner shall insure that the information and paperwork
2 required of the operator under this section shall be kept to the
3 minimum necessary to accomplish the purposes of this chapter.

4 (j) The operator may not materially deviate from plans approved
5 or terms and conditions imposed by the commissioner under this section
6 without prior written approval from the commissioner, who shall grant
7 that approval only after full consultation with other affected state
8 agencies.

9 (k) No action taken by the commissioner under (d) of this section
10 is an authorization to violate applicable laws or regulations.

11 (l) The commissioner may require any operator to post a perfor-
12 mance bond in an amount he considers advisable to insure that all or
13 part of the proposed operations or terms and conditions imposed by the
14 commissioner will be carried out and that damage to resources is not
15 incurred, or, if incurred, will be remedied. The commissioner may
16 require a written report from the operator at the conclusion of
17 operations.

18 Sec. 41.17.080. DEPLOYMENT OF CHEMICALS. (a) Herbicides,
19 pesticides, fungicides, rodenticides, insecticides, fertilizers, and
20 other similar chemicals may not be deployed on forest land unless (1)
21 the deployment is in accordance with applicable state laws and regula-
22 tions, and (2) prior written approval from the commissioner is obtained.

23 (b) The commissioner may not grant approval under (a) of this
24 section unless he, in consultation with affected agencies, finds that
25 (1) deployment is a matter of strict necessity or is not likely to
26 result in significant adverse consequences, and (2) that the deployment
27 would be consistent with the policies and provisions of this chapter.
28 The commissioner may impose conditions on deployment in granting
29 written approval, and shall require the posting of a performance bond

1 by the operator before the deployment of chemicals. Each individual
2 usage of chemicals must be specifically approved by the commissioner.
3 The commissioner shall require a full report from the operator upon
4 completion of chemical deployment. No operator may materially deviate
5 from operations approved by the commissioner without the prior written
6 consent of the commissioner.

7 Sec. 41.17.090. CONVERSION OF FOREST LAND TO OTHER USES. A
8 person owning forest land which he intends to convert to other uses
9 following timber harvesting shall state that intention to the com-
10 missioner in conjunction with the formal notification. Reforestation
11 requirements applicable under regulations adopted under this chapter
12 do not apply if the land is in fact so converted, except that the
13 conversion must be completed during the time set by regulation for
14 minimum reforestation of the land. If the commissioner finds at any
15 time that the forest landowner or other responsible party has failed
16 to conform to the intent to convert as stated at the time of notifi-
17 cation, the commissioner shall revoke approval of the operation and
18 require full compliance with reforestation regulations and require-
19 ments.

20 Sec. 41.17.100. INSPECTIONS, INVESTIGATIONS, AND ENFORCEMENT.
21 The commissioner or his designee may inspect and investigate forest
22 land and enter upon it before, during, and after operations as neces-
23 sary to insure compliance with applicable regulations and requirements
24 and to otherwise enforce the provisions of this chapter. Other state
25 agencies have this same authority to the extent necessary to enforce
26 their own laws and regulations on forest land.

27 Sec. 41.17.110. PROHIBITIONS, PENALTIES, AND ENFORCEMENT PRO-
28 CEDURES. (a) It is unlawful for any person to violate the provisions
29 of this chapter, any regulations adopted under this chapter, or the

1 terms and conditions of any approval granted by the commissioner under
2 secs. 80--100 of this chapter. A person who violates this subsection
3 is liable for a civil fine to be assessed by the commissioner not to
4 exceed \$7,500, and an additional civil fine not to exceed \$1,000 for
5 each day the violation continues.

6 (b) If an investigation discloses that there is probable cause
7 to believe a violation has occurred, the commissioner shall issue and
8 serve upon the alleged violator written notice, with a formal complaint
9 which specifies the nature and extent of the alleged violation and
10 requires the alleged violator to answer the charges of the formal com-
11 plaint at a hearing not more than 14 days after the date of notice
12 (unless the alleged violator requests an extension, which may be no
13 more than an additional 14 days). The notice shall also specify the
14 nature of the violation and any damage or unsatisfactory condition
15 which has occurred or might occur as a result of the violation. At
16 the hearing, the state has the burden of proof to establish that the
17 person charged has caused or permitted a violation described in (a) of
18 this section.

19 (c) A hearing under (b) of this section shall be held before a
20 qualified hearing officer designated by the commissioner from among
21 the employees of the State of Alaska, except that a person who has
22 participated in the investigation or preparation of the state's case
23 may not serve as a hearing officer or otherwise participate in the
24 decision. All hearings shall be open to the public, and any person
25 may submit written statements to the hearing officer in connection
26 with the subject of the hearing. In addition, the hearing officer may
27 permit any person to offer oral testimony. All issues pertaining to
28 the alleged violation shall be examined and considered at the hearing.
29 Any party to a hearing may be represented by counsel, may make oral or

1 written argument, secure the issuance of a subpoena under AS 44.62.430,
2 offer testimony or other evidence, cross-examine witnesses, or take
3 any combination of these actions. All testimony given before the
4 hearing shall be recorded stenographically or electronically.

5 (d) Within 10 days after the close of the hearing, or upon the
6 non-appearance of the alleged violator on the day specified for the
7 hearing, the hearing officer shall issue and enter a final order. The
8 order shall be based on the evidence presented at the hearing. In all
9 matters the hearing officer shall file and publish a written opinion
10 stating the facts and reasons leading to the decision. The commissioner
11 shall immediately notify the violator of the order by registered mail.

12 (e) The order of the hearing officer under (d) of this section
13 may include:

14 (1) a directive to stop the violation;

15 (2) the imposition of a civil fine under (a) of this section
16 which is payable immediately;

17 (3) a directive to repair damage or correct an unsatisfac-
18 tory condition; or

19 (4) any combination of the above.

20 (f) In determining the amount of any civil fine imposed, the
21 following factors shall be considered where practicable:

22 (1) the character and degree of injury to forest resources
23 and values;

24 (2) the degree of intent, negligence, or inattention of the
25 violator in causing or permitting the violation;

26 (3) the character and number of past violations caused or
27 permitted by the violator; and

28 (4) to the extent such information is available, the net
29 economic savings realized by the violator through noncompliance with

1 (a) of this section.

2 (g) If the commissioner finds, after investigation, that a
3 violation of (a) of this section has occurred and determines that con-
4 tinuation of the violation or failure to repair damage or correct an
5 unsatisfactory condition would likely result in irreversible or irre-
6 parable damage to the forest resources or values affected, and it
7 appears to be prejudicial to the interests of the people of the state
8 to delay action until opportunity for a hearing can be provided, the
9 commissioner may, without prior hearing, issue a temporary order in
10 addition to the notice of violation and complaint required in (b) of
11 this section. The order may direct the violator to stop the violation
12 or to repair damage or correct an unsatisfactory condition, or both.
13 The order remains in effect until a final order is issued. Proceedings
14 in conjunction with the violation shall otherwise be the same as for
15 violations where no temporary order has issued, except that the hearing
16 shall be held at the earliest possible date convenient to the alleged
17 violator.

18 (h) If a person fails to comply with an order issued under (d)
19 or (g) of this section, the attorney general, at the request of the
20 commissioner, may seek an injunction to suspend all or part of the
21 operations being conducted by that person until the order is complied
22 with. In addition, if a person fails to comply with an order issued
23 under (d) or (g) of this section directing the person to repair damage
24 or correct an unsatisfactory condition, the commissioner may proceed
25 either with department staff or by contract to repair the damage or
26 correct the unsatisfactory condition. The commissioner shall keep a
27 complete account of direct expenditures incurred, and upon completion
28 of the work shall prepare an itemized statement of them and shall de-
29 liver a copy to the operator, timber owner, and forest landowner, who

1 are jointly and severally liable for those expenditures. Those expen-
2 ditures constitute a general lien upon the real and personal property
3 of the operator, timber owner, and forest landowner within the state.

4 (i) All orders issued under this section are enforceable by
5 injunction, attachment, garnishment, or other appropriate remedy.

6 (j) The administration of this section, including the conduct of
7 hearings, shall be conducted according to regulations adopted by the
8 commissioner. Except as otherwise specified in this section, pro-
9 ceedings under this section are not subject to the Administrative
10 Procedure Act (AS 44.62). Hearings conducted under this section are
11 not limited by common law or statutory rules of evidence; however, the
12 hearing officer may admit only that evidence which appears to him to
13 be reliable and trustworthy. Hearsay evidence which is inadmissible
14 in a judicial proceeding may not be admitted in a hearing under this
15 section unless:

16 (1) the commissioner provides the person charged with the
17 name and address of the declarant and the substance of his accusation
18 or testimony along with the service of the complaint or, if the
19 evidence is not known at that time, then at a reasonable time before
20 the hearing; and

21 (2) the hearsay evidence is of a type normally relied upon
22 by reasonable men in the conduct of serious business affairs.

23 Sec. 41.17.120. APPEALS AND JUDICIAL REVIEW. (a) An action of
24 the commissioner taken under this chapter, except for one under sec.
25 110 of this chapter, may be appealed to the commissioner within 30
26 days after the action is taken. The commissioner shall hold a hearing
27 within 15 days after the appeal is filed, at which all substantial
28 issues pertaining to the action shall be examined and considered.
29 Within 10 days after the hearing closes, the commissioner shall issue

1 a decision in writing, a copy of which shall be provided to the
2 appellant.

3 (b) A final order issued under (a) of this section or under
4 sec. 110 of this chapter may be appealed to the superior court
5 within 30 days after the entry of the order. Judicial review shall be
6 as provided in AS 44.62.560 and 44.62.570.

7 (c) A temporary order issued under sec. 110 of this chapter may
8 be immediately appealed to the superior court as to the propriety of
9 the temporary order.

10 Sec. 41.17.130. CIVIL ACTION. Any person may commence a civil
11 action on his own behalf against the commissioner upon a showing of
12 injury to himself and others similarly situated where a failure of
13 the commissioner to perform any act or duty under this chapter which
14 is not discretionary with the commissioner is alleged. The superior
15 court has jurisdiction to order the commissioner to perform the act or
16 duty. No action may be commenced under this section sooner than 30
17 days after the plaintiff has given notice of the proposed action to
18 the commissioner, unless the plaintiff can demonstrate that an emer-
19 gency exists. Nothing in this section restricts any right which a per-
20 son or class of persons may have under statute or common law to any
21 other relief against the commissioner.

22 Sec. 41.17.950. DEFINITIONS. In this chapter, unless the con-
23 text requires otherwise

24 (1) "commercial forest land" means forest land producing or
25 capable of producing crops of industrial wood and not withdrawn from
26 timber utilization; areas qualifying as commercial forest land are
27 those which have the capability of producing in excess of 20 cubic
28 feet per acre per year of industrial wood under management;

29 (2) "commissioner" means the commissioner of natural resources;

1 (3) "cooperative forestry programs" and "extension service
2 programs" mean programs that will provide technical assistance designed
3 to further the policies and provisions of this chapter to persons
4 engaged in timber harvesting or activities associated with timber har-
5 vesting or forest development and to other individuals, organizations,
6 and agencies concerned with forest resource management;

7 (4) "department" means the Department of Natural Resources;

8 (5) "forest land" means land at least 16.7 per cent stocked
9 by forest trees of any size, or formerly having such tree cover and
10 not currently developed for nonforest use, regardless of whether
11 presently available or accessible for commercial purposes, and includes
12 any such land under state, municipal, or private ownership;

13 (6) "forest landowner" means a person who owns forest land;

14 (7) "multiple use" means (A) the management of all the
15 various resources of forest land so that they are used in the combina-
16 tion that will best meet the needs of the Alaskan people, making the
17 most judicious use of the land for some or all of these resources or
18 related values, benefits, and services over areas large enough to pro-
19 vide sufficient latitude for periodic adjustments in use to conform to
20 changing needs and conditions; (B) that some land will be used for
21 less than all of the resources; and (C) harmonious and coordinated
22 management of the various resources, each with the other, without
23 significant impairment of the productivity of the land and water, with
24 consideration being given to the relative values of the various
25 resources, and not necessarily the combination of uses that will give
26 the greatest dollar return or the greatest unit output;

27 (8) "noncommercial forest land" means unproductive forest
28 land incapable of yielding crops of industrial wood because of adverse
29 site conditions (capable of producing no more than 20 cubic feet per

1 acre per year) and productive forest land withdrawn from commercial
2 timber use through statute or administrative regulation;

3 (9) "notification certificate" means a document prescribed
4 by the commissioner and constituting an intent to operate on forest
5 land, which must be signed and sworn to by the operator;

6 (10) "operations" means timber harvesting or activities
7 associated with timber harvesting or forest development;

8 (11) "person" includes a joint venture as well as the
9 entities set out in AS 01.10.060(7);

10 (12) "sustained yield" means the achievement and maintenance
11 in perpetuity of a high-level annual or regular periodic output of the
12 various renewable resources of forest land and water without signifi-
13 cant impairment of the productivity of the land and water;

14 (13) "timber operator" or "operator" means a person who is
15 engaged in timber harvesting or activities associated with timber
16 harvesting or forest development himself, or who contracts with
17 others to conduct such harvesting or activities or development in his
18 behalf, except a person who is engaged in timber harvesting or asso-
19 ciated activities or forest development as an employee with wages as
20 his sole compensation;

21 (14) "timber owner" means a person who owns timber on
22 forest land or who has the rights to timber, but does not own the land
23 itself; and

24 (15) "without significant impairment of the productivity of
25 the land and water" means that operations which may foreseeably result
26 in prolonged or indeterminate damage to renewable resources or pro-
27 longed or indefinite reduction of the continuing capability of the
28 land or water to produce renewable resources at their optimum level
29 are prohibited.

1 * Sec. 2. This Act takes effect July 1, 1977.
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