

Introduced: 1/18/77
Referred: Resources and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 CS SS SENATE BILL NO. 59 (Rules) am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 significant
14 impairment of the ability of the land and water to produce renewable
15 resources; and to create and maintain a system for the administration,
16 regulation, and use of productive state, municipal, and private forest
17 land so as to guarantee continuous and perpetual supplies of the
18 various products, benefits, and services obtained from 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
4 relevant data and information indicate that there will be no reforesta-
5 tion problems leading to the inability of that area to produce a
6 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 adminis-
9 tration 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 consi-
13 deration 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 propor-
28 tion 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 adequate
15 stocking, or other factors. The commissioner shall conduct periodic
16 inventories of timber on forest land subject to this chapter to assist
17 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, demonstrating compliance with (a) of this section, and describing
22 how the plan will affect the long-term stability of the timber industry.

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

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

29 (2) disposal of slash and debris;

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

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

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

27 (d) An operator may apply through the commissioner or his
28 designee for any permit required by any other state agency to operate
29 on forest land. The commissioner shall transmit any permit application

1 to the appropriate state agency, and shall notify the operator of the
2 action taken by that agency on the permit application.

3 (e) The commissioner shall adopt only those regulations which
4 are necessary to accomplish the purposes of this chapter. The commis-
5 sioner shall avoid adoption of regulations which merely increase
6 operating costs and do not yield significant benefits.

7 Sec. 41.17.070. REVIEW AND APPROVAL OF OPERATIONS. (a) Opera-
8 tions on forest land shall be reviewed and approved under this section
9 for consistency with the policies and provisions of this chapter and
10 regulations adopted under sec. 60(a) of this chapter. However, the
11 commissioner may adopt regulations under the Administrative Procedure
12 Act (AS 44.62) exempting certain operations from review and approval
13 under this section if they are of minimal concern with respect to the
14 policies and provisions of this chapter.

15 (b) Before operating on forest land, the operator shall first
16 give formal notification to the commissioner. Notification must
17 consist of filing a notification certificate together with a United
18 States Geological Survey map of the largest available scale showing
19 the locations of all proposed activities. The operator shall also
20 submit a brief description of the proposed operation on a form provided
21 by the commissioner.

22 (c) Within five days after receipt of formal notification, the
23 commissioner shall distribute copies of the certificate, map, and
24 description to all state agencies whose areas of responsibility could
25 be significantly affected by the proposed operation for their review.
26 Those agencies shall complete their review and submit their recommen-
27 dations to the commissioner within 25 days after receipt of that
28 material. The commissioner may extend the review period for up to an
29 additional 20 days upon a showing by an affected state agency that the

1 proposed operation is exceedingly complex and not susceptible to
2 adequate review within 25 days.

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

5 (1) grant unconditional approval of the proposed operation,
6 if appropriate;

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

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

15 (e) If action is taken under (d)(3) of this section, the com-
16 missioner and affected agencies requesting additional plans or descrip-
17 tions have an additional 20-day review-and-recommendation period, at
18 which time the commissioner shall take action under (d)(1) or (d)(2)
19 of this section. The commissioner shall disapprove a proposed opera-
20 tion only if he considers it impossible to take action under (d)(2) of
21 this section.

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

25 (g) At the time formal notification is given by the operator,
26 the operator shall provide copies of documents submitted to the
27 commissioner to the timber owner or forest landowner or both, if
28 different from the operator. Upon receipt of any formal notification,
29 the commissioner shall publish a brief description of the proposed

1 action in one newspaper of general circulation within the state and
2 invite and consider public comment during the statutory review-and-
3 recommendation period.

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

8 (i) In reviewing proposed operations under this section, the
9 commissioner and affected state agencies shall consider the practi-
10 calities and economic constraints affecting the operator. In addition,
11 the commissioner shall insure that the information and paperwork
12 required of the operator under this section shall be kept to the
13 minimum necessary to accomplish the purposes of this chapter.

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

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

21 (l) The commissioner may require any operator to post a perfor-
22 mance bond in an amount he considers advisable to insure that all or
23 part of the proposed operations or terms and conditions imposed by the
24 commissioner will be carried out and that damage to resources is not
25 incurred, or, if incurred, will be remedied. The commissioner may
26 require a written report from the operator at the conclusion of
27 operations.

28 Sec. 41.17.080. DEPLOYMENT OF CHEMICALS. (a) Herbicides,
29 pesticides, fungicides, rodenticides, insecticides, fertilizers, and

1 other similar chemicals may not be deployed on forest land unless (1)
2 the deployment is in accordance with applicable state laws and regula-
3 tions, and (2) prior written approval from the commissioner is obtained.

4 (b) The commissioner may not grant approval under (a) of this
5 section unless he, in consultation with affected agencies, finds that
6 (1) deployment is a matter of strict necessity or is not likely to
7 result in significant adverse consequences, and (2) that the deployment
8 would be consistent with the policies and provisions of this chapter.
9 The commissioner may impose conditions on deployment in granting
10 written approval, and shall require the posting of a performance bond
11 by the operator before the deployment of chemicals. Each individual
12 usage of chemicals must be specifically approved by the commissioner.
13 The commissioner shall require a full report from the operator upon
14 completion of chemical deployment. No operator may materially deviate
15 from operations approved by the commissioner without the prior written
16 consent of the commissioner.

17 Sec. 41.17.090. CONVERSION OF FOREST LAND TO OTHER USES. A
18 person owning forest land which he intends to convert to other uses
19 following timber harvesting shall state that intention to the commis-
20 sioner in conjunction with the formal notification. Reforestation
21 requirements applicable under regulations adopted under this chapter
22 do not apply if the land is in fact so converted, except that the
23 conversion must be completed during the time set by regulation for
24 minimum reforestation of the land. If the commissioner finds at any
25 time that the forest landowner or other responsible party has failed
26 to conform to the intent to convert as stated at the time of notifi-
27 cation, the commissioner shall revoke approval of the operation and
28 require full compliance with reforestation regulations and requirements.

29 Sec. 41.17.100. INSPECTIONS, INVESTIGATIONS, AND ENFORCEMENT.

1 The commissioner or his designee may inspect and investigate forest
2 land and enter upon it before, during, and after operations as necessary
3 to insure compliance with applicable regulations and requirements and
4 to otherwise enforce the provisions of this chapter. Other state
5 agencies have this same authority to the extent necessary to enforce
6 their own laws and regulations on forest land.

7 Sec. 41.17.110. PROHIBITIONS, PENALTIES, AND ENFORCEMENT PRO-
8 CEDURES. (a) It is unlawful for any person to violate a provision of
9 this chapter, a regulation adopted under this chapter, or a term or
10 condition of any approval granted by the commissioner under secs. 80 -
11 100 of this chapter. A person who commits such a violation is liable
12 for a civil fine to be assessed by the commissioner not to exceed
13 \$7,500, and an additional civil fine not to exceed \$1,000 for each day
14 the violation continues.

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

28 (c) A hearing under (b) of this section shall be held before a
29 qualified hearing officer designated by the commissioner from among

1 the employees of the State of Alaska, except that a person who has
2 participated in the investigation or preparation of the state's case
3 may not serve as a hearing officer or otherwise participate in the
4 decision. All hearings shall be open to the public, and any person
5 may submit written statements to the hearing officer in connection
6 with the subject of the hearing. In addition, the hearing officer may
7 permit any person to offer oral testimony. All issues pertaining to
8 the alleged violation shall be examined and considered at the hearing.
9 Any party to a hearing may be represented by counsel, may make oral or
10 written argument, secure the issuance of a subpoena under AS 44.62.430,
11 offer testimony or other evidence, cross-examine witnesses, or take
12 any combination of these actions. All testimony given at the hearing
13 shall be recorded stenographically or electronically.

14 (d) Within 10 days after the close of the hearing, or upon the
15 non-appearance of the alleged violator on the day specified for the
16 hearing, the hearing officer shall issue and enter a final order. The
17 order shall be based on the evidence presented at the hearing. In all
18 matters the hearing officer shall file and publish a written opinion
19 stating the facts and reasons leading to the decision. The commis-
20 sioner shall immediately notify the violator of the order by registered
21 mail.

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

- 24 (1) a directive to stop the violation;
- 25 (2) the imposition of a civil fine under (a) of this section
26 which is payable immediately;
- 27 (3) a directive to repair damage or correct an unsatisfactory
28 condition; or
- 29 (4) any combination of the above.

1 (f) In determining the amount of any civil fine imposed, the
2 following factors shall be considered, as appropriate:

3 (1) the character and degree of injury to forest resources
4 and values;

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

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

9 (4) to the extent such information is available, the net
10 economic savings realized by the violator through noncompliance with
11 (a) of this section.

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

28 (h) If a person fails to comply with an order issued under (d)
29 or (g) of this section, the attorney general, at the request of the

1 commissioner, may seek an injunction to suspend all or part of the
2 operations being conducted by that person until the order is complied
3 with. In addition, if a person fails to comply with an order issued
4 under (d) or (g) of this section directing the person to repair damage
5 or correct an unsatisfactory condition, the commissioner may proceed
6 either with department staff or by contract to repair the damage or
7 correct the unsatisfactory condition. The commissioner shall keep a
8 complete account of direct expenditures incurred, and upon completion
9 of the work shall prepare an itemized statement of them and shall de-
10 liver a copy to the operator, timber owner, and forest landowner, who
11 are jointly and severally liable for those expenditures. Those expen-
12 ditures constitute a general lien upon the real and personal property
13 of the operator, timber owner, and forest landowner within the state.

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

16 (j) The administration of this section, including the conduct of
17 hearings, shall be conducted according to regulations adopted by the
18 commissioner. Except as otherwise specified in this section, pro-
19 ceedings under this section are not subject to the Administrative
20 Procedure Act (AS 44.62). Hearings conducted under this section are
21 not limited by common law or statutory rules of evidence; however, the
22 hearing officer may admit only that evidence which appears to him to
23 be reliable and trustworthy. Hearsay evidence which is inadmissible
24 in a judicial proceeding may not be admitted in a hearing under this
25 section unless:

26 (1) the commissioner provides the person charged with the
27 name and address of the declarant and the substance of his accusation
28 or testimony along with the service of the complaint or, if the
29 evidence is not known at that time, then at a reasonable time before

1 the hearing; and

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

4 Sec. 41.17.120. APPEALS AND JUDICIAL REVIEW. (a) An action of
5 the commissioner taken under this chapter, except for one under sec.
6 110 of this chapter, may be appealed to the commissioner within 30
7 days after the action is taken. The commissioner shall hold a hearing
8 within 15 days after the appeal is filed, at which all substantial
9 issues pertaining to the action shall be examined and considered.
10 Within 10 days after the hearing closes, the commissioner shall issue
11 a decision in writing, a copy of which shall be provided to the
12 appellant.

13 (b) A final order issued under (a) of this section or under sec.
14 110 of this chapter may be appealed to the superior court within 30
15 days after the entry of the order. Judicial review shall be as
16 provided in AS 44.62.560 and 44.62.570.

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

20 Sec. 41.17.130. CIVIL ACTION. Any person may commence a civil
21 action on his own behalf against the commissioner upon a showing of
22 injury to himself and others similarly situated where a failure of the
23 commissioner to perform any act or duty under this chapter which is
24 not discretionary with the commissioner is alleged. The superior
25 court has jurisdiction to order the commissioner to perform the act or
26 duty. No action may be commenced under this section sooner than 30
27 days after the plaintiff has given notice of the proposed action to
28 the commissioner, unless the plaintiff can demonstrate that an emer-
29 gency exists. Nothing in this section restricts any right which a

1 person or class of persons may have under statute or common law to any
2 other relief against the commissioner.

3 Sec. 41.17.950. DEFINITIONS. In this chapter, unless the context
4 requires otherwise

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

10 (2) "commissioner" means the commissioner of natural
11 resources;

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

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

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

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

25 (7) "multiple use" means (A) the management of all the
26 various resources of forest land so that they are used in the combina-
27 tion that will best meet the needs of the Alaskan people, making the
28 most judicious use of the land for some or all of these resources or
29 related values, benefits, and services over areas large enough to

1 provide sufficient latitude for periodic adjustments in use to conform
2 to changing needs and conditions; (B) that some land will be used for
3 less than all of the resources; and (C) harmonious and coordinated
4 management of the various resources, each with the other, without
5 significant impairment of the productivity of the land and water, with
6 consideration being given to the relative values of the various re-
7 sources, and not necessarily the combination of uses that will give
8 the greatest dollar return or the greatest unit output;

9 (8) "noncommercial forest land" means unproductive forest
10 land incapable of yielding crops of industrial wood because of adverse
11 site conditions (capable of producing no more than 20 cubic feet per
12 acre per year) and productive forest land withdrawn from commercial
13 timber use through statute or administrative regulation;

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

17 (10) "operations" means timber harvesting or activities
18 associated with timber harvesting or forest development;

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

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

25 (13) "timber operator" or "operator" means a person who is
26 engaged in timber harvesting or activities associated with timber har-
27 vesting or forest development himself, or who contracts with others to
28 conduct such harvesting or activities or development on his behalf,
29 except a person who is engaged in timber harvesting or associated

1 activities or forest development as an employee with wages as his sole
2 compensation;

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

6 (15) "without significant impairment of the productivity of
7 the land and water" means that operations which may foreseeably result
8 in prolonged or indeterminate damage to renewable resources or prolonged
9 or indefinite reduction of the continuing capability of the land or
10 water to produce renewable resources at their optimum level are pro-
11 hibited.

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