

Introduced: 4/6/78
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 59

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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. DECLARATION OF INTENT. The legislature declares
12 that

13 (1) the forest resources of Alaska are among the most
14 valuable natural resources of the state, and furnish timber and wood
15 products, fish and wildlife, tourism, outdoor recreation and aesthetic
16 enjoyment, water, soil, air, minerals, diverse lifestyle opportunities,
17 general health and welfare, and a multitude of other products, benefits,
18 and services, tangible and intangible;

19 (2) economic enterprises and other activities and pursuits
20 derived from forest resources warrant the continuing recognition and
21 support of the state;

22 (3) the state has a fundamental obligation to insure that
23 management of forest resources guarantees perpetual supplies of renew-
24 able resources, provides nonrenewable resources in a manner consistent
25 with that obligation, and serves the needs of all Alaska for the many
26 products, benefits, and services obtained from them;

27 (4) government administration of forest resources should
28 combine professional management services, regulatory measures, and
29 economic incentives in a complementary fashion, and should draw upon

1 the expertise of professional foresters in conjunction with other dis-
2 ciplines;

3 (5) under the leadership of the Department of Environmental
4 Conservation, the state should exercise its full responsibility and
5 authority for control of nonpoint source pollution with respect to the
6 Federal Water Pollution Control Act, as amended;

7 (6) the provisions of this chapter shall be the basis for
8 forest management standards, policies, and guidelines developed under
9 the Alaska Coastal Management Act to the extent permitted by law.

10 Sec. 41.17.020. ADMINISTRATION. (a) The governor may create,
11 within the Department of Natural Resources, a Division of Forest,
12 Land, and Water Management to carry out this chapter and other appro-
13 priate duties designated by the governor. The division shall be
14 headed by a director who shall be the state forester, appointed by the
15 commissioner to the partially exempt service in accordance with law.
16 The state forester shall be a natural resources land manager with
17 generally accepted educational credentials, familiar and experienced
18 with the renewable and nonrenewable resources and values of forest
19 land and the products, benefits, and services obtained from them.

20 (b) The commissioner shall administer this chapter and is
21 authorized and encouraged to delegate responsibilities for carrying
22 out this chapter to the state forester.

23 (c) After planning and classification procedures under AS 38.05
24 have been completed, the governor may create, by administrative order,
25 state forests, to consist of land determined by him to be desirable
26 for retention in state ownership as multiple-use land.

27 (d) The commissioner may designate and operate experimental and
28 research forests on state land consistent with the limitations of AS
29 38.05.300. Laboratories and other facilities may be employed in con-

1 junction with those forests.

2 (e) The commissioner may establish and maintain forest vegeta-
3 tion nurseries and greenhouses for planting stock to be made available,
4 with or without charge, to organizations, institutions, government
5 agencies, individuals, and businesses for reforestation, afforestation,
6 and related purposes.

7 (f) The commissioner is authorized to undertake cooperative
8 forestry programs, extension services and education programs, and to
9 otherwise offer a full range of professional management services to
10 the interested public. When he considers it beneficial, the commis-
11 sioner may participate in federal assistance programs by accepting
12 assistance in whatever form offered.

13 (g) The commissioner may develop proposed regulations under this
14 chapter as part of the state program for control of nonpoint source
15 pollution under the Federal Water Pollution Control Act, as amended,
16 and shall seek to enter into a cooperative agreement with the commis-
17 sioner of environmental conservation for that purpose. However, the
18 Department of Environmental Conservation is the lead agency for water
19 quality and control of nonpoint source pollution under that Act, and
20 the regulations and cooperative agreement are therefore subject to the
21 advance approval of the commissioner of environmental conservation.

22 (h) In the administration of this chapter, the commissioner
23 shall consult with and draw upon the expertise of interested organiza-
24 tions, enterprises, individuals, government agencies, educational
25 institutions, and landowners. The commissioner may enter into coopera-
26 tive agreements and contracts with them to carry out this chapter.

27 (i) The commissioner shall establish, for general or special
28 purposes, one or more representative advisory committees to assist in
29 the administration of this chapter. Members of advisory committees

1 shall be appointed to specified terms, and may be reimbursed for travel
2 and expenses in accordance with law when approved by the commissioner.

3 (j) The commissioner shall locate department personnel with
4 forestry expertise throughout the state to facilitate public access to
5 professional management services and other forest resources programs.

6 (k) Notwithstanding any other provision of this chapter, the
7 commissioner may not employ the authority vested by this chapter so as
8 to duplicate or preempt the statutory authority of other state agencies
9 to adopt regulations or undertake other administrative actions govern-
10 ing resources, values, or activities on forest land except for (1)
11 regulations under the Coastal Management Act; and (2) if authorized by
12 the commissioner of environmental conservation, regulations relating
13 to control of nonpoint source pollution.

14 (l) The commissioner may take other actions necessary and proper
15 for the administration of this chapter, including the adoption of
16 regulations under the Administrative Procedure Act (AS 44.62).

17 Sec. 41.17.030. APPLICABILITY. (a) Unless otherwise specified,
18 this chapter applies to forest land under state, municipal, or private
19 ownership.

20 (b) The provisions of this chapter applicable to state land are
21 applicable to forest land under federal ownership to the extent per-
22 mitted by law.

23 (c) The commissioner shall exempt from the provisions of this
24 chapter

25 (1) minor, small scale, or incidental operations of little
26 significance with respect to the purposes of this chapter; and

27 (2) operations on private homesteads, farms, residential or
28 recreational property, and on all private tracts of 160 acres or less
29 under single ownership, unless those operations are part of a major

1 commercial logging network encompassing other tracts of land.

2 Sec. 41.17.040. REGULATORY AND ADMINISTRATIVE STANDARDS. (a)

3 All regulations, administrative actions, and other activities and
4 duties undertaken under this chapter must be in full accordance with
5 the standards set out in this section.

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

8 (1) timber harvesting is limited to areas where data and
9 information demonstrate that natural or artificial reforestation
10 techniques will result in the production of a sustained yield of
11 merchantable timber from that area;

12 (2) to the maximum extent possible, all applicable data and
13 information of applicable disciplines must be updated and used in
14 making decisions relative to the management of forest resources;

15 (3) environmentally sensitive areas and best management
16 practices must be recognized in the implementation of any nonpoint
17 source pollution control measures authorized under this chapter;

18 (4) where not inconsistent with the other provisions of
19 this section, administration of forest land must consider marketing
20 conditions and other economic constraints affecting the operator;

21 (5) there shall be no significant impairment of the produc-
22 tivity of the land and water with respect to renewable resources; and

23 (6) where economically practicable, allowance may be made
24 for scenic and aesthetic quality in or adjacent to areas of substantial
25 importance to the tourism and recreation industry.

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

28 (1) forest land must be administered for the multiple use
29 of the renewable and nonrenewable resources and for the sustained

1 yield of the renewable resources of the land in the manner which best
2 provides for the present needs and preserves the future options of the
3 people of Alaska;

4 (2) any system of allocating predominant uses or values to
5 particular units within a contiguous area of land must reflect in
6 reasonable proportion the various resources and values present in that
7 area;

8 (3) determinations of multiple-use patterns to be recognized
9 within any area must begin with the assumption that all resources and
10 values are of equal priority; and

11 (4) to the extent its capacity permits, forest land must be
12 administered so as to provide for the continuation of businesses,
13 activities, and lifestyles which are dependent upon or derived from
14 forest resources.

15 Sec. 41.17.050. ADMINISTRATIVE PLAN AND REPORT. (a) The com-
16 missioner shall develop and continually maintain a long range plan for
17 the administration of this chapter which demonstrates that the provi-
18 sions of sec. 10 are being recognized and that the standards of sec.
19 40 are being met. The commissioner shall maintain a current inventory
20 or assessment of timber on forest land to assist in meeting the require-
21 ments of this section.

22 (b) On June 30, 1980, and at two-year intervals after that date,
23 the commissioner shall submit a detailed report to the legislature
24 reviewing the administration of this chapter over the preceding two
25 years, demonstrating compliance with (a) of this section, and describing
26 how the plan will affect the welfare of the forest products industry
27 and other activities and pursuits derived from or affected by forest
28 resources.

29 (c) As a part of the report to be submitted on June 30, 1980,

1 under (b) of this section, the commissioner shall, after consultation
2 with interested constituencies,

3 (1) review the structure and operations of the division of
4 forest, land, and water management;

5 (2) describe the degree to which the division has established
6 a high-profile forestry program utilizing the expertise of professional
7 foresters;

8 (3) describe the responsiveness of the division to the
9 interest of forest resources constituencies; and

10 (4) make recommendations to the legislature respecting the
11 legal authority of the Department of Natural Resources relating to
12 forestry, the qualifications of the director of the division, and the
13 location of the division within the department.

14 (d) On January 1, 1981, the commissioner, after consultation
15 with the commissioner of revenue, shall transmit to the legislature
16 recommendations for legislation establishing economic incentives which
17 would further the purposes of this chapter.

18 Sec. 41.17.060. REGULATIONS. (a) The commissioner may adopt
19 regulations in accordance with the Administrative Procedure Act (AS
20 44.62) governing operations on forest land with respect to the follow-
21 ing:

22 (1) harvesting, removal, and use of timber and tree pro-
23 ducts and related management activities;

24 (2) reforestation, afforestation, revegetation, stocking,
25 prescribed burning, fertilization, thinning, and other silvicultural
26 activities;

27 (3) brush, slash, and debris, and salvage of trees;

28 (4) soil erosion and wasting;

29 (5) fire and flood hazards;

1 (6) general administrative requirements and procedures;
2 (7) prevention and control of disease and insect infesta-
3 tion;

4 (8) with respect to the items in this subsection, identi-
5 fication of areas or circumstances warranting prohibitions or special
6 limitations on land-use activities.

7 (b) An operator may apply through the commissioner for permits
8 required by other state agencies to operate on forest land, which
9 applications may be forwarded to the commissioner of environmental
10 conservation for procedures in accordance with AS 46.35. The commis-
11 sioner shall notify the operator of the action taken. Where practi-
12 cable and desirable, the commissioner may enter into cooperative
13 agreements with federal agencies authorizing the department to serve
14 as a collection point for federal permit applications.

15 (c) The commissioner may establish regions, districts, or other
16 subdivisions of forest land within the state in which different
17 regulations apply to reflect varying conditions within the state, or
18 to facilitate administration.

19 (d) The commissioner shall adopt only those regulations necessary
20 to accomplish the purposes of this chapter, and shall avoid those
21 which increase operating costs without yielding significant benefits.

22 Sec. 41.17.070. REVIEW AND APPROVAL OF OPERATIONS. (a) Opera-
23 tions on forest land must be reviewed and approved under this section
24 for consistency with the policies and provisions of this chapter and
25 regulations adopted under this chapter.

26 (b) The commissioner shall make full use of professional manage-
27 ment services and other educational and assistance programs of the
28 department to encourage early contact between operators and the state
29 and to minimize reliance on this section as a principal means of

1 achieving the purposes of this chapter.

2 (c) Before operating on forest land, an operator shall give
3 notification to the commissioner consisting of

4 (1) a brief written description of the proposed operation;

5 (2) a USGS map of the largest available scale showing the
6 location of all proposed activities;

7 (3) proposed measures for soil conservation and reforesta-
8 tion; and

9 (4) evidence that the landowner and timber owner (if dif-
10 ferent from the operator) have approved the proposed operation.

11 (d) Within five days after receipt, the commissioner shall
12 distribute the notification materials to affected state agencies. The
13 agencies shall make their recommendations within 20 days after receiv-
14 ing the materials. The commissioner may extend the review period up
15 to an additional 20 days only if the subject matter is highly and
16 unusually complex.

17 (e) Within 10 days after expiration of the review period, the
18 commissioner shall, as appropriate:

19 (1) grant unconditional approval of the proposed operation;

20 (2) grant conditional approval, imposing necessary terms
21 and conditions based on the recommendations of the department or
22 another agency;

23 (3) disapprove the proposed operation, but only if he
24 considers it impossible to take other action under this subsection; or

25 (4) upon the recommendation of the department or another
26 agency, require the submission of additional plans or descriptions
27 from the operator, but only to the extent necessary for proper assess-
28 ment of the proposed operation; however, any action by the commissioner
29 under this paragraph must be taken within three days after expiration

1 of the review period.

2 (f) If action is taken under (e)(4) of this section, the commis-
3 sioner and affected agencies have an additional 20-day review period,
4 after which time action must be taken under (e)(1), (2), or (3). If
5 the commissioner takes no action under (e) of this section within the
6 statutory time limit, he is presumed to have taken action under (e)(1).
7 Action taken by the commissioner under (e) of this section must be
8 accompanied by a written justification.

9 (g) If recommendations of another state agency are rejected, the
10 commissioner shall provide the agency with a written statement of the
11 reasons for that action.

12 (h) Upon receipt of any notification, the commissioner shall
13 provide copies to the timber owner and landowner, if different from
14 the operator, and within five days shall publish the brief description
15 received in a newspaper of general circulation, with an invitation for
16 public comment. Recommendations received from the public must be
17 considered.

18 (i) Information and paperwork required of the operator under
19 this section must be limited to that necessary to accomplish the
20 purposes of this section. Site examinations, including an interdis-
21 ciplinary review, may be undertaken by the commissioner.

22 (j) An operator may not substantially deviate from plans approved
23 under this section unless approved in writing by the commissioner
24 after full consultation with affected agencies.

25 (k) The commissioner may limit the review and approval process
26 under this section to 10 days where such action is immediately neces-
27 sary for the preservation of the public peace, health, safety or
28 general welfare, and is undertaken in concert with affected agencies.

29 (l) No action taken by the commissioner under this section is an

1 authorization for an operator to violate applicable laws or regulations.

2 (m) The commissioner may require an operator to post security
3 with respect to an operation, and to submit written reports.

4 (n) Operations which begin before the effective date of this Act
5 have one year to comply with this chapter.

6 Sec. 41.17.080. DEPLOYMENT OF BROADCAST CHEMICALS. The commis-
7 sioner of environmental conservation, in consultation with the commis-
8 sioner, shall formulate necessary plans and measures to insure that
9 application of broadcast chemicals and other substances foreign to the
10 Alaska forest ecosystem do not lead to results contrary to the objec-
11 tives and provisions of this chapter and other applicable laws and
12 regulations relating to renewable resources. Regulations adopted by
13 the commissioner of environmental conservation may include requirements
14 for advance testing, posting of security, written reports, and other
15 matters.

16 Sec. 41.17.090. CONVERSION OF FOREST LAND TO OTHER USES. An
17 intention to convert forest land to other uses after timber harvesting
18 must be stated in the notification submitted under sec. 70 of this
19 chapter. In that event, reforestation requirements adopted under this
20 chapter do not apply, except that conversion must be completed during
21 the time set by regulation for minimum reforestation of the land, and
22 other requirements for revegetation may be imposed to the extent
23 permitted by law. If the commissioner finds at any time that the
24 responsible party has failed to conform to the intent to convert as
25 stated in the notification, the commissioner shall revoke approval of
26 the conversion and require full compliance with reforestation require-
27 ments.

28 Sec. 41.17.100. INSPECTIONS, INVESTIGATIONS, AND ENFORCEMENT.
29 The commissioner may inspect and investigate forest land and activities

1 on it and may enter upon it in conjunction with any operations as
2 necessary to insure compliance with applicable regulations and require-
3 ments and to otherwise enforce the provisions of this chapter. Other
4 state agencies have this same authority to the extent necessary to
5 enforce their own laws and regulations on forest land. Those agencies
6 and the commissioner shall coordinate their actions under this section.

7 Sec. 41.17.110. PROHIBITIONS, PENALTIES, AND ENFORCEMENT PROCE-
8 DURES. (a) It is unlawful for any person to violate or permit a
9 violation of a provision of this chapter, a regulation adopted under
10 this chapter, or a term or condition of any approval granted under
11 secs. 70 - 90 of this chapter. A person who commits a violation is
12 liable for a civil fine to be assessed by the commissioner not to
13 exceed \$10,000.

14 (b) If an investigation discloses probable cause to believe a
15 violation has occurred, the commissioner shall serve upon the alleged
16 violator (the "respondent") written notice and a formal complaint
17 which describes the alleged violation and requires the respondent to
18 answer the charges at a hearing not more than 10 days thereafter. The
19 respondent will be granted a 10-day extension upon request. The
20 notice must also describe any damage which has occurred or might occur
21 as a result of the violation. At the hearing, the state must show by
22 a preponderance of the evidence that the respondent has caused or
23 permitted a violation described in (a) of this section.

24 (c) Within 10 days after the hearing, or upon nonappearance of
25 the respondent, the hearing officer shall enter a final order. The
26 order must be based on the evidence presented at the hearing, and must
27 be accompanied by a written opinion stating the reasons for the
28 decision. The commissioner shall immediately notify the respondent of
29 the order by registered mail. The order may include:

- 1 (1) a directive to stop the violation;
- 2 (2) the imposition of a civil fine under (a) of this sec-
- 3 tion, which is payable immediately;
- 4 (3) a directive to repair damages;
- 5 (4) a finding that the charges are wholly or partially un-
- 6 justified; or
- 7 (5) a combination of the above.

8 (d) In determining the amount of any civil fine imposed, the

9 following must be considered, as appropriate:

- 10 (1) the character and degree of injury to forest resources
- 11 and values;
- 12 (2) the degree of intent or negligence of the respondent in
- 13 causing or permitting the violation;
- 14 (3) the character and number of past violations caused or
- 15 permitted by the respondent; and
- 16 (4) if such information is available, the net economic
- 17 savings realized by the respondent through the violation described in
- 18 (a) of this section.

19 (e) If the commissioner finds that a violation described in (a)

20 of this section has occurred and that continuation of the violation or

21 failure to repair damage would likely result in irreversible or irre-

22 trievable damage to the forest resources or values affected, and it

23 would be prejudicial to the welfare of the state to delay action

24 pending a hearing, the commissioner may, without prior hearing, issue

25 a temporary order in addition to the documents required by (b) of this

26 section requiring the respondent to stop the violation or repair

27 damage or both. The order remains in effect for 21 days unless a

28 final order is issued earlier. Proceedings in conjunction with the

29 alleged violation must otherwise be the same.

1 (f) If a person fails to comply with an order issued under (c)
2 or (e) of this section, the attorney general, at the request of the
3 commissioner, may seek an injunction suspending all or part of the
4 operations being conducted by the respondent until he or she complies
5 with the order. If the order directs the respondent to repair damage,
6 the commissioner may proceed with department staff or contractors to
7 repair the damage, and the timber owner, forest landowner, and operator
8 are jointly and severally liable for the cost of the repair after
9 delivery by the commissioner of an itemized statement of expenses
10 incurred. Those expenses constitute a general lien, arising at the
11 time the order is issued, upon the real and personal property of the
12 operator, timber owner, and forest landowner within the state. A lien
13 arising under this subsection is prior and paramount to all other
14 liens and encumbrances except governmental tax liens.

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

17 (h) Unless otherwise specified, proceedings under this section
18 are not subject to the Administrative Procedure Act (AS 44.62). A
19 hearing under this section must be held before a hearing officer,
20 appointed by the attorney general from among members of the Alaska Bar
21 Association who are knowledgeable and experienced in the subject
22 matter. A person who has assisted in the preparation of the state's
23 case or who is a state employee is ineligible. Hearings are not
24 limited by common law, statutory, or judicial rules of evidence;
25 however, the hearing officer may admit only that evidence which appears
26 to him to be reliable and trustworthy. All hearings must be open to
27 the public. Written or oral testimony may be submitted. A party to a
28 hearing may make written or oral argument, secure the issuance of a
29 subpoena under AS 44.62.430, offer testimony or other evidence, and

1 cross-examine witnesses. The hearing officer shall endeavor, in
2 conducting any hearing, to insure that the respondent understands the
3 proceedings and that the facts supporting the position of each party
4 have been adequately presented. Hearings shall be held as close as
5 practicable to the location of the alleged violation. Testimony given
6 at the hearing must be recorded.

7 (i) If the respondent notifies the commissioner within five days
8 before the hearing provided for in (h) of this section, the following
9 rules and procedures apply to the hearing:

10 (1) the hearing will be a nonadversary proceeding, with the
11 hearing officer fully and impartially representing the interests of
12 the state and the respondent;

13 (2) the hearing officer will thoroughly investigate the
14 facts and circumstances relating to the alleged violation, including
15 taking testimony from appropriate persons, collecting and examining
16 documents and other evidence, and performing other actions consistent
17 with due process of law;

18 (3) issue a decision in accordance with the applicable
19 procedures of (h) of this section.

20 (j) For purposes of this section, "damage" includes any unsatis-
21 factory condition resulting from an alleged violation, and an order to
22 "repair damage" may direct correction of any unsatisfactory condition.

23 Sec. 41.17.120. APPEALS AND JUDICIAL REVIEW. (a) An administra-
24 tive action of the department under this chapter, except actions under
25 sec. 110 and except for adoption of regulations, may be appealed to
26 the commissioner within 30 days after it is taken. The commissioner
27 shall hold a hearing, at which all substantial issues shall be con-
28 sidered, within 15 days after an appeal is filed. Within 10 days
29 after conclusion of the hearing thereafter, the commissioner shall

1 issue a written decision based upon the evidence, which must be pro-
2 vided to the appellant. The commissioner may delegate his duties, in
3 whole or in part, under this subsection to a hearing officer.

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

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

10 Sec. 41.17.130. CIVIL ACTION. Any aggrieved person may commence
11 a civil action on his or her own behalf against the commissioner where
12 it is alleged that the commissioner (or his delegate) has failed to
13 perform a duty or has committed an abuse of discretion under this
14 chapter. The superior court has jurisdiction to order the commissioner
15 to take necessary corrective action. No action may be commenced under
16 this section until the plaintiff has completed an appeal under sec.
17 120(a) of this chapter unless the plaintiff can demonstrate that a
18 condition of urgency exists or unless he is alleging a failure to
19 perform a duty. Nothing in this section restricts any right which a
20 person 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 context
23 otherwise requires,

24 (1) "broadcast chemicals" includes pesticides, herbicides,
25 fungicides, fertilizers, poisons, and any other substances

26 (A) used for silvicultural management or related pur-
27 poses;

28 (B) not native to the ecosystem in which they are
29 being applied; and

1 (C) having a foreseeable adverse impact on the welfare
2 of renewable resources, as determined by the commissioner of
3 environmental conservation;

4 (2) "commissioner" means the commissioner of natural
5 resources;

6 (3) "department" means the Department of Natural Resources;

7 (4) "forest land" means land stocked or having been stocked
8 with forest trees of any size and not currently developed for non-
9 forest use, regardless of whether presently available or accessible
10 for commercial purposes, and includes any such land under state,
11 municipal, or private ownership;

12 (5) "forest landowner" means a person who owns forest land;

13 (6) "multiple use" means

14 (A) the management of all the various resources of
15 forest land so that they are used in the combination that will
16 best meet the needs of the citizens of Alaska, making the most
17 judicious use of the land for some or all of these resources or
18 related values, benefits, and services over areas large enough to
19 provide sufficient latitude for periodic adjustments in use to
20 conform to changing needs and conditions;

21 (B) that some land will be used for less than all of
22 the resources; and

23 (C) harmonious and coordinated management of the
24 various resources, each with the other, without significant
25 impairment of the productivity of the land and water, with con-
26 sideration being given to the relative values of the various
27 resources, and not necessarily the combination of uses that will
28 give the greatest dollar return or the greatest unit output;

29 (7) "operations" means timber harvesting or activities

1 associated with timber harvesting or forest development unless exempted
2 under sec. 30 of this chapter;

3 (8) "operator" means a person who is engaged in timber
4 harvesting or activities associated with timber harvesting or forest
5 development himself, or who contracts with others to conduct operations
6 on his behalf, except a person who is engaged in an operation as
7 employee with wages or piecework as his sole compensation;

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

10 (10) "silviculture" means the art of producing and tending
11 a forest, the application of the knowledge of silvics in the treatment
12 of a forest, and the theory and practice of controlling and managing
13 forest establishment, composition, and growth;

14 (11) "sustained yield" means the achievement and maintenance
15 in perpetuity of a high level annual or regular periodic output of the
16 various renewable resources of forest land and water without signifi-
17 cant impairment of the productivity of the land and water, but does
18 not require that timber be harvested in a non-declining yield basis
19 over a rotation period;

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

23 (13) "significant impairment of the productivity of the
24 land and water" means any activity which may foreseeably result in
25 prolonged or substantial damage to renewable resources or prolonged or
26 substantial reduction of the continuing capability of the land or
27 water to produce renewable resources at their natural or historic
28 levels.

29 * Sec. 2. AS 39.25.120 is amended by adding a new paragraph to read:

1 (10) the state forester, in the Department of Natural
2 Resources.

3 * Sec. 3. This Act takes effect January 1, 1979. However, the commis-
4 sioner is not precluded from undertaking preparatory activities in the
5 interim.

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