

Original sponsor: Rules Committee by
request of the Governor

Offered: 6/9/78

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 59 (Rules)

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; and
7 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 valu-
14 able natural resources of the state, and furnish timber and wood pro-
15 ducts, fish and wildlife, tourism, outdoor recreation, water, soil, air,
16 minerals, and general health and welfare;

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

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

25 (4) government administration of forest resources should
26 combine professional management services, regulatory measures, and
27 economic incentives in a complementary fashion, and should draw upon the
28 expertise of professional foresters in conjunction with other disci-
29 plines;

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

5 (6) subject to sec. 307(f) of the Coastal Zone Management Act
6 of 1972 (P.L. 92-583), the provisions of this chapter shall be the basis
7 for forest management standards, policies, and guidelines developed
8 under the Alaska Coastal Management Act to the extent permitted by law.

9 Sec. 41.17.020. DIVISION OF FOREST, LAND, AND WATER MANAGEMENT
10 ESTABLISHED. (a) The governor shall establish, within the Department
11 of Natural Resources, a division of forest, land, and water management
12 to carry out this chapter and other appropriate duties designated by the
13 governor. The division shall be headed by a director who shall be the
14 state forester, appointed to the partially exempt service in accordance
15 with law by the commissioner, from a list of two or more candidates sub-
16 mitted by the board. The commissioner may reject all candidates, in
17 which case the board shall submit a new list. The state forester shall
18 be a natural resources land manager with generally accepted educational
19 credentials, familiar and experienced with the renewable and nonrenew-
20 able resources and values of forest land and the products, benefits, and
21 services obtained from them.

22 (b) The commissioner shall administer this chapter and is autho-
23 rized and encouraged to delegate responsibilities for carrying out this
24 chapter to the state forester.

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

29 (d) The commissioner may designate and operate experimental and

1 research forests on state land consistent with the limitations of AS
2 38.05.300. Laboratories and other facilities may be employed in con-
3 junction with those forests.

4 (e) The commissioner may establish and maintain forest vegetation
5 nurseries and greenhouses for planting stock to be made available, with
6 or without charge, to organizations, institutions, government agencies,
7 individuals, and businesses for reforestation, afforestation, and re-
8 lated purposes.

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

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

24 (h) In the administration of this chapter, the commissioner shall
25 consult with and draw upon the expertise of interested organizations,
26 enterprises, individuals, government agencies, educational institutions,
27 and landowners. The commissioner may enter into cooperative agreements
28 and contracts with them to carry out this chapter.

29 (i) The commissioner shall locate department personnel with

1 forestry expertise throughout the state to facilitate public access to
2 professional management services and other forest resources programs.

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

11 (k) The commissioner may take other actions necessary and proper
12 for the administration of this chapter, including the adoption of regu-
13 lations under the Administrative Procedure Act (AS 44.62) and under sec.
14 40(f) of this chapter.

15 Sec. 41.17.030. RESPONSIBILITIES OF DIVISION. (a) The division
16 shall manage state forests and, as directed by the commissioner, provide
17 technical advice to the division of lands on sound forest practices
18 necessary to ensure the continuous growing and harvesting of commercial
19 forest species on other state land.

20 (b) The division shall regulate operations on private forest land
21 as authorized by the provisions of this chapter or state law.

22 (c) The division shall provide public information and assistance
23 regarding forest practices and timber management generally.

24 Sec. 41.17.040. BOARD OF FORESTRY. (a) The Board of Forestry is
25 established in the Department of Natural Resources, division of forest,
26 land, and water management.

27 (b) The board is composed of 12 members appointed by the governor
28 from nominations submitted from the groups listed in (c) of this sec-
29 tion. The board shall elect its own presiding officer.

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(c) Seats on the board shall be allocated as follows:

(1) the state forester ex officio has one seat;

(2) a nominee of the regional forester, United States Forest Service has one seat;

(3) a nominee of the Society of American Foresters has one seat;

(4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;

(5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;

(6) a nominee of an Alaskan environmental group has one seat;

(7) a nominee of the Alaska Coastal Management Council has one seat;

(8) a nominee of unions engaged in processing forest products has one seat; and

(9) a nominee of the United Fishermen of Alaska has one seat.

(d) Each group entitled to make nominations under (c) of this section shall submit three names to the governor for the vacancy on the board it is entitled to make nominations for.

(e) The term of office of a member of the board is three years; the governor shall make his initial appointments to the board in such a way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982. The state forester serves an indefinite term, ex officio.

(f) The board shall review and comment to the commissioner on regulations proposed for adoption under this chapter. The board shall also report to the legislature its recommendations for changes in the provisions of this chapter and its comments on the regulations adopted by the commissioner under this chapter. It may also review and advise

1 the legislature on the activities of the division.

2 (g) Members of the board, except the state forester, do not serve
3 at the pleasure of the governor.

4 (h) The governor may initiate the removal of a board member for
5 inefficiency, neglect of duty, or misconduct in office by delivering to
6 the member a written copy of the charges and giving the member an oppor-
7 tunity to be heard in person or by counsel at a public hearing before
8 the governor or his designee on at least 10 days written notice by
9 registered mail. The member has a right of confrontation and cross-
10 examination of witnesses testifying. The removal is effective 15 days
11 after the governor files a complete statement of all charges made a-
12 gainst the member and the findings on those charges in the main office
13 of the board except that a member may appeal the findings to the superior
14 court. The court shall limit its review to a determination of whether
15 the findings on the charges are substantiated by the evidence presented.
16 The removal is suspended for any period of time during which an appeal
17 from the findings of the governor or his designee is pending.

18 Sec. 41.17.050. APPLICABILITY. (a) Unless otherwise specified,
19 this chapter applies to forest land under state, municipal, or private
20 ownership.

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

24 (c) The commissioner shall exempt by regulation from the provi-
25 sions of this chapter

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

28 (2) operations for primarily noncommercial purposes, includ-
29 ing but not limited to the harvesting of timber for personal use.

1 Sec. 41.17.060. REGULATORY AND ADMINISTRATIVE STANDARDS. (a) All
2 regulations, administrative actions, and other activities and duties
3 undertaken under this chapter shall be in full accordance with the stan-
4 dards set out in this section.

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

7 (1) to the maximum extent possible, all applicable data and
8 information of applicable disciplines shall be updated and used in
9 making decisions relative to the management of forest resources;

10 (2) environmentally sensitive areas and best management
11 practices shall be recognized in the implementation of any nonpoint
12 source pollution control measures authorized under this chapter;

13 (3) administration of forest land shall consider marketing
14 conditions and other economic constraints affecting the forest land-
15 owner, timber owner, or the operator;

16 (4) to the fullest extent practicable, harvested forest land
17 shall be reforested, naturally or artificially, so as to result in a
18 sustained yield of merchantable timber from that land; if artificial
19 planting is required, silviculturally acceptable seedlings must first be
20 available for planting at an economically fair price in Alaska.

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

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

28 (2) any system of allocating predominant uses or values to
29 particular units within a contiguous area of land shall reflect in rea-

1 sonable proportion the various resources and values present in that area;

2 (3) to the extent its capacity permits, forest land shall be
3 administered so as to provide for the continuation of businesses, acti-
4 vities, and lifestyles which are dependent upon or derived from forest
5 resources;

6 (4) timber harvesting is limited to areas where data and
7 information demonstrate that natural or artificial reforestation tech-
8 niques will result in the production of a sustained yield of merchant-
9 able timber from that area;

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

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

15 Sec. 41.17.070. 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. 60
19 are being met. The commissioner shall maintain a current inventory or
20 assessment of timber on forest land to assist in meeting the require-
21 ments of this section.

22 (b) On December 31, 1980, and at two-year intervals after that date,
23 the commissioner shall submit a detailed report to the legislature review-
24 ing the administration of this chapter over the preceding two years,
25 demonstrating compliance with (a) of this section, and describing how the
26 plan will affect the welfare of the forest products industry and other
27 activities and pursuits derived from or affected by forest resources.

28 (c) As a part of the report to be submitted on December 31, 1980,
29 under (b) of this section, the commissioner shall, after consultation

1 with interested constituencies,

2 (1) review the structure and operations of the division;

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

6 (3) describe the responsiveness of the division to the in-
7 terest of forest resources constituencies; and

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

12 (d) On December 31, 1980, the commissioner, after consultation
13 with the commissioner of revenue, shall transmit to the legislature
14 recommendations for legislation establishing economic incentives which
15 would further the purposes of this chapter.

16 Sec. 41.17.080. REGULATIONS. (a) The commissioner may adopt
17 regulations in accordance with the Administrative Procedure Act (AS
18 44.62) and under sec. 40(f) of this chapter governing operations on
19 forest land with respect to the following:

20 (1) harvesting and removal from the site of timber and tree
21 products;

22 (2) reforestation, revegetation, and prescribed burning;

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

24 (4) soil erosion and wasting;

25 (5) fire and flood hazards;

26 (6) prevention and control of disease and insect infestation.

27 (b) An operator may apply through the commissioner for permits
28 required by other state agencies to operate on forest land, which appli-
29 cations may be forwarded to the commissioner of environmental conserva-

1 tion for procedures in accordance with AS 46.35. The commissioner shall
2 notify the operator of the action taken. Where practicable and desir-
3 able, the commissioner may enter into cooperative agreements with
4 federal agencies authorizing the department to serve as a collection
5 point for federal permit applications.

6 (c) The commissioner may establish regions, districts, or other
7 subdivisions of forest land within the state in which different regu-
8 lations apply to reflect varying conditions within the state, or to
9 facilitate administration.

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

13 Sec. 41.17.090. NOTIFICATION AND REVIEW OF OPERATIONS. (a)
14 Operations on forest land shall be reviewed under this section for
15 consistency with the policies and provisions of this chapter and regula-
16 tions adopted under this chapter.

17 (b) The commissioner shall make full use of professional manage-
18 ment services and other educational and assistance programs of the
19 department to encourage early contact between operators and the state
20 and to minimize reliance on this section as a principal means of
21 achieving the purposes of this chapter.

22 (c) Before operating on forest land, an operator shall give noti-
23 fication to the commissioner consisting of

- 24 (1) a brief written description of the proposed operation;
- 25 (2) a USGS map of the largest available scale showing the
26 location of all proposed activities;
- 27 (3) proposed measures for soil conservation and reforesta-
28 tion; and
- 29 (4) evidence that the landowner and timber owner (if dif-

1 ferent from the operator) have approved the proposed operation.

2 (d) Within five days after receipt, the commissioner shall dis-
3 tribute the notification materials to affected state agencies. The
4 agencies shall make their recommendations within 20 days after receiving
5 the materials.

6 (e) Within 30 days of receipt of a notification under (c) of this
7 section, the commissioner may inspect the proposed operation to ensure
8 that the proposed operation is in accord with the standards promulgated
9 by this chapter.

10 (f) The operator may legally commence operations upon the expira-
11 tion of the 30-day period or upon notice from the commissioner that the
12 inspection has been completed, whichever occurs first. Whether or not
13 an inspection is conducted, the operator is liable for a violation of
14 this chapter or other violation of law.

15 (g) An operator shall notify the commissioner of a proposed sub-
16 stantial change in his operations by following the procedure specified
17 in (c) - (d) of this section.

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

22 (i) The commissioner may limit the review process under this
23 section to 10 days where such action is immediately necessary for the
24 preservation of the public peace, health, safety or general welfare, and
25 is undertaken in concert with affected agencies.

26 (j) Operations which begin before the effective date of this Act
27 have one year to comply with this chapter.

28 Sec. 41.17.100. DEPLOYMENT OF BROADCAST CHEMICALS. The commis-
29 sioner of environmental conservation, in consultation with the commis-

1 sioner, shall formulate necessary plans and measures to insure that
2 application of broadcast chemicals and other substances foreign to the
3 Alaska forest ecosystem do not lead to results contrary to the objec-
4 tives and provisions of this chapter and other applicable laws and
5 regulations relating to renewable resources. Regulations adopted by the
6 commissioner of environmental conservation may include requirements for
7 advance testing, posting of security, written reports, and other
8 matters.

9 Sec. 41.17.110. CONVERSION OF FOREST LAND TO OTHER USES. An
10 intention to convert forest land to other uses after timber harvesting
11 may be stated in the notification submitted under sec. 90 of this chap-
12 ter. In that event, reforestation requirements adopted under this
13 chapter do not apply, except that conversion shall be completed during
14 the time set by regulation for minimum reforestation of the land, and
15 other requirements for revegetation may be imposed to the extent per-
16 mitted by law. If the commissioner finds at any time that the respon-
17 sible party has failed to conform to the intent to convert as stated in
18 the notification, the commissioner shall revoke approval of the con-
19 version and require full compliance with reforestation requirements.

20 Sec. 41.17.120. INSPECTIONS, INVESTIGATIONS, AND ENFORCEMENT. The
21 commissioner may inspect and investigate forest land and activities on
22 it and may enter upon it in conjunction with any operations as necessary
23 to insure compliance with applicable regulations and requirements and to
24 otherwise enforce the provisions of this chapter. Other state agencies
25 have this same authority to the extent necessary to enforce their own
26 laws and regulations on forest land. Those agencies and the commis-
27 sioner shall coordinate their actions under this section.

28 Sec. 41.17.130. PROHIBITIONS, PENALTIES, AND ENFORCEMENT PROCE-
29 DURES. (a) No person may violate or permit a violation of a provision

1 of this chapter, a regulation adopted under this chapter, or a term or
2 condition of any approval granted under secs. 90 - 110 of this chapter.
3 A person who commits a violation is liable for a civil fine to be
4 assessed by the commissioner not to exceed \$10,000.

5 (b) If an investigation discloses probable cause to believe a
6 violation has occurred, the commissioner shall serve upon the alleged
7 violator (the "respondent") written notice and a formal complaint which
8 describes the alleged violation and requires the respondent to answer
9 the charges at a hearing not more than 10 days thereafter. The respon-
10 dent shall be granted 10-day extensions up to a total of 60 days upon
11 request. The notice shall also describe any damage which has occurred
12 or might occur as a result of the violation. At the hearing, the state
13 shall show by a preponderance of the evidence that the respondent has
14 caused or permitted a violation described in (a) of this section.

15 (c) Within 10 days after the hearing, or upon nonappearance of the
16 respondent, the hearing officer shall enter a final order. The order
17 shall be based on the evidence presented at the hearing, and shall be
18 accompanied by a written opinion stating the reasons for the decision.
19 The commissioner shall immediately notify the respondent of the order by
20 registered mail. The order may include:

- 21 (1) a directive to stop the violation;
- 22 (2) the imposition of a civil fine under (a) of this section,
23 which is payable immediately;
- 24 (3) a directive to repair damages;
- 25 (4) a finding that the charges are wholly or partially un-
26 justified; or
- 27 (5) a combination of (1) - (4) of this subsection.

28 (d) In determining the amount of any civil fine imposed, the
29 following shall be considered, as appropriate:

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

3 (2) the degree of intent or negligence of the respondent in
4 causing or permitting the violation;

5 (3) the character and number of past violations caused or
6 permitted by the respondent; and

7 (4) if such information is available, the net economic
8 savings realized by the respondent through the violation described in
9 (a) of this section.

10 (e) If the commissioner finds that a violation described in (a) of
11 this section has occurred and that continuation of the violation or
12 failure to repair damage would likely result in irreversible or irre-
13 trievable damage to the forest resources or values affected, and it
14 would be prejudicial to the welfare of the state to delay action pending
15 a hearing, the commissioner may, without prior hearing, issue a tempo-
16 rary order in addition to the documents required by (b) of this section
17 requiring the respondent to stop the violation or repair damage or both.
18 The order remains in effect for 21 days unless a final order is issued
19 earlier; an extension of time granted under (b) of this section extends
20 the order issued under this subsection until the hearing officer issues
21 a final order under (c) of this section. Proceedings in conjunction
22 with the alleged violation must otherwise be the same.

23 (f) If a person fails to comply with an order issued under (c) or
24 (e) of this section, the attorney general, at the request of the com-
25 missioner, may seek an injunction suspending all or part of the opera-
26 tions being conducted by the respondent until the respondent complies
27 with the order. If the order directs the respondent to repair damage,
28 the commissioner may proceed with department staff or contractors to
29 repair the damage, and the respondent is liable for the cost of the

1 repair after delivery by the commissioner of an itemized statement of
2 expenses incurred.

3 (g) All orders issued under this section are enforceable by in-
4 junction, attachment, garnishment, or other appropriate remedy.

5 (h) Unless otherwise specified, proceedings under this section are
6 not subject to the Administrative Procedure Act (AS 44.62). A hearing
7 under this section shall be held before a hearing officer, appointed by
8 the attorney general from among members of the Alaska Bar Association
9 who have been nominated by the Board of Forestry and who are knowledge-
10 able and experienced in the subject matter. A person who has assisted
11 in the preparation of the state's case or who is a state employee is
12 ineligible. Hearings are not limited by common law, statutory, or
13 judicial rules of evidence; however, the hearing officer may admit only
14 that evidence which appears to him to be reliable and trustworthy. All
15 hearings shall be open to the public. Written or oral testimony may be
16 submitted. A party to a hearing may make written or oral argument,
17 secure the issuance of a subpoena under AS 44.62.430, offer testimony or
18 other evidence, and cross-examine witnesses. The hearing officer shall
19 endeavor, in conducting any hearing, to insure that the respondent
20 understands the proceedings and that the facts supporting the position
21 of each party have been adequately presented. Hearings shall be held as
22 close as practicable to the location of the alleged violation. Testi-
23 mony given at the hearing shall be recorded.

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

27 (1) the hearing shall be a nonadversary proceeding, with the
28 hearing officer fully and impartially representing the interests of the
29 state and the respondent;

1 (2) the hearing officer shall thoroughly investigate the
2 facts and circumstances relating to the alleged violation, including
3 taking testimony from appropriate persons, collecting and examining
4 documents and other evidence, and performing other actions consistent
5 with due process of law;

6 (3) issue a decision in accordance with the applicable pro-
7 cedures of (h) of this section.

8 Sec. 41.17.140. APPEALS AND JUDICIAL REVIEW. (a) An administra-
9 tive action of the department under this chapter, except actions under
10 sec. 130 of this chapter and except for adoption of regulations, may be
11 appealed to the commissioner within 30 days after it is taken. The
12 commissioner shall hold a hearing, at which all substantial issues shall
13 be considered, within 15 days after an appeal is filed. The respondent
14 shall be granted 10-day extensions up to a total of 60 days upon re-
15 quest. Within 10 days after conclusion of the hearing, the commissioner
16 shall issue a written decision based upon the evidence, which shall be
17 provided to the appellant. The commissioner may delegate his duties, in
18 whole or in part, under this subsection to a hearing officer appointed
19 by the attorney general from among members of the Alaska Bar Association
20 who have been nominated by the Board of Forestry and who are knowledge-
21 able and experienced in the subject matter.

22 (b) A final decision under (a) of this section or a final order
23 under sec. 130 of this chapter may be appealed to the superior court
24 within 30 days after it is issued. Judicial review shall be as provided
25 in AS 44.62.560 and 44.62.570.

26 (c) A temporary order issued under sec. 130 of this chapter may be
27 immediately appealed to the superior court as to its propriety.

28 Sec. 41.17.950. DEFINITIONS. In this chapter, unless the context
29 otherwise requires,

1 (1) "board" means the Board of Forestry established in sec.
2 40 of this chapter;

3 (2) "broadcast chemicals" includes pesticides, herbicides,
4 fungicides, fertilizers, poisons, and any other substances

5 (A) used for silvicultural management or related pur-
6 poses;

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

9 (C) having a foreseeable adverse impact on the welfare
10 of renewable resources, as determined by the commissioner of en-
11 vironmental conservation;

12 (3) "commissioner" means the commissioner of natural re-
13 sources;

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

15 (5) "division" means the division of forest, land, and water
16 management;

17 (6) "forest land" means land stocked or having been stocked
18 with forest trees of any size and not currently developed for nonforest
19 use, regardless of whether presently available or accessible for com-
20 mercial purposes, and includes any such land under state, municipal, or
21 private ownership;

22 (7) "forest landowner" means a person who owns forest land;

23 (8) "multiple use" means

24 (A) the management of all the various resources of
25 forest land so that they are used in the combination that will best
26 meet the needs of the citizens of Alaska, making the most judicious
27 use of the land for some or all of these resources or related
28 values, benefits, and services over areas large enough to provide
29 sufficient latitude for periodic adjustments in use to conform to

1 changing needs and conditions;

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

4 (C) harmonious and coordinated management of the various
5 resources, each with the other, without significant impairment of
6 the productivity of the land and water, with consideration being
7 given to the relative values of the various resources, and not
8 necessarily the combination of uses that will give the greatest
9 dollar return or the greatest unit output;

10 (9) "operations" means timber harvesting or activities asso-
11 ciated with timber harvesting or forest development unless exempted
12 under sec. 50 of this chapter;

13 (10) "operator" means a person who is engaged in timber har-
14 vesting or activities associated with timber harvesting or forest deve-
15 lopment himself, or who contracts with others to conduct operations on
16 his behalf, except a person who is engaged in an operation as employee
17 with wages or piecework as his sole compensation;

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

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

24 (13) "sustained yield" means the achievement and maintenance
25 in perpetuity of a high level annual or regular periodic output of the
26 various renewable resources of forest land and water without significant
27 impairment of the productivity of the land and water, but does not
28 require that timber be harvested in a non-declining yield basis over a
29 rotation period;

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

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

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

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

* Sec. 3. This Act takes effect January 1, 1979. However, the commissioner of natural resources is not precluded from undertaking preparatory activities in the interim.

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