

Introduced: 2/6/81
Referred: Resources

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 132

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the commissioner of natural re-
7 sources to acquire certain timber cutting rights."

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

9 * Section 1. AS 41.17 is amended by adding a new section to read:

10 Sec. 41.17.105. ACQUISITION OF TIMBER RIGHTS. (a) If requested
11 by the commissioner of fish and game, the commissioner of natural re-
12 sources may acquire for the state the right to cut and remove timber
13 from private forest land if

14 (1) the timber is on land which is adjacent to a river,
15 lake, or stream specified under AS 16.05.870 as important to the spawn-
16 ing, rearing, or migration of anadromous fish;

17 (2) the commissioner of fish and game finds that the timber
18 cutting would be hazardous to the spawning, rearing or migration of
19 anadromous fish; and

20 (3) the owner of the timber agrees to convey his right to
21 cut and remove the timber to the state for a term of not less than 30
22 years or more than 150 years, which term shall be the period required
23 for regrowth of the timber after cutting as determined by the commis-
24 sioner of natural resources based on site and soil characteristics and
25 comparable periods for regrowth of timber in adjacent areas or in other
26 areas with similar geography and climate.

27 (b) The money or other consideration offered for timber cutting
28 rights under this section shall equal the fair market value of the
29 timber cutting rights as determined by the commissioner of natural

1 resources.

2 (c) The commissioner of fish and game shall regularly, and when
3 requested by the owner of the land or by the former owner of the
4 timber, reevaluate the importance of the adjacent waters for, or the
5 hazardous nature of cutting timber acquired under this section to, the
6 spawning, rearing, or migration of anadromous fish. If, upon reeval-
7 uation, the commissioner of fish and game determines that the timber
8 cutting activity is no longer hazardous to the spawning, rearing, or
9 migration of anadromous fish or that the adjacent waters are no longer
10 important to the spawning, rearing, or migration of anadromous fish,
11 the former owner of the timber is entitled to repurchase the timber
12 cutting rights from the Department of Natural Resources for considera-
13 tion of the same value paid by the Department of Natural Resources for
14 the timber cutting rights with annual interest at a reasonable rate as
15 determined by the commissioner of natural resources.

16 (d) The commissioner of natural resources may acquire privately
17 owned timber cutting rights under this section by

- 18 (1) paying money;
19 (2) exchanging state land or an interest in state land;
20 (3) purchasing private or public land to exchange that land
21 for the timber rights; and
22 (4) using any combination of the methods described in (1) -
23 (3) of this subsection.

24 (e) The commissioner of natural resources shall

- 25 (1) advise the commissioner of fish and game on the perfor-
26 mance of his duties under this section;
27 (2) at least 120 days before the acquisition of timber cut-
28 ting rights under this section, determine the consideration to be paid
29 for those rights; and

1 (3) give public notice of the proposed exchange of state
2 land in the manner specified in AS 38.05.345 for the sale of state land
3 by public auction.

4 (f) AS 38.50 does not apply to an exchange of state land under
5 this section.

6 (g) If the value of a proposed acquisition of privately owned
7 timber cutting rights under (d) of this section exceeds \$1,000,000, the
8 timber cutting rights may not be acquired unless acquisition is ap-
9 proved by the legislature by concurrent resolution.

10 (h) This section does not authorize a state department or agency
11 to exercise the power of eminent domain to acquire land or timber cut-
12 ting rights for the protection of waters important to the spawning or
13 migration of anadromous fish.

14 (i) In this section,

15 (1) "owner of the timber" means a person who owns the right
16 to cut or harvest standing timber that may be acquired under this sec-
17 tion even if the person holds no other interest in the land on which
18 the timber is located;

19 (2) "timber cutting rights" or "right to cut or harvest
20 timber" means an assignable license together with an interest in the
21 standing timber held by the owner of the timber which allows the owner
22 of the timber or his assignee to enter upon the land on which the
23 timber is located to cut and remove the timber of commercial value.
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