

FORESTRY

BOARD

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
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Senate Committee on Resources

MINUTES

January 27, 1984
3:04 pm

House Resources
Room 118, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chair
Senator Eliason
Senator P. Fischer
Senator Mulcahy
Senator Sturgulewski

Rep. Ringstad, Co-Chair
Rep. Shultz, Co-Chair
Rep. Goll
Rep. Larson
Rep. Liska

CALENDAR

Briefing by the Alaska Board of Forestry. JOINT MEETING WITH HOUSE RESOURCES COMMITTEE.

Mike Barton, Alaska Board of Forestry, testified that the Board was fulfilling the statutory requirement of reporting to the Legislature its recommendations on state forestry issues (AS 41.17.047). The forest products industry is the third largest in the state, employs over 5,000 people and the value of its exports equals that of the fishing industry. He praised the establishing of the State Forest system, providing a stable land base, contributing to the development of the industry.

Bob Ellis, Alaska Board of Forestry, reported that the Department of Natural Resources has satisfactorily followed the mandate of the Forest Practices Act, embracing the concept of "multiple resource use".

Richard W. Groff, Alaska Board of Forestry, recommended that the state cover federal budget shortfalls in the "service forestry" program. He also spoke in support of SB 202, establishing the Yakataga State Forest.

Samuel J. Bacino, Alaska Board of Forestry, discussed the Board's three resolutions. One supported the state's takeover of fire protection of 70 million acres in the McGrath area, formerly protected by BLM. Another endorsed DNR's method of classifying lands by the amount of fire protection needed. The third supported SB 202, establishing the Yakataga State Forest. The Board will be recommending amendments to SB 366, relating to fire protection.

John Sturgeon, Director, Division of Forestry, Department of Natural Resources, discussed the role and the future plans of the Alaska Board of Forestry. The Board will be reviewing management plans for the Haines and Tanana Valley State Forests, guiding the marketing of forest products, planning transportation systems for combined resource development, and reviewing taxation of forested land. He also answered questions about the Icy Bay timber sale.

Stephen Waste, United Fishermen of Alaska, testified that they will be making recommendations to the Board on the Haines State Forest management plan in the near future.

The meeting adjourned at 3:48 pm.



Official Business

Alaska State Legislature House Resources Committee

SIGN-IN JAN 27, 1984

BOARD OF FORESTRY

NAME	ADDRESS	PHONE	REPRESENTING
Samuel J. GALINO	903 W. Northern Lights Anch ⁹⁹⁵⁰³	(907) 276 1080	Native Corporations
RICHARD W. GROFF	Box 911, CORDOVA	724-3354	BOARD OF FORESTRY
MIKE BARTON	POB 1628, INU	586-7263	USAF Bd of Forestry
Bob Miller	Box 2976, S. Anch	247-8750	Board of Forestry
John STURGEON	SRA Box 316M Anch, AK	345-2299	State Forestry - DNR
Stephen Wallace for BRUCE WALLACE	319 Seward St.	1162 S. WILSON 586-7843	UNITED FISHERMEN OF ALASKA

be a natural resources land manager with generally accepted educational credentials, familiar and experienced with the renewable and nonrenewable resources the values of forest land and the products, benefits, and services obtained from them.

(c) The commissioner shall administer this chapter and is authorized and encouraged to delegate responsibilities for carrying out this chapter to the state forester. (§ 1 ch 108 SLA 1978; am § 42 ch 113 SLA 1981; am § 5 ch 91 SLA 1983)

Revisor's notes. — In 1983, this section was reorganized into present subsections (a)-(c) and two other sections. Present (b) was formerly part of (a) and present (c) was formerly designated (b). Former subsections (d)-(i) and (k) were renumbered as AS 41.17.055(a)-(g) and former subsection (j) was renumbered as AS 41.17.900(d).

Effect of amendments. — The 1981 amendment substituted "may" for "shall" and "forestry" for "forest, land, and water management" in the first sentence of subsection (a).

The 1983 amendment repealed former subsection (c) of this section.

Opinions of attorney general. — The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it

seems appropriate for resolution by the adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981, Op. Att'y Gen.

The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981, Op. Att'y Gen.

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

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

(c) The division shall provide public information and assistance regarding forest practices and timber management generally. (§ 1 ch 108 SLA 1978)

Opinions of attorney general. — The Department of Natural Resources, under the authority of AS 41.17.030(j), cannot preempt the regulatory authority of the

commissioner of fish and game under AS 16.06.870 over nonpoint source pollution of anadromous streams caused by logging activities. March 4, 1982, Op. Att'y Gen.

Sec. 41.17.041. Board of forestry. (a) The Board of Forestry is established in the Department of Natural Resources, division of forestry.

(b) The board is composed of 14 members appointed by the governor from nominations submitted from the groups listed in (c) of this section. The board shall elect its own presiding officer.

(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;
- (9) a nominee of the United Fishermen of Alaska has one seat;
- (10) a nominee of the Alaska Miners' Association has one seat; and
- (11) a member from the public at large 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) Members of the board, except the state forester, do not serve at the pleasure of the governor. (§ 1 ch 108 SLA 1978; am § 87 ch 59 SLA 1982)

Revisor's notes. — Formerly AS amendment substituted "division of 41.17.040(a)-(d), (g). Renumbered in 1983. forestry" for "division of forest, land, water management" in subsection (a).
Effect of amendments. — The 1982

Sec. 41.17.043. Terms of office. The term of office of a member of the board is three years; the governor shall make the 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. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.040(e). Renumbered in 1983.

Sec. 41.17.045. Removal of members. (a) The governor may initiate the removal of a board member for inefficiency, neglect of duty, or misconduct in office by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or by counsel at a public hearing before the governor or the governor's designee on at least 10 days written notice by registered mail. The member has a right of confrontation and cross-examination of witnesses testifying.

(b) The removal is effective 15 days after the governor files a complete statement of all charges made against the member and the findings on those charges, in the main office of the board, except that a member may appeal the findings to the superior court. The court shall limit its review to a determination of whether the findings on the charges are substantiated by the evidence presented. The removal is suspended for any period of time during which an appeal from the findings of the governor or the governor's designee is pending. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS reorganized into two subsections in 1983.
41.17.040(h). Renumbered and

Sec. 41.17.047. Powers and duties of board. 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 the legislature on the activities of the division. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS
41.17.040(f). Renumbered in 1983.

Sec. 41.17.055. Powers and duties of the commissioner. (a) The commissioner may designate and operate experimental and research forests on state land consistent with the limitations of AS 38.05.300. Laboratories and other facilities may be employed in conjunction with those forests.

(b) The commissioner may establish and maintain forest vegetation nurseries and greenhouses for planting stock to be made available, with or without charge, to organizations, institutions, government agencies, individuals, and businesses for reforestation, afforestation, and related purposes.

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

(d) The commissioner may develop proposed regulations under this chapter as part of the state program for control of nonpoint source pollution under the Federal Water Pollution Control Act, as amended, and shall seek to enter into a cooperative agreement with the commission of environmental conservation for that purpose. However, the Department of Environmental Conservation is the lead agency for water quality and control of nonpoint source pollution under that Act,

ALASKA BOARD OF FORESTRY

<u>ER</u>	<u>REPRESENTING</u>	<u>LOCATION</u>	<u>ADDRESS</u>	<u>TERM EXPIRES</u>
sturgeon	State of Alaska	Anchorage	Pouch 7-005 Anch. 99510	(ex officio)
ike Barton	USFS	Juneau	P.O. Box 1628 Juneau 99801	1/86
	Native Corp.		Koniag Corp.	
	Native Corp.	Fairbanks	Doyon, 201 1st Fairbanks 99701	
Jim Rynearson	A. L. A.	Sitka	Ak. Lumber & Pulp Box 1050 Sitka 99835	1/86
Bob Ellis	Environmental	Sitka	Box 2966 Sitka 99835	1/85
Dick Groff	Coastal Mgmt.	Cordova	P.O. Box 911 Cordova 99574	1/85
Bruce Wallace	United Fishermen	Ketchikan	P.O. Box 8572 Ketchikan 99901	1/85
Fred Boness	Public-at-Large	Anchorage	420 'L' Street Suite 404 Anchorage 99501	1/85
Walt Begalka	S. A. F.	Ketchikan	400 Mission Street Suite 205 Ketchikan 99901	1/86
Bob Urata	Unions	Wrangell	P.O. Box 692 Wrangell 99929	1/86
Sam Bacino	Native Corp.	Anchorage	903 W. No. Lights Anchorage 99503	1/87
Joe Wilson	Native Corp.	Juneau	Box 1534 Juneau 99801	1/87
Darryl Sickles	Alaska Miners	Anchorage	2550 Denali, Suite 1000 Anchorage 99501	1/86

JOHN STURGEON, DIRECTOR, DIVISION OF FORESTRY, DNR

BOARD OF FORESTRY ESTABLISHED IN 1979 (AS 41.17.041)

14 MEMBERS APPOINTED BY GOVERNOR (SEE ATTACHED LIST)

DUTIES:

COMMENT TO COMMISSIONER ON REGULATIONS

REPORT TO LEGISLATURE RECOMMENDATIONS FOR CHANGES

IN STATUTE

THE MANAGEMENT PLAN FOR THE TANANA VALLEY STATE FOREST,
WHICH MUST BE PREPARED WITHIN 3 YEARS, REQUIRES REVIEW
BY THE BOARD OF FORESTRY.

STATE OF ALASKA
BOARD OF FORESTRY

1172.1

January 24, 1984

The Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear ~~Senator Fahrenkamp~~ ^{Bettye}:

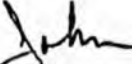
On January 27, 1984 at 3:00 p.m., the Alaska Board of Forestry will appear before the joint House and Senate Resources Committees. The Board of Forestry is a diverse group made up of 14 members, including representatives from four Native corporations (Doyon, Koniag, Sealaska, and Chugach), the Alaska Loggers Association, United Fishermen of Alaska, Society of American Foresters, Alaska Miners Association, U.S. Forest Service, forest products unions and one Public-at-Large member. The Board was formed by the legislature in 1979 to guide State Forestry, recommend changes as needed to the Forest Practices Regulations and Statutes, and provide advice and recommendations to the Commissioner of the Department of Natural Resources.

In addition, the Board is mandated under AS 41.17.047 to report to the Legislature its recommendations on state forestry issues. In the day and a half previous to meeting with you, the Board will receive briefing on forestry issues important to Alaska. We all speculate on what to do when our oil revenues begin declining and try to envision what our economy will be based on when the oil is gone. The Board is confident that, if properly guided, the forest products industry can do much to help strengthen and diversify Alaska's economy.

You are encouraged to attend this important committee meeting. This distinguished group can offer some very useful advice on the state's third largest industry and how to assure its growth and prosperity in the future.

Thank you for your support.

Sincerely,


John L. Sturgeon
State Forester