

HB

212

FISCAL NOTE

No. 9
 Bill Version: CSRB 212(FIN)
 (H) Publish Date: 2/7/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 5-Feb-96 Dept Affected: Natural Resources
 Title: An Act relating to the management and sale of BRU: Resource Development
state timber and relating to the administration of forest land Component: Forest Management & Development
 Sponsor: House State Affairs
 Requestor: House Rules Component Serial No. 438

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 OF Match						
1004 OF	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
1005 OF Program Receipts						
1006 OF AMTUA						
Other						
TOTAL	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)

Estimate of any current year (FY96) cost: none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The elimination of the need to prepare forest land use plans for very small sales, those of 10 acres or less, results in a small annual savings.

Prepared by: Tom South, Director Phone: 480-3378
 Division: Forestry Date: 5-Feb-96
 Approved by Commissioner: [Signature] Date: 5-Feb-96
 Agency: Natural Resources

FISCAL NOTE

No. 8
 Bill Version: CSHR 212(FIX)
 (H) Publish Date: 2/2/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 24-Jan-96
 Title: An Act relating to the management and sale of state timber...
 Sponsor: House State Affairs Committee
 Requestor: House Resources Committee

Department Affected: Environmental Conservation
 BRL: Air and Water Quality
 Component: Water Quality

COMPONENT SERIAL NO: 006

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 02
OPERATING EXPENDITURES						
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND/STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 02
100 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
101 Federal Grants	0.0	0.0	0.0	0.0	0.0	0.0
102 State	0.0	0.0	0.0	0.0	0.0	0.0
103 Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
104 Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Change of net current year (FY96) cost: 0.0

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS (ASKS a separate page if necessary)

Prepared by: Len Verrelli
 Division: Director, Division of Air and Water Quality

Phone: 465-5260
 Date: 1/31/96

Approved by Commissioner: [Signature]
 Agency: Department of Environmental Conservation

Date: 1/31/96

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ANALYSIS:

On 3/22/95, ADEC submitted a fiscal note for the original version of HB212 (dated 3-1-95). That fiscal note reflected the need for additional positions to address Section 9 of that version of the bill which stated, in part: "Commercial timber harvest may not be found to be an incompatible use or otherwise restricted unless the commissioner provides scientific data that clearly justifies the finding of incompatibility or restriction and demonstrates the benefits of the restriction."

Since ADEC is charged with ensuring that State Water Quality Standards are met, it was determined that additional positions would be required to fulfill that legal obligation, given the provisions of Section 9. In the current version of HB212, the language in that section (Section 10, in HB212b) has been modified, removing the need for additional positions to fulfill our legal requirements. Therefore, ADEC has submitted a "zero" fiscal note for this version of HB212.

FISCAL NOTE

No. 7

Bill Version: CSHB 212(FIN)

(H) Publish Date: 2/2/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 1/30/96 Dept. Affected: Fish and Game
 Title: An Act relating to the management and sale of BRU Habitat and Restoration
state timber and relating to the administration of forest land Component: Habitat Protection
 Sponsor: House STA
 Requester: House Finance COMPONENT SERIAL NO. 2100

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES	15.1					
TRAVEL	1.5					
CONTRACTUAL	2.5					
SUPPLIES	0.5					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.6	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.6					
1005 GF Program Receipts						
1037 GF Mental Health						
Other						
TOTAL	19.6	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached sheet

Prepared by: Janet Kowalski Phone: 465-4105
 Division: Habitat and Restoration Date: 1/30/96
 Approved by Commissioner: [Signature] Date: 1/30/96
 Agency: Department of Fish and Game

COMMITTEE COPY PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE CONTINUATION PAGE
STATE OF ALASKA BILL NO. CSHB212
1996 LEGISLATIVE SESSION

Analysis: (continued)

HB212 would change the way state forests and sale offerings of state timber are managed. The purpose of the bill appears to be to increase availability of small state timber sales for smaller logging/sawmill operators.

If HB212 is adopted, we believe that over the next five years, that there would be an increase in the availability of small timber sales and would increase the annual cut in the areas of the state where they occur. This means more fish and wildlife habitat will be affected and more Title 16 reviews and forest practices inspections will be required if impacts to fish and wildlife habitat and production are to be minimized. Because pre-sale planning opportunities and pre-contract reviews may be minimized or eliminated under HB212, many impacts which would have formerly been addressed in the pre-sale planning process, will have to be addressed in the field. This will necessitate increased reliance on field monitoring and enforcement to protect anadromous fish habitat and wildlife habitat. Resolution of resource conflicts with small operators is expected to be much more difficult because of the relatively high economic costs. This would require increased field presence by ADF&G field staff to meet ADF&G statutory responsibilities under Title 16 and Title 41. Because of the expected increased number of small timber sales and likely accelerated harvest, increased Habitat Biologist and clerical support would be required as these new areas come on line.

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/13/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-12-96

The Resources Committee considered CS FOR HOUSE BILL NO. 212(FIN)

Relating to the management and sale of state timber and relating to the administration of forest land and classification of state land.

and recommends:

- be replaced with SEN CS HB 212 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>As read</i>	<input checked="" type="checkbox"/>				
<i>Steven J. Taylor</i>	<input checked="" type="checkbox"/>				
<i>Line 10 page 1</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Kevin J. Hewitt</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DNR/Forest Management	2/2/96		(50)
DNR/Water Quality	3/1/96	<input checked="" type="checkbox"/>	
DNR/Water Protection	2/1/96		19.6

Client
ACB
APRA
H Sen CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: Legal Services
via fax: X2029 this page only

FROM: Annette Kreitzer, Aide to
Senate Resources Committee
PHONE: X4907

DATE: March 11, 1996

RE: Senate CS for HB 212(RES)

Please prepare a FINAL Senate Resources CS for HB 212 with the following change.
Page 1, Line 14:

Delete the , following "agencies"
agencies[,]

Please deliver the FINAL to Senator Loren Leman's office, Room 115 of the Capital. No other changes were adopted by the committee. Call if you have questions.

6/10/86 Mr. [unclear] Lobby
and [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

CS FOR HOUSE BILL NO. 212(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/2/96

Referred: Rules

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the management and sale of state timber and relating to the
2 administration of forest land and classification of state land."

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

4 • Section 1. AS 38.05.112(a) is amended to read:

5 (a) The department may not ~~authorize the~~ [SELL OR] harvest of timber, except
6 for harvests of 10 acres or less or [ISOLATED PERSONAL USE] timber salvaged
7 from land cleared for a nonforest use [HARVEST], until a site-specific forest land use
8 plan has been adopted. A forest land use plan is required whether or not a regional or
9 area land use plan under AS 38.04.065(a) or a forest management plan under
10 AS 41.17.230 has been adopted.

11 • Sec. 2. AS 38.05.112(b) is amended to read:

12 (b) In adopting a forest land use plan, the [THE] commissioner shall consider
13 [BASE A FOREST LAND USE PLAN ON] the best available data, including
14 information provided by other agencies, describing the immediate and long-term effects
15 of individual and collective forest activities on the timber base and on other resources

1 and uses.

2 * Sec. 3. AS 38.05.112(c) is amended to read:

3 (c) If a regional or area land use plan under AS 38.04.065(a) or a forest
4 management plan under AS 41.17.230, that includes the area to be covered by the
5 forest land use plan required under (a) of this section, has been adopted, the
6 requirements of AS 38.04.065(b) do not apply to a forest land use plan under (a) of
7 this section. If a regional or area land use plan under AS 38.04.065(a) or a forest
8 management plan under AS 41.17.230, that includes the area to be covered by the
9 forest land use plan under (a) of this section, has not been adopted, the
10 requirements of AS 38.04.065(b) apply to a land use plan under (a) of this section.
11 Regardless of whether AS 38.04.065(b) applies to a forest land use plan under (a)
12 of this section, [IN ADDITION TO THE REQUIREMENTS OF AS 38.04.065(b),] a
13 forest land use plan must [SHALL] consider

14 (1) commercial timber harvesting, including related activities;

15 (2) harvesting of forest products for personal use;

16 (3) fish and wildlife habitat, including

17 (A) identification and protection of important wildlife habitat;

18 (B) retention of riparian, wetland, and ocean-shoreline vegetation
19 critical for fish and wildlife habitat; [AND]

20 (C) classification of water bodies according to physical
21 characteristics; and

22 (D) the use of silvicultural practices, commercial timber
23 harvest, and related activities to maintain and enhance the quality of fish
24 and game habitat;

25 (4) uses of forest land for nontimber purposes, including

26 (A) recreation, tourism, and related activities;

27 (B) mining, mining claims, mineral leaseholds, and material
28 extraction;

29 (C) uses of fish and wildlife;

30 (D) agriculture, including grazing; and

31 (E) other resources and uses appropriate to the area, including
32 compatible traditional uses;

- 1 (5) soil characteristics and productivity;
- 2 (6) water quality; and
- 3 (7) watershed management.

4 * Sec. 4. AS 38.05.113 is amended to read:

5 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department shall
6 annually prepare a five-year schedule of timber sales planned on all land managed by the
7 department. The timber sale schedule must provide a time line that identifies timber
8 sales, their amounts, and their locations and must be sufficient to provide the public
9 and the forest products industry with a basis to comment on future sale offerings
10 [BE OF SUFFICIENT SPECIFICITY THAT IT PROVIDES A BASIS FOR THE
11 DEPARTMENT TO ALLOCATE ITS RESOURCES IN CONSIDERING AND
12 DESIGNING SALES AND IN CONDUCTING ECONOMIC AND ENVIRONMENTAL
13 ANALYSES. THE SCHEDULE MUST INFORM THE PUBLIC AND THE TIMBER
14 PRODUCTS INDUSTRY OF LONG-TERM PLANS AND PROVIDE A BASIS FOR
15 PUBLIC COMMENT].

16 (b) Except as provided in (c) of this section, a proposed sale may not be held
17 unless it has been included in the two five-year schedules preceding the sale. [THIS
18 REQUIREMENT DOES NOT APPLY UNTIL ONE YEAR AFTER THE FIRST FIVE-
19 YEAR SCHEDULE IS PREPARED UNDER THIS SECTION.]

20 (c) Sales of 160 acres or less [THE DEPARTMENT MAY ADOPT
21 REGULATIONS EXEMPTING SMALL] and emergency sales are exempt from the
22 requirements of this section.

23 * Sec. 5. AS 38.05.113 is amended by adding a new subsection to read:

24 (d) A proposed timber sale that has been scheduled as specified in (b) of this
25 section may be offered past the originally scheduled year without being included in
26 future schedules if the sale is held within two years of the scheduled year and the sale

- 27 (1) was offered as scheduled and was not purchased; or
- 28 (2) was sold as scheduled and was returned to the state uncompleted.

29 * Sec. 6. AS 41.17.090(c) is amended to read:

30 (c) Before beginning operations on municipal or private forest land or on state
31 land not managed by the division, the operator shall provide the state forester with a
32 detailed plan of operations. The detailed plan of operations must include

1 (1) a description of the proposed operations, identifying the land involved
2 and the action proposed in sufficient detail to inform the public of the nature and
3 location of the proposed operations; the description must include a map and must be in
4 a form suitable for duplication;

5 (2) the name, address, and approving signature of the forest landowner,
6 timber owner, and operator; and

7 (3) other information required in the regulations adopted under this
8 chapter.

9 * Sec. 7. AS 41.17.200 is amended to read:

10 Sec. 41.17.200. STATE FOREST PURPOSES. The purpose of AS 41.17.200
11 - 41.17.230 is to permit the establishment of designated state-owned or acquired land and
12 water areas as state forests. The primary purpose in the establishment of state forests is
13 multiple use management that provides for the production, utilization, and
14 replenishment of timber resources while perpetuating [THE PERPETUATION OF]
15 personal, commercial, and other beneficial uses of resources [THROUGH MULTIPLE-
16 USE MANAGEMENT].

17 * Sec. 8. AS 41.17.200 is amended by adding a new subsection to read:

18 (b) In managing a state forest, the commissioner shall, consistent with the
19 primary purpose of a state forest under (a) of this section, restrict the public use of the
20 land and its resources, including timber, fish and wildlife, and minerals, only when
21 necessary to carry out the purposes of this chapter.

22 * Sec. 9. AS 41.17.210(a) is amended to read:

23 (a) The governor may propose to the legislature the establishment of state forests
24 consisting primarily of commercially valuable forest land determined by the governor to
25 be necessary for retention in state ownership for management under the principles of
26 multiple use and sustained yield and consistent with AS 38.04.005. The proposal of the
27 governor must include a report and recommendations of the commissioner including

28 (1) a preliminary forest inventory;

29 (2) a summary of the testimony offered at public hearings held on the
30 management of the proposed state forest in communities proximately located to a
31 proposed state forest;

32 (3) the findings of the commissioner on anticipated incompatibilities of

1 uses described in AS 38.05.112(c) under AS 41.17.230 [AS 38.05.112(d)];

2 (4) written comments from appropriate state agencies on the compatibility
3 of the uses described in AS 38.05.112(c) within the proposed state forest;

4 (5) an estimate of the cost of a full implementation of an operational
5 level forest inventory and the management plan.

6 * Sec. 10. AS 41.17.230(a) is amended to read:

7 (a) The commissioner shall prepare a management plan consistent with
8 AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to
9 assist in meeting the requirements of this chapter. An operational level forest inventory
10 shall be completed before a management plan for the state forest or the unit of a state
11 forest is adopted. The management plan shall be adopted, implemented, and maintained
12 within three years of the establishment of a state forest by the legislature. The
13 management plan must consider and permit the uses described in AS 38.05.112(c).
14 If the commissioner finds that a permitted use is incompatible with one or more
15 other uses in a portion of a state forest, the commissioner shall affirmatively state
16 in the management plan that finding of incompatibility for the specific area where
17 the incompatibility is anticipated to exist and the time period when the
18 incompatibility is anticipated to exist together with the reasons and benefits for each
19 finding.

20 * Sec. 11. AS 41.17.400 is amended by adding a new subsection to read:

21 (e) The wildlife management objective of the Tanana Valley State Forest is the
22 production of wildlife for a high level of sustained yield for human use through habitat
23 improvement techniques to the extent consistent with the primary purpose of a state
24 forest under AS 41.17.200.

25 * Sec. 12. AS 38.05.112(d) is repealed.

9-LS0695M
Luckhaupt
1/4/96

CS FOR HOUSE BILL NO. 212(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the management and sale of state timber and relating to the
2 administration of forest land and classification of state land."

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

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5 (a) The department may not authorize the [SELL OR] harvest of timber, except
6 for harvests of 10 acres or less or [ISOLATED PERSONAL USE] timber salvaged
7 from land cleared for a nonforest use [HARVEST], until a site-specific forest land use
8 plan has been adopted. A forest land use plan is required whether or not a regional or
9 area land use plan under AS 38.04.065(a) or a forest management plan under
10 AS 41.17.230 has been adopted.

11 • Sec. 2. AS 38.05.112(b) is amended to read:

12 (b) In adopting a forest land use plan, the [THE] commissioner shall consider
13 [BASE A FOREST LAND USE PLAN ON] the best available data, including
14 information provided by other agencies describing the [IMMEDIATE AND LONG-
15 TERM] effects of [INDIVIDUAL AND COLLECTIVE] forest activities on the timber

1 base and on other resources and uses.

2 • Sec. 3. AS 38.05.112(c) is amended to read:

3 (c) If a regional or area land use plan under AS 38.04.065(a) or a forest
4 management plan under AS 41.17.230, that includes the area to be covered by the
5 forest land use plan required under (a) of this section, has been adopted, the
6 requirements of AS 38.04.065(b) do not apply to a forest land use plan under (a) of
7 this section. If a regional or area land use plan under AS 38.04.065(a) or a forest
8 management plan under AS 41.17.230, that includes the area to be covered by the
9 forest land use plan under (a) of this section, has not been adopted, the
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11 Regardless of whether AS 38.04.065(b) applies to a forest land use plan under (a)
12 of this section, [IN ADDITION TO THE REQUIREMENTS OF AS 38.04.065(b),] a
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15 (2) harvesting of forest products for personal use;

16 (3) fish and wildlife habitat, including

17 (A) identification and protection of important wildlife habitat;

18 (B) retention of riparian, wetland, and ocean-shoreline vegetation
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20 (C) classification of water bodies according to physical
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22 (D) the use of silvicultural practices, commercial timber
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32 compatible traditional uses.

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3 (7) watershed management.

4 • Sec. 4. AS 38.05.113 is amended to read:

5 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department shall
6 annually prepare a five-year schedule of timber sales planned on all land managed by the
7 department. The timber sale schedule must provide a time line that identifies timber
8 sales, their amounts, and their locations and must be sufficient to provide the public
9 and the forest products industry with a basis to comment on future sale offerings
10 [BE OF SUFFICIENT SPECIFICITY THAT IT PROVIDES A BASIS FOR THE
11 DEPARTMENT TO ALLOCATE ITS RESOURCES IN CONSIDERING AND
12 DESIGNING SALES AND IN CONDUCTING ECONOMIC AND ENVIRONMENTAL
13 ANALYSES. THE SCHEDULE MUST INFORM THE PUBLIC AND THE TIMBER
14 PRGDUCTS INDUSTRY OF LONG-TERM PLANS AND PROVIDE A BASIS FOR
15 PUBLIC COMMENT].

16 (b) Except as provided in (c) of this section, a proposed sale may not be held
17 unless it has been included in the two five-year schedules preceding the sale. [THIS
18 REQUIREMENT DOES NOT APPLY UNTIL ONE YEAR AFTER THE FIRST FIVE-
19 YEAR SCHEDULE IS PREPARED UNDER THIS SECTION.]

20 (c) Sales of 160 acres or less [THE DEPARTMENT MAY ADOPT
21 REGULATIONS EXEMPTING SMALL] and emergency sales are exempt from the
22 requirements of this section.

23 • Sec. 5. AS 38.05.113 is amended by adding a new subsection to read:

24 (d) A proposed timber sale that has been scheduled as specified in (b) of this
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2 and the action proposed in sufficient detail to inform the public of the nature and
3 location of the proposed operations; the description must include a map and must be in
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19 primary purpose of a state forest under (a) of this section, restrict the public use of the
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2 (4) written comments from appropriate state agencies on the compatibility
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4 (5) an estimate of the cost of a full implementation of an operational
5 level forest inventory and the management plan.

6 • Sec. 10. AS 41.17.230(a) is amended to read:

7 (a) The commissioner shall prepare a management plan consistent with
8 AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to
9 assist in meeting the requirements of this chapter. An operational level forest inventory
10 shall be completed before a management plan for the state forest or the unit of a state
11 forest is adopted. The management plan shall be adopted, implemented, and maintained
12 within three years of the establishment of a state forest by the legislature. The
13 management plan must consider and permit the uses described in AS 38.05.112(c).
14 If the commissioner finds that a permitted use is incompatible with one or more
15 other uses in a portion of a state forest, the commissioner shall affirmatively state
16 in the management plan that finding of incompatibility for the specific area where
17 the incompatibility is anticipated to exist and the time period when the
18 incompatibility is anticipated to exist together with the reasons and benefits for each
19 finding.

20 • Sec. 11. AS 41.17.400 is amended by adding a new subsection to read:

21 (c) The wildlife management objective of the Tanana Valley State Forest is the
22 production of wildlife for a high level of sustained yield for human use through habitat
23 improvement techniques to the extent consistent with the primary purpose of a state
24 forest under AS 41.17.200.

25 • Sec. 12. AS 38.05.112(d) is repealed.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 54622
Fairbanks, Alaska 99705
(907) 480-1540
FAX (907) 480-4271

State of Alaska
State Capitol
Juneau, Alaska
99801-3102
(907) 465-1747
FAX (907) 465-2301

House Of Representatives
House District 14

MEMORANDUM

TO: Senator Loren Leman, Chair
Senate Resources Committee

DATE: February 14, 1996

FROM: Representative Jeannette James

RE: House Bill 212, Timber Management



.....

Please schedule HB212, Timber Management, for hearing in the Senate Resources Committee at your earliest convenience.

Back-up material is attached.

Thank you for your help.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE J MES

P O Box 50872
North Pole, Alaska 99705
(907) 408-1540
FAX (907) 408-4271



State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives

House District 34

HOUSE BILL 212 TIMBER MANAGEMENT

Sponsor Statement and Bill Analysis 2/14/96

The House State Affairs Committee introduced HB212 at the request of constituents from the timber industry in Fairbanks. These people are operators of small lumber businesses in the local communities. Their livelihoods have been impacted by the overly complicated procedures they must endure to secure timber from the state. It is not the lack of timber which has caused a problem, it is the inability of the Department of Natural Resources to allow the harvesting of this resource. Current statutes are such that the five-year planning and three year updates required by Title 38 make continuation of an ongoing industry very difficult.

Well-managed timber harvesting not only helps create and support jobs and a healthy economy, it creates and supports healthy forests. The Fairbanks community, as well as many other Alaskan communities, are being prohibited from developing the basic timber industries necessary for maintaining strong forest ecology and a strong economic environment.

HB 212 provides flexibility to the Commissioner of DNR and the Division of Forestry to meet the needs of small timber operators in a timely manner. It also makes small adjustments to Title 38 and Title 41 intended to help secure a sustainable forest products industry for Alaska's forests. Changes made in HB212 between March of 1995, when it was introduced, and the present, represent months of intense hearings with the House Resources Committee, the Department of Forestry, the Administration, the bill sponsor, and business people from the forestry industry. A truly cooperative effort resulted in the bill in its current form, which addresses the needs and wishes of all parties. A section-by-section explanation of the bill follows.

SECTION 1 of the bill amends AS 38.05.112(a) to exempt 10 acre (or less) sales from the requirement of a Forest Land Use Plan. It also exempts salvage sales where the purpose is a land use conversion from forest to nonforest use.

Page 1, line 5 of the CS rewrites the section to read, "authorize the harvest of . . ." The department does not harvest timber, it just sells it and allows it to be harvested.

Page 1, line 6 of the CS clarifies the harvest areas to be 10 acres or less, not just those less than 10 acres.

SECTION 2 of the bill amends the requirements for preparation of forest use plans under AS 38.05.112(b).

The Resources CS rewrote the bill to put some of the deleted language back into the law relative to other agencies providing information on the effects of forest activities on the timber base. However, it would now only require the commissioner to consider such information, whereas under current law he must base the plan on the decision. With the new language, the department would be less likely to be sued successfully for not placing enough weight on the supplied information. The Resources CS also adds a comma after the word "agencies" on page 1, line 14, for clarification.

The Finance CS added back in the language requiring the Commissioner to consider the "immediate and long-term" effects of "individual and collective" forest activities, on page 1, lines 14 and 15.

SECTION 3 of the bill amends AS 38.05.112(c) relating to considerations required in a forest land use plan. It insures that all state lands subject to timber harvest will be covered by a planning document subject to public review, and includes a reference to silvicultural practices and timber harvest as legitimate forest management techniques for wildlife habitat improvement.

The Resources CS rewrote the first part of Section 3 to close a small loophole left open by the original bill. Basically, in developing a land use plan, the division will now have to take the actions described in AS 38.04.065(b) only if those actions have not been taken in developing a regional or area land use plan in the case of general state land, or in developing a forest management plan in the case of a state forest.

SECTION 4 of the bill amends AS 38.05.113 relating to the requirements of the five year schedule of timber sales; provides an exception for timber sales previously noticed in the five year sale schedules; and adds exceptions from the five year sale schedule listing requirements. The information the Department has to include is streamlined.

Page 3, line 17 of the CS adds the article "the" back in. This means that state timber sales will still have to appear in the five year schedule of timber sales for the two consecutive years just prior to their going up for sale. This is how the law currently reads. The original language in HB 212 would have allowed a sale to go forward even if it had only appeared in some five year schedule in the distant past. As the Administration has pointed out, this would have made the five year schedule totally useless as a planning document.

Page 3, line 20 of the CS is one of the more important elements of the bill. "Small sales" currently can be exempted by regulation from the required two listings on the five year schedule of timber sales. This provision would define "small sales" as those of 160 acres or less and exempt them by statute. This is in accordance with the original "Green Book" agreement, pages 43 and 44.

SECTION 5 of the bill adds a new subsection to AS 38.05.113 dealing with continued offerings of timber sales after the sale has been listed in the five year sale schedules.

Section 5 was rewritten in the CS to include a change requested by the Administration. All re-offers will have to be made within two years of the original offering year or they will have to go back on the five year schedule of timber sales. Presumably, this would also require an updated land use plan and possibly a new appraisal. The CS reflects the original intent of the bill, that is, the two year limit on re-offers was meant to govern sales that were offered and not purchased and sales that were sold and not harvested. The CS version makes more sense as a management tool.

SECTION 6 of the bill amends AS 41.17.090(c) by providing that detailed plans of timber operations on state land do not have to be prepared and submitted to the state forester under the Forest Practices Act.

The CS contains a simple change. Present law requires the operator to provide a detailed plan of operations to the Division of Forestry before beginning operations. It primarily applies to operations on private land, and the original bill removed the requirement for the state Division of Forestry to notify itself when planning operations on state land. At the Administration's request, the CS adds "state land not managed by the division," since the division still needs a plan of operations from Mental Health Trust land activities and University land activities.

SECTION 7 of the bill amends AS 41.17.200 by providing new direction for the commissioner of natural resources in the management of state forests.

Page 4, line 13 of the CS contains a change requested by the Administration. The word "emphasizing" has been replaced by "that provides for." This change reflects compromise language that retains the proposed shift of emphasis in the purposes section of the statutes governing state forests. Even without the word "emphasizing," the new language puts timber resources more into the forefront while retaining the multiple use elements.

SECTION 8 of the bill also amends AS 41.17.200, by adding a new subsection directing that the commissioner shall restrict public use of the land and its resources only when necessary to carry out the purposes of this chapter to promote multiple use of the forests.

The Resources CS amended this section by dropping the elements relating to forest growth and wildlife habitat management. The CS retains the provision for full access and the provision limiting restrictions on land use to those necessary to carry out the purposes of the state forest. In the access provision, the phrase "fullest possible access" has been changed to "fullest practicable access." Not only is this a lesser standard, it is also one that should be less liable to litigation.

The CS also, in cooperation with the Administration's requests, redrafts Section 8 to eliminate the possible interpretation that a high level of roading would be required while still protecting against unnecessary restrictions on access.

SECTION 9 is a new section added in the Resources CS. It is a technical, conforming amendment to AS 41.17.210(a) made necessary by section 10 and 12 of the bill. Those sections move existing language in AS 38.05.112(d) to AS 41.17.230(a). Section 9 merely changes an internal reference to AS 38.05.112(d) to reflect this change.

SECTION 10 of the bill amends AS 41.17.230(a) by providing that the commissioner of natural resources must permit and allow the uses mentioned in AS 38.05.112(c) in state forest management plans and provides procedures for the commissioner to follow if it is found that a permitted use is incompatible with other uses.

The CS puts the existing language of AS 38.05.112(d) into Title 41 where it belongs. Title 41 governs Forest Management Plans, and this language sets forth requirements for identifying incompatible uses in Forest Management Plans. It does not belong in the section of statute governing Forest Land Use Plans (AS 38.05.112) but in AS 41.17. The only change from the existing language of AS 38.05.112(d) is the addition of the words "and benefits" on page 5, line 18.

Section 10 has also been modified from the original bill by removal of the last sentence which would have required scientific data to support any restrictions of use. This issue was discussed by the Board of Fisheries at length, and the problem they identified was that there may be reasons for some land use decisions that have little or nothing to do with scientific data. For instance, the state and local governments may decide that the best use of a particular part of the forest would be to set up some picnic tables and allow people to camp and fish by a particular stream or lake. Obviously logging would be restricted in that parcel, but it would not be based on scientific data.

SECTION 11 of the bill adds a wildlife management objective for the Tanana State Forest. It would give the Lands Division as well as the Forestry Division the much-needed authority to manage timber in a manner which would improve and enhance wildlife habitat, for example creating shelter and browse for animals and pools for spawning and hatching fish. On page 5, line 22 of the CS, "human consumption" was changed to "human use" at the request of the Administration.

SECTION 12 of the bill provides a repealer to correspond to the change in Section 10 of the bill.

FISCAL NOT

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB212(FIN)

Revision Date: 5-Feb-96 Dept Affected Natural Resources
 Title: An Act relating to the management and sale of BRU: Resource Development
state timber and relating to the administration of forest land... Component: Forest Management & Development
 Sponsor: House State Affairs
 Requestor: House Rules Component Serial No. 435

Expenditures/Revenues

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)

Estimate of any current year (FY98) cost: \$ none

POSITIONS

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

The elimination of the need to prepare forest land use plans for very small sales, those of 10 acres or less, results in a small annual savings.

Prepared by: Tom Boutin, Director Phone: 465-3370
 Division: Forestry Date: 5-Feb-96
 Approved by Commissioner: [Signature] Date: 5-Feb-96
 Agency: Natural Resources

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RE TCN: 60501 SCHEDULED FOR: 03/11/96 15:30 TO 17:00
SPONSOR: SENATE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: CLIFF EAMES WANTS TO T ON HB 212 ALSO

03/11/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:33:13 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:60501 SCHEDULED FOR:03/11/96 15:30 TO 17:00 FOR:ANC
PUBLIC HEARING SENATE RESOURCES

LOCATION: ANCHORAGE
OPPOSING EXPAN: SJR 38

✓ SB 199 199
SB 112 112
SJR 37 37

FAYE	SULLIVAN	UNOCAL	TESTIFY
JANICE	ADAIR	DEC	TESTIFY
KEN	BOYD	DNR-OIL & GAS	TESTIFY
CLIFF	EAMES	AK CNTR ENVIRON	TESTIFY

03/11/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:43:41 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
TCN:60501 SCHEDULED FOR:03/11/96 15:30 TO 17:00 FOR:FBX
PUBLIC HEARING SENATE RESOURCES

LOCATION: FAIRBANKS

<u>SB 262</u>	MR.	LYNN	LEVENGOOD	TESTIFY
HB 212	MR.	ERIK	HOLLAND	TESTIFY
HB 212	MR.	DAN	HITZMAN	SAEC TESTIFY

212 }

03/11/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
17:20:01 PARTICIPANT LIST (ALL PARTICIPANTS) BY:KTN
TCN:60501 SCHEDULED FOR:03/11/96 15:30 TO 17:00 FOR:KTN
PUBLIC HEARING SENATE RESOURCES

LOCATION: KETCHIKAN

HB 212	MR.	JACK	PHELPS	AK FOREST ASSOC TESTIFY
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