

SB

149

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/17/03

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 5-6-03

Resources Committee considered SENATE BILL NO. 149

SB 149 REPEAL CERTAIN TIMBER SALE REQUIREMENTS

"An Act relating to timber and to the sale of timber by the state."

and recommends:

- be replaced with _____ CS SB 149 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DNR	4/29/03		✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Ralph DeBruin</i>	✓			
<i>Ben Stuenkel</i>	✓			
<i>John Simpson</i>	✓			
<i>Debra J. Lewis</i>				✓
<i>Tom J. Stuenkel</i>		✓		
<i>Tom J. Stuenkel</i>	✓			
CHAIR: <i>Scott Owen</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB149
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Repeal certain timber sale requirements. BRU Resource Development
 Component Forestry Mgt & Development
 Sponsor Sen. Taylor
 Requester (S) RES Component No. 435

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact associated with implementation of this legislation.

Prepared by: Jeff Jahnke, Director Phone 269-8474
 Division Forestry Date/Time 4/29/2003
 Approved by: Tom Irwin, Commissioner Date 4/29/2003
 Agency Natural Resources



SENATOR SCOTT OGAN Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek

Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

State Capitol, Room 103, Juneau Alaska 99801 * (907) 465-3878 * 1 (800) 862-3878 * Fax (907) 465-3265

Senator_Scott_Ogan@legis.state.ak.us

Http://www.akrepublicans.org/ogan

FACSIMILE TRANSMITTAL SHEET

TO: <i>Gerry Luckhaupt</i>	FROM: <i>Linda Hay - Sen Resource</i>
COMPANY: <i>Leg Legal</i>	DATE: <i>5-5-03</i>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: <i>7</i>
PHONE NUMBER:	RE: <i>Final SB 149</i>

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

*Please prepare a final for CSSB 149 (Res)
with the following amendment*

*Thank you
Linda Hay
Room 103*

moved
+ adopted
U.C. 5-5-03

AMENDMENT #1

OFFERED IN THE SENATE _____

BY Sen Lincoln

COMMITTEE

TO: CSSB 149(RES)

- 1 Page 5, line 17:
- 2 Delete "41.17.230(c),"

23-LS0151VH
Luckhaupt
5/1/03

CS FOR SENATE BILL NO. 149(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS TAYLOR, Ben Stevens

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to timber, to the sale of timber by the state, and to the management of
2 state forests."

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 harvest of timber, except for
6 harvests of 10 acres or less or timber salvaged from land cleared for a nonforest use,
7 until a site-specific forest land use plan has been adopted. A forest land use plan is
8 required whether or not a regional or area land use plan under AS 38.04.065(a) or a
9 forest management plan under AS 41.17.230 has been adopted. The requirements of
10 AS 38.04.065(b) shall apply to a land use plan adopted under this section only if a
11 regional or area land use plan under AS 38.04.065(a) or a forest management
12 plan under AS 41.17.230 has not been adopted.

13 * Sec. 2. AS 38.05.112(b) is amended to read:

14 (b) In adopting a forest land use plan, the commissioner shall consider the best

1 available data, including information provided by other agencies [DESCRIBING THE
2 IMMEDIATE AND LONG-TERM EFFECTS OF INDIVIDUAL AND
3 COLLECTIVE FOREST ACTIVITIES ON THE TIMBER BASE AND ON OTHER
4 RESOURCES AND USES].

5 * Sec. 3. AS 38.05.112(c) is repealed and reenacted to read:

6 (c) In adopting a forest land use plan on lands not covered by a forest
7 management plan under AS 41.17.230, the commissioner shall consider non-timber
8 uses and resources within the sale area.

9 * Sec. 4. AS 38.05.113(a) is amended to read:

10 (a) Every two years, the [THE] department shall [ANNUALLY] prepare a
11 five-year schedule of timber sales planned on all land managed by the department.
12 The timber sale schedule must provide a time line that identifies timber sales, their
13 volumes [AMOUNTS], and their locations and must contain [BE] sufficient
14 information to provide the public and the forest products industry with a basis to
15 comment on proposed [FUTURE] sale offerings.

16 * Sec. 5. AS 38.05.113(b) is amended to read:

17 (b) Except as provided in (c) of this section, a proposed sale may not be held
18 unless it has been included in one of the two five-year schedules immediately
19 preceding the sale.

20 * Sec. 6. AS 38.05.123(d) is amended to read:

21 (d) Before a sale may be negotiated under this section,

22 (1) the area of the sale must be designated for forestry purposes or
23 other purposes that permit forestry uses by a valid existing area plan adopted under
24 AS 38.04; and

25 (2) the requirements of AS 38.05.112 and 38.05.113 must be met.

26 * Sec. 7. AS 38.05.123(j) is amended to read:

27 (j) In this section,

28 (1) "high value-added wood product" means [KILN-DRIED OR
29 COMMERCIALY DRIED LUMBER,] interior finish paneling, [AND] trim
30 molding, flooring, doors, [AND] windows, cabinet stock, furniture, musical
31 instruments or parts of instruments, toys, tools and implements, ready-to-assemble

1 building kits, veneer, plywood, finger-jointed lumber, faced house logs, dissolving
2 pulp, engineered wood products, paneled wood products, kiln-dried lumber, and
3 other similar finished wood products as determined [SPECIFIED] by the
4 commissioner to have received processing beyond sawing and planing that adds
5 high value to the wood product [BY REGULATION AND, FOR DECIDUOUS
6 ASPEN, POPLAR, AND HIGH DEFECT BIRCH, INCLUDES ENGINEERED
7 WOOD PRODUCTS AND PANELED WOOD PRODUCTS];.

8 (2) "other value-added wood product" means round house logs
9 [PULP], chips, [WAFERBOARD, CHIPBOARD, FIBERBOARD,] green lumber,
10 flitches, cants, rough [SLABS, OR] planks [INTENDED FOR
11 REMANUFACTURE], and other similar wood products as determined
12 [SPECIFIED] by the commissioner [BY REGULATION].

13 * **Sec. 8.** AS 41.15.315(a) is amended to read:

14 (a) The Haines State Forest Resource Management Area shall be managed
15 under the principles of multiple use and sustained yield and [,] under AS 41.17[, AND
16 UNDER A MANAGEMENT PLAN PREPARED BY THE DEPARTMENT. THE
17 PLAN MAY NOT BE ADOPTED OR REVISED WITHOUT PRIOR REVIEW BY
18 THE BOARD OF FORESTRY OR WITHOUT A PUBLIC HEARING HELD IN
19 HAINES AND KLUKWAN].

20 * **Sec. 9.** AS 41.15.320 is repealed and reenacted to read:

21 **Sec. 41.15.320. Management plan and regulations.** In adopting a forest
22 management plan for the Haines State Forest Resource Management Area under
23 AS 41.17.230, the department shall consult with the Department of Fish and Game
24 and the governing bodies of each municipality in the general area. The Department of
25 Fish and Game shall consult with the department and local fish and game advisory
26 committees, if any, before adopting regulations governing fish and wildlife
27 management in the Haines State Forest Resource Management Area. Regulations may
28 not be adopted by either department without prior review at a public hearing in Haines
29 and Klukwan.

30 * **Sec. 10.** AS 41.17.118(b) is amended to read:

31 (b) The commissioner may impose additional riparian protection standards for

1 timber harvest operations through the adoption of land use plans under AS 38.04.065.
2 Within a state forest established under AS 41.17.200 - 41.17.230, riparian
3 standards adopted by the commissioner under this subsection may not exceed the
4 standards established under (a) of this section unless the commissioner makes a
5 finding of compelling state interest [AND UNDER FOREST MANAGEMENT
6 PLANS AND REPORTS UNDER AS 38.05.112 AND AS 41.17.230].

7 * Sec. 11. AS 41.17.200(a) is amended to read:

8 (a) The purpose of AS 41.17.200 - 41.17.230 is to permit the establishment of
9 designated state-owned or acquired land and water areas as state forests. The primary
10 purpose in the establishment of state forests is timber [MULTIPLE USE]
11 management that provides for the production, utilization, and replenishment of timber
12 resources while allowing [PERPETUATING PERSONAL, COMMERCIAL, AND]
13 other beneficial uses of public land and resources.

14 * Sec. 12. AS 41.17.220 is amended to read:

15 Sec. 41.17.220. Management of state forests. Land within a state forest or
16 within a unit of a state forest shall be managed under

17 (1) the [PRINCIPLES OF MULTIPLE-USE AND] sustained yield
18 principle;

19 (2) this chapter; and

20 (3) a forest management plan prepared by the department.

21 * Sec. 13. AS 41.17.230(a) is amended to read:

22 (a) The commissioner shall prepare a forest management plan consistent with
23 AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to
24 assist in meeting the requirements of this chapter. An operational level forest
25 inventory shall be completed before a forest management plan for the state forest or
26 the unit of a state forest is adopted. The forest management plan shall be adopted,
27 implemented, and maintained within three years of the establishment of a state forest
28 by the legislature. To the extent they are found to be compatible with the primary
29 purpose of state forests under AS 41.17.200, the forest [THE] management plan
30 must consider and permit [THE] uses of forest land for nontimber purposes,
31 including recreation, tourism, mining, mineral exploration, mineral leasing,

1 material extraction, consumptive and nonconsumptive uses of wildlife and fish,
2 grazing and other agricultural activities, and other traditional uses [DESCRIBED
3 IN AS 38.05.112(c)]. If the commissioner finds that a permitted use is incompatible
4 with one or more other uses in a portion of a state forest, the commissioner shall
5 affirmatively state in the management plan that finding of incompatibility for the
6 specific area where the incompatibility is anticipated to exist and the time period when
7 the incompatibility is anticipated to exist together with the reasons and benefits for
8 each finding.

9 * Sec. 14. AS 41.17.230(b) is amended to read:

10 (b) The commissioner shall review and revise a forest management plan [AT
11 LEAST ONCE EVERY FIVE YEARS AND MAY REVISE THE PLAN] when
12 necessary.

13 * Sec. 15. AS 41.17.400(c) is amended to read:

14 (c) The [IN ADDITION TO THE USES DESCRIBED IN AS 38.05.112(c),
15 THE] commissioner may establish transportation corridors within the Tanana Valley
16 State Forest.

17 * Sec. 16. AS 38.05.113(d); AS 41.17.210(a)(3), 41.17.210(a)(4), 41.17.230(c), and
18 41.17.230(d) are repealed.

23-LS0151\D
Luckhaupt
4/30/03

CS FOR SENATE BILL NO. 149(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

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24 (1) "high value-added wood product" means [KILN-DRIED OR
25 COMMERCIALY DRIED LUMBER,] interior finish paneling, [AND] trim
26 molding, flooring, doors, [AND] windows, cabinet stock, furniture, musical
27 instruments or parts of instruments, toys, tools and implements, ready-to-assemble
28 building kits, veneer, plywood, finger-jointed lumber, house logs, kiln-dried lumber,
29 and other similar finished wood products as determined [SPECIFIED] by the
30 commissioner to have received processing beyond sawing and planing that adds
31 high value to the wood product; for [BY REGULATION AND, FOR] deciduous

1 aspen, poplar, and [HIGH DEFECT] birch, high value-added wood products
2 include [INCLUDES] engineered wood products and paneled wood products;

3 (2) "other value-added wood product" means pulp, chips, waferboard,
4 chipboard, fiberboard, green lumber, cants, slabs, or planks intended for
5 remanufacture, and other similar wood products as determined [SPECIFIED] by the
6 commissioner [BY REGULATION].

7 * Sec. 7. AS 41.15.315(a) is amended to read:

8 (a) The Haines State Forest Resource Management Area shall be managed
9 under the principles of multiple use and sustained yield and [,] under AS 41.17[, AND
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25 including recreation, tourism, mining, mineral exploration, mineral leasing,
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29 with one or more other uses in a portion of a state forest, the commissioner shall
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8 (c) The [IN ADDITION TO THE USES DESCRIBED IN AS 38.05.112(c),
9 THE] commissioner may establish transportation corridors within the Tanana Valley
10 State Forest.

11 * Sec. 15. AS 38.05.112(c), 38.05.113(d); AS 41.17.210(a)(3), 41.17.210(a)(4),
12 41.17.230(c), and 41.17.230(d) are repealed.

SB 149 – Timber sales and planning

Sectional Analysis

Senate Bill 149 addresses the planning requirements for forest management, including forest management plans for legislatively designated state forests, Five-Year Schedules of Timber Sales (FYSTSs), and Forest Land Use Plans (FLUPs) for individual timber sales. Currently there are two legislatively designated State Forests, the Tanana Valley State Forest and the Haines State Forest Resource Management Area.

Forest Land Use Plans

Section 1 moves the guidance on when general planning requirements under AS 38.04.065 apply to Forest Land Use Plans from AS 38.05.112(c) to .112(a). It does not change the requirements.

Section 2 deletes the reference to consideration of information on collective effects of forest activities. Consideration of collective effects cannot be done on a sale by sale basis and is better addressed through regional planning under AS 38.04.065 and AS 41.17.230.

Section 3 deletes the list of specific uses that must be considered in Forest Land Use Plans. It replaces it with a requirement that FLUPs on land outside the State Forests consider non-timber forest resources and uses. This change will make preparation of FLUPs more efficient by deleting the requirement to consider uses and resources that may not be pertinent to individual sales.

Five-Year Schedules of Timber Sales

Section 4 changes the Five-Year Schedule from an annual to a biennial requirement. This reduces the work required in preparing and reviewing the schedules, while keeping the industry and the public informed about proposed sales.

Section 5 changes the requirement that a sale be on the two Schedules preceding the sale to a requirement that the sale have been on one of the two Schedules preceding the sale. In combination, Sections 4 and 5 provide flexibility for the department to adjust sale offering dates to respond to market conditions and funding levels, while ensuring that the initial sale proposal has been on a schedule within no more than four years prior to the sale date. Individual sales will still be reviewed through the FLUP process.

Section 16 deletes the authority to reoffer sales for two years after their initial offering without relisting them on the Five-year Schedule. This provision is not needed due to the changes in Sections 4 and 5.

State Forest purposes and forest management plans

Sections 8 and 9 address management plans for the Haines State Forest. They replace the specific planning requirements for the Haines State Forest management area in AS 41.15.315(a) with the requirements for State Forest management plans in AS 41.17.230. With this change, the two State Forests would be subject to the same guidance for

management plans. Specific requirements for consultation between the DNR and ADF&G, and between ADF&G and local fish and game advisory committees are retained in AS 41.15.320. These amendments delete the requirement for a public hearing in Haines and Klukwan prior to plan adoption or revision. They delete the requirements for the plan to be based on an inventory completed within the last 10 years and to revise the plan when a new inventory is done.

Sections 11, 12, and 15 change the management emphasis in legislatively designated State Forests from a mix of multiple use that provides for timber management to timber management that allows other beneficial uses that are compatible with timber. These sections change the primary purpose of State Forests from "multiple use ... that provides for production, utilization, and replenishment of timber resources" to "timber management...while allowing other beneficial uses", and delete multiple use as a principle for managing a State Forest. These changes apply to the Tanana Valley State Forest. The Haines State Forest purpose is established in AS 41.15.300-.315 and is not changed by this bill.

Section 14 make the timing requirement for review of forest management plans more flexible. Rather than requiring review every five years, review will be required "as necessary". This will preclude time-consuming reviews when they are not needed. This section will apply to both the Tanana Valley and Haines State Forest.

Section 13 requires that forest management plans consider nontimber uses to the extent that such uses are compatible with timber management. In conjunction with Section 3, this moves the consideration of nontimber uses in State Forests from the individual Forest Land Use Plans to the management plan for the State Forest. This section would apply to both the Tanana Valley State Forest and the Haines State Forest.

Section 16 (AS 41.17.210(a)(3) and (4)) deletes the requirement for proposals of new state forests to include findings of incompatibility for the timber and nontimber uses previously listed in AS 38.05.112(c) and agency comments on such findings.

Section 16 (AS 41.17.230(c)) deletes the requirement for forest management plans to be reviewed by the Board of Forestry and other state agencies prior to adoption. It also deletes the requirement for local public hearings prior to adoption.

Section 16 (AS 41.17.230(d)) deletes the requirement for forest management plans to be provided to the legislature after adoption.

The amendments on State Forests and forest management plans will not require revisions to the existing management plan for the Tanana Valley State Forests.

Riparian management standards

Section 10 revises the conditions for imposing riparian protection standards on state land that are more stringent than those established in the Forest Resources and Practices Act. This amendment deletes the reference to FLUPs as a basis for requiring more stringent

standards on timber sales outside the State Forests. Within State Forests, additional standards could only be imposed if the DNR Commissioner makes a finding of compelling state interest.

Negotiated timber sales for local manufacture of wood products

Section 6 broadens the area where sales under this section may be offered. Currently offerings are limited to areas "designated for forestry uses" by an area plan, to areas where forestry is an allowed use. This would allow this sale type in areas that have more general designations such as "Resource Management" or "General Use". Review of proposed sales through the FYSTS and FLUP processes would continue to ensure that proposed sales are compatible with the management intent for the particular location.

Section 7 makes the definition of "high-value added wood product" more flexible. The current definition is a list of specific products that qualify. Other products can only be added by regulation. New products are developed every year, and the regulatory process is an inefficient means to determine whether these products qualify as "high-value added". This amendment makes the statute more responsive to market and processing changes by allowing the DNR Commissioner to determine whether a product not on the existing list has received sufficient processing to qualify as a "high value-added wood product". At a minimum, a product must be processed beyond sawing and planing to qualify.

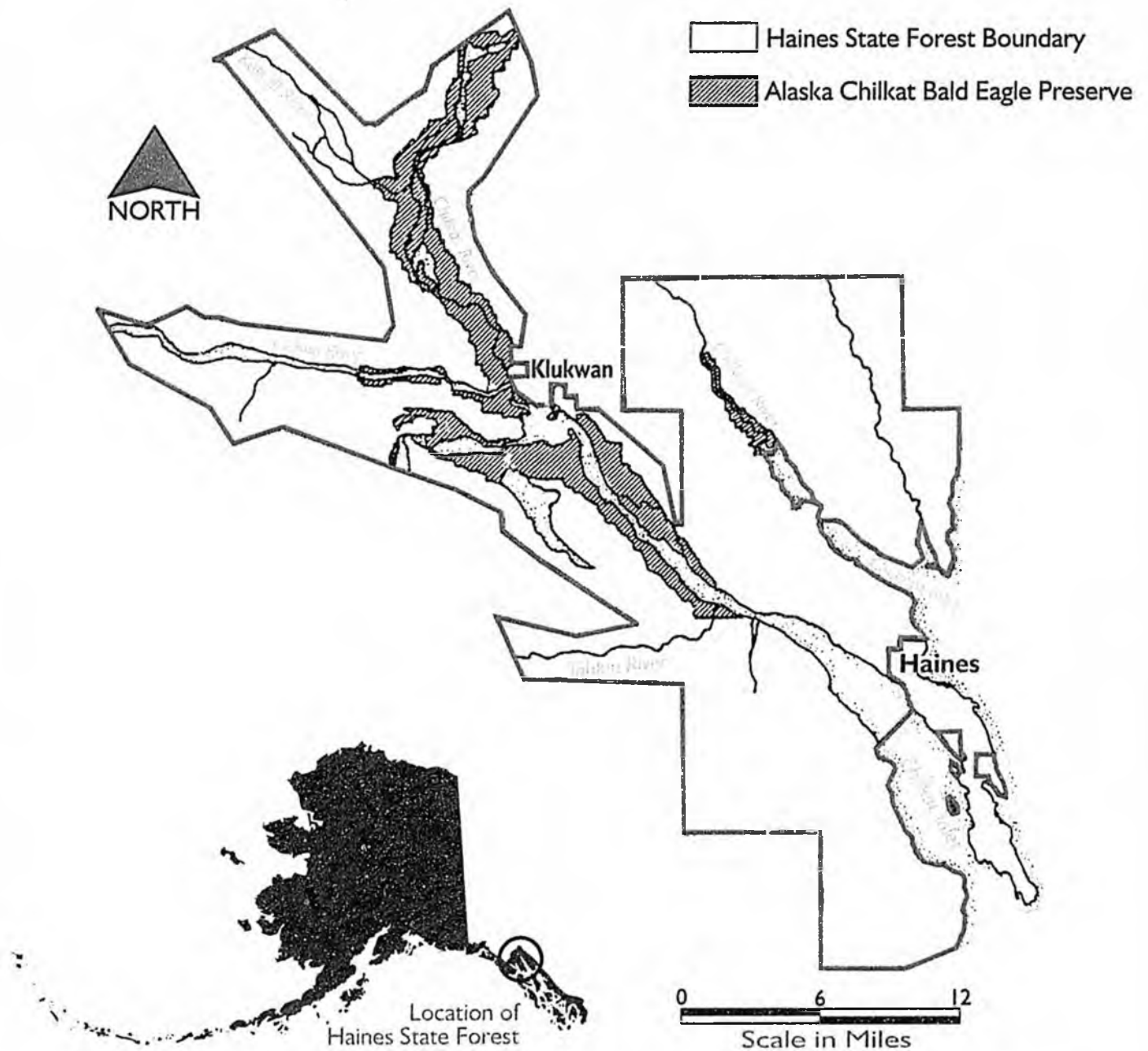
This amendment also

- adds dissolving pulp to the list of high value-added products,
- allows the use of any species in engineered products and paneled wood products, rather than only allowing hardwoods, and
- clarifies that drying must be kiln-drying to qualify as a high value-added process.

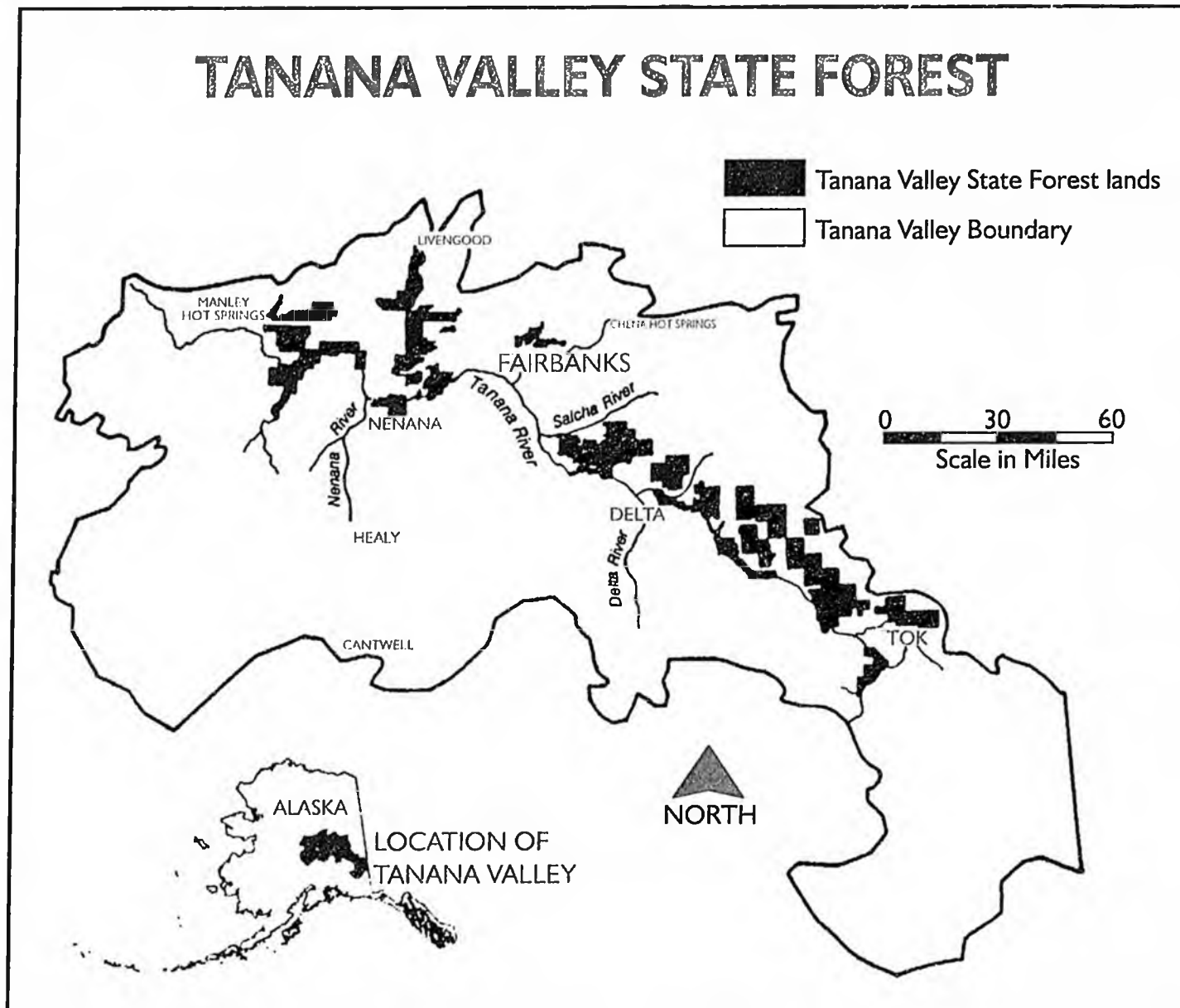
For "value-added wood products", this section

- deletes pulp and paneled wood products because they are moved to the high value-added category,
- adds "flitches" (cants milled on four sides), and
- allows the Commissioner to determine what additional products qualify as "value-added wood products".

Haines State Forest



TANANA VALLEY STATE FOREST



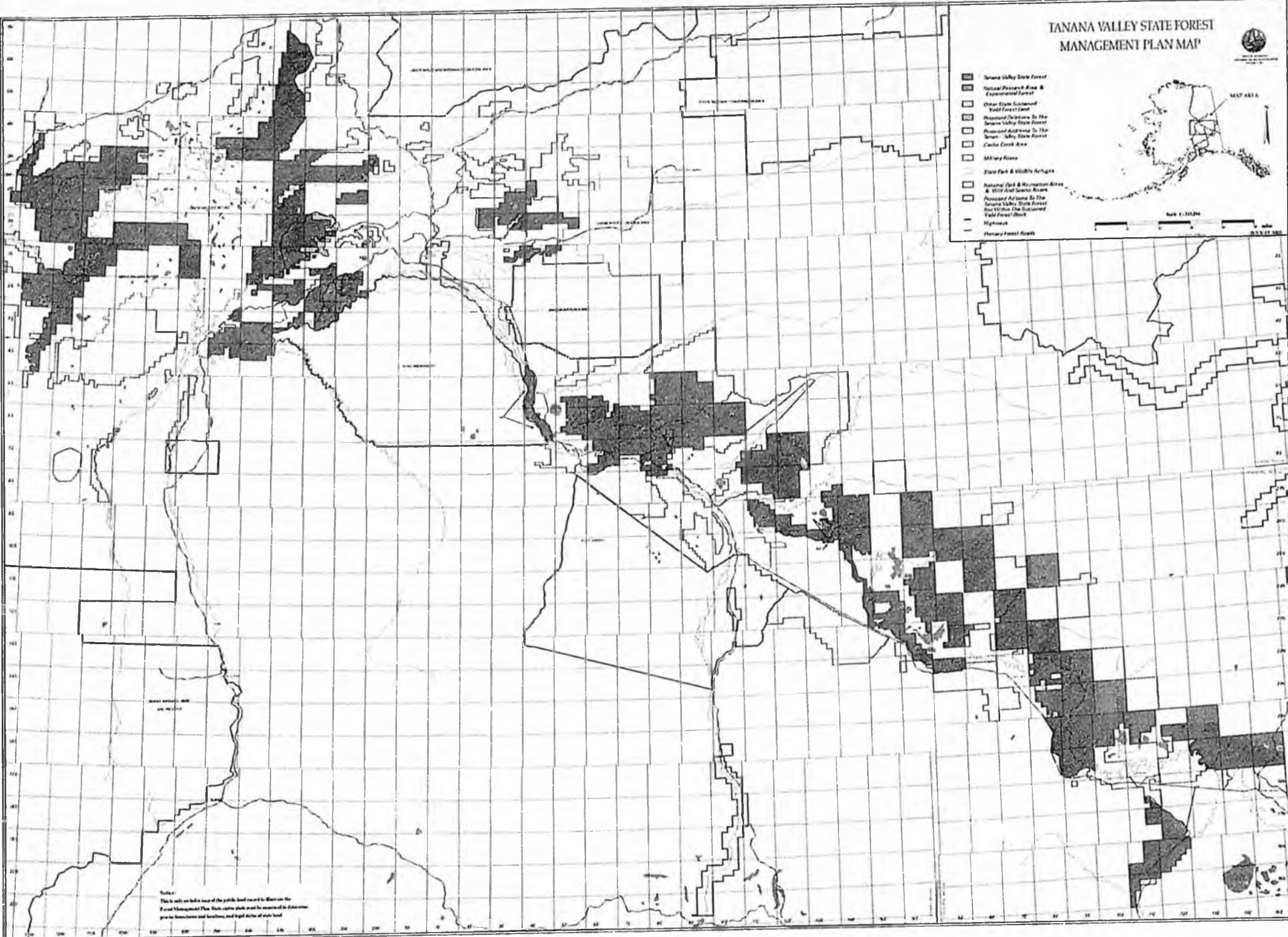
TANANA VALLEY STATE FOREST MANAGEMENT PLAN MAP



Legend

- Tanana Valley State Forest
- Natural Research Area & Experimental Forest
- Other State Controlled Wild Forest Land
- Proposed Addition to the Tanana Valley State Forest
- Proposed Addition to the Tanana Valley State Forest
- Cache Creek Area
- Military Reserves
- State Park & Wildlife Refuges
- National Park & Recreation Areas
- 1910 Act Swamp Reserve
- Proposed Addition to the Tanana Valley State Forest
- Allotment, Fee Controlled Wild Forest Stock
- Highway
- Primary Forest Roads

Scale: 1:250,000



Note:
This is only an index map of the public land owned by the State of Alaska. The State's public lands are managed by the Department of Natural Resources and are subject to change. For more information, contact the Department of Natural Resources, 1400 North Steese Avenue, Anchorage, Alaska 99507.

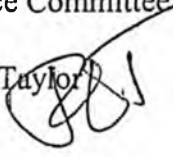
Alaska State Senate



Senator Robin Taylor
District A

MEMORANDUM

TO: Senator Scott Ogan, Chairman
Senate Resource Committee

FROM: Senator Robin Taylor 

DATE: April 4, 2003

SUBJECT: Hearing Request

I respectfully request Senate Bill 149, relating to timber sales, and Senate Bill 150, relating to the use and disposal of state land, be scheduled for a Senate Resource Committee hearing the week of April 14th.

Sponsor statements and supporting documentation are being prepared and will be delivered to your office as soon as possible.

Thank you for your consideration. If you have any questions, please let me know.

Subject: SB149

Date: Fri, 02 May 2003 11:30:20 +0000

From: Larry + Miriam Paquin <elmp4@mosquitonet.com>

To: Fairbanks_LIO@legis.state.ak.us

Please distribute this testimony to the Senate Resource Committee

To: Senate Resource Committee

Subject: Senate Bill 149

May 2, 2003

Dear Senate Resources Committee Members,

SB 149 seeks to eliminate the Haines and Tanana State Forest Management Plans, and remove the requirement that create five year management plans to alert the public of future possible timber sales. It would also do away with the FLUPS that map and describe each sale. In effect on these Public forests, most public notices and opportunities for public comment and feedback would be lost.

When the scientific planning it takes to prepare a management plan for a Public forest is thrown out, the multiplue use concept upon which the forests were established is in real danger of chaos. The data base of scientific forest facts built since the TVSF was established will be diminished if SB 149 passes.

Thus I urge you to oppose SB149 for the very sake of the multiple-use concepts, for the sake of the stake holders who depend on these forests for a livelihood, for the sake of the very values of scientific forest planning which can determine the health and sustainability of these public forests for us as well as future generations.

Larry Paquin
966 Goldmine Trail
Fairbanks, Alaska 99712

Re: High value added

Subject: Re: High value added

Date: Wed, 07 May 2003 14:34:29 -0800

From: Scott Ogan <Senator_Scott_Ogan@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Louie Flora <louieflora@hotmail.com>

Thank you Louie - Even though the bill has moved out of our committee, I will make your comments a part of the packet that will be made public record and maintained at the library.

Linda Hay

Aide to Sen. Scott Ogan

Louie Flora wrote:

> 1049 Dogwood#8 Fairbanks Ak. 99709 (907)456-2502

>

> I am representing myself, and unofficially a few thousand fisherman, small
> scale loggers, craftsman and whoever else might want to label their product
> "value added" in the future.

>

> >From: Scott Ogan <Senator_Scott_Ogan@Legis.state.ak.us>

> >To: Louie Flora <louieflora@hotmail.com>

> >Subject: Re: High value added

> >Date: Mon, 05 May 2003 13:50:53 -0800

> >

> >Louie - can you please provide us with an address and let us know who you
> >are

> >representing is it is someone other than yourself.

> > Thank You

> > Linda Hay - Committee Aide

> >

> >Louie Flora wrote:

> >

> > > Dear whatever aide is reading this,

> > > please tell Senator Ogan that the SB149 language allowing "High Value
> > >Added"

> > > on pulped trees is a misrepresentation hence a weakening of a concept
> > >that

> > > could very well be important to this state in the near future. Besides
> > >that,

> > > it just isn't true to many people's understanding of the concept, which
> > >is

> > > vague enough already. Remember, what you are doing now is important in
> > >that

> > > it is helping to set the definition and precedent for all "value added"
> > > things to come.

> > >

> > > Thanks for your time,

> > > Louie Flora

> > >

> > >

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> <http://join.msn.com/?page=features/virus>

COOZ L - AWW

KARL FRANKE
P.O. BOX 84052
COLLEGE, AK, 99708

SEN, SCOTT OGAN
AK STATE LEGISLATURE
STATE CAPITOL
JUNEAU, AK 99801

S.B. 149 is a bad idea. The management plans for the State Forests took years to hammer out, with intensive study and compromise. To ignore that work would be wrong.

Those wishing to log within our State Forests should do so under the existing restraints.

Please vote No on S.B. 149

Thank you,

Karl Franke

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reflected in rental value would be able to determine the appropriate corresponding rent for the other. *Sirianni v. Bowles*, Em.App., 148 F.2d 343, 344.

Comparables. Properties used as comparisons to determine value of a specific property.

Comparable sales. As evidence of market value of condemned property, sales from a willing seller to a willing buyer of similar property in the vicinity or at about the same time as the taking. *U.S. v. 33.90 Acres of Land, Situated in Bexar County, C.A.Tex.*, 709 F.2d 1012, 1013.

Comparable worth. Term used to describe a class of wage discrimination claims based on the employer's use of different criteria in establishing the wage rates for male- and female-dominated jobs. Several states have enacted laws establishing comparable worth policies and processes for implementing pay adjustments for state employees.

Comparatio literarum /kɔmpərəyʃ(i)əw lidərərəm/. In the civil law, comparison of writings, or handwritings. A mode of proof allowed in certain cases.

Comparative. Proceeding by the method of comparison; founded on comparison; estimated by comparison.

Comparative interpretation. That method of interpretation which seeks to arrive at the meaning of a statute or other writing by comparing its several parts and also by comparing it as a whole with other like documents proceeding from the same source and referring to the same general subject.

Comparative jurisprudence. The study of the principles of legal science by the comparison of various systems of law.

Comparative negligence. Under comparative negligence statutes or doctrines, negligence is measured in terms of percentage, and any damages allowed shall be diminished in proportion to amount of negligence attributable to the person for whose injury, damage or death recovery is sought. Many states have replaced contributory negligence acts or doctrines with comparative negligence. Where negligence by both parties is concurrent and contributes to injury, recovery is not barred under such doctrine, but plaintiff's damages are diminished proportionately, provided his fault is less than defendant's, and that, by exercise of ordinary care, he could not have avoided consequences of defendant's negligence after it was or should have been apparent.

Comparative rectitude. Doctrine wherein relief by divorce is granted to the party least in fault when both have shown grounds for divorce. *Weber v. Weber*, 256 Ark. 549, 508 S.W.2d 725, 729.

Comparative stylistics. An evidential technique focusing on nonidentity of typist of questioned writings. Matter-of-fact solutions are premised on comparisons of the numerous stylistic alternatives in grammar and format, and the individualized habits and routine practices inherent in the repetitive reduction of like writings to paper, with emphasis on typewritings. In *re Ciaffo-*

ni's Estate, 498 Pa. 267, 446 A.2d 225, cert.den. *Cowden v. Ciaffoni*, 103 S.Ct. 447. See Fed. and Uniform Rules of Evid. 406 and 901. See also Comparative interpretation; Comparison of handwriting; Forensic linguistics.

Comparison of handwriting. A comparison by the juxtaposition of two writings, in order, by such comparison, to ascertain whether both were written by the same person.

A method of proof resorted to where the genuineness of a written document is disputed; it consists in comparing the handwriting of the disputed paper with that of another instrument which is proved or admitted to be in the writing of the party sought to be charged, in order to infer, from their identity or similarity in this respect, that they are the work of the same hand. Expert testimony with respect to such proof is permitted by Fed.Evid. Rule 702, and non-expert testimony is governed by Rule 901.

See also Comparative stylistics.

Compascuum /kɔmpəskyuwəm/. Belonging to commonage *Jus compascuum*, the right of common pasture.

Compassing. Imagining or contriving, or plotting. In English law, "compassing the king's death" is treason. 4 Bl.Comm. 76.

Compaternitas /kɔmpətərnatəs/. In the canon law, a kind of spiritual relationship contracted by baptism.

Compaternity. Spiritual affinity, contracted by sponsorship in baptism.

Compatibility. As applied to offices, such relation and consistency between the duties of two offices that they may be held and filled by one person. Harmonious relationship as between husband and wife.

Compel. To urge forcefully; under extreme pressure. Word "compel" as used in constitutional right to be free from being compelled in a criminal case to be a witness against one's self means to be subjected to some coercion, fear, terror, inducement, trickery or threat—either physically or psychologically, blatantly or subtly; the hallmark of compulsion is the presence of some operative force producing an involuntary response. *U. S. v. Escandar*, C.A.Fla., 465 F.2d 438, 442.

Compellativus /kɔmpələtáyvəs/. An adversary or accuser.

Compelling state interest. One which the state is forced or obliged to protect. *Coleman v. Coleman*, 32 Ohio St.2d 155, 291 N.E.2d 530, 534. Term used to uphold state action in the face of attack grounded on Equal Protection or First Amendment rights because of serious need for such state action. Also employed to justify state action under police power of state. *Printing Industries of Gulf Coast v. Hill*, 382 F.Supp. 801 (D.C.Tex.).

Compensable. Entitled to compensation. See, e.g., *Compensable injury*.

Compensable death. Within worker's compensation acts is one which results to employee from injury by accident arising out of and in course of employment.

(b) The commissioner shall review a management plan at least once every five years and may revise the plan when necessary.

(c) A management plan may not be adopted or revised after the establishment of the state forest without prior review by the Board of Forestry and by other appropriate state agencies or without prior public hearings held in a community proximately located to the state forest or to a unit of a state forest.

(d) A copy of a management plan or a revision to a management plan adopted or prepared by the commissioner shall be provided to the legislature within 30 days of its adoption or revision or within the first 10 days of the first regular session of the legislature to convene after its adoption or revision.

(e) [Repealed, § 34 ch 34 SLA 1990.]

(f) [Repealed, § 34 ch 34 SLA 1990.](§ 1 ch 91 SLA 1983; am § 34 ch 34 SLA 1990; am § 10 ch 122 SLA 1996)

Cross references. — For current law on forest land use plans and on permissible uses formerly set out in this section, see AS 38.05.112.

Effect of amendments. — The 1990 amendment, effective May 12, 1990, repealed subsections (e) and

(f), which specified uses to be permitted under a management plan subject to a determination of incompatibility.

The 1996 amendment, effective September 27, 1996, added the last two sentences of subsection (a).

Article 5. State Land Reforestation.

Section

300. State land reforestation fund

310. Appropriations to state land reforestation fund

320. Report

Administrative Code. — For reforestation, see 11 AAC 95, art. 5.

Sec. 41.17.300. State land reforestation fund. A state land reforestation fund is established in the department. The money in the state land reforestation fund may be used only for the reforestation of state land, including site preparation, seed and seedling acquisition and cultivation, planting, and other reforestation measures, timber stand improvement, and the development of materials and techniques for the reforestation of state land. (§ 2 ch 91 SLA 1983)

Sec. 41.17.310. Appropriations to state land reforestation fund. (a) The state land reforestation fund consists of money appropriated by the legislature and contributions from private donors. It is the intent of the legislature that the appropriations made to the fund equal no less than 25 percent of the revenues from the sale of timber and other forest products from state land as well as the total revenues from

(1) compensation for loss or damage to land within a state forest; and

(2) the federal government and other governmental units for reforestation.

(b) Money appropriated to or paid into the state land reforestation fund does not lapse. (§ 2 ch 91 SLA 1983)

Sec. 41.17.320. Report. The commissioner shall prepare an annual report on the uses of the money in the state land reforestation fund, the proposed uses of the fund in the following fiscal year, and the balance in the fund. The commissioner shall notify the legislature within the first 10 days of each session of the legislature that the report is available. (§ 2 ch 91 SLA 1983; am § 76 ch 21 SLA 1995)

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Subject: SB 149

Date: Thu, 01 May 2003 23:13:52 -0800

From: Thomas Ely <thom@cyclealaska.com>

To: linda.hay@legis.state.ak.us

Dear Senate Resource Committee,

I am concerned that state forest planning may be compromised by SB 149.

Planning benefits all users of the forest resource by insuring that public lands are managed for everyone. I am involved in tourism and planning insures that I will have lands to operate my business on for years to come.

Planning is a fact of life all over America and proper management and foresight will insure that our public lands are still multi-use for years to come. It would be a mistake to throw away our ability to have a say in how our public lands are managed. This is America where the democratic process is supposed to be upheld.

Sincerely,

Thomas Ely
PO Box 1014
Haines, AK 99827

Subject: SB 149

Date: Fri, 2 May 2003 13:51:12 -0900

From: figdor <figdor@aptalaska.net>

To: senator_scott_ogan@legis.state.ak.us

CC: senator_thomas_wagoner@legis.state.ak.us, senator_fred_dyson@legis.state.ak.us,
senator_ralph_seekins@legis.state.ak.us, senator_ben_stevens@legis.state.ak.us,
senator_kim_elton@legis.state.ak.us, senator_georgianna_lincoln@legis.state.ak.us

Re: SB 149

Dear Senator Ogan:

I am very much opposed to SB 149 and the attempt to dismantle planning in the Haines State Forest. I am a thirty-year resident of Haines and have been here through over twenty years of community involvement in the forest planning process. This process has always involved a sizeable percentage of local residents and been a very important effort on the part of the community to establish a vision for its residents as well as its businesses for the future of the area in which we live.

To dismantle this in any part would be an offense to the community as well as to the many state agencies who have played a vital role in the planning process. It would certainly weaken the effectiveness of the state government as well as undermine the efforts of the community to create long term stability.

George Figdor
Box 612
Haines, Alaska

ARTICLES VII & VIII

Upon a final judicial decision that a plan is invalid, the matter shall be returned to the board for correction and development of a new plan. If that new plan is declared invalid, the matter may be referred again to the board. [Amendment approved November 3, 1998 - Effective January 3, 1999]

**ARTICLE VII
Health, Education and Welfare**

Sec.

1. Public Education.
2. State University.
3. Board of Regents of University.
4. Public Health.
5. Public Welfare.

§ 1. Public Education. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

§ 2. State University. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

§ 3. Board of Regents of University. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

§ 4. Public Health. The legislature shall provide for the promotion and protection of public health.

§ 5. Public Welfare. The legislature shall provide for public welfare.

**ARTICLE VIII
Natural Resources**

Sec.

1. Statement of Policy.
2. General Authority.
3. Common Use.
4. Sustained Yield.
5. Facilities and Improvements.
6. State Public Domain.
7. Special Purpose Sites.
8. Leases.
9. Sales and Grants.
10. Public Notice.
11. Mineral Rights.
12. Mineral Leases and Permits.
13. Water Rights.

ARTICLE VIII

14. Access to Navigable Waters.
15. No Exclusive Right of Fishery.
16. Protection of Rights.
17. Uniform Application.
18. Private Ways of Necessity.

§ 1. Statement of Policy. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

§ 2. General Authority. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

§ 3. Common Use. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

§ 5. Facilities and Improvements. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

§ 6. State Public Domain. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the

State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

§ 7. Special Purpose Sites. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

§ 8. Leases. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

§ 9. Sales and Grants. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

§ 10. Public Notice. No disposals or leases of state lands, or interests therein, shall be

Subject: SB149

Date: Fri, 02 May 2003 11:30:20 +0000

From: Larry + Miriam Paquin <clmp4@mosquitonet.com>

To: Fairbanks_LIO@legis.state.ak.us

Please distribute this testimony to the Senate Resource Committee

To: Senate Resource Committee

Subject: Senate Bill 149

May 2, 2003

Dear Senate Resources Committee Members,

SB 149 seeks to eliminate the Haines and Tanana State Forest Management Plans, and remove the requirement that create five year management plans to alert the public of future possible timber sales. It would also do away with the FLUPS that map and describe each sale. In effect on these Public forests, most public notices and opportunities for public comment and feedback would be lost.

When the scientific planning it takes to prepare a management plan for a Public forest is thrown out, the multiple use concept upon which the forests were established is in real danger of chaos. The data base of scientific forest facts built since the TVSP was established will be diminished if SB 149 passes.

Thus I urge you to oppose SB149 for the very sake of the multiple-use concepts, for the sake of the stake holders who depend on these forests for a livelihood, for the sake of the very values of scientific forest planning which can determine the health and sustainability of these public forests for us as well as future generations.

Larry Paquin
966 Goldmine Trail
Fairbanks, Alaska 99712

Subject: SB 149

Date: Sat, 3 May 2003 12:08:39 -0800

From: "Daniel W. Swift" <dswift@acsalaska.net>

To: <Senator_Scott_Ogan@legis.state.ak.us>, <Senator_Thomas_Wagoner@legis.state.ak.us>, <Senator_Fred_Dyson@legis.state.ak.us>, <Senator_Ralph_Seekins@legis.state.ak.us>, <Senator_Ben_Stevens@legis.state.ak.us>, <Senator_Kim_Elton@legis.state.ak.us>, <Senator_Georgianna_Lincoln@legis.state.ak.us>

Dear Members of the Senate Resources Committee,

I strongly oppose Senate Bill 149. The more I looked at this bill, the worse it seemed. The sections of statute repealed under this bill would repeal all management plans for the Tanana Valley State Forest, as well as the Haines State Forest.

I recognize that this is a very development-minded legislature, but do you realize that logging interests have been considered in these management plans? Each plan is the result of compromises made between development and conservation interests. Logging is still allowed, but it is allowed in such a way that it doesn't prohibit all other uses of the forest.

Studies have been made that indicate many people use the forest in many different ways--fishing and hunting, for example. To completely negate all these other uses, and all the work of the many people who have contributed to these plans, is unconscionable.

Please vote against Senate Bill 149.

Ann Swift
3181 Anella Ave.
Fairbanks, AK 99709

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>

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Alaska Boreal Forest Council
PO Box 84530, Fairbanks
AK 99708 USA

tel: (907) 457-8453
fax: (907) 457-5185
e-mail: jan@akborealforest.org

<http://www.akborealforest.org>

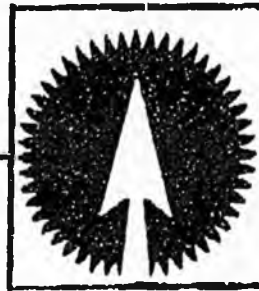
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P. 02

Alaska Forest Association, Inc.



111 STEDMAN STREET, SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-8114
FAX 907-225-5820
Web Site www.akforest.org

May 2, 2003

Comments for the 5-1-03 draft of SB 149

Senator Robin Taylor
State Capitol, Room 30
Juneau, AK 99801-1182

Dear Robin,

Thank you for the opportunity to comment on the revised SB 149. We offer the following comments:

1. The proposed changes to the Forest Land Use Plans requirements (sections 1, 2 and 3) should make the planning process more efficient.
2. The Five-Year Schedule changes (sections 4, 5 and 16) will reduce the cost and the time required to prepare these plans and will give the DNR more flexibility in preparing those schedules. Having these schedules is help to the timber industry as well as to the State and the public.
3. The Haines State Forest changes (sections 8 and 9) will allow the DNR to manage that area in a more logical manner.
4. The change in the primary purpose of some State Forests (sections 13 and 14) will allow more active management of these lands.
5. The change to eliminate the reference to FI,UPs as a basis for imposing more stringent riparian standards than is required by the Forest Practices Act (section 10) is a common sense change.
6. The changes in sections 6 and 7 will help encourage more manufacturing and thus benefit employment and the economy of many local communities.

All these changes will be beneficial and the changes should not have adverse impact upon the environment.

Sincerely,


Owen J. Graham
Executive Director

Subject: SB 149 testimony

Date: Mon, 5 May 2003 14:33:07 -0700

From: "Mark Sogge" <marksogge@aptalaska.net>

To: <Linda_Hay@legis.state.ak.us>

Please include the following testimony in todays hearing for SB 149

I am a fisheries biologist and 35 year resident of Haines. I do not think it will benefit the development of a diverse economy in Haines if the purpose of the Haines State Forest is changed from the current multiple use to a more singular focus on timber management. We need to assure that all potential uses of the forest are realized, and that a single use does not displace other uses that may give this community long term stability.

It is essential that the state continue to develop forest plans that consider both the site specific impacts and cumulative impacts timber activities may have on fisheries and wildlife.

It is short-sighted to deny the Board of Forestry, state agencies and the public the right to review forest plans before they are adopted by DNR. The state should continue to utilize the all the local knowledge and expertise available in the development of the plans.

If other state forests are to be created I believe it is essential that full consideration be given to other uses of the forest lands. Please do not make the errors that have led to devastation of the fisheries resources in so much of the Pacific northwest. State forest lands are important also for recreational, subsistence and tourism uses. The land should be planned to take into account all the potential uses within the watersheds.

We need to maintain the state's ability to easily increase the riparian buffers along salmon streams without necessarily finding that there is "significant state interest" in such an action. This determination should be science driven. If wider buffers are required to protect the streams and keep them highly productive then this should be done without some sort of arbitrary weighing of significance. It is always in the state's best interest to protect the streams to assure that timber activities do not negatively impact the the streams. Our fisheries provide our communities with sustainable economic health and should not be jeopardized by the development of other resources.

Finally, I do not consider that the pulping of timber is creating a high value added product. Our forests are more valuable standing than turned into paper products. The special category of "high value added" products should be reserved for the processing of our forest into products that provide the residents of Alaska with sustainable jobs, products that utilize the high quality of our wood.

Thank you for the opportunity to provide this testimony.

Mark Sogge
Box 696
Haines, Alaska
99827