

HB

370

SENATE COMMITTEE REPORT

DATE: 3/18/08

FURTHER:

DATE TURNED
IN TO OFFICE: 4/1/08

Resources Committee considered CS FOR HOUSE BILL NO. 370(RES)

HB 370 PROTECTION OF FORESTED LAND

"An Act relating to forested land management and protection from wildland fire and other destructive agents; changing the term 'forest fire' to 'wildland fire' where it appears in the Alaska Statutes; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

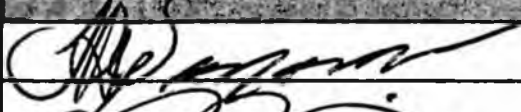

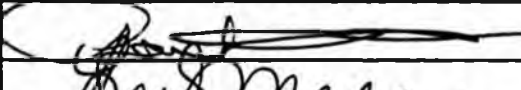
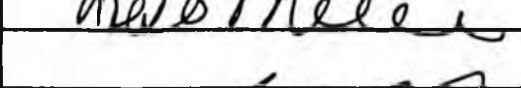
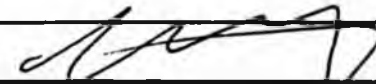
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	2/27			✓	1
DNR	2/20			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	WAGNER	✓			
	Wiefechowski			✓	
	STEEDMAN			✓	
	MELBURNE			✓	
CHAIR: 					

HB 370 Protection of Forested Land

March 31, 2008

CSHB 370(RES)vs \E

HB 370 vs\C

Senate Referrals (1): Resources

- 1. Fiscal Notes X 2**
- 2. Sponsor Statement (Kelly)**
- 3. Analyses & Briefing Paper**
Sectional CSHG 370 (RES) 3/18/2008
Changes to HB 370 in CSHB(RES) 3/3/08
- 4. DNR Briefing Paper**
- 5. Support**
Mayor Jim Whitaker, Fairbanks N.Star Borough

HB 370 Protection of Forested Land

March 31, 2008

CSHB 370(RES)vs \E

HB 370 vs\C

Senate Referrals (1): Resources

1. Fiscal Notes X 2

2. Sponsor Statement (Kelly)

3. Analyses & Briefing Paper

Sectional CSHG 370 (RES) 3/18/2008

Changes to HB 370 in CSHB(RES) 3/3/08

4. DNR Briefing Paper

5. Support

Mayor Jim Whitaker, Fairbanks N.Star Borough

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



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Senate Resources Committee
Butrovich Room 205
Monday, March 31, 2008
3:30-5:30 p.m.

AGENDA

- **HJR 31 Oppose Federal Law Re: Aerial Hunting**
-

- **HE 370 Protection of Forested Land**

BPH/S

Teleconference

Testimony: Time Limit May Be Set

1. Gavel In & Call to order:

Note time – and members present

➤ **2. HJR 31 Oppose Federal Law Re: Aerial Hunting**

Representative Wes Keller

Jim Pound, Staff to Rep. Keller

Move vs CSHJR 31(RES) vs E with fiscal note to follow

➤ **HB 370 Protection of Forested Land**

Representative Mike Kelly

Derek Miller, Staff to Rep. Kelly

Here to testify: Chris Maisch, Director Div. of Forestry, DNR

Online to testify: Mr. Lynn Wilcock, Chief of Forestry

Move vs CSHB 370 (RES) vs\E (two zero fiscal notes)

Reminder: Wednesday we'll conclude hearing the Governor's Board of Fisheries appointees

Meeting Adjourned @_____

HB 370 TALKING POINTS

- **ALLOWS DNR TO INCLUDE CABINS, LODGES AND OTHER PRIVATELY OWNED STRUCTURES IN THEIR WILDLAND FIRE MANAGEMENT DECISIONS. – SOMETHING THEY'RE ALREADY DOING.**
- **EXISTING STATUTORY LANGUAGE IMPLIES THAT FIRE MANAGEMENT DECISIONS ARE BASED SOLELY ON THE VALUE OF THE NATURAL RESOURCES THAT ARE THREATENED BY WILDLAND FIRE AND NOT THE STRUCTURAL AND CULTURAL RESOURCE VALUES.**
- **HB 370 WOULD ALIGN STATUTE WITH THE ALASKA INTERAGENCY WILDLAND FIRE MANAGEMENT PLAN (AIWFMP), IN EFFECT SINCE 1985, AND STATES THAT "ALL FIRE MANAGEMENT DECISIONS... WILL BE BASED ON VALUES WARRANTING PROTECTION." (INCLUDING CABINS, LODGES AND OTHER MAN-MADE STRUCTURES).**
- **THIS DOES NOT OBLIGATE TO PROTECT, IT JUST ALLOWS FOR MANAGEMENT TO INCLUDE STRUCTURES IN THEIR DECISION MAKING.**
- **CHANGES THE TERM 'FOREST FIRE' TO 'WILDLAND FIRE' THROUGHOUT STATUTE. WILDLAND FIRE IS THE TERM USED IN THE AIWFMP AND WITHIN THE DIVISION OF FORESTRY.**
- **ZERO FISCAL NOTE & THE DEPARTMENT OF LAW ASSURES US THAT THE STATE DOES NOT RISK TAKING ON ANY ADDITIONAL LIABILITY WITH PASSAGE OF THIS BILL.**

CS FOR HOUSE BILL NO. 370(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/3/08
Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Guttenberg, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to forested land management and protection from wildland fire and**
2 **other destructive agents; changing the term 'forest fire' to 'wildland fire' where it**
3 **appears in the Alaska Statutes; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 19.40.010(a) is amended to read:**

6 (a) The legislature finds and declares that there is an immediate need for a
7 public highway from the Yukon River to the Arctic Ocean and that this public
8 highway should be constructed by the State of Alaska at this time because

9 (1) it will assist in the fulfillment of art. VIII, Sec. 1, Constitution of
10 the State of Alaska, in which it is provided that it is the policy of the state to encourage
11 the settlement of its land and the development of its resources by making them
12 available for maximum use consistent with the public interest;

13 (2) it will provide the first year-round, overland route from north of the
14 Yukon River to the Arctic Ocean, and will consequently result in the completion of a

1 highway from the Pacific Ocean to the Arctic Ocean;

2 (3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid
3 Highway Act of 1956), in which it is declared to be in the national interest to
4 accelerate the construction of certain highways which are of primary importance to the
5 national defense;

6 (4) it will benefit local and interstate commerce because the area north
7 of the Yukon River is rich in natural resources but is inaccessible at the present time
8 because of the lack of roads and this inaccessibility prohibits the successful use of the
9 natural resources of this area;

10 (5) it is consonant with art. VIII, Sec. 2, Constitution of the State of
11 Alaska, in which it is provided that the legislature shall provide for the utilization,
12 development, and conservation of all natural resources belonging to the state,
13 including land and water, for the maximum benefit of its people, because the highway
14 will benefit not only local and interstate commerce but will also augment the revenue
15 of the state and result in conservation of natural resources, for example, by facilitating
16 a system of wildland [FOREST] fire suppression.

17 * Sec. 2. AS 33.30.191(g) is amended to read:

18 (g) In this section, "productively employed" includes the following kinds of
19 employment:

20 (1) routine maintenance and support services essential to the operation
21 of a correctional facility;

22 (2) education, including both academic and vocational;

23 (3) public conservation projects, including wildland [FOREST] fire
24 prevention and control, forest and watershed enhancement, recreational area
25 development, construction and maintenance of trails and campsites, fish and game
26 enhancement, soil conservation, and forest watershed revegetation;

27 (4) renovation, repair, or alteration of existing correctional facilities as
28 permitted by law; and

29 (5) other work performed inside or outside of a correctional facility
30 under (b) of this section.

31 * Sec. 3. AS 41.15.010 is amended to read:

1 **Sec. 41.15.010. Intent.** It is the intent of AS 41.15.010 - 41.15.170 to provide
 2 protection from wildland fire and other destructive agents, commensurate with the
 3 values [VALUE OF THE RESOURCES] at risk, [FOR THE NATURAL
 4 RESOURCES AND WATERSHEDS] on land that is owned privately, by the state, or
 5 by a municipality.

6 * **Sec. 4.** AS 41.15.040 is amended to read:

7 **Sec. 41.15.040. Right of entry to control and suppress fires.** Upon approval
 8 by the commissioner or an authorized agent, an employee [EMPLOYEES] of the
 9 division of lands, or of any organization authorized to prevent, control, or suppress a
 10 fire [FIRES] or a destructive agent [AGENTS], and others assisting in the control or
 11 suppression of a fire [FIRES] upon request of an officer or employee of the United
 12 States or the state may at any time enter upon any land, whether publicly or privately
 13 owned, for the purpose of preventing, suppressing, or controlling a wildland fire or a
 14 [FOREST FIRES AND] destructive agent [AGENTS].

15 * **Sec. 5.** AS 41.15.170 is amended to read:

16 **Sec. 41.15.170. Definitions.** In AS 41.15.010 - 41.15.170,

17 (1) "damages" includes costs incurred in suppressing, controlling, or
 18 extinguishing a fire;

19 (2) "destructive agent" means an insect, pathogen, or other
 20 environmental agent that causes damage to a forest resource;

21 (3) "forested land" includes all land on which grass, brush, timber, and
 22 other natural vegetative material grows;

23 (4) [(3)] "wildland [FOREST] fire" includes the uncontrolled burning
 24 of grass, brush, timber, and other natural vegetative material.

25 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 370

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLY, Guttenberg

Introduced: 2/19/08
Referred: Resources

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to forested land management and protection from wildland fire and
2 other destructive agents; changing the term 'forest fire' to 'wildland fire' where it
3 appears in the Alaska Statutes; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 19.40.010(a) is amended to read:

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8 highway should be constructed by the State of Alaska at this time because

9 (1) it will assist in the fulfillment of art. VIII, Sec. 1, Constitution of
10 the State of Alaska, in which it is provided that it is the policy of the state to encourage
11 the settlement of its land and the development of its resources by making them
12 available for maximum use consistent with the public interest;

13 (2) it will provide the first year-round, overland route from north of the
14 Yukon River to the Arctic Ocean, and will consequently result in the completion of a

1 highway from the Pacific Ocean to the Arctic Ocean;

2 (3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid
3 Highway Act of 1956), in which it is declared to be in the national interest to
4 accelerate the construction of certain highways which are of primary importance to the
5 national defense;

6 (4) it will benefit local and interstate commerce because the area north
7 of the Yukon River is rich in natural resources but is inaccessible at the present time
8 because of the lack of roads and this inaccessibility prohibits the successful use of the
9 natural resources of this area;

10 (5) it is consonant with art. VIII, Sec. 2, Constitution of the State of
11 Alaska, in which it is provided that the legislature shall provide for the utilization,
12 development, and conservation of all natural resources belonging to the state,
13 including land and water, for the maximum benefit of its people, because the highway
14 will benefit not only local and interstate commerce but will also augment the revenue
15 of the state and result in conservation of natural resources, for example, by facilitating
16 a system of wildland [FOREST] fire suppression.

17 * Sec. 2. AS 33.30.191(g) is amended to read:

18 (g) In this section, "productively employed" includes the following kinds of
19 employment:

20 (1) routine maintenance and support services essential to the operation
21 of a correctional facility;

22 (2) education, including both academic and vocational;

23 (3) public conservation projects, including wildland [FOREST] fire
24 prevention and control, forest and watershed enhancement, recreational area
25 development, construction and maintenance of trails and campsites, fish and game
26 enhancement, soil conservation, and forest watershed revegetation;

27 (4) renovation, repair, or alteration of existing correctional facilities as
28 permitted by law; and

29 (5) other work performed inside or outside of a correctional facility
30 under (b) of this section.

31 * Sec. 3. AS 41.15.010 is amended to read:

1 **Sec. 41.15.010. Intent.** It is the intent of AS 41.15.010 - 41.15.170 to provide
 2 protection from wildland fire and other destructive agents, commensurate with the
 3 values [VALUE OF THE RESOURCES] at risk, [FOR THE NATURAL
 4 RESOURCES AND WATERSHEDS] on land that is owned privately, by the state, or
 5 by a municipality.

6 * **Sec. 4.** AS 41.15.040 is amended to read:

7 **Sec. 41.15.040. Right of entry to control and suppress fires.** Upon approval
 8 by the commissioner or an authorized agent, an employee [EMPLOYEES] of the
 9 division of lands, or of any organization authorized to prevent, control, or suppress a
 10 fire [FIRES] or a destructive agent [AGENTS], and others assisting in the control or
 11 suppression of a fire [FIRES] upon request of an officer or employee of the United
 12 States or the state may at any time enter upon any land, whether publicly or privately
 13 owned, for the purpose of preventing, suppressing, or controlling a wildland fire
 14 [FOREST FIRES] and a destructive agent [AGENTS].

15 * **Sec. 5.** AS 41.15.170 is amended to read:

16 **Sec. 41.15.170. Definitions.** In AS 41.15.010 - 41.15.170,

17 (1) "damages" includes costs incurred in suppressing, controlling, or
 18 extinguishing a fire;

19 (2) "forested land" includes all land on which grass, brush, timber, and
 20 other natural vegetative material grows;

21 (3) "wildland [FOREST] fire" includes the uncontrolled burning of
 22 grass, brush, timber, and other natural vegetative material.

23 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 370(RES)
 (H) Publish Date: 3/3/08

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to "wildland" fires. RDU Civil
 Component Natural Resources
 Sponsor REPRESENTATIVE(s) KELLY
 Requester HOUSE RESOURCES Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)
 HB 370 changes the term "forest fire" to "wildland fire" in applicable statutes to more closely reflect the reality that Alaska also has tundra fires. Second, it allows DNR to consider the value of all resources at risk when engaging in fire prevention and response planning, rather than being limited to considering only natural resources.

 The department does not expect a significant fiscal impact as a result of this bill.

Prepared by: Robert Meiners, Administrative Services Manager Phone 907-465-5427
 Division: Administrative Services Division Date/Time 2/27/08 1:55 PM
 Approved by: Talis Colberg, Attorney General Date 2/27/2008
Department of Law

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB370
 () Publish Date: _____

Identifier (file name): HB370-DNR-FirePrep-02-20-08 Dept. Affected: Natural Resources
 Title: Protection of Forested Land RDU: Statewide Fire Suppression
 Component: Fire Suppression Preparedness
 Sponsor: Representative Kelly
 Requester: H RES Component Number: 2705

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
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	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	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	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will revise Alaska Statute to allow for consideration of other values in addition to those of the natural resources when making fire management decisions. Since its inception in the mid 1980s, the Alaska Interagency Wildland Fire Management Plan (AIWFMP) has guided the Division of Forestry in identifying land where aggressive fire suppression will lead to the protection of life and property, as well as natural resource values. This statute will align DNR authority with these pre-planned suppression actions under the AIWFMP and allow wildland fire managers to consider all values, both natural and man made, when making wildland fire management decisions. Since the AIWFMP is already in place and identifies where fires will be suppressed to protect life and property, this statutory authority revision/clarification will not result any additional fiscal responsibility on the Department of Natural Resources.

Prepared by: Lynn Wilcock
 Division: Forestry
 Approved by: Tom Irwin, Commissioner
Natural Resources

Phone (907) 451-2675
 Date/Time February 20, 2008
 Date February 20, 2008

Alaska State Legislature

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Member

House Finance Committee
Legislative Budget & Audit

Representative Mike Kelly

House District 7

SPONSOR STATEMENT CSHB 370 (RES)

HB 370 allows the Department of Natural Resources (DNR) to include cabins, lodges and other structures owned privately, by the state or by a municipality in their wildland fire management decisions. Under existing statute, DNR is mandated to "provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality." This language implies that fire management decisions and appropriate fire management response will be based solely on the value of the natural resources that are threatened by wildland fire and not the structural and cultural resource values.

HB 370 would align statute with the Alaska Interagency Wildland Fire Management Plan (AIWFMP), which has been in effect since 1985, and states that "all fire management decisions by land manager/owner(s) will be based on values warranting protection, protection capabilities, firefighter safety and/or land and resource management needs." The AIWFMP provides a means to categorize and prioritize fires in order to maximize efficient use of fire suppression resources.

It is clear that the AIWFMP intends that fire managers consider all values at risk from wildland fire in their management decision making. Since implementation of the AIFMP, DNR has made decisions on the level of suppression response based on the existence of cultural or man-made values, in addition to the value of natural resources. This would appear to be in conflict with the intent language in AS 41.15.010. State of Alaska fire managers have considered all values in categorizing State, private, and municipal land within the context of the AIWFMP. This statute revision would align the statute with the AIWFMP to allow for a comprehensive direction for fire managers to make decisions about protection levels to more accurately incorporate all that the State of Alaska and its residents value, including natural resources.

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Representative Mike Kelly

House District 7

Sectional Analysis – CSHB 370 (RES)

“Relating to forested land management and protection from wildland fires; changing the term ‘forest fire’ to wildland fire’ where it appears in statute.”

Section 1: Amends AS 19.40.010, regarding public highways, to refer to ‘wildland fire’ rather than ‘forest fire’.

Section 2: Amends AS 33.30.191, regarding employment of prison inmates, to refer to ‘wildland fire’ rather than ‘forest fire’.

Section 3: Clarifies the intent in AS 41.15.010, to allow for the protection of all values at risk – from wildland fires and other destructive agents – when making wildland fire management decisions. Deletes the more narrow terms ‘value of the resources’ and ‘natural resources and watersheds,’ and broadens the protection safety net.

Section 4: Amends language in AS 41.15.040, right of entry to control and suppress fires, including changing the term ‘forest fires’ to ‘wildland fire.’

Section 5: Changes the term under definitions in AS 41.15.170, from ‘forest fire’ to ‘wildland fire’ leaving the definition unchanged and adds a definition for ‘destructive agent’.

Section 6: The bill has an immediate effect date.

Alaska State Legislature

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Member

House Finance Committee
Legislative Budget & Audit

Representative Mike Kelly

House District 7

MEMORANDUM

DATE: March 3, 2008

TO: Representative Mike Kelly

FROM: Derek Miller

RE: Changes to HB 370 in CSHB 370(RES) (25-LS1359\E)

The CS for HB 370 (RES) includes new language defining the term 'destructive agent' and makes a conforming amendment in section 4 of the bill.

The definition for 'destructive agent' was added in the definition section of the bill to address the concern raised by members of the Resources committee that the term was too broad as it applied to fire suppression services within the division of forestry. Language in the CS for HB 370 (RES) narrows the decision-making authority within the department to fire suppression and destructive agents – in the form of pests and diseases that cause damage to forests.

Changes:

Sections 1, 2 and 3: No changes

Section 4: Changes 'and' to 'or' on line 14 to allow the department to protect against a wildland fire or a destructive agent.

Section 5: Adds a definition for the term 'destructive agent'

Section 6: No change



Briefing:

Fire Statute Authority Clarification

September 2007

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Background. Under existing statute, the Department of Natural Resources (DNR) is mandated to "provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality." This language implies that fire management decisions and appropriate fire management response will be based on the value of the natural resources that are threatened by wildland fire.

The Attorney General's (AG) office examined the Division of Forestry's (DOF) statutory responsibility for fire protection. In his response, the AG affirmed that "DNR's decision-making focuses on the risk to natural resources, rather than to cabins, etc." This response goes further to say that "it would take new statutory language for DNR to address the complaints that areas with cabins and lodges are ... slated for 'limited protection,' because to do so, DNR would need to incorporate the value of developed private property into its decision-making."

Recommendation for Statute Revision: Amend AS 41.15.010

This proposal would revise AS 41.15.010 to allow for consideration of all resource values, both natural and cultural, when making wildland fire management decisions on state, private, or municipal lands.

Current Statute: *It is the intent of AS 41.15.010 - 41.15.170 to provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality.*

Proposed Revised Statute: *It is the intent of AS 41.15.010 - 41.15.170 to provide protection from wildland fire and other destructive agents, commensurate with the values [OF THE RESOURCES] at risk, [FOR THE NATURAL RESOURCES AND WATERSHEDS] on land that is owned privately, by the state, or by a municipality.¹*

The updated language would also align statute with the Alaska Interagency Wildland Fire Management Plan (AIWFMP), which has been in effect since 1985, and states that "all fire management decisions by land manager/owner(s) (will be) based on values warranting protection, protection capabilities, firefighter safety and/or land and resource management needs." The AIWFMP provides a means to categorize and prioritize fires in order to maximize efficient use of fire suppression resources. It also states "this categorization and ensuing prioritization ensures that: (1) human life, private property, and identified resources receive an appropriate level of protection with available firefighting resources, (2) the cost of the suppression effort is commensurate with values identified for protection, and (3) the ability of land manager/owner(s) to achieve their individual management objectives is optimized."

¹ new text underline and bold. [DELETED TEXT BRACKETED AND CAPITALIZED]

It is clear that the AIFMP intends that fire managers consider all values at risk from wildland fire in their management decision making. Since implementation of the AIFMP, DNR has made decisions on the level of suppression response based on the existence of cultural or man-made values, in addition to the value of natural resources. This would appear to be in conflict with the intent language in AS 41.15.010. State of Alaska fire managers have considered all values in categorizing State, private, and municipal land within the context of the AIFMP. This statute revision would align the statute with the AIFMP to allow for a comprehensive direction for fire managers to make decisions about protection levels to more accurately incorporate all that the State of Alaska and its residents value, including natural resources.

Additionally, there is conflict between the State's wildland fire statutory authority for wildland fire management and public safety policy for protection from fire as defined in Public Safety Statute. This statute reads:

Sec. 18.70.320. Policy.

It is the policy of the state to protect its residents and their property from the ravages of fire...The legislature finds that fire is a constant threat and that homes, places of employment, modes of transportation, and our natural resources need a system of fire protection that is based on the most current, practical standards and educational principles.

This revision of 41.15 the Natural Resource Statute, would allow for fire management decisions to include property protection as a consideration and would align wildland fire management statutory authority with other State law.

Contact Information:

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February 25, 2008

House Resource Committee
State Capitol
Juneau, Alaska

Dear Members of the House Resource Committee:

This letter is to **thank Representative Mike Kelly for the sponsorship of HB 370 - PROTECTION OF FORESTED LAND**, and ask your **support for passage** of this legislation.

HB 370 allows the Alaska Division of Forestry to better serve the residents of our State and aligns the mission of the Division with the functional expectations of the communities it serves by **allowing for fire management decisions to include property protection as a consideration**.

Wildland fire management statutory authority must be aligned with other State law. The Fairbanks North Star Borough can attest to the necessity of this revision following the past several fire seasons, most notably the 2004 Boundary Fire. **Our Borough depends on the cooperative efforts of the Division of Forestry in the most serious instances of life and safety.**

Please do not hesitate to contact our Legislative Liaison staff, Jennifer Yuhas, regarding our support of this legislation. She may be reached at (907) 459-1302 or jyahas@co.fairbanks.ak.us.

Sincerely,

Jim Whitaker, Mayor

JW:jy-csm