

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

SB 317 cont. 654

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- 1 (D) log storage, rafting, and identification;  
2 (4) reforestation, including  
3 (A) site preparation and rehabilitation;  
4 (B) prescribed burning;  
5 (C) exemptions from reforestation requirements;  
6 (5) prevention and suppression of forest insects and dis-  
7 eases;  
8 (6) salvage logging;  
9 (7) vegetative management; and  
10 (3) fire and flood hazard management.

11 (b) The commissioner shall adopt regulations specifying the  
12 information to be submitted under AS 41.17.090(c) in the detailed plan  
13 of operations to enable the division to determine whether the activ-  
14 ities comply with the requirements of this chapter.

15 (c) The commissioner may establish regions, districts, or other  
16 subdivisions of forest land in the state in which different regu-  
17 lations apply to reflect varying conditions in the state or to facil-  
18 itate administration. In adopting regulations, the commissioner shall  
19 make appropriate distinctions between public and private land.

20 (d) The commissioner shall adopt only those regulations neces-  
21 sary to accomplish the purposes of this chapter and shall avoid regu-  
22 lations that increase operating costs without yielding significant  
23 benefits to public resources.

24 \* Sec. 10. AS 41.17 is amended by adding new sections to read:

25 Sec. 41.17.082. CONTROL OF INFESTATIONS AND DISEASE. (a) All  
26 forest clearing operations and silvicultural systems must be designed  
27 to reduce the likelihood of increased insect infestation and disease  
28 infections that threaten forest resources.

29 (b) A forest landowner may not conduct or approve timber

1 clearing activities that create conditions fostering outbreaks of  
2 infestation or infection that threaten forest resources on forest  
3 lands belonging to another person. If the commissioner finds, after  
4 notice and hearing, that there has been a violation of this subsec-  
5 tion, the commissioner may

6 (1) require the forest landowner, at that person's expense,  
7 to remove promptly or cure the conditions fostering outbreaks of  
8 infestation or infection; and

9 (2) require the forest landowner, at that person's expense,  
10 to undertake environmentally sound, effective, and cost-efficient  
11 actions to control the infestation or infection in the immediate  
12 vicinity of the improper timber clearing activity.

13 (c) If a forest landowner does not comply with a final order of  
14 the commissioner under (b)(1) or (b)(2) of this section, the commis-  
15 sioner may enter onto the land and undertake the actions ordered and  
16 the landowner is liable for the cost of the actions. The commissioner  
17 shall deliver to the landowner an itemized statement of expenses  
18 incurred.

19 (d) The commissioner may undertake surveys and appraisals to  
20 obtain data on regional insect infestations and disease conditions.  
21 Upon a determination that an area is infested with forest insects or  
22 infected with diseases injurious to forest resources and that the  
23 infestation or infection threatens the forest land or timber of adja-  
24 cent owners, the commissioner may establish the boundaries of an  
25 infestation or infection zone. The commissioner may enter into an  
26 agreement with an owner or with a governmental agency to control or  
27 suppress infestation or infection within the zone. Upon a determina-  
28 tion by the commissioner that insect and disease control work within  
29 the zone is no longer necessary or feasible, the commissioner shall

1 terminate the zone.

2 Sec. 41.17.083. CLEARING OF FOREST LAND FOR NON-TIMBER PURPOSES.

3 A state agency, municipality, or public utility shall determine whether  
4 the timber to be removed has significant salvage value before  
5 approving or conducting clearing of forest land for purposes other  
6 than timber harvest. If the timber has significant salvage value, the  
7 agency or utility shall salvage the timber as part of the clearing  
8 process.

9 \* Sec. 11. AS 41.17 is amended by adding a new section to read:

10 Sec. 41.17.087. VARIATION FROM REQUIREMENTS. (a) A forest  
11 landowner, timber owner, or operator may propose for a particular  
12 activity a variation from a requirement imposed by this chapter or the  
13 regulations adopted under this chapter. If the state forester deter-  
14 mines that the harm intended to be avoided by the requirement is not  
15 likely to occur because of site-specific circumstances relating to the  
16 particular activity and is not likely to cause significant harm to  
17 fish habitat or water quality, the state forester shall agree to the  
18 proposed variation. If the state forester does not agree to the  
19 proposed variation, a forest landowner, timber owner, or operator may  
20 appeal to the commissioner. The appellants shall conform to the  
21 requirement during the pendency of the appeal.

22 (b) The commissioner shall adopt regulations that specify the  
23 standards under which a variation will be granted for harvesting  
24 timber within the riparian area of

25 (1) a low gradient Type A water body with a width of five  
26 feet or less; and

27 (2) other appropriate water body types.

28 (c) A determination by the state forester under (a) of this  
29 section and regulations by the commissioner under (b) of this section

1 shall give due deference under AS 41.17.098.

2 \* Sec. 12. AS 41.17.090 is repealed and reenacted to read:

3 Sec. 41.17.090. NOTIFICATION OF PLANS TO HARVEST TIMBER. (a)  
4 Operations on forest land shall be reviewed under this section for  
5 consistency with the policies and provisions of this chapter and  
6 regulations adopted under this chapter.

7 (b) A forest landowner, timber owner, or operator may provide to  
8 the commissioner a voluntary plan of operations that describes the  
9 long-term plans for timber harvesting. The purpose of a voluntary  
10 plan is to give the division and the public an early opportunity to  
11 review plans, to identify areas of concern, and to allow the agencies  
12 and the public to provide local knowledge and early notice of poten-  
13 tial problems to the forest landowner, timber owner, or operator.

14 (c) Before beginning operations on forest land, the operator  
15 shall provide the state forester with a detailed plan of operations.  
16 The detailed plan of operations must include

17 (1) a description of the proposed operations, identifying  
18 the land involved and the action proposed in sufficient detail to  
19 inform the public of the nature and location of the proposed opera-  
20 tions; the description must include a map and must be in a form suit-  
21 able for duplication;

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

24 (3) other information required in the regulations adopted  
25 under this chapter.

26 (d) Within five days after receipt of a detailed plan of opera-  
27 tions under (c) of this section, the state forester shall distribute  
28 the information received under (c) of this section to affected state  
29 agencies and coastal districts, and shall distribute the information

1 received under (c)(1) of this section to each member of the public who  
2 has asked to receive copies of notifications for the affected area.

3 (e) Within 30 days after receipt of a detailed plan of opera-  
4 tions, the state forester shall review the plan to determine if the  
5 operations are consistent with this chapter and regulations adopted  
6 under this chapter. Operations may begin under the plan upon the  
7 expiration of the 30-day period or upon notice from the state forester  
8 that the review has been completed, whichever occurs first, unless the  
9 division has issued a stop work order for a particular portion of the  
10 plan or has notified the operator that a one-time, 10-day extension is  
11 necessary for agency review under AS 41.17.095(f). The operator may  
12 proceed with operations not covered by the stop work order, notice of  
13 field inspection, or the agency review. During the review of a de-  
14 tailed plan of operations, if a question arises concerning the proper  
15 classification of water body type for purposes of the standards in  
16 AS 41.17.116(a), the Department of Fish and Game may resolve the  
17 question.

18 (f) If the state forester determines that a field inspection is  
19 necessary to determine consistency of the detailed plan of operations  
20 or a portion of the plan with applicable standards, the state forester  
21 shall notify the operator. The notice of field inspection may not  
22 cover more than the minimum area necessary to determine compliance  
23 with this chapter and applicable regulations. The operator shall  
24 inform the state forester when the site will be available for an  
25 inspection. The state forester shall conduct the field inspection  
26 within 21 days after the date that the site will be accessible and  
27 available unless the operator otherwise agrees, and the operator may  
28 begin operations at the conclusion of the 21-day period unless the  
29 state forester has issued a stop work order under AS 41.17.138.

1 (g) During the review of a detailed plan of operations, modi-  
2 fications to accommodate comments may be made without requiring the  
3 operator to resubmit the plan. After the review of the detailed plan  
4 of operations made under (e) and (f) of this section, an operator  
5 shall notify the state forester of a proposed substantial change in  
6 operations by following the procedures specified in (c) - (f) of this  
7 section.

8 (h) Information and paperwork required of the operator under  
9 this section is limited to that necessary to accomplish the purposes  
10 of this section.

11 (i) An operator shall renew a detailed plan of operations annu-  
12 ally.

13 \* Sec. 13. AS 41.17 is amended by adding a new section to read:

14 Sec. 41.17.098. INTERAGENCY COORDINATION AND REEVALUATION. (a)  
15 In administering this chapter, the commissioner shall coordinate with  
16 other agencies and affected coastal districts that have jurisdiction  
17 over activities subject to regulation under this chapter.

18 (b) In a review or implementation of a detailed plan of opera-  
19 tions under AS 41.17.090 and in a decision on a proposed variation  
20 from requirements under AS 41.17.087, the commissioner shall consider  
21 the comments of each affected state agency and, where applicable,  
22 coastal districts.

23 (c) The commissioner shall give due deference to the Department  
24 of Environmental Conservation in decisions concerning water quality.  
25 The commissioner of environmental conservation retains the authority  
26 to adopt nonpoint source pollution regulations for activities subject  
27 to this chapter to the extent that regulations are not adopted by the  
28 commissioner of natural resources and approved by the commissioner of  
29 environmental conservation under this chapter. The commissioner of

1 environmental conservation may withdraw approval of regulations adopt-  
2 ed by the commissioner of natural resources under this chapter by  
3 following the procedure for the adoption, amendment, and repeal of  
4 regulations under AS 44.62.180 - 44.62.290.

5 (d) The commissioner shall recognize the expertise of the De-  
6 partment of Fish and Game with regard to fish and wildlife habitat.  
7 On private land, the commissioner shall give due deference to the  
8 Department of Fish and Game regarding effects on fish habitat from  
9 timber operations including variations to riparian standards, desig-  
10 nation of alternative site-specific riparian protection plans, and  
11 road location decision within riparian areas. On public land, the  
12 commissioner shall give due deference to the Department of Fish and  
13 Game regarding effects on fish and wildlife habitat from timber op-  
14 erations including timber harvest in riparian areas, variations to  
15 riparian standards, and road location decisions within riparian areas.  
16 In making decisions under under AS 41.17.087, the commissioner shall  
17 recognize fish habitat as the primary value in riparian areas.

18 (e) In this section, "due deference" means that deference that  
19 is appropriate in the context of the agency's expertise and area of  
20 responsibility and all the evidence available to support a factual  
21 assertion. Where due deference is given, if the commissioner does not  
22 agree with a commenting agency, the commissioner shall prepare a  
23 written statement of the reasons for the disagreement.

24 (f) If a disagreement described in (e) of this section exists,  
25 an officer of an agency may require reevaluation of the disagreement  
26 at a higher level within the agencies, or by the governor if  
27 necessary, before a decision is made by the commissioner.

28 \* Sec. 14. AS 41.17 is amended by adding new sections to read:

29 **ARTICLE 1A. RIPARIAN MANAGEMENT.**

1           Sec. 41.17.115. INTENT FOR RIPARIAN AREAS. The commissioner  
2 shall protect riparian areas from the significant adverse effects of  
3 timber harvest activities on fish habitat and water quality. The  
4 management intent for riparian areas is the adequate preservation of  
5 fish habitat by maintaining a short- and long-term source of large  
6 woody debris, stream bank stability, channel morphology, water temper-  
7 atures, stream flows, water quality, adequate nutrient cycling, food  
8 sources, clean spawning gravels, and sunlight. The commissioner shall  
9 adopt regulations for the protection of riparian areas; the regu-  
10 lations may include higher standards of protection for fish and other  
11 public resources on land managed by the department than on other  
12 public land or private land. The regulations may vary by region of  
13 the state and must take into consideration reasonable classification  
14 of water bodies and the economic feasibility of timber operations.

15           Sec. 41.17.116. RIPARIAN STANDARDS FOR PRIVATE LAND. (a)  
16 Private forest land adjacent to the following types of waters and  
17 located in a coastal forest of spruce or hemlock is subject to the  
18 riparian protection standards established in this section:

19           (1) along a Type A water body, harvest of timber may not be  
20 undertaken within 66 feet of the water body;

21           (2) along a Type B water body, timber harvest operations  
22 within 100 feet of the stream or to the break of the slope, whichever  
23 area is smaller, must be conducted in compliance with slope stability  
24 standards established in regulations adopted under this chapter;

25           (3) along a Type C water body, timber harvest operations in  
26 the area within 50 feet of the stream or to the break of the slope,  
27 whichever area is smaller, must be conducted in compliance with slope  
28 stability standards established in regulations adopted under this  
29 chapter.

1 (b) The commissioner shall adopt regulations for private land  
2 outside of the coastal forest of spruce or hemlock that designate the  
3 riparian areas to be protected and the restrictions on timber harvest-  
4 ing operations within the areas that are necessary for their pro-  
5 tection under the management goals established in AS 41.17.115.

6 Sec. 41.17.118. RIPARIAN STANDARDS FOR STATE LAND. (a) The  
7 riparian standards for state land are as follows:

8 (1) on state forest land managed by the department that is  
9 located north of the Alaska Range, harvest of timber may not be under-  
10 taken within 100 feet immediately adjacent to an anadromous or high  
11 value resident fish water body unless the division determines that  
12 adequate protection remains for the fish habitat;

13 (2) on state forest land managed by the department that is  
14 located south of the Alaska Range,

15 (A) harvest of timber may not be undertaken within 100  
16 feet immediately adjacent to an anadromous or high value resident  
17 fish water body;

18 (B) between 100 and 300 feet from the water body,  
19 timber harvest may occur but must be consistent with the mainte-  
20 nance of important fish and wildlife habitat.

21 (b) The commissioner may impose additional riparian protection  
22 standards for timber harvest operations through the adoption of land  
23 use plans under AS 38.04.065 and under forest management plans and  
24 reports under AS 38.05.112 and AS 41.17.230.

25 (c) In the absence of a site-specific determination by the  
26 Department of Fish and Game, the commissioner shall presume for plan-  
27 ning purposes that a stream is anadromous if it is connected to ana-  
28 dromous waters that are without Department of Fish and Game documenta-  
29 tion of a physical blockage and has a stream gradient of 8 percent or

1 less.

2 Sec. 41.17.119. MINIMUM RIPARIAN STANDARDS FOR OTHER PUBLIC  
3 LAND. On public land other than state land, harvest of timber may not  
4 occur

5 (1) within 100 feet from the shore or bank of an anadromous  
6 or high value resident fish water body that is located south of the  
7 Alaska Range;

8 (2) within 100 feet immediately adjacent to an anadromous  
9 or high value resident fish water body north of the Alaska Range  
10 unless the commissioner determines that adequate protection remains  
11 for the fish habitat.

12 \* Sec. 15. AS 41.17 is amended by adding a new section to read:

13 Sec. 41.17.125. ENFORCEMENT COORDINATION. All state agencies  
14 with enforcement authority over an activity subject to regulation  
15 under this chapter shall establish a uniform enforcement strategy that  
16 avoids duplication and inconsistencies. All participating agencies  
17 shall agree to and comply with the contents of the uniform strategy.  
18 In developing and implementing the uniform strategy, each state agency  
19 retains its authority to determine the appropriate remedies under the  
20 statutes and regulations it administers.

21 \* Sec. 16. AS 41.17.131 is repealed and reenacted to read:

22 Sec. 41.17.131. PENALTIES FOR VIOLATIONS. (a) An operator,  
23 forest landowner, or timber owner who violates or permits a violation  
24 of this chapter, a regulation adopted under this chapter, a directive  
25 issued under AS 41.17.136, or a stop work order issued under AS 41.-  
26 17.138 is liable, after notice and hearing, for a civil fine in an  
27 amount not to exceed \$10,000 to be assessed by the commissioner. In  
28 determining the amount of civil fine, the commissioner shall consider

29 (1) the character and degree of injury to forest resources

1 and values;

2 (2) the degree of intent or negligence of the respondent in  
3 causing or permitting the violation;

4 (3) the character and number of past violations caused or  
5 permitted by the respondent; and

6 (4) if the information is available, the net economic  
7 savings realized by the respondent through the violation.

8 (b) An operator, forest landowner, or timber owner that, with  
9 criminal negligence, violates or permits a violation of this chapter,  
10 a regulation adopted under this chapter, a directive issued under  
11 AS 41.17.136, or a stop work order issued under AS 41.17.138 is guilty  
12 of a class A misdemeanor. In this subsection, "criminal negligence"  
13 has the meaning given in AS 11.31.909(a).

14 (c) Each day that a violation described in this section occurs  
15 is a separate violation.

16 (d) If a respondent violates a directive issued under AS 41.-  
17 17.136 or a stop work order issued under AS 41.17.138, the attorney  
18 general, at the request of the commissioner, may seek an injunction  
19 requiring the respondent to suspend all or part of the operations  
20 until the respondent complies with the directive or stop work order,  
21 and requiring the respondent to repair or correct damage resulting  
22 from the violation.

23 (e) If a respondent violates a directive issued under AS 41.-  
24 17.136 that requires the respondent to repair or correct damage, the  
25 commissioner may proceed to repair or correct the damage using state  
26 agency employees or contractors and the respondent is liable for the  
27 cost of the repair. The commissioner shall deliver to the respondent  
28 an itemized statement of expenses incurred.

29 \* Sec. 17. AS 41.17 is amended by adding a new section to read:

1           Sec. 41.17.136. DIRECTIVES. (a) Upon a determination that a  
2 planned or ongoing activity violates or would violate this chapter or  
3 a regulation adopted under it, the state forester shall notify the  
4 respondent in writing and direct the respondent to halt or avoid the  
5 violation or to repair or correct any damage resulting from the viola-  
6 tion. The written notification must include a summary of the basis  
7 for the directive.

8           (b) The respondent may either comply with the directive or  
9 request a hearing under AS 41.17.139 within 15 days of receipt of the  
10 notification. If a hearing is requested, the respondent may continue  
11 with the activity unless the state forester issues a stop work order  
12 under AS 41.17.138. If the directive is affirmed by the hearing  
13 officer, the respondent shall cease the activity unless a stay is  
14 issued under AS 41.17.143(c) or by the superior court.

15 \* Sec. 13. AS 41.17 is amended by adding a new section to read:

16           Sec. 41.17.138. STOP WORK ORDERS. (a) Upon a determination  
17 that a violation of this chapter or a regulation adopted under it is  
18 occurring or is likely to occur and that significant harm to public  
19 resources is likely to occur if work is not halted before a hearing  
20 can be held, the state forester may issue a stop work order requiring  
21 the respondent to stop the violation or otherwise halt the threatened  
22 harm. A stop work order must be in writing and must state the facts  
23 on which it is based.

24           (b) The state forester shall immediately refer the matter to a  
25 hearing officer for determination of the validity of the stop work  
26 order under AS 41.17.139. The hearing officer shall consider any  
27 arguments and evidence presented by the respondent within five work-  
28 days after receipt of the stop work order and shall then make an imme-  
29 diate decision sustaining or reversing the stop work order. The stop

1 work order is of no further effect if it is not sustained by the  
2 hearing officer within the five-workday period. A stop work order may  
3 be sustained only upon the same grounds on which it was originally  
4 issued.

5 \* Sec. 19. AS 41.17.139 is amended to read:

6 Sec. 41.17.139. HEARING PROCEDURES. (a) Unless otherwise  
7 specified, proceedings under AS 41.17.131 - 41.17.139 are not subject  
8 to the Administrative Procedure Act (AS 44.62). A hearing under  
9 AS 41.17.136 or 41.17.138 [AS 41.17.131 - 41.17.139] shall be held  
10 before the state forester, a regional forester, or another employee of  
11 the division with similar qualifications acting as a hearing officer.  
12 A hearing on an appeal under AS 41.17.087 and a hearing under AS 41.-  
13 17.082(b) shall be held before the commissioner or the commissioner's  
14 designee [, APPOINTED BY THE ATTORNEY GENERAL FROM AMONG MEMBERS OF  
15 THE ALASKA BAR ASSOCIATION WHO HAVE BEEN NOMINATED BY THE BOARD OF  
16 FORESTRY AND WHO ARE KNOWLEDGEABLE AND EXPERIENCED IN THE SUBJECT  
17 MATTER]. A person who has assisted in the preparation of the di-  
18 vision's [STATE'S] case [OR WHO IS A STATE EMPLOYEE] is ineligible.  
19 Hearings are not limited by common law, statutory, or judicial rules  
20 of evidence; however, the hearing officer may admit only that evidence  
21 that [WHICH] appears to be reliable and trustworthy. All hearings  
22 shall be open to the public. Written or oral testimony may be submit-  
23 ted. A party to a hearing may make written or oral argument, secure  
24 the issuance of a subpoena under AS 44.62.430, offer testimony or  
25 other evidence, and cross-examine witnesses. The hearing officer  
26 shall endeavor, in conducting any hearing, to ensure that the respon-  
27 dent understands the proceedings and that the facts supporting the  
28 position of each party have been adequately presented. [HEARINGS  
29 SHALL BE HELD AS CLOSE AS PRACTICABLE TO THE LOCATION OF THE ALLEGED

1 VIOLATION. TESTIMONY GIVEN AT THE HEARING SHALL BE RECORDED.]

2 (b) If the respondent notifies the commissioner within five days  
3 before the hearing provided for in (a) of this section, the following  
4 rules and procedures apply to the hearing:

5 (1) the hearing shall be a nonadversary proceeding, with  
6 the hearing officer fully and impartially representing the interests  
7 of the state and the respondent;

8 (2) the hearing officer shall thoroughly investigate the  
9 facts and circumstances relating to the alleged violation, including  
10 taking testimony from appropriate persons, collecting and examining  
11 documents and other evidence, and performing other actions consistent  
12 with due process of law; and

13 (3) the hearing officer shall issue a decision in accor-  
14 dance with the applicable procedures of (a) of this section.

15 \* Sec. 20. AS 41.17.139 is amended by adding a new subsection to read:

16 (c) The hearing officer shall select the location of the hear-  
17 ing, giving consideration to the convenience of the parties and wit-  
18 nesses. The hearing officer may permit witnesses to testify through  
19 teleconferencing.

20 \* Sec. 21. AS 41.17.143 is repealed and reenacted to read:

21 Sec. 41.17.143. APPEALS AND JUDICIAL REVIEW. (a) A decision by  
22 a hearing officer under AS 41.17.136 or 41.17.138 or by the commis-  
23 sioner under AS 41.17.052(b), 41.17.087, or 41.17.131(a) constitutes  
24 final agency action that may be appealed to the superior court within  
25 30 days after it is issued. Judicial review shall be as provided in  
26 AS 44.62.560 and 44.62.570.

27 (b) An operator, forest landowner, or timber owner may request  
28 the commissioner to reconsider the decision of a hearing officer  
29 within 30 days after it is issued. Reconsideration is not a precondi-

1 tion of judicial review under (a) of this section. If reconsideration  
2 is requested, the final agency action for purposes of judicial review  
3 is a decision by the commissioner to affirm, modify, or reverse the  
4 hearing officer or to deny the request for reconsideration.

5 (c) The commissioner may stay or modify a directive or order  
6 pending administrative or judicial review. A stay or modification may  
7 not be appealed separately from an appeal of the substantive decision.

8 (d) A person, except the aggrieved forest landowner, timber  
9 owner, or operator, may not maintain an administrative or judicial ap-  
10 peal, or other action or proceeding of any kind, challenging a deci-  
11 sion or failure to act by the department with respect to the compli-  
12 ance of a timber operation on private forest land with this chapter or  
13 a regulation, standard, directive, or order issued under this chapter.  
14 This subsection does not prohibit the maintenance of an action:

15 (1) for an alleged violation of a constitutional right; or

16 (2) against the department regarding a regulation, stan-  
17 dard, or systematic course of conduct that does not involve a chal-  
18 lenge to, or attempt to enjoin, stay, modify, or otherwise affect a  
19 timber operation on private forest land subject to this chapter.

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

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

28 (1) a preliminary forest inventory;

29 (2) a summary of the testimony offered at public hearings

1 held on the management of the proposed state forest in communities  
2 proximately located to a proposed state forest;

3 (3) the findings of the commissioner on anticipated incompatibilities of uses described in AS 38.05.112(c) [AS 41.17.230(e)]  
4 under AS 38.05.112(d) [AS 41.17.230(f)];

5  
6 (4) written comments from appropriate state agencies on the  
7 compatibility of the uses described in AS 38.05.112(c) [AS 41.17.-  
8 230(e)] within the proposed state forest;

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

11 \* Sec. 23. AS 41.17.400(c) is amended to read:

12 (c) In addition to the uses described in AS 38.05.112(c)  
13 [AS 41.17.230(e)], the commissioner may establish transportation  
14 corridors within the Tanana Valley State Forest.

15 \* Sec. 24. AS 41.17.900(b) is repealed and reenacted to read:

16 (b) For Federal Land,

17 (1) the degree of resource protection may not be less than  
18 that established by this chapter for state land except that AS 41.17.-  
19 119 establishes the minimum riparian standard;

20 (2) a timber harvest activity subject to this chapter shall  
21 satisfy the requirement to be consistent to the maximum extent practi-  
22 cable with the Alaska coastal zone management program if the federal  
23 land management plans, guidelines, and standards applicable to that  
24 timber harvest activity provide no less resource protection than the  
25 standards that are established in this chapter provide for state land  
26 except that

27 (A) AS 41.17.119 establishes the minimum riparian  
28 standards; and

29 (B) this paragraph does not apply to a timber harvest

1 activity that requires a state or federal authorization under a  
2 provision of law other than this chapter.

3 \* Sec. 25. AS 41.17.900 is amended by adding new subsections to read:

4 (e) Subject to 16 U.S.C. 1456(f) (Sec. 207(f) of the Coastal  
5 Zone Management Act of 1972, P.L. 92-533) as to private land, this  
6 chapter and the regulations adopted under this chapter establish the  
7 forest management standards, policies, and review processes under  
8 AS 46.40 (Alaska Coastal Management Act). This subsection does not  
9 apply to timber harvest activity that requires a state or federal  
10 authorization under a provision of law other than this chapter.

11 (f) This chapter does not diminish the rights, privileges, or  
12 immunities of Alaska Natives or Alaska Native corporations with re-  
13 spect to land conveyed under 43 U.S.C. 1601 - 1628 (Alaska Native  
14 Claims Settlement Act), and does not alter or diminish the authority  
15 of the Department of Fish and Game under AS 16, of the Department of  
16 Environmental Conservation under AS 46, or of a state agency under  
17 other law.

18 \* Sec. 26. AS 41.17 is amended by adding a new section to read:

19 Sec. 41.17.910. WILDLIFE HABITAT ON PRIVATE LAND. (a) The  
20 Department of Fish and Game and the commissioner shall work coopera-  
21 tively with private forest landowners and timber owners to protect,  
22 maintain, and enhance wildlife habitat to the maximum extent practica-  
23 ble, consistent with the interests of the owners in the use of their  
24 timber resources.

25 (b) The Department of Fish and Game shall provide educational  
26 and technical assistance and extension services to owners of private  
27 forest land or timber to assist in identifying important wildlife  
28 habitat and to assist in designing voluntary management techniques  
29 that minimize adverse effects on wildlife habitat.

1 (c) The Department of Fish and Game and the landowner shall  
2 cooperate in identifying areas of important wildlife habitat on  
3 private forest land and in developing methods for their protection.  
4 Methods of protection for wildlife habitat may include, with the  
5 agreement of the landowner, the purchase of fee title, purchase of  
6 conservation easements, and land exchanges.

7 (d) This section does not alter or diminish the authority and  
8 responsibility of the state over wildlife on private land.

9 \* Sec. 27. AS 41.17.950 is repealed and reenacted to read:

10 Sec. 41.17.950. DEFINITIONS. In this chapter, unless the con-  
11 text otherwise requires,

12 (1) "anadromous water body" means the portion of a fresh  
13 water body or estuarine area that

14 (A) is cataloged under AS 16.05.870 as important for  
15 anadromous fish; or

16 (B) is not cataloged under AS 16.05.870 as important  
17 for anadromous fish but has been determined by the Department of  
18 Fish and Game to contain or exhibit evidence of anadromous fish  
19 in which event the anadromous portion of the stream or waterway  
20 extends up to the first point of physical blockage;

21 (2) "board" means the Board of Forestry established in  
22 AS 41.17.041;

23 (3) "broadcast chemicals" includes pesticides, herbicides,  
24 fungicides, fertilizers, poisons, and any other substances

25 (A) used for silvicultural management or related  
26 purposes;

27 (B) not native to the ecosystem in which they are  
28 being applied; and

29 (C) having a foreseeable adverse impact on the welfare

1 of renewable resources, as determined by the commissioner of  
2 environmental conservation;

3 (4) "division" means the division of forestry;

4 (5) "forest land" means land stocked or having been stocked  
5 with forest trees of any size and not currently developed for nonfor-  
6 est use, regardless of whether presently available or accessible for  
7 commercial purposes, and includes any such land under state, municipi-  
8 pal, or private ownership;

9 (6) "forest landowner" means a person who owns forest land,  
10 but does not include the owner of mineral or subsurface rights only;

11 (7) "high value resident fish" means resident fish popu-  
12 lations that are used for recreational, personal use, commercial, or  
13 subsistence purposes;

14 (8) "multiple use" means

15 (A) the management of all the various resources of  
16 forest land so that they are used in the combination that will  
17 best meet the needs of the citizens of the state, making the most  
18 judicious use of the land for some or all of these resources or  
19 related values, benefits, and services over areas large enough to  
20 provide sufficient latitude for periodic adjustments in use to  
21 conform to changing needs and conditions;

22 (B) that some land will be used for less than all of  
23 the resources; and

24 (C) harmonious and coordinated management of the  
25 various resources, each with the other, without significant  
26 impairment of the productivity of the land and water, with con-  
27 sideration being given to the relative values of the various  
28 resources, and not necessarily the combination of uses that will  
29 give the greatest dollar return or the greatest unit output;

1 (9) "operations" means timber harvesting or activities  
2 associated with timber harvesting or forest development unless  
3 exempted under AS 41.17.900(a) - (c);

4 (10) "operator" means a person who is engaged in timber  
5 harvesting or activities associated with timber harvesting or forest  
6 development, or who contracts with others to conduct operations for  
7 that person, except a person who is engaged in an operation as an  
8 employee with wages or piecework as the sole compensation;

9 (11) "other public land" means state land managed by state  
10 agencies other than the department, land owned by a municipality, and  
11 land owned by the University of Alaska;

12 (12) "person" has the meaning given in AS 01.10.060 and also  
13 includes a joint venture;

14 (13) "riparian area" means

15 (A) the areas specified in AS 41.17.116(a) on private  
16 land in the coastal forest of spruce or hemlock;

17 (B) the areas specified in regulations adopted by the  
18 commissioner under AS 41.17.116(b) on private land outside the  
19 coastal forest of spruce or hemlock;

20 (C) the area 100 feet from the shore or bank or an  
21 anadromous or high value resident fish water body on state land  
22 managed by the department and on other public land;

23 (14) "significant impairment of the productivity of the land  
24 and water" means an activity that may foreseeably result in prolonged  
25 or substantial damage to renewable resources or prolonged or substan-  
26 tial reduction of the continuing capability of the land or water to  
27 produce renewable resources at their natural or historic levels;

28 (15) "silviculture" means the art of producing and tending a  
29 forest, the application of the knowledge of silvics in the treatment

1 of a forest, and the theory and practice of controlling and managing  
2 forest establishment, composition, and growth;

3 (16) "state forest" means an area designated by the legis-  
4 lature and retained in state ownership in order to

5 (A) provide a base for sustained yield management of  
6 renewable resources; and

7 (B) permit a variety of beneficial uses;

8 (17) "sustained yield" means the achievement and maintenance  
9 in perpetuity of a high level annual or regular periodic output of the  
10 various renewable resources of forest land and water without signifi-  
11 cant impairment of the productivity of the land and water, but does  
12 not require that timber be harvested in a non-declining yield basis  
13 over a rotation period;

14 (18) "timber owner" means a person who owns timber on forest  
15 land or who has the rights to timber, but does not own the land it-  
16 self;

17 (19) "Type A water body" means an anadromous water body that  
18 is

19 (A) a stream or river of any size having an average  
20 gradient of eight percent or less, with banks held in place by  
21 vegetation, channels that are not incised, and a substrate com-  
22 posed of rubble, gravel, sand or silt;

23 (B) wetlands and lakes, including their outlets; and

24 (C) an estuarine area delimited by the presence of  
25 salt-tolerant vegetation;

26 (20) "Type B water body" means an anadromous water body that  
27 is a fish stream or river of any size having an average gradient of  
28 eight percent or less, a channel that is incised and contained by the  
29 geomorphology and not by vegetation, and a substrate that ranges from

1 rubble to bedrock; and

2 (21) "Type C water body" means a stream that is tributary to  
3 anadromous waters and that is incised greater than 28 degrees, has an  
4 average gradient of greater than eight percent, is narrower than 20  
5 feet between ordinary high water marks, has a substrate of rubble and  
6 bedrock, and is a mountain slope stream at the upper end of the water-  
7 shed.

8 \* Sec. 28. LEGISLATIVE REVIEW. The legislature acknowledges and recog-  
9 nizes that this Act is adopted on an interim basis because it involves a  
10 significant increase in agency responsibility, is based on many untested  
11 assumptions, and depends for its efficacy on many factors beyond the con-  
12 trol of the state. Therefore, it is the intent of the legislature that the  
13 operation of this Act and regulations adopted under this Act be fully  
14 reviewed and the Act amended as necessary after the second full field  
15 season ends in 1992. This period is intended to allow for further research  
16 and to gain experience implementing the Act and its regulations. It is the  
17 intent of the legislature that a representative group be convened for the  
18 review or that it be conducted by the Board of Forestry. It is the intent  
19 of the legislature that the review occur with full public input and parti-  
20 cipation. No later than January 1, 1993, the Board of Forestry, the De-  
21 partment of Natural Resources, the Department of Environmental Conserva-  
22 tion, and the Department of Fish and Game shall submit, along with the  
23 reports required by AS 41.17.047(d), any proposed amendments to this chap-  
24 ter. The legislature may hold hearings to consider these or other amend-  
25 ments and may take whatever action is required to accomplish the intent and  
26 purposes of this Act.

27 \* Sec. 29. INITIAL TERMS OF MEMBERS OF BOARD OF FORESTRY. The initial  
28 terms of the members of the Board of Forestry appointed under AS 41.17.041,  
29 as enacted by sec. 3 of this Act, are for two members, one year; for three

1 members, two years; and for three members, three years.

2 \* Sec. 30. INTERIM RIPARIAN PROTECTION FOR THE COASTAL FOREST. A  
3 notification for timber harvest activities within the coastal forest of  
4 spruce or hemlock filed under AS 41.17.090 before the effective date of  
5 this section shall be reviewed by the commissioner of natural resources to  
6 determine if the proposed operations provide protection that is substan-  
7 tially equivalent to the fish habitat protection that is provided by  
8 AS 41.17.116, as enacted by sec. 14 of this Act. If the commissioner  
9 determines that protection that is substantially equivalent to that provid-  
10 ed by AS 41.17.116 has been offered or if the forest landowner, timber  
11 owner, or operator complies with an alternate protection plan proposed by  
12 the commissioner, operations covered by the notification are not subject to  
13 AS 41.17.116. If the commissioner determines that the notification does  
14 not provide protection that is substantially equivalent to that provided by  
15 AS 41.17.116, the operator must either resubmit the notification in confor-  
16 mance with this standard or comply with AS 41.17.116. The failure by the  
17 commissioner to make a determination on a notification within 30 days from  
18 the effective date of this section constitutes a determination that the  
19 notification provides protection that is substantially equivalent to the  
20 fish habitat protection that is provided by AS 41.17.116.

21 \* Sec. 31. INTERIM RIPARIAN PROTECTION OUTSIDE THE COASTAL FOREST.  
22 Until regulations are adopted by the commissioner of natural resources  
23 under AS 41.17.116(b), as enacted by sec. 14 of this Act, timber harvest  
24 operations on forest land within 100 feet from the shore or bank of an  
25 anadromous or high value resident fish water body must be sited and de-  
26 signed primarily to protect fish habitat and water quality.

27 \* Sec. 32. AS 41.17.118, as enacted by sec. 14 of this Act, does not  
28 alter the terms of an existing contract or the outcome of litigation pend-  
29 ing on the effective date of this Act. An amendment to or renewal of an

1 existing state timber contract must be consistent with AS 38.05 and  
2 AS 41.17.

3 \* Sec. 33. AS 41.17.133, 41.17.135, 41.17.137, and 41.17.141 are re-  
4 pealed.

5 \* Sec. 34. AS 41.17.230(e) and 41.17.230(f) are repealed.

6 \* Sec. 35. AS 41.17.010(5), as amended in sec. 2 of this Act, takes  
7 effect immediately under AS 01.10.070(c).

8 \* Sec. 36. Sections 1, 3 - 4, 6 - 8, 10 - 11, 13 - 14, 22 - 23, 27,  
9 29 - 32, and 34 of this Act take effect immediately under AS 01.10.070(c).

10 \* Sec. 37. Except as provided in secs. 35 and 36 of this Act, this Act  
11 takes effect October 1, 1990.

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317

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

May 3, 1989

The Honorable Tim Kelly  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to forest resources and practices and to the management of forest land. This bill would make substantial changes in the Alaska Forest Practices Act to meet the needs of a growing and viable timber industry in Alaska while ensuring the protection of public forest resources, including fish habitat and water quality.

Last year, I directed the state resource agencies to conduct a public review of the Forest Practices Act and to make recommendations for improvement in the Act, its regulations, and implementation. In order to facilitate an objective and balanced review, a steering committee was formed including representatives of timber land owners and operators, state agencies, and users of public resources that are affected by forest practices. Because I felt that it would be possible to review the state's forest practices program and meet both the needs of the state's growing timber industry while achieving appropriate protection for public forest resources, the committee attempted to operate by unanimous consent. This approach ensured that the committee's decisions respected all interests.

The bill provides for a streamside management program that strikes a fair balance between the needs of the timber industry and those of fish habitat and water quality protection. It provides for significant timber harvest while providing appropriate protection for public resources. Riparian standards for timber harvest differ depending upon land ownership, stream type, and region. For example, on private land in southeast Alaska, streamside areas of up to 30 meters will be managed for the protection of water quality and fish habitat, although timber operators will not be required to leave more than five percent of their timber volume for this purpose. In this way, strong resource protection exists without requiring any one private

owner to shoulder an undue portion of the resource protection costs.

The bill provides an improved process for efficient and detailed review of timber harvest plans. This efficient review allows the timber industry to quickly respond to changing timber markets, but ensures that harvest operations conform to forest practice standards and regulations. To coordinate overlapping agency jurisdiction, the provisions of the bill and the regulations will serve, with the approval of the commissioner of environmental conservation, as the forest practice standards for the Department of Environmental Conservation's program to control nonpoint source pollution. Except for activities subject to AS 16.05.840 or AS 16.05.870, the regulations will also serve as the upland fish habitat protection for timber harvest activities.

A system of coordination between state agencies with enforcement authority over timber operations is established to ensure consistent and non-duplicative action. The Department of Natural Resources would have additional enforcement authority, including the authority to issue stop-work orders, to impose civil and criminal penalties, and to issue remedial orders to correct damage resulting from the violation of forest practices standards. The administrative enforcement process is simplified by providing for hearings to be conducted by an employee of the Department of Natural Resources with appeals to the commissioner.

An additional planning process would be required under the bill before state timber sales. The additional planning will improve public review and will require the state to plan timber harvests that fully integrate resource protection into the sale design. The department would also be required to annually prepare a five-year schedule of proposed timber sales for state land. Except for small sales and emergencies such as salvage, a proposed sale would have to appear on the two five-year schedules preceding the sale. The five-year schedule will inform the public and the timber industry of the state's long-term plans.

Finally, the Board of Forestry would be restructured to a smaller, more balanced membership. This balanced board would provide a forum for representatives of affected interests to discuss and resolve forestry issues before they become divisive. The board has the authority to provide advice concerning research and implementation of the Forest Practices Act and regulations. The board would include a member or representative of a fishing orga-

nization, a Native corporation, an environmental organization, and a forest industry trade association as well as a professional fish or wildlife biologist and a professional forester.

Drafts of this bill have been discussed extensively by the members of the Forest Practices Act Steering Committee and with other representatives of the timber industry, environmental groups, and fishing organizations. The bill is the product of discussion and compromise to meet the major concerns of all those affected by its provisions.

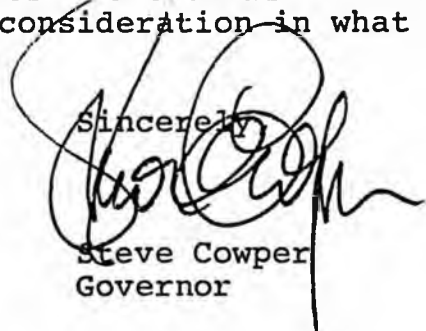
The bill I am transmitting achieves near consensus; it has the support of all but one of the steering committee members. It is supported by representatives of Native corporations, boroughs, fishing groups, and environmental groups but not by the Alaska Loggers Association (ALA).

The ALA objects to a provision of the bill that the association believes would affect harvest on federal land through the Alaska Coastal Management Program. AS 41.17.900(b), in the current law, requires federal harvest to be consistent with the Alaska Forest Practices Act. The bill proposes to amend the law to ensure that the general level of resource protection must be consistent, but that the federal harvest need not follow the specific provisions of that Act. The ALA still fears that this amendment might disrupt an orderly federal planning process that provides sufficient protection.

I realize that it is late in the session for introducing a bill, however, the committee's long and difficult work was not completed until early this week. I felt that it was important to allow the committee to conclude its work and was therefore unable to introduce this bill earlier in the session.

Because of the importance of the bill, and the extraordinary and fragile achievement of reaching near-total consensus on these controversial issues, I urge your prompt and favorable consideration in what little time remains in the session.

Sincerely,



Steve Cowper  
Governor

**STATE OF ALASKA**  
**1990 LEGISLATIVE SESSION**

BILL VERSION: CS SB 317 (Res) (a)

PUBLISH DATE: 3/22/90

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: DEC  
 Title: Forest Resources and Practices BRU: Environmental Quality  
 Act \_\_\_\_\_  
 Sponsor: Rules Committee Components: Environmental Quality  
 Requestor: Senate Resources Committee

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	173.5	173.5	173.5	173.5	173.5	173.5
TRAVEL	22.0	22.0	22.0	22.0	22.0	22.0
CONTRACTUAL	38.0	38.0	38.0	38.0	38.0	38.0
SUPPLIES	3.5	3.5	3.5	3.5	3.5	3.5
EQUIPMENT	15.1	15.1	15.1	15.1	15.1	15.1
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
<b>TOTAL OPERATING</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	252.1	252.1	252.1	252.1	252.1	252.1
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>

**POSITIONS:**

FULL-TIME	3.5	3.5	3.5	3.5	3.5	3.5
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

**ANALYSIS:** (Attach a separate page if necessary)

ANALYSIS ATTACHED

Prepared by: Dave Sturdevant  
 Division: Environmental Quality

Phone: 465-2653  
 Date: \_\_\_\_\_

Approved by Commissioner: *ADK*  
 Agency: Environmental Conservation

Date: 16 Mar 90

Distribution (by preparer) :  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

The Department is responsible for water quality under State law and the federal Clean Water Act. The revised Forest Resources and Practices Act establishes the Department of Environmental Conservation as the lead agency for water quality and control of nonpoint source pollution in forest practices. The Forest Resources and Practices Act will establish the nonpoint source pollution control requirements under both State law and the Clean Water Act within the forest practices regulations. Major areas of involvement for the Department include:

- participation in development of Forest Practices regulations and best management practices, and approval of the regulations;
- development of a cooperative agreement among the Departments of Natural Resources, Fish and Game, and Environmental Conservation covering regulations, best management practices, permits, inspections, enforcement and training;
- development of an interagency "uniform enforcement policy;"
- review of forest plans and timber harvest contracts on State lands, and review of all plans of operation for timber harvest on private lands;
- inspection of timber harvest operations, provision of technical assistance, and enforcement activities; and
- development of cooperative efforts in water quality monitoring.

The Department presently has one FTE in Forest Practices for all of southeast Alaska, and .5 FTE for all of southcentral Alaska, both newly established in FY 90. To reasonably carry out its responsibilities under the act, the Department will require a minimum of 3.5 additional FTEs. Of these positions, .5 FTE would be added to the existing .5 FTE in southcentral Alaska. Two new positions would be established as field officers in southeast Alaska in addition to the one existing position. These three positions would be located in Ketchikan, Sitka and Juneau. One additional position would be established as the Forest Practices coordinator in the central office, Juneau. Additional contractual money (\$10.0) will be necessary with the Juneau position for support of field monitoring for water quality compliance.

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Ecologist II	52.1	4.0	18.0	1.0	4.3	79.4
Env. Field Officer II	47.7	7.0	8.0	1.0	4.3	68.0
Env. Field Officer II	47.7	7.0	8.0	1.0	4.3	68.0
Ecologist II	26.0	4.0	4.0	0.5	2.2	36.7
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<b>TOTALS</b>	<b>173.5</b>	<b>22.0</b>	<b>38.0</b>	<b>3.5</b>	<b>15.1</b>	<b>252.1</b>

Position Title <b>Ecologist II</b>			No. of Positions <b>1</b>	Range/Step <b>18B</b>	Barg. Unit <b>GGU</b>
Time Status <b>Permanent FT</b>	Staff Months <b>12</b>		Location <b>Juneau</b>		Election District
Type of Expenditure			Justification		
1	2	3	<p><b>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring with them increased potential for water quality impacts. The department has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in water quality protection under the Forest Practices program, including approval of the corresponding new Forest Practices regulations. This position is the central coordinator and interagency liaison for the Department's activities: revised regulations; Best Management Practices; water quality monitoring activities; application of water quality standards; uniform enforcement policy; technical training programs; cooperative agreements; and procedural matters. The position will participate in ongoing harvest activities, reviewing private plans of operation and State forest plans. The position also will serve as liaison with the U.S. Forest Service and other federal agencies, participating in similar activities to those described.</b></p>		
Salary	\$38,712				
Benefits	13,342				
Premium Pay					
Other					
Total Personal Services		\$52,054			
Travel		4,000			
Contractual		18,000			
Commodities		1,000			
Equipment		4,300			
Other					
Total Cost		\$79,354			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$79,354			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component EQ Projects

Page 1 of 1  
 Revised Date 2/6/90

**FY 91**

Position Title <b>Environmental Field Officer II</b>		No. of Positions <b>1</b>	Range/Step <b>16B</b>	Barg. Unit <b>GGU</b>
Time Status <b>Permanent FT</b>	Staff Months <b>12</b>	Location <b>Ketchikan</b>		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	<b>\$35,076</b>	<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This position will be based in the Ketchikan District Office and will serve that area in Forest Practices matters. This field position, plus a similar new field position in Sitka will increase the field staff in the Southeast Region to 3.0 FTEs. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>		
Benefits	<b>12,627</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>	<b>\$47,703</b>			
Travel	<b>7,000</b>			
Contractual	<b>8,000</b>			
Commodities	<b>1,000</b>			
Equipment	<b>4,300</b>			
Other				
<b>Total Cost</b>	<b>\$68,003</b>			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>\$68,003</b>		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component EQ Projects

Page 1 of 1  
 Revised Date 2/8/90

**FY 91**

Position Title <b>Environmental Field Officer II</b>			No. of Positions <b>1</b>	Range/Step <b>16B</b>	Barg. Unit <b>GGU</b>
Time Status <b>Permanent FT</b>	Staff Months <b>12</b>		Location <b>Sitka</b>		Election District
Type of Expenditure			Justification		
Amount			<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently has limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This position will be based in the Sitka District Office and will serve that area in Forest Practices matters. This field position, plus a similar new field position in Ketchikan, will increase the field staff in the Southeast Region to 3.0 FTEs. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>		
1	2	3			
Salary	<b>\$35,076</b>				
Benefits	<b>12,627</b>				
Premium Pay					
Other					
Total Personal Services		<b>\$47,703</b>			
Travel		<b>7,000</b>			
Contractual		<b>8,000</b>			
Commodities		<b>1,000</b>			
Equipment		<b>4,300</b>			
Other					
Total Cost		<b>\$68,003</b>			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	<b>\$68,003</b>			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component EQ Projects

Page 1 of 1  
 Revised Date 2/8/89

**FY 91**

Position Title <b>Ecologist II</b>		No. of Positions <b>1</b>	Range/Step <b>18B</b>	Barg. Unit <b>GGU</b>
Time Status <b>Permanent PT</b>	Staff Months <b>6</b>	Location <b>Anchorage</b>		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	<b>\$19,356</b>	<p>Timber harvest, roading and log transfer activities have increased dramatically in recent years on private lands, and are continuing on State and federal lands. Increased timber harvest activities bring increased potential for water quality impacts. The Department currently <del>has</del> limited capacity to review timber harvest plans, to inspect field operations, to provide technical assistance, or to monitor water quality to ensure water quality standards are met. With passage of the revised Forest Resources and Practices Act, the Department will have an increased role in monitoring and enforcement of Forest Practices. This field position, 0.5 FTE, will increase the existing 0.5 FTE in the Anchorage office to 1.0 FTE. This position will serve the entire southcentral region in Forest Practices matters. The position will review and comment on plans of operation, State forest plans, and federal EISs and harvest plans; review permit applications for log transfer facilities and logging camp facilities; conduct field inspections and enforcement; and conduct water quality monitoring activities.</p>		
Benefits	<b>6,671</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>	<b>\$26,027</b>			
Travel	<b>4,000</b>			
Contractual	<b>4,000</b>			
Commodities	<b>500</b>			
Equipment	<b>2,200</b>			
Other				
<b>Total Cost</b>	<b>\$36,727</b>			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>\$36,727</b>		
GI <sup>2</sup> Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component EQ Projects

Page 1 of 1  
 Revised Date 2/8/90

**FY 91**

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Department of Fish and Game  
 Title: Forest Resources and Practices Act BRU: Habitat  
 Sponsor: Rules Components: Habitat  
 Requestor: Governor

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	297.0	297.0	297.0	297.0	297.0	
TRAVEL	31.5	31.5	31.5	31.5	31.5	
CONTRACTUAL	44.9	44.9	44.9	44.9	44.9	
SUPPLIES	2.0	2.0	2.0	2.0	2.0	
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	

CAPITAL	0	0	0	0	0	
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REVENUE	0	0	0	0	0	
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	375.4	375.4	375.4	375.4	375.4	
FEDERAL FUNDS	0	0	0	0	0	
OTHER	0	0	0	0	0	
<b>TOTAL</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	

**POSITIONS:**

FULL-TIME	6.0	6.0	6.0	6.0	6.0	
PART-TIME	0	0	0	0	0	
TEMPORARY	0	0	0	0	0	

**ANALYSIS : (Attach a separate page if necessary)**

" see attached

Prepared by: Frank Rue, Director Phone: 465-4105  
 Division: Habitat Date: \_\_\_\_\_

Approved by Commissioner: [Signature] Date: 3/19/90  
 Agency: Department of Fish and Game

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

354

Continuation for CSSB 317 Fiscal Note

The fiscal impact of the Committee Substitute during the last 3 months of 1990 is one quarter of the cost for FY 91

Line 100	74.3
Line 200	7.9
Line 300	11.2
Line 400	0.5
Total Operating	<u>93.9</u>

The line item requirements for the committee substitute are the same as those identified in February 1989 (see attached memorandum) in anticipation of Forest Resources and Practices Act amendments.

The division currently has the equivalent of approximately four full-time positions working on forest practices and forest plans in southeast and southcentral Alaska. This level of staffing is woefully inadequate to deal effectively with the intensive and widespread timber activities on private, state, and federal lands.

The three additional positions for Southeastern and three additional positions for Southcentral requested here will allow the division to do a reasonable job of implementing the new act. Experience clearly shows that the act will only be successfully implemented if we have enough people to work with timber owners as they develop and implement their operations.

# MEMORANDUM

# State of Alaska

DEPARTMENT OF FISH AND GAME

TO: Bob Loeffler  
Resource Allocation  
Section  
Division of Land and  
Water Management  
Department of Natural  
Resources

DATE: February 22, 1989

FILE NO.:

TELEPHONE NO.: 465-4105

SUBJECT: Forest Practices  
Funding

FROM: *Frank Rue*  
Frank Rue  
Director  
Habitat Division  
Department of Fish and Game

At last week's Forest Practices Steering Committee meeting, we understood Jim Waldo to request that agencies estimate their additional funding needs for minimum effective implementation of a revised Forest Resources and Practices Act (FPA).

The following estimates are based on the assumptions that 1) an amended FPA or associated regulations will provide performance standards for activities in riparian management zones, 2) we will need to maintain a significantly greater field presence than we are now in order to effectively implement the standards, 3) we will need to spend significantly more time participating in your department's preparation of forest management plans for state lands, and 4) the level of timber harvest north of the Alaska Range does not increase in the immediate future.

### Additional Funding Requirement

#### Sitka Office:

Habitat Biologist II (12 months)	48.4
Line 200	4.5
Line 300	4.3
Line 400	0.5

#### Petersburg Office:

Habitat Biologist II (12 months)	48.4
Line 200	4.0
Line 300	4.3
Line 400	0.5

#### Ketchikan Office:

Habitat Biologist II (12 months)	48.4
Line 200	4.5
Line 300	4.3
Line 400	0.5

#### Douglas Regional Office:

Line 200	2.5
Line 300	2.0
Line 400	0.5

Subtotal 177.6

February 22, 1989

<u>Anchorage Regional Office:</u>	
Habitat Biologist III (12 months)	55.0
Habitat Biologist II (24 months)	96.8
Line 200 (travel to Afognak, Cordova, Valdez, McGrath, Kodiak, Denai, and Mat-Su Valley)	16.0
Line 300 (Contractual for vessel and aircraft charters to reach logging areas for stream surveys and enforcement work)	30.0
Subtotal	<u>197.8</u>
TOTAL	<u>375.4</u>

Once again, these estimates reflect additional funding required for minimum effective implementation of an FPA. We assume that you will distribute this memorandum to steering committee members. If there are questions, please call either me or Bruce Baker (465-4105).

cc: Norman Cohen

**FISCAL NOTE**

**REQUEST:**

Revision Date: 5/16/90  
Title: Forest Practices Act Revision  
Sponsor: \_\_\_\_\_  
Requestor: Governor

Agency Affected: Natural Resources  
BRU: Forest Management  
Components: Forest Management

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	285.9	294.5	344.5	354.8	365.4	376.3
TRAVEL	45.0	45.0	53.7	57.7	57.7	59.0
CONTRACTUAL	32.0	32.0	47.1	47.1	47.1	49.0
SUPPLIES	21.1	21.1	22.3	22.3	22.3	24.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>437.7</b>	<b>392.6</b>	<b>467.6</b>	<b>481.9</b>	<b>492.5</b>	<b>508.3</b>

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	437.7	392.6	467.6	481.9	492.5	508.3
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME	6	6	7	7	7	7
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

See attached

Prepared by: George K. Hollett Phone: 762-2503  
Division: Forestry Date: 5/16/90

Approved by Commissioner: [Signature] Date: 3/16/90  
Agency: \_\_\_\_\_

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## Senate Bill 317

Assumptions: The following list of assumptions have a direct effect on the required funding the first five years after passage of the bill:

1. Much public involvement will be needed in the development of regulations. Travel to areas around the state and public meetings will be necessary.
2. Increased field inspections will be necessary to see that standards are being met and riparian areas are left.
3. Training of state personnel in insect and disease activities will take place.
4. Notifications will continue to increase for the next two years while the markets are high.
5. Appeals of stop-work orders and directives will take place during the first few years as all parties learn the new requirements calling for more enforcement work.
6. Board of Forestry will become more active in their operations by having more meetings and requiring more time and effort by staff.
7. Higher demand by the public for review of notifications.
8. Higher coordination of inspections, review and enforcement activities will be required of state agencies.

DEPARTMENT OF NATURAL RESOURCES  
FOREST PRACTICES

Program Summary:

Due to low markets in 1986, the number of notifications received for operations on private lands declined and the division reduced the budget accordingly. Increased timber markets in 1988 has increase notifications by 173%. With no new funding available, the forest practice personnel staff months could not be increased to a level necessary to handle inspection requirements. In FY 1988 a 13% increase in inspections over FY 1987 was accomplished with the present division staff. However, in FY 1989 field inspection accomplishment decreased by 11% below FY 1988 because other duties and increased notifications demanded more office time.

The lack of travel dollars has seriously limited field inspection opportunities. A high level of inspection activity is important to not only ensure compliance with the Forest Practice Act, but to also allow identification of potential problems early enough to prevent violations. Due to the lack of adequate inspections, the character of forest practices administration has been forced away from land owner assistance and targeted toward enforcement.

Total funding needs of \$437,700 is detailed as follows:

Southeast Region - \$123,000

Add one full time Clerk Typist III at Ketchikan. This support staff will free up time now spent in the office by the Forest Practices Foresters doing administrative work and should allow for 30% more field time for necessary inspections. This will also allow the Ketchikan office to be open full time for five days per week.

Add one Natural Resource Manager I to be the Southeast Region Forest Practice Coordinator. This position will also be support forest practice work region-wide on an as needed basis and serve as the liaison between the field staff and other agency personnel.

Added travel funding will meet the necessary inspection schedule for the increased notifications.

Southcentral Region - \$149,600

Add one Forester II to the Kenai-Kodiak Area to work on the additional forest practice work that is occurring on the Kenai Peninsula. Notifications have increased from 4 in 1987 to 10 in 1989 with acres increasing from 3,287 to 41,935 during the period. Presently the only position available for the forest practice work is also responsible for all the timber sales on state land in the area. Because of this dual role neither area of responsibility has been accomplished. The new saw mill at Seward, heavy spruce bark beetle kill and large native ownerships on the Kenai Peninsula all point to increasing forest practice work for the next five years. We estimate notification acres will increase by some 38,000 acres in the next five years

Add one Natural Resource Manager I to regional staff. The senior Forest Practices Forester will handle notifications and inspections on the remainder of the Gulf of Alaska, Valdez-Copper River, Anchorage Mat-Su and Southwest areas. Duties will also include being the coordinator between regional field personnel and other agency employees working in forest practices. The regions forest practice work has increased form 9 notifications in 1987 to 20 in 1989 and acres have increased from 6,287 to 50,286 during the same period. We estimate that at least seven (7) new operations with some 91,000 acres will begin operations in the next five years.

Additional travel and contractual funds are also required to provide the support needed to do the field inspections.

Central Office - \$165,100

Add one Forest Engineer and one Natural Resource Manager II to the staff. The engineer is badly needed to provide expertise in soil stability, logging systems and transportation evaluations. This position would also serve as an expert witness on technical matters. Further responsibilities include research proposal evaluation, support for divisional timber sales, and audit function for Forest Practice compliance on state timber sales.

The Natural Resource Manager II position would serve as a Section Chief to assure consistent direction in state-wide forest practices inspection and enforcement is achieved. This position would also handle data-base management including reforestation verification, forest practices statistics and public notice provisions as well as be available for temporary assignment around the state to assist in field evaluations during peak periods.

## FOREST PRACTICES

This position will also act as the Board of Forestry-Division of Forestry Coordinator. Meeting preparation, and gathering of research information are some of the duties that will be performed.

Development of training materials and classes for bringing operators and other agency personnel up to speed on the requirements of the FPA.

Additional travel and contractual funds are required to provide the support needed.

### Northern Region

Current markets and market projections indicate a continued increase of interest in both white spruce and hardwoods in the Interior of Alaska. With Native Corporate ownerships well along on completing inventories of timber resource developments will be forthcoming in the next few years. At least one Regional corporation is involved in negotiations for development as well as contracting for feasibility studies. Two village Corporations have active sales under contract.

The increasing thoughts of development of resources along with the increase in spruce bark beetle activity indicate that the Northern Region will become involved in forest practices in the next few years. One Forester II position would need to be added within three years to be in place to handle this increase. Total increased cost in year three would be \$95,000.

P.S.T.  
 DIRECTOR'S OFFICE  
 FRI 12:47 PM 1990

Position Title <b>Natural Resource Manager II</b>		No. of Positions <b>1</b>	Range/Step <b>20/A</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7</b>	
Type of Expenditure		Justification			
Amount		<p>An additional full time Natural Resource Manager II position would serve as a Section Chief to assure consistent direction in state-wide Forest Practices inspections and enforcement is achieved. The position would also handle data base management including reforestation verification, forest practices statistics and public notice provisions as well as be available for temporary assignment around the state to assist in field inspections during peak periods.</p> <p>This position will also serve as staff to the Board of Forestry. Meeting preparation, taking of minutes and research information gathering are some of the duties that will be performed.</p> <p>Coordination of training opportunities and materials will assure that the same subjects are handled in a similar manner. Working with the Insect and Disease Forester and the U.S. Forest Service training classes both in the office and field will be developed to bring the divisions field staff to a knowledgeable level to handle that portion of the Forest Practice Act.</p>			
1	2				3
Salary* 3590 x 12	43,080				//////////
Benefits* 1217 x 12	14,604				//////////
Premium Pay (Included in Above)	//////////				//////////
Other	//////////				//////////
Total Personal Services	//////////				57.7
Travel					10.0
Contractual					6.5
Commodities					4.1
Equipment		9.4			
Other					
Total Cost		87.7			
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Hatch	1003				
General Fund	1004		87.7		
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

REQUEST FOR  
 NEW POSITION

AGENCY Natural Resources  
 BRU Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
 Revised Date

FY 91

Position Title <b>Natural Resource Manager I</b>		No. of Positions <b>1</b>	Range/Step <b>18/A</b>	Barg. Unit <b>GG</b>
Time Status <b>PTF</b>	Staff Months <b>12</b>	Location <b>Juneau</b>		Election District <b>4</b>
Justification				
<p>The new Forest Practice Act calls for more and better coordination between the State agencies. Field activities are handled by each agency's local personnel but region-wide coordination must take place at a higher level. The addition of one full time Natural Resource Manager I to the division's southeast region office will provide the needed forest practice coordinator. This position will also be able to fill in on forest practice work within the region on an as-needed basis, develop agency and operator training opportunities, meet with the Board of Forestry and act as a hearing officer. This position will be responsible for working on development of the new regulations and handling all of the public process of review within the Southeast Region.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary* 3113 x 12	37,356	////////////////////		
Benefits* 1099 x 12	13,188	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	50.5		
Travel		5.0		
Contractual		7.5		
Commodities		2.0		
Equipment		10.3		
Other				
Total Cost		75.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRU Forest Management  
 COMPONENT Forest Management

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 Revised Date

FY 91

6511  
 DIRECTOR'S OFFICE  
 200 EAST 4TH AVENUE  
 DENVER, CO 80202

<b>Position Title</b> Natural Resource Manager I		<b>No. of Positions</b> 1	<b>Range/Step</b> 18/A	<b>Barg. Unit</b> GG
<b>Time Status</b> PFS	<b>Staff Months</b> 12	<b>Location</b> Anchorage		<b>Election District</b> 7
<b>Type of Expenditure</b>		<b>Justification</b>		
<b>1</b>	<b>2</b>	<b>Amount</b>		
		<b>3</b>		
Salary* 3113 x 12	37,356	////////////////////		
Benefits* 1099 x 12	13,188	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
<b>Total Personal Services</b>	////////////////////	50.5		
Travel		10.0		
Contractual		5.5		
Commodities		2.0		
Equipment		9.4		
Other				
<b>Total Cost</b>		77.4		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1032			
G.F. Match	1033			
General Fund	1034	77.4		
Program Receipts/GF	1035			
I-A Receipts	1007			
CFR Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				
<p>The new Forest Practice Act calls for more and better coordination between the State agencies. Field activities are handled by each agency's local personnel but region-wide coordination must take place at a higher level. The addition of one full time Natural Resource Manager I to the divisions southcentral region office will provide the needed forest practice coordinator. This position will also handle notifications and inspections in the Valdez-Copper River, Mat-Su and Southwest areas. The position will develop training opportunities for agency and operator personnel, meet with the Board of Forestry and act as a hearing officer.</p> <p>This position will be responsible for working on development of the new regulations and handling all of the public process of review within the Southcentral Region.</p>				

REQUEST FOR  
 NEW POSITIONS

AGENCY                    Natural Resources  
 DRU                         Forest Management  
 COMPONENT              Forest Management

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 Revised Date

FY 91

Position Title <b>Forester II</b>		Us. of Positions 1	Range/Step 16/A	Barg. Unit GG
Time Status REG	Staff Months 12	Location Soldotna		Election District 5
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary* 2895 x 12	34,740	////////////////////		
Benefits* 1049 x 12	12,588	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	47.3		
Travel		10.0		
Contractual		3.5		
Commodities		2.0		
Equipment		9.4		
Other				
Total Cost		72.2		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	72.2		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIF Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

The Kenai Peninsula has seen a large increase in Native Land timber operations which have resulted in forest practice notifications. The opening of the Chugach Native Cooperation sawmill at Seward in 1990 will provide the needed log outlet that has been missing to see a major increase of logging activity.

The addition of a full time Forester .II in the Kenai-Kodiak Area office will provide the necessary position to meet the increase and not take the only personnel available for conducting state timber sales away from their job. The spruce beetle kill facing the Kenai Peninsula is demanding all the present forester's time.

With the support staff in place this position will be able to spend full time on forest practice work.

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRU Forest Management  
 COMPONENT Forest Management

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 Revised Date

FY 91

Position Title <b>Logging Engineer</b>		No. of Positions <b>1</b>	Range/Step <b>18/A</b>	Barg. Unit <b>GG</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7</b>
Type of Expenditure		Justification		
1	2	3		
Salary* 3113 x 12	37,356	<p>The addition of one full time engineer position will provide expertise in soil stability, logging systems and transportation evaluations. Serve as an expert witness on technical matters. Further responsibilities include research proposal evaluation, and audit function for Forest Practice compliance on state timber sales. New regulations are required to be developed covering areas of road construction, location, maintenance and removal; landing location and construction; drainage construction; material sources and spoil disposal sites; log transfer, sort yards and storage facilities. All of these require the knowledge of an engineer to see that the public is being protected. The division presently does not have an engineer position and this addition will provide the needed expertise to adequately review the above actions as they come in on notifications. This position will be available for statewide work.</p>		
Benefits* 1099 x 12	13,188			
Premium Pay (Included In Above)				
Other				
Total Personal Services	50.5			
Travel	10.0			
Contractual	4.5			
Commodities	3.0			
Equipment	9.4			
Total Cost	77.4			
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	77.4		
Program Receipts/GF	1005			
I-A Receipts	1007			
CEP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRU Forest Management  
 COMPONENT Forest Management

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 Revised Date

FY 91

Position Title <b>Clerk Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>B/A</b>	Barg. Unit <b>GG</b>
Time Status <b>PT</b>	Staff Months <b>12</b>	Location <b>Ketchikan</b>		Election District <b>1</b>
Type of Expenditure		Justification		
1	2	3		
Salary* 1678 x 12	20,136	////////////////////		
Benefits* 771 x 12	9,252	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	29.4		
Travel		4.5		
Contractual		8.0		
Commodities		5.8		
Equipment		47.7		
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003	47.7		
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

The Ketchikan Area Office had an increase of 27% in forest practice notifications between 1987 and 1988. During 1989 some decrease was noted but the acreage size increased as a way around notification. Without support help in the office the Forest Practice Forester has been required to spend more and more time in doing administrative work. Total number of inspections during 1989 dropped. The addition of a full time Clerk Typist III will allow for about 30% more field time for the forester. With increased notifications and required inspections more field time is needed. More time in the field will help prevent damage from taking place and better cooperation between the operator and the State. Additional office help will also allow for the office to be open full time for the five days per week.

REQUEST FOR  
NEW POSITION

AGENCY Natural Resources  
 BRU Forest Management  
 COMPONENT Forest Management

Page 1 of 1  
 Revised Date

FY 91

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Forest Resources & Practices Act  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Environmental Conservation  
BRU: Environmental Quality  
Component: Environmental Quality

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		171.1	171.1	171.1	171.1	171.1
TRAVEL		15.0	15.0	15.0	15.0	15.0
CONTRACTUAL		42.0	42.0	42.0	42.0	42.0
SUPPLIES		4.0	4.0	4.0	4.0	4.0
EQUIPMENT		20.0	20.0	20.0	20.0	20.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		252.1	252.1	252.1	252.1	252.1
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>		<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>	<b>252.1</b>

**POSITIONS:**

FULL-TIME		4	4	4	4	4
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Dave Sturdevant Phone: 465-2653  
Division: Environmental Quality Date: 5-2-89

Approved by Commissioner: [Signature] Date: 5/2/89  
Agency: Environmental Conservation

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

Attachment  
Forest Practices Act Funding

	WQM Ecol II	WQM CT III	SERO EFO II	SCRO EFO II	Total
100's	51.1	30.0	45.0	45.0	171.1
200's	5.0	0.0	5.0	5.0	15.0
300's	8.0	8.0	13.0 <sup>1/</sup>	13.0 <sup>1/</sup>	42.0
400's	1.0	1.0	1.0	1.0	4.0
500's	5.0	5.0	5.0	5.0	20.0
<b>Total</b>	<b>70.1</b>	<b>44.0</b>	<b>69.0</b>	<b>69.0</b>	<b>252.1</b>

<sup>1/</sup> Includes \$5.0 for contractual support of field monitoring for water quality compliance

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Forest Practices Act

Agency Affected: Dept. of Fish and Game  
BRU: Habitat

Sponsor: Rules Committee  
Requestor: Governor

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	24.8	297.0	297.0	297.0	297.0	297.0
TRAVEL	2.6	31.5	31.5	31.5	31.5	31.5
CONTRACTUAL	3.7	44.9	44.9	44.9	44.9	44.9
SUPPLIES	0.2	2.0	2.0	2.0	2.0	2.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>31.3</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>	<b>375.4</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME	6	6	6	6	6	6
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

See attached

Prepared by: Frank Rupp Director  
Division: Habitat

Phone: 465-4105  
Date: 5/1/89

Approved by Commissioner: Nancy Bell  
Agency: Department of Fish and Game

Date: 5/2/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

## FISCAL NOTE

This fiscal note is based on the assumptions that 1) an amended FPA or associated regulations will provide performance standards for activities in riparian management zones, 2) we will need to maintain a significantly greater field presence than we are now in order to effectively implement the standards, 3) we will need to spend significantly more time participating in the Department of Natural Resources' preparation of forest management plans for state lands, and 4) the level of timber harvest north of the Alaska Range does not increase in the immediate future.

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Natural Resources  
 Title: Forest Practices Act Revisions BRU: Forest Management  
 Sponsor: \_\_\_\_\_ Components: Forest Management  
 Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		306.4				
TRAVEL		40.0				
CONTRACTUAL		32.0				
SUPPLIES		21.1				
EQUIPMENT		38.2				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		437.7	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND		437.7	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		437.7	0	0	0	0

**POSITIONS:**

FULL-TIME		6				
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

See attached

Prepared by: George K. Hollett Phone: 465-2491  
 Division: Forestry Date: 5-2-89  
 Approved by Commissioner: [Signature] Date: 5/3/89  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

DEPARTMENT OF NATURAL RESOURCES  
FOREST PRACTICES

Program Summary:

Due to low markets in 1986, the number of notifications received for operations on private lands dropped to a level where budget cuts were made. Increased markets in 1988 has brought about a 173% increase in notifications. With no new funding, the forest practice personnel staff months have not increased to a level necessary to handle the inspections necessary with the increased notifications. FY 1988 saw a 16% increase in inspections with present staff but this is far short of what is needed.

Lack of travel dollars has seriously limited field inspection opportunities. A high level of inspection activity not only ensures compliance with the Forest Practice Act, but also allows us to identify potential problems early and prevent violations. Due to the lack of inspections, the character of forest practices administration has been forced away from land owner assistance and toward enforcement.

What we will need to do the new proposal being considered by the Forest Practice Review Committee.

Total funding needs are \$437,700 broken down as follows:

Southeast Region - \$125,000

Add one Clerk Typist III at Ketchikan and replace six months of Federal Funds for a Clerk Typist III at Juneau. This support staff will free up time now spent in the office by the Forest Practices Foresters doing administrative work and should allow for 30% more field time for necessary inspections. Also will allow for the Ketchikan office to be open full time for the five days per week.

Add one Forester III to be the Southeast Region forest practice coordinator. This position will also be able to fill in on forest practice work within the region on an as needed basis and be the liaison between the field staff and other agency personnel.

Added travel funding will meet the necessary inspection schedule of the increased notifications.

Southcentral Region - \$167,800

Add one Forester II to the Kenai-Kodiak Area to work on the additional forest practice work that is taking place on the Kenai Peninsula and in Prince William Sound. Presently the only position available for the forest practice work is also responsible for all the timber sales on state land so both jobs have suffered.

Add one Forester III to regional staff and replace Federal Funds for an Administrative Assistant I in regional office. The senior Forest Practices Forester will handle notifications and inspections on the remainder of the Gulf of Alaska, Valdez-Copper River, Mat-Su and Southwest areas. Duties will also include being the coordinator between regional field personnel and other agency employees working in forest practices.

The Administrative Assistant I will work at providing the necessary budgetary work needed by the regional forest practice personnel so they can spend more time in the field and less on administrative work.

Additional travel and contractual funds are also included to provide the support needed to do the field inspections.

Central Office - \$144,900

Add one Forest Engineer and one Forester II to the staff. The engineer is badly needed to provide expertise in soil stability, logging systems and transportation evaluations. Serve as an expert witness on technical matters. Further responsibilities include research proposal evaluation, support for divisional timber sales, and audit function for Forest Practice compliance on state timber sales. The staff forester position would handle data-base management including reforestation verification, forest practices statistics and public notice provisions as well as be available for temporary assignment around the state to assist in field evaluations during peak periods.

Additional travel and contractual funds are also included to provide the support needed.

Original sponsor(s): Rules/Governor

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 317 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forest resources and practices  
7 and to the management of forest lands; and providing  
8 for an effective date."

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

10 \* Section 1. AS 38.05 is amended by adding new sections to read:

11 Sec. 38.05.112. FOREST LAND USE PLANS. (a) The department may  
12 not sell or harvest timber, except for isolated personal use timber  
13 harvest, until a site-specific forest land use plan has been adopted.  
14 A forest land use plan is required whether or not a regional or area  
15 land use plan under AS 38.04.065(a) or a forest management plan under  
16 AS 41.17.230 has been adopted.

17 (b) The commissioner shall base a forest land use plan on the  
18 best available data, including information provided by other agencies  
19 describing the immediate and long-term effects of individual and  
20 collective forest activities on the timber base and on other resources  
21 and uses.

22 (c) In addition to the requirements of AS 38.04.065(b), a forest  
23 land use plan shall consider

24 (1) commercial timber harvesting, including related activ-  
25 ities;

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

27 (3) fish and wildlife habitat, including

28 (A) identification and protection of important wild-  
29 life habitat;

1 (B) retention of riparian, wetland, and ocean-shore-  
2 line vegetation critical for fish and wildlife habitat; and

3 (C) classification of water bodies according to phys-  
4 ical characteristics;

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

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

7 (B) mining, mining claims, mineral leaseholds, and  
8 material extraction;

9 (C) uses of fish and wildlife;

10 (D) agriculture, including grazing; and

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

13 (5) soil characteristics and productivity;

14 (6) water quality; and

15 (7) watershed management.

16 (d) A management plan prepared by the commissioner must consider  
17 and permit the uses described in (c) of this section. If the commis-  
18 sioner finds that a permitted use is incompatible with one or more  
19 other uses in a portion of a state forest, the commissioner shall  
20 affirmatively state in the management plan that finding of incom-  
21 patibility for the specific area where the incompatibility is antic-  
22 ipated to exist and the time period when the incompatibility is antic-  
23 ipated to exist together with the reasons for each finding.

24 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department  
25 shall annually prepare a five-year schedule of timber sales planned on  
26 all lands managed by the department. The schedule must be of suffi-  
27 cient specificity that it provides a basis for the department to  
28 allocate its resources in considering and designing sales and in  
29 conducting economic and environmental analyses. The schedule must

1 inform the public and the timber products industry of long-term plans  
2 and provide a basis for public comment.

3 (b) Except as provided in (c) of this section, a proposed sale  
4 may not be held unless it has been included in the two five-year  
5 schedules preceding the sale. This requirement does not apply until  
6 one year after the first five-year schedule is prepared under this  
7 section.

8 (c) The department may adopt regulations exempting small and  
9 emergency sales from the requirements of this section.

10 \* Sec. 2. AS 41.17.010 is amended to read:

11 Sec. 41.17.010. DECLARATION OF INTENT. The legislature declares  
12 that

13 (1) the forest resources of Alaska are among the most  
14 valuable natural resources of the state, and furnish timber and wood  
15 products, fish and wildlife, tourism, outdoor recreation, water, soil,  
16 air, minerals, and general health and welfare;

17 (2) economic enterprises and other activities and pursuits  
18 derived from forest resources warrant the continuing recognition and  
19 support of the state;

20 (3) the state has a fundamental obligation to ensure that  
21 management of forest resources guarantees perpetual supplies of renew-  
22 able resources, provides nonrenewable resources in a manner consistent  
23 with that obligation, and serves the needs of all Alaska for the many  
24 products, benefits, and services obtained from them;

25 (4) government administration of forest resources should  
26 combine professional management services, regulatory measures, and  
27 economic incentives in a complementary fashion, and should draw upon  
28 the expertise of professional foresters in conjunction with other  
29 disciplines;

1 (5) under the leadership of the Department of Environmental  
2 Conservation as lead agency, the state should exercise its full re-  
3 sponsibility and authority for control of nonpoint source pollution  
4 with respect to the Federal Water Pollution Control Act, as amended;

5 (6) subject to AS 41.17.098(c), the provisions of this  
6 chapter, and regulations adopted under this chapter, with the approval  
7 of the Department of Environmental Conservation, establish the non-  
8 point source pollution requirements under state law and sec. 319 of  
9 the Clean Water Act for activities subject to this chapter;

10 (7) except for activities subject to AS 16.05.840 or 16.-  
11 05.870 and regulations authorized by those sections, this chapter and  
12 regulations adopted under this chapter establish the fish habitat  
13 protection standards, policies, and review processes under state law  
14 [SUBJECT TO 16 U.S.C. 1456(f) (SEC. 307(f) OF THE COASTAL ZONE MANAGE-  
15 MENT ACT OF 1972, P.L. 92-583), THE PROVISIONS OF THIS CHAPTER SHALL  
16 BE THE BASIS FOR FOREST MANAGEMENT STANDARDS, POLICIES, AND GUIDELINES  
17 DEVELOPED UNDER THE ALASKA COASTAL MANAGEMENT ACT].

18 \* Sec. 3. AS 41.17.041 is repealed and reenacted to read:

19 Sec. 41.17.041. BOARD OF FORESTRY. (a) The Board of Forestry  
20 is established in the Department of Natural Resources, division of  
21 forestry.

22 (b) The board is composed of nine members appointed by the  
23 governor:

24 (1) a representative of a commercial fishermen's organiza-  
25 tion;

26 (2) a representative of a Native corporation organized  
27 under 43 U.S.C. 1601 - 1629e (Alaska Native Claims Settlement Act);

28 (3) a representative of an environmental organization;

1 (4) a representative of a forest industry trade  
2 association;

3 (5) a professional fish or wildlife biologist who is not  
4 employed in that capacity by a state, municipal, or federal government  
5 agency, except for university employment;

6 (6) a professional forester who is not employed in that  
7 capacity by a state, municipal, or federal government agency, except  
8 for university employment;

9 (7) a representative of a mining organization;

10 (8) a representative of a recreational organization; and

11 (9) the state forester, who serves ex officio and without a  
12 vote.

13 (c) The state forester is the presiding officer of the board and  
14 shall, in consultation with the board, establish procedures for sched-  
15 uling and organizing board meetings. Seven voting members of the  
16 board constitute a quorum. Each decision of the board requires the  
17 affirmative vote of each voting member present less one.

18 (d) A board member who is unable to attend a meeting may desig-  
19 nate an alternate who possesses the same qualifications as the board  
20 member.

21 (e) The division shall serve as staff to the board. The depart-  
22 ment, the Department of Fish and Game, and the Department of Environ-  
23 mental Conservation shall provide technical staffing and information  
24 as needed by the board.

25 \* Sec. 4. AS 41.17.047 is repealed and reenacted to read:

26 Sec. 41.17.047. POWERS AND DUTIES OF BOARD. (a) The board  
27 shall review and comment to the commissioner on regulations proposed  
28 for adoption under this chapter.

29 (b) The board shall provide a forum for representatives of

1 affected interests to discuss and attempt to resolve issues relevant  
2 to this chapter and to the forest resources of the state.

3 (c) The board, working with the department, the Department of  
4 Environmental Conservation, the Department of Fish and Game, other  
5 affected agencies and parties, and the forest-dependent industries,  
6 shall conduct an annual survey of research needs related to forest  
7 practices. The board shall review research proposals and shall make  
8 recommendations to promote research projects that would address the  
9 needs to the governor and the legislature.

10 (d) The board shall coordinate the monitoring of the implementa-  
11 tion and effectiveness of this chapter, the regulations, and best  
12 management practices adopted under this chapter in meeting state water  
13 quality standards, fish and wildlife habitat requirements, and other  
14 forestry objectives. The board shall report annually to the  
15 legislature and the governor on the effectiveness of this chapter and  
16 regulations adopted under it, with its recommendations for changes and  
17 for needed research and monitoring. The state forester, the  
18 Department of Fish and Game, and the Department of Environmental  
19 Conservation shall each present an annual report, independently, to  
20 the board on the effectiveness of this chapter, the regulations, and  
21 best management practices adopted under this chapter that protect the  
22 resources for which they have statutory responsibility, and shall make  
23 recommendations for changes to correct procedural or substantive  
24 problems. The board shall forward the reports to the legislature as  
25 part of its annual report. The board shall hold hearings at least  
26 once annually in southeast, southcentral, and interior Alaska for  
27 purposes of taking public testimony on the subjects.

28 \* Sec. 5. AS 41.17.055(d) is repealed and reenacted to read:

29 (d) The commissioner may develop regulations under this chapter

1 as part of the state program for control of nonpoint source pollution  
2 under the Federal Water Pollution Control Act, as amended. However,  
3 the Department of Environmental Conservation is the lead agency for  
4 water quality and control of nonpoint source pollution under that Act,  
5 and the regulations are therefore subject to the approval of the  
6 commissioner of environmental conservation.

7 \* Sec. 6. AS 41.17.060(b) is amended to read:

8 (b) With respect to state, municipal, and private forest land,  
9 the following standards apply:

10 (1) to the maximum extent possible, all applicable data and  
11 information of applicable disciplines shall be updated and used in  
12 making decisions relative to the management of forest resources;

13 (2) environmentally sensitive areas [AND BEST MANAGEMENT  
14 PRACTICES] shall be recognized in the development of regulations and  
15 best management practices that are designed to implement [IMPLEMENTA-  
16 TION OF ANY] nonpoint source pollution control measures authorized  
17 under this chapter;

18 (3) administration of forest land shall consider marketing  
19 conditions and other economic constraints affecting the forest land-  
20 owner, timber owner, or the operator;

21 (4) to the fullest extent practicable, harvested forest  
22 land shall be reforested, naturally or artificially, so as to result  
23 in a sustained yield of merchantable timber from that land; if artifi-  
24 cial planting is required, silviculturally acceptable seedlings must  
25 first be available for planting at an economically fair price in the  
26 state; and

27 (5) significant adverse effects of soil erosion and mass  
28 wasting on water quality and fish habitat shall be prevented or min-  
29 imized.

1 \* Sec. 7. AS 41.17.060(c) is amended to read:

2 (c) With respect to state and municipal forest land only, the  
3 following standards also apply:

4 (1) forest land shall be administered for the multiple use  
5 of the renewable and nonrenewable resources and for the sustained  
6 yield of the renewable resources of the land in the manner that  
7 [WHICH] best provides for the present needs and preserves the future  
8 options of the people of the state;

9 (2) a [ANY] system of allocating predominant uses or values  
10 to particular units within a contiguous area of land shall reflect in  
11 reasonable proportion the various resources and values present in that  
12 area;

13 (3) to the extent its capacity permits, forest land shall  
14 be administered so as to provide for the continuation of businesses,  
15 activities, and lifestyles that [WHICH] are dependent upon or derived  
16 from forest resources;

17 (4) timber harvesting is limited to areas where data and  
18 information demonstrate that natural or artificial reforestation  
19 techniques will result in the production of a sustained yield of  
20 merchantable timber from that area;

21 (5) there may not be [ANY] significant impairment of the  
22 productivity of the land and water with respect to renewable re-  
23 sources; [AND]

24 (6) [WHERE ECONOMICALLY PRACTICABLE,] allowance shall [MAY]  
25 be made for scenic quality in or adjacent to areas of substantial  
26 importance to the tourism and recreation industry; and

27 (7) allowance shall be made for important fish and wildlife  
28 habitat.

29 \* Sec. 8. AS 41.17.070(b) is repealed and reenacted to read:

1 (b) To maintain a record of division decision making for public  
2 and agency review, the commissioner shall compile and index each de-  
3 cision made under this chapter regarding directives, stop work orders,  
4 waivers from requirements, decisions of hearing officers, and deci-  
5 sions on appeals. The commissioner shall submit a summary of this  
6 record annually to the board.

7 \* Sec. 9. AS 41.17.080 is repealed and reenacted to read:

8 Sec. 41.17.080. REGULATIONS. (a) The commissioner may adopt  
9 regulations necessary to accomplish the purposes of this chapter under  
10 AS 44.62 (Administrative Procedure Act) regarding forest practices  
11 such as

12 (1) road construction and maintenance, including

13 (A) road location, construction, maintenance, and  
14 post-operation management or removal;

15 (B) landing location and construction;

16 (C) drainage structures;

17 (D) material sources and spoil disposal sites;

18 (2) timber harvesting, including

19 (A) timber harvest unit planning and design;

20 (B) felling and bucking;

21 (C) cable yarding, shovel, tractor, and wheeled skid-  
22 der systems;

23 (D) landing clean-up;

24 (E) slash disposal;

25 (3) log transfer, sort yards, and storage facilities,  
26 including

27 (A) location, design, and construction;

28 (B) maintenance;

29 (C) closure;

- 1 (D) log storage, rafting, and identification;  
2 (4) reforestation, including  
3 (A) site preparation and rehabilitation;  
4 (B) prescribed burning;  
5 (C) exemptions from reforestation requirements;  
6 (5) prevention and suppression of forest insects and dis-  
7 eases;  
8 (6) salvage logging;  
9 (7) vegetative management; and  
10 (8) fire and flood hazard management.

11 (b) The commissioner shall adopt regulations specifying the  
12 information to be submitted under AS 41.17.090(c) in the detailed plan  
13 of operations to enable the division to determine whether the activ-  
14 ities comply with the requirements of this chapter.

15 (c) The commissioner may establish regions, districts, or other  
16 subdivisions of forest land in the state in which different regu-  
17 lations apply to reflect varying conditions in the state or to facil-  
18 itate administration. In adopting regulations, the commissioner shall  
19 make appropriate distinctions between public and private land.

20 (d) The commissioner shall adopt only those regulations neces-  
21 sary to accomplish the purposes of this chapter and shall avoid regu-  
22 lations that increase operating costs without yielding significant  
23 benefits to public resources.

24 \* Sec. 10. AS 41.17 is amended by adding new sections to read:

25 Sec. 41.17.082. CONTROL OF INFESTATIONS AND DISEASE. (a) All  
26 forest clearing operations and silvicultural systems must be designed  
27 to reduce the likelihood of increased insect infestation and disease  
28 infections that threaten forest resources.

29 (b) A forest landowner may not conduct or approve timber clear-

1 ing activities that create conditions fostering outbreaks of  
2 infestation or infection that threaten forest resources on forest  
3 lands belonging to another person. If the commissioner finds, after  
4 notice and hearing, that there has been a violation of this subsec-  
5 tion, the commissioner may

6 (1) require the forest landowner, at that person's expense,  
7 to remove promptly or cure the conditions fostering outbreaks of  
8 infestation or infection; and

9 (2) require the forest landowner, at that person's expense,  
10 to undertake environmentally sound, effective, and cost-efficient  
11 actions to control the infestation or infection in the immediate  
12 vicinity of the improper timber clearing activity.

13 (c) If a forest landowner does not comply with a final order of  
14 the commissioner under (b)(1) or (b)(2) of this section, the commis-  
15 sioner may enter onto the land and undertake the actions ordered and  
16 the landowner is liable for the cost of the actions. The commissioner  
17 shall deliver to the landowner an itemized statement of expenses  
18 incurred.

19 (d) The commissioner may undertake surveys and appraisals to  
20 obtain data on regional insect infestations and disease conditions.  
21 Upon a determination that an area is infested with forest insects or  
22 infected with diseases injurious to forest resources and that the  
23 infestation or infection threatens the forest land or timber of adja-  
24 cent owners, the commissioner may establish the boundaries of an  
25 infestation or infection zone. The commissioner may enter into an  
26 agreement with an owner or with a governmental agency to control or  
27 suppress infestation or infection within the zone. Upon a determina-  
28 tion by the commissioner that insect and disease control work within  
29 the zone is no longer necessary or feasible, the commissioner shall

1 terminate the zone.

2 Sec. 41.17.083. CLEARING OF FOREST LAND FOR NON-TIMBER PURPOSES.  
3 A state agency, municipality, or public utility shall determine wheth-  
4 er the timber to be removed has significant salvage value before  
5 approving or conducting clearing of forest land for purposes other  
6 than timber harvest. If the timber has significant salvage value, the  
7 agency or utility shall salvage the timber as part of the clearing  
8 process.

9 \* Sec. 11. AS 41.17 is amended by adding a new section to read:

10 Sec. 41.17.087. VARIATION FROM REQUIREMENTS. (a) A forest  
11 landowner, timber owner, or operator may propose for a particular  
12 activity a variation from a requirement imposed by this chapter or the  
13 regulations adopted under this chapter. If the state forester deter-  
14 mines that the harm intended to be avoided by the requirement is not  
15 likely to occur because of site-specific circumstances relating to the  
16 particular activity and is not likely to cause significant harm to  
17 fish habitat or water quality, the state forester shall agree to the  
18 proposed variation. If the state forester does not agree to the  
19 proposed variation, a forest landowner, timber owner, or operator may  
20 appeal to the commissioner. The appellants shall conform to the  
21 requirement during the pendency of the appeal.

22 (b) The commissioner shall adopt regulations that specify the  
23 standards under which a variation will be granted for harvesting  
24 timber within the riparian area of

25 (1) a low gradient Type A water body with a width of five  
26 feet or less; and

27 (2) other appropriate water body types.

28 (c) A determination by the state forester under (a) of this  
29 section and regulations by the commissioner under (b) of this section

1 shall give due deference under AS 41.17.098.

2 \* Sec. 12. AS 41.17.090 is repealed and reenacted to read:

3 Sec. 41.17.090. NOTIFICATION OF PLANS TO HARVEST TIMBER. (a)  
4 Operations on forest land shall be reviewed under this section for  
5 consistency with the policies and provisions of this chapter and  
6 regulations adopted under this chapter.

7 (b) A forest landowner, timber owner, or operator may provide to  
8 the commissioner a voluntary plan of operations that describes the  
9 long-term plans for timber harvesting. The purpose of a voluntary  
10 plan is to give the division and the public an early opportunity to  
11 review plans, to identify areas of concern, and to allow the agencies  
12 and the public to provide local knowledge and early notice of poten-  
13 tial problems to the forest landowner, timber owner, or operator.

14 (c) Before beginning operations on forest land, the operator  
15 shall provide the state forester with a detailed plan of operations.  
16 The detailed plan of operations must include

17 (1) a description of the proposed operations, identifying  
18 the land involved and the action proposed in sufficient detail to  
19 inform the public of the nature and location of the proposed opera-  
20 tions; the description must include a map and must be in a form suit-  
21 able for duplication;

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

24 (3) other information required in the regulations adopted  
25 under this chapter.

26 (d) Within five days after receipt of a detailed plan of opera-  
27 tions under (c) of this section, the state forester shall distribute  
28 the information received under (c) of this section to affected state  
29 agencies and coastal districts, and shall distribute the information

1 received under (c)(1) of this section to each member of the public who  
2 has asked to receive copies of notifications for the affected area.

3 (e) Within 30 days after receipt of a detailed plan of opera-  
4 tions, the state forester shall review the plan to determine if the  
5 operations are consistent with this chapter and regulations adopted  
6 under this chapter. Operations may begin under the plan upon the  
7 expiration of the 30-day period or upon notice from the state forester  
8 that the review has been completed, whichever occurs first, unless the  
9 division has issued a stop work order for a particular portion of the  
10 plan or has notified the operator that a one-time, 10-day extension is  
11 necessary for agency review under AS 41.17.098(f). The operator may  
12 proceed with operations not covered by the stop work order, notice of  
13 field inspection, or the agency review. During the review of a de-  
14 tailed plan of operations, if a question arises concerning the proper  
15 classification of water body type for purposes of the standards in  
16 AS 41.17.116(a), the Department of Fish and Game may resolve the  
17 question.

18 (f) If the state forester determines that a field inspection is  
19 necessary to determine consistency of the detailed plan of operations  
20 or a portion of the plan with applicable standards, the state forester  
21 shall notify the operator. The notice of field inspection may not  
22 cover more than the minimum area necessary to determine compliance  
23 with this chapter and applicable regulations. The operator shall  
24 inform the state forester when the site will be available for an  
25 inspection. The state forester shall conduct the field inspection  
26 within 21 days after the date that the site will be accessible and  
27 available unless the operator otherwise agrees, and the operator may  
28 begin operations at the conclusion of the 21-day period unless the  
29 state forester has issued a stop work order under AS 41.17.138.

1 (g) During the review of a detailed plan of operations,  
2 modifications to accommodate comments may be made without requiring  
3 the operator to resubmit the plan. After the review of the detailed  
4 plan of operations made under (e) and (f) of this section, an operator  
5 shall notify the state forester of a proposed substantial change in  
6 operations by following the procedures specified in (c) - (f) of this  
7 section.

8 (h) Information and paperwork required of the operator under  
9 this section is limited to that necessary to accomplish the purposes  
10 of this section.

11 (i) An operator shall renew a detailed plan of operations annu-  
12 ally.

13 \* Sec. 13. AS 41.17 is amended by adding a new section to read:

14 Sec. 41.17.098. INTERAGENCY COORDINATION AND REEVALUATION. (a)  
15 In administering this chapter, the commissioner shall coordinate with  
16 other agencies and affected coastal districts that have jurisdiction  
17 over activities subject to regulation under this chapter.

18 (b) In a review or implementation of a detailed plan of opera-  
19 tions under AS 41.17.090 and in a decision on a proposed variation  
20 from requirements under AS 41.17.087, the commissioner shall consider  
21 the comments of each affected state agency and, where applicable,  
22 coastal districts.

23 (c) The commissioner shall give due deference to the Department  
24 of Environmental Conservation in decisions concerning water quality.  
25 The commissioner of environmental conservation retains the authority  
26 to adopt nonpoint source pollution regulations for activities subject  
27 to this chapter to the extent that regulations are not adopted by the  
28 commissioner of natural resources and approved by the commissioner of  
29 environmental conservation under this chapter. The commissioner of

1 environmental conservation may withdraw approval of regulations  
2 adopted by the commissioner of natural resources under this chapter by  
3 following the procedure for the adoption, amendment, and repeal of  
4 regulations under AS 44.62.180 - 44.62.290.

5 (d) The commissioner shall recognize the expertise of the De-  
6 partment of Fish and Game with regard to fish and wildlife habitat.  
7 On private land, the commissioner shall give due deference to the  
8 Department of Fish and Game regarding effects on fish habitat from  
9 timber operations including variations to riparian standards, desig-  
10 nation of alternative site-specific riparian protection plans, and  
11 road location decision within riparian areas. On public land, the  
12 commissioner shall give due deference to the Department of Fish and  
13 Game regarding effects on fish and wildlife habitat from timber op-  
14 erations including timber harvest in riparian areas, variations to  
15 riparian standards, and road location decisions within riparian areas.  
16 In making decisions under under AS 41.17.087, the commissioner shall  
17 recognize fish habitat as the primary value in riparian areas.

18 (e) In this section, "due deference" means that deference that  
19 is appropriate in the context of the agency's expertise and area of  
20 responsibility and all the evidence available to support a factual  
21 assertion. Where due deference is given, if the commissioner does not  
22 agree with a commenting agency, the commissioner shall prepare a  
23 written statement of the reasons for the disagreement.

24 (f) If a disagreement described in (e) of this section exists,  
25 an officer of an agency may require reevaluation of the disagreement  
26 at a higher level within the agencies, or by the governor if  
27 necessary, before a decision is made by the commissioner.

28 \* Sec. 14. AS 41.17 is amended by adding new sections to read:

29 **ARTICLE 1A. RIPARIAN MANAGEMENT.**

1           Sec. 41.17.115.    INTENT FOR RIPARIAN AREAS.    The commissioner  
2 shall protect riparian areas from the significant adverse effects of  
3 timber harvest activities on fish habitat and water quality.    The  
4 management intent for riparian areas is the adequate preservation of  
5 fish habitat by maintaining a short- and long-term source of large  
6 woody debris, stream bank stability, channel morphology, water temper-  
7 atures, stream flows, water quality, adequate nutrient cycling, food  
8 sources, clean spawning gravels, and sunlight.    The commissioner shall  
9 adopt regulations for the protection of riparian areas; the regu-  
10 lations may include higher standards of protection for fish and other  
11 public resources on land managed by the department than on other  
12 public land or private land.    The regulations may vary by region of  
13 the state and must take into consideration reasonable classification  
14 of water bodies and the economic feasibility of timber operations.

15           Sec. 41.17.116.    RIPARIAN STANDARDS FOR PRIVATE LAND.    (a)  
16 Private forest land adjacent to the following types of waters and  
17 located in a coastal forest of spruce or hemlock is subject to the  
18 riparian protection standards established in this section:

19           (1) along a Type A water body, harvest of timber may not be  
20 undertaken within 66 feet of the water body;

21           (2) along a Type B water body, timber harvest operations  
22 within 100 feet of the stream or to the break of the slope, whichever  
23 area is smaller, must be conducted in compliance with slope stability  
24 standards established in regulations adopted under this chapter;

25           (3) along a Type C water body, timber harvest operations in  
26 the area within 50 feet of the stream or to the break of the slope,  
27 whichever area is smaller, must be conducted in compliance with slope  
28 stability standards established in regulations adopted under this  
29 chapter.

1 (b) The commissioner shall adopt regulations for private land  
2 outside of the coastal forest of spruce or hemlock that designate the  
3 riparian areas to be protected and the restrictions on timber harvest-  
4 ing operations within the areas that are necessary for their pro-  
5 tection under the management goals established in AS 41.17.115.

6 Sec. 41.17.118. RIPARIAN STANDARDS FOR STATE LAND. (a) The  
7 riparian standards for state land are as follows:

8 (1) on state forest land managed by the department that is  
9 located north of the Alaska Range, harvest of timber may not be under-  
10 taken within 100 feet immediately adjacent to an anadromous or high  
11 value resident fish water body unless the division determines that  
12 adequate protection remains for the fish habitat;

13 (2) on state forest land managed by the department that is  
14 located south of the Alaska Range,

15 (A) harvest of timber may not be undertaken within 100  
16 feet immediately adjacent to an anadromous or high value resident  
17 fish water body;

18 (B) between 100 and 300 feet from the water body,  
19 timber harvest may occur but must be consistent with the mainte-  
20 nance of important fish and wildlife habitat.

21 (b) The commissioner may impose additional riparian protection  
22 standards for timber harvest operations through the adoption of land  
23 use plans under AS 38.04.065 and under forest management plans and  
24 reports under AS 38.05.112 and AS 41.17.230.

25 (c) In the absence of a site-specific determination by the  
26 Department of Fish and Game, the commissioner shall presume for plan-  
27 ning purposes that a stream is anadromous if it is connected to ana-  
28 dromous waters that are without Department of Fish and Game documenta-  
29 tion of a physical blockage and has a stream gradient of 8 percent or

1 less.

2 Sec. 41.17.119. MINIMUM RIPARIAN STANDARDS FOR OTHER PUBLIC  
3 LAND. On public land other than state land, harvest of timber may not  
4 occur

5 (1) within 100 feet from the shore or bank of an anadromous  
6 or high value resident fish water body that is located south of the  
7 Alaska Range;

8 (2) within 100 feet immediately adjacent to an anadromous  
9 or high value resident fish water body north of the Alaska Range  
10 unless the commissioner determines that adequate protection remains  
11 for the fish habitat.

12 \* Sec. 15. AS 41.17 is amended by adding a new section to read:

13 Sec. 41.17.125. ENFORCEMENT COORDINATION. All state agencies  
14 with enforcement authority over an activity subject to regulation  
15 under this chapter shall establish a uniform enforcement strategy that  
16 avoids duplication and inconsistencies. All participating agencies  
17 shall agree to and comply with the contents of the uniform strategy.  
18 In developing and implementing the uniform strategy, each state agency  
19 retains its authority to determine the appropriate remedies under the  
20 statutes and regulations it administers.

21 \* Sec. 16. AS 41.17.131 is repealed and reenacted to read:

22 Sec. 41.17.131. PENALTIES FOR VIOLATIONS. (a) An operator,  
23 forest landowner, or timber owner who violates or permits a violation  
24 of this chapter, a regulation adopted under this chapter, a directive  
25 issued under AS 41.17.136, or a stop work order issued under AS 41.-  
26 17.138 is liable, after notice and hearing, for a civil fine in an  
27 amount not to exceed \$10,000 to be assessed by the commissioner. In  
28 determining the amount of civil fine, the commissioner shall consider

29 (1) the character and degree of injury to forest resources

1 and values;

2 (2) the degree of intent or negligence of the respondent in  
3 causing or permitting the violation;

4 (3) the character and number of past violations caused or  
5 permitted by the respondent; and

6 (4) if the information is available, the net economic  
7 savings realized by the respondent through the violation.

8 (b) An operator, forest landowner, or timber owner that, with  
9 criminal negligence, violates or permits a violation of this chapter,  
10 a regulation adopted under this chapter, a directive issued under  
11 AS 41.17.136, or a stop work order issued under AS 41.17.138 is guilty  
12 of a class A misdemeanor. In this subsection, "criminal negligence"  
13 has the meaning given in AS 11.81.900(a).

14 (c) Each day that a violation described in this section occurs  
15 is a separate violation.

16 (d) If a respondent violates a directive issued under AS 41.-  
17 17.136 or a stop work order issued under AS 41.17.138, the attorney  
18 general, at the request of the commissioner, may seek an injunction  
19 requiring the respondent to suspend all or part of the operations  
20 until the respondent complies with the directive or stop work order,  
21 and requiring the respondent to repair or correct damage resulting  
22 from the violation.

23 (e) If a respondent violates a directive issued under AS 41.-  
24 17.136 that requires the respondent to repair or correct damage, the  
25 commissioner may proceed to repair or correct the damage using state  
26 agency employees or contractors and the respondent is liable for the  
27 cost of the repair. The commissioner shall deliver to the respondent  
28 an itemized statement of expenses incurred.

29 \* Sec. 17. AS 41.17 is amended by adding a new section to read:

1           Sec. 41.17.136. DIRECTIVES. (a) Upon a determination that a  
2 planned or ongoing activity violates or would violate this chapter or  
3 a regulation adopted under it, the state forester shall notify the  
4 respondent in writing and direct the respondent to halt or avoid the  
5 violation or to repair or correct any damage resulting from the viola-  
6 tion. The written notification must include a summary of the basis  
7 for the directive.

8           (b) The respondent may either comply with the directive or  
9 request a hearing under AS 41.17.139 within 15 days of receipt of the  
10 notification. If a hearing is requested, the respondent may continue  
11 with the activity unless the state forester issues a stop work order  
12 under AS 41.17.138. If the directive is affirmed by the hearing  
13 officer, the respondent shall cease the activity unless a stay is  
14 issued under AS 41.17.143(c) or by the superior court.

15 \* Sec. 18. AS 41.17 is amended by adding a new section to read:

16           Sec. 41.17.138. STOP WORK ORDERS. (a) Upon a determination  
17 that a violation of this chapter or a regulation adopted under it is  
18 occurring or is likely to occur and that significant harm to public  
19 resources is likely to occur if work is not halted before a hearing  
20 can be held, the state forester may issue a stop work order requiring  
21 the respondent to stop the violation or otherwise halt the threatened  
22 harm. A stop work order must be in writing and must state the facts  
23 on which it is based.

24           (b) The state forester shall immediately refer the matter to a  
25 hearing officer for determination of the validity of the stop work  
26 order under AS 41.17.139. The hearing officer shall consider any  
27 arguments and evidence presented by the respondent within five work-  
28 days after receipt of the stop work order and shall then make an imme-  
29 diate decision sustaining or reversing the stop work order. The stop

1 work order is of no further effect if it is not sustained by the  
2 hearing officer within the five-workday period. A stop work order may  
3 be sustained only upon the same grounds on which it was originally  
4 issued.

5 \* Sec. 19. AS 41.17.139 is amended to read:

6 Sec. 41.17.139. HEARING PROCEDURES. (a) Unless otherwise  
7 specified, proceedings under AS 41.17.131 - 41.17.139 are not subject  
8 to the Administrative Procedure Act (AS 44.62). A hearing under  
9 AS 41.17.136 or 41.17.138 [AS 41.17.131 - 41.17.139] shall be held  
10 before the state forester, a regional forester, or another employee of  
11 the division with similar qualifications acting as a hearing officer.  
12 A hearing on an appeal under AS 41.17.087 and a hearing under AS 41.-  
13 17.082(b) shall be held before the commissioner or the commissioner's  
14 designee [, APPOINTED BY THE ATTORNEY GENERAL FROM AMONG MEMBERS OF  
15 THE ALASKA BAR ASSOCIATION WHO HAVE BEEN NOMINATED BY THE BOARD OF  
16 FORESTRY AND WHO ARE KNOWLEDGEABLE AND EXPERIENCED IN THE SUBJECT  
17 MATTER]. A person who has assisted in the preparation of the di-  
18 vision's [STATE'S] case [OR WHO IS A STATE EMPLOYEE] is ineligible.  
19 Hearings are not limited by common law, statutory, or judicial rules  
20 of evidence; however, the hearing officer may admit only that evidence  
21 that [WHICH] appears to be reliable and trustworthy. All hearings  
22 shall be open to the public. Written or oral testimony may be submit-  
23 ted. A party to a hearing may make written or oral argument, secure  
24 the issuance of a subpoena under AS 44.62.430, offer testimony or  
25 other evidence, and cross-examine witnesses. The hearing officer  
26 shall endeavor, in conducting any hearing, to ensure that the respon-  
27 dent understands the proceedings and that the facts supporting the  
28 position of each party have been adequately presented. [HEARINGS  
29 SHALL BE HELD AS CLOSE AS PRACTICABLE TO THE LOCATION OF THE ALLEGED

1 VIOLATION. TESTIMONY GIVEN AT THE HEARING SHALL BE RECORDED.]

2 (b) If the respondent notifies the commissioner within five days  
3 before the hearing provided for in (a) of this section, the following  
4 rules and procedures apply to the hearing:

5 (1) the hearing shall be a nonadversary proceeding, with  
6 the hearing officer fully and impartially representing the interests  
7 of the state and the respondent;

8 (2) the hearing officer shall thoroughly investigate the  
9 facts and circumstances relating to the alleged violation, including  
10 taking testimony from appropriate persons, collecting and examining  
11 documents and other evidence, and performing other actions consistent  
12 with due process of law; and

13 (3) the hearing officer shall issue a decision in accor-  
14 dance with the applicable procedures of (a) of this section.

15 \* Sec. 20. AS 41.17.139 is amended by adding a new subsection to read:

16 (c) The hearing officer shall select the location of the hear-  
17 ing, giving consideration to the convenience of the parties and wit-  
18 nesses. The hearing officer may permit witnesses to testify through  
19 teleconferencing.

20 \* Sec. 21. AS 41.17.143 is repealed and reenacted to read:

21 Sec. 41.17.143. APPEALS AND JUDICIAL REVIEW. (a) A decision by  
22 a hearing officer under AS 41.17.136 or 41.17.138 or by the commis-  
23 sioner under AS 41.17.082(b), 41.17.087, or 41.17.131(a) constitutes  
24 final agency action that may be appealed to the superior court within  
25 30 days after it is issued. Judicial review shall be as provided in  
26 AS 44.62.560 and 44.62.570.

27 (b) An operator, forest landowner, or timber owner may request  
28 the commissioner to reconsider the decision of a hearing officer  
29 within 30 days after it is issued. Reconsideration is not a precondi-

1 tion of judicial review under (a) of this section. If reconsideration  
2 is requested, the final agency action for purposes of judicial review  
3 is a decision by the commissioner to affirm, modify, or reverse the  
4 hearing officer or to deny the request for reconsideration.

5 (c) The commissioner may stay or modify a directive or order  
6 pending administrative or judicial review. A stay or modification may  
7 not be appealed separately from an appeal of the substantive decision.

8 (d) A person, except the aggrieved forest landowner, timber  
9 owner, or operator, may not maintain an administrative or judicial ap-  
10 peal, or other action or proceeding of any kind, challenging a deci-  
11 sion or failure to act by the department with respect to the compli-  
12 ance of a timber operation on private forest land with this chapter or  
13 a regulation, standard, directive, or order issued under this chapter.  
14 This subsection does not prohibit the maintenance of an action

15 (1) for an alleged violation of a constitutional right; or

16 (2) against the department regarding a regulation, stan-  
17 dard, or systematic course of conduct that does not involve a chal-  
18 lenge to, or attempt to enjoin, stay, modify, or otherwise affect a  
19 timber operation on private forest land subject to this chapter.

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

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

28 (1) a preliminary forest inventory;

29 (2) a summary of the testimony offered at public hearings

1 held on the management of the proposed state forest in communities  
2 proximately located to a proposed state forest;

3 (3) the findings of the commissioner on anticipated incom-  
4 patibilities of uses described in AS 38.05.112(c) [AS 41.17.230(e)]  
5 under AS 38.05.112(d) [AS 41.17.230(f)];

6 (4) written comments from appropriate state agencies on the  
7 compatibility of the uses described in AS 38.05.112(c) [AS 41.17.-  
8 230(e)] within the proposed state forest;

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

11 \* Sec. 23. AS 41.17.400(c) is amended to read:

12 (c) In addition to the uses described in AS 38.05.112(c)  
13 [AS 41.17.230(e)], the commissioner may establish transportation  
14 corridors within the Tanana Valley State Forest.

15 \* Sec. 24. AS 41.17.900(b) is repealed and reenacted to read:

16 (b) For federal land,

17 (1) the degree of resource protection may not be less than  
18 that established by this chapter for state land except that AS 41.17.-  
19 119 establishes the minimum riparian standard;

20 (2) a timber harvest activity subject to this chapter shall  
21 satisfy the requirement to be consistent to the maximum extent practi-  
22 cable with the Alaska coastal zone management program if the federal  
23 land management plans, guidelines, and standards applicable to that  
24 timber harvest activity provide no less resource protection than the  
25 standards that are established in this chapter provide for state land  
26 except that

27 (A) AS 41.17.119 establishes the minimum riparian  
28 standards; and

29 (B) this paragraph does not apply to a timber harvest

1 activity that requires a state or federal authorization under a  
2 provision of law other than this chapter.

3 \* Sec. 25. AS 41.17.900 is amended by adding new subsections to read:

4 (e) Subject to 16 U.S.C. 1456(f) (Sec. 307(f) of the Coastal  
5 Zone Management Act of 1972, P.L. 92-583) as to private land, this  
6 chapter and the regulations adopted under this chapter establish the  
7 forest management standards, policies, and review processes under  
8 AS 46.40 (Alaska Coastal Management Act). This subsection does not  
9 apply to timber harvest activity that requires a state or federal  
10 authorization under a provision of law other than this chapter.

11 (f) This chapter does not diminish the rights, privileges, or  
12 immunities of Alaska Natives or Alaska Native corporations with re-  
13 spect to land conveyed under 43 U.S.C. 1601 - 1629e (Alaska Native  
14 Claims Settlement Act), and does not alter or diminish the authority  
15 of the Department of Fish and Game under AS 16, of the Department of  
16 Environmental Conservation under AS 46, or of a state agency under  
17 other law.

18 \* Sec. 26. AS 41.17 is amended by adding a new section to read:

19 Sec. 41.17.910. WILDLIFE HABITAT ON PRIVATE LAND. (a) The  
20 Department of Fish and Game and the commissioner shall work coopera-  
21 tively with private forest landowners and timber owners to protect,  
22 maintain, and enhance wildlife habitat to the maximum extent practica-  
23 ble, consistent with the interests of the owners in the use of their  
24 timber resources.

25 (b) The Department of Fish and Game shall provide educational  
26 and technical assistance and extension services to owners of private  
27 forest land or timber to assist in identifying important wildlife  
28 habitat and to assist in designing voluntary management techniques  
29 that minimize adverse effects on wildlife habitat.

1 (c) The Department of Fish and Game and the landowner shall  
2 cooperate in identifying areas of important wildlife habitat on pri-  
3 vate forest land and in developing methods for their protection.  
4 Methods of protection for wildlife habitat may include, with the  
5 agreement of the landowner, the purchase of fee title, purchase of  
6 conservation easements, and land exchanges.

7 (d) This section does not alter or diminish the authority and  
8 responsibility of the state over wildlife on private land.

9 \* Sec. 27. AS 41.17.950 is repealed and reenacted to read:

10 Sec. 41.17.950. DEFINITIONS. In this chapter, unless the con-  
11 text otherwise requires,

12 (1) "anadromous water body" means the portion of a fresh  
13 water body or estuarine area that

14 (A) is cataloged under AS 16.05.870 as important for  
15 anadromous fish; or

16 (B) is not cataloged under AS 16.05.870 as important  
17 for anadromous fish but has been determined by the Department of  
18 Fish and Game to contain or exhibit evidence of anadromous fish  
19 in which event the anadromous portion of the stream or waterway  
20 extends up to the first point of physical blockage;

21 (2) "board" means the Board of Forestry established in  
22 AS 41.17.041;

23 (3) "broadcast chemicals" includes pesticides, herbicides,  
24 fungicides, fertilizers, poisons, and any other substances

25 (A) used for silvicultural management or related  
26 purposes;

27 (B) not native to the ecosystem in which they are  
28 being applied; and

29 (C) having a foreseeable adverse impact on the welfare

1 of renewable resources, as determined by the commissioner of  
2 environmental conservation;

3 (4) "division" means the division of forestry;

4 (5) "forest land" means land stocked or having been stocked  
5 with forest trees of any size and not currently developed for nonfor-  
6 est use, regardless of whether presently available or accessible for  
7 commercial purposes, and includes any such land under state, municipi-  
8 pal, or private ownership;

9 (6) "forest landowner" means a person who owns forest land,  
10 but does not include the owner of mineral or subsurface rights only;

11 (7) "high value resident fish" means resident fish popu-  
12 lations that are used for recreational, personal use, commercial, or  
13 subsistence purposes;

14 (8) "multiple use" means

15 (A) the management of all the various resources of  
16 forest land so that they are used in the combination that will  
17 best meet the needs of the citizens of the state, making the most  
18 judicious use of the land for some or all of these resources or  
19 related values, benefits, and services over areas large enough to  
20 provide sufficient latitude for periodic adjustments in use to  
21 conform to changing needs and conditions;

22 (B) that some land will be used for less than all of  
23 the resources; and

24 (C) harmonious and coordinated management of the  
25 various resources, each with the other, without significant  
26 impairment of the productivity of the land and water, with con-  
27 sideration being given to the relative values of the various  
28 resources, and not necessarily the combination of uses that will  
29 give the greatest dollar return or the greatest unit output;

1           (9) "operations" means timber harvesting or activities  
2 associated with timber harvesting or forest development unless exempt-  
3 ed under AS 41.17.900(a) - (c);

4           (10) "operator" means a person who is engaged in timber  
5 harvesting or activities associated with timber harvesting or forest  
6 development, or who contracts with others to conduct operations for  
7 that person, except a person who is engaged in an operation as an  
8 employee with wages or piecework as the sole compensation;

9           (11) "other public land" means state land managed by state  
10 agencies other than the department, land owned by a municipality, and  
11 land owned by the University of Alaska;

12           (12) "person" has the meaning given in AS 01.10.060 and also  
13 includes a joint venture;

14           (13) "riparian area" means

15                   (A) the areas specified in AS 41.17.116(a) on private  
16 land in the coastal forest of spruce or hemlock;

17                   (B) the areas specified in regulations adopted by the  
18 commissioner under AS 41.17.116(b) on private land outside the  
19 coastal forest of spruce or hemlock;

20                   (C) the area 100 feet from the shore or bank or an  
21 anadromous or high value resident fish water body on state land  
22 managed by the department and on other public land;

23           (14) "significant impairment of the productivity of the land  
24 and water" means an activity that may foreseeably result in prolonged  
25 or substantial damage to renewable resources or prolonged or substan-  
26 tial reduction of the continuing capability of the land or water to  
27 produce renewable resources at their natural or historic levels;

28           (15) "silviculture" means the art of producing and tending a  
29 forest, the application of the knowledge of silvics in the treatment

1 of a forest, and the theory and practice of controlling and managing  
2 forest establishment, composition, and growth;

3 (16) "state forest" means an area designated by the legis-  
4 lature and retained in state ownership in order to

5 (A) provide a base for sustained yield management of  
6 renewable resources; and

7 (B) permit a variety of beneficial uses;

8 (17) "sustained yield" means the achievement and maintenance  
9 in perpetuity of a high level annual or regular periodic output of the  
10 various renewable resources of forest land and water without signifi-  
11 cant impairment of the productivity of the land and water, but does  
12 not require that timber be harvested in a non-declining yield basis  
13 over a rotation period;

14 (18) "timber owner" means a person who owns timber on forest  
15 land or who has the rights to timber, but does not own the land it-  
16 self;

17 (19) "Type A water body" means an anadromous water body that  
18 is

19 (A) a stream or river of any size having an average  
20 gradient of eight percent or less, with banks held in place by  
21 vegetation, channels that are not incised, and a substrate com-  
22 posed of rubble, gravel, sand or silt;

23 (B) wetlands and lakes, including their outlets; and

24 (C) an estuarine area delimited by the presence of  
25 salt-tolerant vegetation;

26 (20) "Type B water body" means an anadromous water body that  
27 is a fish stream or river of any size having an average gradient of  
28 eight percent or less, a channel that is incised and contained by the  
29 geomorphology and not by vegetation, and a substrate that ranges from

1 rubble to bedrock; and

2 (21) "Type C water body" means a stream that is tributary to  
3 anadromous waters and that is incised greater than 28 degrees, has an  
4 average gradient of greater than eight percent, is narrower than 20  
5 feet between ordinary high water marks, has a substrate of rubble and  
6 bedrock, and is a mountain slope stream at the upper end of the water-  
7 shed.

8 \* Sec. 28. LEGISLATIVE REVIEW. The legislature acknowledges and recog-  
9 nizes that this Act is adopted on an interim basis because it involves a  
10 significant increase in agency responsibility, is based on many untested  
11 assumptions, and depends for its efficacy on many factors beyond the con-  
12 trol of the state. Therefore, it is the intent of the legislature that the  
13 operation of this Act and regulations adopted under this Act be fully  
14 reviewed and the Act amended as necessary after the second full field  
15 season ends in 1992. This period is intended to allow for further research  
16 and to gain experience implementing the Act and its regulations. It is the  
17 intent of the legislature that a representative group be convened for the  
18 review or that it be conducted by the Board of Forestry. It is the intent  
19 of the legislature that the review occur with full public input and parti-  
20 cipation. No later than January 1, 1993, the Board of Forestry, the De-  
21 partment of Natural Resources, the Department of Environmental Conserva-  
22 tion, and the Department of Fish and Game shall submit, along with the  
23 reports required by AS 41.17.047(d), any proposed amendments to this chap-  
24 ter. The legislature may hold hearings to consider these or other amend-  
25 ments and may take whatever action is required to accomplish the intent and  
26 purposes of this Act.

27 \* Sec. 29. INITIAL TERMS OF MEMBERS OF BOARD OF FORESTRY. The initial  
28 terms of the members of the Board of Forestry appointed under AS 41.17.041,  
29 as enacted by sec. 3 of this Act, are for two members, one year; for three

1 members, two years; and for three members, three years.

2 \* Sec. 30. INTERIM RIPARIAN PROTECTION FOR THE COASTAL FOREST. A  
3 notification for timber harvest activities within the coastal forest of  
4 spruce or hemlock filed under AS 41.17.090 before the effective date of  
5 this section shall be reviewed by the commissioner of natural resources to  
6 determine if the proposed operations provide protection that is substan-  
7 tially equivalent to the fish habitat protection that is provided by  
8 AS 41.17.116, as enacted by sec. 14 of this Act. If the commissioner  
9 determines that protection that is substantially equivalent to that provid-  
10 ed by AS 41.17.116 has been offered or if the forest landowner, timber  
11 owner, or operator complies with an alternate protection plan proposed by  
12 the commissioner, operations covered by the notification are not subject to  
13 AS 41.17.116. If the commissioner determines that the notification does  
14 not provide protection that is substantially equivalent to that provided by  
15 AS 41.17.116, the operator must either resubmit the notification in confor-  
16 mance with this standard or comply with AS 41.17.116. The failure by the  
17 commissioner to make a determination on a notification within 30 days from  
18 the effective date of this section constitutes a determination that the  
19 notification provides protection that is substantially equivalent to the  
20 fish habitat protection that is provided by AS 41.17.116.

21 \* Sec. 31. INTERIM RIPARIAN PROTECTION OUTSIDE THE COASTAL FOREST.  
22 Until regulations are adopted by the commissioner of natural resources  
23 under AS 41.17.116(b), as enacted by sec. 14 of this Act, timber harvest  
24 operations on forest land within 100 feet from the shore or bank of an  
25 anadromous or high value resident fish water body must be sited and de-  
26 signed primarily to protect fish habitat and water quality.

27 \* Sec. 32. AS 41.17.118, as enacted by sec. 14 of this Act, does not  
28 alter the terms of an existing contract or the outcome of litigation pend-  
29 ing on the effective date of this Act. An amendment to or renewal of an

1 existing state timber contract must be consistent with AS 38.05 and  
2 AS 41.17.

3 \* Sec. 33. AS 41.17.133, 41.17.135, 41.17.137, and 41.17.141 are re-  
4 pealed.

5 \* Sec. 34. AS 41.17.230(e) and 41.17.230(f) are repealed.

6 \* Sec. 35. AS 41.17.010(5), as amended in sec. 2 of this Act, takes  
7 effect immediately under AS 01.10.070(c).

8 \* Sec. 36. Sections 1, 3 - 4, 6 - 8, 10 - 11, 13 - 14, 22 - 23, 27,  
9 29 - 32, and 34 of this Act take effect immediately under AS 01.10.070(c).

10 \* Sec. 37. Except as provided in secs. 35 and 36 of this Act, this Act  
11 takes effect October 1, 1990.