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FOREST PRACTICE REGULATIONS, COASTAL MANAGEMENT ACT REGULATIONS AND OTHER REGULATIONS WHICH LOGICALLY COULD BE INCLUDED, WORK TOGETHER TO RESULT IN A STRONG FORESTRY DIVISION WITH A HIGH PROFESSIONAL PROFILE. EXPERIENCE AND OBSERVATION AS TO EVENTS WHICH ARE OCCURRING IN OTHER STATES INDICATE THAT IT IS VERY DIFFICULT FOR THE FOREST LAND MANAGER TO FOLLOW VARIOUS STATE PROMULGATED REGULATIONS IN A RESPONSIBLE FASHION WHEN HE MUST LOOK TO MANY AGENCIES AND A CHANGING SITUATION IN TERMS OF THE PROMULGATION OF SUCH REGULATIONS. THE ADMINISTRATION OF FOREST LAND IS SUBSTANTIALLY SIMPLIFIED WHEN THE LAND MANAGER KNOWS THAT THERE IS A PRIMARY STATE AGENCY TO WHOM HE CAN TURN FOR ASSISTANCE AND INTERPRETATION OF THE MANY REGULATIONS WHICH AFFECT LAND AND FOREST MANAGEMENT IN THE STATE OF ALASKA.

ONE OF THE GENERAL AREAS WHICH STILL VERY MUCH CONCERNS SEALASKA CORPORATION IS THE EFFECT OF THE ALASKA COASTAL MANAGEMENT ACT WITH RESPECT TO FOREST OPERATIONS. THE ALASKA COASTAL MANAGEMENT ACT ALLOWS, EVEN MANDATES, LOCAL CONTROL OF COASTAL PLANNING WHICH WE BASICALLY SUPPORT. HOWEVER, THE ACT ALSO RECOGNIZES SOME USE WILL BE OF SUCH IMPORTANCE THAT LOCAL GOVERNMENTS MUST NOT BE ALLOWED TO THWART SUCH USES. FOR INSTANCE, SECTION 46.35.040 (4) REQUIRES THE ALASKA COASTAL POLICY COUNCIL TO "...INITIATE A PROCESS FOR IDENTIFYING AND MANAGING USES OF STATE CONCERN..."

SECTION 46.35.210 THEN DEFINES USES OF STATE CONCERN GENERALLY AS USES OF GREATER THAN LOCAL CONCERN AND FURTHER SPECIFICALLY STATES THAT ENERGY RELATED DEVELOPMENT, INCLUDING BUT NOT LIMITED TO SITING OF MAJOR ENERGY FACILITIES OR LARGE SCALE INDUSTRIAL OR COMMERCIAL DEVELOPMENT ARE USES OF STATE CONCERN.

WE BELIEVE, AS STATED PREVIOUSLY THAT TIMBER MANAGEMENT INCLUDING HARVESTING IS EQUALLY A USE OF STATE CONCERN AND SHOULD BE SO DESIGNATED BY THE LEGISLATURE. WE THEREFORE RESPECTFULLY SUGGEST AND REQUEST AN AMENDMENT TO THE ALASKA COASTAL MANAGEMENT ACT BE INCLUDED IN THE LEGISLATION ESTABLISHING AN ALASKA FOREST PRACTICES ACT WHICH WOULD ADD TO THE DEFINITION OF "USE OF STATE CONCERN" THE MANAGEMENT, INCLUDING HARVEST, OF THE STATES TIMBER RESOURCES WHETHER ON PUBLIC OR PRIVATE LAND. SUCH A DEFINITION WOULD MINIMIZE IF NOT COMPLETELY PREVENT A SITUATION WHEREIN LOCAL PLANNING AND ZONING UNDER THE ALASKA COASTAL MANAGEMENT ACT WOULD CONFLICT WITH TIMBER ACTIVITIES AS REQUIRED OR ALLOWED UNDER THE ALASKA FOREST PRACTICES ACT.

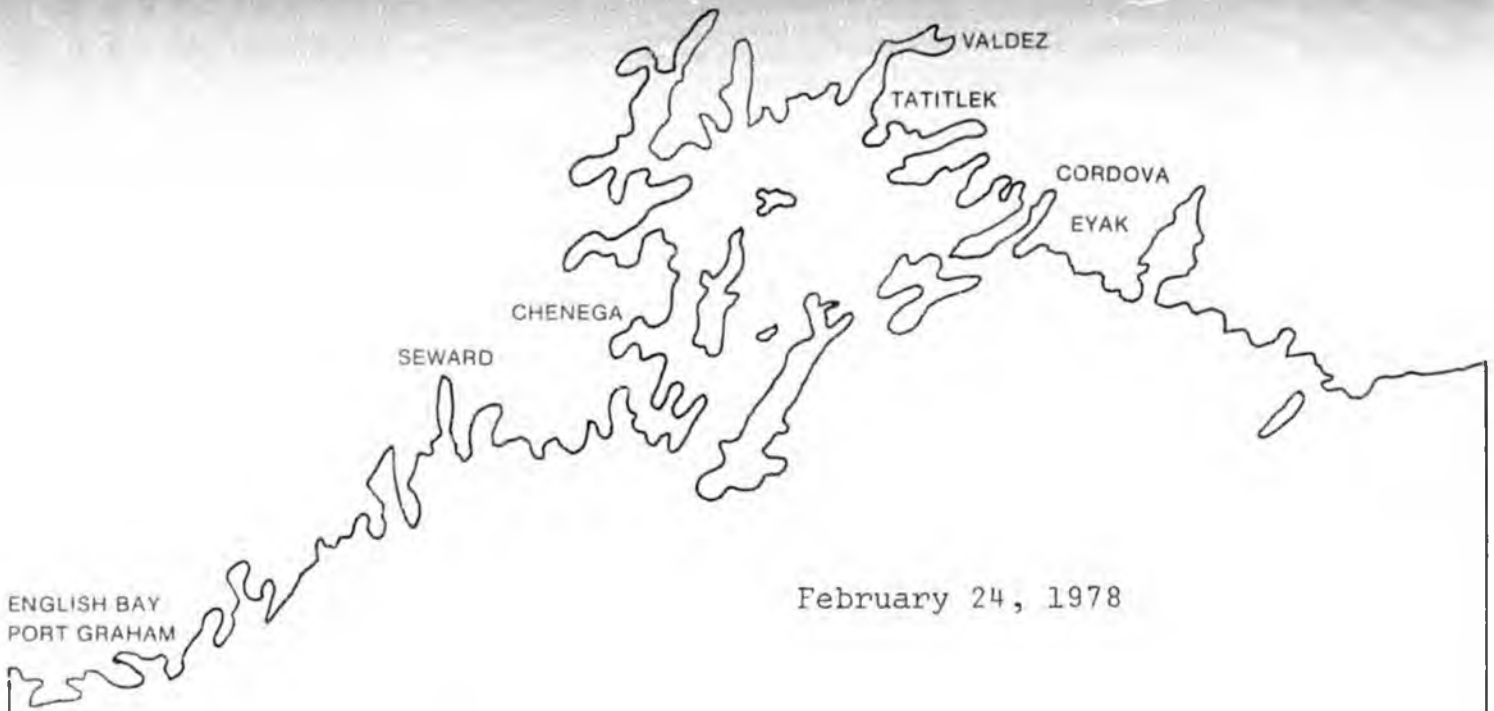
THERE ARE SOME SMALL AMENDMENTS THAT WE ARE INCLUDING WHICH CLEAN UP SOME OF THE LANGUAGE OF THE DRAFT AS SUBMITTED. IN ALL CASES WE HAVE TRIED TO INCREASE THE SPECIFICITY OF CERTAIN SECTIONS TO PROVIDE FOR GREATER CLARITY.

THE DRAFT AS DRAWN, IN AT LEAST ONE INSTANCE, COULD PROBABLY BE CONSIDERED UNCONSTITUTIONAL BECAUSE IT PROVIDES FOR A TAKING OF PRIVATE PROPERTY WITHOUT COMPENSATION. ONE EXAMPLE IS POTENTIAL FOR PROHIBITION OF CUTTING OF PRIVATE TIMBER IF IT AFFECTS THE SCENIC AND AESTHETIC QUALITIES IN CERTAIN AREAS. WE SUGGEST THE ELIMINATION OF THE SUBPARAGRAPH IN QUESTION.

AS HAS BEEN INDICATED BY SOME OF THE SENATORS AT THIS TABLE, IT IS FELT THAT THE PRIVATE LANDOWNER HAS THE FULL RESPONSIBILITY AND RIGHT FOR DETERMINING HOW HE WILL INTERPRET SUSTAINED YIELD MANAGEMENT. WE ENDORSE THIS PRINCIPAL AND HAVE MODIFIED THE WORDING TO ALLOW FOR APPROPRIATE FLEXIBILITY.

MADAME CHAIRMAN, WE THANK YOU FOR THE OPPORTUNITY TO APPEAR AND TESTIFY BEFORE YOU TODAY. AT THIS TIME, I WOULD LIKE TO HAVE PETER HUBERTH INTRODUCE AND EXPLAIN EACH OF THE SUGGESTED MODIFICATIONS WHICH SEALASKA CORPORATION WISHES TO OFFER.

THE PRECEDING PAGES WERE TREATED AS  
A UNIT IN THE ORIGINAL FILE.



February 24, 1978

Kay Poland, Chairman  
Senate Resources Committee  
Pouch V  
Juneau, Alaska 99811

Dear Ms. Poland,

We are extremely concerned with the movement of SB 59, HB 40, and any other state forest practices legislation which may be introduced during this session of the Legislature.

Therefore, could you please notify us when you schedule these bills for hearing or debate before your committee.

Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads 'Carl A. Propes, Jr.'.

Carl A. Propes, Jr.,  
Land Mgr.

*Will do*

11 MARCH, 1977

TESTIMONY BY CHUGACH NATIVES, INC., ON SENATE BILL 59 -  
"AN ACT RELATING TO FOREST MANAGEMENT AND PRACTICES",  
BEFORE THE SENATE RESOURCES COMMITTEE IN JUNEAU

GOOD AFTERNOON LADIES AND GENTLEMEN. MY NAME IS CARL PROPES, LAND MANAGER FOR CHUGACH NATIVES, INC., AND TODAY I AM SPEAKING ON BEHALF OF CECIL BARNES, PRESIDENT OF CHUGACH NATIVES, INC.

MY INTRODUCTORY REMARKS CONSIST OF TWO APOLOGIES. FIRST, I HAVE NO COPIES OF THIS TESTIMONY TO DISTRIBUTE TO THE COMMITTEE, FOR IT WAS ONLY PREPARED AFTER WE ARRIVED IN JUNEAU THIS WEEK. I WILL BE GLAD TO FORWARD SEVERAL COPIES OF THE FINAL DRAFT OF MY REMARKS TO YOU DURING THE COURSE OF NEXT WEEK, HOWEVER. SECONDLY, I MUST APOLOGIZE FOR NOT BEING ABLE TO SPEAK TO YOU THIS AFTERNOON AS A FORESTER, FOR THAT IS NOT WHERE MY TRAINING LIES. HOWEVER, WHAT I WILL ATTEMPT TO DO IS ACQUAINT YOU WITH HOW A LAND MANAGER FOR A PRIVATE CORPORATION, A CORPORATION DEEPLY AND INHERENTLY INVOLVED WITH FOREST MANAGEMENT, VIEWS SENATE BILL 59.

FIRST, I WANT TO IMPRESS UPON YOU HOW DEEPLY CHUGACH NATIVES, INC., IS COMMITTED TO SOUND FOREST MANAGEMENT AND PRACTICES. THE FORESTS OF SOUTHCENTRAL ALASKA HAVE BEEN THE ANCESTRAL HOME OF THE CHUGACH PEOPLE EVER SINCE THE GREAT NORTH AMERICAN ICE SHEETS RECEDED. FROM PREHISTORY TO THE PRESENT WE HAVE INHABITED WHAT IN THE EARLY TWENTIETH CENTURY CAME TO BE

CALLED THE CHUGACH NATIONAL FOREST. TODAY, AS A CORPORATION REPRESENTING THESE FOREST-DWELLING PEOPLE AS SHAREHOLDERS, CHUGACH NATIVES, INC., IS NO LESS CONCERNED ABOUT THE FUTURE OF ALASKA'S FOREST LANDS.

THE SECOND POINT THAT WE MUST EMPHASIZE IS THAT OUR FOREST ENVIRONMENT HAS MADE US INTO WHAT YOU MIGHT CALL "NATURAL ENVIRONMENTALISTS". BY LIVING IN THE FOREST AND SUBSISTING FROM ITS ABUNDANT RESOURCES, WE HAVE LEARNED FIRST HAND OF BOTH ITS PRODUCTIVITY AND ITS FRAGILITY. MOREOVER, THE LOCATION OF CHUGACH'S LAND SELECTIONS WILL DICTATE THAT THEY BE MANAGED IN CLOSE COORDINATION WITH ENVIRONMENTAL CONCERNS. OUR VAST SELECTIONS IN THE BREMNER RIVER AREA FALL WITHIN THE RECENTLY PROPOSED (d)(2) WRANGELL NATIONAL PARK, SUGGESTING THE POSSIBILITY OF EXTENSIVE LAND EXCHANGES AND COOPERATIVE MANAGEMENT AGREEMENTS. SECONDLY, LANDS IN EXCESS OF ONE HUNDRED THOUSAND ACRES ON THE EASTERN SHORES OF ICY BAY WILL SOON BE CONVEYED TO CHUGACH NATIVES' OWNERSHIP. IN TURN, THE CONGRESS HAS SPECIFICALLY REQUIRED THAT CHUGACH, IN ITS LAND MANAGEMENT PROGRAM AT ICY BAY, REFRAIN FROM TAKING ANY UNREASONABLE OR ARBITRARY ACTIONS FOR THE PRIMARY PURPOSE, AND WITH THE EFFECT, OF IMPAIRING OR CURTAILING ANY TRADITIONAL SUBSISTENCE USES IN THAT VICINITY BY NATIVES ENROLLED TO YAKUTAT.

I WOULD NEXT LIKE TO EXPLAIN TO THE COMMITTEE THAT SECTION 22(k)(2) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

ALREADY REQUIRES THAT CHUGACH UPHOLD MANY OF THOSE SAME FOREST STANDARDS AND PRACTICES THAT SENATE BILL 59 WOULD SEEK TO RE-IMPOSE ON US. SECTION 22(k)(2) READS:

Any patents to lands under this Act which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

IN SUM, WE FEEL THAT THE FOREST SERVICE HAS SPELLED OUT ITS OWN STANDARDS AND REQUIREMENTS IN THE CHUGACH NATIONAL FOREST LAND USE PLAN, FOR INSTANCE, IN THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974, AND IN THE ENVIRONMENTAL IMPACT STATEMENTS WHICH IT PREPARES FOR EACH OF ITS TIMBER SALE AREAS. AND, IN SHORT, THESE GUIDELINES SHOULD ALSO SUFFICE FOR THE ADJACENT PRIVATE FOREST MANAGERS. ANY ADDITIONAL RESTRICTIONS ENACTED BY THE STATE OF ALASKA, SUCH AS THOSE INCLUDED IN SENATE BILL 59, COULD SERVE LITTLE PURPOSE OTHER THAN TO COMPLICATE AND CONFUSE THE ISSUE.

IN CONCLUSION, CHUGACH NATIVES, INC., WOULD LIKE TO REFER THE COMMITTEE TO A BRIEF CLAUSE IN SECTION 2(b) OF THE CLAIMS ACT. THIS DECLARATION OF POLICY BY THE CONGRESS READS:

...the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property. (emphasis added)

OVER THE YEARS THIS CLAUSE HAS BEEN IGNORED, ABRIDGED, DISTORTED, AND RARELY, IF EVER, HONORED. CHUGACH NATIVES, INC.,

WOULD THEREFORE LIKE TO URGE THAT THIS COMMITTEE, IN ITS DELIBERATION ON FOREST POLICY AND PRACTICES LEGISLATION, TAKE THE INITIATIVE AND REVERSE THIS SAD TREND OF IGNORING THE NATIVE VOICE.

AT THIS TIME I WOULD LIKE TO ADDRESS OUR SPECIFIC OBJECTIONS TO SENATE BILL 59. IT SHOULD BE UNDERSTOOD BY THE COMMITTEE, HOWEVER, THAT FOR THOSE REASONS OUTLINED PREVIOUSLY, CHUGACH NATIVES, INC., OPPOSES THE PASSAGE OF ANY FOREST PRACTICES LEGISLATION BY THE STATE AT THIS TIME. HOWEVER, WE ALSO RECOGNIZE THAT BY DIRECTING OUR COMMENTS TO SPECIFIC AREAS OF THE LEGISLATION CURRENTLY BEFORE THE COMMITTEE, WE CAN ALSO BE OF SERVICE.

FIRST, I THINK THAT THE TENOR OF THE BILL'S PURPOSES SECTION IS ITSELF SUBVERTED BY THE SUBSEQUENT PAGES OF EXTREME REGULATORY AUTHORITY GIVEN TO THE ADMINISTRATOR OF THIS CHAPTER. SEVERAL OF THE RESULTS WHICH SENATE BILL 59 PURPORTS TO ATTAIN ARE: (1) "TO INSURE THAT TIMBER HARVESTING WILL CONTINUE TO CONTRIBUTE SUBSTANTIALLY TO ALASKA'S ECONOMY"; AND (2) "TO PROTECT THE LONGEVITY OF ALASKA'S FOREST PRODUCTS INDUSTRY BY IMPLEMENTING EFFECTIVE FOREST MANAGEMENT PRACTICES AND MAINTAINING OVER THE LONG TERM ALASKA'S SUPPLY OF TIMBER..." UNFORTUNATELY, IT IS OUR OPINION THAT MANY, IF NOT MOST, OF THE REQUIREMENTS WHICH FOLLOW WOULD ONLY SERVE TO FORESTALL AND IMPEDE THE ACHIEVEMENT OF THESE NOBLE GOALS.

SECONDLY, WE SUPPORT THE CONCEPT OF HOUSE BILL 40, WHICH WOULD CREATE A DIVISION OF FORESTRY WITHIN THE DEPARTMENT OF NATURAL RESOURCES, UNDER THE DIRECTION OF A CHIEF FORESTER. WE STRONGLY FEEL THAT SUCH A CHIEF FORESTER SHOULD BE NAMED AS THE ADMINISTRATOR OF ANY FOREST PRACTICES LEGISLATION, RATHER THAN ADOPT THE ALTERNATIVE POSTURE, NOW INCLUDED IN SENATE BILL 59, OF DELEGATING EVEN MORE AUTHORITY TO THE ALREADY POLLUTED POST OF THE COMMISSIONER OF NATURAL RESOURCES.

THIRDLY, WE AGREE WITH THE FINDING OF SENATE BILL 59 THAT THE "FAILURE TO IMPLEMENT WISE FOREST MANAGEMENT MEASURES DESIGNED TO GUARENTEE PERPETUAL SUPPLIES OF RENEWABLE RESOURCES IN A COMPATIBLE MANNER WOULD BE A GRAVE DISSERVICE TO THE PEOPLE OF ALASKA." AND, CHUGACH NATIVES, INC., INTENDS TO DO EVERYTHING IN ITS POWER TO ENSURE WISE MANAGEMENT IN CONCERT WITH THE STEADY PRODUCTION OF TIMBER PRODUCTS FROM ITS FOREST LANDS. HOWEVER, IN OUR REGION OF ALASKA, AND TO VARIOUS DEGREES ELSEWHERE IN THE STATE, THE CURRENT LACK OF ADEQUATE REFORESTATION MATERIALS CONTRIBUTES TO A LAGGING REFORESTATION PROGRAM. THEREFORE, WE WOULD LIKE TO SEE A STATE DIVISION OF FORESTRY MANDATED TO ESTABLISH AND MAINTAIN TREE SEEDLING NURSERIES AND GREENHOUSES, AN ACTION WHICH THE COMMISSIONER IS ONLY GIVEN THE DISCRETIONARY POWER TO DO UNDER THIS BILL.

FOURTHLY, WE FEEL THAT THE REQUIREMENT OF ITEM #4 IN SECTION .040 OF SENATE BILL 59, THAT "THERE SHALL BE NO SIGNIFICANT IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER WITH

RESPECT TO RENEWABLE RESOURCES..." , ONLY DUPLICATES EXISTING REGULATIONS, AND, AS SUCH, IS EXCESSIVE AND UNNECESSARY. ALSO, ITEM #5 IN THIS SECTION, WHICH SEEKS TO MAINTAIN THE SCENIC AND AESTHETIC QUALITY OF LANDS ADJACENT TO AREAS OF SIGNIFICANT IMPORTANCE TO THE TOURISM AND RECREATION INDUSTRIES, COULD BE INTERPRETED TO EFFECTIVELY PROHIBIT TIMBER DEVELOPMENT IN THE PRINCE WILLIAM SOUND AREA, FOR INSTANCE. WE BELIEVE THAT SUCH BROAD DISCRETIONARY POWERS SHOULD NEVER BE PLACED IN THE HANDS OF A SINGLE ADMINISTRATOR. THEREFORE, IN AN ATTEMPT TO NARROW THE LATITUDE AFFORDED THE ADMINISTRATOR IN THIS SECTION, WE WOULD RECOMMEND THAT THE FOLLOWING TWO PHRASES BE DEFINED IN SECTION .950 OF THIS BILL: "SCENIC AND AESTHETIC QUALITY" AND "AREAS OF SIGNIFICANT IMPORTANCE TO THE TOURISM AND RECREATION INDUSTRY".

FIFTHLY, WE BELIEVE THAT THE PREPARATION OF A TIMBER MANAGEMENT PLAN IS INDEED A LAUDABLE ACHIEVEMENT, AND AS A PRIVATE FOREST-LAND OWNER WE INTEND TO DO JUST THAT. ANY PLAN PREPARED BY THE STATE, HOWEVER, AS WOULD BE REQUIRED BY SECTION .050 OF SENATE BILL 59, MUST ONLY BE MADE TO APPLY TO STATE AND MUNICIPAL LANDS, NOT PRIVATE LANDS. YOU MAY BE ASSURED THAT ALL RESPONSIBLE PRIVATE LAND-OWNERS, SUCH AS CHUGACH NATIVES, INC., AND OTHER NATIVE CORPORATIONS, UNDERSTAND THAT THE "SUSTAINED YIELD OF MERCHANTABLE HIGH QUALITY TIMBER FROM FOREST LAND" IS THE ONLY MANAGEMENT GOAL THAT CAN ASSURE MAXIMUM LONG-RANGE BENEFITS TO THE CORPORATIONS AND THEIR SHAREHOLDERS. IN ALL CANDOR, WE HAVE NO REASON TO BELIEVE THAT

THE DEPARTMENT OF NATURAL RESOURCES - IN SPITE OF ALL THE GOOD FAITH IT CAN MUSTER - WILL HAVE MORE EXPERTISE, MORE INTEREST IN PRIVATE FORESTS, MORE TIME TO DEVELOP SOUND FOREST MANAGEMENT PLANNING, OR MORE INCENTIVE TO DO SO, THAN THE PRIVATE CORPORATIONS THEMSELVES. AND FRANKLY, WE ARE CONCERNED ABOUT THE DELETERIOUS EFFECTS WHICH WOULD RESULT UPON OUR FORESTS IF PLANNING WERE LEFT TO THE INITIATIVE OF A REMOTE BUREAUCRACY.

SIXTHLY, IN REFERRING TO SECTION .060 OF THIS BILL, WHERE THE GUIDELINES FOR THOSE REGULATIONS WHICH THE ADMINISTRATOR MAY ADOPT ARE DRAWN, WE WOULD HAVE TO OBJECT TO ANY WHICH SEEK TO REGULATE THOSE ASPECTS OF TIMBER HARVESTING ON PRIVATE LANDS WHICH HAVE NO SIGNIFICANT ENVIRONMENTAL EFFECT ON THE ADJACENT PUBLIC DOMAIN. THAT IS, IT WOULD BE EXCESSIVE FOR THE ADMINISTRATOR OF THIS ACT TO IMPOSE REGULATIONS REQUIRING US TO COMPLY WITH CERTAIN PROCEDURES WHICH IT IS IN OUR BEST ECONOMIC INTERESTS TO COMPLY WITH ANYWAY.

SEVENTH, WHILE SECTION .110 ON "PROHIBITIONS, PENALTIES AND ENFORCEMENT PROCEDURES" IS GENERALLY UNACCEPTABLE, TWO OF THE MOST OBJECTIONABLE PROVISIONS THEREIN ARE: (1) THAT THE ADMINISTRATOR IS ALLOWED TO STOP ALL TIMBER OPERATIONS IMMEDIATELY IN AN EMERGENCY SITUATION - A POWER THAT WE FEEL SHOULD REST ONLY WITH THE ATTORNEY GENERAL'S OFFICE; AND (2) THAT THESE PROCEEDINGS ARE NOT SUBJECT TO THE ADMINISTRATIVE PROCEDURES ACT. NO DOUBT THIS SECOND POINT WAS INCLUDED

IN THE BILL IN ORDER TO SANCTION HEARING OFFICERS APPOINTED BY THE COMMISSIONER OF NATURAL RESOURCES WHO MIGHT OTHERWISE BE DISQUALIFIED UNDER THE ADMINISTRATIVE PROCEDURES ACT ON THE GROUNDS THAT THEY ARE NOT "UNBIASED AND IMPARTIAL".

EIGHTH, ONE OF CHUGACH'S MOST GRIEVOUS COMPLAINTS ABOUT SENATE BILL 59 CONCERNS SECTION .120, WHICH ESTABLISHES THE COMMISSIONER OF NATURAL RESOURCES, THE ADMINISTRATOR OF THIS ACT, AS THE OFFICER WHO WOULD ALSO RECEIVE AND HEAR APPEALS, MANY OF WHICH WOULD STEM FROM THE COMMISSIONER'S OWN ACTIONS. CERTAINLY THIS COMMITTEE CAN DEVISE A MORE EQUITABLE APPEAL PROCEDURE THAN THIS.

NINTH, AND LASTLY, CHUGACH NATIVES, INC., FINDS FAULT WITH THE DEFINITIONS OF "COMMERCIAL AND NON-COMMERCIAL FOREST LAND" IN SECTION .950 OF SENATE BILL 59. WHEN ALL LANDS "CAPABLE OF PRODUCING CROPS OF INDUSTRIAL WOOD" ARE CONSIDERED TO BE "COMMERCIAL FOREST LAND", THIS INFERS THAT THEY WILL BE MANAGED ACCORDING TO PRINCIPLES AND PRACTICES SIMILAR TO THOSE MENTIONED IN THIS BILL. THEREFORE, SIMPLY BY BEING "CAPABLE" OF TIMBER PRODUCTION, THIS BECOMES THE HIGHEST AND BEST USE FOR MANY LANDS THAT WOULD PROBABLY BE BETTER SUITED TO OTHER USES.

IN CONCLUSION, I WOULD LIKE TO REITERATE OUR EARLIER PLEA THAT THE PRIVATE FOREST OWNER BE INVOLVED IN THE FORMULATION AND DRAFTING OF ANY STATE FOREST POLICY AND PRACTICES LEGISLATION. LET'S MAKE SUCH LEGISLATION A MODEL FOR INCORPORATING

THE OPINIONS OF INDIVIDUALS ENGAGED IN FOREST MANAGEMENT IN ALL SECTORS OF SOCIETY. THIS IS THE BEST MEANS FOR ASSURING THAT THE LAW WHICH RESULTS FROM YOUR DELIBERATIONS WILL NOT EXCESSIVELY BURDEN THE PRIVATE OWNER, NOR EXERCISE TOO LENIENT A CONTROL OVER OUR COMMON ENVIRONMENT.

AS AN AFTERTHOUGHT, I MIGHT REMARK THAT I WAS RATHER SURPRISED TO NOTE THAT SENATE BILL 59 CONTAINS NO PROVISION FOR ANY KIND OF FORESTRY COMMISSION, COUNCIL OR BOARD. HOWEVER, WE BELIEVE THAT THE COMMITTEE SHOULD CONTEMPLATE WHAT THE NEED IS AND WHAT THE EFFECTS WOULD BE OF CREATING SUCH AN AD HOC ADVISORY BOARD, COMPOSED OF PRIVATE, AS WELL AS STATE AND FEDERAL FOREST OWNERS AND MANAGERS, TO EVALUATE AND RECOMMEND THE POLICIES AND PROCEDURES WHICH ANY FUTURE STATE FOREST PRACTICES LEGISLATION SHOULD CONTAIN.

WE THANK YOU, MADAM CHAIRMAN AND COMMITTEE MEMBERS, FOR AFFORDING CHUGACH NATIVES, INC., THE OPPORTUNITY TO TESTIFY THIS AFTERNOON ON SENATE BILL 59.

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Sponsor Substitute for Senate Bill No. 59  
Title An Act Relating to Forest Resources and Practices  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Natural Resources  
Program Category Affected Division of Land and Water Management  
Budget Request Unit(s) Affected Protection and Management

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		186.3	241.6	349.0	367.0	380.0
200 TRAVEL		35.0	35.0	31.0	30.0	33.0
300 CONTRACTUAL		120.0	100.0	122.0	4072.0	4055.0
400 COMMODITIES		4.0	3.0	3.0	3.0	3.1
500 EQUIPMENT		24.0	2.0	20.0	5.0	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>369.3</b>	<b>381.6</b>	<b>525.0</b>	<b>1477.0</b>	<b>4473.1</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		369.3	351.6	490.0	4417.0	4408.1
FEDERAL FUNDS			30.0	35.0	60.0	65.0
OTHER (Specify)						

POSITIONS

FULL TIME		8	8	12	12	12
PART TIME		3	3	3	3	3
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumptions:

1. Under \*Sec. 3. the Act takes effect January 1, 1979. However, as the Commissioner is not precluded from undertaking preparatory activities in the interim, it is assumed that one forester in the state office and one forester in each of the three regional offices of Fairbanks, Anchorage and Juneau will provide the necessary personnel to develop regulations and give public access to forestry expertise throughout the state (Sec. 41.17.020 (j)). These foresters would start July 1, 1978. Thereafter, dependent on the degree of forest practice activity it may be assumed that a forester should be made available to each area. Possible centers for these areas are: Delta, Willow, Soldotna, Glennallen and Haines.

2. It is assumed that other activities as inventory and advisory committee work would start after January 1, 1979.

IV. DATE 4/7/78 PREPARED BY Henry R. Kellomaki  
AGENCY Division of Land and Water Management  
PHONE 279-5577

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

3. Section 41.17.050 of this Bill provides that the Commissioner shall maintain a current inventory or assessment of timber on forest land to assist in meeting the requirements of the Act. It is assumed that an inventory will be done on 8,000,000 acres of state and municipal lands and an equal amount of private lands will be assessed. To be of value this should be repeated every ten years. Experience shows that one man month is required to complete an inventory on one township (23,040 acres). Therefore, six persons are needed to complete the work each year. This allows for three two-man crews during the five month summer field period and three men for winter mapping and photo work.

4. Section 41.17.020 provides for advisory committees to be reimbursed for travel and expenses while giving assistance in the administration of this chapter. It is assumed that these committees will meet more often during the first period of the fiscal note as a result of development of regulation and public hearing meetings.

5. Section 41.17.020 provides that the Commissioner may establish and maintain forest tree nurseries and greenhouses for reforestation purposes. It is assumed that an agronomist and one forest technician will be needed in the program. A future expansion of forest nursery facilities will be sought using capital improvement funds.

6. Section 41.17.050(d) It is expected that after January 1, 1981 recommendations transmitted to the legislature establishing economic incentives would amount to four to five million dollars.

7. Section 41.17.030(b) Amendments to the Federal Water Act may make applicable the provisions of the Act to forest land under federal ownership. It is assumed that the workload would increase dramatically in the southeastern area if this becomes fact.

B. Program Summary:

Personal Services: \$186,300

New Positions

Forester III	1 for 12 mos.	\$32,500
Forester III	1 for mos.	16,200
Forester II	3 for 12 mos.	84,900
Forester II	1 for 6 mos.	14,100
Forester Tech II	3 for 3 mos.	15,500
Forester Tech I	1 for 3 mos.	4,500
Drafting Tech II	1 for 6 mos.	10,200
Inventory Overtime		8,400

Travel:

\$ 35,000

Forest Practice Committee	\$ 7,000
Inventory	24,000
Forest Practice	4,000

Contractual:

\$120,000

Helicopter	\$ 30,000
Vehicle Milegage	6,000
Aerial Photography	75,000
Printing and Advertising	5,000
Office Rent	4,000

Commodities:

\$ 4,000

Equipment:

\$ 24,000

Office equipment	\$ 4,000
Vehicles	20,000

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\$369,300

# SHEE ATIKA, INCORPORATED

P.O. Box 578  
Mt. Edgecumbe, Alaska 99835  
Phone - (907) 747-3534

February 18, 1977

Senator Kay Poland  
Senate Resources Committee  
Pouch V  
Juneau, Alaska 99801

SB 59

Sir,

Shee Atika, Inc., as owner of 23,040 acres of commercial forest land in Southeast Alaska would like to submit the following summary position on SB59 in behalf of our 1,850 stockholders.

1. SB59 will judge and establish resource management standards based on political criteria by placing all authority in the Commissioner of Natural Resources. We feel the authority to administer the standards should be delegated to a strong state forester who answers to a board of professionals, land owners, labor, industry and other parties. The board would draft the regulations.

2. We feel that aesthetics are an improper subject for regulations affecting land management on private forest lands.

3. We feel that the Forest Practices Act should incorporate a notification system in lieu of the proposed prior approval system. The burden thus would be on the state, not the landowner and the Act would be much less expensive to enforce.

4. We feel that notification should not be required any earlier than a maximum of 30 days prior to commencement of operations.

5. We feel that requirement of a performance bond prior to operation on private land is unnecessary as the law provides severe penalties for violation of the law and regulations. The performance bond would prevent many small operators from being able to continue in business.

6. We would like to request a delay in hearings on SB59 until May 1st to allow SANTCO (the largest private commercial forest landowner in Alaska) adequate time to complete its recommendations.

Sincerely,

Nelson Frank

Nelson Frank,  
President & Chairman,  
Shee Atika, Inc.

wrw/tab

# Alaska State Legislature

SENATOR  
KAY POLAND  
DISTRICT L  
P.O. BOX 45  
KODIAK, ALASKA 99619



Senate

KODIAK-ALEUTIAN  
DISTRICT

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811

March 3, 1977

Mr. Nelson Frank  
President & Chairman  
Shee Atika, Inc.  
P. O. Box 578  
Mt. Edgecumbe, Alaska 99835

Dear Mr. Frank:

Thank you for your letter and critique on SB 59, Forest Practices Act. Your letter will be made part of our record and your suggestions will be considered by the Resources Committee.

I note your request that we delay hearings on this bill until May 1; this would be the equivalent of abandoning any hope for action this year. We have scheduled our next hearing on SB 59 for Friday, March 11, at 3:00 p.m., in Senate Resources Committee Room 126; I hope that SANTICO will be able to make some recommendations at that time. I feel sure that we will have additional hearings, but cannot make a commitment as to when they will be at this time.

Again, thank you for your comments, and I will look forward to hearing from you.

Sincerely,

Kay Poland  
State Senator  
Kodiak-Aleutian District

KP:ss

# SHEE ATIKA, INCORPORATED

P.O. Box 578  
Mt. Edgecumbe, Alaska 99835  
Phone - (907) 747-3534

February 24, 1978

Senator Kay Poland  
Chairman, Senate Natural Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99801

Dear Senator Poland,

We have researched the cost of administration and enforcement of "prior approval" forest practices acts such as that used in California and such as the act (SB 59) proposed by the Governor and the cost of administrating and enforcing a "notification" type forest practices act such as the act adopted in Oregon and the act proposed by the Southeast Alaska Native Timber Corporation. It is interesting to note that a "prior approval" act (SB 59) is 6.5 times as expensive as a "notification" act (proposed by SANTCO), considering volume harvested, and 27.3 times as expensive when one considers the number of operation notices filed.

COST BENEFIT COMPARISON OF PRIOR APPROVAL AND NOTIFICATION SYSTEMS  
FOR  
STATE FOREST PRACTICES ACTS

	Prior Approval System California	Notification System Oregon
Operations or Notices filed/year	1,371	8,100
MBF Harvested/year	2,700,000	3,778,000
Annual Budget	\$2,400,000	\$515,000
Administration and Enforcement Cost		
\$/operation notice filed	\$1,750.55	\$64.07
\$/MBF harvested	\$.89/MBF	\$.14/MBF

Oregon and California allow approximately 7% of their respective budgets for transportation and 33% for administrative overhead. The cost of administration and enforcement in Alaska should reasonably be expected to be 58% higher than the cost in California or Oregon. This conclusion is reached by increasing transportation expense to an estimated 33% of the total budget as it would apply to Alaska and further compounding the entire revised budget by an additional 25% estimated cost of operating differential.

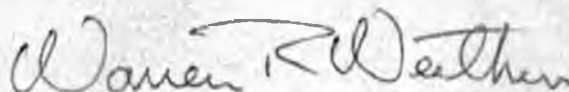
We agree that Alaska should have a Forest Practices Act. The questions to be considered are:

Senator Kay Poland  
February 24, 1978

1. What type of Forest Practice Act do we really need ?
2. How badly do we need the particular form of Forest Practices Act proposed ?
3. What type of Forest Practice Act can the people of Alaska and our fragile economy afford and justify ?

Please keep us informed of the committee's progress on the subject.

Sincerely,



Warren R. Weathers  
Executive Director

WRW/nw

Alaska State Legislature

SENATOR  
KAY POLAND  
DISTRICT L  
P.O. BOX 45  
KODIAK, ALASKA 99615



Senate

KODIAK-ALEUTIAN  
DISTRICT

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99801

March 1, 1978

Warren R. Weathers  
Executive Director  
Shee Atika, Inc.  
Box 578  
Mt. Edgecumbe, Alaska 99835

Dear Warren:

I have received your letter of February 24 regarding Senate Bill 59, the Forest Practices Act. It will be included in the record of testimony on the bill.

A revised version of the bill is currently being prepared by the Administration. I hope to reopen hearings on the latest draft sometime during March. You will be notified as soon as hearing dates have been scheduled.

Sincerely,

A handwritten signature in cursive script that reads "Kay Poland".

Kay Poland  
State Senator  
Kodiak-Aleutian District

KP:ts

TESTIMONY OF CLARENCE KRAMER  
FOR ALASKA LUMBER AND PULP CO., INC  
BEFORE THE SENATE NATURAL RESOURCES COMMITTEE ON  
S. B. 59

My name is Clarence Kramer. I am the President of Alaska Lumber & Pulp Co., Inc. I am here today to testify in support of Senate Bill 59 and urge its prompt passage by the legislature.

At the outset let me commend those who have participated in this process of drafting this bill for what has been three trying years. Anyone who reviews its various drafts can see that it is the work product of many people. It achieves an effective compromise and consensus of what will be required to protect our forests and our industry. It is of value to all the citizens of the State and is indeed in the public interest that this legislation has been brought before you prior to the time that there was a crisis in our forests requiring adoption of such a bill under emergency conditions.

More than any person, Madame Chairman, you deserve credit for this Bill. You forced the Administration to seek concensus so that the private landowner, public land user, interested citizens, and the regulatory area of government would all be served rather than hindered by a Forest Practices Act. At times when progress was stalled, it was your prodding

that got the parties back on track. In short, you have done a tremendous job on this Bill, which is in the highest tradition of Alaskan Legislative Service.

I thought it would be useful to go through this bill and explain the various points that we see as beneficial to both the wood industry and public interest:

1. Section 41.17.010(2). In this section of legislative intent, the importance of the forest industry to the State is recognized and the support of the State in maintaining the forest industry is promised. We expect to be self-sustaining and pay our own way in this State as we always have. However, we desire to do this in concert with the State and this Section promises that kind of relationship.

2. Section 41.17.010(4). This section of the declaration of intent indicates the tripartite approach of the legislation. Namely, the bill recognizes the need for professional management services and economic incentives along with regulatory measures. Thus a balanced approach which we hope will be fully implemented in the regulations.

3. Section 41.17.010(5) &(6). These sections of the declaration of intent recognize that regulations to be promulgated under both the Coastal Zone Management Act and Section 208 of the Federal Water Pollution Control Act of 1972 must be coordinated with the Forest Practices Act. This will give us one comprehensive set of regulations for operators. What we do not want is three sets of regulations under three different management agencies within the State.

One of the major incentives for our support of this bill is the fact that it promises that Section 208 and the Coastal Zone Management Act Regulations regarding forestry will be coordinated under the Forest Practices Act. Madame Chairman, I can assure you that we will be asking for legislative oversight if this promise is not carried out.

4. Section 41.17.020(a). This section provides for the creation of a Division of Forest, Land, and Water Management within the Department of Natural Resources. This section has been one of the key stumbling blocks to reaching an agreement on a Forest Practices Act. The industry has been concerned for years over the Fish and Game Department's control of forestry affairs. To the extent that the State of Alaska has had a policy with respect to its forests and forest industry, it has been created by the Alaska Department of Fish and Game. Since the Alaska Department of Fish and Game is headed by a Commissioner, the political power of the Department vis a vis the political power of anyone within the State Government regarding forestry has always been one sided. One of the major things we had hoped to accomplish by this bill was the assurance that fishery values receive equal consideration with timber values on our forests. We had hoped to do this by placing the Division of Forestry directly under the Commissioner so that it would have the same importance as the Division of Lands.

There appears however to be problems associated with creating a separate Division of Forestry which reports directly to the Commissioner. First of all, the land management authority of the Department of Natural Resources resides

with the Division of Lands. The authority of that Division is spelled out in Title 38 of the Alaska Statutes. It is going to be necessary in the near future for the legislature to extensively revise this anachronistic and archaic statute. Commissioner LeResche has promised to take a look at this problem over the next two year period to see what changes should be made in Title 38. He has also assured us that he will make certain the concerns of the forest industry receive equal consideration with concerns for other resources in the top levels of the Government. Accordingly, we will bow to his wishes for the time being that the Division of Forestry be within the Division of Lands. The Bill leaves open to the Commissioner the option of moving the Division of Forestry if the proposed arrangement is unsuccessful.

We would like to compliment Commissioner LeResche for the active interest he has taken in responding to our concerns regarding this problem. His recognition of the importance of the forest industry and that it has a rightful place in the forest is in marked contrast to the previous Commissioner. The very struggle on this issue which has taken place over the last three years has sensitized the Department of Natural Resources to our concerns. We are satisfied that they will be considered.

As we understand the inner-workings of 41.17.020(a) and 41.17.050(c), the Commissioner can move the Division of Forestry outside the Division of Lands at any point he deems appropriate. After a two year period he will review the administrative arrangement in his report to the legislature. The legislature will then have an opportunity to review his

report and determine whether it would be appropriate to move the Division of Forestry outside the Division of Lands at that time. At the very least, we hope that Title 38 will have been revised at that time, so that if the legislature deems it appropriate to move the Division of Forestry there is no stumbling block to prevent it from happening.

5. Section 41.17.020(g) coordinates the activities of the Department of Environmental Conservation and the Department of Natural Resources with respect to Section 208 regulations regarding forestry. Under the Federal regulations and by act of the Governor, the Department of Environmental Conservation is the lead agency for Section 208 regulation within the State. This means that DEC is not subject to legislative direction but rather receives its authority from the Federal Government. This is why the Section is written to require the Commissioner to "seek to enter into a cooperative agreement with the Commissioner of Environmental Conservation". This is why it provides that DEC has to approve the agreement. We have received assurances from Mr. Reinwand that the Department of Environmental Conservation intends to be reasonable and fair in assuring that this section of the Act is carried out.

6 Section 41.17.020(i) provides for the creation of advisory committees to assist in the administration of this chapter. We believe it to be essential that this advisory committee be developed early on so that it can assist in the

creation of the regulations under this Act. We believe further that private land holding interests should be heavily represented on this Board.

7. Section 41.17.040(b)(1) should be changed as has been suggested by the Administration. As it stands now it requires the production of a sustained yield of merchantable timber from private forest land. Sustained yield is defined in this statute in the same way it is in the Multiple Use-Sustained Yield Act of 1960. The Federal Government has determined that Sustained Yield means non-declining yield. While the continued production of merchantable timber is obviously something that needs to be considered on private land a notion that the private land owners' must manage their timber on a non-declining basis is something that the State should not dictate. Obviously, sustained yield management is appropriate for State and Municipal forest land.

8. Section 41.17.040(c)(4) requires that forest lands must be administered to provide for the continuation of forest-related business. This again is a recognition important to us of the importance of the forest industry in the Alaskan economy. We expect to rely heavily on this section in the preparation of regulations.

9. Section 41.17.050 is what may be termed a mini State Forest and Rangeland Renewable Resources Planning Act. As I am sure this Committee is aware, this latter Act is a Federal Act passed in 1974 to require advanced planning for

the use of Forest Resources on public land. In recent days we have seen a sorry example of the way it was supposed to be administered when the Carter Administration came out with a recommendation for wilderness in the Tongass National Forest prior to the time that the Tongass Land Use Management Plan was completed. Nevertheless the idea of that bill is good and the fact that we would do many of the same things on State lands which are required by that Bill will be most valuable.

10. Section 41.17.060(b) sets up a single stop permit requirement within the Department of Natural Resources to be coordinated with the Act that this Committee sponsored and passed last year, Madame Chairman.

11. Section 41.17.060(d) is another important section to us. It provides that the Commissioner shall adopt only regulations necessary to accomplish the purpose of the Chapter and will avoid regulations which increase operating costs without yielding significant benefits. It remains to be seen whether or not this can be done. However, this is the first time I have seen this stated as a goal in State legislation. Hopefully when the regulations are being formulated, this Section of the Bill will be remembered.

12. Section 41.17.070 sets up the procedures for granting permits. As I am sure you are aware, this is a modified notification procedure. I believe it is valuable to have a procedure designed to limit paperwork and which sets a proscribed time for agency action. Too often in the past agencies have failed to act in a timely way, and thus

caused delay in a number of projects. This has occurred most frequently with respect to our industry where we have applied for Corps of Engineer Permits' which require concurrence by State agencies. Now State agencies will no longer be able to withhold such consideration until it is convenient for them to act.

13. Section 41.17.110 is another compromise in the Bill. Frankly, we had wanted a Section which set up an independent office of hearing examiner which would have the right to use both an informal and formal procedure. What has been prepared here is a reasonable compromise which allows for persons uninvolved with the Department of Natural Resources to act as hearing examiner and also allows an operator to proceed informally when there is a complaint against him. That is, he may elect to go forward without the necessity of having a lawyer, realizing that he will not be opposed by a lawyer or a representative from the agency on the other side.

Thank you very much Madame Chairwoman for all of your hard work in assuring that there was an equitable resolution of this issue. As you can see from the foregoing the forest industry has been given much incentive to support this bill. Without your participation we doubt that this would have occurred in the extent it did. We would also like to compliment Commissioner LeResche for his insight and understanding of the issues and willingness to spend time and energy in achieving a fair bill. He too urged compromise

on all parties and was willing to take strong and decisive action when needed. Had he been Commissioner of Natural Resources when this bill originally came up for consideration I am sure it would have been whipped into shape far more quickly than it was. Finally, Geoff Haynes, from the Department of Law, deserves commendation for his hard work and persistence on this bill. I am sure that there were many times when Geoff felt frustrated by the seeming lack of progress in getting this bill moving. He has done an admirable job in seeking a reasonable solution.

I would be glad to answer any questions.



## *Alaska Conservation Society*

*Incorporated in 1960*

P.O. Box 86192

College Branch, Fairbanks, Alaska 99708

### SSSB 59 Forestry Practices Act

A state forestry practices act is needed to set criteria and standards under which state, municipal and private commercially forested lands are to be managed.

Obviously, the main purposes of the act are to deal with management of commercial timber for in-state needs as well as export. But, receiving equal and balanced consideration should be other uses of our forests. Also, emphasis should be on cooperative management between federal, state municipal, and private forest landholders. Special consideration should be given to coordination and cooperation with federal agencies in the development of national forest management plans and with the Joint Federal State Land Use Planning Commission or its successor. Regulations should encompass strong environmental safeguards and the ability by the state to shut down damaging activities should they occur. Reforestation must be practiced to insure perpetuation of our state forest ecosystems.

Inventories must be carried out to establish what forest resources are in the state. A comprehensive management plan, long term, for state forest lands should be developed to allow the timber industry to know the conditions of leasing state forest lands and allowing them to be able to plan. Such an act is needed to provide a clear basis from which to operate and make forestry management decisions. Economic incentives should be tempered with fair taxation policies on timber and timber growing land.

SSSB 59 incorporates these ideas and others. Much work has been done between industry, native and conservation groups to arrive at a forestry

practices act acceptable to all. ACS appreciates the opportunity for input into this important piece of legislation and supports the concepts embodied in this bill.

The amendments we have to offer are as follows:

1. .040, pg. 5, line 23-25, delete current (6) and add new (6) to read:  
"(6) scenic and aesthetic quality shall be maintained in or adjacent to areas of significant importance to tourism, recreation, and wilderness areas."
2. .060, pg. 8, line 7, add "(9) protection of scenic, recreation, aesthetic, wilderness and other national values."
3. .110, pg. 12, line 13, change "\$10,000" to "\$100,000" or restore sentence after \$10,000 to read "Each day constitutes a separate offence."



# GOLDBELT, INCORPORATED

130 SEWARD STREET, SUITE 302 • JUNEAU ALASKA 99801 • (907) 586-6244

TESTIMONY OF JOSEPH G. WILSON  
ON BEHALF OF GOLDBELT, INCORPORATED ON  
PROPOSED SPONSOR SUBSTITUTE  
SENATE BILL NO. 59  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE - SECOND SESSION  
A BILL RELATING TO FOREST RESOURCES AND PRACTICES

MADAME CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JOSEPH G. WILSON. I AM THE PRESIDENT AND CHAIRMAN OF THE BOARD OF DIRECTORS OF GOLDBELT, INCORPORATED, THE ALASKA NATIVE CLAIMS CORPORATION ORGANIZED BY THE JUNEAU NATIVES FOR THE PURPOSE OF SELECTING LAND PURSUANT TO SECTION 14 H (3) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971. GOLDBELT HAS 2,700 SHAREHOLDERS, EACH OF WHOM IS A DULY ENROLLED ALASKA NATIVE. GOLDBELT WILL OWN THE SURFACE ESTATE OF 23,040 ACRES OF LAND IN NORTHERN SOUTHEAST ALASKA THAT WILL HAVE SUBSTANTIAL TIMBER VALUE.

GOLDBELTS CONCERN WITH PROPOSED SPONSOR SUBSTITUTE SENATE BILL NO. 59 LIES IN ITS IMPACT ON OUR RIGHT AS PRIVATE LAND OWNERS TO MANAGE OUR FOREST LANDS.

GOLDBELT HAS REVIEWED SEALASKA'S AMENDMENTS TO THE PROPOSED SPONSOR SUBSTITUTE SENATE BILL 59, ALASKA FOREST PRACTICES ACT AND CONSIDER THESE TO BE THE MINIMUM REQUIREMENTS FOR THE PROTECTION OF PRIVATE PROPERTY INTERESTS.

THE AMENDMENT'S FOCUS ON 1.) A BOARD OF FORESTRY IS ESTABLISHED WITH BROAD REPRESENTATION FROM INDUSTRY, PROPERTY OWNERS, AND OTHER INTEREST GROUPS. AN IMPORTANT CONSIDERATION OF THE BOARD IS THAT THEIR RESPONSIBILITY WILL BE TO DIRECTLY PARTICIPATE IN THE FORMULATION OF DRAFT REGULATIONS PERTAINING TO THE

MANAGEMENT AND USE OF FOREST RESOURCES. 2.) THE ORGANIZATION FOR A DIVISION OF FORESTRY LED BY A STATE FORESTER WITH SUFFICIENT FORESTRY EDUCATIONAL BACKGROUND. 3.) THE AMENDMENTS ADDRESS THE STANDARDS OF REGULATIONS WITH EMPHASIS ON THE ECONOMIC ENVIRONMENT OF THE INDUSTRY AND RECOGNITION THAT MAN IS AN ESSENTIAL FEATURE IN MANAGING THE FOREST AND RELATED RESOURCES.

GOLDBELT CONSIDERS THESE TO BE THE BASIC MINIMUM REQUIREMENTS FOR THE PROTECTION OF PRIVATE LAND OWNERSHIP INTERESTS. WITHOUT THESE AMENDMENTS, GOLDBELT, INCORPORATED WOULD BE OPPOSED TO THE PASSAGE OF THIS LEGISLATION DURING THIS SESSION.

MADAME CHAIRMAN, WE THANK YOU FOR THE OPPORTUNITY TO TESTIFY.

COOK INLET CHAPTER  
JUNEAU CHAPTER  
KETCHIKAN CHAPTER  
YUKON RIVER CHAPTER  
SITKA CHAPTER  
STIKINE CHAPTER

# SOCIETY OF AMERICAN FORESTERS

Alaska Section

April 10, 1978



TESTIMONY FOR THE SENATE RESOURCES COMMITTEE  
SENATE BILL NO. 59, SPONSOR SUBSTITUTE

MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE;

MY NAME IS BOB JANES AND I AM APPEARING TODAY FOR THE ALASKA SECTION OF THE SOCIETY OF AMERICAN FORESTERS.

WE WELCOME THIS OPPORTUNITY TO GIVE TESTIMONY IN FAVOR OF THE CURRENT SPONSOR SUBSTITUTE FOR SENATE BILL NO. 59. THE ALASKA SECTION REPRESENTS OVER 200 PROFESSIONAL FORESTERS THROUGHOUT THE STATE OF ALASKA, AND IS PART OF A NATIONAL ORGANIZATION OF MORE THAN 20,000 SUCH MEMBERS. DURING THE PAST THREE YEARS, WE HAVE BEEN ACTIVE IN HELPING TO FORMULATE LEGISLATION FOR A SOUND STATE FOREST PRACTICES ACT IN ALASKA. A YEAR AGO, WE MADE AN IN-DEPTH ANALYSIS OF SENATE BILL NO. 59, BY TESTING IT AGAINST OUR SOCIETY OF AMERICAN FORESTERS RECOMMENDED NATIONAL CRITERIA FOR A COMPETENT STATE FOREST PRACTICES ACT. WE ARE HAPPY TO SEE THAT SUGGESTIONS AS A RESULT OF THAT EFFORT HAVE BEEN INCORPORATED INTO THE SPONSOR SUBSTITUTE BEFORE YOU TODAY.

ONE OF OUR PRIMARY CONCERNS A YEAR AGO, WAS THE NEED FOR THE STATE FORESTER TO PLAY A MORE PROMINENT AND AUTHORITATIVE ROLE IN ADMINISTERING THE ACT IN A SOUND AND PROFESSIONAL MANNER. SINCE THE DIRECTOR OF THE DIVISION OF FOREST, LAND, AND WATER

MANAGEMENT WILL BE THE STATE FORESTER, AND SINCE THIS PERSON MUST HAVE PROFESSIONAL NATURAL RESOURCES LAND MANAGEMENT CREDENTIALS, IT APPEARS THE ORGANIZATIONAL STRUCTURE NOW PROVIDES FOR OVERCOMING THAT PARTICULAR PROBLEM. WITH PROPER DELEGATED AUTHORITY EXTENDED BY THE COMMISSIONER, THE STATE FORESTER SHOULD BE ABLE TO OPERATE IN A LEADERSHIP ROLE IN THE MANNER WE ENVISION IS NECESSARY. WE MUST EMPHASIZE, HOWEVER, THE IMPORTANCE OF DELEGATING SIGNIFICANT AUTHORITIES TO THE STATE FORESTER. OTHERWISE, A PROGRESSIVE STATE FORESTRY AWARENESS IN ALASKA COULD AGAIN BACKSLIDE, AND OBSTRUCT SOUND PROTECTION, MANAGEMENT AND UTILIZATION OF THE ABUNDANCE OF NATURAL RESOURCES THIS GREAT STATE HAS.

ANOTHER OF OUR MAJOR CONCERNS IN THE PAST WAS THE EFFECT THIS LEGISLATION WOULD HAVE ON PRIVATE LANDOWNERS. CRITERIA #7 OF OUR NATIONAL GUIDELINES STATES "A FOREST PRACTICES ACT SHOULD ALLOW A FOREST LANDOWNER LATITUDE IN APPLYING PROFESSIONAL FORESTRY EXPERTISE AND FOREST MANAGEMENT PRINCIPLES. ADMINISTRATIVE REQUIREMENTS FOR FOREST LANDOWNERS AND OPERATORS SHOULD NOT BE UNDULY BURDENED." IN PREVIOUS INPUT, WE EXPRESSED THOUGHTS ABOUT THE APPARENT INAPPROPRIATE INVASION OF RIGHTS AGAINST PRIVATE LANDOWNERS BECAUSE OF UNDULY RESTRICTIVE REGULATORY PRACTICES. FOR EXAMPLE, THERE WAS A PROVISION IN PREVIOUS PROPOSED LEGISLATION THAT READ "TIMBER HARVESTING IS NOT PERMITTED IN AN AREA UNLESS RELEVANT DATA AND INFORMATION INDICATE THAT THERE WILL BE NO REFORESTATION PROBLEMS LEADING TO THE INABILITY OF THAT AREA TO PRODUCE A SUSTAINED YIELD OF MERCHANTABLE TIMBER." WE COMMENTED THAT WHILE THIS MAY BE APPROPRIATE FOR STATE OR MUNICIPAL FOREST LANDS, IT

WAS NOT APPROPRIATE AS A BASIS FOR DEPRIVING A PRIVATE LANDOWNER OF ECONOMIC VALUES THAT EXISTED ON HIS OWN LAND. THE CORRESPONDING REGULATORY STANDARD IN THE CURRENT SPONSOR SUBSTITUTE, SEC. 41.17.040 (B) (1), NOW READS "TIMBER HARVESTING IS LIMITED TO AREAS WHERE DATA AND INFORMATION DEMONSTRATE THAT NATURAL OR ARTIFICIAL REFORESTATION TECHNIQUES WILL RESULT IN THE PRODUCTION OF A SUSTAINED YIELD OF MERCHANTABLE TIMBER FROM THAT AREA." DURING THE OPERATOR NOTIFICATION PROCESS WITH THE COMMISSIONER, THIS REQUIRED DETERMINATION SHOULD BE EASILY RESOLVED. ANOTHER OVERLY RESTRICTIVE PROVISION IN THE SAME SECTION OF THE PREVIOUSLY PROPOSED LEGISLATION READ, "SCENIC AND AESTHETIC QUALITY SHALL BE MAINTAINED IN OR ADJACENT TO AREAS OF SIGNIFICANT IMPORTANCE TO THE TOURISM AND RECREATION INDUSTRY." THE CORRESPONDING REGULATORY STANDARD NOW READS "WHERE ECONOMICALLY PRACTICABLE, ALLOWANCE MAY BE MADE FOR SCENIC AND AESTHETIC QUALITY IN OR ADJACENT TO AREAS OF SUBSTANTIAL IMPORTANCE TO THE TOURISM AND RECREATION INDUSTRY." IN ESSENCE, THESE TYPES OF UNDULY RESTRICTIVE MEASURES HAVE BEEN ELIMINATED AND WE BELIEVE PRIVATE LANDOWNERS ARE NOW GIVEN FAIR CONSIDERATION IN THE SPONSOR SUBSTITUTE BILL. IN ADDITION, SECTION 41.17.070 HAS BEEN SUBSTANTIALLY IMPROVED REGARDING REVIEW AND APPROVAL OF OPERATIONS. EVERY EFFORT WILL BE MADE TO LIMIT THE REVIEW AND APPROVAL PERIOD TO A MAXIMUM OF 20 DAYS. WITH THESE EXAMPLES, IT IS DEMONSTRATED THAT UNDULY BURDENSOME REQUIREMENTS HAVE BEEN STREAMLINED OVER THE PREVIOUS BILL.

PROPOSED LEGISLATION FOR AN ALASKA FOREST PRACTICES ACT STARTED IN THE SECOND SESSION OF THE NINTH LEGISLATURE. IT CONTINUED IN THE FIRST SESSION OF THE TENTH LEGISLATURE, AND IS NOW IN ITS THIRD YEAR. TO HELP ASSURE SOUND PROFESSIONAL MANAGEMENT OF ALASKA'S

FOREST LAND RESOURCES AT THE EARLIEST POSSIBLE TIME, WE URGE  
YOUR COMMITTEE TO AGGRESSIVELY STRIVE FOR ADOPTION OF THIS SPONSOR  
SUBSTITUTE FOR SENATE BILL No. 59, DURING THIS SECOND SESSION OF  
THE TENTH LEGISLATURE.

THANK YOU FOR LISTENING TO US TODAY.

A handwritten signature in cursive script, appearing to read "R.C. Jones", written in dark ink on the right side of the page.

May 4, 1977

The Honorable Kay Poland  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Poland:

It is our understanding that the likelihood of a Forest Practices Bill or a bill reorganizing a portion of the department of Natural Resources, in order to more efficiently implement forest practices will not be enacted by the legislature during this session. Since Sealaska has been very interested in organization modifications to the Department of Natural Resources in order to provide an environment which will assure the responsible implementation of forest practices, we would like to assist in the pursuit of drafting appropriate legislation to ensure enactment in next year's session.

Since you have been so responsive and helpful regarding such legislation, I would like to offer the services of Sealaska Corporation in assisting you in any way possible toward the drafting of a bill which will meet the needs of the private forest landowner in the State and yet assure all of the citizens that this very important renewable resource is being properly managed for future generations. Therefore, when your summer or fall schedule permits, I would be very glad to make our personnel available in order to have a bill drafted prior to next year's session and to which you could give your full support.

I will be waiting for your reply.

Sincerely,  
  
John Borbridge, Jr.  
President

# Alaska State Legislature



Senate

SENATOR  
KAY POLAND  
DISTRICT L  
P.O. BOX 45  
KODIAK, ALASKA 99615

KODIAK-ALEUTIAN  
DISTRICT

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811

John Borbridge, Jr.  
President  
SEAlaska Corporation  
811 West 12th Street  
Juneau, Alaska 99801

May 31, 1977

Dear Mr. Borbridge:

I was very pleased to receive your letter offering the services of SEAlaska Corporation, for assistance in drafting a forestry practices bill for the next session. I feel that it is timely for such a bill, and I was not satisfied with the bill submitted by the administration this year. I would like to take advantage of your kind offer, and I will be contacting you this summer or fall as to a time which will be mutually agreeable.

Sincerely,

A handwritten signature in cursive script that reads "Kay Poland".

Kay Poland  
State Senator  
Kodiak-Aleutian District

KP:ss

# SHEE ATIKA, INCORPORATED

P.O. Box 578  
Mt. Edgecumbe, Alaska 99835  
Phone - (907) 747-3534

February 18, 1977

Senator Kay Poland  
Senate Resources Committee  
Pouch V  
Juneau, Alaska 99801

SB 59

Sir,

Shee Atika, Inc., as owner of 23,040 acres of commercial forest land in Southeast Alaska would like to submit the following summary position on SB59 in behalf of our 1,850 stockholders.

1. SB59 will judge and establish resource management standards based on political criteria by placing all authority in the Commissioner of Natural Resources. We feel the authority to administer the standards should be delegated to a strong state forester who answers to a board of professionals, land owners, labor, industry and other parties. The board would draft the regulations.
2. We feel that aesthetics are an improper subject for regulations affecting land management on private forest lands.
3. We feel that the Forest Practices Act should incorporate a notification system in lieu of the proposed prior approval system. The burden thus would be on the state, not the landowner and the Act would be much less expensive to enforce.
4. We feel that notification should not be required any earlier than a maximum of 30 days prior to commencement of operations.
5. We feel that requirement of a performance bond prior to operation on private land is unnecessary as the law provides severe penalties for violation of the law and regulations. The performance bond would prevent many small operators from being able to continue in business.
6. We would like to request a delay in hearings on SB59 until May 1st to allow SANTCO (the largest private commercial forest landowner in Alaska) adequate time to complete its recommendations.

Sincerely,

Nelson Frank

Nelson Frank,  
President & Chairman,  
Shee Atika, Inc.

wrw/tab

Alaska State Legislature



Senate

SENATOR  
KAY POLAND  
DISTRICT L  
P.O. BOX 45  
KODIAK, ALASKA 99615

KODIAK-ALEUTIAN  
DISTRICT

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811

March 3, 1977

Mr. Nelson Frank  
President & Chairman  
Shee Atika, Inc.  
P. O. Box 578  
Mt. Edgecumbe, Alaska 99835

Dear Mr. Frank:

Thank you for your letter and critique on SB 59, Forest Practices Act. Your letter will be made part of our record and your suggestions will be considered by the Resources Committee.

I note your request that we delay hearings on this bill until May 1; this would be the equivalent of abandoning any hope for action this year. We have scheduled our next hearing on SB 59 for Friday, March 11, at 3:00 p.m., in Senate Resources Committee Room 126; I hope that SANICO will be able to make some recommendations at that time. I feel sure that we will have additional hearings, but cannot make a commitment as to when they will be at this time.

Again, thank you for your comments, and I will look forward to hearing from you.

Sincerely,

Kay Poland  
State Senator  
Kodiak-Aleutian District

KP:ss

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

P.O. Box 1628, Juneau, AK 99802

1510

January 25, 1977



The Honorable Alvin Osterback  
Chairman House Resources  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Osterback:

This responds to your request for a statement on forestry activities at the State level. The Forest Service strongly supports measures which will strengthen the professional forestry staff and organization of State governments so that professional forestry expertise can better serve the needs of people in the management of forests and related resources. With the imminent acquisition of the full 103.4 million acres of land provided by the Statehood Act and approximately 44 million acres transferring to Native ownership, such measures are timely.

The State forestry staff is already charged with responsibility for protecting State and private lands from fire, insect, and disease attack. A statewide organization able to meet these demands needs the equipment, experienced managers, and training to provide this support. It needs the cooperation of local communities to provide the manpower during periods of extreme fire hazard, and it must be able to react rapidly to minimize delays in meeting these demands. A trained statewide organization can effectively handle such situations.

Our present State forestry organization is beginning the major task of fielding fire protection forces to protect Alaskan life and property with the gradual phase out of the Bureau of Land Management protection contract. Experience in firefighting and organization of a cadre of district personnel capable of leading temporary firefighters is of paramount importance for making the operation function.

In the area of management, the renewable resources of forest and rangelands include timber production, fish and wildlife habitat, recreational opportunities, wilderness experiences, and watersheds. Minerals management is also related to these resources. The State Forestry organization, working through cooperative Federal-State programs, can provide technical, and in some cases financial, assistance to establish, protect, manage, and use forest and related resources.

The Forest Service works closely with the State Forestry organization of the States and Territories. The National Association of State Foresters is an organization with substantial leadership in promoting sound forest practices on all non-Federal lands. We would encourage the State to examine the opportunities to strengthen its organization to meet the rapidly expanding challenge of its forests. The National Association of State Foresters and individual State organizations have demonstrated the merits of sound forest management practices. A number of States have established forest practice laws and regulation. Their experience could be very helpful in your efforts.

In summary, we believe Alaska now needs a strong State forestry organization operating at a level of government that reflects the emerging importance of this resource activity. Additionally, a comprehensive State forestry program is needed that focuses not only on State lands but is also designed to provide forestry assistance of all kinds to Alaska's new landowners. Numerous federal grant programs exist requiring some state matching funds that are specifically directed to this purpose. The State Forester needs authority and a mandate to participate in these programs.

Many bush communities, wanting to develop sound management programs for their lands, are now requesting forestry and land management assistance. With a strong forestry organization and program the state can be responsive to their citizens needs. We believe it very important that any forestry legislation considered this session address these concerns.

Sincerely,

  
JOHN A. SANDOR  
Regional Forester

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

P.O. Box 1628, Juneau, AK 99802

March 3, 1977  
1510



Honorable Kathryn Poland  
Chairman, Senate Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Poland:

As you requested, here are our comments on S.B. 59, "An Act Relating to Forest Resources and Practices." We have a longstanding interest in this type of legislation and are pleased to share with you our thoughts on this important proposal.

Senate Bill 59 would provide authority to the State Commissioners of Natural Resources to establish experimental forests on State lands to conduct cooperative forestry and extension service programs, to conduct surveys of forest resources, to establish forest tree seed nurseries and to distribute seedlings, to promulgate regulations governing silvicultural practices on all forest lands, and to coordinate the application and issuance of various permits required to harvest timber. Senate Bill 59 would also establish in statute the concept of multiple-use, sustained-yield management as the guiding management principle for Alaska's forest lands.

The State of Alaska is emerging as a State with both national and international natural resource significance. Alaska contains nearly 141 million acres of forest land. At present, approximately 35 percent of these forested lands are identified through selection for State and private ownership. By the time the State completes its land selection, this figure is expected to significantly increase.

This substantial increase in State and private forest lands over the next few years suggests the need for a program to assure that forest resources are protected by application of sound silvicultural and other forest management practices. We would hope that any legislation enacted by the State would encourage and assist the landowners in applying these practices.

Landowners should be encouraged to carefully plan the management of their forest lands recognizing not only timber production but also fish and wildlife values, recreational opportunities, range and watershed protection. There is also a need to provide proper protection against fire, insects, and disease.

The experience of other States has shown that a strong State forestry organization coupled with a forest practices act emphasizing application of sound management practices are not only desirable, but also effective in getting private landowners to practice good forestry.

Senate Bill 59 stresses regulation of forest practices conducted within the State of Alaska, particularly regulation of the timber owner and operator. We believe the Committee should also bear in mind that the availability of professional management services and incentives are also important in achieving an effective State forestry program. Experience in other States has shown that a balance among regulations, incentives and services to the landowner will result in widespread application of sound forestry practices. This balance will also foster a climate of greater cooperation between landowners and the State than regulation alone. Also, rather than establishing prescriptive standards in statute, we would recommend that a forest practices act establish a process by which "best management practices" on a site specific basis can be established. Additionally, we would recommend that the act be compatible with Federal guidelines covering State water quality control standards. Inclusion of these features coupled with the provision that the forestry organization coordinate all necessary forest management permits and regulations will do much to alleviate the private landowner's fear of overregulation and inconsistent and confusing government requirements.

Throughout the country, the various States have developed programs that provide assistance to landowners to help them accomplish these ends through their respective forestry organizations. Several Federal assistance programs are channelled through the States to complement their efforts. For example, to assist the State of Alaska in conducting its current forestry program, the Forest Service will disburse over a half million dollars during fiscal year 1977 through its cooperative assistance programs. This includes funds for forest fire control, forest management, forest tree production, forest resource planning on private lands, and rural community fire protection. In addition, we expect continuation of an emergency employment program for forestry related projects. We would recommend that any forestry legislation permit the continuance and expansion of the State of Alaska's participation in these Federal programs. In this regard, the Committee may wish to revise the definition of "cooperative forestry programs" as contained in Sec. 41.17.950 of S.B. 59. That definition limits the Commissioner to technical assistance which might be construed as a limitation on the State's participation in Federal financial assistance programs.


The Forest Service has continuously supported the need for a strong State forestry organization and a comprehensive State forestry program. These thoughts were recently set forth in a letter to Representative Alvin Osterback, Chairman of the House Resources Committee, in regard to H.B. 40. Because of that bill's relationship to S.B. 59, I am enclosing a copy for your committee's information. We believe the concerns expressed in this letter are equally important to the success of this legislation.

Also enclosed is a copy of our State and Private Forestry Mission Statement with an insert showing the Goals for Alaska which will give you some idea of the priorities we see emerging in the near future. In response to the Alaska's new landowners, this statement attempts to identify the kinds of programs that are essential at this time.

We recognize that Alaska must develop forest practices legislation or guidelines that best suits its needs and this proposal is a good start toward meeting that objective. We would also encourage the Committee to invite the National Association of State Foresters to review and comment upon S.B. 59. The Association can bring to the Committee's attention the experiences and results of various legislative approaches in other States.

We appreciate this opportunity to comment on S.B. 59.

Sincerely,

  
JOHN A. SANDOR  
Regional Forester

Enclosures

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

P.O. Box 1628, Juneau, AK 99802

1510

January 25, 1977



The Honorable Alvin Osterback  
Chairman House Resources  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Osterback:

This responds to your request for a statement on forestry activities at the State level. The Forest Service strongly supports measures which will strengthen the professional forestry staff and organization of State governments so that professional forestry expertise can better serve the needs of people in the management of forests and related resources. With the imminent acquisition of the full 103.4 million acres of land provided by the Statehood Act and approximately 44 million acres transferring to Native ownership, such measures are timely.

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Sincerely,

  
JOHN A. SANDOR  
Regional Forester

Administration

Area Planning

Environmental Improvement

Flood Prevention and Related  
Watershed Management

Forest Fire Management

Forest Insect and Disease  
Management

Forest Management

Genetics

Harvesting, Transporting, and  
Marketing of Forest Products

Multipurpose Forest Management

Nursery Management

Pesticide Use Management

Primary Processing of Forest  
Products

Resource Planning

Rural Development

Secondary Processing and  
Wood in Use



# MISSION FOR THE FUTURE

Statement of Goals  
and Policy Guides



STATE AND  
PRIVATE FORESTRY



# TO MAINTAIN AND ENHANCE THE ENVIRONMENT



**Policy** To protect forests and related resources from erosion,  
**Guides** fire, destructive insects, diseases, and air and water pollutants by providing leadership and technical and financial aid to Federal, State, and private owners and managers.

Encourage and practice the judicious use of environmentally acceptable pesticides to reduce potential adverse effects on the environment, and consult agencies at all levels of government in their use.

Provide "outdoor classroom" training (including demonstration forests) to State and private forest managers in resource management methods.

Sustain national leadership in programs that involve the use of trees and vegetation to reduce noise and heat and adverse effects on the well-being of people living in cities and urban communities.

Orient citizens on the interplay of environmental factors to assist them to understand and appreciate the Nation's natural resources.

Cooperate with State agencies, universities, and school systems, and assist them in environmental education efforts by training education specialists to function at the local level.

The Nation's forest lands—State, Federal, private—are vital to America's economy and environment. They have performed a historic, and now a contemporary, role in providing forest products and services—utilitarian as well as esthetic.

To sustain the flow of goods and services, State and Private Forestry, meeting the challenge in partnership with the National Forest System and Research, exemplifies a cooperative - administrative - technical-professional partnership with State and private forest landowners and managers.

## TO EFFICIENTLY PLAN USES OF LAND AND WATER RESOURCES



**Policy** Meet the Nation's needs for forest-based products and  
**Guides** services by providing national leadership and most efficient planning and use of land and water resources associated with forest and forest-range lands.

Utilize water and related land-use planning programs as vehicles to coordinate activities on National Forest, other Federal lands, and State and private forestlands.

Use cooperative watershed programs, which involve numerous private organizations, to maintain extensive coordination with other Federal and State and county organizations.

Provide technical assistance to solve specific forest-resource development problems by use of data and analyses, cost-sharing for critical areas, special equipment for watershed protection, and action programs to supplement ongoing cooperative programs.

Assist small cities, towns, villages, and farm communities throughout rural America by creating job opportunities and an improved social and physical environment.

Utilize forest resources to develop manpower programs for youth as well as the elderly, and disadvantaged persons in rural areas.

Create satisfying jobs for rural people by providing technical assistance to forest-resource enterprises.

Implement the findings of research, and enhance opportunities for rural citizens to enjoy adequate housing and outdoor recreation and the use of abundant clear water for domestic as well as industrial purposes.

Improve the forest and related environment of rural America by preserving and restoring its natural beauty.

Adapt and extend the management and development of State and private forestlands and resources, and include technical and financial aid, to assist rural minorities.

Initiate emergency aid—including financial aid if necessary—and coordinate action with cooperators, to mitigate damage to forests caused by catastrophes.

## TO APPLY RESEARCH



**Policy** Gather, synthesize, and disseminate forestry related  
**Guides** research findings from Federal, State, and private sources by means of seminars, symposia, workshops, and publications media, to all cooperators.

Identify research needs of State and private forestlands and forest industries, and refer such needs to forestry research organizations.

Utilize the most modern methods of computer sampling techniques to expedite forest inventories.

Assign professionally trained and experienced personnel from the National Forest System, State and Private Forestry, Research, Extension, and land grant universities to assist public and private planners, forest managers, and forest-product processors.

## TO MEET FUTURE DEMANDS FOR FOREST RESOURCES



**Policy** Help meet increasing demands for quality goods and  
**Guides** services by providing technical assistance—through  
the State Forestry organization—to aid primary owners of State and  
private forest and related lands in contributing greater supplies

Augment planning, management, and protection of such lands by  
providing technical and financial assistance.

Expedite meeting output goals and supplying national needs by  
strengthening cooperating organizations with professional aid

## TO EXTEND AVAILABLE SUPPLIES AND SERVICES



**Policy** Recover and utilize waste by improving sawmill tech-  
**Guides** niques, analyzing harvesting operations, discovering  
uses for disaster-killed and damaged timber, preventing insect and  
disease losses during storage, emphasizing proper log classifica-  
tion and grading, and instructing processors to recognize the most  
valuable use for residues.

Apply multiple-use principles toward the extension of existing  
supplies of forest resources, especially from privately owned  
forest lands, by calling for a concerted national effort to meet  
national needs.

Improve and implement procedures to reduce losses to all re-  
sources by increasing the technical capabilities for earlier detec-  
tion, evaluation, and suppression of insect or disease outbreaks.

Provide training to States, as well as technical and financial aid,  
through continuously updated fire prevention and protection pro-  
grams designed to help reduce losses of products and services  
from State and privately owned forest lands.

Provide Federal excess personal property, such as trucks, tractors,  
and pumps, so that State and local governments can strengthen  
fire protection services.

Assist State Foresters in their efforts to organize, train, and equip  
local fire-fighting forces to prevent or reduce losses to human life,  
forests, crops, pastures, and structures from fire.

## The Key



*Cooperation* is the key—cooperative forestry programs are the means—in achieving the mission of State and Private Forestry.

Cooperation puts it all together; the discussions, the plans, the coordination, the goals, the guiding principles, the programs, as well as the action.

### *Cooperation with:*

Federal, State, and local agencies; private forest owners; processors of forest products; community leaders; and keymen in organizations. The principal coordinating partner is the State forestry organization in each State and territory.

### *Cooperative forestry programs that:*

Assist the protection and management of 631 million acres of forest and associated watershed lands.

Seek to increase job opportunities and incomes of rural people.

Develop multiple-use management to obtain maximum potential of forest and related resources.

Improve harvesting, processing, and marketing of forest products.

Transmit and implement research information into practical applications.

Improve fire prevention and control.

Reduce losses from forest insects and diseases by improved detection, evaluations, and suppression methods.

Ensure proper use of environmentally acceptable pesticides in the forest environment.

Cooperation with State and private forest owners achieves more than protection, management, and utilization—it means people cooperating, people helping. The underlying mission of State and Private Forestry is to help society—rural societies and urban societies—to use and enjoy the resources of forest lands, utilization as well as aesthetic.

## Our Principal Goals



Policymaking is a dynamic process that is subject to continuing evaluation. Priorities accorded to goals are often superseded as we respond to the pressing needs of our dynamic society.

These State and Private Forestry goals indicate their general character only. They are not listed by priority:

*TO MEET FUTURE DEMANDS FOR FOREST RESOURCES*

*TO EXTEND AVAILABLE SUPPLIES AND SERVICES*

*TO EFFICIENTLY PLAN USES OF LAND  
AND WATER RESOURCES*

*TO APPLY RESEARCH*

*TO MAINTAIN AND ENHANCE THE ENVIRONMENT*

The following pages describe policies that are used as guides toward meeting these goals.

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Washington, D. C. 20250



Together we face challenges presented by the ever-growing needs of our society. Changing economic conditions and environmental impacts provide new responsibilities and opportunities to agencies and organizations concerned with natural resources. To help you understand how our State and Private Forestry efforts contribute to the overall natural resource effort, we are distributing a Mission Statement for State and Private Forestry. The foundation for this statement is "Framework for the Future," which defines the Forest Service mission.

Teamwork has been effective in meeting past challenges, and we need to seek opportunities to meet continuing and emerging challenges. I believe a part of the total effort is to help others know more about the State and Private Forestry responsibilities and activities. The cooperative efforts of many Federal, State, and local agencies and groups help the numerous S&PF activities contribute to the overall natural resources effort.

It is my hope that you will find this Mission Statement a useful reference.

Sincerely,

JOHN R. MCGUIRE  
Chief



The cover symbolizes State and Private Forestry as a cooperative effort of representatives from the Forest Service, other Federal and State agencies, and private groups and individuals.

With the rapidly changing pattern of land ownership in Alaska there has emerged a whole new spectrum of opportunity and responsibility for forest land management. The following State and Private Forestry "Goals for Alaska" focus on the many challenges that lie ahead.

# GOALS FOR ALASKA

1. TO MEET FUTURE DEMANDS FOR FOREST RESOURCES

Program Emphasis for Alaska

- a. Work with the State Forester in developing a State tree nursery and improved seed sources
- b. Conduct a sawmill improvement program
- c. Provide technical assistance to industry and landowners
- d. Work with the State Forester to promote a Forestry Incentives Program (FIP) on Native village and regional corporation lands
- e. Promote Rural Conservation and Development projects (RC&D) through working with landowners and the Soil Conservation Service
- f. Followup on the "Organization Management for Managers" training session conducted May 25-28, 1976 for the State Forester's organization, Alaska Division of Lands, and BLM personnel
- g. Assist State Forester with organizational evaluations as requested
- h. Extend advisory management services to Native village and regional corporations and other private landowners as opportunities allow

2. TO EXTEND AVAILABLE SUPPLIES AND SERVICES

Program Emphasis for Alaska

- a. Provide technical assistance to industry and landowners
- b. Provide timber inventory assistance to Ahtna, Bristol Bay, Doyon, and Koniag Regional Corporations
- c. Conduct sawmill improvement training in northcentral and south-central Alaska
- d. Work with Cooperative Extension Service in providing training in log cabin construction

- e. Participate with Institute of Northern Forestry in an administrative study to determine the rate of deterioration of beetle-killed white spruce in southcentral Alaska
  - f. Work with the Seward Skills Center in providing training in small sawmill operations and logging techniques; also Ahtna and Shageluk
  - g. Continue wood preservation study at the Juneau Small Boat Harbor
  - h. Assist the State Forester in developing a State-wide fire plan
  - i. Continue excess property acquisitions for State Forester
  - j. Accelerate the Rural Community Fire Protection (RCFP) program under the Rural Development Act of 1972
  - k. Assist the State Forester in implementing operational plans for his new air unit
  - l. Assist in making fire prevention contacts with schools, local landowners, and organizations
  - m. Assist the State Forester in development of cooperative fire protection agreements with communities and Native corporations
  - n. Emphasize the need for adequate fire protection at all forestry workshops
3. TO EFFICIENTLY PLAN USES OF LAND AND WATER RESOURCES

Program Emphasis for Alaska

- a. Coordinate land use planning for proposed new National Forests with similar efforts on adjacent State and private lands
- b. Provide advisory land use planning assistance to Native village and regional corporations

- c. Participate in the Cooperative Copper River-Wrangells Regional Study with the APT, CES, Univ of Alaska, LUPC, State Department of Natural Resources, other Federal agencies, and Native corporations
- d. Implement an Area Planning and Development (AP&D) unit--emphasis on the Alaska Water Study, coastal zone, and outer continental shelf
- e. Continue Forest Service representation on the Alaska Rural Development Council
- f. Conduct forestry workshops and other field training programs for Native village and regional corporations
- g. Assist the Seward Skills Center in providing forestry training for the disadvantaged
- h. Coordinate with Native leaders and State agencies in identifying and implementing programs to train resource managers needed for Native lands
- i. Work with the State Forester in administration of Job Opportunities Program, under Title X of the Public Works and Economic Development Act of 1975 (Federal grant of \$431,000 in FY 76)

#### 4. TO APPLY RESEARCH

##### Program Emphasis for Alaska

- a. Participate with Institute of Northern Forestry in a growth and yield study of white spruce in the Cook Inlet area
- b. Continue to work with Cooperative Extension Service and the State Forester in producing and circulating the Alaska Forest Products Newsletter
- c. Participate with Institute of Northern Forestry and Forestry Sciences Laboratory in producing an annotated bibliography of research results in Alaska

- d. Extend information on research to new landowners at every opportunity
- e. Participate with Institute of Northern Forestry on fire management research in the interior
- f. Participate with Institute of Northern Forestry in producing a joint research publication that discusses management of white spruce in Alaska and how to handle spruce beetle problems
- g. Participate with Forest Products Laboratory, Pacific Northwest Experiment Station, and the Fairbanks Industrial Corporation in a cooperative investigation for the feasibility of manufacturing particleboard in Alaska (also pertains to Activity #2 - To Extend Available Supplies and Services)

## 5. TO MAINTAIN AND ENHANCE THE ENVIRONMENT

### Program Emphasis for Alaska

#### a. Insect and Disease Management and Pesticide Use Coordination

- (1) Aerial and ground detection surveys of insect and disease conditions on all forested lands in Alaska
- (2) Biological, economic, and environmental evaluations of forest insect and disease outbreaks detected. Emphasis on spruce beetle (Cook Inlet), spear-marked black moth, dwarfmistletoe, southeastern defoliating insects, and disease problems in white spruce-birch forests
- (3) Production and release of insect and disease condition reports, evaluation reports, and publications
- (4) Salvage of bark beetle-caused losses in white spruce (coordinated with Western Forest Issues Study)
- (5) Coordinate through Pesticide Use Coordinating Committee, pesticide use on National Forests. Update herbicide environmental impact statement and monitor implementation.

- (6) Maintain cooperative relationship with State Department of Environmental Conservation on pesticide use and training
  - (7) Train forest managers, owners, and workers in insect and disease detection and management
  - (8) Train Forest Service handlers of pesticides
- b. Conduct environmental education forestry workshops for Native village and regional corporations.
  - c. Develop a meaningful awareness for endangered species protection
  - d. Work with State agencies and landowners in control of non-point pollution
  - e. Assist in development of a sound State Forest Practices Act for Alaska

MADAME CHAIRMAN, HONORABLE COMMITTEE MEMBERS, MY NAME IS CLARENCE JACKSON, SR.; I SPEAK IN BEHALF OF SANTCO (SOUTHEAST ALASKA NATIVE TIMBER CORPORATION). SANTCO REPRESENTS ONE OF THE LARGEST PRIVATE COMMERCIAL FOREST LANDOWNERS IN THE STATE; REPRESENTING 10 VILLAGE AND URBAN NATIVE CORPORATIONS OWNING 230,400 ACRES IN SOUTHEAST ALASKA. OUR MEMBERS INCLUDE NATIVE CORPORATIONS FROM CRAIG, HOONAH, HYDABURG, JUNEAU, KAKE, KASAAN, KLAWOCK, SAXMAN, SITKA AND YAKUTAT.

OUR CONCERN WITH SENATE BILL 59 LIES IN ITS IMPACT ON OUR RIGHT AS LANDOWNERS TO MANAGE SANTCO'S FOREST LANDS.

WE WOULD RATHER SEE A STRONG PROFESSIONAL FORESTER LEADING A DIVISION OF FORESTRY AS IN HOUSE BILL 40. WE FEEL THIS IS NECESSARY TO INSURE THAT ALL RESOURCES AND OUR ECONOMIC INTEREST ARE PROTECTED IN THE REGULATIONS TO BE DRAFTED. THIS WOULD FURTHER INSURE THAT MOST OF OUR DEALINGS WOULD BE WITH ONE DIVISION WHO WOULD IN TURN COORDINATE WITH OTHER DIVISIONS WITHIN THE DEPARTMENT.

UNDER SENATE BILL 59 A 159 ACRE PARCEL COULD BE LOGGED WITHOUT QUALIFYING, CONCEIVABLE, AS COMMERCIAL FOREST LAND. WE DON'T FEEL THAT THIS WAS THE INTENT. SANTCO WOULD SUGGEST THAT ANY TRACT MUST MEET ALL LISTED CRITERIA TO BE CONSIDERED EXEMPT FROM A FOREST PRACTICES ACT.

THERE ARE SEVERAL PASSAGES WHICH APPEAR EITHER MEANINGLESS OR AT BEST EXTREMELY DIFFICULT TO COMPREHEND OR INTERPRET, SUCH AS SEC. 14.17.04 (c)(2) RELATING TO STATE AND MUNICIPAL FORESTS. THE STATE ALREADY HAS THE POWER TO MANAGE ITS LAND AND TO CONSIDER ALL RESOURCE VALUES IN THE PROCESS. THIS SECTION WOULD APPEAR TO BE UNNECESSARY. TERMS SUCH AS "KEY VALUES" ARE UNDEFINED.

SEC. 41.17.060 (6) DUPLICATES THE APPARENT OBJECTIVE OF PARAGRAPH (5) AND SHOULD BE DELETED. THE ONLY JUSTIFIABLE REASON FOR THE STATE TO BE CONCERNED ABOUT ROAD AND BRIDGE CONSTRUCTION ON PRIVATE LANDS WOULD BE TO PREVENT EROSION OR PROTECT STREAMS. BOTH OF THESE AREAS ARE ALREADY COVERED IN THE BILL.

SENATE BILL 59 PROPOSES IN SEC. 41.17.060 PARAGRAPH (12) TO REGULATE OPERATIONS WHICH EFFECT AESTHETIC VALUES ON OUR LANDS. WE FEEL THAT ANY EVALUATION OF AESTHETICS COULD ONLY BE A VALUE JUDGEMENT BY THE INDIVIDUAL REVIEWING THE SPECIFIC OPERATION. CONTROL OF AESTHETICS ON PUBLIC LANDS IS AN ACCEPTED FUNCTION OF THE STATE; HOWEVER, IT SEEMS INAPPROPRIATE THAT THE STATE SHOULD RESTRICT OPERATIONS ON PRIVATE LANDS, WHICH MAY OTHERWISE BE COMMENDABLE, SOLELY BECAUSE THEY DO NOT HAPPEN TO FIND THE OPERATION ATTRACTIVE.

WE DON'T FEEL A FOREST PRACTICES ACT CAN SUCCESSFULLY INCORPORATE A COMPROMISE OF TWO OPPOSING CONCEPTS SUCH AS A NOTIFICATION

SYSTEM AND A PRIOR APPROVAL SYSTEM. ANY COMPROMISE WOULD AUTOMATICALLY BE ENFORCED AS A PRIOR APPROVAL SYSTEM AND WOULD BE VERY EXPENSIVE TO ADMINISTER. WE WOULD SUGGEST INSTEAD A MANDATORY 30 DAY PRIOR NOTIFICATION. SENATE BILL 59 COULD DELAY AN OPERATION UP TO 85 DAYS WHICH POTENTIALLY COULD CAUSE AN OPERATOR TO LOSE AN ENTIRE SEASON AND COST HIM A FORTUNE WHILE EQUIPMENT, MANPOWER AND SUPPLIES SAT IDLE WAITING FOR THE STATE TO COMPLETE ITS LENGTHY REVIEW, EXTENSION, REVIEW, EXTENSION PROCESS. THE OPERATOR WOULD BE INCAPABLE OF RESPONDING TO WEATHER CONDITIONS OR MARKET.

WE FEEL THAT THE STATE SHOULD WORK WITH AND SHOULD EDUCATE THE LANDOWNER AND OPERATOR IN A POSITIVE VEIN AS UNDER THE NOTIFICATION SYSTEM. IF AN OPERATOR THEN BREAKS THE LAW HE SHOULD BE SUBJECT TO PENALTY, IMMEDIATE SUSPENSION OF HIS OPERATION IF DETERMINED NECESSARY BY THE STATE, AND SHOULD BE SUBJECT TO THE EXPENSE OF CORRECTING THE RESULT OF HIS VIOLATION. THE 30 DAY MANDATORY PRIOR NOTIFICATION PERIOD WOULD ALLOW ADEQUATE TIME FOR THE STATE TO COMMENT ON AN OPERATION PLAN. THE STATE SHOULD ASSIST A LANDOWNER WITH THE PROPER SUBMISSION OF HIS PLAN AND SHOULD BE IN THE VICINITY OF THE OPERATION WHEN A QUESTIONABLE PORTION OF THE OPERATION IS INITIATED. UNDER THE RISK OF HEAVY PENALTY AND THE WATCHFUL EYE OF THE STATE, VIOLATIONS WOULD BE MINIMAL.

I APPRECIATE THIS OPPORTUNITY TO TESTIFY ON THIS MATTER WHICH COULD NEEDLESSLY RESTRICT SOUND RESOURCE MANAGEMENT PRACTICES, IF IT WERE ADOPTED AS INTRODUCED, IT COULD ALSO INCREASE BOTH THE TAX BURDEN FOR US AS CITIZENS AND EXPENSES FOR US AS LANDOWNERS.

IN CLOSING, OUR CONCERN IS TO PROTECT THE LAND AND THE ENVIRONMENT AS WELL AS JOBS FOR PEOPLE IN ALASKA. WE FEEL THAT EVERYTHING WE DO CAN AND WILL HELP THE ECONOMY IN SOUTHEASTERN ALASKA. I'M SURE THAT IF GIVEN AN OPPORTUNITY TO SIT DOWN TOGETHER, JOINING FORCES AS CONCERNED ALASKAN'S THAT WE CAN SUCCEED IN PRESERVING ALASKA AS WELL AS MIXIMIZING OUR RESOURCES FOR ALL ALASKANS.

I THANK YOU, MADAME CHAIRMAN FOR THIS OPPORTUNITY.

Sec. 41.17.020. ADMINISTRATION (a) The governor shall create, within the Department of Natural Resources, a Division of Forestry to carry out this chapter and other appropriate duties designated by the governor. The division shall be headed by a director who shall be the state forester, appointed by the commissioner to the partially exempt service in accordance with law. The state forester shall be a natural resources land manager with generally accepted forestry educational credentials, production experience, familiar and experienced with the renewable and nonrenewable resources and values of forest land and the products, benefits, and services obtained from them.

RATIONALE:

Because of the importance of the need for a Division of Forestry, we suggest the following modifications to this paragraph:

1. It is felt that the governor shall be required by the legislature to create a Division of Forestry within the Department of Natural Resources. We feel that this division should report directly to the commissioner in order to be at an appropriate level to speak for the needs of the forest products industry throughout the State of Alaska.

2. We strongly feel that a state forester should have some forest industry production experience as part as his background and we would include not only harvesting, but saw milling and/or pulp mill operations, because most any individual who has been associated with the manufacturing end has some familiarity with the need of obtaining forest products in a

manner to sustain existing industry. In addition, we feel that the educational credentials should include a forestry education.

Sec. 41.17.020.

(g) The commissioner may develop proposed regulations under this chapter as part of the state program for control of nonpoint source pollution under the Federal Water Pollution Control Act, as amended, and shall seek to enter into a cooperative agreement with the commissioner of environmental conservation for that purpose.

RATIONALE:

We suggest the deletion of the last sentence in the draft legislation to strengthen the management of the Forestry Division in dealing with the Federal Water Pollution Control Act as amended. It is felt that the division needs to attain the necessary level of expertise in order for division personnel to regulate and understand how various laws and regulations interrelate when applied to forest management activities.

Sec. 41.17.020.

(i) There shall be established a State Board of Forestry consisting of twelve members appointed by the governor. The board shall elect its own chairman.

The State Board of Forestry shall consist of twelve members as follows:

- (1) The dean of the school of engineering, University of Alaska;
- (2) The nominee of the U.S. Regional Forester, United States Forest Service;
- (3) The nominee of the Alaska Federatio. of Natives;
- (4) Four members one each nominated by Chugach Natives, Inc., Doyon Limited, Koniag, Inc., and Sealaska Corporation;
- (5) The nominee of the Alaska Loggers' Association;
- (6) The nominee of the Alaska Coalition or appropriate environmental group;
- (7) The nominee of the Alaska Coastal Management Council;
- (8) The nominee of unions engaged in processing forest products;
- (9) The nominee of the United Fishermen's Association.

The term of office of a voting member of the board is four years. If a vacancy occurs before the end of a term, the governor shall appoint an individual to complete the unexpired term in the same manner and from the same class provided.

Duties of the board shall include the drafting of regulations provided for by this act.

RATIONALE:

The major concern of Sealaska Corporation is to insure that there is a properly constituted body with a reasonable degree of autonomy, with terms which will tend to overlap administrations which will bring a high level of forest management expertise; and which then provide a strong input from private land owners, timber owners or their authorized representatives to insure the citizens of the State of Alaska will benefit through fostering a healthy and vigorous forest products industry which in turn will provide wages for state citizens, some tax income for the State of Alaska and dividends for forest product company shareholders.

Therefore, we suggest a State Board of Forestry which will have the primary duties of drafting forestry regulations provided by this act.

We offer for your consideration a Board of Forestry consisting of twelve members which includes seven members from land owners, the Alaska Loggers' Association, and from labor unions associated with the forest products industry. In addition we included members of interested citizen constituencies who tend to be representative of users of public forest lands. Finally, we include the Dean of the School of Engineering, presently Charles Behlke, who can provide an interface between education and industry, and who by education tends to have an understanding of industry requirements and how education can fill those requirements.

Sec. 41.17.040. REGULATORY AND ADMINISTRATIVE STANDARDS.

(a) All regulations, administrative actions, and other activities and duties undertaken under this chapter must be in full accordance with the standards set out in this section.

(b) With respect to private forest land, the following standards apply:

(1) The privately owned commercially forested areas of the State shall be managed to meet the rights and economic needs of the land and timber owners. Provisions may include regulations encouraging a sustained yield basis, so as to enhance the economic stability for an area and its citizens, to provide employment opportunities, to provide economically sound timber-based industries, and to provide a source of revenue for communities and state.

(2) There shall be no material impairment of the productive capacity of the land to produce a sustained yield of merchantable timber within the total land ownership of any individual owner or affiliated owners whose land is managed collectively.

(3) To the extent reasonably practical, all applicable data and information shall be constantly updated and used in making timber management decisions.

(4) Environmentally sensitive areas and the best practical management practices shall be recognized in the implementation of non point source pollution control measures.

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

(1) forest land must be administered for the multiple use of the renewable and nonrenewable resources and for the sustained yield of the renewable resources of the land in the manner which best provides for the present needs and preserves the future options of the people of Alaska:

(2) any system of allocating predominant uses or values to particular units within a contiguous area of land must reflect in reasonable proportion the various resources and values present in that area;

(3) in the determination of multiple use patterns to be recognized within any area, the State Forester shall recognize that the economic well being of the citizens of the State is of primary importance and that the disposition and use of State-owned assets must be conducted in a manner so as to return the full value to all of the citizens of the State;

(4) to the extent its capacity permits, forest land must be administered so as to provide for the continuation of businesses, activities, and lifestyles which are dependent upon or derived from forest resources;

(5) to the maximum extent possible, all applicable data and information of applicable disciplines must be updated and used in making decisions relative to the management of forest resources;

(6) environmentally sensitive areas and best management practices must be recognized in the implementation

of any nonpoint source pollution control measures authorized under this chapter;

(7) there shall be no significant impairment of the productivity of the land and water with respect to renewable resources.

RATIONALE:

Of primary importance is that the standards for the management of private forest land versus the management of municipal and state forest land be clearly differentiated in order for the Board of Forestry to draft regulations which are appropriate for the classes of ownership. Under subsection (b) dealing with private forest land (1) directly addresses the requirement that a regulatory climate be provided which will allow for responsible development of a forest products base and yet protect the rights of the individual land owner. Without this provision, there is always the danger that other regulations may be drafted which will substantially reduce economic viability and preclude the forest land owner from participating in a profitable forest products venture.

As land owners, Sealaska Corporation strongly subscribes to a concern of all citizens of the State that there be no material impairment of the productive capacity of the land, to utilize applicable data and information in making management decisions, and to pay particular attention to best practical management practices in implementing management decisions so as to protect the water sources of the State from pollution.

In subsection (c) Sealaska Corporation strongly recommends the inclusion of some of the existing sections plus those

sections from section (b) which would be appropriate. In addition in the draft bill paragraph (3) has been deleted and we have substituted a paragraph which is addressed to the obligation of the state and municipal governments to recognize the economic well being of the citizens by managing forest lands which have been set aside for multiple use in a manner to return the full value of stumpage, etc. to all the citizens of the State and thereby reducing the financial burden to those citizens in the form of direct taxes.

Sec. 41.17.050. ADMINISTRATIVE PLAN & REPORT (c)

(1) review the structure and operations of the division of forestry;

(3) describe the responsiveness of the division to the interest of forest resources constituencies.

(4) omit

RATIONALE:

Subsection one cleans up wording to refer just to the division of forestry. It is felt that subsections two and three are both appropriate to this act, however in keeping with the amendments already offered it is recommended that subsection four be eliminated since the act prescribes legal authority, qualifications of the director of the division and location of the division within the department. With our amendments the division would report directly to the commissioner and the director would have certain qualifications including education and professional background. Also there is nothing to preclude the commissioner at a later date from making recommendations to the legislature concerning problems with Title 38 in order to meet the desires of the legislature and administration.

Sec. 41.17.060. REGULATIONS. (a) The commissioner may adopt regulations with the approval of the State Board of Forestry in accordance with the Administrative Procedure Act (AS 44.62) governing operations on forest land with respect to the following:

- (1) harvesting;
- (2) reforestation, revegetation, stocking, prescribed burning, fertilization, thinning, and other silvicultural activities;
- (8) omit

RATIONALE:

As mentioned in this committee on Monday, April 10, 1978 it is very difficult to define removal and use of timber and tree products and related management activities. It is recommended that harvesting be addressed as is necessary by the Board of Forestry how the landowner, operator or timber owner removes and disposes of the products is strictly up to that person.

In subparagraph 2 " aforestation " has been eliminated because it addresses itself to the foresting of lands which have not supported forests for a long time, if ever. It is felt that aforestation simply is not germane to the act.

It is recommended that subparagraph 8 be omitted from this draft bill because of the broad nature and all encompassing aspects of this subparagraph.

It is language such as this which provides significant opportunities for litigation in order to provide for future interpretation. Therefore, it is felt that it is unnecessary.

Sec. 41.17.070.

(f) If action is taken under (e)(4) of this section, the commissioner and affected agencies have an additional 20-day review period, after which time action must be taken under (e)(1), (2), or (3). If the commissioner or any other affected agency takes no action under (e) of this section within the statutory time limit, they are presumed to have taken action under (e)(1). Action taken by the commissioner under (e)(2)-(4) of this section must be accompanied by a written justification.

(m) omit

RATIONALE:

While the act in its draft form seemingly requires that the Commissioner of Natural Resources forward the permit to other state agencies for their review and further requires the commissioner to provide an answer to the applicant within a specified time limit, it does not seem to put enough emphasis on insuring that other state agencies must either respond or by their lack of response show that they approve the permit. We suggest language which is inclusive not only for the commissioner but other affected agencies thereby if they take no action that approval is automatic.

Subparagraph (m) is suggested for omission because many small corporations who own land, individual land owners, and operators are not able to post security for operations on private lands. Therefore, there is the distinct possibility that some individuals could be forced out of business or precluded from entering into the forest products business.

Sec. 41.17.090. CONVERSION OF FOREST LAND TO OTHER USES.

An intention to convert forest land to other uses after timber harvesting must be stated in the notification submitted under sec. 70 of this chapter. In that event, reforestation requirements adopted under this chapter do not apply, except that conversion must be completed during the time set by regulation for minimum reforestation of the land, other than land held for other commercial purposes. Other requirements for revegetation may be imposed to the extent permitted by law and consistent with the intended use. If the commissioner finds at any time that the responsible party has failed to conform to the intent to convert as stated in the notification, the commissioner shall revoke approval of the conversion and require full compliance with reforestation requirements.

RATIONALE:

For those who wish to convert forest lands for other purposes, it is felt that they should have every right to do so and not be burdened with a reforestation clause which might require reforesting after a certain period of time because a land had not been converted. Then there is always the possibility that in another five years the land is actually cleared and converted for other purposes such as agriculture or commercial development. The economic loss to the original land owner can be very significant. Therefore, this paragraph is modified to allow for such a situation.