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Chapter No.
122

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 29, 1996
Actual Effective Date: September 27, 1996

AN ACT

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

3

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

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

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

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

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1 and uses.

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

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

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

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

16 (3) fish and wildlife habitat, including

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

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

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

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

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

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

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

29 (C) uses of fish and wildlife;

30 (D) agriculture, including grazing; and

31 (E) other resources and uses appropriate to the area, including

1 compatible traditional uses;

2 (5) soil characteristics and productivity;

3 (6) water quality; and

4 (7) watershed management.

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

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

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

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

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

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

28 (1) was offered as scheduled and was not purchased; or

29 (2) was sold as scheduled and was returned to the state uncompleted.

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

31 (c) Before beginning operations on municipal or private forest land or on state

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1 land not managed by the division, the operator shall provide the state forester with a
2 detailed plan of operations. The detailed plan of operations must include

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

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

9 (3) other information required in the regulations adopted under this
10 chapter.

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

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

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

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

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

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

30 (1) a preliminary forest inventory;

31 (2) a summary of the testimony offered at public hearings held on the

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

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

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

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

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

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

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

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

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