State Forestry Laws

Defenders of Wildlife

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INTRODUCTION

As of November 1999, thirty-six states out of fifty have forest land management laws regulating all aspects of forest and timber resources and products derived from these resources. Alabama, Alaska, California, Idaho, Minnesota, and New Jersey have the most laws, with five or more statutes on the books, whereas all other states have four or fewer laws.

There are currently at least 105 state forest management laws which can be categorized into nine basic types of regulatory legislation: forest management laws, policy and purpose laws, powers and duties laws or administrative legislation, land acquisition laws, private landowner laws regulating privately-owned forest areas, educational and forest research laws, timber laws regulating the cutting, harvesting and conservation of timber on state lands, prescribed burning and fire prevention laws, and disease and insect control laws. Sixty-six of these laws deal with forest land management, legislative policy, and the purposes, powers and duties of state forestry agencies. Twenty-three of these laws concern timber resource regulation and harvesting, forestry education and research, and prescribed burning laws or laws permitting periodic burning of forest areas to promote new growth. The remainder of these laws relate to acquisition of state forest lands, regulation of privately-owned forest lands, and prevention of diseases and insect infestations.

The most interesting category of the nine basic types of forestry laws is the forest management category. There are at least twenty of these types of laws dealing specifically with the need to manage state forest lands according to "multiple use" or sustainability principles. There are relatively new scientific management methods designed to yield the most economic, recreational and social benefits from forest resources for generations of people. Benefits from forest resources include soil and water quality, increased and diverse use of timber resources, and conservation of wildlife habitats. These goals are specifically written into these forest management laws, a practice not found in earlier legislation.

All 105 statutes regulating various aspects of forest resource management are discussed in this report, by state and type of law.

ALABAMA

I. Powers and Duties Laws

Ala. Code § 9-3-4(1) (1975) empowers Alabama's State Forestry Commission to "protect, conserve, and increase the timber and forest resources" of the state and "to administer all laws relating to timber and forestry protection, conservation and increase of such resources." This law also enables the Commission to make studies, explorations and surveys of forest and timber resources in the state. Ala. Code § 9-3-4(2). Finally, this law allows the Commission to cooperate with federal agencies to protect and maintain state forest lands and timber resources. Ala. Code § 9-3-4(4).

II. Land Acquisition/Private Landowner Management Laws

Ala. Code § 9-13-3(d) (1975) enables the State Forestry Commission of Alabama "to sell, exchange or lease lands under its jurisdiction when in (the Commission's) judgment it is advantageous... to do so in the orderly development and management of the state's forests and other designated areas..."

This statute also authorizes the Commission to give assistance and advice to private landowners concerning management of timber and forest resources on their lands. § 9-13-3(a).

III. Education and Forest Research Laws

Ala. Code § 9-13-25(c)(1)-(4) (1975) established a state forestry study committee comprised of state legislators and gubernatorial appointees representing the interests of private landowners, forestry product industries, educational groups, and other forestry-related groups. The committee publishes a yearly report on all facts of the Alabama forestry management program, such as fire prevention and control in state forests, resource management practices, industrial development, the effects of state and federal environmental legislation, and regulations on forestry practices and landowner prerogatives and options.

IV. Fire Regulation and Prescribed Burning Laws

Ala. Code § 9-13-271(a) (1975) deals with prescribed burning practices on private lands and recognizes that the prescribed burning of forest lands is both a "landowner property right" and a "land

management tool that benefits the safety of the public, the environment, natural resources and the economy of Alabama."

Subsection (a)(3) of the statute states that prescribed burning of forest lands is necessary for reforestation, removing undesirable vegetation, improving wildlife habitat, expediting nutrient cycling, and controlling or eliminating certain forest pathogens.

Subsection (a)(4) of the statute further states that prescribed burning on state forest lands is essential to maintain the "specific resource values for which these lands were acquired."

Finally, subsection (a)(6) of this prescribed burning law states that nuisance actions and liability laws and complaints should not forbid the practice of prescribed burning on private and state forest lands.

<u>ALASKA</u>

I. Forest Management Laws

Alaska has three forest management laws. The first is Alaska Stat. § 41.17.2201(3) (Michie 1983), which states that land within a state forest shall be managed according to multiple use and sustained yield principles and that a forestry management plan shall be prepared by the state's forestry department.

A second forestry management law is Alaska Stat. § 41.17.230(a) (Michie 1983), requiring the Forestry Commissioner to prepare a management plan for all new state forest lands established by the state legislature and to implement each plan within three years of each forest's creation. Each plan must include an assessment of harvesting and commercial use of timber on these new forest lands, including an analysis of timber harvesting operations on fish and wildlife habitats, and on riparian, wetland and ocean-shoreline vegetation critical to fish and wildlife habitats. These management plans must be reviewed by the Forestry Commissioner at least once every five years, and the Commissioner may revise any one plan whenever necessary. § 41.17.230(b).

A third forest management law is Alaska Stat. § 41.17. 950 (Michie 1990), which defines "multiple use" management of forest lands as "the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of the state, making the most judicious use of the land for some or all of these resources or related values, benefits and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions." § 41.17.950(8)(a). "Multiple use" also means that some land will be used for less than all of the resources. § 41.17.950(8)(b). Lastly, multiple use management includes the "harmonious and coordinated management" of various resources without significant impairment of land and water productivity and with consideration of the relative values of various resources. The combination of uses giving the greatest dollar return or unit output is not of primary importance. § 41.17.950(8)(c).

This statute also defines "silviculture" as "the art of producing and tending a forest, the application of the knowledge of silvies in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition and growth." § 41.17.950(15).

Finally, "sustained yield" management is defined by § 41.17.950(17) as "the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water... (and not requiring) that timber be harvested in a non-declining yield basis over a rotation period."

II. Land Acquisition Laws

Alaska Stat. § 41.17.200 (Michie 1983) authorizes establishment of state-owned or acquired lands and water areas as state forests. The purpose of the statute is to create state-protected forest areas while still perpetuating "personal, commercial and other beneficial uses of timber resources." § 41.17.200(a).

Another statute, Alaska Stat. § 41.17.210 (Michie 1983), authorizes the Governor of the State of Alaska to propose to the legislature the establishment of state forest lands consisting of commercially valuable forest lands. Retention of these lands in state ownership is to ensure multiple use of forest resources, sustained yield of timber resources and proper forest management practices. Each state forest land created by the legislature requires the Governor to submit to the legislature a report on a proposed management plan for each new forest area.

III. Private Landowner Management Laws

Alaska Stat. § 41.17.030(b)-(c) (Michie 1978) provides that the Alaska Forest Resources Division shall regulate operations on private forest lands and shall provide public information and assistance regarding forest practices and timber management.

IV. Education and Forest Research Laws

Alaska Stat. § 41.17.030(a) (Michie 1978) requires the Alaska Forest Resources Division to manage state forests and provide technical advice to the public on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on state and private lands.

V. Timber Cutting, Harvesting and Conservation Laws

Alaska has three statutes dealing with timber cutting, harvesting and conservation of timber resources

on state or private forest lands. The first is Alaska Stat. § 41.17.090(a)-(c) (Michie 1996), requiring forest landowners or timber operators to provide the State Forester with detailed plans of timber operations on public or private lands before such operations begin. Within thirty days of receipt of proposed plans, the State Forester must review them for consistency with state timber laws. § 41.17.090(e). Plans not in compliance with state laws must be resubmitted to the State Forester with the necessary changes. § 41.17.090(g). All plans submitted to the State Forester must be reviewed annually. § 41.17.090(i).

The second statute, Alaska Stat. § 41.17.118 (Michie 1990), sets forth standards for timber harvesting on riparian lands located in state forests north and south of the Alaska range. The law provides that timber harvesting may not take place within 100 feet of "an anadromous or high value resident fish water body unless the Division determines that adequate protection remains for the fish habitat." § 41.17.118(a)(1).

This statute further provides that on state forest land south of the Alaska Range, harvest of timber may not be undertaken within 100 feet of "an anadromous or high value resident fish water body." § 41.17.118(a)(2)(A). However, timber harvesting may take place within 100-300 feet of a water body as long as the harvesting is consistent with the maintenance of fish and wildlife habitats. § 41.17.118(a)(2)(B). Finally, the law provides that the Alaska Forestry Commission may impose further riparian protection standards for timber harvesting operations by adopting land use and forest management plans. § 41.17.118(b).

A third statute is Alaska Stat. § 41.17.230 (Michie 1983), which deals with timber harvesting and commercial exploitation of timber resources on state forest areas newly created by the Alaska state legislature. Subsection (a) of this statute requires that each management plan proposed for new state forest lands must include an assessment of harvesting and commercial uses of timber resources on these lands, as well as their probable impact on fish and wildlife habitats. The evaluation of probable impact on habitat must include effects on riparian, wetland, and ocean-shoreline vegetation critical to fish and wildlife habitats. These management plans and impact assessments must be reviewed by the Forestry Commissioner at least once every five years, and any single plan may be revised whenever necessary. § 41.17.230(b).

ARKANSAS

I. Policy and Purpose Laws

Ark. Code Ann. § 22-5-508(a) (Michie 1997) states that it shall be the duty of the Arkansas State Forester "to manage, control, protect, develop, utilize, and handle lands in state forests in such a manner as to best serve the greatest permanent advantage to the people [of the State of Arkansas]."

II. Land Acquisition Laws

Ark. Code Ann. § 15-20-310(a)(5) (Michie 1973) permits the State of Arkansas to acquire natural areas properties, including private lands within the boundaries of national forests, wildlife refuges, state wildlife management areas, or similarly owned or administered lands.

CALIFORNIA

I. Forest Management Laws

Cal. Pub. Res. Code § 4775 (West 1990) states that the management of state forests, including the cutting and sale of timber and other forest products from state forests, shall conform to forest management practices designed to achieve maximum sustained production of high quality forest products while giving consideration to recreational, wildlife, range, forage, fishery and aesthetic interests.

II. Policy and Purpose Laws

Cal. Pub. Res. Code § 4791 (West 1984) states that the purpose of the law is "to encourage private and public investments in, and an improved management of, forest lands and resources within the state to ensure adequate future high quality timber supplies, related employment and other economic benefits, and the protection, maintenance and enhancement of a productive and stable forest resource system for the benefit of present and future generations."

The statute further states that the emphasis of California's forest management program is to improve timber productivity, fish and wildlife habitats, soil quality, and other forest resources, so that the overall effect of the management program is the enhancement of the entire California forest resource system.

III. Land Acquisition Laws

Cal. Pub. Res. Code § 740 (West 1984) provides that the California State Forestry and Fire Protection Board shall represent the state's interests in the acquisition and management of state forests and in federal land matters pertaining to forestry. Also, the Board is empowered to protect the state's interests in forest resources on private lands, and shall "determine, establish and maintain an adequate forest policy." *Id*.

IV. Education and Forest Research Laws

Cal. Pub. Res. Code § 4789.3 (West 1984) authorized a statewide study and assessment of forest and rangeland resources, including those located on private lands, to be completed by January 1, 1987, and

to be redone every fifth year thereafter. The goals of the 1987 and subsequent year studies include the following: 1) the improvement and rehabilitation of understocked timberland in California; 2) the salvaging of diseased and insect-infested trees; and 3) the improved management of forest wildlife habitats throughout the state. 4789.3(a)(1)(A)(C)-(D).

The 1987 and subsequent year studies also include an analysis of present and anticipated demands for forest and rangeland uses in California, a description and evaluation of current state forest and rangeland resource management programs, and a discussion of policy considerations, laws, regulations and management responsibilities expected to significantly influence the use, ownership and management of forest and rangeland resources. § 4789.3(a)(3)-(5).

Another forest management research law is Cal. Pub. Res. Code § 4789.6 (West 1984), authorizing a biennial study to determine state needs for forest management research and recommendations for new projects. This biennial study is submitted to both the California state legislature and to the Governor of California.

To facilitate the biennial studies, the statute established a forest management information storage and retrieval system for the containment and use of data on conditions of California state forest lands.

A third forest research and education law is Cal. Pub. Res. Code § 4792 (West 1984). This law implements an advisory program of technical assistance, advice, and applied research to help private landowners, particularly smaller nonindustrial landowners, to upgrade the management of their forest lands. Thus, the law aims to improve and enhance the state forest resource system as a whole. The state authorizes cooperative efforts between state and federal agencies, the forestry industry and private landowners to improve the management of forest lands within the state.

V. Timber Cutting, Harvesting and Conservation Laws

Cal. Pub. Res. Code § 4561 (West 1984) sets forth conservation standards for timber operations on California state lands. The statute requires that a cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after completion of timber operations.

VI. Prescribed Burning and Fire Prevention Laws

California leads all other states in the number of prescribed burning and fire prevention laws it has. California has three such laws, when most other states have only one or none at all.

The first is Cal. Pub. Res. Code § 4475 (West 1984), which states that no equipment or machines that generate sparks or fires may be operated by persons on or near any forest-covered lands, brush-covered lands, or grass-covered lands unless certain precautions are taken. Required precautions include the use of a shovel and a backpack pump water-type fire extinguisher.

A second prescribed burning law is Ca. Pub. Res. Code § 4775 (West 1990), which provides that the Director of the California Department of Forestry Burning Contracts may enter into a contract with a private landowner or specified public agency to prevent high-intensity wildland fires or to achieve other goals, including forest improvement. § 4775(a), (e).

A third California prescribed burning law is Cal. Pub. Res. Code § 42314.6 (West 1998), which recognizes that wildfires in California forests and wildlands release substantial emissions into the air, therefore endangering public health and environmental quality. Thus, the statute authorizes that a study of an air quality market-based incentive program for prescribed burning projects be undertaken and completed by January 1, 2001. The study includes research on the possibility of implementing an emission control program for prescribed burning on lands owned by the U.S. Forest Service, or, in cases where fire is managed by the California Department of Forestry and Fire Protection, the California Department of Fish and Game.

COLORADO

I. Policy and Purpose Laws

Colo. Rev. Stat. Ann. § 39-102(4.4) (West 1990) defines "forest management plan" as a plan to aid forest landowners in increasing the health, vigor and beauty of such lands through the use of forest management practices. Subsection 4.5 of the statute states that sound business methods and technical forestry principles must be followed in "forest management practices," in order to control forest establishment, composition, density and growth for the purpose of producing forest products and associated amenities.

DELAWARE

I. Forest Management Laws

Del. Code Ann. tit. 7, § 2977 (1998) authorizes the Delaware Forestry Administration to protect state waters from pollution by sediment deposits resulting from silviculture activities.

This law recognizes also that water quality protection techniques for silvicultural practices are an integral part of properly managed forests and that properly managed forest systems have permanent beneficial results for water quality and the quality of life for Delaware citizens.

II. Land Acquisition Laws

Delaware has two forest land acquisition laws: Del. Code Ann. tit. 7, § 2908 (1998) and Del. Code Ann. tit. 7, § 2909 (1998). Section 2908 authorizes the Delaware Department of Agriculture to acquire by purchase, gift or otherwise lands for the establishment of state forests, state forest parks, or experimental stations and demonstration areas, and to manage and maintain such lands. § 2908(1). This statute also authorizes the Department to set aside within state forest lands unusual or historic groves of trees, or "natural areas particularly worthy of permanent preservation." § 2908(4).

Section 2909 (1998) is a second forest land acquisition statute permitting the Delaware Department of Agriculture, with the Governor's approval, to receive gifts, donations, contributions, or leases of land to be held and managed as state forests, state parks, or other uses.

HAWAII

I. Private Landowner Management Laws

Haw. Rev. Stat. § 195(F-1) (1991) was enacted in recognition that much of Hawaii's forest lands and resources are privately owned and need consistent and uniform management. This statute, therefore, established a stewardship program as a cooperative effort between governmental agencies and private landowners to manage and maintain forest lands, timber resources, fish and wildlife habitats, isolated populations of rare and endangered plants, native vegetation and other areas of significant public benefit under private control. This statute also allows private landowners to receive financial assistance from the state through the stewardship program.

§ 195(F-1)(1), (5).

IDAHO

I. Policy and Purpose Laws

Idaho has four "policy and purpose" laws dealing with state forest lands and resources. The first of these is Idaho Code § 38-1501 (1992), stating that it is the policy of the State of Idaho to protect and properly manage its abundant forest resources in order to produce "multiple resources and values along with sustained yields of timber to support the economic welfare of the state." To further this goal, the statute authorizes collection and dissemination of information on the management of Idaho's public and private forest lands and forest products industry.

A second policy and purpose law is Idaho Code § 38-102 (1992). This law gives the Director of the Idaho Department of Lands the power to investigate, adopt and implement a comprehensive state forest policy in the interests of the entire state.

A third purpose and policy law is Idaho Code § 38-1302 (1992), stating that it is the public policy of the State of Idaho to encourage forest practices on federal, state and private lands in order to maintain and enhance forest resources, wildlife and aquatic life, and soil, air and water resources on these lands.

A fourth policy statute is Idaho Code § 38-1401 (1998), which is a law asserting the right to practice forest management activities. This law recognizes that these activities are not nuisances and should not be subject to nuisance suits. The statute states that "the right to conduct forest practices is a natural right and is recognized as a permitted use in the State of Idaho."

II. Timber Cutting, Harvesting, and Conservation Laws

Idaho has at least one timber supply law: Idaho Code § 58-1002 (1989). This statute states first that state forest lands are a valuable resource to the people of Idaho, providing employment opportunities and a significant source of income to the state and its institutions. § 58-1002(1)(a). Section (1)(e) of the statute also states that jobs and income for the state's citizens can be accomplished by a stable timber supply and further growth of the forest products industry in the state. Hence, the policy of the state is to promote the wood processing and manufacturing industry in Idaho and to act as a participant in the timber market. § 58-1002(2)(a)-(b).

III. Prescribed Burning and Fire Prevention Laws

The Idaho Department of Lands and the state's forest wardens are authorized by Idaho Code § 38-405 (1998) to enter into contracts with federal agencies and other forest protection groups to manage and reduce fire hazards in Idaho state forests.

INDIANA

I. Policy and Purpose Laws

Ind. Code § 14-23-4-1 (1995) states that it is the public policy of Indiana "to protect and conserve the timber, water resources, wildlife, and topsoil in [Indiana's] forests for the equal enjoyment and guaranteed use of future generations." Pursuant to this statute, timber that has a good commercial value may be removed, but only in a manner that benefits the growth of saplings and other trees by thinnings, improvement cuttings and harvest processes. The removal of timber must provide a source of revenue to the state and counties, and must also provide local markets with building material.

II. Timber Cutting, Harvesting, and Conservation Laws

Pursuant to Ind. Code § 14-23-4-4 (1995), the State of Indiana is authorized to enter into agreements with private parties for the removal of merchantable timber from state forest lands as long as the following factors are considered: 1) local market conditions; 2) suitability of the terrain for cutting and removing timber; 3) potential hazards to surrounding stands of timber; and 4) any other matters of concern to the Indiana Forest Department. The state is also permitted by this law to inspect areas where timber is scheduled to be removed to determine if the proposed cutting and removal of timber is conducted in a manner that protects and preserves the topsoil and surrounding growth.

KENTUCKY

I. Powers and Duties Laws

Ky. Rev. Stat. Ann. § 149.005 (Banks-Baldwin 1996) requires the Kentucky Forest Resource Council to report at least once a year to the state legislature and Governor on the status of forest resource policies and practices involving "management, use and protection of the state's forest resources. This report shall also include an analysis of the long-term ecological, social and economic needs and limits of the state's forest resources; it shall encourage productivity of the state's forests; and the report shall encourage collaboration and coordination among multiple constituencies for proper management of the state's forests and forest resources."

LOUISIANA

I. Powers and Duties Laws

La. Rev. Stat. Ann. § 3:4276 (West 1995) states that the Louisiana State Forester shall have the following powers and duties:

- 1) Examine all timbered lands belonging to the state and make a report to the State Forest Commission on their condition and the actual value of timber on state lands;
- 2) Protect and manage lands donated to the state or purchased by the state for forestry preserves;
- 3) Conduct forest research;
- 4) Prepare a biennial report on the progress of forestry work to the State Forest Commission, such report to include recommendations for improving the current methods of forest protection, management and replacement.

In addition, this statute empowers the State Forester to cooperate with and encourage private timberland owners to protect, manage and replace their forest lands, and to help private landowners form protective associations.

Finally, this law requires the State Forester to carry on educational work in the area of forest conservation.

II. Land Acquisition Laws

La. Rev. Stat. Ann. § 56:1922 (West 1988) sets forth several criteria under which the Louisiana Department of Wildlife and Fisheries may acquire lands by purchase, exchange, gift or otherwise for additions to the state's portfolio of natural lands, state parks, state forests, and wildlife and fishery management areas. The determination of whether lands should be acquired by the state requires consideration of the following criteria: 1) whether the land to be acquired has "high priority" recreational, forestry, fishery, wildlife or conservation value; 2) whether the land includes a prime natural feature of the Louisiana landscape, such as a major river, stream or bayou, an island or wetland, a significant litoral, estuarine, or aquatic site, or other important geologic feature; 3) whether the area to be acquired includes a habitat or native plant or animal species which may be threatened or

endangered; 4) whether the land is an example of a native ecological community; 5) whether the land to be acquired is environmentally significant and threatened with conversion to incompatible or ecologically irreversible uses; and, finally, 6) whether the land to be acquired is adjacent to a natural and scenic river, steam or bayou.

§ 1922(A)(1)-(6).

Also, prior to the acquisition of any site, the statute requires the state to determine whether the site has any special ecological quality or other "outstanding natural values as a community of living things." § 1922(B).

MAINE

I. Powers and Duties Laws

Me. Rev. Stat. Ann. tit. 12, § 1826 (West 1997) makes the Maine Bureau of Parks and Lands responsible for the management of forested areas on state lands "to preserve to the maximum practicable extent their natural, recreational and scenic qualities." Wood harvesting on state park and historic site lands is also authorized by the statute when the wood is to be used on those sites; when cutting is necessary to improve wildlife habitat, control insect infestation and other disease, reduce fire hazards, or improve recreational uses and aesthetic quality of the lands; or when the state demonstrates exemplary multiple use forest management techniques within a demonstration forest area established on state park land for educational purposes.

All cutting of timber on state forest lands and parks is subject to the following restrictions: 1) the cutting must protect the recreational and natural values of forest lands; 2) the cutting must be consistent with forest management plans; and 3) the cutting must stay consistent with management objectives for parks and historic sites.

II. Education and Forest Research Laws

Me. Rev. Stat. Ann. tit. 12, § 8611 (West 1994) requires the Maine Bureau of Forestry to provide information and educational services for forest management in Maine, including a statewide toll-free number for disseminating forest management and other types of information to the public.

III. Disease and Insect Control Laws

Maine has two disease and insect control laws applicable to state forest lands. The first is Me. Rev. Stat. Ann. tit. 12, § 8422 (West 1994), making it a policy of the State of Maine to establish a spruce budworm management program to minimize the short- and long-term impacts of spruce budworm insect infestations on Maine's spruce and fir forests. The objectives of the program are as follows: 1) the protection of an adequate supply of wood to support long-term economic needs of the state and its forest product industries; 2) the development and utilization of both public and private forest protection sectors and management programs that are cost-effective, biologically sound and responsive to the environmental and health concerns of the public; 3) the reduction in use of insecticides; and 4) the

encouragement of private efforts to undertake a variety of pest management techniques to suppress budworm infestations in state forests.

§ 8422(1)-(4).

The second insect and disease control law is Me. Rev. Stat. Ann. tit. 12, § 8101 (West 1994), requiring the Director of the Maine Bureau of Forestry to maintain a statewide surveillance system for detection and monitoring of insects, diseases and abiotic agents potentially injurious to forest resources in Maine. The Director is also authorized to provide technical assistance to individuals and agencies on forest insect and disease problems and methods of control. Additionally, the Director may conduct research on forest diseases and insect and pollution problems, and may maintain up-to-date information on the injurious impacts of insects, diseases and abiotic agents, including air pollution and acid deposition, on Maine forest lands. § 8101(B)-(E). Finally, the statute permits the Bureau of Forestry to coordinate its efforts on research and management of forest pest problems with federal agencies, other state governmental agencies, the Canadian government, and public and private landowners in Maine. § 8101(F).

MARYLAND

I. Powers and Duties Laws

Md. Code Ann., Nat. Res. I. § 5-207 (1989) vests the Maryland Department of Forests and Parks with the power to purchase and manage lands in the State of Maryland, as long as the lands are suitable for forest culture, reserves, watershed protection, state parks, scenic preserves, historic monuments, parkways or state recreational reserves. The Department may also accept gifts of land for administration as state parks, state forest areas or recreational areas.

MASSACHUSETTS

I. Forest Management Laws

Mass. Gen. Laws Ann. ch. 61, § 1 (West 1982) defines "forest management plan" as a "completed copy of a form provided by the state forester [and] executed by the owner and the state forester that provides for a ten-year program of forest management, including intermediate and regeneration cuttings."

Mass. Gen. Laws Ann. ch. 21, § 2(F) (West 1985) is a second forest management law that provides that management plans for all state reservations, parks and forests shall include guidelines for the operation and stewardship of such areas and shall be submitted to the State Board of the Department of Environmental Management for consideration and adoption.

II. Timber Cutting, Harvesting and Conservation Laws

Mass. Gen. Laws Ann. ch. 132, § 41 (West 1982) sets forth timber cutting guidelines and practices on state forest lands in Massachusetts. This statute authorizes the Governor of Massachusetts to appoint a state forestry committee consisting of eight members representing forest landowners in the state, wood-using industries, timber harvesters, consulting foresters, environmental organizations, water supply agencies, fisheries and wildlife interests, and the public at large. The committee's responsibility is to prepare tentative minimum forest cutting practices and guidelines to be submitted to the director of forests and parks, for approval by the Commissioner of Environmental Management. The Commissioner then adopts the recommended practices and places them in effect. These practices and guidelines may also be periodically received and amended.

MICHIGAN

I. Policy and Purpose Laws

Mich. Comp. Laws Ann. § 324.50106 (West 1995) states that the primary purpose of the law is to stimulate improved management and utilization of forest lands and resources within the State of Michigan. The statute further states that "[e]conomic and community development opportunities based on the forest resources will be enhanced by ensuring adequate future high quality timber supplies, increased employment opportunities, a diversified economy, and other economic benefits, and the protection, maintenance, and enhancement of a productive and stable forest resource system for the public benefit of present and future generations." § 324.50106(1).

Subsection (2) of this statute states that another purpose of the law is to improve the timber productivity of state forests in Michigan. The objective is to effectively use waste material, determine the commercial feasibility of waste material, and to improve all forest resources, including wildlife habitats and soil quality, to enhance the forest system. § 324.50106(2).

II. Powers and Duties Laws

Pursuant to Mich. Comp. Laws Ann. § 324.50301 (West 1995), the Michigan State Forest Department is empowered to do the following: 1) advise the Governor and the state legislature on state forest development and other matters relevant to the development of the forest products industry in the state; 2) create a forestry development plan to improve forestry business in the state, assure a stable timber supply, and coordinate public and private forestry objectives; 3) promote and encourage the development of a forest products industry in the state; 4) promote and encourage the expansion of existing forest product companies in Michigan and attract new businesses; and 5) promote and encourage use of Michigan forest products by other states and for export to other countries. § 324.50301(a)-(g).

Another "powers and duties" statute is Mich. Comp. Laws Ann. § 324.83102 (West 1998), which authorizes the Michigan Natural Resources Department to "develop, operate, maintain and promote an integrated recreation system that provides opportunities for hunting, fishing, camping, hiking, snowmobiling, off-road vehicle trail riding, boating, trail related activities, and other forms of recreation within each state forest." The statute states further that in developing these recreational activities and

programs, the focus shall be on "maintaining the integrity of the forest while supporting recreational activities and experiences for which a large land base, rustic nature and the forest and forest values are critical to the activity."

MINNESOTA

I. Forest Management Laws

Minn. Stat. Ann. § 89.001 (West 1995) sets forth definitions for "forest resources," "multiple use," and "sustained yield." Subdivision (8) of the statute defines "forest resources" as "those natural assets of forest lands, including timber and other forest crops, biological diversity, recreation, fish and wildlife habitats, wilderness areas, rare and distinctive flora and fauna, air, water and soil resources and educational, aesthetic and historic values." § 89.001(8).

"Multiple use" is defined in subdivision (9) of the statute as "the principle of forest management by which forest resources are utilized in the combinations that will best meet the needs of the people of the State [of Minnesota], including the harmonious and coordinated management of the forest resources, each with other, without impairment of the productivity of the land and with consideration of the relative values of the resources, and not necessarily the combination of uses resulting in the greatest economic return or unit output." § 89.001(9).

Lastly, "sustained yield" is defined in subdivision (10) of the law as "the principle of forest management for the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of forest resources without impairment of the productivity of the land [and] allowing for periods of intensification of management to enhance the current or anticipated output of one or more of the resources." § 89.001(10).

II. Policy and Purpose Laws

Minnesota has three policy and purpose statutes setting forth state purposes and policy on management of state forest lands. The first is Minn. Stat. Ann. § 89.002(1) (West 1986), stating that "[t]he commissioner shall manage the forest resources of state forest lands... according to the principles of multiple use and sustained yield," which principles are defined in Minn. Stat. Ann. § 89.001 (West 1995), described above.

A second policy and purpose law, Minn. Stat. Ann. § 89A.02 (West 1995), states that it is the policy of the State of Minnesota to pursue four goals: 1) "the sustainable management, use and protection of the state's forest resources to achieve the state's economic, environmental, and social goals; 2) [the] cooperation and collaboration between public and private sectors in the management of the state's forest resources; 3) [the recognition and consideration of] forest resource issues, concerns, and impacts at the site and landscape levels; 4) [the recognition of] the broad array of perspectives regarding the management, use, and protection of the state's forest resources, and [the establishment of] processes and mechanisms that seek and incorporate these perspectives in the planning and management of the state's forest resources." § 89A.02(1)-(4).

A third statute, Minn. Stat. Ann. § 89.04 (West 1995), provides that it is the policy of the State of Minnesota to encourage a partnership between loggers, forest landowners, and managers of forest resources concerning responsible forest resource management.

III. Powers and Duties Laws

Minnesota also has four "powers and duties" laws authorizing state forestry agencies and officials to undertake specific duties with respect to management of state forest lands and resources.

The first of these laws is Minn. Stat. Ann. § 89.07 (West 1995), listing various duties of the Minnesota Forest Commissioner. Subsection (1) of this statute requires the Commissioner to establish a program for monitoring broad trends and conditions in the forest resources at the statewide, landscape and site levels. Subsection (2) of this law requires the Commissioner to establish a program for monitoring silvicultural activities and applying timber harvesting and forest management guidelines at the statewide, landscape and site levels. Subsection (3) of the statute requires the Commissioner, in cooperation with other research and land management organizations, to evaluate the effectiveness of practices used to mitigate damage caused by forest harvesting and forest management activities on the state's forest resources. Subsection (4) of the law requires the Commissioner to monitor other types of programs, formal studies, and initiatives affecting Minnesota's forest resources. Lastly, subsection (5) of the statute invites and encourages public comments on any negligent timber harvesting or forest management practices. § 89.07(1)-(5).

A second "powers and duties" law is Minn. Stat. Ann. § 89.01 (West 1988), stating that the Minnesota Forest Commissioner "shall ascertain and observe the best methods of reforesting cutover and denuded

lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the headwaters of streams and on watersheds of the state." § 89.01(1).

A third "powers and duties" law is Minn. Stat. Ann. § 88.79 (West 1997). Subdivision one of this law empowers the Commissioner of Natural Resources to furnish private owners of forest lands in Minnesota not exceeding 1,000 acres with forest management services consisting of the following: advice on the management and protection of timber and on the selection of timber to be cut, guidance in the harvesting and marketing of timber and other forest products, and other aid that the Commissioner deems necessary to promote the maximum sustained yield of timber on these private lands.

Subdivision (3) of the statute also provides that the Commissioner of Natural Resources may furnish cost-sharing of conservation practices to nonindustrial owners of 5,000 or more acres of forest lands in Minnesota, subject to the requirement that each landowner undertake and complete conservation efforts approved by the Commissioner. The cost-sharing may not exceed 75% of the actual costs of conservation practices on private lands.

A fourth statute dealing with powers and duties of the Minnesota Forest Resources Council is Minn. Stat. Ann. § 89.03 (West 1998). This Council's duties include making recommendations to the Governor and federal, state, local and county governments regarding forest resource policies and practices that result in the sustainable management, use and protection of the state's forest resources. These policies and practices must acknowledge the interactions of complex sustainable forest resources, multiple ownership patterns, and local to international economic forces. They must give consideration to the long-term economic, ecological and social needs and limits of the state's forest resources. In addition, the practices and policies recommended by the Council must foster the productivity of Minnesota's forests, enhance the benefits provided by Minnesota forest lands, result in no net loss of Minnesota forest lands, encourage mixes of forest cover types to promote biological diversity, encourage collaboration with multiple constituencies in the management of state forest lands, and address the environmental impacts of timber harvesting and methods of alleviating negative impacts.

IV. Land Acquisition Laws

Minnesota is one of the few states with a state constitutional provision on the acquisition of state forest

lands. Minn. Const. art. 11, § 11 (1976) states that "[s]chool and other public lands of the state better adapted for the production of timber than for agriculture may be set apart as state school forests, or other state forests as the legislature may provide. The legislature may also provide for their management on forestry principles. The net revenue therefrom shall be used for the purposes for which the bonds were granted to the state."

MISSISSIPPI

I. Policy and Purpose Laws

Mississippi has at least one law regulating state policy on forest management practices. Miss. Code Ann. § 49-19-53 (1972) recognizes that only a small portion of privately owned forest land in Mississippi is managed in accordance with sound forestry practices and that there is waste, inefficiency and wanton destruction in the harvesting of forest lands, resulting in serious economic and social losses. Therefore, the statute states, the State of Mississippi, pursuant to its police power, will regulate the harvesting of forest products and utilization of forest resources on state lands. The statute states further that the public policy of the State of Mississippi is to encourage better management of forest lands; to increase efficiency in the harvesting of forest products and utilization of forest lands; to preserve and develop forest land for the equal and guaranteed use of future generations; and to preserve and protect forest resources and the continuous growth of timber resources. Further, the state's policy is to prevent soil erosion and consequent silting of stream channels and reservoirs; to protect watersheds and reservoirs and to ensure at all times an adequate supply of water of forest quality; to preserve and ensure for all times adequate habitats for wildlife; to preserve scenic beauty and to ensure adequate facilities for outdoor recreation for public use; and finally, to reduce forest fire hazards and encourage private ownership, economic management and scientific development of forest lands.

II. Prescribed Burning and Fire Prevention Laws

Miss. Code Ann. § 49-19-303(c) (1972) recognizes that forest lands in Mississippi constitute significant economic, biological and aesthetic resources of statewide importance; and that prescribed burning of forest lands prepares the areas for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates certain forest pathogens.

The law also acknowledges that liability issues and nuisance complaints inhibit the use of prescribed burning, and thus the statute authorizes and promotes the use of prescribed burning for ecological, silvicultural and wildlife management purposes. \$ 49-19-303(c)(1)(f), (2).

NEW HAMPSHIRE

I. Forest Management Laws

N.H. Rev. Stat. Ann. § 227-I:8 (1998) requires that a comprehensive statewide forest resources plan be submitted to the legislature and the Governor every ten years, and that every five years, an interim status report and a five-year program addressing problems and opportunities on all forest land ownerships be submitted also. Both the ten-year and five-year reports must include discussion of management responsibilities, policy considerations, laws, rules, regulations and other factors influencing the use, ownership and management of forest resources. Both reports must also include statements of policies on management of New Hampshire forest resources. Finally, each report must include fiscal needs and legislative priorities for promoting both public and private resource management programs in New Hampshire.

II. Policy and Purpose Laws

N.H. Rev. Stat. Ann. § 227-G:1 (1998) declares that "the public welfare of [the State of New Hampshire] requires the maintenance, protection, conservation, multiple use and rehabilitation of forests for the social, economic and environmental benefits that result from a diverse forest cover. Such benefits include forest products, a viable forest-based economy, recreational opportunities, scenic values, healthful surroundings, climate mitigation, clean water and biologically diverse populations of plants and animals." The statute also declares that long-term sustainability of New Hampshire's forests will require the prudent acquisition and management of state-owned forests, data collection, planning and education, protection of critical resources, monitoring and protection of forest health, and the control of woodland fires.

NEW JERSEY

I. Policy and Purpose Laws

N.J. Stat. Ann. § 13:1L-2 (West 1983) "declares that the acquiring, planning, designing, developing, operating and managing of the state parks and forests [of New Jersey] is in the best interests of [New Jersey citizens] and that the provision of recreational programs to all segments of the public enhances the public health, prosperity and general welfare and is a proper responsibility of the state." This statute also provides that forested lands in New Jersey "should be managed to maximize the public benefit from the state's forest resources."

Another policy and purpose law is N.J. Stat. Ann. § 13:1L-17.2 (West 1996), called the New Jersey Shade Tree and Community Forestry Assistance Act. This Act declares that shade trees and forests "are a necessary and important part of community and urban environments, and are critical to the environmental, social and economic welfare of the state..." To that end, the New Jersey legislature passed the Act in 1996 to help local urban and community governments establish their own shade tree and forestry programs. The Act to implements a shade tree and community forest preservation license plate sale program to raise funds for the creation of a state community forest program.

II. Powers and Duties Laws

N.J. Stat. Ann. § 13:1B-15.101 (West 1966) requires the New Jersey Division of Parks and Reservations to develop and manage all state parks, state forests, state recreation areas, state historic sites and state natural areas. Management of these areas includes the protection of all forests, brush lands and marshes from damage by fire, insects and disease; it also includes the promotion of good forest management principles on all forest lands.

Among other duties enumerated in N.J. Stat. Ann. § 13:1L-5 (West 1983), the New Jersey Department of Environmental Protection has the responsibility to prepare and implement a master plan and a management plan for each state park and forest.

Pursuant to N.J. Stat. Ann. § 13:1L-13 (West 1983), one of the duties of the New Jersey Department of Environmental Protection is to plan, develop and implement a forest management program for forest resources found in New Jersey parks and forests. The Department must also provide technical

information and advice to promote the best management practices for public and private forest landowners, managers, vendors, forest operators, wood processors, public agencies and individuals regarding the following: 1) the harvesting, marketing and processing of timber and other forest resources; 2) the development of maximum efficiency in the utilization of wood and wood products consistent with the principle of maintaining long-term, sustained yield of those products; 3) the management, planning and treatment of forest lands, including protection, site preparation, timber stand improvement reforestation, prescribed burning, and other practices designed to increase the quantity and improve the quality of timber and other forest resources; and 4) the protection and improvement of forest soil fertility and watersheds to enhance the quality and quantity of water yields and the beneficial effects of forest habitat on fish and wildlife.

III. Prescribed Burning and Fire Prevention Laws

N.J. Stat. Ann. § 13:1L-16 (West 1983) requires the New Jersey Department of Environmental Protection to use fire prevention and suppression techniques to minimize damage to forest resources. The Department is also required to provide information and technical assistance to units of local government for the development of urban and community forestry programs.

IV. Disease and Insect Control Laws

N.J. Stat. Ann. § 13:1L-15 (West 1983) mandates that the New Jersey Department of Environmental Protection prevent the spread of insects and diseases through trees and forests of the state or through wood products, stored wood and wood in use. This duty includes conducting surveys to detect and evaluate insect infestations and diseases of forests and trees throughout the state. Also required is the development of biological, chemical or other measures to control or suppress insect infestations or diseases of trees, and any other actions deemed necessary to protect the state's trees, forests and wood products from insects and disease.

NEW MEXICO

I. Policy and Purpose Laws

N.M. Stat. Ann. § 68-2-24 (Michie 1998) sets forth public policy on forest management principles to be used in New Mexico. The statute recognizes that forests in New Mexico provide various benefits such as young tree growth, wood products, jobs, grazing areas, good quality water and wildlife habitats. The statute then declares that it is the public policy of New Mexico to adopt forest practices that maintain and enhance such benefits. Such practices include silviculture planning, fire prevention, and controlled burning to remove trees and ensure regeneration of commercial tree species.

NEW YORK

I. Policy and Purpose Laws

N.Y. Envtl. Conserv. Law § 9-08-01 (McKinney 1986) states that it is the policy of the State of New York to "provide for the development and maintenance of a forest practices planning program... to conserve, improve and protect its natural resources and environment." The statute further states that "forest resources programs and efforts should be based on periodic assessments and analyses of present and anticipated use, demand for, and supply of renewable forest resources from the public and private forest lands of the state." The statute created the New York Department of Environmental Conservation as the state agency responsible for conducting a long-range comprehensive forest resources planning program. This program includes periodic forest resources assessments and the development of a forest resources plan.

NORTH CAROLINA

I. Policy and Purpose Laws

N.C. Gen. Stat. § 113A-177 (1997) states that the development of forest resources is in the interest of North Carolina and that unfavorable environmental impacts are occurring as a result of negligent forest operations. Therefore, the statute sets forth the following goals for forests in North Carolina: forest regeneration, forest renewal practices on both public and private lands, soil, air and water resource conservation, and voluntary landowner participation in forest renewal and management programs.

II. Powers and Duties Laws

N.C. Gen. Stat. § 143B-308 (1997) sets forth various duties of the Forestry Council of the North Carolina Department of Environment and Natural Resources, one of which is to advise the Department on all matters pertaining to the protection, management and preservation of state-owned, privately-owned and municipally-owned forests in North Carolina. Included in this duty are giving advice on the profitable use of state forest lands, restoring forest ecosystems, protecting rare and endangered species, and protecting soil, water, wildlife and wildlife habitats. The Council is also responsible for implementing a long-range comprehensive plan for the use, management and sustainability of North Carolina's forest resources. Other duties include providing a forum for discussion of forest management problems, undertaking forest management studies, and making periodic reports to the Department of Environment and Natural Resources.

A second powers and duties law is N.C. Gen. Stat. § 113-29 (1997), which requires the North Carolina Department of Environment and Natural Resources to implement a policy of cooperation with public and private owners of forest lands in North Carolina to accomplish the following five goals: 1) preventing forest fires in all North Carolina counties; 2) restoring forest growth on public and private lands that have been unwisely cleared and neglected; 3) furnishing trained and experienced experts in forest management and inspection of privately-owned forest areas to advise landowners of proper methods for timber growing, cutting and marketing; 4) providing educational materials to teachers and other instructional professionals on the wise use of North Carolina forest resources; and 5) acquiring small areas of suitable land within North Carolina where model forests can be cultivated and used for experimentation and demonstration in the area of forest management. § 113-29(b)(2), (4).

NORTH DAKOTA

I. Forest Management Laws

N.D. Cent. Code § 57-57-07 (1991) states that if a North Dakota forest is cleared, grazed, burned, cut or otherwise destroyed, it may be declassified as a state forest and returned to private ownership. At the request of the landowner, these former state forest areas may be returned to a forested landscape by means of a forest management plan approved by the State Forester. These plans must cover a five-year period, include the landowner's objectives, and contain recommendations for managing timber and other forest resources.

<u>OHIO</u>

I. Forest Management Laws

Ohio Rev. Code Ann. § 1503.011 (Banks-Baldwin 1992) declares that the Chief of the Ohio Division of Forestry shall be responsible for the conservation and development of forests within Ohio. The Chief shall be concerned with silvicultural practices, including the proper planting, growing, protecting, harvesting and managing of trees for such purposes as watershed and soil protection, timber production and utilization, recreation, aesthetics, wildlife habitat development and urban enhancement, and other benefits that forests provide. The Chief of the Forestry Division may also provide rural forestry assistance to private landowners; provide wood utilization, marketing and rural forest development assistance to forest industries and political subdivisions and agencies; provide assistance to landowners to prevent insect infestations of trees and other forest resources; and provide technical assistance to landowners in developing forest windbreaks, filter strips and other forest conservation measures.

OKLAHOMA

I. Forest Management Laws

Okla. Stat. Ann. tit. 2, §§ 1301-1306 (West 1998) encourages scientific forest management on all lands owned by the state of Oklahoma according to standards that will protect, utilize and perpetuate pine and other trees. Only wilderness areas are excepted from scientific forest management techniques.

OREGON

I. Forest Management Laws

Or. Rev. Stat. § 530.050 (1983) states that management of lands acquired by the Oregon State Board of Forestry includes the protection of those lands from fire, disease and insects, the sale of forest products derived from those lands, the execution of mining leases and contracts on such lands, and the allowance of other uses on the lands. These "other uses" include domestic livestock foraging and browsing, development of fish and wildlife habitats, protection from floods and soil erosion, and preservation of water quality. § 530.050(1)-(3).

Another Oregon statute dealing with forest management is Or. Rev. Stat. § 527.662 (1997). This law permits private landowners to enter into stewardship agreements with the Oregon State Board of Forestry for management of private forest lands, according to guidelines set forth in the Oregon Forest Practices Act. The stewardship agreements allow for reduced oversight and regulation of private forest lands by the state as an incentive for private landowners to protect and conserve fish and wildlife habitats, water quality and other forest resources under their control. § 527.662(1)-(3).

II. Policy and Purpose Laws

Or. Rev. Stat. § 527.710 (1997) states that it is the policy of the State of Oregon to ensure the continuous growing and harvesting of tree species on state forest lands, including maintenance of the air quality, water resources, soil productivity and fish and wildlife on such lands. To further this purpose, inventories of the following shall also be made on state forest lands by the Oregon Board of Forestry: threatened and endangered fish and wildlife species, sensitive bird nestings, roosting and watering sites, biological sites that are ecologically and scientifically significant, and important wetland areas.

III. Land Acquisition Laws

Or. Rev. Stat. § 530.010 (1967) states that the Oregon State Board of Forestry may, in the name of the state, acquire "by purchase, donation, devise or exchange from any public, quasi-public or private owner, lands which by reason of their location, topographical, geographical or physical characteristics are chiefly valuable for the production of forest crops, watershed protection and development, erosion control, grazing, recreation or forest administrative purposes."

§ 530.010(1).

PENNSYLVANIA

I. Policy and Purpose Laws

Pa. Stat. Ann. tit. 71, § 1340.101 (West 1995) created the Pennsylvania Department of Conservation and Natural Resources, which has the primary duty to maintain, improve and preserve Pennsylvania parks and state forest lands. These lands are to be managed by the Department "to assure their long-term health, sustainability and economic use..." § 1340.101(b)(1).

II. Powers and Duties Laws

Pa. Stat. Ann. tit. 71, § 1340.302 (West 1995) enumerates several powers and duties of the Pennsylvania Department of Conservation and Natural Resources in the management of Pennsylvania's forest lands, including the following: protecting forests from fires, fungi, insects and other "enemies," promoting and developing forestry and forestry knowledge throughout the state, aiding private landowners in the planting of forest and shade trees, publishing information on forest lands and forestry in the state, and advancing any other activity that the Department considers helpful to the public. § 1340.302(a)(4).

SOUTH CAROLINA

I. Forest Management Laws

S.C. Code Ann. § 48-28-80 (Law Co-op. 1981) requires eligible landowners to submit an approved forest management plan for lands under their control to the South Carolina State Forester. The landowners must also maintain their lands in a "forest condition" for a period of ten years or until the commercial harvest of such lands, or remit the cost-sharing payment back to the state forest renewal fund.

II. Powers and Duties Laws

Pursuant to S.C. Code Ann. § 48-28-20 (Law Co-op. 1981), one of the duties of the South Carolina State Forester is to implement a forest renewal program to encourage private investments in the management of forest lands and resources within South Carolina. These investments should ensure future high quality timber supplies, continued employment and other economic benefits, as well as the protection, maintenance and enhancement of a productive and stable forest resource system. To further these goals, the State Forester is empowered by the statute to do the following: provide financial assistance to landowners to increase the productivity of their lands; conduct forest operations to ensure protection of soil, air and water resources; implement a program of private landowner participation in forest renewal operations; and coordinate efforts with other agencies and individuals in forest renewal operations. § 48-28-20(1)-(4).

III. Prescribed Burning and Fire Prevention Laws

S.C. Code Ann. § 48-34-10 (Law Co-op. 1994) recognizes that application of prescribed fire is a land management tool that benefits the safety of the public, the environment and South Carolina's economy. Use of prescribed burning also does the following: 1) reduces vegetative fuel buildup on forest, brush and grasslands, thereby reducing the risk of major catastrophic fires near urban and other areas; 2) maintains the ecological integrity of natural plant and animal communities in South Carolina and prevents loss of the state's biological diversity; and 3) prepares forest lands in South Carolina for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates unwanted forest pathogens. Finally, the statute recognizes that prescribed burning on state forest lands is essential to maintain the specific resource values for which the lands were acquired. §

48-34-10(4)(b).

SOUTH DAKOTA

I. Prescribed Burning and Fire Prevention Laws

S.D. Codified Laws § 34-35-18 (Michie 1980) states that the State Forester of South Dakota may set fires in woods or prairie lands for forest or range management purposes, provided that the spread of such fires can be suppressed if necessary.

TENNESSEE

I. Forest Management Laws

Tennessee has two forest land management laws. The first is Tenn. Code Ann. § 11-4-801 (1986), authorizing the Division of Forestry of the Tennessee Department of Agriculture to establish and manage a system of state forests. The system should provide for multiple use management of various renewable and non-renewable resources, and should provide for the use of such resources in a combination that best meets the needs of the people of Tennessee. All lands that the Division deems suitable for public forestry purposes shall be included in the system.

The second forest management statute is Tenn. Code Ann. § 11-4-802 (1986), requiring the Forestry Division to prepare and periodically revise a comprehensive state forest system plan that describes policies, procedures, methodologies and management guidelines to be used in the management of state forest lands.

VERMONT

I. Forest Management/Education and Forest Research Laws

Vermont has a single statute that fulfills two objectives: management of state forest lands, and analysis and study of such lands. Vt. Stat. Ann. tit. 10, § 2225 (1995) requires the Vermont Department of Forests, Parks and Recreation to carry out inventories and analyses of Vermont forest resources, including the following: 1) inventory and analysis of the various present and potential forest resources of the state; 2) analysis of the sustainable and productive potential for growing and harvesting timber; 3) improvements for wood fiber utilization and wood product recycling; 4) management of wildlife habitats; 5) development of recreational uses of forest areas; 6) utilization of wood fiber as a source of fuel for energy production; 7) conservation and protection of watershed values; 8) analysis of present and future demands for forest resources; 9) evaluation of current state forestry programs for the management of both public and private lands; and 10) identification of policies, laws and regulations, management responsibilities and other factors influencing the use of forest resources. These studies, inventories and analyses were to be completed by July 1, 1997, and used as the bases for management programs implemented by the Department.

VIRGINIA

I. Powers and Duties Laws

Va. Code Ann. § 10.1-1103 (Michie 1986) states that the Board of the Virginia Department of Forestry shall be charged with the management of Virginia's forest lands. The Board shall also advise the Governor and the Department on the status of forest resources and management of forest resources in Virginia. A further duty of the Board is to encourage persons, agencies, organizations and industries to implement developmental programs for forest management and to provide counseling concerning such development. Finally, the Board has a duty to recommend plans for improvement, management, replacement and protection of state forest lands and shall prepare an annual report on the progress of state forest work.

Another powers and duties law is Va. Code Ann. § 10.1-1106 (Michie 1988). This statute gives responsibility to the State Forester of Virginia for the care, management and preservation of all forests and forest reserves of Virginia. The statute also requires the State Forester to "observe, ascertain, follow and put into effect the best methods of reforesting cutover and denuded lands; foresting wetlands; preventing the destruction of forests by fire; administering forests according to forestry principles; instructing and encouraging private forest land owners to preserve and grow timber for commercial and manufacturing purposes; and [conserving] the forest tracks around the headwaters and on the watersheds of the watercourses of the Commonwealth."

II. Land Acquisition Laws

Va. Code Ann. § 10.1-1108 (Michie 1995) provides that any waste and unappropriated land in Virginia may be set aside permanently for use as state forest land.

In addition, this law provides that if the Governor of Virginia determines that any waste or unappropriated land is more suitable for forestry purposes than for agricultural or other uses, the Governor may direct that a land grant be prepared and reviewed for legal sufficiency by the Attorney General, which grant is then signed by the Governor.

WASHINGTON

I. Policy and Purpose Laws

Washington state policies and purposes on forest management are set forth in Wash. Rev. Code Ann. § 76.09.010 (West 1993). The policy of the State of Washington is that forest lands are among the most valuable resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in public interest to manage public and private commercial forest lands consistent with sound policies of natural resource protection; that protection of forest soils, fisheries, wildlife, water quality and quantity, air quality, recreation and scenic beauty is of permanent importance. With these goals and policies in mind, Washington state forest agencies are empowered to do the following: 1) afford protection to, promote and encourage timber growth; 2) afford protection to forest practices; 3) recognize the public and private interest in the profitable growing and harvesting of timber; 4) provide for the regulation of forest practices; 5) provide for interagency input; 6) achieve compliance with all applicable federal and state laws; 7) foster reasonable land use planning laws; and 8) foster cooperation among managers of public resources, forest landowners, Indian tribes and citizens of the state. § 76.09.010(1), (2)(a)-(i).

WEST VIRGINIA

I. Policy and Purpose Laws

W. Va. Code § 19-1A-2 (1985) is a purpose and policy law stating that it is the purpose of the West Virginia state legislature to promote West Virginia products, including new forest products industries; to develop existing forest product industries; to coordinate state forest resources; to advise the Governor and the legislature on all aspects of forestry, the management of state forests for conservation and preservation of wildlife, fish, forest species, natural areas, aesthetic and scenic values; and to provide developed and undeveloped outdoor recreational opportunities and hunting and fishing for citizens of West Virginia and its visitors.

II. Powers and Duties Laws

Wa. V. Code § 19-1A-4 (1985) sets forth the following powers and duties of the West Virginia Division of Forestry: 1) encouraging and assisting in the location of new and expansion of existing wood products business and industries; 2) stimulating and assisting in the expansion of the forest industry; 3) cooperating and acting in conjunction with other public and private wood products industry organizations; 4) promoting the expansion of uses of forest resources; 5) pursuing forest research and education related to the multiple use of forest resources; 6) improving the business climate for forest industries; 7) developing a strong state forestry agency; 8) improving a transportation system for wood products; and 9) improving general forestry knowledge and practices of private forest landowners. § 19-1A-4(a), (b)(1)-(5).

WISCONSIN

I. Forest Management Laws

Wisconsin currently has two forest management laws: Wis. Stat. Ann. § 28.21 (West 1969) and Wis. Stat. Ann. § 28.04 (West 1995). The 1969 law states that any municipality in Wisconsin may, by registering its forest areas with the Wisconsin Department of Forestry, be eligible to receive free planting stock from state forest nurseries. In addition, the state will provide assistance to municipalities in preparing and implementing forest management plans. No trees are allowed to be cut from municipal forest areas unless permitted by the state. Also, products derived from state forest lands may be devoted to public uses.

The 1995 statute requires state forest lands in Wisconsin to be managed according to "sustainable forestry" principles, meaning that state forest lands shall be maintained to ensure that a full range of benefits can be provided to present and future generations of Wisconsin residents. Such benefits include soil protection, public hunting, protection of water quality, production of recurring forest products, outdoor recreation, native biological diversity, aquatic and terrestrial wildlife, and aesthetics. Finally, state forestry officials shall draft a specific management plan for each public forest area in the state, which plans shall foster these benefits.

II. Policy and Purpose Laws

Wis. Stat. Ann. § 77.01 (West 1986) states that it is the purpose of the State of Wisconsin to encourage a policy of protecting the forest growth of Wisconsin from destructive or premature cutting and to reproduce and grow for the future adequate crops through sound forestry practices. This will ensure that forest lands within the state shall continue to furnish recurring forest crops for commercial use with public hunting and fishing as extra benefits.

III. Disease and Insect Control Laws

Wis. Stat. Ann. § 26.30 (West 1991) declares that "[i]t is the public policy of the state to control forest pests on or threatening forests of the state in order to protect the forest resources, promote good forest management, enhance the growth and maintenance of forests, promote stability of forest-using industries, aid in fire control by reducing the menace created by dying and dead trees, conserve forest

cover on watersheds and protect wildlife, recreational and other values of the forest." § 26.30(1). The statute also requires every owner of forest lands or timber to exercise reasonable efforts to control and destroy forest pests on their lands or timber resources.

WYOMING

I. Powers and Duties Laws

Wyo. Stat. Ann. § 36-2-108 (Michie 1998) states that the management of all forest lands in the State of Wyoming shall be the responsibility of the Wyoming State Forester. Additional duties of the State Forester include the following: 1) protecting forest, range and other rural resources from fire; 2) assisting the county sheriff in the enforcement of all fire protection laws; 3) collecting data on forest conditions; 4) preparing an annual report on the status of state forestry work; 5) recommending plans for improving the state system of forest conservation, management and replacement; 6) cooperating with counties, towns, cities, corporations and individuals for the protection, management and planting of trees, woodlots and timber tracts; and 7) cooperating with federal agencies to fulfill the intent of these duties. § 36-2-108(b)(i)-(viii).

APPENDIX A

TABLE OF STATES WITH FORESTRY LAWS

State:	Number of Laws:	Number of Each Type of Law:
Alabama	4	1. Forest Management 20
Alaska 10		2. Policy and Purpose 24
Arkansas	2	3. Powers and Duties 22
California	10	4. Land Acquisition 11
Colorado	1	5. Private Landowner 3
Delaware	3	6. Educational/Research 7
Hawaii 1		7. Timber 7
Idaho	6	8. Prescribed Burning 9
Indiana	2	9. Disease/Pest Control 4
Kentucky	1	
Louisiana	2	TOTAL: 105 statutes, with two
Maine	4	statutes overlapping in two
Maryland	1	different categories.
Massachusetts 3		
Michigan	3	
Minnesota	9	
Mississippi	2	
New Hampshire	2	
New Jersey	7	
New Mexico	1	
New York	1	
North Carolina 3		
North Dakota	1	
Ohio	1	
Oklahoma	1	
Oregon	4	
Pennsylvania	2	
South Carolina 3		
South Dakota	1	
Tennessee	2	
Vermont	1	
Virginia	3	
Washington	1	
West Virginia	2	

Wisconsin	4
Wyoming	1
TOTAL	36 states

APPENDIX B TYPES OF STATE FORESTRY LAWS

STATE	Forest Manageme nt Laws	Policy and Purpose Laws	Powers and Duties Laws	Land Acquisition Laws	Private Landowner Manageme nt Laws	Educatio n and Forest Research Laws	Timber, Cutting, Harvesting & Conservation Laws	Prescribed Burning & Fire Pre- vention Laws	Disease and Insect Control Laws
Alabama			Х	Х	Х	Х		Х	
Alaska	XXX			XX	Х	Х	XXX		
Arizona									
Arkansas		Х		Х					
California	Х	Х		Х		XXX	Х	XXX	
Colorado		Х							
Connecticu t									
Delaware	Х			XX					
Florida									
Georgia									
Hawaii					Х				
Idaho		XXXX					Х	Х	
Illinois									
Indiana		Х					Х		
Iowa									
Kansas									
Kentucky			Х						
Louisiana			Х	Х					

Maine			Х			Х			XX

TYPES OF STATE FORESTRY LAWS CONTINUED

STATE	Forest Manageme nt Laws	Policy and Purpose Laws	Powers and Duties Laws	Land Acquisition Laws	Private Landowner Manageme nt Laws	Education and Forest Research Laws	Timber, Cutting, Harvesting & Conservatio n Laws	Prescribed Burning and Fire Preventio n Laws	Disease and Insect Control Laws
Maryland			Х						
Massachusetts	XX						Х		
Michigan		Х	XX						
Minnesota	Х	XXX	XXXX	Х					
Mississippi		Х						Х	
Missouri									
Montana									
Nebraska									
Nevada									
New Hampshire	Х	Х							
New Jersey		XX	XXX					Х	Х
New Mexico		Х							
New York		Х							
North Carolina		Х	XX						
North Dakota	Х								
Ohio	Х								
Oklahoma	Х								

Oregon	XX	Х		Х					
Pennsylvania		Х	Х						
TYDES OF STATE FORESTRY I AWG CONTINUED									

TYPES OF STATE FORESTRY LAWS CONTINUED

STATE	Forest Manageme nt Laws	Policy and Purpose Laws	Powers and Duties Laws	Land Acquisitio n Laws	Private Landowne r Managem ent Laws	Education and Forest Research Laws	Timber, Cutting, Harvesting & Conservation Laws	Prescribed Burning and Fire Preventio n Laws	Disease and Insect Control Laws
Rhode Island									
South Carolina	Х		Х					Х	
South Dakota								Х	
Tennessee	XX								
Texas									
Utah									
Vermont	Х					Х			
Virginia			XX	Х					
Washington		Х							
West Virginia		Х	Х						
Wisconsin	XX	Х							Х
Wyoming			Х						