

HOUSE BILL 1389
By Odom

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 4, relative to promoting state-owned forests for recreation and tourism and sustainable forest management and to enact the "Tennessee Sustainable Forest Management Act of 1999".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Sustainable Forest Management Act of 1999".

SECTION 2. USES AND BENEFITS OF TENNESSEE STATE FORESTS.

It is the finding of the General Assembly that the state forests of Tennessee are an invaluable asset to the citizens of this state and should be managed for their recreational, ecological and educational benefits for present and future generations. Reserving the state forests for these purposes will provide a wide range of recreational opportunities, provide diverse wildlife habitat, enhance the economic benefits of tourism, improve biodiversity, protect air and water quality, and provide opportunities for scientific studies and education regarding native forest ecosystems. The vast majority of Tennessee's 13 million acres of forest are in private ownership, and the private forests of Tennessee are sufficient to furnish the forest industry with an adequate supply of raw materials for product utilization. Nothing in this Act is intended to regulate silvicultural practices on private lands.

SECTION 3. RECREATIONAL USE PLANNING AND BUDGET.

(a) In an effort to promote the beauty and health of the state forests and to plan for their

recreational use, the Governor shall convene representatives from the Department of Tourism, the Division of Forestry and the Department of Environment and Conservation and present a written plan to the Senate Environment, Conservation and Tourism Committee and the House Conservation and Environment Committee no later than February 1, 2000. The plan shall include, but not be limited to, the following: the type and kind of recreational activities each state forest could support; unique ecological, geological, historical or archeological sites on each state forest; fragile or other special areas which would need protection; a proposed budget for the promotion of recreational and ecological values including a funding structure; and measures to ensure minimum impacts to air, soil and water quality and wildlife from increased visitation and use of state forest lands.

(b) Upon receipt of the Plan, the Senate Environment, Conservation and Tourism Committee and the House Conservation and Environment Committee shall make the document available to interested members of the public and promptly schedule hearings to take comments from the public. Upon conclusion of the hearings, the Committee shall prepare and submit its report and recommendations to the General Assembly no later than February 1, 2001.

SECTION 4. STATE FOREST RESOURCE INVENTORY.

(a) The Division of Forestry shall conduct or cause to be conducted an inventory to identify old growth and/or potential old growth areas on each of the state-owned forest lands for multiple recreation, public enjoyment, biodiversity, wildlife habitat, watershed protection and other values beyond those associated with timber harvest. Potential old growth is defined as forest areas which have not been harvested within the past fifty (50) years. The inventory shall be accomplished through mapping and on-the-ground identification procedures.

(b) Upon the completion of the inventory of each forest, the Division of Forestry shall advertise and give notice in local newspapers and in a newspaper in each of the major metropolitan areas within the state of a public hearing and hold the public hearing in a community near the state forest inventoried. The Division shall present to the public for

comment a complete report of the old growth and/or potential old growth areas and other unique sites identified. The public shall be allowed a reasonable time to review the inventory report and to make oral and written comments about any aspect of the inventory, any areas or sites identified, and any issue relevant to the management of the state forests. All public comments shall be carefully recorded and published as part of the report. One copy of the report shall be submitted to each of the following committees in the year it is completed: House Agriculture Committee, House Conservation and Environment Committee, Senate Environment, Conservation and Tourism Committee and the Senate Commerce, Labor and Agriculture Committee.

(c) Upon completion of each inventory and subsequent public comment period, the Division of Forestry shall establish protective zones (buffers) which shall extend no less than one hundred (100) feet in distance from old growth (biodiversity) reserves and potential old growth reserves identified in each state forest, and protect those reserves in perpetuity. Neither existing nor potential old growth (biodiversity) reserves shall be subjected to timber harvest, but shall be managed for retention of old growth ecosystems.

(d) It is the intention of the General Assembly that there shall be no timber sold or offered for sale on any state-owned forest land; except, where each forest inventory is completed, public hearings have been held and a final report has been submitted to the General Assembly and approved, timber harvesting may commence in that particular forest in accordance with Sections 5 and 6 of this Act.

SECTION 5. TIMBER HARVESTS IN STATE FORESTS.

Following the establishment of the old growth and potential old growth (biodiversity) reserves, other state forest lands found suitable for timber harvest, taking into consideration the primary purposes of the state forests as defined in Section 3 of this Act, may be harvested for the purpose of establishing demonstration plots, or for other purposes consistent with the uses stated in Section 3 of this Act; provided that the Division of Forestry shall not harvest more than

one-sixth of one percent (0.1667%) of the total acreage of each state forest each year. There shall be no conversion of hardwood forests to pine.

SECTION 6. STATE FOREST DEMONSTRATION PROGRAM.

(a) The General Assembly recognizes that the thirteen (13) state forests administered by the Division of Forestry present exceptional statewide opportunities to demonstrate a variety of sustainable management methods. The Division's current demonstration program of clearcutting and other industrial extraction techniques is not compatible with conservation and recreation values. Single tree selection management, while not necessarily profitable in all areas of the state, has been shown to be economically viable while still maintaining the beauty and biological integrity of the forest. The Division shall develop a single-tree selection management plan and demonstration program on appropriate sections of the State Forest System. The total number of acres in the single tree selection plan may exceed the limits imposed by Section 5 of the Act for the purposes of demonstration and/or stand improvement, and may include buffer zones, but shall not include biodiversity reserves.

(b) The demonstration program of the Division of Forestry shall include comprehensive determination of the impacts of each forestry method demonstrated on forest ecology, soil quality, and watershed impacts. In each demonstration, changes in functionally important species shall be determined. Impacts of the demonstration on soil compaction, erosion, and chemical composition shall be determined. Impacts of the demonstrations on non-game animal and non-commercial plant species shall be determined.

(c) Demonstrations shall be planned and conducted in collaboration with scientists from Tennessee universities with programs in forestry and ecology. Solicitation for collaboration with each demonstration shall be made to the University of Tennessee at Knoxville, and other appropriate universities. The comprehensive findings of each demonstration shall be published and made available to the public.

SECTION 7. Tennessee Code Annotated, Title 11, Chapter 4, is amended by adding Sections 1 through 6 inclusive of this act as a new, appropriately designated part.

SECTION 8. This act shall take effect July 1, 1999, the public welfare requiring it.