

SENATE BILL No. 313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-23-4.

Synopsis: Timber management. Requires that, before a permit, lease, or contract is issued to a person to remove merchantable timber, the person must secure a written approval from all counties in which any truck to be used in the removal operation is to be driven. Requires the department of natural resources (department) to prepare and publish on the department's Internet web site a cost-benefit analysis concerning the removal of merchantable timber from state forests. Provides that the department may not advertise or solicit bids for the removal of merchantable timber from a state forest until the cost-benefit analysis has been published on the department's Internet web site for at least 30 days.

Effective: July 1, 2018.

Stoops

January 4, 2018, read first time and referred to Committee on Natural Resources.



Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 313

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-23-4-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) **Subject to**
3 **subsection (c) and section 7 of this chapter**, the department may issue
4 permits, execute leases, or contract for the removal of merchantable
5 timber from the state forests under this chapter. A permit, lease, or
6 contract must do the following:
7 (1) Determine and fix the area within which it is lawful and in the
8 best interests of the state to permit the removal of timber.
9 (2) Specify the nature of the timber to be removed.
10 (b) A permit, lease, or contract must include specific provisions for
11 at least the following:
12 (1) Adequate fire prevention measures.
13 (2) The completion of harvesting operations, which includes the
14 disposition of the slash and repair of rights-of-way.
15 (3) Granting of rights-of-way.
16 (4) Compliance with rules adopted by the department to carry out
17 this chapter.



1 (5) Reports to the department by the person authorized to remove
2 the timber.

3 (6) Authorization for the state forester or the state forester's
4 designee to inspect the activities.

5 (7) Revocation of permits for failure to comply with any of the
6 following:

7 (A) This chapter.

8 (B) Rules adopted under this chapter.

9 **(c) Before a permit, lease, or contract to remove merchantable**
10 **timber is issued to a person under this chapter, the person must**
11 **secure a written approval from all counties in which any truck to**
12 **be used in the removal operation is to be driven.**

13 **(d) All written approvals required under subsection (c) must be**
14 **submitted to the department on a form and in the manner**
15 **prescribed by the department.**

16 SECTION 2. IC 14-23-4-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The state forester
18 or the state forester's designee shall investigate the feasibility of the
19 department entering into arrangements for removal and sale of
20 merchantable timber, taking into consideration the following:

21 (1) Local market conditions.

22 (2) Adaptability of terrain for cutting and removal of timber.

23 (3) Potential hazards to surrounding stands of timber.

24 **(4) Potential damage to county roads from truck traffic**
25 **during removal of merchantable timber.**

26 ~~(5)~~ (5) Other matters that the department requests.

27 (b) The state forester or the state forester's designee shall inspect
28 areas in which timber is removed to determine if cutting and removal
29 of timber is conducted in a manner that protects and preserves topsoil,
30 ~~and~~ surrounding growths, **and county roads.**

31 SECTION 3. IC 14-23-4-7 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2018]: **Sec. 7. (a) Before the department may issue permits,**
34 **execute leases, or contract for the removal of merchantable timber**
35 **from the state forests under this chapter, the department shall**
36 **prepare a cost-benefit analysis that uses the methodology and best**
37 **practices described in the United States Department of**
38 **Agriculture, Forest Service general technical report**
39 **PNW-GTR-361 (March 1996).**

40 **(b) The analysis required under subsection (a) must contain**
41 **delineated categories for the following:**

42 **(1) Department costs and benefits, including site preparation,**



- 1 advertising, administrative and legal services, post harvest
2 site management, and payments received by the department.
3 **(2) Other state agency and local government costs and**
4 **benefits, including any damage or excessive wear to roads,**
5 **bridges, or other infrastructure.**
6 **(3) Habitat costs and benefits, including effects on**
7 **biodiversity, promotion of game species, and habitats of**
8 **protected species and invasive species.**
9 **(4) Environmental costs and benefits, including effects on fire**
10 **suppression, erosion, soil compaction, and siltation and water**
11 **quality in the watershed area.**
12 **(5) Recreational costs and benefits, including the estimated**
13 **gain or loss of recreational users.**
14 **(6) Timber industry costs and benefits, including the effect on**
15 **employment and the sale of privately owned merchantable**
16 **timber.**
17 **(c) The analysis required under this section must be prepared**
18 **and published on the department's Internet web site at least thirty**
19 **(30) days before the department may advertise or solicit bids:**
20 **(1) to issue a permit;**
21 **(2) to execute a lease; or**
22 **(3) to contract;**
23 **for the removal of merchantable timber from a state forest.**

