SENATE BILL NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATORS MACKIE, Taylor, Lincoln, Leman, Pearce, Green, Elton

REPRESENTATIVES Williams, Smalley, Croft

Introduced: 1/19/99
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

"An Act classifying anadromous streams and tributaries; relating to the designation of riparian areas; establishing buffers on certain streams and relating to slope stability standards on certain streams; and requiring retention of low value timber along certain water bodies where prudent."

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

* Section 1. AS 41.17.116(a) is amended to read:

(a) Private forest land adjacent to the following types of waters and located in a coastal forest of spruce or hemlock is subject to the riparian protection standards established in this section:

(1) along a Type A water body,

(A) operations within 100 feet of the stream or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and
(B) harvest of timber may not be undertaken within 66 feet of the water body;

(2) along a Type B water body,

(A) [TIMBER HARVEST] operations within 100 feet of the stream or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) harvest of timber may not be undertaken within 66 feet of the water body or to the break of the slope, whichever area is smaller;

(3) along a Type C water body,

(A) [TIMBER HARVEST] operations within 100 feet of the stream or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) the operator shall, where prudent, retain low value timber within 25 feet of the stream or to the limit of the area described in (A) of this paragraph, whichever area is greater, where the width of the water body is

(i) greater than 13 feet at ordinary high water; or

(ii) greater than eight feet at ordinary high water if the channel is incised;

(4) along a Type D water body,

(A) operations [IN THE AREA] within 50 feet of the stream or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) the operator shall, where prudent, retain low value timber within 25 feet of the stream or to the limit of the area described in (A) of this paragraph, whichever area is greater, where the width of the water body is

(i) greater than 13 feet at ordinary high water; or
(ii) greater than eight feet at ordinary high water if
the channel is incised.

* Sec. 2. AS 41.17.116 is amended by adding a new subsection to read:

(c) In this section,

(1) "low value timber" means timber that the owner or operator
determines, at the time of harvest, to be uneconomic to harvest and market;

(2) "prudent" means that the requirement can be met using reasonably
available means or technology, that complying with the requirement is not likely to
create significant impairment of the productivity of the land and water, and that the
cost of achieving the requirement is not out of proportion to the benefits that can
reasonably be expected to be achieved in the particular situation.

* Sec. 3. AS 41.17.950(20) is amended to read:

(20) "Type B water body" means an anadromous water body that does
not meet the definition of a Type A water body [IS A FISH STREAM OR RIVER
OF ANY SIZE HAVING AN AVERAGE GRADIENT OF EIGHT PERCENT OR
LESS, A CHANNEL THAT IS INCISED AND CONTAINED BY THE
GEOMORPHOLOGY AND NOT BY VEGETATION, AND A SUBSTRATE THAT
RANGES FROM RUBBLE TO BEDROCK]; and

* Sec. 4. AS 41.17.950(21) is amended to read:

(21) "Type C water body" means a water body [STREAM] that is not
[TRIBUTARY TO] anadromous, [WATERS AND] that is a tributary to a Type A
or Type B water body, and that has a gradient of 12 percent or less [INCISED
GREATER THAN 28 DEGREES, HAS AN AVERAGE GRADIENT OF GREATER
THAN EIGHT PERCENT, IS NARROWER THAN 20 FEET BETWEEN
ORDINARY HIGH WATER MARKS, HAS A SUBSTRATE OF RUBBLE AND
BEDROCK, AND IS A MOUNTAIN SLOPE STREAM AT THE UPPER END OF
THE WATERSHED].

* Sec. 5. AS 41.17.950 is amended by adding a new paragraph to read:

(22) "Type D water body" means a water body that is not anadromous,
that is tributary to a Type A or Type B water body, and that has a gradient greater
than 12 percent.