

**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**

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

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

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

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

10 (1) along a Type A water body,

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

1                    (B) harvest of timber may not be undertaken within 66 feet of  
2 the water body;

3                    (2) along a Type B water body,

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

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

10                   (3) along a Type C water body,

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

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

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

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

22                   (4) along a Type D water body,

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

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

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

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

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

4 (c) In this section,

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

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

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

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

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

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

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

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