

HOUSE BILL NO. 373

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PHILLIPS

Introduced: 1/30/98

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to forests and forestry practices."

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

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

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

7 (1) along a Type A water body,

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

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

14 (2) along a Type B water body,

15 (A) timber [HARVEST] operations within 100 feet of the

1 stream or to the break of the slope, whichever area is smaller, shall be
 2 conducted in compliance with slope stability standards established in
 3 regulations adopted under this chapter; **and**

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

6 (3) along a Type C water body,

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

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

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

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

18 **(4) along a Type D water body,**

19 **(A) timber operations** in the area within 50 feet of the stream
 20 or to the break of the slope, whichever area is smaller, shall be conducted in
 21 compliance with slope stability standards established in regulations adopted
 22 under this chapter; **and**

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

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

28 **(ii) greater than eight feet at ordinary high water if**
 29 **the channel is incised.**

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

31 (c) In this section,

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

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

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

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

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

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

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

25 (22) "Type D water body" means a stream that is tributary to a Type
26 A or Type B water body and that has a gradient greater than 12 percent.