

SENATE CS FOR CS FOR HOUSE BILL NO. 373(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 4/30/98

Referred: Rules

Sponsor(s): REPRESENTATIVES PHILLIPS, Kubina, Williams

SENATORS Miller, Mackie, Taylor, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act making changes to the Forest Resources and Practices Act; classifying
2 anadromous streams and tributaries; relating to the designation of riparian areas;
3 establishing buffers and slope stability standards on certain streams; and requiring
4 retention of low value timber 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 distance is less, 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 **distance** [AREA] is **less**
6 [SMALLER], shall be conducted in compliance with slope stability standards
7 established in 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 distance is less;**

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 distance is less, 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 distance is greater, where the width of**
18 **the 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 **distance** [AREA] is **less** [SMALLER],
25 shall be conducted in compliance with slope stability standards established in
26 regulations adopted 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 distance is greater, where the width of**
30 **the 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 stream that is not anadromous, that
 30 is tributary to a Type A or Type B water body and that has a gradient greater than 12
 31 percent.

- 1 * **Sec. 6.** AS 41.17 is amended by adding a new section to read:
2 **Sec. 41.17.990. Short title.** This chapter may be cited as the Forest Resources
3 and Practices Act.