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go0529sE

Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 317 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL  
6 For an Act entitled: "An Act relating to forest resources and practices  
7 and to the management of forest lands; and providing  
8 for an effective date."

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

10 \* Section 1. AS 38.05 is amended by adding new sections to read:

11 Sec. 38.05.112. FOREST LAND USE PLANS. (a) The department may  
12 not sell or harvest timber, except for isolated personal use timber  
13 harvest, until a site-specific forest land use plan has been adopted.  
14 A forest land use plan is required whether or not a regional or area  
15 land use plan under AS 38.04.065(a) or a forest management plan under  
16 AS 41.17.230 has been adopted.

17 (b) The commissioner shall base a forest land use plan on the  
18 best available data, including information provided by other agencies  
19 describing the immediate and long-term effects of individual and  
20 collective forest activities on the timber base and on other resources  
21 and uses.

22 (c) In addition to the requirements of AS 38.04.065(b), a forest  
23 land use plan shall consider

24 (1) commercial timber harvesting, including related activ-  
25 ities;

26 (2) harvesting of forest products for personal use;

27 (3) fish and wildlife habitat, including

28 (A) identification and protection of important wild-  
29 life habitat;

- 1 (B) retention of riparian, wetland, and ocean-shore-
- 2 line vegetation critical for fish and wildlife habitat; and
- 3 (C) classification of water bodies according to phys-
- 4 ical characteristics;
- 5 (4) uses of forest land for nontimber purposes, including
- 6 (A) recreation, tourism, and related activities;
- 7 (B) mining, mining claims, mineral leaseholds, and
- 8 material extraction;
- 9 (C) uses of fish and wildlife;
- 10 (D) agriculture, including grazing; and
- 11 (E) other resources and uses appropriate to the area,
- 12 including compatible traditional uses;
- 13 (5) soil characteristics and productivity;
- 14 (6) water quality; and
- 15 (7) watershed management.

16 (d) A management plan prepared by the commissioner must consider  
17 and permit the uses described in (c) of this section. If the commis-  
18 sioner finds that a permitted use is incompatible with one or more  
19 other uses in a portion of a state forest, the commissioner shall  
20 affirmatively state in the management plan that finding of incom-  
21 patibility for the specific area where the incompatibility is antic-  
22 ipated to exist and the time period when the incompatibility is antic-  
23 ipated to exist together with the reasons for each finding.

24 Sec. 38.05.113. FIVE-YEAR SALE SCHEDULE. (a) The department  
25 shall annually prepare a five-year schedule of timber sales planned on  
26 all lands managed by the department. The schedule must be of suffi-  
27 cient specificity that it provides a basis for the department to  
28 allocate its resources in considering and designing sales and in  
29 conducting economic and environmental analyses. The schedule must

1 inform the public and the timber products industry of long-term plans  
2 and provide a basis for public comment.

3 (b) Except as provided in (c) of this section, a proposed sale  
4 may not be held unless it has been included in the two five-year  
5 schedules preceding the sale. This requirement does not apply until  
6 one year after the first five-year schedule is prepared under this  
7 section.

8 (c) The department may adopt regulations exempting small and  
9 emergency sales from the requirements of this section.

10 \* Sec. 2. AS 41.17.010 is amended to read:

11 Sec. 41.17.010. DECLARATION OF INTENT. The legislature declares  
12 that

13 (1) the forest resources of Alaska are among the most  
14 valuable natural resources of the state, and furnish timber and wood  
15 products, fish and wildlife, tourism, outdoor recreation, water, soil,  
16 air, minerals, and general health and welfare;

17 (2) economic enterprises and other activities and pursuits  
18 derived from forest resources warrant the continuing recognition and  
19 support of the state;

20 (3) the state has a fundamental obligation to ensure that  
21 management of forest resources guarantees perpetual supplies of renew-  
22 able resources, provides nonrenewable resources in a manner consistent  
23 with that obligation, and serves the needs of all Alaska for the many  
24 products, benefits, and services obtained from them;

25 (4) government administration of forest resources should  
26 combine professional management services, regulatory measures, and  
27 economic incentives in a complementary fashion, and should draw upon  
28 the expertise of professional foresters in conjunction with other  
29 disciplines;

1 (5) under the leadership of the Department of Environmental  
2 Conservation as lead agency, the state should exercise its full re-  
3 sponsibility and authority for control of nonpoint source pollution  
4 with respect to the Federal Water Pollution Control Act, as amended;

5 (6) subject to AS 41.17.098(c), the provisions of this  
6 chapter, and regulations adopted under this chapter, with the approval  
7 of the Department of Environmental Conservation, establish the non-  
8 point source pollution requirements under state law and sec. 319 of  
9 the Clean Water Act for activities subject to this chapter;

10 (7) except for activities subject to AS 16.05.840 or 16.-  
11 05.870 and regulations authorized by those sections, this chapter and  
12 regulations adopted under this chapter establish the fish habitat  
13 protection standards, policies, and review processes under state law  
14 [SUBJECT TO 16 U.S.C. 1456(f) (SEC. 307(f) OF THE COASTAL ZONE MANAGE-  
15 MENT ACT OF 1972, P.L. 92-583), THE PROVISIONS OF THIS CHAPTER SHALL  
16 BE THE BASIS FOR FOREST MANAGEMENT STANDARDS, POLICIES, AND GUIDELINES  
17 DEVELOPED UNDER THE ALASKA COASTAL MANAGEMENT ACT].

18 \* Sec. 3. AS 41.17.041 is repealed and reenacted to read:

19 Sec. 41.17.041. BOARD OF FORESTRY. (a) The Board of Forestry  
20 is established in the Department of Natural Resources, division of  
21 forestry.

22 (b) The board is composed of nine members appointed by the  
23 governor:

24 (1) a representative of a statewide commercial fishermen's  
25 organization;

26 (2) a representative of a Native corporation established  
27 under 43 U.S.C. 1601-1628 (Alaska Native Claims Settlement Act);

28 (3) a representative of an environmental organization;

29 (4) a representative of a forest industry trade

1 association;

2 (5) a professional fish or wildlife biologist who is not  
3 employed in that capacity by a state, municipal, or federal government  
4 agency, except for university employment;

5 (6) a professional forester who is not employed in that  
6 capacity by a state, municipal, or federal government agency, except  
7 for university employment;

8 (7) a representative of a statewide mining organization;

9 (8) a representative of a statewide recreational organi-  
10 zation; and

11 (9) the state forester, who serves ex officio and without a  
12 vote.

13 (c) The state forester is the presiding officer of the board and  
14 shall, in consultation with the board, establish procedures for sched-  
15 uling and organizing board meetings. Seven voting members of the  
16 board constitute a quorum. Each decision of the board requires the  
17 affirmative vote of each voting member present less one.

18 (d) A board member who is unable to attend a meeting may desig-  
19 nate an alternate who possesses the same qualifications as the board  
20 member.

21 (e) The division shall serve as staff to the board. The depart-  
22 ment, the Department of Fish and Game, and the Department of Environ-  
23 mental Conservation shall provide technical staffing and information  
24 as needed by the board.

25 \* Sec. 4. AS 41.17.047 is repealed and reenacted to read:

26 Sec. 41.17.047. POWERS AND DUTIES OF BOARD. (a) The board  
27 shall review and comment to the commissioner on regulations proposed  
28 for adoption under this chapter.

29 (b) The board shall provide a forum for representatives of

1 affected interests to discuss and attempt to resolve issues relevant  
2 to this chapter and to the forest resources of the state.

3 (c) The board, working with the department, the Department of  
4 Environmental Conservation, the Department of Fish and Game, other  
5 affected agencies and parties, and the forest-dependent industries,  
6 shall conduct an annual survey of research needs related to forest  
7 practices. The board shall review research proposals and shall make  
8 recommendations to promote research projects that would address these  
9 needs to the governor and the legislature.

10 (d) The board shall coordinate the monitoring of the implementa-  
11 tion and effectiveness of this chapter, the regulations, and best  
12 management practices adopted under this chapter in meeting state water  
13 quality standards, fish and wildlife habitat requirements, and other  
14 forestry objectives. The board shall report annually to the  
15 legislature and the governor on the effectiveness of this chapter and  
16 regulations adopted under it, with its recommendations for changes and  
17 for needed research and monitoring. The state forester, the  
18 Department of Fish and Game, and the Department of Environmental  
19 Conservation shall each present an annual report, independently, to  
20 the board on the effectiveness of this chapter, the regulations, and  
21 best management practices adopted under this chapter that protect the  
22 resources for which they have statutory responsibility, and shall make  
23 recommendations for changes to correct procedural or substantive  
24 problems. The board shall forward the reports to the legislature as  
25 part of its annual report. The board shall hold hearings at least  
26 once annually in southeast, southcentral, and interior Alaska for  
27 purposes of taking public testimony on the subjects.

28 \* Sec. 5. AS 41.17.055(d) is repealed and reenacted to read:

29 (d) The commissioner may develop regulations under this chapter

1 as part of the state program for control of nonpoint source pollution  
2 under the Federal Water Pollution Control Act, as amended. However,  
3 the Department of Environmental Conservation is the lead agency for  
4 water quality and control of nonpoint source pollution under that Act,  
5 and the regulations are therefore subject to the approval of the  
6 commissioner of environmental conservation.

7 \* Sec. 6. AS 41.17.060(b) is amended to read:

8 (b) With respect to state, municipal, and private forest land,  
9 the following standards apply:

10 (1) to the maximum extent possible, all applicable data and  
11 information of applicable disciplines shall be updated and used in  
12 making decisions relative to the management of forest resources;

13 (2) environmentally sensitive areas [AND BEST MANAGEMENT  
14 PRACTICES] shall be recognized in the development of regulations and  
15 best management practices that are designed to implement [IMPLEMEN-  
16 TION OF ANY] nonpoint source pollution control measures authorized  
17 under this chapter;

18 (3) administration of forest land shall consider marketing  
19 conditions and other economic constraints affecting the forest land-  
20 owner, timber owner, or the operator;

21 (4) to the fullest extent practicable, harvested forest  
22 land shall be reforested, naturally or artificially, so as to result  
23 in a sustained yield of merchantable timber from that land; if artifi-  
24 cial planting is required, silviculturally acceptable seedlings must  
25 first be available for planting at an economically fair price in the  
26 state; and

27 (5) significant adverse effects of soil erosion and mass  
28 wasting on water quality and fish habitat shall be prevented or min-  
29 imized.

1 \* Sec. 7. AS 41.17.060(c) is amended to read:

2 (c) With respect to state and municipal forest land only, the  
3 following standards also apply:

4 (1) forest land shall be administered for the multiple use  
5 of the renewable and nonrenewable resources and for the sustained  
6 yield of the renewable resources of the land in the manner that  
7 [WHICH] best provides for the present needs and preserves the future  
8 options of the people of the state;

9 (2) a [ANY] system of allocating predominant uses or values  
10 to particular units within a contiguous area of land shall reflect in  
11 reasonable proportion the various resources and values present in that  
12 area;

13 (3) to the extent its capacity permits, forest land shall  
14 be administered so as to provide for the continuation of businesses,  
15 activities, and lifestyles that [WHICH] are dependent upon or derived  
16 from forest resources;

17 (4) timber harvesting is limited to areas where data and  
18 information demonstrate that natural or artificial reforestation  
19 techniques will result in the production of a sustained yield of  
20 merchantable timber from that area;

21 (5) there may not be [ANY] significant impairment of the  
22 productivity of the land and water with respect to renewable re-  
23 sources; [AND]

24 (6) [WHERE ECONOMICALLY PRACTICABLE,] allowance shall [MAY]  
25 be made for scenic quality in or adjacent to areas of substantial  
26 importance to the tourism and recreation industry; and

27 (7) allowance shall be made for important fish and wildlif  
28 habitat.

29 \* Sec. 8. AS 41.17.070(b) is repealed and reenacted to read:

1           (b) To maintain a record of division decision making for public  
2 and agency review, the commissioner shall compile and index each de-  
3 cision made under this chapter regarding directives, stop work orders,  
4 waivers from requirements, decisions of hearing officers, and deci-  
5 sions on appeals. The commissioner shall submit a summary of this  
6 record annually to the board.

7 \* Sec. 9. AS 41.17.080 is repealed and reenacted to read:

8           Sec. 41.17.080. REGULATIONS. (a) The commissioner may adopt  
9 regulations necessary to accomplish the purposes of this chapter under  
10 AS 44.62 (Administrative Procedure Act) regarding forest practices  
11 such as

- 12                   (1) road construction and maintenance, including  
13                         (A) road location, construction, maintenance, and  
14                   post-operation management or removal;  
15                         (B) landing location and construction;  
16                         (C) drainage structures;  
17                         (D) material sources and spoil disposal sites;  
18                   (2) timber harvesting, including  
19                         (A) timber harvest unit planning and design;  
20                         (B) felling and bucking;  
21                         (C) cable yarding, shovel, tractor, and wheeled skid-  
22                   der systems;  
23                         (D) landing clean-up;  
24                         (E) slash disposal;  
25                   (3) log transfer, sort yards, and storage facilities,  
26           including  
27                         (A) location, design, and construction;  
28                         (B) maintenance;  
29                         (C) closure;

- 1 (D) log storage, rafting, and identification;  
2 (4) reforestation, including  
3 (A) site preparation and rehabilitation;  
4 (B) prescribed burning;  
5 (C) exemptions from reforestation requirements;  
6 (5) prevention and suppression of forest insects and dis-  
7 eases;  
8 (6) salvage logging;  
9 (7) vegetative management; and  
10 (8) fire and flood hazard management.

11 (b) The commissioner shall adopt regulations specifying the  
12 information to be submitted under AS 41.17.090(c) in the detailed plan  
13 of operations to enable the division to determine whether the activ-  
14 ities comply with the requirements of this chapter.

15 (c) The commissioner may establish regions, districts, or other  
16 subdivisions of forest land in the state in which different regu-  
17 lations apply to reflect varying conditions in the state or to facil-  
18 itate administration. In adopting regulations, the commissioner shall  
19 make appropriate distinctions between public and private land.

20 (d) The commissioner shall adopt only those regulations neces-  
21 sary to accomplish the purposes of this chapter and shall avoid regu-  
22 lations that increase operating costs without yielding significant  
23 benefits to public resources.

24 \* Sec. 10. AS 41.17 is amended by adding new sections to read:

25 Sec. 41.17.082. CONTROL OF INFESTATIONS AND DISEASE. (a) All  
26 forest clearing operations and silvicultural systems must be designed  
27 to reduce the likelihood of increased insect infestation and disease  
28 infections that threaten forest resources.

29 (b) A forest landowner may not conduct or approve timber

1 clearing activities that create conditions fostering outbreaks of  
2 infestation or infection that threaten forest resources on forest  
3 lands belonging to another person. If the commissioner finds, after  
4 notice and hearing, that there has been a violation of this subsec-  
5 tion, the commissioner may

6 (1) require the forest landowner, at that person's expense,  
7 to remove promptly or cure the conditions fostering outbreaks of  
8 infestation or infection; and

9 (2) require the forest landowner, at that person's expense,  
10 to undertake environmentally sound, effective, and cost-efficient  
11 actions to control the infestation or infection in the immediate  
12 vicinity of the improper timber clearing activity.

13 (c) If a forest landowner does not comply with a final order of  
14 the commissioner under (b)(1) or (b)(2) of this section, the commis-  
15 sioner may enter onto the land and undertake the actions ordered and  
16 the landowner is liable for the cost of the actions. The commissioner  
17 shall deliver to the landowner an itemized statement of expenses  
18 incurred.

19 (d) The commissioner may undertake surveys and appraisals to  
20 obtain data on regional insect infestations and disease conditions.  
21 Upon a determination that an area is infested with forest insects or  
22 infected with diseases injurious to forest resources and that the  
23 infestation or infection threatens the forest land or timber of adja-  
24 cent owners, the commissioner may establish the boundaries of an  
25 infestation or infection zone. The commissioner may enter into an  
26 agreement with an owner or with a governmental agency to control or  
27 suppress infestation or infection within the zone. Upon a determina-  
28 tion by the commissioner that insect and disease control work within  
29 the zone is no longer necessary or feasible, the commissioner shall

1 terminate the zone.

2 Sec. 41.17.083. CLEARING OF FOREST LAND FOR NON-TIMBER PURPOSES.  
3 A state agency, municipality, or public utility shall determine wheth-  
4 er the timber to be removed has significant salvage value before  
5 approving or conducting clearing of forest land for purposes other  
6 than timber harvest. If the timber has significant salvage value, the  
7 agency or utility shall salvage the timber as part of the clearing  
8 process.

9 \* Sec. 11. AS 41.17 is amended by adding a new section to read:

10 Sec. 41.17.087. VARIATION FROM REQUIREMENTS. (a) A forest  
11 landowner, timber owner, or operator may propose for a particular  
12 activity a variation from a requirement imposed by this chapter or the  
13 regulations adopted under this chapter. If the state forester deter-  
14 mines that the harm intended to be avoided by the requirement is not  
15 likely to occur because of site-specific circumstances relating to the  
16 particular activity and is not likely to cause significant harm to  
17 fish habitat or water quality, the state forester shall agree to the  
18 proposed variation. If the state forester does not agree to the  
19 proposed variation, a forest landowner, timber owner, or operator may  
20 appeal to the commissioner. The appellants shall conform to the  
21 requirement during the pendency of the appeal.

22 (b) The commissioner shall adopt regulations that specify the  
23 standards under which a variation will be granted for harvesting  
24 timber within the riparian area of

25 (1) a low gradient Type A water body with a width of five  
26 feet or less; and

27 (2) other appropriate water body types.

28 (c) A determination by the state forester under (a) of this  
29 section and regulations by the commissioner under (b) of this section

1 shall give due deference under AS 41.17.098.

2 \* Sec. 12. AS 41.17.090 is repealed and reenacted to read:

3 Sec. 41.17.090. NOTIFICATION OF PLANS TO HARVEST TIMBER. (a)  
4 Operations on forest land shall be reviewed under this section for  
5 consistency with the policies and provisions of this chapter and  
6 regulations adopted under this chapter.

7 (b) A forest landowner, timber owner, or operator may provide to  
8 the commissioner a voluntary plan of operations that describes the  
9 long-term plans for timber harvesting. The purpose of a voluntary  
10 plan is to give the division and the public an early opportunity to  
11 review plans, to identify areas of concern, and to allow the agencies  
12 and the public to provide local knowledge and early notice of poten-  
13 tial problems to the forest landowner, timber owner, or operator.

14 (c) Before beginning operations on forest land, the operator  
15 shall provide the state forester with a detailed plan of operations.  
16 The detailed plan of operations must include

17 (1) a description of the proposed operations, identifying  
18 the land involved and the action proposed in sufficient detail to  
19 inform the public of the nature and location of the proposed opera-  
20 tions; the description must include a map and must be in a form suit-  
21 able for duplication;

22 (2) the name, address, and approving signature of the  
23 forest landowner, timber owner, and operator; and

24 (3) other information required in the regulations adopted  
25 under this chapter.

26 (d) Within five days after receipt of a detailed plan of opera-  
27 tions under (c) of this section, the state forester shall distribute  
28 the information received under (c) of this section to affected state  
29 agencies and coastal districts, and shall distribute the information

1 received under (c)(1) of this section to each member of the public who  
2 has asked to receive copies of notifications for the affected area.

3 (e) Within 30 days after receipt of a detailed plan of opera-  
4 tions, the state forester shall review the plan to determine if the  
5 operations are consistent with this chapter and regulations adopted  
6 under this chapter. Operations may begin under the plan upon the  
7 expiration of the 30-day period or upon notice from the state forester  
8 that the review has been completed, whichever occurs first, unless the  
9 division has issued a stop-work order for a particular portion of the  
10 plan or has notified the operator that a one-time, 10-day extension is  
11 necessary for agency review under AS 41.17.098(f). The operator may  
12 proceed with operations not covered by the stop work order, notice of  
13 field inspection, or the agency review. During the review of a de-  
14 tailed plan of operations, if a question arises concerning the proper  
15 classification of water body type for purposes of the standards in  
16 AS 41.17.116(a), the Department of Fish and Game may resolve the  
17 question.

18 (f) If the state forester determines that a field inspection is  
19 necessary to determine consistency of the detailed plan of operations  
20 or a portion of the plan with applicable standards, the state forester  
21 shall notify the operator. The notice of field inspection may not  
22 cover more than the minimum area necessary to determine compliance  
23 with this chapter and applicable regulations. The operator shall  
24 inform the state forester when the site will be available for an  
25 inspection. The state forester shall conduct the field inspection  
26 within 21 days after the date that the site will be accessible and  
27 available unless the operator otherwise agrees, and the operator may  
28 begin operations at the conclusion of the 21-day period unless the  
29 state forester has issued a stop work order under AS 41.17.138.

1 (g) During the review of a detailed plan of operations, modi-  
2 fications to accommodate comments may be made without requiring the  
3 operator to resubmit the plan. After the review of the detailed plan  
4 of operations made under (e) and (f) of this section, an operator  
5 shall notify the state forester of a proposed substantial change in  
6 operations by following the procedures specified in (c) - (f) of this  
7 section.

8 (h) Information and paperwork required of the operator under  
9 this section is limited to that necessary to accomplish the purposes  
10 of this section.

11 (i) An operator shall renew a detailed plan of operations annu-  
12 ally.

13 \* Sec. 13. AS 41.17 is amended by adding a new section to read:

14 Sec. 41.17.098. INTERAGENCY COORDINATION AND REEVALUATION. (a)  
15 In administering this chapter, the commissioner shall coordinate with  
16 other agencies and affected coastal districts that have jurisdiction  
17 over activities subject to regulation under this chapter.

18 (b) In a review or implementation of a detailed plan of opera-  
19 tions under AS 41.17.090 and in a decision on a proposed variation  
20 from requirements under AS 41.17.087, the commissioner shall consider  
21 the comments of each affected state agency and, where applicable,  
22 coastal districts.

23 (c) The commissioner shall give due deference to the Department  
24 of Environmental Conservation in decisions concerning water quality.  
25 The commissioner of environmental conservation retains the authority  
26 to adopt nonpoint source pollution regulations for activities subject  
27 to this chapter to the extent that regulations are not adopted by the  
28 commissioner of natural resources and approved by the commissioner of  
29 environmental conservation under this chapter. The commissioner of

1 environmental conservation may withdraw approval of regulations adopt-  
2 ed by the commissioner of natural resources under this chapter by  
3 following the procedure for the adoption, amendment, and repeal of  
4 regulations under AS 44.62.180 - 44.62.290.

5 (d) The commissioner shall recognize the expertise of the De-  
6 partment of Fish and Game with regard to fish and wildlife habitat.  
7 On private land, the commissioner shall give due deference to the  
8 Department of Fish and Game regarding effects on fish habitat from  
9 timber operations including variations to riparian standards, desig-  
10 nation of alternative site-specific riparian protection plans, and  
11 road location decision within riparian areas. On public land, the  
12 commissioner shall give due deference to the Department of Fish and  
13 Game regarding effects on fish and wildlife habitat from timber op-  
14 erations including timber harvest in riparian areas, variations to  
15 riparian standards, and road location decisions within riparian areas.  
16 In making decisions under under AS 41.17.087, the commissioner shall  
17 recognize fish habitat as the primary value in riparian areas.

18 (e) In this section, "due deference" means that deference that  
19 is appropriate in the context of the agency's expertise and area of  
20 responsibility and all the evidence available to support a factual  
21 assertion. Where due deference is given, if the commissioner does not  
22 agree with a commenting agency, the commissioner shall prepare a  
23 written statement of the reasons for the disagreement.

24 (f) If a disagreement described in (e) of this section exists,  
25 an officer of an agency may require reevaluation of the disagreement  
26 at a higher level within the agencies, or by the governor if  
27 necessary, before a decision is made by the commissioner.

28 \* Sec. 14. AS 41.17 is amended by adding new sections to read:

29 ARTICLE 1A. RIPARIAN MANAGEMENT.

1           Sec. 41.17.115. INTENT FOR RIPARIAN AREAS. The commissioner  
2 shall protect riparian areas from the significant adverse effects of  
3 timber harvest activities on fish habitat and water quality. The  
4 management intent for riparian areas is the adequate preservation of  
5 fish habitat by maintaining a short- and long-term source of large  
6 woody debris, stream bank stability, channel morphology, water temper-  
7 atures, stream flows, water quality, adequate nutrient cycling, food  
8 sources, clean spawning gravels, and sunlight. The commissioner shall  
9 adopt regulations for the protection of riparian areas; the regu-  
10 lations may include higher standards of protection for fish and other  
11 public resources on land managed by the department than on other  
12 public land or private land. The regulations may vary by region of  
13 the state and must take into consideration reasonable classification  
14 of water bodies and the economic feasibility of timber operations.

15           Sec. 41.17.116. RIPARIAN STANDARDS FOR PRIVATE LAND. (a)  
16 Private forest land adjacent to the following types of waters and  
17 located in a coastal forest of spruce or hemlock is subject to the  
18 riparian protection standards established in this section:

19           (1) along a Type A water body, harvest of timber may not be  
20 undertaken within 66 feet of the water body;

21           (2) along a Type B water body, timber harvest operations  
22 within 100 feet of the stream or to the break of the slope, whichever  
23 area is smaller, must be conducted in compliance with slope stability  
24 standards established in regulations adopted under this chapter;

25           (3) along a Type C water body, timber harvest operations in  
26 the area within 50 feet of the stream or to the break of the slope,  
27 whichever area is smaller, must be conducted in compliance with slope  
28 stability standards established in regulations adopted under this  
29 chapter.

1 (b) The commissioner shall adopt regulations for private land  
2 outside of the coastal forest of spruce or hemlock that designate the  
3 riparian areas to be protected and the restrictions on timber harvest-  
4 ing operations within the areas that are necessary for their pro-  
5 tection under the management goals established in AS 41.17.115.

6 Sec. 41.17.118. RIPARIAN STANDARDS FOR STATE LAND. (a) The  
7 riparian standards for state land are as follows:

8 (1) on state forest land managed by the department that is  
9 located north of the Alaska Range, harvest of timber may not be under-  
10 taken within 100 feet immediately adjacent to an anadromous or high  
11 value resident fish water body unless the division determines that  
12 adequate protection remains for the fish habitat;

13 (2) on state forest land managed by the department that is  
14 located south of the Alaska Range,

15 (A) harvest of timber may not be undertaken within 100  
16 feet immediately adjacent to an anadromous or high value resident  
17 fish water body;

18 (B) between 100 and 300 feet from the water body,  
19 timber harvest may occur but must be consistent with the mainte-  
20 nance of important fish and wildlife habitat.

21 (b) The commissioner may impose additional riparian protection  
22 standards for timber harvest operations through the adoption of land  
23 use plans under AS 38.04.065 and under forest management plans and  
24 reports under AS 38.05.112 and AS 41.17.230.

25 (c) In the absence of a site-specific determination by the  
26 Department of Fish and Game, the commissioner shall presume for plan-  
27 ning purposes that a stream is anadromous if it is connected to ana-  
28 dromous waters that are without Department of Fish and Game documenta-  
29 tion of a physical blockage and has a stream gradient of 8 percent or

1 less.

2 Sec. 41.17.119. MINIMUM RIPARIAN STANDARDS FOR OTHER PUBLIC  
3 LAND. On public land other than state land, harvest of timber may not  
4 occur

5 (1) within 100 feet from the shore or bank of an anadromous  
6 or high value resident fish water body that is located south of the  
7 Alaska Range;

8 (2) within 100 feet immediately adjacent to an anadromous  
9 or high value resident fish water body north of the Alaska Range  
10 unless the commissioner determines that adequate protection remains  
11 for the fish habitat.

12 \* Sec. 15. AS 41.17 is amended by adding a new section to read:

13 Sec. 41.17.125. ENFORCEMENT COORDINATION. All state agencies  
14 with enforcement authority over an activity subject to regulation  
15 under this chapter shall establish a uniform enforcement strategy that  
16 avoids duplication and inconsistencies. All participating agencies  
17 shall agree to and comply with the contents of the uniform strategy.  
18 In developing and implementing the uniform strategy, each state agency  
19 retains its authority to determine the appropriate remedies under the  
20 statutes and regulations it administers.

21 \* Sec. 16. AS 41.17.131 is repealed and reenacted to read:

22 Sec. 41.17.131. PENALTIES FOR VIOLATIONS. (a) An operator,  
23 forest landowner, or timber owner who violates or permits a violation  
24 of this chapter, a regulation adopted under this chapter, a directive  
25 issued under AS 41.17.136, or a stop work order issued under AS 41.-  
26 17.138 is liable, after notice and hearing, for a civil fine in an  
27 amount not to exceed \$10,000 to be assessed by the commissioner. In  
28 determining the amount of civil fine, the commissioner shall consider

29 (1) the character and degree of injury to forest resources

1 and values;

2 (2) the degree of intent or negligence of the respondent in  
3 causing or permitting the violation;

4 (3) the character and number of past violations caused or  
5 permitted by the respondent; and

6 (4) if the information is available, the net economic  
7 sayings realized by the respondent through the violation.

8 (b) An operator, forest landowner, or timber owner that, with  
9 criminal negligence, violates or permits a violation of this chapter,  
10 a regulation adopted under this chapter, a directive issued under  
11 AS 41.17.136, or a stop work order issued under AS 41.17.138 is guilty  
12 of a class A misdemeanor. In this subsection, "criminal negligence"  
13 has the meaning given in AS 11.81.900(a).

14 (c) Each day that a violation described in this section occurs  
15 is a separate violation.

16 (d) If a respondent violates a directive issued under AS 41.-  
17 17.136 or a stop work order issued under AS 41.17.138, the attorney  
18 general, at the request of the commissioner, may seek an injunction  
19 requiring the respondent to suspend all or part of the operations  
20 until the respondent complies with the directive or stop work order,  
21 and requiring the respondent to repair or correct damage resulting  
22 from the violation.

23 (e) If a respondent violates a directive issued under AS 41.-  
24 17.136 that requires the respondent to repair or correct damage, the  
25 commissioner may proceed to repair or correct the damage using state  
26 agency employees or contractors and the respondent is liable for the  
27 cost of the repair. The commissioner shall deliver to the respondent  
28 an itemized statement of expenses incurred.

29 \* Sec. 17. AS 41.17 is amended by adding a new section to read:

1           Sec. 41.17.136. DIRECTIVES. (a) Upon a determination that a  
2 planned or ongoing activity violates or would violate this chapter or  
3 a regulation adopted under it, the state forester shall notify the  
4 respondent in writing and direct the respondent to halt or avoid the  
5 violation or to repair or correct any damage resulting from the viola-  
6 tion. The written notification must include a summary of the basis  
7 for the directive.

8           (b) The respondent may either comply with the directive or  
9 request a hearing under AS 41.17.139 within 15 days of receipt of the  
10 notification. If a hearing is requested, the respondent may continue  
11 with the activity unless the state forester issues a stop work order  
12 under AS 41.17.138. If the directive is affirmed by the hearing  
13 officer, the respondent shall cease the activity unless a stay is  
14 issued under AS 41.17.143(c) or by the superior court.

15 \* Sec. 18. AS 41.17 is amended by adding a new section to read:

16           Sec. 41.17.138. STOP WORK ORDERS. (a) Upon a determination  
17 that a violation of this chapter or a regulation adopted under it is  
18 occurring or is likely to occur and that significant harm to public  
19 resources is likely to occur if work is not halted before a hearing  
20 can be held, the state forester may issue a stop work order requiring  
21 the respondent to stop the violation or otherwise halt the threatened  
22 harm. A stop work order must be in writing and must state the facts  
23 on which it is based.

24           (b) The state forester shall immediately refer the matter to a  
25 hearing officer for determination of the validity of the stop work  
26 order under AS 41.17.139. The hearing officer shall consider any  
27 arguments and evidence presented by the respondent within five work-  
28 days after receipt of the stop work order and shall then make an imme-  
29 diate decision sustaining or reversing the stop work order. The stop

1 work order is of no further effect if it is not sustained by the  
2 hearing officer within the five-workday period. A stop work order may  
3 be sustained only upon the same grounds on which it was originally  
4 issued.

5 \* Sec. 19. AS 41.17.139 is amended to read:

6 Sec. 41.17.139. HEARING PROCEDURES. (a) Unless otherwise  
7 specified, proceedings under AS 41.17.131 - 41.17.139 are not subject  
8 to the Administrative Procedure Act (AS 44.62). A hearing under  
9 AS 41.17.136 or 41.17.138 [AS 41.17.131 - 41.17.139] shall be held  
10 before the state forester, a regional forester, or another employee of  
11 the division with similar qualifications acting as a hearing officer.  
12 A hearing on an appeal under AS 41.17.087 and a hearing under AS 41.-  
13 17.082(b) shall be held before the commissioner or the commissioner's  
14 designee [ , APPOINTED BY THE ATTORNEY GENERAL FROM AMONG MEMBERS OF  
15 THE ALASKA BAR ASSOCIATION WHO HAVE BEEN NOMINATED BY THE BOARD OF  
16 FORESTRY AND WHO ARE KNOWLEDGEABLE AND EXPERIENCED IN THE SUBJECT  
17 MATTER]. A person who has assisted in the preparation of the di-  
18 vision's [STATE'S] case [OR WHO IS A STATE EMPLOYEE] is ineligible.  
19 Hearings are not limited by common law, statutory, or judicial rules  
20 of evidence; however, the hearing officer may admit only that evidence  
21 that [WHICH] appears to be reliable and trustworthy. All hearings  
22 shall be open to the public. Written or oral testimony may be submit-  
23 ted. A party to a hearing may make written or oral argument, secure  
24 the issuance of a subpoena under AS 44.62.430, offer testimony or  
25 other evidence, and cross-examine witnesses. The hearing officer  
26 shall endeavor, in conducting any hearing, to ensure that the respon-  
27 dent understands the proceedings and that the facts supporting the  
28 position of each party have been adequately presented. [HEARINGS  
29 SHALL BE HELD AS CLOSE AS PRACTICABLE TO THE LOCATION OF THE ALLEGED

1 VIOLATION. TESTIMONY GIVEN AT THE HEARING SHALL BE RECORDED.]

2 (b) If the respondent notifies the commissioner within five days  
3 before the hearing provided for in (a) of this section, the following  
4 rules and procedures apply to the hearing:

5 (1) the hearing shall be a nonadversary proceeding, with  
6 the hearing officer fully and impartially representing the interests  
7 of the state and the respondent;

8 (2) the hearing officer shall thoroughly investigate the  
9 facts and circumstances relating to the alleged violation, including  
10 taking testimony from appropriate persons, collecting and examining  
11 documents and other evidence, and performing other actions consistent  
12 with due process of law; and

13 (3) the hearing officer shall issue a decision in accor-  
14 dance with the applicable procedures of (a) of this section.

15 \* Sec. 20. AS 41.17.139 is amended by adding a new subsection to read:

16 (c) The hearing officer shall select the location of the hear-  
17 ing, giving consideration to the convenience of the parties and wit-  
18 nesses. The hearing officer may permit witnesses to testify through  
19 teleconferencing.

20 \* Sec. 21. AS 41.17.143 is repealed and reenacted to read:

21 Sec. 41.17.143. APPEALS AND JUDICIAL REVIEW. (a) A decision by  
22 a hearing officer under AS 41.17.136 or 41.17.138 or by the commis-  
23 sioner under AS 41.17.082(b), 41.17.087, or 41.17.131(a) constitutes  
24 final agency action that may be appealed to the superior court within  
25 30 days after it is issued. Judicial review shall be as provided in  
26 AS 44.62.560 and 44.62.570.

27 (b) An operator, forest landowner, or timber owner may request  
28 the commissioner to reconsider the decision of a hearing officer  
29 within 30 days after it is issued. Reconsideration is not a precondi-

1 tion of judicial review under (a) of this section. If reconsideration  
2 is requested, the final agency action for purposes of judicial review  
3 is a decision by the commissioner to affirm, modify, or reverse the  
4 hearing officer or to deny the request for reconsideration.

5 (c) The commissioner may stay or modify a directive or order  
6 pending administrative or judicial review. A stay or modification may  
7 not be appealed separately from an appeal of the substantive decision.

8 (d) A person, except the aggrieved forest landowner, timber  
9 owner, or operator, may not maintain an administrative or judicial ap-  
10 peal, or other action or proceeding of any kind, challenging a deci-  
11 sion or failure to act by the department with respect to the compli-  
12 ance of a timber operation on private forest land with this chapter or  
13 a regulation, standard, directive, or order issued under this chapter.  
14 This subsection does not prohibit the maintenance of an action

15 (1) for an alleged violation of a constitutional right; or

16 (2) against the department regarding a regulation, stan-  
17 dard, or systematic course of conduct that does not involve a chal-  
18 lenge to, or attempt to enjoin, stay, modify, or otherwise affect a  
19 timber operation on private forest land subject to this chapter.

20 \* Sec. 22. AS 41.17.210(a) is amended to read:

21 (a) The governor may propose to the legislature the establish-  
22 ment of state forests consisting primarily of commercially valuable  
23 forest land determined by the governor to be necessary for retention  
24 in state ownership for management under the principles of multiple use  
25 and sustained yield and consistent with AS 38.04.005. The proposal of  
26 the governor shall include a report and recommendations of the commis-  
27 sioner including

28 (1) a preliminary forest inventory;

29 (2) a summary of the testimony offered at public hearings

1 held on the management of the proposed state forest in communities  
2 proximately located to a proposed state forest;

3 (3) the findings of the commissioner on anticipated incom-  
4 patibilities of uses described in AS 38.05.112(c) [AS 41.17.230(e)]  
5 under AS 38.05.112(d) [AS 41.17.230(f)];

6 (4) written comments from appropriate state agencies on the  
7 compatibility of the uses described in AS 38.05.112(c) [AS 41.17.-  
8 230(e)] within the proposed state forest;

9 (5) an estimate of the cost of a full implementation of an  
10 operational level forest inventory and the management plan.

11 \* Sec. 23. AS 41.17.400(c) is amended to read:

12 (c) In addition to the uses described in AS 38.05.112(c)  
13 [AS 41.17.230(e)], the commissioner may establish transportation  
14 corridors within the Tanana Valley State Forest.

15 \* Sec. 24. AS 41.17.900(b) is repealed and reenacted to read:

16 (b) For federal land,

17 (1) the degree of resource protection may not be less than  
18 that established by this chapter for state land except that AS 41.17.-  
19 119 establishes the minimum riparian standard;

20 (2) a timber harvest activity subject to this chapter shall  
21 satisfy the requirement to be consistent to the maximum extent practi-  
22 cable with the Alaska coastal zone management program if the federal  
23 land management plans, guidelines, and standards applicable to that  
24 timber harvest activity provide no less resource protection than the  
25 standards that are established in this chapter provide for state land  
26 except that

27 (A) AS 41.17.119 establishes the minimum riparian  
28 standards; and

29 (B) this paragraph does not apply to a timber harvest

1 activity that requires a state or federal authorization under a  
2 provision of law other than this chapter.

3 \* Sec. 25. AS 41.17.900 is amended by adding new subsections to read:

4 (e) Subject to 16 U.S.C. 1456(f) (Sec. 307(f) of the Coastal  
5 Zone Management Act of 1972, P.L. 92-583) as to private land, this  
6 chapter and the regulations adopted under this chapter establish the  
7 forest management standards, policies, and review processes under  
8 AS 46.40 (Alaska Coastal Management Act). This subsection does not  
9 apply to timber harvest activity that requires a state or federal  
10 authorization under a provision of law other than this chapter.

11 (f) This chapter does not diminish the rights, privileges, or  
12 immunities of Alaska Natives or Alaska Native corporations with re-  
13 spect to land conveyed under 43 U.S.C. 1601 - 1628 (Alaska Native  
14 Claims Settlement Act), and does not alter or diminish the authority  
15 of the Department of Fish and Game under AS 16, of the Department of  
16 Environmental Conservation under AS 46, or of a state agency under  
17 other law.

18 \* Sec. 26. AS 41.17 is amended by adding a new section to read:

19 Sec. 41.17.910. WILDLIFE HABITAT ON PRIVATE LAND. (a) The  
20 Department of Fish and Game and the commissioner shall work coopera-  
21 tively with private forest landowners and timber owners to protect,  
22 maintain, and enhance wildlife habitat to the maximum extent practica-  
23 ble, consistent with the interests of the owners in the use of their  
24 timber resources.

25 (b) The Department of Fish and Game shall provide educational  
26 and technical assistance and extension services to owners of private  
27 forest land or timber to assist in identifying important wildlife  
28 habitat and to assist in designing voluntary management techniques  
29 that minimize adverse effects on wildlife habitat.

1 (c) The Department of Fish and Game and the landowner shall  
2 cooperate in identifying areas of important wildlife habitat on  
3 private forest land and in developing methods for their protection.  
4 Methods of protection for wildlife habitat may include, with the  
5 agreement of the landowner, the purchase of fee title, purchase of  
6 conservation easements, and land exchanges.

7 (d) This section does not alter or diminish the authority and  
8 responsibility of the state over wildlife on private land.

9 \* Sec. 27. AS 41.17.950 is repealed and reenacted to read:

10 Sec. 41.17.950. DEFINITIONS. In this chapter, unless the con-  
11 text otherwise requires,

12 (1) "anadromous water body" means the portion of a fresh  
13 water body or estuarine area that

14 (A) is cataloged under AS 16.05.870 as important for  
15 anadromous fish; or

16 (B) is not cataloged under AS 16.05.870 as important  
17 for anadromous fish but has been determined by the Department of  
18 Fish and Game to contain or exhibit evidence of anadromous fish  
19 in which event the anadromous portion of the stream or waterway  
20 extends up to the first point of physical blockage;

21 (2) "board" means the Board of Forestry established in  
22 AS 41.17.041;

23 (3) "broadcast chemicals" includes pesticides, herbicides,  
24 fungicides, fertilizers, poisons, and any other substances

25 (A) used for silvicultural management or related  
26 purposes;

27 (B) not native to the ecosystem in which they are  
28 being applied; and

29 (C) having a foreseeable adverse impact on the welfare

1 of renewable resources, as determined by the commissioner of  
2 environmental conservation;

3 (4) "division" means the division of forestry;

4 (5) "forest land" means land stocked or having been stocked  
5 with forest trees of any size and not currently developed for nonfor-  
6 est use, regardless of whether presently available or accessible for  
7 commercial purposes, and includes any such land under state, municipi-  
8 pal, or private ownership;

9 (6) "forest landowner" means a person who owns forest land,  
10 but does not include the owner of mineral or subsurface rights only;

11 (7) "high value resident fish" means resident fish popu-  
12 lations that are used for recreational, personal use, commercial, or  
13 subsistence purposes;

14 (8) "multiple use" means

15 (A) the management of all the various resources of  
16 forest land so that they are used in the combination that will  
17 best meet the needs of the citizens of the state, making the most  
18 judicious use of the land for some or all of these resources or  
19 related values, benefits, and services over areas large enough to  
20 provide sufficient latitude for periodic adjustments in use to  
21 conform to changing needs and conditions;

22 (B) that some land will be used for less than all of  
23 the resources; and

24 (C) harmonious and coordinated management of the  
25 various resources, each with the other, without significant  
26 impairment of the productivity of the land and water, with con-  
27 sideration being given to the relative values of the various  
28 resources, and not necessarily the combination of uses that will  
29 give the greatest dollar return or the greatest unit output;

1           (9) "operations" means timber harvesting or activities  
2 associated with timber harvesting or forest development unless  
3 exempted under AS 41.17.900(a) - (c);

4           (10) "operator" means a person who is engaged in timber  
5 harvesting or activities associated with timber harvesting or forest  
6 development, or who contracts with others to conduct operations for  
7 that person, except a person who is engaged in an operation as an  
8 employee with wages or piecework as the sole compensation;

9           (11) "other public land" means state land managed by state  
10 agencies other than the department, land owned by a municipality, and  
11 land owned by the University of Alaska;

12           (12) "person" has the meaning given in AS 01.10.060 and also  
13 includes a joint venture;

14           (13) "riparian area" means

15           (A) the areas specified in AS 41.17.116(a) on private  
16 land in the coastal forest of spruce or hemlock;

17           (B) the areas specified in regulations adopted by the  
18 commissioner under AS 41.17.116(b) on private land outside the  
19 coastal forest of spruce or hemlock;

20           (C) the area 100 feet from the shore or bank or an  
21 anadromous or high value resident fish water body on state land  
22 managed by the department and on other public land;

23           (14) "significant impairment of the productivity of the land  
24 and water" means an activity that may foreseeably result in prolonged  
25 or substantial damage to renewable resources or prolonged or substan-  
26 tial reduction of the continuing capability of the land or water to  
27 produce renewable resources at their natural or historic levels;

28           (15) "silviculture" means the art of producing and tending a  
29 forest, the application of the knowledge of silvics in the treatment

1 of a forest, and the theory and practice of controlling and managing  
2 forest establishment, composition, and growth;

3 (16) "state forest" means an area designated by the legis-  
4 lature and retained in state ownership in order to

5 (A) provide a base for sustained yield management of  
6 renewable resources; and

7 (B) permit a variety of beneficial uses;

8 (17) "sustained yield" means the achievement and maintenance  
9 in perpetuity of a high level annual or regular periodic output of the  
10 various renewable resources of forest land and water without signifi-  
11 cant impairment of the productivity of the land and water, but does  
12 not require that timber be harvested in a non-declining yield basis  
13 over a rotation period;

14 (18) "timber owner" means a person who owns timber on forest  
15 land or who has the rights to timber, but does not own the land it-  
16 self;

17 (19) "Type A water body" means an anadromous water body that  
18 is

19 (A) a stream or river of any size having an average  
20 gradient of eight percent or less, with banks held in place by  
21 vegetation, channels that are not incised, and a substrate com-  
22 posed of rubble, gravel, sand or silt;

23 (B) wetlands and lakes, including their outlets; and

24 (C) an estuarine area delimited by the presence of  
25 salt-tolerant vegetation;

26 (20) "Type B water body" means an anadromous water body that  
27 is a fish stream or river of any size having an average gradient of  
28 eight percent or less, a channel that is incised and contained by the  
29 geomorphology and not by vegetation, and a substrate that ranges from

1 rubble to bedrock; and

2 (21) "Type C water body" means a stream that is tributary to  
3 anadromous waters and that is incised greater than 28 degrees, has an  
4 average gradient of greater than eight percent, is narrower than 20  
5 feet between ordinary high water marks, has a substrate of rubble and  
6 bedrock, and is a mountain slope stream at the upper end of the water-  
7 shed.

8 \* Sec. 28. LEGISLATIVE REVIEW. The legislature acknowledges and recog-  
9 nizes that this Act is adopted on an interim basis because it involves a  
10 significant increase in agency responsibility, is based on many untested  
11 assumptions, and depends for its efficacy on many factors beyond the con-  
12 trol of the state. Therefore, it is the intent of the legislature that the  
13 operation of this Act and regulations adopted under this Act be fully  
14 reviewed and the Act amended as necessary after the second full field  
15 season ends in 1992. This period is intended to allow for further research  
16 and to gain experience implementing the Act and its regulations. It is the  
17 intent of the legislature that a representative group be convened for the  
18 review or that it be conducted by the Board of Forestry. It is the intent  
19 of the legislature that the review occur with full public input and parti-  
20 cipation. No later than January 1, 1993, the Board of Forestry, the De-  
21 partment of Natural Resources, the Department of Environmental Conserva-  
22 tion, and the Department of Fish and Game shall submit, along with the  
23 reports required by AS 41.17.047(d), any proposed amendments to this chap-  
24 ter. The legislature may hold hearings to consider these or other amend-  
25 ments and may take whatever action is required to accomplish the intent and  
26 purposes of this Act.

27 \* Sec. 29. INITIAL TERMS OF MEMBERS OF BOARD OF FORESTRY. The initial  
28 terms of the members of the Board of Forestry appointed under AS 41.17.041,  
29 as enacted by sec. 3 of this Act, are for two members, one year; for three

1 members, two years; and for three members, three years.

2 \* Sec. 30. INTERIM RIPARIAN PROTECTION FOR THE COASTAL FOREST. A  
3 notification for timber harvest activities within the coastal forest of  
4 spruce or hemlock filed under AS 41.17.090 before the effective date of  
5 this section shall be reviewed by the commissioner of natural resources to  
6 determine if the proposed operations provide protection that is substan-  
7 tially equivalent to the fish habitat protection that is provided by  
8 AS 41.17.116, as enacted by sec. 14 of this Act. If the commissioner  
9 determines that protection that is substantially equivalent to that provid-  
10 ed by AS 41.17.116 has been offered or if the forest landowner, timber  
11 owner, or operator complies with an alternate protection plan proposed by  
12 the commissioner, operations covered by the notification are not subject to  
13 AS 41.17.116. If the commissioner determines that the notification does  
14 not provide protection that is substantially equivalent to that provided by  
15 AS 41.17.116, the operator must either resubmit the notification in confor-  
16 mance with this standard or comply with AS 41.17.116. The failure by the  
17 commissioner to make a determination on a notification within 30 days from  
18 the effective date of this section constitutes a determination that the  
19 notification provides protection that is substantially equivalent to the  
20 fish habitat protection that is provided by AS 41.17.116.

21 \* Sec. 31. INTERIM RIPARIAN PROTECTION OUTSIDE THE COASTAL FOREST.  
22 Until regulations are adopted by the commissioner of natural resources  
23 under AS 41.17.116(b), as enacted by sec. 14 of this Act, timber harvest  
24 operations on forest land within 100 feet from the shore or bank of an  
25 anadromous or high value resident fish water body must be sited and de-  
26 signed primarily to protect fish habitat and water quality.

27 \* Sec. 32. AS 41.17.118, as enacted by sec. 14 of this Act, does not  
28 alter the terms of an existing contract or the outcome of litigation pend-  
29 ing on the effective date of this Act. An amendment to or renewal of an

1 existing state timber contract must be consistent with AS 38.05 and  
2 AS 41.17.

3 \* Sec. 33. AS 41.17.133, 41.17.135, 41.17.137, and 41.17.141 are re-  
4 pealed.

5 \* Sec. 34. AS 41.17.230(e) and 41.17.230(f) are repealed.

6 \* Sec. 35. AS 41.17.010(5), as amended in sec. 2 of this Act, takes  
7 effect immediately under AS 01.10.070(c).

8 \* Sec. 36. Sections 1, 3 - 4, 6 - 8, 10 - 11, 13 - 14, 22 - 23, 27,  
9 29 - 32, and 34 of this Act take effect immediately under AS 01.10.070(c).

10 \* Sec. 37. Except as provided in secs. 35 and 36 of this Act, this Act  
11 takes effect October 1, 1990.