



LAWS OF ALASKA

1999

Source

SB 12

Chapter No.

3

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:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: March 19, 1999

Actual Effective Date: June 17, 1999

AN ACT

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

4

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

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

9 (1) along a Type A water body,

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

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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.