

11 AAC 95.220(a)(9)(A) is amended to read:

(A) any known unstable area; for the purposes of identifying unstable areas under this subparagraph, the operator shall consider sites with slopes generally in excess of 50 percent gradient, where one or more of the following indicators exist:

(i) landslide scars;

(ii) jack-strawed trees;

(iii) gullied or dissected slopes;

(iv) a high density of streams or zero-order basins; in this subparagraph, "zero-order basin" means a source basin for a headwater stream;

(v) evidence of soil creep [OR SLIDE-PRONE SLOPE];

(Eff. 6/10/93, Register 126; am 11/20/99, Register 152; am 6/24/2004, Register 170; am 6/8/2007, Register 182; am 9/25/2013, Register 207)

Authority: AS 41.17.010 AS 41.17.080 AS 41.17.090

AS 41.17.055 AS 41.17.087 AS 41.17.900

AS 41.17.060

11 AAC 95.290(a) is amended to read:

(a) When constructing a forest road on a slope, an operator, where feasible, shall avoid locating a road on a slope greater than 67 percent **or** [,] on an unstable slope [, OR IN A SLIDE-PRONE AREA]. If avoiding that slope [OR AREA] is not feasible, site-specific measures must

be planned to address slope instability due to road construction. The site-specific measures must be approved by the division and must meet the requirements of (b) of this section.

The lead-in language of 11 AAC 95.290(b) is amended to read:

(b) If constructing a road on a slope greater than 67 percent **or** [,] on an unstable slope [, OR IN A SLIDE-PRONE AREA] is necessary, an operator

...

11 AAC 95.290(b)(2) is amended to read:

(2) shall balance cuts and fills so that as much of the excavated material as is feasible is deposited in the roadway fill section; however, **unstable** fill material may not be used [IF IT IS UNSTABLE, FINE TEXTURED, OR PRONE TO MASS WASTING], and cuts must be minimized where fine textured soils are known or encountered; and

(Eff. 6/10/93, Register 126; am 6/24/2004, Register 170; am 6/8/2007, Register 182; am 9/25/2013, Register 207)

Authority: AS 41.17.010 AS 41.17.080 AS 41.17.098

AS 41.17.055

11 AAC 95.340 is amended by adding a new subsection to read:

(d) On unstable slopes, an operator shall consider one or more of the following:

(1) partial cuts;

(2) retention areas;

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(3) use of helicopter or skyline systems to achieve full suspension of logs;

(4) other techniques to minimize disturbance to soils, understory vegetation,

stumps, and root systems. (Eff. 6/10/93, Register 126; am 9/25/2013, Register 207)

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.080

11 AAC 95.345(b)(4) is amended to read:

(4) where slopes have a grade greater than 67 percent or [,] are unstable, [OR ARE IN A SLIDE-PRONE AREA,] fill material used in construction of a landing must be free from loose stumps and excessive accumulations of slash, and must be mechanically compacted in layers if necessary to prevent soil erosion and mass wasting;

(Eff. 6/10/93, Register 126; am 6/8/2007, Register 182; am 9/25/2013, Register 207)

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.080

11 AAC 95.360(c) is amended by adding a new paragraph to read:

(6) on unstable slopes, an operator shall minimize disturbance to soils, understory vegetation, stumps, and root systems.

(Eff. 6/10/93, Register 126; am 9/25/2013, Register 207)

Authority: AS 41.17.010 AS 41.17.055 AS 41.17.080

11 AAC 95.365(a) is amended to read:

(a) A person may not skid timber or operate construction equipment or machinery

(1) in a water body catalogued as anadromous under AS 16.05.871, without

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written approval of the Department of Fish and Game;

(2) [, OR] in any other surface waters, marshes, or non-forested muskegs without prior notice to the division, except [,] that equipment may be operated on frozen surface waters, marshes, or non-forested muskegs without prior notice to the division; **or**

(3) on unstable slopes without prior notice to the division.

(Eff. 6/10/93, Register 126; am 6/24/2004, Register 170; am 9/25/2013, Register 207)

Authority: AS 41.17.010 AS 41.17.080 AS 41.17.098
 AS 41.17.055

11 AAC 95.900 is amended by adding new paragraphs to read:

(93) "fine textured soil" means mineral soil with a texture of silty-clay, sandy-clay, or clay;

(94) "unstable fill material" means organic debris, organic soil, or fine textured soil;

(95) "unstable slope" means a slope exhibiting mass wasting or where mass wasting is likely to occur. (Eff. 2/15/81, Register 77; am 11/21/82, Register 84; am 6/10/93, Register 126; am 11/20/99, Register 152; am 6/24/2004, Register 170; am 6/8/2007, Register 182; am 12/27/2012, Register 204; am 9/25/2013, Register 207)

Authority: AS 41.15.050 AS 41.17.010 AS 41.17.080
 AS 41.15.060 AS 41.17.055 AS 41.17.090
 AS 41.15.090 AS 41.17.060 AS 41.17.900