

# Forest Practice Regulations

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Register 85, April 1983

NATURAL RESOURCES

11 AAC 95.010  
11 AAC 95.020

## CHAPTER 95. FOREST RESOURCES AND PRACTICES

### Article

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### ARTICLE 1. FOREST PRACTICES PROCEDURES

#### Section

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**11 AAC 95.010. PURPOSE.** (a) The purpose of 11 AAC 95.010 – 11 AAC 95.180 is to establish forest practices which will carry out the standards contained in AS 41.17.060, recognizing the intent of the legislature set out in AS 41.17.010.

(b) Regulations contained in this chapter are specifically intended to preempt forest practices regulations promulgated in the form of 6 AAC 80.100 under the Coastal Management Act. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.010  
AS 41.17.020  
AS 41.17.080

**11 AAC 95.020. APPLICABILITY.** (a) Unless otherwise noted, 11 AAC 95.010 – 11 AAC 95.180 apply to state, municipal, and private forest land.

(b) 11 AAC 95.010 – 11 AAC 95.180 apply if all of the following criteria are met:

(1) the operation is on forest land as defined by AS 41.17.950(6);

(2) the operation involves any of the following activities:

(A) harvesting, including felling, bucking, yarding, decking, hauling, log dumping, log storage, log rafting, and road construction, improvement and maintenance within the operation area;

(B) road construction, reconstruction, and maintenance of existing roads not within the operation area, but connected with the harvesting operation;

(C) site preparation;

(D) precommercial thinning;

(E) slash treatment; or

(F) any other activity leading to, or connected with, commercial harvest; and

(3) the operation is a commercial operation which equals or exceeds in the aggregate the following acreage, or borders upon surface waters (in Region IIa or IIb):

(A) 10 acres in Region I;

(B) 40 acres in Region IIb; or

(C) 160 acres in Region IIa.

(Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.050  
AS 41.17.080

**11 AAC 95.030. NOTIFICATION.** (a) Operations on state-owned forest land are exempt from the notification procedure of AS 41.17.090 and this section.

(b) Notification must be received by the state forester at least 30 days before commencing an operation on forest land. Notification must be submitted on form 10-1033 (Notification of Operation) and form 10-1034 (Forest Practices Information) which are supplied by the division and available at any of the district or area offices of the division.

(c) Notifications may be mailed or delivered in person to any of the district or area offices of the division. Applications will be accepted only for those portions of the operation which the applicant states will be completed by

December 31 of the year in which the notification is made. If the operation continues, notification must be renewed to reflect changes in or additions to the operation. (Eff. 2/15/81, Reg. 77; am 10/28/83, Reg. 88)

Authority: AS 41.17.020 AS 41.17.090  
AS 41.17.080 AS 41.17.120

**11 AAC 95.040. INSPECTIONS.** (a) Forest practices personnel will make every reasonable effort to notify the operator or his representative of a pending inspection at least five days in advance, and will give the operator the opportunity to accompany state personnel during the inspection. This section, however, does not prevent unannounced inspections.

(b) A written forest operation inspection report will be prepared by the forest practices forester after each inspection and will be distributed to the operator, landowner and timber owner.

(c) An inspection under this section may serve as an investigation for purposes of AS 41.17.130(b). (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080  
AS 41.17.120

**11 AAC 95.050. FOREST PRACTICES STANDARDS.** (a) Forest practices standards are set out in 11 AAC 95.100 – 11 AAC 95.180, and constitute the specific standards which carry out the purposes stated in 11 AAC 95.010. The state forester will, in his discretion, grant a waiver of one or more of the standards contained in 11 AAC 95.100 – 11 AAC 95.180 if, in a specific situation, he finds that the purposes set out in 11 AAC 95.010 would not be furthered by enforcing the standard. Waivers granted under this subsection must be in writing and signed by the state forester, with a copy submitted to the Board of Forestry within 45 days of issuance.

(b) The state forester will act within 30 days in processing a request for a waiver.

(c) Nothing in this section prevents the state forester from granting variances from laws or regulations administered by other agencies if a cooperative agreement is reached between the various agencies which will grant the state

forester this authority. (Eff. 2/15/81, Reg. 77)  
 Authority: AS 41.17.020  
 AS 41.17.080

**11 AAC 95.060. BEST MANAGEMENT PRACTICES.** (a) Best management practices constitute the approved methodology by which the standards referred to in 11 AAC 95.100 – 11 AAC 95.180 may be achieved. Best management practices are contained in the department's "Forest Practices Field Manual" (1st Ed., October, 1981) for the region of the state in which the forest operation occurs and as established by 11 AAC 95.100.

(b) Repealed 11/21/82.  
 (Eff. 2/15/81, Reg. 77; am 11/21/82, Reg. 84)  
 Authority: AS 41.17.020  
 AS 41.17.080

Editor's Note: Copies of the Forest Practices Field Manual are obtainable, in person, from any of the district or area offices of the Division of Forest, Land and Water Management in Anchorage, Delta, Fairbanks, Glennallen, Haines, Juneau, Ketchikan, Soldotna or Wasilla, or in writing from the division at 323 East 4th Avenue, Anchorage, Alaska 99501.

## ARTICLE 2. FOREST PRACTICES STANDARDS

### Section

- 100. Designation of regions
- 110. Road construction and maintenance
- 120. Harvesting
- 130. Cleanup and stabilization
- 140. Aesthetics
- 150. Log transfer and storage facilities
- 160. Slash
- 170. Reforestation
- 180. Insect and disease prevention and control

**11 AAC 95.100. DESIGNATION OF REGIONS.** For the purposes of this chapter, the forest land of the state is divided into regions as follows:

(1) Region I (Coastal Sitka Spruce/Hemlock Region). Forest land comprised primarily of Sitka spruce, western hemlock, mountain hem-

lock, Alaska cedar, red alder, black cottonwood, western red cedar and lodgepole pine, and located within the following area: Beginning at Tongass, Alaska and then in a northwesterly direction along the boundary between Alaska and Canada to Mount Saint Elias; then westerly along the crest of the Chugach Mountains to a point where the Knik River empties into the Knik Arm; then in a southerly direction along the west slope of the Chugach Mountains to Potter; then in a southwesterly direction along the west slope of the Kenai Mountains to the southwestern tip of Tustumena Lake; then in a northwesterly direction to Clam Gulch; then in a northerly direction up Cook Inlet to the mouth of the Susitna River; then in a northerly direction up the Susitna River to its confluence with the Yentna River; then in a northwesterly direction up the Yentna River to a point approximately halfway between Susitna and McDougal; then in a westerly and then southwesterly arc lying north of Beluga Mountain to Mount Spur; then southwesterly along the crest of the Aleutian Range to Cape Igvak; then along a line in a southeasterly direction to Cape Sitkinak on Sitkinak Island; then along a line in a northeasterly direction to Cape Suckling; then along the coastline in a southeasterly direction to Cape Spencer; then in a southeasterly direction along the outer coasts of southeastern Alaska including all the islands of the Alexander Archipelago to Cape Muzon; then in an easterly direction through Dixon Entrance to Tongass, the point of beginning; and

(2) Region II (Interior Spruce/Hardwood Region). Forest land comprised primarily of white spruce, paper birch, balsam poplar, quaking aspen, black spruce, tamarack and black cottonwood, and located within the following area: Beginning at Mount Saint Elias and then in a westerly direction along the crest of the Chugach Mountains to a point where the Knik River empties into the Knik Arm; then in a southerly direction along the west slope of the Chugach Mountains to Potter; then in a southwesterly direction along the west slope of the Kenai Mountains to the southwestern tip of Tustumena Lake; then in a northwesterly direction to Clam Gulch; then in a northerly direction up Cook Inlet to the mouth of the Susitna River; then in a northerly direction up the Susitna River to its confluence with the Yentna River; then in a northwesterly direction

up the Yentna River to a point approximately halfway between Susitna and McDougal; then in a westerly and then southwesterly arc lying north of Beluga Mountain to Mount Spur; then southwesterly along the crest of the Aleutian Range to Cape Igvak; then along a line in a northwesterly direction to Togiak; then along a line in a northwesterly direction to Bethel; then along a line in a northwesterly direction to Mountain Village; then in a northerly direction down the Yukon River to its mouth; then along the shoreline of Norton Sound to Nome; then along a line in a northerly direction to Mount Jarvis in the DeLong Mountains; then in an easterly direction along the crest of the Brooks Range to Demarcation Point; then south along the boundary between Alaska and Canada to Mount Saint Elias, the point of beginning. That portion of Region II lying north and west of the Alaska Range is designated IIa; the portion lying south of the Alaska Range is designated IIb. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.110. ROAD CONSTRUCTION AND MAINTENANCE.** (a) No change may be made in the course or channel of natural streams except with the written approval of the Department of Fish and Game under AS 16.05.840 or AS 16.05.870 or, for waters not identified under AS 16.05.840 or AS 16.05.870, of the state forester.

(b) Road design standards and specifications must be adapted to the terrain and soil materials in order to minimize surface disturbance and to minimize impact on water quality.

(c) Water-crossing structures must provide for passage and movement of fish, as required by the Department of Fish and Game under AS 16.05.840, and minimize impact on water quality. Structures for permanent roads must also accommodate the 25-year frequency storm and passage of upstream debris. Where storm data does not exist, it will be estimated from stream scour marks, existing debris, and other data customarily used to determine the history of storms in the area.

(d) Water-crossing structures must be installed in a manner to minimize disturbance of streambed or streambank, erosion, or other adverse

impacts on water quality and fish habitat, and at a time of year that minimizes interference with spawning or migration of fish, as required by the Department of Fish and Game.

(e) In Region IIa, ice bridges must be constructed following accepted practices. In all cases, ice bridges must be constructed so as to go out with natural ice breakup or be breached before breakup if necessary to protect downstream structures or resources.

(f) Construction equipment and machinery may not be operated in or through surface water except with the written approval of the Department of Fish and Game under AS 16.05.870 or, for waters not identified under AS 16.05.870, by the state forester.

(g) Areas of exposed soil must be stabilized to the extent feasible at the normal angle of repose, or less, to minimize soil erosion and subsequent siltation of surface waters.

(h) Vegetative debris deposited as a result of an operation must be removed from surface water which supports fish, or has a permitted use under AS 46.15, within 48 hours of its deposition to avoid toxic leaching or obstruction of streamflow.

(i) Rock, overburden, and other materials associated with road construction must be placed so as to minimize the possibility of their entry into surface waters.

(j) No petroleum product may be allowed to enter surface waters.

(k) Drainage features and structures such as ditches, cross-drains, crowning, outsloping, culverts, and bridges must be maintained to prevent blockage and erosion during periods that the road is in use, and stabilized and maintained or removed once the road has been abandoned or its use otherwise terminated.

(l) Any quarry or borrow site for road construction and maintenance purposes under this chapter which is located on state land must have the approval required by AS 38.05.330. Any quarry or borrow site for road construction and maintenance purposes under this chapter which is located within a 25-year

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floodplain must have the approval of the Department of Fish and Game under AS 16.05.840 or AS 16.05.870, or the state forester for waters within a 25-year floodplain which are not subject to AS 16.05.840, AS 16.05.870, or AS 38.05.330.

(m) Upon abandonment of upland quarry or borrow sites as a source of material, the banks, headwall, and other exposed surfaces of the site must be stabilized to the extent necessary to prevent soil erosion or mass soil movement.

(n) For operations on state-owned forest land, a detailed transportation plan must be developed by the district involved and approved by the state forester before commencement of road building activities. The plan must recognize the long-range transportation needs of the area with regard to forest management and associated uses, and must be revised and updated at five-year intervals unless circumstances indicate more frequent revisions should be undertaken. Before approving any plan, the state forester will consult with and consider the views of the Department of Environmental Conservation and the Department of Fish and Game. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.120. HARVESTING.** (a) Felling, bucking, and yarding must be conducted so as to

(1) avoid depositing vegetative material in surface waters to the extent feasible; if vegetative material enters surface waters, it must be removed as an ongoing process during harvesting activities;

(2) protect the integrity of the streambank and its vegetative cover;

(3) provide for shading and water filtering effects of vegetation along streams when necessary to protect water quality and aquatic habitat; and

(4) minimize soil erosion from the cutover area.

(b) Landings, skid trails, and fire trails must be located, constructed, maintained, and revegetated, if necessary, to minimize siltation of surface waters.

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(c) On state and municipal forest land, harvesting plans must recognize, and operations protect, species and their habitats identified by the Department of Fish and Game as threatened or endangered.

(d) On state and municipal forest land, a buffer 330 feet in radius must be retained around each bald eagle nesting tree.

(e) For operations on state-owned forest land, a detailed harvesting plan must be developed by the district involved and approved by the state forester before harvesting commences. The plan must take into consideration other forest resources and the extent to which these resources will be affected by the harvesting activities. Before approving any plan, the state forester will consult with and consider the views of the Department of Environmental Conservation and the Department of Fish and Game. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.130. CLEANUP AND STABILIZATION.** (a) Waste material, such as crankcase oil, fuel, grease, filters, hydraulic fluid, and their containers, resulting from road construction and harvesting activity must be disposed of in accordance with provisions of 18 AAC 60.

(b) Machine parts, wire rope, or similar scrap wastes must be disposed of in a stable location where there is no realistic potential of their entering surface waters or becoming a hazard to big game.

(c) Drainage systems must be provided and maintained to control the dispersal of runoff water from exposed soils on landings, skid trails, fire trails, and other unstable or erodible areas to minimize soil erosion and subsequent siltation of surface waters.

(d) Unstable or erodible exposed soils must be stabilized by a suitable method to minimize siltation of surface waters. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.140. AESTHETICS.** Where major scenic attractions, highways, recreation areas,

or other high-use areas are located on state or municipally owned forest land, special consideration must be given to scenic values by the layout and design of cutting units in these areas to minimize visual impact and by prompt cleanup and regeneration after harvesting. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.150. LOG TRANSFER AND STORAGE FACILITIES.** (a) Where feasible, preference must be given to onshore storage and barging of logs.

(b) Sites for in-water dumping and in-water storage of logs must be minimized, and must be selected in areas having the steepest and the least productive intertidal and subtidal zones to minimize detrimental impact to land and water resources. Safety considerations will be taken into account in selection of in-water dumping and storage sites.

(c) Intertidal sites within 300 feet of the mouths of anadromous streams or in areas known to be important for fish spawning or rearing are prohibited unless prior written approval is obtained from the Department of Fish and Game. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.160. SLASH.** (a) In areas where slash treatment is necessary to prevent or reduce the spread of fire, concentrations of slash must be reduced by scattering, piling or windrowing, mechanized chipping, compacting, burying, or controlled burning.

(b) When slash is to be disposed of by burning, vegetative buffers must be protected from fire, and the burning must be accomplished under weather conditions that will minimize air-quality degradation and fire escape.

(c) Unstable slash concentrations around landings must be disposed of or dispersed to prevent their entry into streams and other water bodies.

(d) Within Region II, when beetle brood is present in concentrations of white spruce slash with an outside bark diameter greater than five inches, it must be treated by burning or by some

other method to destroy developing insects and prevent bark-beetle buildup. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.170. REFORESTATION.** (a) On forest land economically suited for growing and harvesting commercial wood products, reforestation must be accomplished following a harvest, except when the silvicultural objective is to thin the existing stand, in which case the residual stocking must be at the recommended level as defined in the reforestation guidelines of the manual referred to in 11 AAC 95.060(a) for the region of the state in which the forest operation is located.

(b) Reforestation must be accomplished following harvest within

(1) five years in Region I;

(2) 10 years in Region IIa; or

(3) seven years in Region IIb.

(c) Seedlings must be evenly distributed over the area at a minimum density per acre as defined in the reforestation guidelines of the manual referred to in 11 AAC 95.060(a) for the region in which the operation is located, or at least equivalent to the original stand. Seedlings may be established naturally, or by seeding or planting.

(d) On forest land where artificial reforestation has been selected as the management option and suitable seedlings or seeds from appropriate seed source zones are unavailable, or weather conditions or other circumstances beyond the landowner's control require delay in planting or seeding, a reasonable extension of time will be allowed by the state forester.

(e) On forest land, seedlings must have survived two winters on the site, and must exhibit growth, before they can be considered established.

(f) Reforestation will be encouraged, but will not be required on forest land when harvesting of insect- and disease-killed, fire-killed, or wind-thrown timber reduces stocking levels below the acceptable limit.

(g) Trees left for future harvest must be adequately protected from damage resulting from harvest operations to assure their survival and growth. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.180. INSECT AND DISEASE PREVENTION AND CONTROL.** (a) Silvicultural systems employed on state and municipally owned forest land must be designed to prevent or control insect infestations and disease infection.

(b) When the commissioner finds forest land or timber that is infested by forest insect pests, infected by forest tree disease, or threatened by insect pests or forest tree disease, he will determine whether measures of control are necessary and available and to which areas the control measures should be applied. Thereafter, the commissioner will, in his discretion, designate a disease or insect control area with definite boundaries. The area may include threatened forest land or timber as well as forest land or timber already affected.

(c) The commissioner will immediately notify in writing all owners of forest land or timber within the designated control areas. The notice will be served by delivery of a copy of the notice to the owner, or by mail addressed to the owners' last known place of address. In addition, the commissioner will publish a legal description of the designated control area at least once a week for two consecutive weeks in one or more newspapers of general circulation in or near the designated control area.

(d) The commissioner will assist, upon request of the owners of forest land or timber within the designated control area, with the control and salvage measures necessary, to the extent that there is available funding for undertaking the assistance.

(e) When the commissioner determines that forest insect pest or forest tree disease control work within the designated control area is no longer necessary or feasible, the commissioner will terminate the designation.

(f) When trees on state and municipally owned forest land contain insects or disease which pose

a significant threat to surrounding healthy trees, they must be salvaged as rapidly as is practicable, dependent upon access and marketability, to prevent spread of the forest pests or disease. Trees must also be salvaged where environmental catastrophes such as wind or flooding cause them to be highly susceptible to bark-beetle infestation.

(g) Where salvage of trees killed by insects or disease is conducted for the sole purpose of using wood fiber and is consistent with the management objectives for state and municipal forest land, salvage should occur before wood deterioration results, if a significant loss of merchantability is to be avoided. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

### ARTICLE 3. FOREST FIRE PROTECTION

#### Section

- 400. Purpose
- 410. Permit
- 420. Content of permit
- 430. Denial, suspension, or revocation of permit
- 440. Place of burning
- 450. Emergency closure
- 460. Public notice
- 470. Environmental control
- 480. Additional equipment for operations
- 490. Other governmental laws

**11 AAC 95.400. PURPOSE.** It is the purpose of 11 AAC 95.400 – 11 AAC 95.490 to provide for the protection of forested land from fire. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
AS 41.17.020  
AS 41.17.080

**11 AAC 95.410. PERMIT.** (a) A burning permit is required during the fire season for the burning of any material in areas designated by the commissioner. A burning permit is not required when the burning is contained within an approved device, or for cooking, warming, or signaling fires.

(b) A burning permit may be obtained by applying to the commissioner. The applicant

shall provide the commissioner with information as to the type, location, and person in charge of the burning, the area and material to be burned, and the number of persons controlling the burn.

(c) An applicant issued a burning permit may not burn any material covered by the permit unless he has the permit in his possession. The permit must be displayed to a designee of the commissioner upon request.

(d) Before issuing a permit, the commissioner will, in his discretion, require that he inspect the area and material to be burned. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.17.020  
AS 41.15.060 AS 41.17.080

**11 AAC 95.420. CONTENT OF PERMIT.** (a) Each permit must be on a form provided by the department and must contain

- (1) the name and address of permittee;
- (2) the name of the person designated by the commissioner to issue the permit;
- (3) the forest protection area where the burning will be conducted;
- (4) the dates of issuance and expiration of the permit;
- (5) a detailed description of the area where the burning will be conducted, designated by borough, subdivision, section, township, range, meridian, and local landmarks; and

(6) the amount of acres or area to be burned.

(b) Each permit may provide

- (1) a specific time and date for the burn;
- (2) the minimum number of persons and equipment employed to control or extinguish the burn; and

(3) limitation as to the size of the burn and the number of burns. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
AS 41.15.050  
AS 41.17.080

**11 AAC 95.430. DENIAL, SUSPENSION, OR REVOCATION OF PERMIT.** (a) A burning permit will be denied, in the commissioner's discretion, if the commissioner is not permitted to inspect the area and material to be burned. The commissioner will, in his discretion, deny, suspend or revoke a permit, to protect life or property.

(b) A permit is suspended by an emergency closure to burning in the permit area. If the emergency closure remains in effect past the expiration date of a permit, the permit is revoked, and a new permit must be obtained. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.15.090  
AS 41.15.050 AS 41.17.080  
AS 41.15.060

**11 AAC 95.440. PLACE OF BURNING.** A permitted burn must be confined to an area surrounded by mineral soil, gravel or rock, or must be surrounded by a natural or constructed firebreak. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.15.090  
AS 41.15.050 AS 41.17.080  
AS 41.15.060

**11 AAC 95.450. EMERGENCY CLOSURE.** The commissioner will, in his discretion, during the fire season, close an area to setting of fires, burning, smoking, entry, or other use of land, when, in his judgment, the activities would unduly increase the fire danger. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
AS 41.15.050  
AS 41.17.080

**11 AAC 95.460. PUBLIC NOTICE.** An emergency closure will be announced by publication in a newspaper of general circulation in the area closed of a public notice issued by the commissioner specifying the area closed and the effective date of closure. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.15.060  
AS 41.15.050 AS 41.17.080

**11 AAC 95.470. ENVIRONMENTAL CONTROL.** Any burning authorized by a permit obtained under this chapter must be conducted in the manner required by 18 AAC 50, Air Quality Control Regulations, and 18 AAC 60, Solid



Waste Regulations. (Eff. 2/15/81, Reg. 77)  
 Authority: AS 41.15.020 AS 41.15.060  
 AS 41.15.050 AS 41.17.080

**11 AAC 95.480. ADDITIONAL EQUIPMENT FOR OPERATIONS.** (a) All saws must be equipped with a spark-arresting device constructed to retain or destroy 90 percent or more of the carbon particles having a major diameter greater than 0.023 inches (0.584 mm). A spark-arresting device equipped with a woven screen with a maximum opening size of 0.023 inches (0.584 mm), constructed of heat- and corrosion-resistant wire at least 0.013 inches (0.330 mm) in diameter, will be considered in compliance with the requirement if the total screen opening area is not less than 125 percent of the engine exhaust-port area. The unit must be constructed to permit easy removal of the screen for field inspection, replacement, and cleaning.

(b) The commissioner will, in his discretion, in writing, modify or waive any requirement of this section if he finds that conditions so warrant. The commissioner will take into consideration factors including, but not limited to, the type, size, and location of the operation and type of equipment in use, in making his decision. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
 AS 41.17.080

**11 AAC 95.490. OTHER GOVERNMENTAL LAWS.** A permit issued under 11 AAC 95.400 – 11 AAC 95.430 is subject to local laws and regulations which are more restrictive. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.050  
 AS 41.15.060

#### ARTICLE 4. LOG BRANDS

##### Section

- 700. Log brand
- 710. Barged logs
- 720. Brand design
- 730. Application requirements
- 740. Cancellation of registration
- 750. (Repealed)
- 760. Reservation of brands
- 770. Registration upon transfer
- 780. Use of unregistered brand
- 790. Notice or demand

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**11 AAC 95.700. LOG BRAND.** In this chapter and in AS 45.50.210 – 45.50.325, "brand" means

(1) a mark or other designation that has been registered with the department; or

(2) an impression stamped on timber property with a branding hammer. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
 AS 45.50.315  
 AS 45.50.325

**11 AAC 95.710. BARGED LOGS.** Timber property transported by a self-dumping barge will be presumed, upon being loaded on the barge, to be intended to be put in a waterway of the state within the meaning of AS 45.50.230(a). (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
 AS 45.50.230(a)  
 AS 45.50.315

**11 AAC 95.720. BRAND DESIGN.** (a) A diagram or design on paper, within the meaning of AS 45.50.210(b), will be considered acceptable if it is a sketch or drawing with exact dimensions shown, or a paint or ink impression of the brand. The department will, in its discretion, request the owner of a brand to furnish a paint or ink impression of the brand on paper at any time in order to confirm that the owner's branding hammer conforms to the design of the brand as registered.

(b) The actual size of the brand must be at least two inches in diameter or dimensions. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
 AS 45.50.210  
 AS 45.50.315

**11 AAC 95.730. APPLICATION REQUIREMENTS.** An application must be accompanied by the registration or renewal fee prescribed by 11 AAC 05.010 and, if requested by the department, an impression of the brand to be registered and additional descriptive information. (Eff. 2/15/81, Reg. 77; am 1/1/86, Reg. 96)

Authority: AS 45.50.210 AS 45.50.260  
 AS 45.50.220 AS 45.50.315

**11 AAC 95.740. CANCELLATION OF REGISTRATION.** (a) The department will, in its

discretion, cancel a brand registration, following notice and an opportunity to be heard

(1) if the owner fails to furnish an impression of the brand or information about the brand or use of the brand when requested to do so by the department;

(2) upon conviction under AS 45.50.320; or

(3) if the applicant or owner fails to reply to a certified or registered letter from the department requesting information concerning the log brand within a specified period of time; the time period will not be less than 15 days from the date the letter is metered.

(b) A brand registration will be cancelled by request of its owner. The cancellation will be effective upon receipt by the department of a written notice from the owner requesting the cancellation. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020 AS 45.50.315  
AS 45.50.210 AS 45.50.320

**11 AAC 95.750. FEES FOR REGISTRATION OR TRANSFER OF REGISTRATION.** Repealed 1/1/86.

**11 AAC 95.760. RESERVATION OF BRANDS.** When an acceptable application has been received for registration or renewal of brand registration, the brand will be reserved to the applicant. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
AS 45.50.315

**11 AAC 95.770. REGISTRATION UPON TRANSFER.** No registered brand may be transferred to or used by or on behalf of a third party except after prior written notice to the department, accompanied by a true copy of the instrument of transfer as required by AS 45.50.260, together with the registration transfer fee prescribed by 11 AAC 05.010. Upon receipt and filing for record of a copy of the transfer instrument and the fee, the department will register the brand and issue a certificate to the new owner. (Eff. 2/15/81, Reg. 77; am 1/1/86, Reg. 96)

Authority: AS 38.05.020  
AS 45.50.260  
AS 45.50.315

**11 AAC 95.780. USE OF UNREGISTERED BRAND.** Logs branded with an unregistered brand, or with a registered brand used by a person not authorized to use it, will be considered for all purposes to be unbranded. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
AS 38.50.315  
AS 38.50.320

**11 AAC 95.790. NOTICE OR DEMAND.** Any notice or demand under this chapter or under AS 45.50.215 – AS 45.50.325 must be in writing, and must be sent by certified or registered mail to the other party at the address of record. Either party may designate in writing a new address to which the notice or demand is to be mailed. A written notice or demand is considered delivered when mailed from a U.S. general or branch post office. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
AS 38.50.315  
AS 38.50.320

## ARTICLE 5. GENERAL PROVISIONS

### Section 900. Definitions

**11 AAC 95.900. DEFINITIONS.** In this chapter, unless the context otherwise requires

(1) "abandonment" will be considered to have occurred where the operator leaves a site intending not to return, or has not used a site for a period of one year;

(2) "alternative practice" means a practice which, in the judgment of the operator, is equal to or better than a practice identified in the manual referred to in 11 AAC 95.060(a) for the region in which the forest operation is located;

- (3) "approved device" includes conventional and portable stoves, fireplaces, and incinerators with adequate safeguards to prevent escapement of fire;
- (4) "aquatic and terrestrial habitat" means habitat normally used by fish or wildlife to sustain life;
- (5) "beach log salvage" means the recovery of timber property that is no longer in possession or control of its owner, or rightful transporter;
- (6) "borrow site" means an excavation site outside the limits of construction to provide materials necessary to that construction, such as fill material;
- (7) "burning" includes setting fires and excludes smoking;
- (8) "commercial operation" means an operation or harvest producing wood products for sale;
- (9) "commissioner" means the commissioner of natural resources or his authorized designee;
- (10) "cooking, warming, or signaling fire" means a small fire, contained within a natural or artificial barrier to prevent its escape, used for cooking, signaling, or warming, and attended at all times;
- (11) "cross-drain" means a cross ditch used to move water from one side of a road to the other to prevent accumulation of runoff without the need of a culvert or bridge;
- (12) "crowning" means to shape the running surface of a road higher in the center in order to direct runoff to roadside ditches rather than channel it down the centerline;
- (13) "department" means the Department of Natural Resources;
- (14) "display" or "displayed" means situated or placed in a readily discernible manner on timber property;
- (15) "division" means the division of forestry in the Department of Natural Resources;
- (16) "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, technical, and safety factors;
- (17) "forest land," in 11 AAC 95.010 - 11 AAC 95.180, is as defined by AS 41.17.950(6);
- (18) "forested land," in 11 AAC 95.400 - 11 AAC 95.490, is as defined by AS 41.15.170(3);
- (19) "forest practices forester" means the field person assigned by the department to implement the Act;
- (20) "land economically suited for the growing and harvesting of wood products" means forest land capable of producing repeated crops of forest products including, but not limited to, sawlogs, pulpwood, and firewood;
- (21) "material" includes any organic or inorganic flammable substance such as trees, brush, weeds, grass, wood, lumber, trash, papers, clothes, tires, and chemicals;
- (22) "mineral soil" means a soil containing insufficient organic material to sustain fire;
- (23) "normal angle of repose" means the angle at which cut slopes will stand naturally, and varies by type of material;
- (24) "operation," in 11 AAC 95.010 - 11 AAC 95.180, is as defined by AS 41.17.950(6); in 11 AAC 95.400 - 11 AAC 95.490, "operation" has the same meaning, plus land clearing activities on forested land;
- (25) "outsloping" means to shape the running surface of a road in a manner to carry runoff to the downslope side of the road, and is used for roads without roadside ditches;
- (26) "permit" means burning permit;
- (27) "stabilize" means to make resistant to shifting or erosion by mechanical or other means;
- (28) "state forester" means the state forester or his authorized representative;

(29) "surface waters" means ponds and lakes greater than 10 acres in size, and streams, creeks, and rivers which are valuable for domestic use, spawning, rearing, or migration of fish, or have value to protect water quality;

(30) "upstream debris" means slash or debris located 50 feet or less upstream from a culvert or bridge that may reasonably be expected to plug the inlet or damage the structure; and

(31) "waiver" means a deviation from standards set out in 11 AAC 95.100 — 11 AAC 95.180 which is approved by the state forester with the concurrence of the Department of Fish and Game and the Department of Environmental Conservation. (Eff. 2/15/81, Reg. 77; am 11/21/82, Reg. 84)

Authority: AS 41.15.050            AS 41.17.020  
                 AS 41.15.060            AS 41.17.080  
                 AS 41.15.090