

# Existing Riparian Management Zone (RMZ) Regulations Throughout Alaska

## U.S. Corps of Engineers, Nationwide Permits, SPN-2002-02 (January 15, 2002)

### Regional Condition F

For those projects which require a vegetated buffer for maintenance of water quality (pursuant to NWP General Condition 9), the minimum width for buffers from fish-bearing waters shall be 100 feet, as measured from the ordinary high water mark of the water body. Fish-bearing waters include habitat for both anadromous and resident fish, and shall be identified by reference to the latest or most recent Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes, or other documentation provided to the Alaska District during the PCN.

This Regional Condition applies to NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44. For projects under NWP 12 and 14 this does not preclude perpendicular crossings.

### City and Borough of Juneau

#### 49.70.310

(a) Development is prohibited ... (4) within fifty feet of the banks of designated stream corridors; and (5) within fifty feet of designated lakeshores.

(b) ... there shall be no disturbance ... (1) within twenty-five feet of designated stream corridors; and (2) within twenty-five feet of designated lakeshores.

#### 49.70.950

(f) All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of ... the JCMP, shall have a fifty-foot setback from each side of the stream or lake measured from the OHW mark, where feasible and prudent; provided docks, bridges, culverts, and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culture, water supply intakes and similar uses, are exempt from the setback requirement. The setback

shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream.

## **Kenai Peninsula Borough**

21.18.025. Application.

The following anadromous streams, as identified in the "Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" published by the Alaska Department of Fish and Game, are subject to this chapter:

21.18.40.

There is established an anadromous stream habitat protection area. Except as otherwise provided in this section, this area includes all lands within 50 horizontal feet of the streams set forth in KPB 21.18.025. This shall be measured from the ordinary high water mark or mean high water line in tidal areas. Where the banks within this 50-foot area consist of a 60 degree or more cut bank the habitat protection area shall consist of the greater of 50 feet from the river or to a point 25 feet back from the top of the cut bank.

21.18.060.

Within the habitat protection area established by Section 21.18.040 of this chapter, no building, construction, filling, excavation, major clearing of vegetation, commercial recreational uses, or activity which results in significant erosion or damage to riparian habitat, or results in or increases ground or water pollution, can be conducted except when specifically allowed under KPB 21.18.070, or when a conditional use permit has been issued pursuant to KPB 21.18.072 or 21.18.080 or when allowed for a period existing structure under the provisions of KPB 21.18.090.

21.18.070.

A. The activities specified in this section may be conducted within the habitat protection area zone without obtaining a permit from the borough under this chapter. This section in no way waives or modifies the necessity of adherence to other provisions of the KPB code, including KPB 21.06 (flood plain management), or requirements of a

permit from federal, state or local governments. Conduct of activities listed in this section are expressly conditioned upon obtaining all applicable permits. Conduct of activity without obtaining necessary permits shall be considered a violation of this chapter, subject to the provisions of Section 21.18.110.

B. The following activities, to the extent they do not result in significant erosion or damage to riparian habitat, or result in or increase ground or water pollution, do not require the issuance of a permit under this chapter:

1. Minor vegetation management (trimming, pruning, or removal of hazardous trees)
2. Private non-commercial recreational uses that do not involve construction, excavation or fill of land
3. Construction, installation, repair and maintenance of ladders, steps, cantilevered walkways, platforms, docks, and bank restoration and protection and maintenance dredging that are regulated by and require a permit from the Alaska Department of Natural Resources, State Parks Division, and the Alaska Department of Fish & Game, U.S. Army Corps of Engineers and other applicable agencies. The activity must comply with all conditions and regulations imposed on such activity.
4. Boardwalks and gratewalks with less than 75 percent but a minimum of 25 percent light penetration must be constructed so that no part, other than the supporting posts, are less than 18 inches off the ground. Gratewalks with at least 75 percent light penetration must be constructed so that no part, other than the supporting posts, are within eight inches off the ground. Boardwalks and gratewalks are not to exceed eight feet in width, and those boardwalks and gratewalks running along or parallel to the banks of the streams shall be limited in length to no more than one-third (1/3) the total lineal river frontage of the parcel on which it is constructed. Boardwalks and gratewalks must be constructed of wood, plastic, fiberglass, aluminum,

steel, or other non-toxic material. If the wood is treated, it must be certified as non-toxic to plants and animals by an independent laboratory or other appropriate agency. Boardwalks and gratewalks not meeting the above requirements shall require a conditional use permit.

5. Stairways, steps and ladders across land adjacent to the river which is at least 10 degrees steep, or from any adjacent land into the water or onto a floating dock, and with at least 75 percent light penetration, must be constructed so that no part, other than the supporting posts, are within 8 inches off the ground. Stairways, steps and ladders with less than 75 percent but a minimum of 25 percent light penetration must be constructed so that no part, other than the supporting posts, are less than 18 inches off the ground. Stairways, steps and ladders must be constructed of wood, plastic, fiberglass, aluminum, steel, or other non-toxic material. If the wood is treated, it must be certified as non-toxic to plants and animals by an independent laboratory or other appropriate agency. Stairways, steps and ladders not meeting the above requirements shall require a conditional use permit.

6. Fish cleaning stations. (Covered and/or walled in fish cleaning stations shall require a conditional use permit.)

### **Kodiak Island Borough**

- 17.13.080 (Conservation District) 1. There is a required setback (preventing clearing, filling, excavating, or structural development) of fifty (50) feet from the bank vegetation of anadromous fish water bodies that are specified pursuant to AS 16.05.870(a) and 5 AAC 95.010, except in the case of timber harvesting activities, whose required setback will be regulated by AS 41.17.010—950, ... This provision shall not prevent removal in the setback area associated with a habitable residential, or recreational structure of:
- 17.14.080 (Rural Develop. District)
- a. Up to fifty (50) percent of the trees; and
  - b. Other vegetation if a suitable ground cover (such as grass) is planted.

2. Water dependent facilities, in stream development activities, and fording may be located closer than fifty (50) feet, and in the water when permitted by the Alaska Department of Fish and Game ... Water dependent facilities are defined as uses, activities, or structures which can be carried out only on, in or adjacent to water because the use, activity, or structure requires access to the water body (e.g., water intake facilities, micro hydro projects, docks, piers, and boat watching facilities).

**ADNR Tanana Basin Area Plan**

Agriculture	Minimum 100-foot buffer (publicly owned or reserved as an easement or covenant).
Lakeshore Management	Minimum 50-foot public access easement with a minimum building setback of 100 feet.
Stream Corridors	Generally 200-foot buffer but may be reduced to 100-foot if consistent with management objectives. 100-foot building setback; may be reduced if stream is stable and development does not pose a risk to water quality or other values.
Wetland Management	Class I Wetlands (greater than 100 acres and all wetlands with a locatable stream outlet): Minimum 100-foot buffer. Class II Wetlands (40 to 100 acres with no stream outlet): 60-foot buffer. Class III Wetlands (less than 40 acres with no stream outlet): Determined on a case-by-case basis. Class I and II Wetland buffers are increased by 25% if a 10 to 40 percent slope exists. Increased by 50 percent if adjacent slope exceeds 40 percent.

**ADNR Northwest Area Plan**

Lakeshore Management	Minimum 50-foot public access easement with a minimum building setback of 100 feet.
Stream Corridors	Commercial and industrial development facilities will not be located closer than 100 feet from ordinary high water unless the use or activity is water-dependent or water-related.

Wetland Management

Class I Wetlands (have a locatable stream outlet) – minimum 100-foot buffer retained in public ownership. Class II Wetlands (no identifiable outlet) – buffer width determined on a case-by-case basis. Increase buffer width by 25% if 10-40 percent slopes exists; increase by 50% if slope exceeds 40 percent.

**ADNR Kuskokwim Area Plan**

Lakeshore Management

Minimum 50-foot public access easement with a minimum building setback of 100 feet.

Remote Cabins

No cabin construction within 50 feet of the ordinary high water unless a greater distance is required in a specific management unit.

Stream Corridors

When it is determined that a publically owned buffer is appropriate, a standard minimum buffer width of 100 feet should generally be established landward from the ordinary high water mark on each bank. This may be reduced in individual cases when consistent with the management intent of the unit or when land adjacent to the stream is stable and development or use does not pose a risk to water quality or other values such as wildlife or recreation.

Minimum residential building setback of 100 feet landward from the ordinary high water mark on each bank unless land adjacent to the the stream is stable and development or use does not pose a risk to water quality or other values such as wildlife or recreation.

Wetlands Management

Class I Wetlands (locatable stream outlet) – those that are to be retained in public ownership will include, at a minimum, a 100-foot strip adjacent to the wetland. Class II Wetlands (no identifiable stream outlet) – buffer width determined on a case-by-case basis. Increase buffer width by 25% if 10-40 percent slopes exists; increase by 50% if slope exceeds 40 percent.

## **ADNR Susitna Area Plan**

Agriculture	A minimum buffer width of 100 feet. Increased as necessary where the potential for sedimentation or pollution is high.
Recreation	Rivers or streams that provide public recreational opportunities generally will be protected through retention of publicly owned buffers extending at least 200 feet each side of the stream. On rivers where a larger buffer is desired to allow a wider variety of recreational opportunities, a publicly owned buffer of between 200 feet and ¼ mile on each side of the stream is retained in public ownership.
Lakeshore Management	Minimum building setback of 100 feet.
Settlement	Minimum building setback of 100 feet. When it is determined that a publicly owned buffer is appropriate, a standard minimum buffer width of 200 feet landward from the ordinary high water mark on each bank generally should be established. This width may be reduced to 100 feet on each bank in individual cases when consistent with the management objectives of the stream corridor.
Wetlands Management	Class I Wetlands (greater than 100 acres and all wetlands with a locatable stream outlet): Minimum 100-foot buffer. Class II Wetlands (40 to 100 acres with no stream outlet): 60-foot buffer. Class III Wetlands (less than 40 acres with no stream outlet): Determined on a case-by-case basis.
<b>Region III – Forest Practices Act</b> (legislative adoption pending)	66 to 100-foot depending on stream classification. Depending on stream classification, up to 50% of standing trees greater than 9 inches DBH may be removed within the secondary RMZ (33 to 50 feet).

## **Alaska Coastal Management Plans**

City of Craig Coastal Plan	100-foot wide undisturbed buffer adjacent to Crab Creek; 50-foot wide undisturbed buffer adjacent to all other anadromous fish streams.
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City of Hoonah Coastal Plan	No development activities, alteration of natural vegetation, excavation, placement of fill, or land clearing within a minimum 100 feet distance of OHW.
Juneau Borough Coastal Plan	50-foot vegetated (or revegetated) structure setback from all streams and lakes. Exceptions for docks, bridges, culverts, public structures whose purpose is to access the waterbody, mining, fish culturing, and water supply intakes.
City of Kake Coastal Plan	Development activities, including the disturbance of natural vegetation, are prohibited within 50 feet of all anadromous fish streams. Exceptions include open space, park, recreational, and subsistence activities.
City of Sitka Coastal Plan	New construction and land clearing subject to a 25-foot naturally vegetated buffer along both sides of the 100-year floodplain. Wider buffer encourage where appropriate to provide greater protection.
City of Skagway Coastal Plan	200-foot buffer along coastlines, streams, and water supplies.
Thorne Bay Coastal Plan	50-foot naturally vegetated buffer along all anadromous fish streams. Exceptions include timber harvest activities (subject to FPA), transportation and utility corridors, certain research activities, grandfathered activities. Vegetation may be altered within the buffer to remove danger trees, erosion control and bank stabilization, bridge and pedestrian crossings, and limited trail construction.
Yakutat Coastal Plan	150-foot naturally vegetated setback adjacent to all waterbodies deemed critical to fish and shellfish by ADF&G. Exceptions for transportation and utility crossings, subsistence camps, residential activities, timber harvest (subject to FPA), and water dependent uses. Variance procedure established.
Anchorage Municipal Coastal Plan	Development discourage within 100-year floodplain. Minimum 100-foot setback from anadromous fish streams; minimum 85-foot setback from specified headwater creeks and tributaries; 65-foot setback from all other waterbodies. 25-foot

setback from Class A Wetlands. 15-foot setback from Class B Wetlands. Setbacks shall be maintained undisturbed to the maximum extent. Additional site-specific requirements provided.

Lake & Peninsula Bor. Coastal Plan 100-foot setback from anadromous fish streams unless feasible and prudent alternatives are not available. Exceptions for research, protection and enhancement of anadromous fish, transportation and utility crossings, and water dependent structures.

Matanuska Borough Coastal Plan 75-foot buffer from OHW. Water dependent structures are allowed within the buffer provided they minimize adverse impacts to water quality and fish and wildlife habitat. Other uses may be allowed if they have no significant adverse impact.

City of Valdez Coastal Plan No development or land clearing with the exception of hydroelectric, transportation or utility routes, and uses and activities involving the study, protection, or enhancement of anadromous fish may take place within 25 feet within residential subdivisions and within 40 feet outside residential subdivisions from the OHW of anadromous fish streams and lakes. Greater setback distances up to 100 feet may be required based on site-specific analysis.

City of Whittier Coastal Plan With the exception of transportation and utility corridors and uses involving the research, protection or enhancement of anadromous fish, no development, alteration of natural vegetation or land clearing may occur within a minimum distance of 25 feet from the OHW of anadromous fish streams. Water dependent structures may be constructed within the buffer provided they are constructed and used in a way which minimizes adverse impacts to water quality and fish and wildlife habitat. Greater setback distances up to 150 feet may be required on a site-specific basis. For state owned lands, DNR may establish a buffer of up to 200 feet along anadromous fish streams.

Aleutians West Coastal Plan To the extent feasible and prudent, development, except for facilities or activities which are water dependent, must dedicate a structural setback of at

	least 25 feet horizontally from OHW of inland lakes and streams and the MHW mark of marine waters.
Bering Straits CRSA Coastal Plan	Commercial and industrial development facilities and structures may not be located closer than 100 feet from OHW of streams and lakes and the HHW mark of marine waters unless the use or activity is water dependent or related.
City of Bethel Coastal Plan	A minimum distance of 25 feet must be maintained between the toe of any fill and the high water mark of any drainageway, lake or slough.
Bristol Bay Borough Coastal Plan	New construction or land clearing must be set back from the water's edge in accordance with all applicable state and federal regulations.
Bristol Bay CRSA Coastal Plan	To the extent feasible and prudent, projects adjacent to public water supplies and fish habitat must maintain a minimum setback of 100 feet landward of OHW. Exceptions for water dependent and necessary waterbody crossings.
Cenaliulriit CRSA Coastal Plan	100-foot buffer adjacent to anadromous fish streams. Exceptions for transportation and utility crossings, subsistence camps, and public purposes if the use avoids significant adverse impacts.
City of Nome Coastal Plan	25-foot structural setback from OHW or MHW. Setback measured from bank rim for all geologically unstable bluffs or banks exceeding 10 feet in height or banks sloping more than 30 percent.
Northwest Arctic Bor. Coastal Plan	Structures may not be sited below the active vegetation line or highwater mark unless there is a public need for the use to be sited in that location. Non-water dependent commercial uses are prohibited within 100 feet of the Kobuk, Selawik, and Noatak Rivers Important Resource Use Areas.