

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY
AND OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF ALASKA

PREPARED FOR
FOUR CORNERS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

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Request for information on this publication should be directed to the following locations:

Alaska Permit
Information Center
Pouch O
3220 Hospital Drive
Juneau, Alaska 99811

or

U.S. Geological Survey
Environmental Affairs Office
760 National Center
Reston, Virginia 22092

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STATE PERMIT REQUIREMENTS FOR DEVELOPMENT OF
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1.0 INTRODUCTION

This guidebook is one of a series prepared for every State. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Alaska, it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of Alaska, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on the following pages:

STANDARD FORMAT FOR PERMIT SUMMARIES

CHAPTER 0.0

TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION

Description of administering agency and its role

A. NAME OF PERMIT OR APPROVAL:

Complete name of permit or approval with notation indicating mandate by state (S) or federal (F) government

B. STATUTORY AUTHORITY:

Title of state statutes authorizing permit and the legal citations of each with notation indicating pending changes (P) to the statute(s)

C. TITLE OF REGULATION:

Title of state regulation(s) which apply to permit with notation indicating pending changes (P) to the regulation(s)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

Summary of major steps involved in the permit/approval process

1. Applicability

Includes all types of activities which require the permit

2. General Requirements

Conditions which must be met by the project sponsor before a permit can be acquired; excluding Submissions or Operations Requirements

3. Submission Requirements

Types of information which the project sponsor must include in the application for the permit

CHAPTER 0.0 (concluded)

4. Procedures for Obtaining Permit or Approval

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times

5. Operations Requirements

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations

6. Fees

Costs incurred for obtaining and maintaining the permit

7. Appeal Process

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed

E. ADMINISTERING AGENCY:

Name of the administering agency and its director, address, and telephone number

Name of the counterpart federal agency and its director, address, and telephone number

SECTION 2.0
STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

ALASKA PERMIT INFORMATION CENTER

The Alaska Department of Environmental Conservation has established the Alaska Permit Information Center to aid in coordinating the permitting process and to provide for a useful one-stop permit agency. The Permit Center offices are located in Anchorage, Fairbanks, and Juneau, and offer a variety of services for projects or activities of any size. These services include:

- Permit Information

Applicants who have questions regarding a proposed project, may contact the Alaska Permit Information Center at the offices listed below. When specific details of the project are provided by the applicant, the Permit Center can identify the federal, state, and local government agencies which may have jurisdiction over the project activities. In addition, the Permit Center can identify the permits which may be needed, the address and telephone number of each agency, and a contact within the agency.

- Permit Lists

The Alaska Permit Information Center also develops lists of permits which may be required for a project. The lists are the result of research into all the possible state, federal, and local permits a specific type of project may require.

- Master Application Process

A Master Application process is administered through the Alaska Permit Information Center under the Environmental Procedures Coordination Act (AS 46.35). This process allows for the simultaneous review of a project by all state agencies and the

applicable local government. Applicants may initiate the process by filing a single form and can receive all state decisions by a previously determined date. Furthermore, requirements for public notices and hearings are consolidated, eliminating duplicate and inconsistent requirements and providing for public participation.

- Pre-application Conferences

Upon request, the Alaska Permit Information Center hosts pre-application conferences. These conferences provide an opportunity for an applicant to present a proposed project to federal, state, and local agencies prior to filing individual permit applications or a Master Application. The conferences also provide each agency an opportunity to describe the requirements which the applicant must fulfill prior to receiving that agency's approval. The pre-application conference is not a judgmental meeting; rather, it is an effective means of discussing potential problems at an early stage and of enabling an applicant to become familiar with each agency.

The Alaska Permit Information Center is regionalized, with each office providing services for a specific portion of the state. For the applicant's convenience, the Permit Center accepts collect calls and receives calls after regular business hours. The address and telephone number of each office of the Alaska Permit Information Center are listed below:

- a) In southeast Alaska:

The Alaska Permit Information Center
Pouch O, 3220 Hospital Drive
Juneau, Alaska 99811
Telephone: (907) 465-2615

- b) In southcentral Alaska:

The Alaska Permit Information Center
437 "E" Street, Second Floor
Anchorage, Alaska 99501
Telephone: (907) 279-0254

c) In northern Alaska:

The Alaska Permit Information Center
675 7th Avenue, P.O. Box 1601
Fairbanks, Alaska 99707
Telephone: (907) 452-2340

SECTION 3.0

RESOURCE EXTRACTION

CHAPTER 3.1

PERMIT TO DRILL OR DEEPEN OIL OR GAS WELLS

INTRODUCTION

A Permit to Drill or Deepen is required for drilling or deepening any well for oil or gas or for collecting stratigraphic information on lands or waters of the State of Alaska. The permit is administered by the Alaska Oil and Gas Conservation Commission of the Department of Commerce and Economic Development, which regulates oil and gas drilling and production operations, prevents the waste of oil and gas, and protects the rights of lease and royalty owners.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Drill or Deepen Oil and Gas Wells (S)

B. STATUTORY AUTHORITY:

- AS 31.05 Alaska Oil and Gas Conservation Act

C. TITLE OF REGULATION:

- 20 AAC 25.005-570 Oil and Gas Conservation

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any party planning to drill or deepen any well for oil or gas or to collect stratigraphic information on lands or waters in the State of Alaska

2. General Requirements

- See below

3. Submission Requirements

- A form 10-401, Application for Permit to Drill or Deepen, must be submitted with an application fee of \$100

CHAPTER 3.1 (continued)

- A survey plat showing the precise location of the operation, the proposed surface and bottom hole location, the proposed well casing program, minimum amount of cement to be used for each casing, blowout prevention program to be employed, and any other project information requested by the Commission
- A direction survey, samples of drill cuttings, core chips, and mud logs on the well may be required

4. Procedures for Obtaining Permit or Approval

- The application is submitted to the commission with the information listed above
- A permit is issued following review and approval by the Commission
- Public notices and/or hearings are not required unless there are other affected leases involved
- A public hearing may be held if there are objections to the proposed activities or if the Commission feels it necessary
- Following the hearing or a 10-day period without objections, the Commission may take final action on the application

5. Operations Requirements

- The permittee must comply with conditions established in the permit approval
- Field inspections will be conducted by the Commission to ensure compliance

6. Fees

- An application fee of \$100 is required
- A bond of \$100,000 for a single well or a blanket bond of \$200,000 covering all wells in the state is required by the Commission

7. Appeal Process

- Persons affected by the Commission's decision on a application may file a petition for rehearing within 20 days after the decision

CHAPTER 3.1 (concluded)

- The Commission grants or refuses the petition within 10 days
- No action by the Commission serves as a refusal of the petition and is the final decision
- If a new hearing is granted, the Commission may enter a new order as required after rehearing

E. ADMINISTERING AGENCY:

Commissioner
Alaska Oil and Gas Conservation Commission
Department of Commerce and Economic Development
3001 Porcupine Drive
Anchorage, Alaska 99501
(907) 279-1433

CHAPTER 3.2

OIL AND GAS LEASES

INTRODUCTION

Oil and Gas Leases are required of interested parties for the exploration and development of oil and gas on all lands to which the State of Alaska holds title or to which the state may become entitled. Oil and gas leases are administered through the Lease Sales Section and Lease Administration Section of the Division of Minerals and Energy Management of the Alaska Department of Natural Resources. Leases are sold through competitive lease sales.

A. NAME OF PERMIT OR APPROVAL:

- Oil and Gas Leases (S)

B. STATUTORY AUTHORITY:

- AS 38.05.020 Authority and Duties of the Commissioner
- AS 38.05.145 Leasing Procedure
- AS 38.05.180 Oil and Gas

C. TITLE OF REGULATION:

- 11 AAC 82 Mineral Leasing Procedure
- 11 AAC 83 Oil and Gas Leasing Procedure
- 11 AAC 88 Practice and Procedure

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons proposing to seek and extract oil and gas from state lands

2. General Requirements

- See below

CHAPTER 3.2 (continued)

3. Submission Requirements

- Persons proposing to seek and extract oil and gas from state land must obtain a lease from the Division
- Persons wishing to bid in a competitive oil and gas lease sale must qualify with the Division through submitting a Statement of Qualifications on a form provided by the Division and submitting a power of attorney document should other than the bidder desire to sign the bid form
- To be qualified to bid, a nonresident corporation must obtain a Certification of Authority, which gives a nonresident corporation authority to do business in the state; and a Certification of Compliance, which certifies that the corporation has fulfilled taxation requirements for a nonresident corporation and is in good standing with the Corporations Section of the Division of Banking, Securities, Small Loans, and Corporations of the Department of Commerce & Economic Development, which issues the certificate
- Qualification statements and related information generally must be submitted several days prior to a sale
- Successful bidders must file a plan of operations with the Division of Minerals and Energy Management, which must be approved by the Division prior to commencement of operations

4. Procedures for Obtaining Permit or Approval

- Leases are required for the exploration and development of oil and gas on all lands to which the state holds title or to which the state may become entitled. Leases may be obtained through competitive bidding only
- Several competitive oil and gas lease sales are held by the state each year
- The state can choose from several bidding methods for the sales, including cash bonus bidding, royalty share bidding, and bidding a portion of the net profits from the lease
- Public notices of all oil and gas lease sales are given 45 to 56 days before a sale takes place
- These notices identify the final sale terms including submitting procedure for bids, bidding method, and environmental requirements for operations
- Successful bidders may begin operations following submittal and approval of operations plans

CHAPTER 3.2 (concluded)

5. Operations Requirements

- Competitive oil and gas leases are issued for a maximum duration of 10 years
- Compliance with operations plans submitted to the Division is required

6. Fees

- The annual rental fee for oil and gas leases is \$1.00 per acre for the first year, \$1.50 per acre for the second year, \$2.00 per acre for the third year, \$2.50 per acre for the fourth year, and \$3.00 per acre for the fifth and following years

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Division of Mineral and Energy Management
Department of Natural Resources
703 West Northern Lights
Anchorage, Alaska 99503
(907) 276-5113

CHAPTER 3.3

PIPELINE RIGHT-OF-WAY LEASE

INTRODUCTION

A Pipeline Right-of-Way Lease, administered by the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources, is required for easements or rights-of-way for construction, maintenance, operation, and termination of all pipeline projects on state lands in Alaska.

A. NAME OF PERMIT OR APPROVAL:

- Pipeline Right-of-Way Lease (S)

B. STATUTORY AUTHORITY:

- AS 38.35 Right-of-Way Leasing Act

C. TITLE OF REGULATION:

- None given

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Easements or rights-of-way for construction, maintenance, operation, and termination of all pipeline projects on state land in Alaska

2. General Requirements

- See below

3. Submission Requirements

- Applications for a pipeline right-of-way must be filed with the Division of Forest, Land, and Water Management on a right-of-way form specified by the Division
- Information to be submitted with the application includes a legal description of the area involved and a plan of construction and operations, including a construction timetable and other data which may be specified by the Division

CHAPTER 3.3 (continued)

4. Procedures for Obtaining Permit or Approval

- The application must be filed with the Division
- After the application is received by the Division and prior to its approval, a land survey of the area involved should be submitted to the Division
- The Division then appraises the lands involved for their value for the lease rental fee
- The Division publishes a public notice of the application three times in a daily newspaper of general circulation in the vicinity of the location of the proposed pipeline
- If a public hearing on an application is requested by anyone within 30 days of publication or if substantial public interest is involved, a hearing will be held

5. Operations Requirements

- Compliance with the development plan submitted by the applicant is required

6. Fees

- \$500 application fee
- A rental fee dependent on the value of the state property involved in the project will be levied annually

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Division of Forest, Land, and Water Management
Department of Natural Resources

Southeastern District Office
Pouch MA
Juneau, Alaska 99801
(907) 465-3400

CHAPTER 3.3 (concluded)

Northern District Office
4420 Airport Way
Fairbanks, Alaska 99701
(907) 479-2243

Southcentral District Office
941 East Dowling Road
Anchorage, Alaska 99502
(907) 349-4524

CHAPTER 3.4

OIL DISCHARGE CONTINGENCY PLAN

INTRODUCTION

An Oil Discharge Contingency Plan, administered by the Oil Pollution Control Program of the Alaska Department of Environmental Conservation, is required of operators of oil tank vessels, oil barges, oil terminal facilities, and offshore exploration and production facilities to provide for organization and equipment for containment and cleanup of potential oil discharges to protect the natural resources and public health and safety of the State of Alaska.

A. NAME OF PERMIT OR APPROVAL:

- Oil Discharge Contingency Plan (S)

B. STATUTORY AUTHORITY:

- AS 46.03.020 Environmental Conservation
- AS 46.04.030 Oil Discharge Contingency Plans
- AS 46.04.070 Scope of Regulations

C. TITLE OF REGULATION:

- 18 AAC 15.010 et seq. Administrative Procedures
- 18 AAC 75.305 et seq. Oil Discharge Contingency Plans

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Oil operations in the State of Alaska, including tank vessels and oil barges navigating on state waters, oil terminal facilities having a storage capacity of 10,000 barrels or more, and offshore exploration or production facilities

2. General Requirements

- See below

CHAPTER 3.4 (continued)

3. Submission Requirements

- An oil discharge contingency plan, including information detailed in 18 AAC 75.320, must be filed with the Department of Environmental Conservation prior to commencement of operations
- Operators of oil terminals and offshore exploration and production facilities are required to comply with five additional components listed in 18 AAC 75.335
- Operators of tank vessels and tank barges are required to comply with six additional components listed in 18 AAC 75.345
- These information components require the operator to submit detailed plans for containment and cleanup of potential oil spills
- Proof of Financial Responsibility is required by the Department to show that facilities have sufficient financial assets to compensate for losses resulting from an oil discharge

4. Procedures for Obtaining Permit or Approval

- An oil discharge contingency plan must be submitted to and approved by the Oil Pollution Control Program of the Alaska Department of Environmental Conservation prior to commencement of operations
- No public hearings or notices are required
- Approval of contingency plans is granted by regional offices and takes place within 30 days after receipt of the plans

5. Operations Requirements

- If any equipment specified in a contingency plan becomes nonoperational or is removed from designated storage locations, the operator must notify the Department in writing within 3 days and must provide a schedule for equipment repair or return to service

6. Fees

- None

CHAPTER 3.4 (concluded)

7. Appeal Process

- Persons aggrieved by the Department's decision may request an adjudicatory hearing within 30 days of the final decision; this request must include a statement of issues proposed for consideration at the hearing

E. ADMINISTERING AGENCY:

Chief
Oil Pollution Control Program
Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99811
(907) 465-2653

CHAPTER 3.5

OFFSHORE LOCATABLE MINERAL PROSPECTING PERMIT AND COAL PROSPECTING PERMIT

INTRODUCTION

The Offshore Locatable Mineral Prospecting Permit and Coal Prospecting Permit is administered by the Division of Minerals and Energy Management of the Alaska Department of Natural Resources to manage and encourage prospecting for mineral resources on state lands.

A. NAME OF PERMIT OR APPROVAL:

- Offshore Locatable Mineral Prospecting Permit and Coal Prospecting Permit (S)

B. STATUTORY AUTHORITY:

- AS 38.05 Alaska Land Act

C. TITLE OF REGULATION:

- 11 AAC 82 Mineral Leasing Procedure
- 11 AAC 84 Other Leasable Minerals
- 11 AAC 86 Mining Rights
- 11 AAC 88 Practice and Procedures

NOTE: Regulations related to this permit are currently being revised. Contact the Division for information regarding these changes.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Prospecting for coal and/or offshore locatable minerals on state land

2. General Requirements

- An application must be submitted on forms provided by the Division and must include the legal description of the area where prospecting will be done

CHAPTER 3.5 (continued)

- Availability of land for prospecting should be checked prior to applying

3. Submission Requirements

- Form DL-174 is used when applying for offshore locatable mineral prospecting permits; Form DL-70 is used when applying for coal prospecting permits
- Legal description of area to be prospected must be included
- A plan of operations must be filed and approved prior to commencing operations

4. Procedures for Obtaining Permit or Approval

- Following submittal and approval of the application, the Offshore Locatable Mineral Prospecting Permit is issued for a single 10-year period, and is nonrenewable
- Coal prospecting permits are issued for a 2-year period and may be renewed once for an additional 2 years
- If minerals or coal are discovered, the permit may be converted to a lease issued for an indeterminate period
- To obtain a lease, a \$20 filing fee and geologic evidence must be filed with the Division, along with a lease form
- Form DL-94 is used for mineral leases; Form DL-71 is used for coal leases
- Public notices and hearings are not required

5. Operations Requirements

- Compliance with the approved plan of operations is required

6. Fees

- \$20 filing fee

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

CHAPTER 3.5 (concluded)

E. ADMINISTERING AGENCY:

Director
Division of Minerals and Energy Management
Department of Natural Resources
703 West Northern Lights, Suite 100
Anchorage, Alaska 99503
(907) 276-5113

CHAPTER 3.6

UPLAND LOCATABLE MINERAL RIGHTS CERTIFICATE OF LOCATION

INTRODUCTION

The Upland Locatable Mineral Rights Certificate of Location, administered by the Mining Section of the Division of Minerals and Energy Management of the Alaska Department of Natural Resources, is required to obtain rights to locatable minerals on state uplands for management and encouragement of prospecting for mineral resources on state land in the State of Alaska.

A. NAME OF PERMIT OR APPROVAL:

- Upland Locatable Mineral Rights Certification of Location (S)

B. STATUTORY AUTHORITY:

- AS 38.05.020 Authority and Duties of the Commissioner
- AS 38.05.195 Mining Claims
- AS 38.05.205 Mining Leasing
- AS 38.05.245 Prospecting Sites

C. TITLE OF REGULATION:

- 11 AAC 82 Mineral Leasing Procedure
- 11 AAC 86 Mining Rights
- 11 AAC 86 Mining Practice and Procedure

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons desiring to obtain rights or locatable minerals on state uplands

CHAPTER 3.6 (continued)

2. General Requirements

- A prospecting site, mining claim or leasehold location must be staked and a Certificate of Location filed with the District Recorder's office in the area within 90 days after staking the claim with the Alaska Division of Minerals and Energy Management

3. Submission Requirements

- Certificate of Location forms supplied by the Division must be filed including the name of the claim, date of discovery, and date of posting of notice, and a sketch map of the claim which identifies the location of the claim

4. Procedures for Obtaining Permit or Approval

- Claimant should check the status of the area he wishes staked to be certain it is opened to staking
- Following discovery, location, and filing of the Certificate of Location with the District Recorder's Office, mineral rights become effective and remain in effect
- By filing a statement of annual labor by September 1, mineral rights may be extended indefinitely
- If the statement of annual labor is not filed, the claimant forfeits rights and may not reestablish the claim for at least one year
- Claimant must obtain a Land Use Permit from the Division prior to commencing operations

5. Operations Requirements

- Claimant must file a statement of annual labor by each September 1 to extend mineral rights

6. Fees

- No filing fee is required

7. Appeal Process

- All Alaska state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

CHAPTER 3.6 (concluded)

E. ADMINISTERING AGENCY:

Director
Division of Minerals and Energy Management
Department of Natural Resources
703 West Northern Lights Suite 100
Anchorage, Alaska 99503
(907) 276-5113

CHAPTER 3.7

APPROVAL OF DEVELOPMENT WORK ON COAL DEPOSITS

INTRODUCTION

Approval of Development Work on Coal Deposits is intended to provide uniform safety standards for mining operations on state lands within the State of Alaska, to ensure proper working conditions for employees of mining operations, to provide for public safety, and to conserve the natural resources of the state in relation to mining operations. The approval is administered by the State Geologist under the Division of Geological and Geophysical Surveys of the Alaska Department of Natural Resources.

A. NAME OF PERMIT OR APPROVAL:

- Approval of Development Work on Coal Deposits (S)

B. STATUTORY AUTHORITY:

- AS 27.20 Mining Operations

C. TITLE OF REGULATION:

- 11 AAC 46.101 Advance Approval for Coal Development

NOTE: Regulation changes are expected in the near future. Contact the Division of Geological and Geophysical Surveys for information regarding these changes.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any development of coal deposits located on state lands in Alaska

2. General Requirements

- See below

3. Submission Requirements

- A letter of application must be sent to the State Geologist with a preliminary plan of operation

CHAPTER 3.7 (continued)

- The plan should include a map (scale 1" = 400') and other maps necessary to show clearly the intent of the lessee for future mining ventilation and mining development

4. Procedures for Obtaining Permit or Approval

- The development plan of operations is submitted for review to the State Geologist
- Following review and approval, the permit is issued for a duration prescribed by the State Geologist
- No public notices or hearings are required

5. Operations Requirements

- A coal mining permit and/or lease may be required by the Division after exploratory and development work has been completed

6. Fees

- None

7. Appeal Process

- All Alaska state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

State Geologist
Division of Geological and Geophysical Surveys
Department of Natural Resources
3001 Porcupine Drive
Anchorage, Alaska 99504
(907) 274-9681

CHAPTER 3.8

LEASE OPERATIONS APPROVAL

INTRODUCTION

The Lease Operations Approval, administered by the Division of Minerals and Energy Management of the Alaska Department of Natural Resources, is required to ensure that property leased from the State of Alaska will be managed in a proper manner according to a plan of operations followed by the operator and supervised by the Alaska Department of Natural Resources (primarily for oil and gas leases).

A. NAME OF PERMIT OR APPROVAL:

- Lease Operations Approval (S)

B. STATUTORY AUTHORITY:

- AS 38.05 Alaska Land Act

C. TITLE OF REGULATION:

- 11 AAC 82 and 83 Mineral Leasing Procedure, Oil and Gas Leasing

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons leasing land from the State of Alaska for development purposes

2. General Requirements

- See below

3. Submission Requirements

- A plan of operations must be submitted to the Division, giving a detailed description of proposed activities on leased state land

4. Procedures for Obtaining Permit or Approval

- No forms are provided for the operations plan

CHAPTER 3.8 (continued)

- Following submittal of the detailed plan of operations and review by the Division, approval may be granted
- Certifications by other agencies and public notices may be required depending on the magnitude and location of the operations

5. Operations Requirements

- Compliance with the plan of operations is required

6. Fees

- None

7. Appeal Process

- All Alaska state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Division of Minerals and Energy Management
Department of Natural Resources
703 West Northern Lights
Anchorage, Alaska 99501
(907) 276-5113

CHAPTER 3.9

UNIT AGREEMENT APPROVAL

INTRODUCTION

A Unit Agreement Approval, administered by the Division of Minerals and Energy Management of the Alaska Department of Natural Resources, is required of parties proposing unit agreements to consolidate oil and gas leases to conserve the natural resources of all or part of an oil or gas field and to have the unitized area overseen by the State of Alaska to ensure maximum production of natural resources while providing for protection of state lands involved.

A. NAME OF PERMIT OR APPROVAL:

- Unit Agreement Approval (S)

B. STATUTORY AUTHORITY:

- AS 31.05 Alaska Oil and Gas Conservation Act
- AS 38.05 Alaska Land Act

C. TITLE OF REGULATION:

- 11 AAC 83.300-375 (Revised) Unitization

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons desiring to establish a unit agreement between adjacent leaseholds to consolidate development of oil and gas fields in the State of Alaska

2. General Requirements

- See below

CHAPTER 3.9 (continued)

3. Submission Requirements

- An application for designation of an area as subject to development under a unit agreement must be submitted to the Division
- The application (Unit Agreement Form) must be accompanied by a map of scale not less than 1 in. to 1 mile. The map outlines the area sought to be designated; indicates federal, state, and privately owned land by symbols; identifies Alaska leases and lease applications by serial numbers; and gives geological information showing that unitization is necessary and advisable in the public interest
- Applications submitted must be accompanied by a \$20.00 fee and four signed copies of the agreement, and by two copies of evidence verifying the application includes pertinent geological and engineering data
- A unit operator who is responsible for overseeing the agreement is selected by the owners of working interests and approved by the Division
- A unit agreement performance bond adequate to protect the interests of Alaska may be furnished by the unit operator
- A draft of the agreement may be submitted prior to execution of the agreement by interested parties
- The agreement must be finalized prior to final approval by the Division
- Interested parties include owners of any right, title or interest in oil or gas deposits to be included in a proposed unit agreement

4. Procedures for Obtaining Permit or Approval

- Following review of the unit agreement, it may be approved by the Division if it is determined that the agreement is necessary or advisable in the public interest for conserving Alaska's natural resources and to protect all parties involved, including the state
- Approval of the agreement is from the Commissioner of the Alaska Department of Natural Resources

CHAPTER 3.9 (concluded)

- No agreement will be approved unless at least one of the parties is a holder of a State of Alaska lease in the unit area and unless parties to the agreement hold sufficient interests in the unit area to provide effective control of operations
- Public notice must be given by the Division to newspapers in the locality of the agreement within 10 days after receiving the application and must be published at least 3 times

5. Operations Requirements

- Certain operations requirements which may be stipulated by the Division and included in the development plan for the unit must be followed

6. Fees

- \$20.00 filing fee

7. Appeal Process

- All Alaska state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Lease Administration Section
Division of Minerals and Energy Management
Department of Natural Resources
703 West Northern Lights
Anchorage, Alaska 99503
(907) 276-5113

CHAPTER 3.10

ALASKA STATE MINING LICENSE

INTRODUCTION

The Alaska State Mining License is required for the privilege of engaging in the business of mining and for providing a system to regulate and tax mining in the State of Alaska. The mining license is issued by the Fisheries and Mining Tax Unit of the Alaska Department of Revenue.

A. NAME OF PERMIT OR APPROVAL:

- Alaska State Mining License

B. STATUTORY AUTHORITY:

- AS 43.65.011-060 Mining License Tax

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any persons, firm, or corporation engaged in mining activities in the State of Alaska

2. General Requirements

- See below

3. Submission Requirements

- Application Form 04-661 (provided by the Department of Revenue) must be submitted with the name and address of the mining firm, the location and type of mining activity, and the mineral(s) being mined

4. Procedures for Obtaining Permit or Approval

- Applicant submits completed Form 04-661, which is processed by the Department prior to license issuance

CHAPTER 3.10 (continued)

- The license is issued annually and is renewed on May 1 of each year
- No public hearings or notices are required

5. Operations Requirements

- None

6. Fees

- None

7. Appeal Process

- All Alaska state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Auditor
Fisheries and Mining Tax Unit
Department of Revenue
Pouch SA
Juneau, Alaska 99811
(907) 465-2371

CHAPTER 3.11

MATERIAL SALE CONTRACT FOR SALE OF TIMBER AND MATERIALS ON STATE LANDS

INTRODUCTION

Forest products and mineral materials occurring on Alaska state lands may be offered for sale by bids or public auction by the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources to ensure the fair and equitable disposal of timber and materials on state-owned lands. Forest products include timber, and mineral materials include sand, gravel, stone, clay, cinders, coal, phosphate, sodium, potassium and other materials that could be utilized by bidders. Depending on the magnitude and location of the project, these materials may be developed according to a development plan submitted by the successful bidder to the Department.

A. NAME OF PERMIT OR APPROVAL:

- Material Sale Contract for Sale of Timber and Materials on State Lands (S)

B. STATUTORY AUTHORITY:

- AS 38.05.110 Sale of Timber and Materials
- AS 38.05.115 Limitations and Conditions of Sale
- AS 38.05.120 Disposal Procedure

C. TITLE OF REGULATION:

- 11 AAC 76 Timber and Material Sales Regulations

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Sale of vegetation and mineral materials occurring on state lands and related approvals for development

2. General Requirements

- Sale of timber and materials occurring on state lands is conducted by the Department

CHAPTER 3.11 (continued)

- Persons successfully bidding on the materials must supply a plan of operations for development and compliance with environmental standards to develop the materials once purchased from the state

3. Submission Requirements

- The applicant must submit Form 10-137 - Material Sale Application and a \$10.00 application fee
- The successful bidder must submit a development plan including a map to show how to restore the area involved and to comply with environmental standards such as soil and erosion control, water and air pollution control, road maintenance, and slash disposal
- Bonding for operations may be required to restore and reclaim an area depending on the magnitude and location of the operations

4. Procedures for Obtaining Permit or Approval

- Timber and materials on state lands are sold by the Department of Natural Resources following public notices given by the Department
- Bids are submitted by bidders who attend the sale, and at the time of the sale the successful bidder must deposit the amount specified in terms of the sale
- A receipt is issued by the Department to the bidder with a contract of sale which is signed by both parties
- Conditions, limitations and terms are imposed by the Division Director to protect the interests of the state including submittal of a development plan and compliance with other agencies' requirements
- Public notice must be given by the Department four times to the general media to advertise all competitive sales of timber and materials on state lands outside circulation of a municipality within the state

5. Operations Requirements

- Compliance with the plan of development and restoration of disturbed areas is required

6. Fees

- \$10.00 application fee

CHAPTER 3.11 (concluded)

7. Appeal Process

- Aggrieved bidders may appeal to the Commissioner of the Department within 5 days after sales are closed for a review of the Director's determination on the sale

E. ADMINISTERING AGENCY:

Policy Coordinator
Division of Forest, Land, and Water Management
Department of Natural Resources
323 East 41th Avenue
Anchorage, Alaska 99501
(907) 279-5577

SECTION 4.0
LAND USE REGULATION

CHAPTER 4.1

PUBLIC UTILITIES CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

The Alaska Public Utilities Commission of the Department of Commerce and Economic Development administers certification of public utilities to restrict the number of utility companies which may operate so that the most qualified companies furnish necessary services at reasonable cost. The certification also serves to protect consumers through regulation of rate schedules.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Public Convenience and Necessity (S)

B. STATUTORY AUTHORITY:

- AS 42.05 Alaska Public Utilities Commission Act

C. TITLE OF REGULATION:

- 3 AAC 48 Alaska Public Utilities

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any corporation, company, individual, or association which owns, operates, manages, or controls a public utility in the State of Alaska

2. General Requirements

- Application procedures outlined below
- Separate applications are required for each type of proposed utility

3. Submission Requirements

- Application forms (Form 101 for non-municipal applicants or Form 107 for municipal applicants) must be submitted to the Commission with a Certificate of Incorporation (Foreign/Domestic), Articles

CHAPTER 4.1 (continued)

of incorporation, bylaws, and partnership agreements where relevant, and a \$50.00 filing fee

4. Procedures for Obtaining Permit or Approval

- Following submittal of application forms, the Commission evaluates the application to determine which proposed utilities best satisfy the requirements of public convenience and necessity and which utilities are the most fit, willing and able to furnish the utility service
- Public notice of an application is published at the applicant's expense in each geographical area of interest
- The notice is prepared by the Commission
- A public hearing may be held if there are protests or upon the Commission's own motion
- The applicant is responsible for hearing and investigation costs if public hearings are required
- The Commission may approve the certificate application following the evaluation and hearings

5. Operations Requirements

- The holder of a certificate is responsible and is authorized to operate, manage, or control an electric, telecommunication, gas, water, sewer, stream, or refuse public utility
- The certificate is in effect until it is revoked by the Commission
- Renewals are not necessary
- A certificate may not be sold, leased, rented, transferred, or inherited without the prior approval of the Commission

6. Fees

- \$50.00 filing fee
- Public notice, public hearing, and investigation costs

CHAPTER 4.1 (concluded)

7. Appeal Process

- Any interested person may protest or support the discontinuance of the abandonment of a utility to the Commission
- The Commission may authorize temporary suspension of a utility service or part of a service

E. ADMINISTERING AGENCY:

Deputy Director
Alaska Public Utilities Commission
Department of Commerce and Economic Development
1100 MacKay Bldg.
338 Denali Street
Anchorage, Alaska 99501
(907) 276-6222

CHAPTER 4.2

LAND USE PERMIT

INTRODUCTION

A Land Use Permit, administered by the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources, is required for surface activities and equipment usage on state-owned land and tidelands which have been designated as having special scenic, historic, archaeological, scientific, biological, recreational, or other special value to protect the natural environment, and to authorize exclusive use of these lands for up to one year.

A. NAME OF PERMIT OR APPROVAL:

- Land Use Permit (S)

B. STATUTORY AUTHORITY:

- AS 38.05.035 Powers and Duties of the Director
- AS 38.05.330 Permits

C. TITLE OF REGULATION:

- 11 AAC 96 Miscellaneous Land Use Regulations
- 11 AAC 62 Tide and Submerged Lands
- 11 AAC 58.210 Special Land Use Permits
- 11 AAC 50.140 Stock Driveways

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Land use permits are required for surface activities and equipment usage on state-owned special use lands, including tidelands

2. General Requirements

- Land use permits are required for operations on state-owned land which has been designated as special use land because it has special scenic, historic, archaeological, scientific, biological, recreational, or other special resource values

CHAPTER 4.2 (continued)

- A list of activities for which the permit is not required is available from the Division of Forest, Land, and Water Management

3. Submission Requirements

- Applications must be filed on Form 10-1084 with the Division
- Each application must contain the following information in sufficient detail to allow evaluation of the proposed activity's effect on the land: a map showing the general location of all activities and routes of travel for all equipment and a description of each proposed activity and type of equipment that will be used
- Surety bonds may be required

4. Procedures for Obtaining Permit or Approval

- Applications are filed with the Division. Within 30 days of receipt of a proper application, the Director may give notice to an applicant that a surety bond is required
- The value of the bond varies from \$1,000 to \$100,000, based on the type of activity proposed. The bond must be filed prior to commencement of activities
- Final action will be taken within 30 days of receipt of the application
- A permit may be issued for a period not to exceed one year and may be reissued but not renewed
- The effective date of the permit is the first day of the month following the date the permit is signed
- If final action is not taken by the Division within 30 days, an applicant may proceed with his operation

5. Operations Requirements

- Approved operations plans must be followed

CHAPTER 4.2 (concluded)

6. Fees

- \$10 filing fee for all land use permits except tidelands
- \$20 filing fee for tidelands land use permit

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Division of Forest, Land, and Water Management
Department of Natural Resources
323 East Fourth Avenue
Anchorage, Alaska 99501
(907) 279-5577

CHAPTER 4.3

RIGHT-OF-WAY OR EASEMENT

INTRODUCTION

A Right-of-Way or Easement, administered by the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources, is required for construction of a road, trail, ditch, pipeline, drill site, log storage site, telephone line, or similar use or improvement on state land to enable the State of Alaska to give preference to the use of land which will be of the greatest economic benefit to the state and to the development of the state's resources.

A. NAME OF PERMIT OR APPROVAL:

- Right-of-Way or Easement

B. STATUTORY AUTHORITY:

- AS 38.05.035 Powers and Duties of the Director
- AS 38.05.330 Permits

C. TITLE OF REGULATION:

- 11 AAC 58.200 Right-of-Way or Easement Permit

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction of a road, trail, ditch, pipeline, drill site, log storage site, telephone line, or similar use or improvement on state land

2. General Requirements

- See below

3. Submission Requirements

- Application Form 10-112 must be submitted with a preliminary plat showing location of right-of-way or easement and a description of proposed operations occurring on state lands

CHAPTER 4.3 (continued)

4. Procedures for Obtaining Permit or Approval

- Following application submittal and review, the terms, duration, and final approval are at the discretion of the Director or an appointed representative
- If proposed construction is approved, a letter of entry is issued by the Department to the applicant authorizing construction
- The Right-of-Way or Easement is not issued until construction has been completed and the as-built plans, according to specifications, are approved by the Department

5. Operations Requirements

- None

6. Fees

- \$10 filing fee

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Division of Forest, Land, and Water Management
Department of Natural Resources
323 East Fourth Avenue
Anchorage, Alaska 99501
(907) 279-5577

CHAPTER 4.4

ENCROACHMENT PERMIT

INTRODUCTION

An Encroachment Permit, administered by the Right-of-Way and Land Acquisition Agent of the Alaska Department of Transportation and Public Facilities, is required for construction, placement, change, or maintenance of an encroachment across or along a public highway or right-of-way in the State of Alaska, to ensure that encroachments will not interfere with construction, maintenance, traffic flow, or aesthetics of highways and will not decrease the safety, convenience, or pleasure of highway users.

A. NAME OF PERMIT OR APPROVAL:

- Encroachment Permit

B. STATUTORY AUTHORITY:

- AS 19.25.200 Encroachment Permits

C. TITLE OF REGULATION:

- 17 AAC 10.010 Encroachments

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction, placement, change, or maintenance of an encroachment across or along a public highway or right-of-way in the State of Alaska, as well as encroachments on all highways acquired or constructed with federal funds

2. General Requirements

- See below

3. Submission Requirements

- A plan sheet or sketch of the proposed encroachment, a right-of-way map, or other suitable plat showing each encroachment must be submitted to the Department
- There is no specific application form

CHAPTER 4.4 (continued)

4. Procedures for Obtaining Permit or Approval

- Following submittal of the description of the encroachment, reviews are held by the Right-of-Way and Land Acquisition Agent of the Department, and a decision is made on approval
- Once authorized, the permit remains in effect until terminated by the state, or until the authorized encroachment is destroyed, removed, or rebuilt, in which case another permit is required
- No public notices or hearings are required
- The Department asks the approval of the Federal Highway Administration when the encroachment is on the federal-aid system

5. Operations Requirements

- If the encroachment is for a parking area or parking platform turn-outs in the right-of-way, maintenance costs and liability are the responsibility of the permittee

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Right-of-Way and Land Acquisition Agent
Department of Transportation and Public Facilities
Pouch 6900
Aviation Building
Anchorage, Alaska 99502
(907) 266-1621

Right-of-Way and Land Acquisition Agent
Department of Transportation and Public Facilities
2301 Peger Road
Fairbanks, Alaska 99701
(907) 452-1911

CHAPTER 4.4 (concluded)

Right-of-Way and Land Acquisition Agent
Department of Transportation and Public Facilities
Box 507
Valdez, Alaska 99686
(907) 835-4322

Right-of-Way and Land Acquisition Agent
Department of Transportation and Public Facilities
Box 1048
Nome, Alaska 99762
(907) 443-5255

Right-of-Way and Land Acquisition Agent
Department of Transportation and Public Facilities
Box 3-1000
Juneau, Alaska 99802
(907) 789-0841

CHAPTER 4.5

STATE PARK NONCOMPATIBLE USE PERMIT

INTRODUCTION

A State Park Noncompatible Use Permit, administered by the Division of Parks of the Alaska Department of Natural Resources, is required of persons proposing activities within the boundaries of an Alaska State Park which would require the use of state lands or waters, including easements, to ensure that park ecology is not damaged, that parklands are not polluted, and that public use values, health, safety, and welfare are maintained.

A. NAME OF PERMIT OR APPROVAL:

- State Park Noncompatible Use Permit (S)

B. STATUTORY AUTHORITY:

- AS 41.20.020 Duties of the Department of Natural Resources
- AS 41.20.040 Division Within the Department of Natural Resources

C. TITLE OF REGULATION:

- 11 AAC 18.010 State Park Noncompatible Uses

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons proposing activities within the boundaries of an Alaska State Park which require use of state land or waters, including easements

2. General Requirements

- See below

3. Submission Requirements

- A Noncompatible Use application, Form 10-529, must be submitted with a legal description of the project site, a map of the project area, the nature of the project, and the time frame for proposed activities

CHAPTER 4.5 (continued)

4. Procedures for Obtaining Permit or Approval

- Following review of the application, the Department will issue a permit if it is determined that the ecology of the park will not be irreparably damaged, the park will be protected from air pollution, public use values are maintained and protected, public health, safety, and welfare are not damaged or imperiled, and the proposed activities are not in conflict with the funding purposes or original dedication of the park
- Public notices or hearings are not required. The permit is issued for a term specified by the Department

5. Operations Requirements

- Compliance with the approved plan of operations is required

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Director
Division of Parks
Department of Natural Resources
619 Warehouse Avenue, Number 210
Anchorage, Alaska 99501
(907) 274-4676

CHAPTER 4.6

FLOODPLAIN MANAGEMENT

INTRODUCTION

No state permits or approvals are required for activities related to floodplain management. Local government agencies should be contacted regarding local planning and zoning regulations which may pertain to activities within a floodplain under provisions of AS 29.22.070, Platting, Planning, and Zoning within the State of Alaska.

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.1

AIR QUALITY CONTROL PERMIT TO OPEN BURN

INTRODUCTION

An Air Quality Control Permit to Open Burn, administered by the Air Quality and Solid Waste Management Section of the Alaska Department of Environmental Conservation, is required for activities involving burning of any material whose products of combustion are emitted directly into the ambient air without passing through a stack or flare to prevent, abate, and control air pollution in the State of Alaska.

A. NAME OF PERMIT OR APPROVAL:

- Air Quality Control Permit to Open Burn (S)

B. STATUTORY AUTHORITY:

- AS 46.03.020 Powers of the Department

C. TITLE OF REGULATION:

- 18 AAC 15 Administrative Procedures
- 18 AAC 50.030 Open Burning

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Burning of any material whose products of combustion are emitted directly into the ambient air without passing through a stack or flare

2. General Requirements

- Open burning is permissible if maximum combustion efficiency is maintained throughout the burning period
- Open burning of asphalts, rubber products, plastics, tars, oils, oily wastes, contaminated oil cleanup materials, or other materials in a manner which gives off black smoke is prohibited unless prior written approval is obtained from the Department
- Authority to grant this approval will, in the Department's discretion, be delegated to a local air pollution control agency for activities within its jurisdiction

CHAPTER 5.1 (continued)

3. Submission Requirements

- Applications must be submitted to the Department 30 days prior to burning or flaring produced liquids which are generated while testing an oil or gas well
- Plans for controlled burning for the management of forest land, vegetation cover, fisheries, or wildlife habitat must be sent to the Department at the beginning of each year
- Applications for all other open burning requiring a permit are to be submitted to the Department or local air pollution control agencies 5 days prior to burning
- Applications are made by submitting a letter describing burning operations to the appropriate regional office of the Department

4. Procedures for Obtaining Permit or Approval

- Following submittal of a letter describing burning operations to the Department, the proposed operations are reviewed and a decision regarding the application is made
- Public notices are not required
- Public hearings are not required unless deemed necessary by the Department
- The duration of each permit is specified on a case-by-case basis, not to exceed 5 years
- Permits may be renewed by reapplication

5. Operations Requirements

- Any approved open burning is subject to the following limitations:
 - controlled fires for the purpose of training fire fighting personnel must be advertised through news media in the general vicinity of the activity at least 3 days before the activity, informing the general public as to the time, place and purpose of the fire
 - open burning of liquid hydrocarbons produced during oil or gas well flow-tests will be approved only if there are not practical means available to recycle, reuse, or dispose of the fluids in a more environmentally acceptable manner

CHAPTER 5.1 (continued)

- reasonable procedures and requirements will be established to minimize adverse environmental effects and the amount of smoke generated
- Open burning of putrescible garbage, animal carcasses, or petroleum-based materials is prohibited if it causes odor or black smoke which has an adverse effect on nearby persons or residences
- Controlled burning for the management of forest land, vegetation cover, fisheries, or wildlife habitat, other than burning to restrict or combat a natural wildfire, requires prior written approval from the Department
- Open burning is prohibited if an air quality advisory by the department is broadcast on a radio or television station in an area stating that burning is not permitted for that day
- This advisory will be based on a determination that there is or is likely to be inadequate air ventilation to maintain the ambient air quality standards established in 18 AAC 50.020

6. Fees

- None

7. Appeal Process

- Persons aggrieved by the Department's decision may request an adjudicatory hearing within 30 days of the final decision; this request must include a statement of issues proposed for consideration at the hearing

E. ADMINISTERING AGENCY:

Environmental Conservation Supervisor
Air Quality and Solid Waste Management Section
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811
(907) 465-2666

CHAPTER 5.1 (continued)

Regional Offices:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
Box 2420
Juneau, Alaska 99803
(907) 789-3151

Ketchikan Field Office
Department of Environmental Conservation
P.O. Box 7998
Ketchikan, Alaska 99901
(907) 225-6200

Sitka Field Office
Department of Environmental Conservation
P.O. Box 540
Sitka, Alaska 99835
(907) 747-8614

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
437 "E" Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533

Kodiak Field Office
Department of Environmental Conservation
Box 515
Kodiak, Alaska 99615
(907) 486-3350

Soldotna Field Office
Department of Environmental Conservation
P.O. Box 1207
Soldotna, Alaska 99669
(907) 262-5210

Valdez Field Office
Department of Environmental Conservation
Drawer 1709
Valdez, Alaska 99686
(907) 835-4698

CHAPTER 5.1 (concluded)

Wasilla Field Office
Department of Environmental Conservation
P.O. Box 1064
Wasilla, Alaska 99687
(907) 376-5038

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
675 Seventh Avenue
P.O. Box 1661
Fairbanks, Alaska 99707
(907) 452-1714

Nome Field Office
Department of Environmental Conservation
P.O. Box 1171
Nome, Alaska 99762
(907) 443-2600

Tok Field Office
Department of Environmental Conservation
P.O. Box 186
Tok, Alaska 99780
(907) 883-4381

CHAPTER 5.2

AIR QUALITY CONTROL PERMIT TO OPERATE

INTRODUCTION

An Air Quality Control Permit to Operate, administered by the Air Quality and Solid Waste Management Section of the Alaska Department of Environmental Conservation, is required for any person allowing air contaminant emissions to occur in the State of Alaska. The purpose of this permit is to prevent, abate, and control air pollution in the state and to protect human health and welfare and natural resources of the state.

A. NAME OF PERMIT OR APPROVAL:

- Air Quality Control Permit to Operate (S)

B. STATUTORY AUTHORITY:

- AS 46.03.010 Declaration of Policy
- AS 46.03.140 Emission Control Requirements
- AS 46.03.150 Classification and Reporting
- AS 46.03.160 Additional Contaminant Control Measures
- AS 46.03.170 Variances

C. TITLE OF REGULATION:

- 18 AAC 15 Administrative Procedures
- 18 AAC 50 Air Quality Control

NOTE: Amendments which may substantially change the regulations governing the Air Quality Permit to Operate should be completed in late 1981. Contact the Department for information on the resulting permit requirement changes.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any air contaminant emissions occurring in the State of Alaska

2. General Requirements

- See below

CHAPTER 5.2 (continued)

3. Submission Requirements

- An Air Quality Control Permit to Operate application provided by the Department must be submitted with detailed plans and specifications that indicate proposed operations and air quality control devices for the operations
- Included in these plans are facility layout; location of discharge points on a map of a scale at least 1 inch to 1 mile showing location of facility; an engineering report outlining the proposed method of operation; a process flow diagram indicating all points of emission; estimated quantities and types of air contaminants to be emitted; an evaluation of effects of emissions on ambient air including ambient air quality and meteorological data; plans for emissions reduction to be used during an emergency episode; and a detailed construction schedule
- For any source subject to prevention of significant deterioration review, as described in section 169(1) of the Clean Air Act (P.L. 91-604), and amended August 1977 (P.L. 95-95), the following additional information:
 - ambient air and meteorological data as necessary to fully describe the air quality characteristics in the vicinity of the proposed facility; approval by the Department of the air monitoring network is required before initiation of data collection
 - a detailed demonstration that the emissions from the construction and operation of the facility, including emissions from associated growth, will not cause a violation of the ambient air quality standards or allowable increments as defined in 18 AAC 50.2(a) and (b)

4. Procedures for Obtaining Permit or Approval

- Applications should be filed at least 30 days prior to commencement of construction
- Public notices are not required unless a compliance schedule is being considered or if there is a request for a variance from the regulations
- Public hearings may be held if the Department determines that public input is necessary
- Public hearings may be held no sooner than 30 days after the public notice

CHAPTER 5.2 (concluded)

- Following review and approval, the permit may be issued for a period not to exceed 5 years
- The duration of each permit is specified on a case-by-case basis
- Renewals are handled in the same manner as initial applications

5. Operations Requirements

- The Department may require an applicant for a permit to operate to conduct ambient air quality monitoring, to install, use, and maintain continuous process or stack monitoring equipment, to sample emissions in accordance with methods prescribed by the U.S. Environmental Protection Agency or the Department at locations and intervals and by procedures as may be specified, to provide test source reports, to provide emission dates and information from analyses of test samples, and to provide periodic reports on process emissions

6. Fees

- None

7. Appeal Process

- Persons aggrieved by the Department's decision may request an adjudicatory hearing within 30 days after the final decision; this request must include a statement of issues proposed for consideration at the hearing

E. ADMINISTERING AGENCY:

State Agency:

Environmental Conservation Supervisor
Air Quality and Solid Waste Management Section
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811
(907) 465-2666

Federal Agency:

Chief
New Source Permits Section
U.S. Environmental Protection Agency
701 "C" Street, Box 19
Anchorage, Alaska 99513
(907) 271-5083

CHAPTER 5.3

CERTIFICATE OF REASONABLE ASSURANCE (WATER QUALITY CERTIFICATION)

INTRODUCTION

The Certificate of Reasonable Assurance, administered by the Alaska Department of Environmental Conservation, is required for proposed activities which may result in a discharge of pollutants into navigable waters of Alaska and which require federal licenses or permits. The certification is required to state that the proposed activity will comply with the requirements of section 401 of the Federal Water Pollution Control Act Amendments of 1972 as modified by the Clean Water Act of 1977 for the protection of water quality during construction and operation of the project.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Reasonable Assurance (S)

B. STATUTORY AUTHORITY:

- AS 46.03 Environmental Conservation

C. TITLE OF REGULATION:

- 18 AAC 15 Administrative Procedures
- 18 AAC 70 Water Quality Standards

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons requiring federal licenses or permits for proposed activities which may result in a discharge of a pollutant into the navigable waters of Alaska

2. General Requirements

- The Certificate of Reasonable Assurance is required prior to issuance of federal permits for proposed activities which may result in a discharge into the navigable waters of Alaska

3. Submission Requirements

- A letter must be submitted to the Department requesting the certificate, accompanied by of the permit application which is being submitted to the appropriate federal agency

CHAPTER 5.3 (continued)

- Form 18-106, provided by the Department, may be used as the application for the certificate

4. Procedures for Obtaining Permit or Approval

- Upon receipt of a proper application, the Department will publish notice of the application in a newspaper in the project area
- Public comments will be received until 30 days after the publication of the notice
- Public hearings may be held if deemed necessary by the Department, no sooner than 30 days after the last publication of the public notice
- The completion of the federal permit is dependent on issuance of the certificate

5. Operations Requirements

- None

6. Fees

- None

7. Appeal Process

- Persons aggrieved by the Department's decision may request an adjudicatory hearing within 30 days of the final decision; this request must include a statement of issues proposed for consideration at the hearing

E. ADMINISTERING AGENCY:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
P.O. Box 2420
Juneau, Alaska 99803
(907) 789-3151

CHAPTER 5.3 (concluded)

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
437 "E" Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
P.O. Box 1601
Fairbanks, Alaska 99707
(907) 452-1714

CHAPTER 5.4

WASTEWATER DISPOSAL PERMIT

INTRODUCTION

A Wastewater Disposal Permit, administered by the Alaska Department of Environmental Conservation, is required of persons conducting operations which result in the disposal of wastewater into or onto waters or lands in the State of Alaska or into a publicly operated sewerage system to prevent water pollution due to unsafe wastewater disposal systems and practices.

A. NAME OF PERMIT OR APPROVAL:

- Wastewater Disposal Permit (S)

B. STATUTORY AUTHORITY:

- AS 46.03.100 Waste Disposal Permit
- AS 46.03.110 and .120 Waste Disposal Permit Procedure

C. TITLE OF REGULATION:

- 18 AAC 15 Administrative Procedures
- 18 AAC 70 Water Quality Standards
- 18 AAC 72 Wastewater Disposal

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Operations which result in the disposal of wastewater into or onto waters or lands of the State of Alaska or into a publicly operated sewerage system

2. General Requirements

- See below

3. Submission Requirements

- Applicants must submit a completed application Form 18-106 in duplicate with descriptions of treatment processes and disposal sites
- Specific information on operations as detailed in the permit application

CHAPTER 5.4 (continued)

- Additional data on the facilities or the general local environment may be requested by the Department

4. Procedures for Obtaining Permit or Approval

- Applications must be submitted 60 days prior to commencement of operations
- The Department issues a public notice of the application in two consecutive issues of a newspaper in the area of the proposed activities
- Public comments are accepted up to 30 days after the final public notice
- Public hearings may be held if requested by public interest
- At the end of the 30-day public notice period, the Department may act on the application
- Notification of the proposed discharge must be given to other state agencies for their review and comment
- The permit may be issued for a period not to exceed 5 years.
- Renewal of the permit must be on request by the permittee 30 days prior to permit expiration and is processed in the same manner as an initial application, but no public notice is required

5. Operations Requirements

- Sludge from septic tanks, holding tanks, cesspools, sewerage treatment works, water treatment works, industrial or commercial facilities, or sludge from other sources may not be disposed of on waters or land in Alaska without a Solid Waste Disposal Permit issued by the Department
- When the U.S. Environmental Protection Agency issue the National Pollutant Discharge Elimination System (NPDES) permit for wastewater discharge to surface waters, the State of Alaska waives the procedural requirements for issuing a permit and adopts the NPDES permit as the required state permit

6. Fees

- None

CHAPTER 5.4 (concluded)

7. Appeal Process

- Persons aggrieved by the Department's decision may request an adjudicatory hearing within 30 days after the final decision; this request must include a statement of issues proposed for consideration at the hearing

E. ADMINISTERING AGENCY:

State Agency:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
P.O. Box 2420
Juneau, Alaska 99803
(907) 789-3151

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
437 "E" Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
675 Seventh Avenue
Fairbanks, Alaska 99707
(907) 452-1714

Federal Agency:

Chief
NPDES Permits Branch
U.S. Environmental Protection Agency
701 C Street, Box 19
Anchorage, Alaska 99513
(907) 271-5083

CHAPTER 5.5

PLAN REVIEW FOR SEWERAGE SYSTEMS OR WATER AND WASTEWATER TREATMENT WORKS

INTRODUCTION

The Plan Review for Sewerage Systems or Water and Wastewater Treatment Works is required by the Alaska Department of Environmental Conservation to provide a minimum standard for construction of facilities which collect, treat, and dispose of wastewater and obtain, treat, and distribute potable water, to protect public health and to ensure compliance with Alaska's Water Quality and Drinking Water Standards.

A. NAME OF PERMIT OR APPROVAL:

- Plan Review for Sewerage Systems or Water and Wastewater Treatment Works (S)

B. STATUTORY AUTHORITY

- AS 16.10.010 Interference with Salmon Spawning Streams and Waters
- AS 46.03.020(10)(A) Powers of the Department
- AS 46.03.050 Authority
- AS 46.03.090 Plan for Pollution Disposal
- AS 46.03.100 Waste Disposal Permit
- AS 46.03.720 Prohibited Construction and Operation of Certain Facilities

C. TITLE OF REGULATION

- 18 AAC 72.060 Plan Review

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any construction, alteration, or modification of systems which collect, treat, or dispose of wastewater or obtain, treat, or distribute potable water

2. General Requirements

- See below

CHAPTER 5.5 (continued)

3. Submission Requirements

- Detailed engineering reports, plans, and specifications of the systems must be submitted to the Department of Environmental Conservation and approved in writing
- The plans must be certified by a professional engineer registered in the State of Alaska
- For systems which may affect salmon spawning or propagation grounds, the following information must be submitted: detailed timetable for proposed construction and other activities and other information the Department may require to assess the impact of the proposed activities on salmon waters

4. Procedures for Obtaining Permit or Approval

- No application forms are supplied. The Department will, within 30 days of receipt of complete plans, approve the plans if the applicant demonstrates that the sewerage system or treatment works meet plan review requirements and water quality standards
- The Department may attach terms and conditions to approved plans to ensure compliance with water quality standards
- Design criteria information is available from the Department
- A National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency and Certificate of Reasonable Assurance as well as a Wastewater Disposal Permit issued by the Department of Environmental Conservation may be required prior to beginning operation of wastewater disposal facilities
- No public notices or hearings are required

5. Operations Requirements

- Compliance with development plans submitted by the applicant is required

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administration Procedures Act (AS 44.62.370)

CHAPTER 5.5 (concluded)

E. ADMINISTERING AGENCY:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
P.O. Box 2420
Juneau, Alaska 99803
(907) 789-3151

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
437 "E" Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
675 Seventh Avenue
Fairbanks, Alaska 99707
(907) 452-1714

CHAPTER 5.6

WATER RIGHTS PERMIT

INTRODUCTION

A Water Rights Permit, administered by the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources, is required of any person who desires to appropriate waters of the State of Alaska. The permit reserves the waters of Alaska for beneficial uses which comply with standards for the protection of public health and safety and preservation of anadromous fish by the people of the State of Alaska. The permit authorizes the holder to construct the necessary works for appropriating water and to commence appropriation; however, it does not secure rights to the water. When the applicant notifies the Division that withdrawal and use of water have begun, the Director will issue a Certificate of Appropriation which secures the holder's rights to the water.

A. NAME OF PERMIT OR APPROVAL:

- Water Rights Permit (S)

B. STATUTORY AUTHORITY:

- AS 46.15.030-.185 Appropriation and Use of Water

C. TITLE OF REGULATION:

- 11 AAC 72 Water Use

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person who desires to appropriate waters of the State of Alaska

2. General Requirements

- See below

3. Submission Requirements

- Applications for the permit must be submitted on Form 10-102 to the Division of Forest, Land, and Water Management and must include the following information: a USGS or Subdivision map showing location of the source from which water is to be appropriated, description of the proposed means of appropriation, quantity of water to be appropriated, location of the place the water will be used including proof of

CHAPTER 5.6 (continued)

interest, such as deed, patent, and lease, and explanation of the proposed use of the water

- An application must include plans and specifications for any dam that may be built

4. Procedures for Obtaining Permit or Approval

- Following submittal of the application and accompanying information, public notice of the application must be published once in a local newspaper and must allow for a 15-day comment period
- Notice of the application, specifying the existence of a 15-day comment period, must be sent to the following parties: all prior appropriators, all local governments, the Alaska Department of Environmental Conservation and the Alaska Department of Fish and Game
- Public hearings are not required, but may be held if objections to the proposed appropriations are secured
- The permit is issued for a period determined by the Director of the Division of Forest, Land, and Water Management
- If the water desired to be appropriated is or will be devoted to a public water supply and there is insufficient unappropriated water to supply all water right holders, the appropriator may apply for preferred use status using Form 188
- The application for preferred use status must be accompanied by a \$20 filing fee and must contain the following: name and address of all holders of existing water rights, notice of permits to appropriate and certificates of appropriation, whose water rights would be reduced or in times of scarce water could be reduced by the diversion of water to the preferred use, and certified copies of executed agreements between the holder of preferred use status and all other persons named on the application
- The Director will review the application and grant preferred use status to the designated user

5. Operations Requirements

- When the permit holder has commenced use of the appropriated water, he may notify the Director, who will issue a Certificate of Appropriation, which secures the holder's rights to the water

CHAPTER 5.6 (concluded)

6. Fees

- None

7. Appeal Process

- Interested parties may file an objection within 15 days of publication of notice of the application
- Hearings may be held to grant, deny, or condition the application within 30 days of the last objection or at the conclusion of the hearing
- Notice of the final decision is given to any person who has filed an objection
- Appeals to the superior court are subject to the provisions of AS 44.62.560

E. ADMINISTERING AGENCY

Director
Division of Forest, Land, and Water Management
Department of Natural Resources
323 East Fourth Avenue
Anchorage, Alaska 99501
(907) 279-5577

CHAPTER 5.7

WATER WELL AUTHORIZATION

INTRODUCTION

Water Well Authorization, administered by the Oil and Gas Conservation Commission under the Alaska Department of Commerce and Economic Development, is required to allow abandoned oil and gas wells to be converted to freshwater wells and to ensure that there is no contamination of the fresh-water source.

A. NAME OF PERMIT OR APPROVAL:

- Water Well Authorization (S)

B. STATUTORY AUTHORITY:

- AS 31.05.030 Powers and Duties of the Department

C. TITLE OF REGULATION:

- 20 AAC 25.140 Water Wells

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Wells or exploratory holes or abandoned oil and gas wells which may be converted to freshwater wells

2. General Requirements

- See below

3. Submission Requirements

- A letter of application (no form is provided) should be submitted to the Commission citing reasons for the existing well's use as a freshwater well
- A letter of approval from the landowner involved is required and must be submitted

4. Procedures for Obtaining Permit or Approval

- The letter of application is submitted to the Commission following approval of the landowner involved
- No public notice or hearing is required

CHAPTER 5.7 (continued)

- Following review, final approval is given by the Commission
- A Water Rights Permit must also be obtained from the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources

5. Operations Requirements

- For a well to be used as a freshwater well, the well need not be filled above the required sealing plug set below the fresh-water, but should be securely capped and sealed at the surface for extended periods of nonuse to prevent contaminants from entering the freshwater bearing zone

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Commissioner
Alaska Oil and Gas Conservation Commission
Department of Commerce and Economic Development
3001 Porcupine Drive
Anchorage, Alaska 99501
(907) 279-1433

CHAPTER 5.8

PERMIT TO CONSTRUCT OR MODIFY A DAM

INTRODUCTION

A Permit to Construct or Modify a Dam, administered by the Division of Forest, Land, and Water Management of the Alaska Department of Natural Resources, is required for the construction, enlargement, alteration, or repair of any dam that is 10 feet or greater in height or stores 50 acre-feet or more of water to ensure that construction or modification of the dam is performed in a safe and proper manner.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct or Modify a Dam (S)

B. STATUTORY AUTHORITY:

- AS 46.15 Water Use Act - Appropriation and Use of Water

C. TITLE OF REGULATION

- 11 AAC 93.150-200 Permit to Construct or Modify a Dam

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction, enlargement, alteration or repair of any dam in the State of Alaska that is 10 feet or more in height or stores 50 acre-feet or more of water

2. General Requirements

- See below

3. Submission Requirements

- Form 10-1015, Application for Permit to Construct or Modify a Dam, must be submitted with the following information: source of water supply, location of dam and reservoir, description and dimensions of dam, slopes and materials used in earth and rock-fill dams, spillway description, outlet description, reservoir capacity, permafrost information if applicable, design engineering information, and plans, specifications and drawings designated by the Division

CHAPTER 5.8 (continued)

- Specifications must include provisions for adequate supervision by a registered professional engineer during construction

4. Procedures for Obtaining Permit or Approval

- The application form is submitted to the Division with additional required information
- Following review by the Division, the supervisory engineer must establish an inspection schedule for overseeing construction of the dam
- After inspections are performed, results must be submitted to the Division within 15 days
- No public notices or hearings are required
- Following review of the plans by the Division, the Division will notify the applicant of changes which should be made to the plans, and may approve the plans for proposed work if it is satisfied with the plans

5. Operations Requirements

- Compliance with construction or modification plans of dams is required
- Inspections will be performed by the Division to ensure compliance with construction or modification activities

6. Fees

- Fees for permits are based on an estimate made by the Division of inspection of dams and other costs or are based on a fee schedule dependent on the size of proposed dams and construction or modification activities

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

CHAPTER 5.8 (concluded)

E. ADMINISTERING AGENCY:

Deputy Director - Operations
Division of Forest, Land, and Water Management
Department of Natural Resources
323 East Fourth Avenue
Anchorage, Alaska 99501
(907) 279-5577

CHAPTER 5.9
SOLID WASTE DISPOSAL PERMIT

INTRODUCTION

A Solid Waste Disposal Permit, administered by the Alaska Department of Environmental Conservation, is required for establishment, modification, or operation of solid waste disposal facilities (except for single family or duplex residences which generate solid waste and dispose of it on premises, farms which dispose of self-generated solid waste on-site, and incinerator facilities with a total rated capacity of less than 200 pounds of solid waste per hour) to control or eliminate detrimental health, environmental, and nuisance effect of improper solid waste disposal practices.

A. NAME OF PERMIT OR APPROVAL:

- Solid Waste Disposal Permit (S)

B. STATUTORY AUTHORITY:

- AS 46.03.020 Powers of the Department
- AS 46.03.100 Waste Disposal Permit

C. TITLE OF REGULATION:

- 18 AAC 15 Administrative Procedures
- 18 AAC 60 Solid Waste Management

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons who desire to establish, modify, or operate a solid waste disposal facility in the State of Alaska

2. General Requirements

- See below

3. Submission Requirements

- An applicant must submit two completed Solid Waste Disposal/Solid Waste Management Permit applications on forms showing:

CHAPTER 5.9 (continued)

- detailed plans and specifications for the facility, certification of compliance with local ordinances and zoning requirements, and a report detailing the proposed method of operation
- population and area to be served and characteristics, quantity, and source of material to be processed
- use and distribution of processed materials and method of residue disposal
- emergency operating procedures, type and amount of equipment to be provided, and proposed ultimate land use

4. Procedures for Obtaining Permit or Approval

- Applications must be submitted at least 60 days prior to the commencement of operations
- Upon the receipt of an application, the Department will publish a public notice in two consecutive editions of a newspaper in the area of the proposed activities
- Public comments are accepted up to 30 days following the final notice
- Public hearings may be held if required by public comment
- At the end of the 30-day public notice period, the Department may act on the application
- Solid waste applications are forwarded to other state agencies for review and comment
- Solid Waste Permits may be issued for a period not to exceed 5 years
- Permit renewal is only on request by the permittee and must be submitted 30 days prior to the permit's expiration
- Renewal procedures are the same as for initial application, but no public notice is required

5. Operations Requirements

- Proposed, approved method of operations must be followed

CHAPTER 5.9 (concluded)

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
P.O. Box 2420
Juneau, Alaska 99803
(907) 789-3151

Regional Environmental Supervisor
Southcentral Regional Office
437 "E" Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
675 Seventh Avenue
Fairbanks, Alaska 99707
(907) 452-1714

CHAPTER 5.10
HAZARDOUS WASTE APPROVAL

INTRODUCTION

Any person proposing to process or dispose of hazardous or toxic waste in the State of Alaska must have approval from the Alaska Department of Environmental Conservation under the solid waste disposal regulations. Separate permits are not issued at this time; however, a state permitting program for hazardous and toxic waste may be in effect by January 1, 1982. Contact the Department of Environmental Conservation for further information at the address below.

Chief
Air and Land Management Section
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811
(907) 465-2666

CHAPTER 5.11

NOISE REGULATIONS

INTRODUCTION

No regulations, permits, or approvals exist for state regulation of noise in the State of Alaska at this time. Noise may be regulated on the local government level in the state. Local government agencies should be contacted for information related to noise regulations.

SECTION 6.0
SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 6.1

PERMIT FOR TAKING ENDANGERED SPECIES

INTRODUCTION

No person may harvest, capture, or propagate species or subspecies of fish or wildlife listed as being endangered in Alaska by the Alaska Department of Fish and Game without a permit issued by the Department. This permit applies to any taking of endangered species for scientific, educational, or propagative purposes in the state.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Taking Endangered Species (S)

B. STATUTORY AUTHORITY:

- AS 16.20.195 Permit for Taking Endangered Species
- AS 16.05.250 (10) Department Regulations
- AS 16.05.920 (a) Certain Acts Made Unlawful

C. TITLE OF REGULATION:

- 5 AAC 81.130 Nests, Eggs, and Live Game

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons desiring to harvest, capture, or propagate species or subspecies of fish or wildlife listed as being endangered by the Alaska Department of Fish and Game

2. General Requirements

- See below

3. Submission Requirements

- Applicants must submit an application Form 1159, provided by the Department, giving the name and number of species to be

CHAPTER 6.1 (continued)

collected; a project proposal describing objectives, techniques, and justification for taking endangered species; collection method; names of organizations represented; and a copy of the U.S. Fish and Wildlife Service Collection Permit for Taking Endangered Species

4. Procedures for Obtaining Permit or Approval

- Following approval, applications are reviewed and subject to limitations imposed by the Department
- No public notices or hearings are required
- Final permit approval is by the Commissioner of the Department
- The permit is temporary, expiring on December 31 of the year of issuance
- It may be renewed upon request
- Hunting, trapping, or fishing licenses required by the Department must be obtained where necessary

5. Operations Requirements

- Proposed activities and stipulations or limitations must be adhered to for protection and preservation of endangered species

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Chief, Research Section
Division of Game
Department of Fish and Game
Support Building
Juneau, Alaska 99801
(907) 465-4190

CHAPTER 6.2

FIELD ARCHAEOLOGY PERMIT

INTRODUCTION

The Field Archaeology Permit, administered by the Office of History and Archaeology of the Division of Parks of the Alaska Department of Natural Resources, is required to preserve and protect public, historic, prehistoric, and paleontological sites and objects of historic, prehistoric, and scientific interest for persons conducting archaeological surveys or excavations on state-owned or controlled land.

A. NAME OF PERMIT OR APPROVAL:

- Field Archaeology Permit (S)

B. STATUTORY AUTHORITY:

- AS 41.35 Alaska Historic Preservation Act

C. TITLE OF REGULATION:

- 11 AAC 16 Historic, Prehistoric, and Archaeological Resources

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Persons proposing to conduct archaeological surveys or excavations on Alaska State Lands

2. General Requirements

- See below

3. Submission Requirements

- Applications must be submitted on Form 10-522 and must include the name of the proposed project, dates of project duration and estimated completion, investigator's academic qualifications, project description, topographic map and aerial photographs of the site (or other suitable photographs), a legal description of the project area, and any historical or archaeological expert advice or service solicited and considered in project planning

CHAPTER 6.2 (continued)

- A performance bond may be required to be filed by the Director of the Division of Parks to ensure restoration of the area

4. Procedures for Obtaining Permit or Approval

- There is no application fee, public notice, or public hearing required for the project. Final approval is made by the Director following evaluation of the proposed project and the proponent's qualifications
- A permit is not valid for longer than 3 years and may be extended for an additional 3 years

5. Operations Requirements

- The permit may be revoked if the permittee fails to begin work in the project area within 3 months after issuance
- A report of operations must be filed with the Director within 6 months after September 1 of each permit year
- All permittees must restore the project area to a condition satisfactory to the Director following operations

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Chief
Office of History and Archaeology
Division of Parks
Department of Natural Resources
619 Warehouse Avenue Suite 210
Anchorage, Alaska 99501
(907) 274-4676

CHAPTER 6.3

CRITICAL HABITAT AREA PERMIT

INTRODUCTION

A Critical Habitat Area Permit, administered by the Regional Habitat Protection Division Supervisors of the Alaska Department of Fish and Game, is required for proposed work or development within an Alaska State Fish and Game Critical Habitat Area, including wetlands, to ensure that development within those critical habitat areas is compatible with the perpetuation of area fish and wildlife resources.

Note: An Alaska Wetlands Task Force is being formed by the Alaska Department of Environmental Conservation and the Alaska District U.S. Army Corps of Engineers to provide guidance for protection of Alaska's wetlands while preventing unnecessary delay in approval of development activities. A Wetlands Technical Guidance Manual is presently being prepared by the Department to provide information for persons interested in development activities in wetlands areas. For further information concerning the Wetlands Task Force, contact:

Wetlands Task Force
Department of
Environmental Conservation
437 East Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533

Wetlands Task Force
Alaska District U.S. Army Corps
of Engineers
P.O. Box 2002
Anchorage, Alaska 99510
(907) 752-2605

A. NAME OF PERMIT OR APPROVAL:

- Critical Habitat Area Permit (S)

B. STATUTORY AUTHORITY:

- AS 16.20.220, .230, and .260 Fish and Game Critical Habitat Areas

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Proposed work or development within a State of Alaska Fish and Game Critical Habitat Area

CHAPTER 6.3 (continued)

2. General Requirements

- See below

3. Submission Requirements

- Full plans for the anticipated use of a critical habitat area, including plans and specifications of proposed construction work, plans and specifications for the proper protection of fish and game, approximate time schedule of work, and a map with the proposed activity site marked, must be submitted to the Department

4. Procedures for Obtaining Permit or Approval

- Following submittal of plans for activities within the critical habitat area, the Department will review the plans and act on the approval within 30 days of receipt
- Public notices and hearings are not required
- The permit is valid for 1 year
- Renewals are made on specific request only, with no fees required for renewals

5. Operations Requirements

- Compliance with the plan of operations submitted is required

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Regional Habitat Protection Supervisor
Department of Fish and Game
230 South Franklin Street, Room 307
Juneau, Alaska 99801
(907) 465-4290

CHAPTER 6.3 (concluded)

Regional Habitat Protection Supervisor
Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99501
(907) 344-0541

Regional Habitat Protection Supervisor
Department of Fish and Game
1300 College Road
Fairbanks, Alaska 99701
(907) 452-1531

CHAPTER 6.4

ALASKA COASTAL MANAGEMENT PROGRAM

INTRODUCTION

The Alaska Coastal Management Program, administered by the Office of Coastal Management in the Division of Policy Development and Planning of the Alaska Governor's Office, provides for the preparation and implementation of a comprehensive management plan for Alaska's coastal land and water to protect natural and scenic resources and to ensure sound management of the coastal areas of the State.

A. NAME OF PERMIT OR APPROVAL:

- Alaska Coastal Management Program (S)

B. STATUTORY AUTHORITY:

- AS 46.40 Alaska Coastal Management Program

C. TITLE OF REGULATION:

- 6 AAC 80 Standards of the Alaska Coastal Management Program

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Coastal development, including geophysical, recreational, energy, transportation, utility, fish and seafood processing, timber harvest and processing, and mining and mineral processing as well as subsistence activities

2. General Requirements

- The Division of Policy Development and Planning is the lead agency for the Coastal Management Program and is responsible for reviewing the consistency of state and federal actions with the Alaska Coastal Management Program
- On petition, the Alaska Coastal Policy Council may order any action considered necessary to implement, enforce, or comply with district coastal management programs which have been established

CHAPTER 6.4 (continued)

- The Alaska State Superior Court enforces Coastal Policy Council orders. State agency actions which may be inconsistent with the standards are also subject to State Superior Court review
- Federal agencies issuing licenses to applicants for proposed coastal zone activities may only do so for activities that are consistent with the approved Alaska Coastal Management Program

3. Submission Requirements

- Applicants are required to submit license or permit application with a Certificate of Consistency to the federal agency involved in a proposed project and to the Division

4. Procedures for Obtaining Permit or Approval

- In authorizing activities under its statutory authority, each state agency will grant authorization if, in addition to finding that the use or activity complies with the agency's statutes or regulations, the agency finds that the use or activity is consistent with the applicable district coastal management program and the standards of the state coastal management program
- If an agency does not have the expertise to make this determination, it must contract for the information or seek assistance from other state agencies which do have the expertise
- The program is based on the Alaska Coastal Management Act of 1977, which established a program approach based on shared local and state coastal management responsibility. The Act requires coastal program development within a specified period by local government units or districts in organized and unorganized areas that have large-scale resource development
- The Division ensures timely public notice of the project or activity as required by law, and may hold one or more public hearings on the proposed permit according to law

CHAPTER 6.4 (concluded)

- The Division circulates the application and Certificate of Consistency to affected state agencies and local governments and collects their comments
- The Division reviews the comments and recommends that there is compliance with or objection to the applicant's Certificate of Consistency
- The Division responds in writing to the federal agency involved to and the applicant informing them of its findings in the earliest practical time
- The Division reports on progress and the reason for delay if no decision has been reached within 3 months
- The Division must make a finding within 6 months of initial receipt of a federal permit application and Certificate of Consistency, or the state may be presumed to have concurred with the certification
- In the event of a dispute, the Division initiates negotiations and mediation between disagreeing state and federal agencies and the applicant according to law

5. Operations Requirements

- Compliance with proposed operations plans for activities in coastal zone is required

6. Fees

- None

7. Appeal Process

- All state agency decisions can be appealed by filing a statement of issues under the Administrative Procedures Act (AS 44.62.370)

E. ADMINISTERING AGENCY:

Coordinator
Office of Coastal Management
Division of Policy Development and Planning
Pouch AP
Juneau, Alaska 99811
(907) 465-3540

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

INTRODUCTION

Municipal planning powers in the State of Alaska are established under Title 29 of the Alaska Statutes. Alaska Statutes 29.33.070 through 29.33.245 define and direct how planning, platting, and zoning powers are to be exercised by municipalities. The section headings highlight the following subjects:

Section

- 70. Planning, platting, and zoning
- 80. Planning commission
- 85. Comprehensive plan
- 90. Zoning
- 110. Board of adjustment
- 120. Adjustment procedure
- 130. Judicial review
- 150. Platting jurisdiction and power
- 160. Procedure
- 170. Waiver in certain cases
- 180. Information required
- 190. Penalties
- 200. Alteration of replat petition
- 210. Notice of hearing
- 220. Hearing and determination
- 230. Recording
- 240. Title to vacated area
- 245. Delegations

A booklet entitled "Planning Powers of Alaskan Municipalities," available from the Division of Community Planning of the Alaska Department of Community and Regional Affairs, describes the statutory basis and exercise of municipal planning and related powers in Alaska. Councils or assemblies of municipalities have a broad range of powers related to planning, platting, and zoning. Some powers are general, such as levying taxes and enforcing ordinances. Others are more specific and relate to provision for, and regulation of services, extraterritorial jurisdiction, eminent domain and management of public property. The Division provides various services to local governments and planning commissions, and can provide more detailed information on local governmental powers in Alaska upon request. The Division can be contacted for this information at the following address:

Planning Supervisor
Division of Community Planning
Department of Community and Regional Affairs
Pouch B, Room 310, Community Building
Juneau, Alaska 99811
(907) 465-4750