



**LAND USE PERMIT
AS 38.05.850**

PERMIT # LAS 32272

Alaska Department of Transportation and Public Facilities herein known as the Permittee, is issued this permit authorizing the use of state land within:

Legal Description:

Sections 14 and 15, Township 3 North, Range 1 West, Fairbanks Meridian.

This permit is issued for the purpose of authorizing the following:

to utilize a tracked excavator to conduct sub-surface soil investigations to quantify potential gravel resources. The excavator will dig temporary trenches to examine the soil/gravel composition, and immediately refill the trenches, as outlined in the application packed dated 4/13/2018.

This permit is effective beginning _____ and ending **8/31/2018** unless sooner terminated at the state's discretion. This permit does not convey an interest in state land and as such is revocable, with or without cause. The department will give 30 days' notice before revoking a permit at will. A revocation for cause is effective immediately. No preference right for use or conveyance of the land is granted or implied by this authorization.

This permit is issued subject to the following:

- Signed permit.

The non-receipt of a courtesy billing notice does not relieve the permittee from the responsibility of paying fees on or before the due date.

All activities shall be conducted in accordance with the following stipulations:

- 1. Authorized Officer.** The Authorized Officer for the Department of Natural Resources is the Regional Land Manager. The Authorized Officer may be contacted at 3700 Airport Way, Fairbanks, Alaska 99709 or (907) 451-2740. The Authorized Officer reserves the right to modify these stipulations or use additional stipulations as deemed necessary.
- 2. Compliance with Governmental Requirements; Recovery of Costs.** Permittee shall, at its

expense, comply with all applicable laws, regulations, rules and orders, and the requirements and stipulations included in this authorization. Permittee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.

3. **In lieu of Indemnification.** In connection with the entry on or use of assigned lands, subject to the limitations and provisions of AS 09.50.250-.270 and AS 37.05.170, the permittee shall ensure that its contractors and subcontractors shall indemnify, save harmless, and defend the State, its agents and its employees from any and all claims or actions for injuries or damages sustained by any person or property arising directly or indirectly from the construction or the contractor's performance of the contract, except when the proximate cause of the injury or damage is the State's sole negligence.
4. **Insurance.** As the permittee is a State agency that is self-insured, no insurance will be required.
5. **Other Authorizations.** The issuance of this authorization does not alleviate the necessity of the Permittee to obtain authorizations required by other agencies for this activity.
6. **Valid Existing Rights.** This authorization is subject to all valid existing rights in and to the land under this authorization. The State of Alaska makes no representations or warranties whatsoever, either expressed or implied, as to the existence, number, or nature of such valid existing rights.
7. **Reservation of Rights.** The Division reserves the right to grant additional authorizations to third parties for compatible uses on or adjacent to the land under this authorization.
8. **Public Access.** All operations must be conducted in a manner that will ensure minimum conflict with other users of the area. There shall be no interference with free public use of state lands and waters.
9. **Alaska Historic Preservation Act.** The Permittee shall consult the Alaska Heritage Resources Survey (907) 269-8721 so that known historic, archaeological and paleontological sites may be avoided.

The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Outdoor Recreation (907) 269-8721 and shall be notified immediately.

10. **Inspection.**

- a. Authorized representatives of the State of Alaska shall have reasonable access to the subject parcel for purposes of inspection.
- b. The permittee may be charged fees under 11 AAC 05.010(a)(7)(M) for routine inspections of the subject parcel, inspections concerning non-compliance, and a final close-out inspection.

- 11. Assignment.** This permit may be transferred or assigned with prior written approval from the Authorized Officer.
- 12. Violations.** This authorization is revocable immediately upon violation of any of its terms, conditions, stipulations, nonpayment of fees, or upon failure to comply with any other applicable laws, statutes and regulations (federal and state). Should any unlawful discharge, leakage, spillage, emission, or pollution of any type occur due to permittee's, or its employees', agents', contractors', subcontractors', licensees', or invitees' act or omission, permittee, at its expense shall be obligated to clean the area to the reasonable satisfaction of the State of Alaska.
- 13. Termination.** This permit does not convey an interest in state land and as such is revocable, with or without cause and is revocable at will if the department determines that the revocation is in the state's interest. The permit remains in effect for the term issued, unless revoked sooner. The department will give 30 days' notice before revoking a permit at will. A revocation for cause is effective immediately.
- 14. Debris and cleanliness.** Trails, campsites, and work areas must be kept clean. All solid waste including incinerator residue shall be backhauled to a solid waste disposal site approved by DEC. Trash, survey lath, roadway markers, and other debris that has accumulated along roads or cross country routes shall be picked up and properly disposed of prior to freeze-up the following winter.
- 15. Fuel and hazardous substances.** No fuel or hazardous substances may be stored on state land. The use of hazardous substances by the Permittee must be done in accordance with existing federal, state and local laws, regulations and ordinances. Hazardous substances must be removed from the site and managed in accordance with state and deferral law. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous substance and must be recovered from the site and managed and disposed of in accordance with state and federal law.
- 16. Solid Waste.**
- a. All solid waste and debris generated from the activities conducted under this authorization shall be removed to a facility approved by the ADEC prior to the expiration, completion, or termination of the authorization or activities.
 - b. Temporary storage and accumulation of solid waste (prior to its removal) shall conform to the following:
 - i. Solid waste shall be stored in a manner that prevents a litter violation under AS 46.06.080.
 - ii. Putrescible wastes (material that can decompose and cause obnoxious odors) shall be stored in a manner that prevents the attraction of or access to wildlife or disease vectors.
- 17. Wastewater Disposal:** Disposal of wastewater from any operation associated with this authorization must satisfy the requirements of the Alaska Department of Environmental Conservation
- 18. Notification.** The permittee shall immediately notify DNR and DEC (18 AAC 75.300) by phone, fax, and/or email of any unauthorized discharge of oil to water, any discharge of hazardous substance (other than oil), and any discharge of oil greater than 55 gallons to land. Any unauthorized discharge of oil to land

greater than 10 gallons but less than 55 gallons must be reported to DEC within 48 hours. Oil discharges to land less than 10 gallons and greater than 1 gallon must be recorded and submitted to DEC in a monthly report. All fire and explosions must also be reported.

The DNR should be notified by email at dnr.nro.spill@alaska.gov and by calling the 24 hour spill report number at (907)451-2678. The DEC spill number during normal business hours is (907)451-2121, outside of normal business hours contact 1(800)478-9300; the Fax number is (907)451-2362. DNR and DEC shall be supplied with all follow-up incident reports.

- 19. Rehabilitation.** All rehabilitation shall be completed to the satisfaction of DNR or the applicable land manager.
- 20. Holes and Excavations.** All holes and trenches shall be backfilled with sand, gravel, native materials, or a substitute approved by the Authorized Officer.
- 21. Use of existing roads and trails.** Existing roads and trails shall be used wherever possible. Trail width shall be kept to the minimum necessary. Trail surface may be cleared of timber, brush, stumps, and snags. Clearing of new routes within 200 feet of the Chatanika River is expressly prohibited.
- 22. Equipment operation.** Equipment, other than vessels, must not enter the open water areas of a watercourse during winter. Filling of low spots and smoothing by the use of snow and ice is allowed. Ice or snow bridges and approach ramps constructed at stream, river, or slough crossings shall not contain extraneous material (i.e., soil, rock, brush or vegetation).
- 23. Storage of Equipment.** The site shall be protected from leaking or dripping hazardous substances or fuel from equipment and vehicles. The Permittee shall place drip pans or other surface liners designed to catch and hold fluids under the equipment or develop an area for storage using an impermeable liner or other suitable containment mechanism.
- 24. Stop Work Orders:** Stop Work Orders may be issued if there is a deviation from design criteria, project specifications, stipulations, state statutes, or state regulations and that deviation is causing or is likely to cause significant damage to state resources. Under a Stop Work Order, work at the area subject to the Stop Work Order may not resume until the deviation is cured and corrective action is taken. Corrective action may include halting or avoiding specific conduct, implementing alternative measures, repairing any damage to state resources that may have resulted from the conduct, or other action as determined by AO.
- 25. Forest Resources:**
 - a. Timber less than six inches DBH, brush, and slash shall be disposed of so as to minimize the risk of fire and disease. To determine proper disposal methods, the Permittee shall contact the Division of Forestry.

- b. Marketable timber (6" DBH and larger) will be felled, limbed, topped at 4" diameter and stacked in an area not susceptible to flooding. To determine if the timber must be salvaged, the Permittee shall contact the Division of Forestry.
- c. For large trees, unless released by the DNR AO in writing, logs greater than 4" in diameter which are not removed because they are not merchantable or for any other reason, shall be disposed of as follows:
 - i. Spruce: Logs shall be cut into 24 inch maximum length sections. Sections shall be scattered (not piled) in open areas of the right-of-way to permit rapid drying to prevent bark beetle outbreak. Sections shall not be covered by slash, brush, or other residue.
 - ii. All other tree species: Logs shall be cut into 10-15 foot lengths and placed so they cannot roll. Sections shall not be piled on top of each other.
- d. Removal of brush, slash and immature trees will be accomplished by any of the following three methods:
 - i. spreading and scattering in the adjacent brush area without damaging other trees,
 - ii. chipping and scattering in such a way as to preclude their being washed into any watercourse, or
 - iii. piling and burning in accordance with procedures and practices established by the DNR, Division of Forestry and the air quality regulations of the Alaska Department of Environmental Conservation.

26. Fire Prevention, Protection, and Liability: The State of Alaska is not liable for damage to the Permittee's personal property and is not responsible for forest fire protection of the Permittee's activity. The Permittee shall take all reasonable precautions to prevent, control, and suppress forest, brush, and grass fires and shall assume full liability for fire suppression costs and any damages to state land resulting from escaped fire.

The Authorized Officer reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The permittee will be advised before any such modifications or additions are finalized. DNR has the authority to implement and enforce these conditions under AS 38.05.850. Any correspondence on this permit may be directed to the Department of Natural Resources, Division of Mining, Land and Water, Northern Region Office, 3700 Airport Wayt, Fairbanks, Alaska 99709, or by phone to 907-451-2740.

I have read and understand all of the foregoing and attached stipulations. By signing this permit, I agree to conduct the authorized activity in accordance with the terms and conditions of this permit.

Signature of Permittee or Authorized Representative	Title	Date
---	-------	------

Permittee's Address	City	State	Zip
---------------------	------	-------	-----

Contact Person

Home Phone

Work Phone

Signature of Authorized State Representative

Title

Date