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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: John Crowther
Department of Natural Resources

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to Scott Meriwether.

DATE: October 10, 2017

RE: Filed Permanent Regulations: Department of Natural Resources

Department of Natural Resources regulations re: fees for geological and geophysical survey items and services (11 AAC 05.010(b),(c)(6); 11 AAC 05.090)

Attorney General File: JU2017200247 (Part 1)

Regulation Filed: 10/10/2017

Effective Date: 11/9/2017

Print: 224, January 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF NATURAL RESOURCES

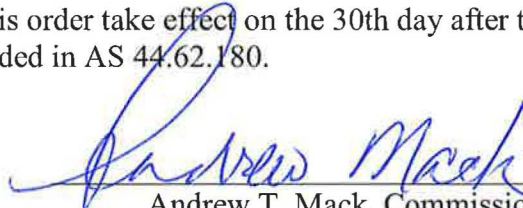
The attached 10 pages of regulations, dealing with fees for geological and geophysical surveys, facilities, equipment, products, services, and publications, 11 AAC 05.090, are adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.05.020 and AS 41.08.045 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 10/9/2017




Andrew T. Mack, Commissioner
Department of Natural Resources

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

October 10, 2017, at 1250 .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Lieutenant Governor

Effective: November 9, 2017

Register: 224, January 2018

11 AAC 05.010(b) is amended to read:

(b) This section lists all fees assessed by the department by regulation for authorizations, publications, and services which are not otherwise prescribed by statute, **except that the fees for facilities, equipment, products, services, and publications related to geological and geophysical surveys are set out in 11 AAC 05.090.** This section does not limit the amount the department may charge or receive under contracts, such as concession contracts, or bonuses, royalties, rentals, and other contractual obligations. This section does not list authorizations, publications, and services that the department provides free of charge.

11 AAC 05.010(c) is amended by adding a new paragraph to read:

(6) waivers and discounts for facilities, equipment, products, services, and publications related to geological and geophysical surveys are set out in 11 AAC 05.090(c) and (d).

(Eff. 1/1/86, Register 96; am 8/10/86, Register 99; am 9/28/86, Register 99; am 8/23/87, Register 103; am 1/28/88, Register 105; am 7/1/89, Register 110; add'l am 7/1/89, Register 110; am 8/16/89, Register 111; am 12/9/89, Register 112; am 1/17/90, Register 113; am 3/16/91, Register 117; am 12/25/91, Register 120; am 5/14/92, Register 122; am 9/16/92, Register 123; am 4/18/93, Register 126; am 5/5/93, Register 126; am 10/1/94, Register 131; am 12/13/95, Register 136; am 2/16/96, Register 137; am 5/24/96, Register 138; am 5/18/97, Register 142; am 2/21/98, Register 145; am 7/29/98, Register 147; am 8/26/98, Register 147; am 9/10/98, Register 147; am 1/29/99, Register 149; am 5/9/99, Register 150; am 2/9/2001, Register 157; am 5/3/2001, Register 158; am 8/23/2001, Register 159; am 10/27/2002, Register 164; am 11/13/2002,

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Register 164; am 12/7/2002, Register 164; am 1/14/2004, Register 169; am 10/2/2004, Register 171; am 1/16/2005, Register 173; am 9/10/2005, Register 175; am 2/15/2006, Register 177; am 3/13/2006, Register 177; am 11/22/2006, Register 180; am 8/31/2008, Register 187; am 12/14/2008, Register 188; am 8/19/2009, Register 191; am 12/5/2009, Register 192; am 8/29/2013, Register 207; am 10/8/2017, Register 224; am 11 / 9 / 2017, Register 224)

Authority:	AS 27.21.030	AS 38.05.550	AS 40.17.030
	AS 27.21.940	AS 38.05.555	AS 40.25.110
	AS 37.10.050	AS 38.05.560	AS 41.06.020
	AS 37.10.052	AS 38.05.565	<u>AS 41.08.045</u>
	AS 37.10.058	AS 38.05.600	AS 41.21.020
	AS 38.04.045	AS 38.05.850	AS 41.21.026
	AS 38.04.900	AS 38.08.110	AS 44.37.020
	AS 38.05.020	AS 38.09.020	AS 44.37.025
	AS 38.05.035	AS 38.09.110	AS 44.37.027
	AS 38.05.057	AS 38.35.020	AS 45.29.525
	AS 38.05.082	AS 38.35.050	AS 45.50.315
	AS 38.05.177	AS 38.50.160	AS 46.15.020
	AS 38.05.180	AS 38.95.240	AS 46.15.035
	AS 38.05.255	AS 40.15.370	AS 46.15.037
	AS 38.05.295		

11 AAC 05 is amended by adding a new section to read:

11 AAC 05.090. Geological and geophysical surveys, facilities, equipment, products, services, and publications. (a) For facilities, equipment, products, services, and publications related to geological and geophysical surveys, fees are set by a written order of the director of the division of geological and geophysical surveys. The director shall

(1) post the order

(A) continuously from the date of issuance of the order on the division of geological and geophysical surveys' public web page on the department's website; and

(B) on the Alaska Online Public Notice System (AS 44.62.175) for a minimum of 30 consecutive days from the date of issuance of the order; and

(2) establish in the order fees that do not exceed the amounts established under

(b) of this section.

(b) Fees for facilities, equipment, products, services, and publications from the center may not exceed the following amounts:

(1) for research space, including a basic zoom stereo microscope, a digital sample balance, basic sampling equipment, water spray bottles, 10 percent acid solution, a fluoroscope, whiteboards, and

(A) a single table, six feet in length, in the main core viewing room,

(i) \$40 each half day;

(ii) \$60 each day;

(B) a single roller table, not more than 34 feet in length, in the main core viewing room,

(i) \$60 each half day;

(ii) \$125 each day;

(C) use of the entire main core viewing room, including five roller tables with 152 total linear feet, \$500 each day;

(D) use of the confidential core-viewing room, including a single roller table 25 feet in length,

(i) \$175 each half-day;

(ii) \$275 each day;

(2) for space rental of

(A) the conference room, including all audio-visual equipment and a conference telephone,

(i) \$175 each half-day;

(ii) \$275 each day;

(B) warehouse shelving, with a one-shelf minimum of three feet by eight feet, \$60 each month, and \$2.50 for each additional square foot each month;

(C) interior space, with a 50-square-foot minimum, \$1.50 for each square foot each month;

(D) exterior space, with a 500-square-foot minimum, \$1 for each square foot each month;

(3) for equipment rental of

(A) a stereoscope,

(i) \$30 each half-day;

- (ii) \$50 each day;
- (B) an advanced, photo-capable petrographic microscope,
 - (i) \$50 each half-day;
 - (ii) \$80 each day;
- (C) an advanced, photo-capable stereo zoom microscope,
 - (i) \$40 each half-day;
 - (ii) \$70 each day;
- (D) a rock saw, including use of a sample-processing room but not including saw blades,
 - (i) \$80 each day for a 14-inch rock saw;
 - (ii) \$120 each day for a 20-inch rock saw;
- (E) non-destructive core analytical tools, including x-ray fluorescence (XRF) and gamma-ray spectrometers, \$150 each day;
- (4) for services that individuals provide and that consist of
 - (A) delivery of drill cuttings to the viewing area, \$8 each box;
 - (B) delivery of outcrop or miscellaneous rock samples to the viewing area, \$8 each box;
 - (C) delivery of core samples to the viewing area, \$6 each box;
 - (D) delivery of processed slides to the viewing area, \$5 each box;
 - (E) labor, clerical, or research support, for
 - (i) the first hour, no fee;
 - (ii) each additional hour, \$56;

(F) sample processing that involves

- (i) longitudinal slabbing or splitting of a rock core up to 2.6 inches in diameter, \$8 each foot;
- (ii) longitudinal slabbing or splitting of a rock core greater than 2.6 inches in diameter, \$10 each foot;
- (iii) sample tray marking, \$15 each box;
- (iv) rock core plugging, \$15 each plug;
- (v) miscellaneous rock sample cutting or processing, \$56 each hour;

(G) digital photography that consists of

- (i) a photograph of a core box, \$8 each;
- (ii) a magnified photograph of a subsection of a core, \$5 each;
- (iii) a photomicrograph of a thin section, \$8 each;
- (iv) a photograph of a hand sample, \$4 each;
- (v) a photograph of a specimen, \$4 each;

(5) for large data distribution that consists of

(A) a two-dimensional seismic dataset,

- (i) full dataset fees of \$7,500, plus \$75 each line mile;
- (ii) a post-stack data fee of 25 percent of full dataset fees, with the post-stack data fee counting toward full dataset fees;
- (iii) a pre-stack data fee of 75 percent of full dataset fees, with the pre-stack data fee counting toward full dataset fees;

(B) a three-dimensional seismic dataset,

(i) full dataset fees of \$15,000, plus \$250 each square mile, plus \$1 each gigabyte;

(ii) a post-stack data fee of 25 percent of full dataset fees, with the post-stack data fee counting toward full dataset fees;

(iii) a pre-stack data fee of 75 percent of full dataset fees, with the pre-stack data fee counting toward full dataset fees;

(C) other data, \$56 for each hour of staff time for data processing in excess of one hour, not including copy time, plus the center's actual cost for each electronic storage medium or device if provided to the requestor by the center;

(6) for an extended rental and service package that consists of

(A) a research package, including the use of one roller table not more than 34 feet in length in the main core viewing room, use of the conference room, use of counter space, processed slide retrieval and box-pulling, use of a microscope and other equipment, core photography, and sample processing except core slabbing or splitting, for a duration of

(i) one work day, \$750;

(ii) one work week, \$3,000;

(iii) one month, \$7,500;

(iv) one year, \$20,000;

(B) a confidential research package, including the use of one confidential core viewing room, use of the conference room, processed slide retrieval and box-pulling,

use of an advanced microscope and other equipment, core photography, and sample processing except core slabbing or splitting, for a duration of

- (i) one work day, \$900;
- (ii) one work week, \$3,500;
- (iii) one month, \$10,000;
- (iv) one year, \$30,000;

(7) for publications

(A) available as online downloads, no fee;

(B) available on an electronic storage medium or device, a variable fee that does not exceed the center's actual cost for each storage medium or device, plus \$56 for each hour of staff time for data processing in excess of one hour.

(c) The division will waive fees as provided in AS 41.08.045(c)

(1) for an student or class from an elementary school, secondary school, or accredited postsecondary educational institution, if the student or class is using the facility for education, including educators promoting the theory and practice of teaching; or

(2) for a professor, an academic staff member, or a student conducting academic research and associated with an accredited postsecondary educational institution.

(d) By written order and notice as provided under (a) of this section, the director may discount or waive a fee if

(1) the director determines that the discount or waiver, including a discount or waiver for state or federal agency staff, is in the public interest; or

(2) the fee is less than \$5.

(e) In this section,

(1) "academic research"

(A) means the study of geologic materials or information at the undergraduate, graduate, post-graduate or professional levels through an accredited postsecondary educational institution, with the intent of publishing the results in a thesis, dissertation, or peer-reviewed journal article;

(B) does not include research performed with the intent to withhold the research from the public as proprietary information or a trade secret;

(2) "center" means the Alaska Geologic Materials Center;

(3) "day" means more than four hours of a calendar day;

(4) "director" means the director of the division of geological and geophysical surveys;

(5) "division" means the division of geological and geophysical surveys;

(6) "half-day" means four hours or less of a calendar day. (Eff. 11 / 9 / 2017,

Register 224)

Authority: AS 41.08.030 AS 41.08.045

Editor's note: Fee and fee discount orders issued under this section are available at the Department of Natural Resources, Division of Geological and Geophysical Surveys, 3354 College Road, Fairbanks, Alaska, 99709; at the the Department of Natural Resources, Division of Geological and Geophysical Surveys, Geologic Materials Center, 3651 Penland Parkway, Anchorage, Alaska, 99508; and on the division's Internet website at <http://dggs.alaska.gov>.

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Please contact the division at (907) 451-5010, the center at (907) 696-0079, or

dggspubs@alaska.gov for more information regarding payments, invoices, shipping charges, and other related information.

MEMORANDUM

State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: October 10, 2017

File No.: JU2017200247 (Part 1)

From: Susan R. Pollard *SPP*
Chief Assistant Attorney General
and Regulations Attorney

Tel. No.: 465-3600

Steven C. Weaver *SCW*
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Natural Resources
regulations re: fees for geological and
geophysical survey items and services
(11 AAC 05.010(b), (c)(6); 11 AAC
05.090)

We have reviewed the attached regulations from the Department of Natural Resources against the statutory standards of the Administrative Procedure Act. The regulations establish fees for items and services related to geological and geophysical surveys and generally provided at the Alaska Geologic Materials Center.

To expedite the filing of those regulations that are ready the soonest, the agency has asked that we review fee regulations related to geological and geophysical surveys as a Part 1 of this project; Part 2 consists of omnibus revisions to the rest of the Department of Natural Resources fee regulations. We find no legal problems with Part 1 of the regulations. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

We note that rather than setting precise numerical fees, 11 AAC 05.090 sets maximum fees: the ceiling that fees may not exceed. Under 11 AAC 05.090(a) the director may set lower fees by a written order to be posted on the Alaska Online Public Notice System for at least 30 days from the date of issuance of the order, and to be posted continuously from the date of issuance of the order on the division of geological and geophysical surveys' public webpage. The question is whether reducing fees by written order rises to a substantive violation of the APA.

Though the reduction of administrative burden, alone, does not excuse an agency from compliance with the regulations-amendment process of the APA, particularly the provisions that provide for public comment on a proposed regulatory action,¹ a separate statute also applies if the Department of Natural Resources, division of geological and geophysical surveys proposes fees for facilities, equipment, products, or services that the division offers. Specifically,

¹ See AS 44.62.210.

AS 41.08.045(b) requires the division, before setting fees, to "consider, *at public hearings*, the (1) cost to the state of operating the facility or providing the service or equipment; (2) normal fees charged for similar facilities, equipment, or services by governmental and nongovernmental entities; (3) cost of administering a fee collection program . . . ; and (4) public interest." [Emphasis added.] In addition, AS 41.08.045(c) requires the waiver of fees "for a student who uses facilities, equipment, products, or services for educational purposes."

These additional statutory requirements, particularly the requirements regarding public hearings, closely track the requirements of AS 41.21.026(c), applicable to fees that the department proposes regarding state parks and outdoor recreation facilities and activities. The establishment of maximum fees, subject to reduction upon the order of the director of the division of parks and outdoor recreation, has been a long-standing practice under 11 AAC 05.010(a)(12) for services including the overnight use of developed campsites and the rental of public use cabins. The additional requirement for public hearings under AS 41.21.026(c) serves as a check on the commissioner setting maximum fees too high. A court has never invalidated those fees, and if the procedure for reducing fees were challenged a court is not likely to find a substantive violation of the APA. In part, we would expect the court to consider the public hearings requirement that AS 41.21.025(c) establishes in addition to the APA. Also, we would expect a court to consider that the factors in reducing parks fees to be so diverse that they are akin the use plans for state floatplane facilities, where the court recognized each facility to be so different that to require APA regulations for every facility-specific rule would ossify the state's ability to ensure the safe operation of airports.²

By enacting AS 41.08.045 in 2016 to use language similar to AS 41.21.026(c), the legislature indicated that the facilities, equipment, products, or services that the division of geological and geophysical surveys offers, as well as the factors considered under AS 41.08.045(b)(1) - (4) for fees, are so diverse that at some point excessive regulation would ossify the operations of those facilities. The diversity of what the division offers is specified in AS 41.08.045(a). Under these circumstances, courts likely would view reduction of a fee by the director's written order to be a commonsense interpretation of existing statutes and regulations, rather than a new regulation requiring APA procedures, and that the state has a strong interest in avoiding ossification of day-to-day operations.³ Also, the agency held two oral hearings to comply with the additional public hearings requirement of AS 41.08.045(b); we have included with the regulations two affidavits of oral hearing. Accordingly, we do not expect that 11 AAC 05.090 would rise to a substantive violation of the APA.

² See *Friends of Willow Lake, Inc. v. State, Dep't of Transp. & Pub. Facilities*, 280 P.3d 542, 549-50 (Alaska 2012).

³ See *Friends of Willow Lake*, 280 P.3d at 549-50; see also *Alyeska Pipeline Serv. Co. v. State, Dep't of Env'tl. Conservation*, 145 P.3d 561, 573 (Alaska 2006) (upholding an agency interpretation of a statute or regulation, without requiring adoption of the interpretation as a new regulation if it is just a commonsense interpretation, lest regulations at that fine a level cause "complete ossification of the regulatory state"); *Alaska Ctr. for the Env't v. State, Office of the Governor*, 80 P.3d 231, 242-44 & n.40 (Alaska 2003).

We note that our opinion applies only to Part 1 of this project. The opinion's applicability to regulations in Part 2 is subject to our later review, though we would likely approve regulations if they are similar to the Part 1 regulations and address parks and outdoor recreation fees. Also, we recently approved a similar proposal for maximum fees to use the shooting range in the Knik River public use area (Department of Law file number JU2015200839).⁴

The June 9, 2017 public notice and the October 9, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Hon. Andrew T. Mack, Commissioner
Department of Natural Resources

John Crowther, Regulations Contact
Department of Natural Resources

Steven S. Masterman, State Geologist and Director
Division of Geological and Geophysical Surveys
Department of Natural Resources

Kenneth Papp, Deputy Director
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Department of Natural Resources

J, Anne Nelson, Sr. Assistant Attorney General
Natural Resources Section

John Hutchins, Assistant Attorney General
Natural Resources Section

⁴ Cf. also 5 AAC 93.010 (shooting range fees) (setting maximum fees, subject to reduction without new regulations and based on criteria described in 5 AAC 93.010(a), for shooting range facilities that the Department of Fish and Game operates under AS 16.05.020, 16.05.050, AS 16.55.010, and 16.55.020).

NOTICE OF PROPOSED REGULATION CHANGES ON FEES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources (DNR) proposes to adopt a new organization of its fee regulations and to revise how the department's fees for services, products, facilities, equipment, and use of state-owned land are determined and applied. DNR also proposes to make conforming changes to other department regulations that reference fee regulations.

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with fees for services, products, facilities, equipment, and land use authorizations provided by the department. Specifically, the Department of Natural Resources is proposing to repeal the existing single section of regulations under 11 AAC 05.010 and replace it through the adoption of 26 new sections under that chapter that provide increased clarity and a more logical order for the fees required for a large variety of topics, including the applicability of regulations under the chapter, the department's ability to require higher fees higher than those otherwise proposed in the chapter, and fees and fee setting requirements for:

- miscellaneous products,
- services,
- publications and filings,
- agriculture,
- computer-related electronic products and services,
- concessions,
- easements and rights-of-way,
- forestry,
- the Alaska Geologic Materials Center,
- land disposals,
- leasable minerals,
- locatable minerals,
- sales of material,
- mineral regulatory authorities,
- non-timber forest products,
- other or general land management authorizations,
- services or products obtained from the department,
- state parks and outdoor recreation,

- land use permits and cabin use authorizations,
- public use areas,
- the State of Alaska Recorder's Office,
- land use permits within the Recreation Rivers System,
- special use areas,
- land leasing,
- surveys and platting,
- Uniform Commercial Code,
- water management and dam safety.

The proposed regulations include the following:

- (1) revise, eliminate existing fee amounts, or establish new fees for services, products, facilities, equipment and land use authorizations provided by the department in 11 AAC 05,
- (2) 11 AAC 05.900 is proposed to be amended to add new definitions,
- (3) 11 AAC 96.020(d) is proposed to be amended to address generally allowed commercial use of state land, and
- (4) make conforming changes to Title 11 regulations to cite to the appropriate proposed new fee regulations addressed above.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to dnr.fees.regulation@alaska.gov or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Friday, on July 28, 2017.**

Oral or written comments on proposed 11 AAC 05.090, fees for Geological and Geophysical Services also may be submitted at public hearings held under AS 41.08.045, by the Division of Geological and Geophysical Services. These hearings will be held on:

- Wednesday June 21, 2017, from 4:00 P.M. to 5:00 P.M., in the Alaska Division of Geological & Geophysical Surveys Large Conference Rm., 3354 College Rd, Fairbanks, AK., and
- Wednesday June 28, 2017, from 4:00 P.M. to 5:00 P.M., in the large conference room at the Alaska Geologic Materials Center, located at 3651 Penland Pkwy, Anchorage, AK.

Call-in information for both public hearings: 1-800-315-6338. Access Code: 50077

Oral or written comments on proposed 11 AAC 05.170 under AS 41.21.026, by the Division of Parks and Outdoor Recreation. These hearings will be held on:

- Monday July 10, 2017, from 5:30 P.M. to 7 P.M., in Room 104, Atwood Building, 550 West 7th Avenue, Anchorage, AK., and
- Thursday, July 13, 2017, from 5:30 P.M. to 7 P.M., in the Kenai River Center, 514 Funny River Road, Soldotna, AK.

Call-in information for both public hearings: 1-877-226-9607. Access Code: 7547916061#

You may submit written questions relevant to the proposed action to: Joseph Joyner, Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579
Fax: (907) 269-8904, E-Mail: dnr.fees.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**July 18, 2017**). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and at <http://www.dnr.state.ak.us/mlw/hottopics>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joseph Joyner at joe.joyner@alaska.gov and 269-8511 no later than July 7, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at the following websites: <http://www.dnr.state.ak.us/mlw/hottopics>, <http://dggs.alaska.gov/gmc>, <http://dog.dnr.alaska.gov/>, <http://dnr.alaska.gov/parks/asp/curevnts.htm>, <http://dnr.alaska.gov/ssd/recoff/closuresnotices.cfm>, http://dnr.alaska.gov/ssd/recoff/noticespage_UCC.cfm, or by contacting the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joseph Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.


After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 27.21.030, AS 27.21.940, AS 37.10.050, AS 37.10.052, AS 37.10.058, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Statutes Being Implemented, Interpreted, or Made Specific: AS 27.21.030, AS 27.21.940, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation. The proposed regulation changes are not expected to require an increased appropriation. The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person, other state agencies, or municipalities.

Date: June 9, 2017



Andrew T. Mack,

Commissioner, Department of Natural Resources

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Fees for the Department of Natural Resources
3. Citation of regulation (may be grouped): 11 AAC 05.010 - .900, 11 AAC 96.020
4. Department of law file number (if any) JU 2016200803 and JU 2017200247
5. Reason for the proposed action:
☐ compliance with federal law or action (identify) _____
☐ compliance with new or changed state statute AS 41.08.045
☐ development of program standards _____
☒ other: (identify) Department Initiated

6. Appropriation/Allocation: NONE

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

Another state agency: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on any state agencies. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

A municipality: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a municipality. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>18</u>	Subsequent Years
Operating Cost	\$ <u>0.0</u>	\$0.0
Capital Cost	\$ <u>0.0</u>	\$0.0
Federal receipts	\$ <u>0.0</u>	\$0.0
General fund match	\$ <u>0.0</u>	\$0.0
General fund	\$ <u>0.0</u>	\$0.0
General fund/ program receipts	\$ <u>0.0</u>	\$0.0

General fund/
mental health \$ 0.0 \$0.0
Other funds (specify) \$ 0.0 \$0.0

9. The name of the contact person for the regulations:

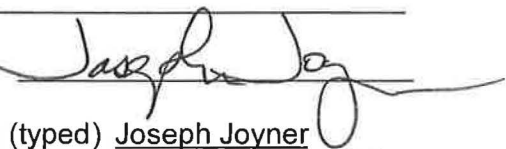
Name Joseph Joyner
Title Natural Resource Manager
Address DNR, DMLW, 550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
Telephone 907-269-8511
E-mail address: joe.joyner@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☒ Other (identify): AS 41.08.045

11. Date: June 9, 2017

Prepared by:


Name (typed) Joseph Joyner
Title (typed) Natural Resource Manager
Telephone

NOTICE OF PROPOSED CHANGES ON FEES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with fees for services, products, facilities, equipment and land use authorizations provided by the department. Specifically, the Department of Natural Resources is proposing to:

- (1) repeal the existing single section of regulations under 11 AAC 05.010 and replace it through the adoption of 26 new sections under that chapter that provide increased clarity and a more logical order for the fees required for a large variety of topics, including the following: applicability of the fee regulations; fees and fee setting requirements for miscellaneous products, services, publications and filings; agriculture; computer-related electronic products and services; concessions; easements and rights-of-way; forestry; the Alaska Geologic Materials Center; land disposals; leasable minerals; locatable minerals; sales of material; mineral regulatory authorities; non-timber forest products; other or general land management authorizations, services or products obtained from the department; state parks and outdoor recreation; land use permits and cabin use authorizations; public use areas; the State of Alaska Recorder's Office; land use permits within the Recreation Rivers System; special use areas; land leasing; surveys and platting; Uniform Commercial Code; water management and dam safety; and the department's ability to require higher fees higher than those otherwise proposed in the chapter.
- (2) Revise or eliminate existing fee amounts, or establish new fees for services, products, facilities, equipment and land use authorizations provided by the department in 11 AAC 05.
- (3) amend 11 AAC 05.900 to add new definitions.
- (4) amend 11 AAC 96.020 to address generally allowed commercial use of state land.
- (5) make conforming changes to title 11 regulations to cite the appropriate proposed new fee regulations addressed in items above.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to dnr.fees.regulation@alaska.gov or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Friday, on July 28, 2017**.

You may submit written questions relevant to the proposed action to: Joseph Joyner, Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579
Fax: (907) 269-8904, E-Mail: dnr.fees.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**July 18, 2017**). The Department of Natural

Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System
<https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and agency website at
<http://www.dnr.state.ak.us/mlw/hottopics>.

Oral or written comments on proposed 11 AAC 05.090, fees for Geological and Geophysical Services also may be submitted at public hearings held under AS 41.08.045, by the Division of Geological and Geophysical Services. These hearings will be held on:

-Wednesday June 21, 2017, from 4:00 P.M. to 5:00 P.M., in the Alaska Division of Geological & Geophysical Surveys Large Conference Rm., 3354 College Rd, Fairbanks, AK., and

-Wednesday June 28, 2017, from 4:00 P.M. to 5:00 P.M., in the large conference room at the Alaska Geologic Materials Center, located at 3651 Penland Pkwy, Anchorage, AK.

Call-in information for both public hearings: 1-800-315-6338. Access Code: 50077

Oral or written comments on proposed 11 AAC 05.170 under AS 41.21.026, by the Division of Parks and Outdoor Recreation. These hearings will be held on:

-Monday July 10, 2017, from 5:30 P.M. to 7 P.M., in Room 104, Atwood Building, 550 West 7th Avenue, Anchorage, AK., and

-Thursday, July 13, 2017, from 5:30 P.M. to 7 P.M., in the Kenai River Center, 514 Funny River Road, Soldotna, AK.

Call-in information for both public hearings: 1-877-226-9607. Access Code: 7547916061#

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joseph Joyner at 269-8511 no later than June 7, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at the following websites: <http://www.dnr.state.ak.us/mlw/hottopics>, <http://dggs.alaska.gov/gmc>, <http://dog.dnr.alaska.gov/>, <http://dnr.alaska.gov/parks/asp/curevnts.htm>, <http://dnr.alaska.gov/ssd/recoff/closuresnotices.cfm>, http://dnr.alaska.gov/ssd/recoff/noticespage_UCC.cfm, or by contacting contact the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joseph Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.

After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 27.21.030, AS 27.21.940, AS 37.10.050, AS 37.10.052, AS 37.10.058, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370,

AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Statutes Being Implemented, Interpreted, or Made Specific: AS 27.21.030, AS 27.21.940, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person, other state agencies, or municipalities.

Date: June 9, 2017


Andrew T. Mack,

Commissioner, Department of Natural Resources

NOTICE OF PROPOSED REGULATION CHANGES ON FEES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REGULATION CHANGES ON FEES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources (DNR) proposes to adopt a new organization of its fee regulations and to revise how the department's fees for services, products, facilities, equipment, and use of state-owned land are determined and applied. DNR also proposes to make conforming changes to other department regulations that reference fee regulations.

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with fees for services, products, facilities, equipment, and land use authorizations provided by the department. Specifically, the Department of Natural Resources is proposing to repeal the existing single section of regulations under 11 AAC 05.010 and replace it through the adoption of 26 new sections under that chapter that provide increased clarity and a more logical order for the fees required for a large variety of topics, including the applicability of regulations under the chapter, the department's ability to require higher fees higher than those otherwise proposed in the chapter, and fees and fee setting requirements for:

- miscellaneous products,
- services,
- publications and filings,
- agriculture,
- computer-related electronic products and services,
- concessions,
- easements and rights-of-way,
- forestry,
- the Alaska Geologic Materials Center,
- land disposals,
- leasable minerals,
- locatable minerals,
- sales of material,
- mineral regulatory authorities,
- non-timber forest products,
- other or general land management authorizations,
- services or products obtained from the department,
- state parks and outdoor recreation,
- land use permits and cabin use authorizations,
- public use areas,
- the State of Alaska Recorder's Office,
- land use permits within the Recreation Rivers System,
- special use areas,
- land leasing,
- surveys and platting,
- Uniform Commercial Code,
- water management and dam safety.

The proposed regulations include the following:

1. revise, eliminate existing fee amounts, or establish new fees for services, products, facilities, equipment and land use authorizations provided by the department in 11 AAC 05,
2. 11 AAC 05.900 is proposed to be amended to add new definitions,
3. 11 AAC 96.020(d) is proposed to be amended to address generally allowed commercial use of state land, and
4. make conforming changes to Title 11 regulations to cite to the appropriate proposed new fee

regulations addressed above.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to dnr.fees.regulation@alaska.gov or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Friday, on July 28, 2017.**

Oral or written comments on proposed 11 AAC 05.090, fees for Geological and Geophysical Services also may be submitted at public hearings held under AS 41.08.045, by the Division of Geological and Geophysical Services. These hearings will be held on:

-Wednesday June 21, 2017, from 4:00 P.M. to 5:00 P.M., in the Alaska Division of Geological & Geophysical Surveys Large Conference Rm., 3354 College Rd, Fairbanks, AK., and

-Wednesday June 28, 2017, from 4:00 P.M. to 5:00 P.M., in the large conference room at the Alaska Geologic Materials Center, located at 3651 Penland Pkwy, Anchorage, AK.

Call-in information for both public hearings: 1-800-315-6338. Access Code: 50077

Oral or written comments on proposed 11 AAC 05.170 under AS 41.21.026, by the Division of Parks and Outdoor Recreation. These hearings will be held on:

-Monday July 10, 2017, from 5:30 P.M. to 7 P.M., in Room 104, Atwood Building, 550 West 7th Avenue, Anchorage, AK., and

-Thursday, July 13, 2017, from 5:30 P.M. to 7 P.M., in the Kenai River Center, 514 Funny River Road, Soldotna, AK.

Call-in information for both public hearings: 1-877-226-9607. Access Code: 7547916061#

You may submit written questions relevant to the proposed action to: Joseph Joyner, Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579
Fax: (907) 269-8904, E-Mail: dnr.fees.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**July 18, 2017**). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and at <http://www.dnr.state.ak.us/mlw/hottopics>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joseph Joyner at joe.joyner@alaska.gov and 269-8511 no later than July 7, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at the following websites: <http://www.dnr.state.ak.us/mlw/hottopics>, <http://dggs.alaska.gov/gmc>, <http://dog.dnr.alaska.gov/>, <http://dnr.alaska.gov/parks/asp/curevnts.htm>, <http://dnr.alaska.gov/ssd/recoff/closuresnotices.cfm>, http://dnr.alaska.gov/ssd/recoff/noticespage_UCC.cfm, or by contacting the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joseph Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.

After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Statutory Authority: AS 27.21.030, AS 27.21.940, AS 37.10.050, AS 37.10.052, AS 37.10.058, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Statutes Being Implemented, Interpreted, or Made Specific: AS 27.21.030, AS 27.21.940, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110,

AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030,
 AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026,
 AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525,
 AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation. The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person, other state agencies, or municipalities.

Date: June 9, 2017 Andrew T. Mack,
 Commissioner, Department of Natural Resources

ADDITIONAL REGULATIONS NOTICE INFORMATION
 (AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Fees for the Department of Natural Resources
3. Citation of regulation (may be grouped): 11 AAC 05.010 - .900, 11 AAC 96.020
4. Department of law file number (if any) JU 2016200803 and JU 2017200247
5. Reason for the proposed action:
 - () compliance with federal law or action (identify) _____
 - () compliance with new or changed state statute AS 41.08.045
 - () development of program standards _____
 - (X) other: (identify) Department Initiated
6. Appropriation/Allocation: NONE
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

Another state agency: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on any state agencies. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

A municipality: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a municipality. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>18</u>	Subsequent Years
Operating Cost	\$ <u>0.0</u>	\$0.0
Capital Cost	\$ <u>0.0</u>	\$0.0
Federal receipts	\$ <u>0.0</u>	\$0.0
General fund match	\$ <u>0.0</u>	\$0.0
General fund	\$ <u>0.0</u>	\$0.0
General fund/ program receipts	\$ <u>0.0</u>	\$0.0
General fund/ mental health	\$ <u>0.0</u>	\$0.0
Other funds (specify)	\$ <u>0.0</u>	\$0.0

9. The name of the contact person for the regulations:
 - Name Joseph Joyner
 - Title Natural Resource Manager
 - Address DNR, DMLW, 550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
 - Telephone 907-269-8511
 - E-mail address: joe.joyner@alaska.gov

10. The origin of the proposed action:

- ☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☒ Other (identify): AS 41.08.045

11. Date: June 9, 2017

Prepared by: _____

Name (typed) Joseph JoynerTitle (typed) Natural Resource Manager

Telephone _____

Attachments, History, Details

Attachments

None

Revision History

Created 6/8/2017 3:45:23 PM by akadoko

Modified 6/8/2017 3:46:31 PM by akadoko

DetailsDepartment: Natural Resources
Category: RegulationsSub-Category: Notice of Proposed
Regulations

Location(s): Statewide

Project/Regulation #:

Publish Date: 6/9/2017

Archive Date: 7/29/2017

Events/Deadlines:

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Joseph M. Joyner III, NRM III, of Department of Natural Resources, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 11 AAC 05.010 fee regulations has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: _____

8/30/17

Joseph M. Joyner III, NRM III

Subscribed and sworn to before me at _____

DNR Suite 1020, Anch AK

on _____

August 30, 2017

99501

(date)

Christine Ballard

Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF ORAL HEARING

I, Kenneth R. Papp, Deputy Director of the Division of Geological & Geophysical Surveys (DGGS), being sworn, state the following:

On June 28, 2017, at 4pm, in the Alaska Geologic Materials Center Large Conference Room, located at 3651 Penland Pkwy, Anchorage, AK, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Title 11 AAC 05.090 (fees for geological and geophysical services), part of a larger regulation package by the Department of Natural Resources to adopt regulation changes in Title 11 of the Alaska Administrative Code.

Date: 8/30/17

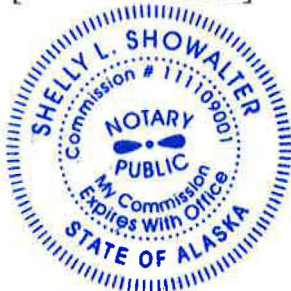
Kenneth Papp
Kenneth Papp, DGGS Deputy Director

Subscribed and sworn to before me at DGGS, 3354 College Road, FBKS on

8/30/2017
(date)

Shelly L. Showalter
Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF ORAL HEARING

I, Kenneth R. Papp, Deputy Director of the Division of Geological & Geophysical Surveys, being sworn, state the following:

On June 21, 2017, at 4pm, in the DGGs Large Conference Room, located at 3354 College Rd., Fairbanks, AK, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Title 11 AAC 05.090 (fees for geological and geophysical services), part of a larger regulation package by the Department of Natural Resources to adopt regulation changes in Title 11 of the Alaska Administrative Code.

Date: 8/30/17

Kenneth Papp
Kenneth Papp, DGGs Deputy Director

Subscribed and sworn to before me at DGGs, 3354 College Road, Fairbank on

8/30/2017
(date)

Shelly L. Showalter
Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Joseph M. Joyner III, NRM III for the Department of Natural Resources, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Natural Resources has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Natural Resources regulation on fees.

Date:

8/30/17

Joseph M. Joyner III
Joseph M. Joyner III, NRM III

Subscribed and sworn to before me at

DNR Suite 1020, Anch AK 99501 on
August 30, 2017
(date)

Christine Ballard

Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF AGENCY RECORD OF ORAL PUBLIC COMMENT

I, Steven S. Masterman, State Geologist and Director, Department of Natural Resources, Division of Geological and Geophysical Surveys, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Natural Resources has kept a record of its use or rejection of factual or other substantive information that was submitted orally as public comment and that was relevant to the accuracy, coverage, or other aspect of that portion of the Department of Natural Resources fee regulations on that addressed fees for facilities, equipment, products, and services that the Division of Geological and Geophysical Surveys offers.

Date: October 6th, 2017

S. Masterman

Steven S. Masterman, State Geologist and Director
Division of Geological and Geophysical Surveys
Department of Natural Resources

Subscribed and sworn to before me at Dept of Geological & Geophysical Surveys
3354 College Road, FBKS, AK on
10/9/2017
(date)

Shelly L. Showalter
[notary signature]
Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFP

AO-MLW17-057

Affidavit ofUNITED STATES OF
STATE OF ALA
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Before me, the u
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June 09, 2017

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Advertising Clerk

Subscribed to and sw

Marena Burnell, Notar

My commission expire

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ST OF AK, DIV OF ML
550 W. 7TH AVE., STE
ANCHORAGE, AK 99501

**NOTICE OF PROPOSED CHANGES ON FEES
IN THE REGULATIONS OF THE
DEPARTMENT OF NATURAL RESOURCES**

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with fees for services, products, facilities, equipment and land use authorizations provided by the department. Specifically, the Department of Natural Resources is proposing to:

(1) repeal the existing single section of regulations under 11 AAC 05.010 and replace it through the adoption of 26 new sections under that chapter that provide increased clarity and a more logical order for the fees required for a large variety of topics, including the following: applicability of the fee regulations; fees and fee setting requirements for miscellaneous products, services, publications and filings; agriculture; computer-related electronic products and services; concessions; easements and rights-of-way; forestry; the Alaska Geologic Materials Center; land disposals; leasable minerals; locatable minerals; sales of material; mineral regulatory authorities; non-timber forest products; other or general land management authorizations, services or products obtained from the department; state parks and outdoor recreation; land use permits and cabin use authorizations within the

**BRAD KESELOWSKI VS.
KURT BUSCH: Busch's No. 41 Ford washed up the track and slammed into Keselowski's No. 2 Ford, which took a big hit against**



**FEUD OF THE
WEEK**

My feeling is she returns to IndyCar, where she's a better competitive fit. But that runs counter to her apparent concern over violent crashes. Maybe she runs the two big 500s — Daytona and Indianapolis — and sells fitness gear and protein shakes the rest of the year. Not a bad gig.

Gut feeling?

benefactor.

IS TO WATCH

— Godwin Kelly, godwin.kelly@news-jrnl.com

Before the race, Larson said he hasn't had much luck on restarts at Dover, and his words were prophetic. "I just spun my tires pretty bad," said Larson, who finished second after leading 241 laps. "I tried taking off, not using a lot of throttle, and still spun my tires pretty bad."

3. Larson says

S WE LEARNED

Johnson's helmet. Actually, it is a tribute helmet
[R GETTY IMAGES/MATT HAZLETT]



fee

**NOTARY PUBLIC
M. BURNELL
STATE OF ALASKA**
My commission Expires December 7, 20____

regulations addressed in items above.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to dnr.fees.regulation@alaska.gov or by fax to 907-269-8904. The comments must be received by the department no later than 5:00 p.m. on Friday, on July 28, 2017.

You may submit written questions relevant to the proposed action to: Joseph Joyner, Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579
Fax: (907) 269-8904, E-Mail: dnr.fees.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (July 18, 2017). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and agency website at <http://www.dnr.state.ak.us/mlw/hottopics>.

Oral or written comments on proposed 11 AAC 05.090, fees for Geological and Geophysical Services also may be submitted at public hearings held under AS 41.08.045, by the Division of Geological and Geophysical Services. These hearings will be held on:

-Wednesday June 21, 2017, from 4:00 P.M. to 5:00 P.M., in the Alaska Division of Geological & Geophysical Surveys Large Conference Rm., 3354 College Rd, Fairbanks, AK., and

-Wednesday June 28, 2017, from 4:00 P.M. to 5:00 P.M., in the large conference room at the Alaska Geologic Materials Center, located at 3651 Penland Pkwy, Anchorage, AK.

Call-in information for both public hearings: 1-800-315-6338. Access Code: 50077

Oral or written comments on proposed 11 AAC 05.170 under AS 41.21.026, by the Division of Parks and Outdoor Recreation. These hearings will be held on:

-Monday July 10, 2017, from 5:30 P.M. to 7 P.M., in Room 104, Atwood Building, 550 West 7th Avenue, Anchorage, AK., and

-Thursday, July 13, 2017, from 5:30 P.M. to 7 P.M., in the Kenai River Center, 514 Funny River Road, Soldotna, AK.

Call-in information for both public hearings: 1-877-226-9607. Access Code: 7547916061#

**NOTARY PUBLIC
M. BURNELL
STATE OF ALASKA**

My commission Expires December 7, 20____

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joseph Joyner at 269-8511 no later than June 7, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at the following websites:

<http://www.dnr.state.ak.us/mlw/hottopics>,

<http://dggg.alaska.gov/gmc>,

<http://dog.dnr.alaska.gov/>,

<http://dnr.alaska.gov/parks/asp/curevnts.htm>,

<http://dnr.alaska.gov/ssd/recoff/closuresnotices.cfm>,

http://dnr.alaska.gov/ssd/recoff/noticespage_UCC.cfm, or by contacting contact the Director's

Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joseph Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.

After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 27.21.030, AS 27.21.940, AS 37.10.050, AS 37.10.052,

AS 37.10.058, AS 38.04.045, AS 38.04.900, AS

38.05.020, AS 38.05.035, AS 38.05.057,

AS 38.05.082, AS 38.05.083, AS 38.05.102, AS

38.05.133, AS 38.05.177, AS 38.05.180,

AS 38.05.250, AS 38.05.255, AS 38.05.295, AS

38.05.550, AS 38.05.555, AS 38.05.560,

AS 38.05.565, AS 38.05.600, AS 38.05.810, AS

38.05.850, AS 38.08.110, AS 38.09.020,

AS 38.09.110, AS 38.35.020, AS 38.35.050, AS

38.50.160, AS 38.95.240, AS 40.15.370,

AS 40.17.030, AS 40.25.110, AS 40.25.115, AS

41.06.020, AS 41.08.045, AS 41.21.020,

AS 41.21.026, AS 41.23.440, AS 44.37.011, AS

44.37.020, AS 44.37.025, AS 44.37.027,

AS 45.29.525, AS 45.50.315, AS 46.15.020, AS

46.15.035, AS 46.15.037

Statutes Being Implemented, Interpreted, or Made Specific: AS 27.21.030, AS 27.21.940,

AS 38.04.045, AS 38.04.900, AS 38.05.020, AS

38.05.035, AS 38.05.057, AS 38.05.082,

AS 38.05.083, AS 38.05.102, AS 38.05.133, AS

38.05.177, AS 38.05.180, AS 38.05.250,

AS 38.05.255, AS 38.05.295, AS 38.05.550, AS

38.05.555, AS 38.05.560, AS 38.05.565,

AS 38.05.600, AS 38.05.810, AS 38.05.850, AS

38.08.110, AS 38.09.020, AS 38.09.110,

AS 38.35.020, AS 38.35.050, AS 38.50.160, AS

38.95.240, AS 40.15.370, AS 40.17.030,

NOTARY PUBLIC

M. BURNELL

STATE OF ALASKA

My commission Expires December 7, 20____

AS 40.25.110, AS 40.25.115, AS 41.06.020, AS
41.08.045, AS 41.21.020, AS 41.21.026,
AS 41.23.440, AS 44.37.011, AS 44.37.020, AS
44.37.025, AS 44.37.027, AS 45.29.525,
AS 45.50.315, AS 46.15.020, AS 46.15.035, AS
46.15.037

Fiscal information: The proposed regulation
changes are not expected to require an increased
appropriation.

The proposed regulations provide for user fees for
certain elective services or elective uses of state-
owned land, but do not establish mandatory
permitting or compliance requirements that
impose costs on a private person, other state
agencies, or municipalities.

Date: June 9, 2017 Andrew T. Mack,
Commissioner, Department of Natural Resources

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\$946.22

AFFIDAVIT OF P

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

June 09, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed Joleesa Stepetin

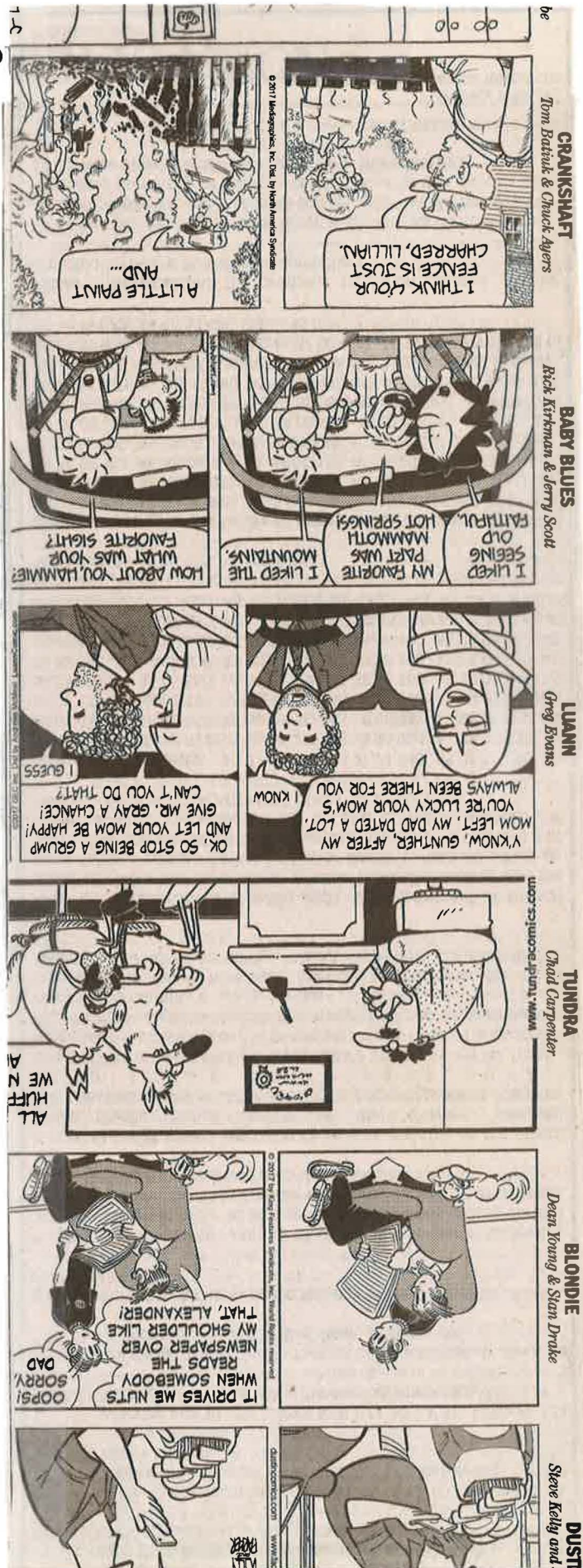
Subscribed and sworn to before me
this 9th day of June, 2017

[Signature]

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021



Affidavit of Publication

United States of America

Ad #: 8076988

Department of Natural Resources

Ref. File#: AO MLW17-058



I, Nicole Quinto, first duly sworn, oath, depose, and say that I am the Principle Clerk of the JUNEAU EMPIRE, a newspaper of general circulation, published in the city of Juneau, State of Alaska; that the publication was published in said newspaper, and on www.juneauempire.com, the online edition, on the 9th day of June 2017 and thereafter for 0 additional day(s), the last date of publication being June 9th, 2017.

.....
Subscribed and sworn to before me this 21st day of July 2017.

.....
Notary Public in and for the State of Alaska.

STATE OF ALASKA

OFFICIAL SEAL

Ed Quinto

NOTARY PUBLIC

My Commission Expires 07/15/2019

