

Notes to reader:

1. Except as discussed in note 2, proposed new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line states that a new section, subsection, paragraph, subparagraph, or clause is being added, or that an existing section, subsection, etc. is being repealed and readopted (replaced), the new (or replaced) text is not bolded or underlined.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is proposed to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”

11 AAC 05.270(a) is amended to read:

11 AAC 05.270. Higher fees (a) Notwithstanding 11 AAC 05.020 - 11 AAC.05.260, the department may require a fee higher than that set out in 11 AAC 05.030 - 11 AAC.05.260 if the department determines that the location or nature of the use makes a higher fee appropriate to ensure a reasonable return to the state. Under this subsection, and at the department's discretion to ensure a reasonable return to the state, the department may set

(1) a variable fee of 5.0 percent of the gross receipts attributable to the use of the site;[or]

(2) a fee based on the director's estimate of the market value of the use or, at the applicant's option and expense after receiving the director's written estimate of that value, based on appraised fair market value of the use;

(3) a fee equal to the highest responsive bid submitted from among multiple qualified applicants when statute, department regulation or the director has determined

that only a limited number of authorizations will be awarded, and there are more qualified applicants than authorizations available.

(Eff. 7/1/2018, Register 227, am ____/____/____, Register ____)

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

11 AAC 96.014(b)(16) is amended to read:

11 AAC 96.014. Special land use.

...

(16) for Glacier/Winner Creek, ADL number 227203, generally described as those lands designated in the Turnagain Arm Management Plan as subunit 3-A, as shown on the map entitled Glacier/Winner Creek Special Use Area, dated October 16, 2002, and adopted by reference,

(i) a permit is required for commercial snowcat **and helicopter supported ski** operation; only one commercial snowcat **and helicopter supported ski** operation will be allowed at any one time;

(ii) applicants for the permit under (i) of this subparagraph must meet the qualifications of 11 AAC 96.030(d), and submit an operations plan for the proposed activity that addresses safety, avalanche mitigation, communication, accident response, emergency procedures; and

(iii) when the director has determined that the number of qualified applicants exceed the number of authorizations allowed under (i) of this paragraph, the director may determine which applicant qualified under (ii) of this paragraph is to receive the permit through a competitive process established under 11 AAC 96.030(f).

(Eff. 12/7/2002, Register 164, am 1/11/2004, Register 169; am 11/9/2008, Register 188; am 1/20/2013, Register 205; am ____/____/____, Register ____)

Authority:

AS 38.04.005	AS 38.04.900	AS 38.05.128
AS 38.04.015	AS 38.05.020	AS 38.05.300
AS 38.04.065	AS 38.05.035	AS 38.05.850
AS 38.04.070		

11 AAC 96.030(a) is amended to read:

11 AAC 96.030. Application (a) An application for a permit under 11 AAC 96.010 must be accompanied by the nonrefundable application fee required by 11 AAC 05.180. **Any application and fee that is not complete or otherwise does not comply with this section shall be rejected and returned to the applicant without consideration.** The application must contain the following information in sufficient detail to allow evaluation of the planned activities' effect on the land:

(1) except if the application is for a limited non-timber forest product commercial harvest permit, a map at a sufficient scale showing the general location of all activities and routes of travel of all equipment for which a permit is required;

(2) a description of the proposed activity, any associated structures, and the type of equipment that will be used; **and**

(3) any additional information or document required by the department.

11 AAC 96.030 is amended by adding new subsections to read:

(d) To be qualified an applicant must comply with 11 AAC 96.030(a) – (c) and

(1) must be

(A) an individual at least 18 years old; or

- (B) a corporation, limited liability company or other business entity organized under the laws of the United States or of any state or territory of the United States and who qualified to do business in this state; and
- (2) be in good standing with the Department of Natural Resources;
- (3) determined by the director to be fit, willing and able to perform the activities applied for or authorized;
- (4) for a commercial or industrial business, must possess a valid Alaska State business license for the intended activity; and
- (5) comply with other applicable regulations regarding more specific qualification requirements.
- (e) Upon a written determination that the interests of the state are best served, or that it is consistent with the purpose and intent of an applicable authorizing statute, the department may limit the number of land use authorizations issued
- (1) within a legislatively designated area;
- (2) within a special use area designated under 11 ACC 96.014; or
- (3) within a geographic area determined by the department in which acreage, geography, public safety, cumulative impacts or infrastructure warrant the limiting the number of authorizations.
- (f) If the number of applications exceed the number of land use authorizations allowed under (e) of this section, the department may award permits using a competitive process

including public outcry auction, sealed bid auction using a fee set out in 11 AAC

05.270(a)(3) as a bid variable, or award authorizations by lot.

(g) The department may make available an offering brochure to the applicants before a competitive offering of an authorization that sets out the general conditions and qualifications for the competitive offering and how a person may apply for or qualify to receive the authorization. If made available, the department will post the brochure on its public web page and on the Alaska Online Public Notice System. It is the responsibility of the applicant to keep themselves informed about changes or corrections made in the competitive offering brochure or made subsequently, and the department reserves the right to make changes up to the time of offering.

(h) The provision under subsections (e) – (f) of this section may not be applied to managing a Commercial Big Game Guide Concession Program on state lands.

(i) For purposes of this section,

(1) “qualified to do business in this state” means holding the certificate issued by the Commissioner of the Department of Commerce, Community, and Economic Development under AS 10.06, AS 10.50, or other applicable law necessary to lawfully conduct business in the state;

(2) “good standing” means being in compliance with state law, regulations applicable to the department, and provisions of all authorizations managed by the department and held by the applicant.