



**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Northern Regional Land Office

Amendment Decision

LAS 34692

Alaska Division of Forestry

Application for Land Use Permit

AS 38.05.850

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Regional Land Office (NRO) has received a Land Use Permit (LUP) amendment request from the Alaska Division of Forestry (DOF) to amend their current permit under LAS 34692. This permit originally authorized the clearing of an existing fuel break using a dozer with a shear blade in the winter to widen the firebreak to 300 feet. The permit also authorized the clearing of a 100 foot wide shaded fuel break to the east of the existing fuel break. The amendment request proposes to add a staging area to the permit, including the storage of three 55-gallon drums of fuel (gasoline and/or diesel), an arctic oven type tent, and a generator. DOF would also like pick-up truck type support vehicles to be added to the permit, as well as an approximately 1,000 foot extension of the shaded fuel break to tie the proposed line into hardwoods.

Discussion

The proposed changes to the permit are minimal in scale and impacts, thus a full decision and public notice are not necessary for this amendment. The activity continues to be consistent with current area plan, there are no resource issues which necessitate agency coordination, and there are no new 3rd party interests.

The extension of the shaded fuel break would be within Section 34 of F004N001E. All of Section 34, except MS 1959 in the southern portion of the section, was patented to the State under PA 50-85-0051. The area appears to still be located within the F-10 designation, and if the clearing is kept to the shaded fuel break design as proposed then extending the line to the hardwoods would still be consistent with the area plan.

The following new project specific stipulations will be included in the permit:

- 1. Site Restoration:** On or before permit expiration (if a reissuance application has not been submitted) or termination of this authorization by the Grantee, the Grantee shall remove all improvements, personal property, and other chattels, and return the permitted area to a clean and safe condition.
- 2. Fuel and Hazardous Substance Storage:**
 - a. The storage of petroleum products below Ordinary High Water (OHW) or Mean High Water Mark (MHW) is prohibited.
 - b. Fuel containers which exceed a total combined capacity of 110 gallons must be stored within an impermeable diked area or portable impermeable containment

structure capable of containing 110 percent capacity of the largest independent container.

- c. Fuel storage containers, including flow test holding tanks and hazardous substances, with a total combined capacity larger than 55 gallons shall not be placed within 100 feet from the ordinary high water mark of waterbodies.
- d. All fuel storage containers and associated materials must be removed by the permit expiration date.
- e. Secondary containment shall be provided for fuel or hazardous substances.
- f. All fuel and hazardous substance containers shall be marked with the contents and the permittee's name using paint or a permanent label.
- g. The AO may under unique or special circumstances grant exceptions to this stipulation on a case-by-case basis. Requests for exceptions should be made to the AO.

Definitions.

Containers means any item which is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifoldded tanks or any tanks in a series must be considered as single independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.

Hazardous substances are defined under AS 46.03.826(5) as (a) an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).

Secondary containment means an impermeable diked area or portable impermeable containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank. All piping and manifolds shall be within secondary containment.

Surface liner means any safe, non-permeable container (e.g., drips pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

As DOF is a state agency which is self-insured and bonded, no performance guarantee is required at this time.

Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

As DOF is a state agency which is self-insured and bonded, no proof of insurance is required at this time.

Fees

Per 11 AAC 05.020 (b)(5), DMLW may waive a land use fee prescribed by 11 AAC 05.070 to a state agency if the waiver is in the public interest. As the proposed activity would improve wildland fire readiness for the Haystack community, as well as the greater Fairbanks area, it is considered within the public interest.

Term

Effective Date: October 14, 2024
Expiration Date: September 14, 2028

Recommendation

Reissue permit.



Jaclyn Cheek, Natural Resource Specialist

10/14/24

Date

Manager's Decision

It is the decision of this office to take the action as recommended above. This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the permit. Additional time may be allotted to complete these requirements at the applicant's request and concurrence of the Authorized Officer, however this will not extend the total term of the authorizations issued under this decision.



Austin (AJ) Michels, Natural Resource Manager

10/14/2024

Date

Attachments:

- Permit

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after

issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.