

Alaska Administrative Code – Title 11, Chapter 95.400-95.495

Article 6 - Forest Fire Protection

11 AAC 95.400. Purpose

It is the purpose of 11 AAC 95.400 - 11 AAC 95.490 to provide for the protection of forested land from fire.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.17.020 , AS 41.17.080

11 AAC 95.410. Permit

(a) A burning permit is required during the fire season for the burning of any material in areas designated by the commissioner. A burning permit is not required when the burning is contained within an approved device, or for cooking, warming, or signaling fires.

(b) A burning permit may be obtained by applying to the commissioner. The applicant shall provide the commissioner with information as to the type, location, and person in charge of the burning, the area and material to be burned, and the number of persons controlling the burn.

(c) An applicant issued a burning permit may not burn any material covered by the permit unless he has the permit in his possession. The permit must be displayed to a designee of the commissioner upon request.

(d) Before issuing a permit, the commissioner will, in his discretion, require that he inspect the area and material to be burned.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.15.060 , AS 41.17.020 , AS 41.17.080

11 AAC 95.420. Content of permit

(a) Each permit must be on a form provided by the department and must contain

- (1) the name and address of permittee;
- (2) the name of the person designated by the commissioner to issue the permit;
- (3) the forest protection area where the burning will be conducted;
- (4) the dates of issuance and expiration of the permit;
- (5) a detailed description of the area where the burning will be conducted, designated by borough, subdivision, section, township, range, meridian, and local landmarks; and

(6) the amount of acres or area to be burned.

(b) Each permit may provide

(1) a specific time and date for the burn;

(2) the minimum number of persons and equipment employed to control or extinguish the burn; and

(3) limitation as to the size of the burn and the number of burns.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.15.050 , AS 41.17.080

11 AAC 95.430. Denial, suspension, or revocation of permit

(a) A burning permit will be denied, in the commissioner's discretion, if the commissioner is not permitted to inspect the area and material to be burned. The commissioner will, in his discretion, deny, suspend or revoke a permit, to protect life or property.

(b) A permit is suspended by an emergency closure to burning in the permit area. If the emergency closure remains in effect past the expiration date of a permit, the permit is revoked, and a new permit must be obtained.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.15.050 , AS 41.15.060 , AS 41.15.090 , AS 41.17.080

11 AAC 95.440. Place of burning

A permitted burn must be confined to an area surrounded by mineral soil, gravel or rock, or must be surrounded by a natural or constructed firebreak.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.15.050 , AS 41.15.060 , AS 41.15.090 , AS 41.17.080

11 AAC 95.450. Emergency closure

The commissioner will, in his discretion, during the fire season, close an area to setting of fires, burning, smoking, entry, or other use of land, when, in his judgment, the activities would unduly increase the fire danger.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.15.050 , AS 41.17.080

11 AAC 95.460. Public notice

An emergency closure will be announced by publication in a newspaper of general circulation in the area closed of a public notice issued by the commissioner specifying the area closed and the effective date of closure.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020, AS 41.15.050 , AS 41.15.060 , AS 41.17.080

11 AAC 95.470. Environmental control

Any burning authorized by a permit obtained under this chapter must be conducted in the manner required by 18 AAC 50, Air Quality Control Regulations, and 18 AAC 60, Solid Waste Regulations.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020 , AS 41.15.050 , AS 41.15.060 , AS 41.17.080

11 AAC 95.480. Additional equipment for operations

(a) All saws must be equipped with a spark-arresting device constructed to retain or destroy 90 percent or more of the carbon particles having a major diameter greater than 0.023 inches (0.584 mm). A spark-arresting device equipped with a woven screen with a maximum opening size of 0.023 inches (0.584 mm), constructed of heat- and corrosion-resistant wire at least 0.013 inches (0.330 mm) in diameter, will be considered in compliance with the requirement if the total screen opening area is not less than 125 percent of the engine exhaust-port area. The unit must be constructed to permit easy removal of the screen for field inspection, replacement, and cleaning.

(b) The commissioner will, in his discretion, in writing, modify or waive any requirement of this section if he finds that conditions so warrant. The commissioner will take into consideration factors including, but not limited to, the type, size, and location of the operation and type of equipment in use, in making his decision.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.020, AS 41.17.080

11 AAC 95.490. Other governmental laws

A permit issued under 11 AAC 95.400 - 11 AAC 95.430 is subject to local laws and regulations which are more restrictive.

History: Eff. 2/15/81, Register 77

Authority: AS 41.15.050 , AS 41.15.060

11 AAC 95.495. Definitions related for forest fire protection

In 11 AAC 95.400 - 11 AAC 95.495, "material" includes any organic or inorganic flammable substance such as trees, brush, weeds, grass, wood, lumber, trash, paper, clothes, tires, and chemicals.

History: Eff. 6/10/93, Register 126

Authority: AS 41.15.020, AS 41.17.080

Editor's note: As of Register 126, July 1993, Article 4, Log Brands (11 AAC 95.700 - 11 AAC 95.790) was moved to 11 AAC 71 and each section renumbered as 11 AAC 71.500 - 11 AAC 71.590, respectively. The history note for each section continues to reflect the history of that section as it was originally adopted in 11 AAC 95.

Source: Alaska Administrative Code (11 AAC 95.400-11 AAC 95.495)
[http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac/
query=\[group+!27title11chap95!2C+a!2E+6!27!3A\]/doc/{@1}/hits_only?](http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[group+!27title11chap95!2C+a!2E+6!27!3A]/doc/{@1}/hits_only?)