

REGULATIONS (Alaska Administrative Code, or AAC)

TITLE 11. NATURAL RESOURCES, CHAPTER 95.

Article 6. Forest fire protection

11 AAC 95.400. Purpose. It is the purpose of 11 AAC 95.400 – 11 AAC 95.495 to provide for the protection of forested land from fire. (Eff. 2/15/81, Register 77; am 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.17.020 AS 41.17.080

11 AAC 95.412. Permit required. (a) Except as provided in (d) of this section, before engaging in burning activity a person must obtain a small scale burn permit or a large scale burn permit during the fire season and at other times designated by the commissioner under AS 41.15.050.

- (b) While engaged in burning activity, the permittee must
- (1) possess the permit at the burn site; and
 - (2) display the permit immediately upon request to
 - (A) an authorized employee of the Division of Forestry;
 - (B) a peace officer; or
 - (C) a member of the local fire department.
- (c) A person must be 18 years of age or older to obtain a permit.
- (d) A burn permit is not required for burning activity
- (1) that is contained within an approved burning device;
 - (2) of natural materials limited to paper and untreated wood products
 - (A) in a continuously attended outdoor fire;
 - (B) used for cooking, warming, or signaling; and
 - (C) with a total fuel area of less than three feet in diameter and less than two feet in height;
 - (3) that is conducted by state or federal fire officials; or
 - (4) in accordance with a valid burn permit issued by a local government.
- (e) A person burning a fire under (d)(2) of this section
- (1) must clear the ground immediately around the fire free from materials that will carry fire;
 - (2) may not set the fire on land not owned, possessed, or controlled by the person, without the consent of the owner or lawful occupant of the land; and
 - (3) may not leave the fire before extinguishing it completely.
- (f) A person burning a fire under (d)(4) of this section also must comply with 11 AAC 95.450 and AS 41.15.040, 41.15.050, and 41.15.070 – 41.15.120. (Eff. 6/2/2019, Register 230)
- Authority:** AS 41.15.020 AS 41.15.950 AS 41.17.080
AS 41.15.060

11 AAC 95.414. Small scale burn permits. (a) A person must obtain a small scale burn permit before burning

- (1) in a burn barrel;
 - (2) up to one acre of mowed lawn less than four inches in height; or
 - (3) a pile of natural materials consisting of a total fuel area less than 10 feet in diameter and less than four feet in height.
- (b) Small scale burn permits may be obtained
- (1) at a Division of Forestry office;
 - (2) at locations authorized by the Division of Forestry; and
 - (3) on the Division of Forestry’s Internet website.
- (c) A small scale burn permit is valid for the calendar year in which the permit is issued.
- (d) Under a small scale burn permit, a person may conduct only a single burn at a time.
- (e) A small scale burn permit will include the following safe burning terms, conditions, and requirements:
- (1) construction of an appropriate firebreak before igniting a fire in a barrel or a pile; or preparing a lawn appropriately before it is ignited;
 - (2) supervision of the fire until the fire is completely out;
 - (3) presence of sufficient tools and water to control or extinguish the fire;
 - (4) location of burn piles away from structures and utility lines.
- (f) A person must comply with the terms of the permit. (Eff. 6/2/2019, Register 230)
- Authority:** AS 41.15.020 AS 41.15.950 AS 41.17.080
AS 41.15.060

Editor’s note: The Department of Natural Resources, Division of Forestry website is at <https://dnr.alaska.gov/burn> .

11 AAC 95.416. Large scale burn permits. (a) A person must obtain a large scale burn permit before burning that is larger or more complex than the limits described in 11 AAC 95.414(a) and (d).

- (b) A person must apply for a large scale burn permit by visiting or calling a Division of Forestry area office.
- (c) The Division of Forestry will establish the terms and conditions for a large scale burn permit. The terms and conditions will include:
- (1) construction of a firebreak and other safeguards;
 - (2) specifications for supervision of the fire; and
 - (3) presence of equipment, tools, and water to control and extinguish the fire.

(d) Large scale burn permits may require a visit to the proposed burn site by an authorized employee of the Division of Forestry before the burn to establish special terms and conditions of the permit.

(e) A person must comply with the terms of the permit. (Eff. 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.950 AS 41.17.080
AS 41.15.060

AAC 95.422. Permit conditions. (a) Small scale and large scale burning permits will include the following minimum requirements:

- (1) the period the permit is valid;
- (2) the legal, physical, or street address of the location where the burn will occur;
- (3) the permittee's signature, before burning, documenting
 - (A) the permittee's understanding of the permit terms and conditions;
 - (B) the permittee's agreement to comply with them; and
 - (C) acknowledgement of any other terms or conditions determined necessary by an authorized employee of the Division of Forestry.

(b) A permittee must

- (1) sign and date the permit before beginning the burn; and
- (2) comply with any status and limitations requirements, including
 - (A) temporary burn suspensions or restrictions;
 - (B) emergency burn closures or restrictions; and
 - (C) burn limits in the area for that day.

(c) Division of Forestry area offices may be contacted by telephone or through the Division of Forestry's Internet website.

(d) Burning conducted under 11 AAC 95.400 – 11 AAC 95.430 may be subject to other local laws and regulations that are more restrictive. The permittee is responsible for determining and complying with any federal, state, municipal, or local laws or regulations that apply. (Eff. 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.950 AS 41.17.080
AS 41.15.060

Editor's note: The Department of Natural Resources, Division of Forestry website is: <https://dnr.alaska.gov/burn> .

11 AAC 95.430. Denial, suspension, or revocation of permit. (a) A burn permit may be denied, suspended, or revoked by an authorized employee of the Division of Forestry if

(1) a permittee denies access to an authorized employee of the Division of Forestry for the purpose of inspecting the area and material to be burned or that is being burned; or

(2) in the authorized employee's discretion, denial, suspension, or revocation of the permit is necessary to protect life or property.

(e) A person may not engage in burning activities if the department has denied or revoked a permit until the department determines that the basis for the denial or revocation of the permit is corrected and has issued a new permit. (Eff. 2/15/81, Register 77; am 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.060 AS 41.15.950
AS 41.15.050 AS 41.15.090 AS 41.17.080

11 AAC 95.445. Temporary burn suspension. (a) During the fire season, the commissioner may suspend all burn permits in an area when the commissioner determines that high temperature, low humidity, wind, existing fire activity, or any combination of these or other conditions increase the fire danger.

(b) Burning conducted under 11 AAC 95.412(d)(4) must comply with burn suspensions imposed by the local government that issued the permit.

(c) A person may not burn when burn permits are suspended. (Eff. 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.060 AS 41.15.950
AS 41.15.050 AS 41.15.070 AS 41.17.080

11 AAC 95.450. Emergency burn closure. (a) The commissioner may immediately close an area to the setting of fires, smoking, use of specified approved burning devices, entry, or other use on the land when the commissioner determines that these activities would significantly increase the fire danger.

(b) An emergency burn closure applies to all activities and on all state, municipal, and private land identified in the closure, including burning conducted under 11 AAC 95.412(d)(4).

(c) A person may not conduct prohibited activities during an emergency burn closure. (Eff. 2/15/81, Register 77; am 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.950 AS 41.17.080
AS 41.15.050

11 AAC 95.460. Public notice. (a) The Division of Forestry will announce an emergency burn closure by notice on the Division of Forestry's Internet website, local radio, and local print media if any exist. Notice will specify the area closed, the activities restricted, and the effective dates of closure.

(b) The Division of Forestry will announce temporary burn suspensions by notice on the Division of Forestry’s Internet website and by recorded telephone message at local Division of Forestry offices. The announcement will specify the area closed and the effective dates and time period of the suspension. (Eff. 2/15/81, Register 77; am 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.060 AS 41.17.080
AS 41.15.050

Editor's note. The Department of Natural Resources, Division of Forestry website is: <https://dnr.alaska.gov/burn> .

11 AAC 95.470. Environmental control. Any burning for which a permit is required under this chapter must be conducted in the manner required by 18 AAC 50.065(b), (c), and (d), Air Quality Control Regulations. (Eff. 2/15/81, Register 77; am 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.15.060 AS 41.17.080
AS 41.15.050

11 AAC 95.495. Definitions. In 11 AAC 95.400 – 11 AAC 95.495,

- (1) “approved burning device” means any propane, charcoal, or pellet grill; outdoor stove; fireplace; incinerator; hydronic heater; or similar device that
 - (A) is of commercial or standard manufacture;
 - (B) contains burning material;
 - (C) is equipped with safeguards to prevent escapement of fire, such as spark arrestors or other devices; and
 - (D) is not a burn barrel;
- (2) “authorized employee of the Division of Forestry” means a person authorized by the commissioner under AS 41.15.950(a)(1) to enforce the provisions of AS 41.15;
- (3) “burn barrel” means an outdoor circular metal drum of up to 55 gallons capacity that contains burning material;
- (4) “burn closure” means any period of time or geographical area during or within which the commissioner has determined that setting of fires, smoking, entry, or other use of the land would significantly increase fire danger;
- (5) “burning material” means any ignited material;
- (6) “fire season” means the period from April 1 through August 31 annually, and other times designated by the commissioner under AS 41.15.050, including burn closures;
- (7) “forested land” means all land on which grass, brush, timber, and other natural vegetative material grows;

(8) “lawn” means an area of short, maintained, mown grass in a yard, garden, or park;

(9) “material” means any organic or inorganic substance capable of burning;

(10) “natural” means materials composed of any recently living plant matter, including stumps; branches; logs; leaf, needle, and branch litter; grass; untreated lumber; paper; and cardboard. (Eff. 6/10/93, Register 126; am 6/2/2019, Register 230)

Authority: AS 41.15.020 AS 41.17.080

Article 7. General Provisions

11 AAC 95.900. Definitions

In this chapter, unless the context specifically states otherwise: [...]

(8) "burning" includes setting fires and excludes smoking; [...]

(12) "commissioner" means the commissioner of natural resources or the commissioner's authorized designee; [...]

(20) "department" means the Department of Natural Resources;

Authority: AS 41.15.050 AS 41.17.010 AS 41.17.080
AS 41.15.060 AS 41.17.055 AS 41.17.090
AS 41.15.090 AS 41.17.060 AS 41.17.900