

11 AAC 95.400 is amended to read:

**11 AAC 95.400. Purpose.** It is the purpose of 11 AAC 95.400 – **11 AAC 95.495** [11 AAC 95.490] to provide for the protection of forested land from fire. (Eff. 2/15/81, Register 77; am. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:**    AS 41.15.020            AS 41.17.020            AS 41.17.080

11 AAC 95.410 is repealed:

**11 AAC 95.410. Permit.** Repealed. (Eff. 2/15/81, Register 77; repealed \_\_/\_\_/\_\_, Register \_\_\_\_)

11 AAC 95 is amended by adding a new section to read:

**11 AAC 95.412. Permit required.** (a) Except as provided in subsection (e) 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 pursuant to 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 employee of the Division of Forestry;

(B) a peace officer; or

(C) a member of the local fire department.

(c) A person may conduct only a single burn requiring a permit at a time.

(d) A person must be 18 years or older to obtain a permit.

(e) 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.

(f) A person burning a fire pursuant to subsection (e)(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.

(g) A person burning pursuant to subsection (e)(4) of this section also must comply with

11 AAC 95.450 and AS 41.15.040, .050, .070-.120. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 41.15.020 AS 41.15.060 AS 41.15.950  
AS 41.17.020 AS 41.17.080

11 AAC 95 is amended by adding a new section to read:

**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 ten 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) locations authorized by the Division of Forestry; and
- (3) on the Division of Forestry’s Internet website at <https://dnr.alaska.gov/burn>.

(c) A small scale burn permit is valid for the calendar year in which the permit is issued.

(d) A small scale burn permit will include, but is not limited to, 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; and
- (4) location of burn piles away from structures and utility lines. (Eff. \_\_/\_\_/\_\_,

Register \_\_\_\_)

**Authority:** AS 41.15.020            AS 41.15.060            AS 41.17.020  
AS 41.17.080

11 AAC 95 is amended by adding a new section to read:

**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.

(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, which will include but are not limited to:

- (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 prior to the burn to establish special terms and conditions of the permit. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:**    AS 41.15.020            AS 41.15.060            41.15.950  
                  AS 41.17.020            AS 41.17.080

11 AAC 95.420 is repealed:

**11 AAC 95.420. Content of Permit.** Repealed. (Eff. 2/15/81, Register 77; repealed \_\_/\_\_/\_\_, Register \_\_\_\_)

11 AAC 95 is amended by adding a new section to read:

**11 AAC 95.422. Permit requirements.** (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, prior to burning, documenting
  - (A) the permittee's understanding of the permit terms and conditions; and
  - (B) the permittee's agreement to comply with them; and
  - (C) acknowledgement of any other terms or conditions deemed necessary

by an authorized employee of the Division of Forestry.

(b) A permittee must

- (1) sign and date the permit before beginning the burn;
- (2) comply with the terms of the permit;
- (3) contact the closest Division of Forestry Area office by telephone or through

the Division of Forestry's Internet website.

(A) each day immediately prior to starting a burn to obtain the status and limitations for permitted burning in that area for that day; and

(B) if the weather conditions change during burning in a way that increases fire danger (for example, the wind or temperature increases), the permittee must re-check the message to determine whether permit suspensions or burn closures have been implemented; and

(4) comply with any status and limitations requirements, including temporary or emergency burn closures or restrictions.

(c) 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. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:**    AS 41.15.020            AS 41.15.060            AS 41.17.020  
                         AS 41.17.080

Editor's note. The Department of Natural Resources, Division of Forestry website is:

<https://dnr.alaska.gov/burn>

11 AAC 95.430 is repealed and readopted to read:

**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 which 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.

(b) 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. \_\_/\_\_/\_\_, Register \_\_\_\_)

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

11 AAC 95.440 is repealed:

**11 AAC 95.440. Place of burning.** Repealed. (Eff. 2/15/81, Register 77; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

11 AAC 95 is amended by adding a new section to read:

**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(e)(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. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

<b>Authority:</b>	AS 41.15.020	AS 41.15.050	AS 41.15.060
	AS 41.15.070	AS 41.15.950	AS 41.17.020
	AS 41.17.080		

11 AAC 95.450 is repealed and readopted to read:

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

(b) An emergency 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(e)(4).

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

**Authority:** AS 41.15.020 AS 41.15.050 AS 41.15.070  
AS 41.15.090 AS 41.15.950 AS 41.17.020  
AS 41.17.080

11 AAC 95.460 is repealed and readopted to read:

**11 AAC 95.460. Public notice.** (a) An emergency closure will be announced in the area closed by notice on the Division of Forestry’s Internet website, local radio, and local print media if any exist, specifying the area closed and the effective dates of closure.

(b) The department will post and make available through telephone notice of temporary burn suspensions, specifying the area closed and the effective dates of closure, on the department's Internet website, Division of Forestry, and will be available by telephone at local Division of Forestry offices. (Eff. 2/15/81, Register 77; am. \_\_/\_\_/\_\_, Register \_\_\_\_)

Editor's note. The Department of Natural Resources, Division of Forestry website is:

<https://dnr.alaska.gov/burn>.

**Authority:** AS 41.15.020 AS 41.15.050 AS 41.15.060  
AS 41.17.080

11 AAC 95 is amended by adding a new section to read:

**11 AAC 95.465. Inspection of burning devices.** A person must allow the Division of Forestry, a peace officer, or an employee of another agency trained in fire prevention to inspect

an outdoor burning device, including a stove, grill, fireplace, burn barrel, incinerator, hydronic heater, or similar outdoor device which contains burning material at reasonable times to ensure that adequate safeguards are installed to prevent escapement of fire. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:**    AS 41.15.020            AS 41.15.040            AS 41.15.050  
                  AS 41.15.060            AS 41.15.950

11 AAC 95.470 is amended to read:

**11 AAC 95.470. Environmental control.** Any burning **for which a permit is required** [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. (Eff. 2/15/81, Register 77; am. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:**    AS 41.15.020            AS 41.15.050            AS 41.17.080

11 AAC 95.480 is repealed:

**11 AAC 95.480. Additional equipment for operations.** Repealed. (Eff. 2/15/81, Register 77; repealed \_\_/\_\_/\_\_, Register \_\_\_\_)

11 AAC 95.490 is repealed:

**11 AAC 95.490. Other governmental laws.** Repealed. (Eff. 2/15/81, Register 77; repealed \_\_/\_\_/\_\_, Register \_\_\_\_)

11 AAC 95.495 is repealed and readopted to read:

**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;

(A) that is of commercial or standard manufacture;

(B) that contains burning material;

(C) that 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 designated by the commissioner pursuant to AS 41.15.950(a).

(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, 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 but not limited to: stumps; branches; logs; leaf, needle, and branch litter; grass; untreated lumber; paper; and cardboard. (Eff. 6/10/93, Register 126; am. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:**    AS 41.15.020            AS 41.17.080