

**State of Alaska**  
**Department of Natural Resources**  
**Division of Forestry & Fire Protection**



**Northern Region**  
**Forest Land Use Plan**

**Young Negotiated Timber Sale, Units 9-10**  
**NC-1783-T**

**June 2026**

## **Abbreviations**

ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
AS	Alaska Statute
BIF	Best interest finding
CCF	One hundred cubic feet
DMLW	Division of Mining, Land and Water
DOF	Division of Forestry & Fire Protection
FLUP	Forest Land Use Plan
FRPA	Alaska Forest Resources and Practices Act
FYSTS	Five-Year Schedule of Timber Sales
MBF	Thousand board feet
OHA	Office of History and Archeology
ROW	Right-of-way
TVSF	Tanana Valley State Forest

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## **I. Introduction**

Project File Number: NC-1783-T

Division of Forestry & Fire Protection Office: Northern Region Resource Forester: Tom Cheney

Forest Practices Geographic Region (AS 41.17.950): Region III

This Forest Land Use Plan (FLUP) covers proposed forest operations on approximately 66 acres of mature white spruce forest located 14 miles southwest of Tok. It is intended to provide the best available information regarding the proposed harvest of timber, and management of other non-timber uses in compliance with AS 38.05.112 and AS 41.17.060 and must be adopted by the DNR before the proposed activity can occur.

This Forest Land Use Plan is for timber sale(s) which have been determined to be in the best interest of the state pursuant to AS 38.05.035 (e) and AS 38.05.945; Best Interest Finding, Timber Sale NC-1783-T. This FLUP does not determine whether or not to access and sell timber within the timber sale area, nor the method of sale. Those decisions have been made previously in the 06/27/2023 Best Interest Finding and are not appealable under this FLUP.

This Forest Land Use Plan is for timber sale(s) for which a Preliminary Best Interest Finding is currently out for review. A final best interest finding must be completed prior to adoption of a FLUP pursuant to AS 38.05.035 (e) and AS 38.05.945.

This Forest Land Use Plan is for timber to be harvested that does not require a final finding pursuant to AS 38.05.035 (e) and notification under AS 38.05.945.

This Forest Land Use Plan was made available for public comments; the review period ended on May 21, 2026. After public and agency review of the draft FLUP, the DOF reviewed comments, made changes as appropriate (see Appendix C) and has adopted this FLUP. This Forest Land Use Plan has been adopted by the Department of Natural Resources. Site specific compliance with the Alaska Forest Resources and Practices Act and the Regulations, as well as the Final Finding for this proposed project are reflected in this Forest Land Use Plan and will be implemented in the Timber Sale Contract.

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Comments on the specific requirements for harvest, access, and reforestation operations in the FLUP should be submitted in writing to Tom Cheney, Resource Forester on or before June 22, 2026. Address(es) for submitting written comments: State of Alaska, Division of Forestry and Fire Protection, 3700 Airport Way, Fairbanks, AK, 99709, or email [tom.cheney@alaska.gov](mailto:tom.cheney@alaska.gov).

Other Documents are referenced in this FLUP. This timber sale is designed to be consistent with the management intent of the following documents:

ADNR-DFFP Forest Road and Bridge Standard Design

Occupational Safety and Health, Additional Logging Standards

Tanana Valley State Forest Management Plan

Young Negotiated Timber Sale, Best Interest Finding, NC-1783-T

The administrative record for this sale is maintained at the Division of Forestry & Fire Protection Northern Region Office filed as NC-1783-T.

**A. Legal description**

Township 16 North, Range 12 East, Sections 7, 8, 17, 18, 20 of the Copper River Meridian (CRM). The sale area is found within the Tanacross A-5 NE USGS Quadrangle. See also map in Appendix A. See also map in Appendix A.

**B. Operational Period**

Calendar years 2026-2033

**C. Timber Disposal**

- Timber will be sold and will have a contract administrated by the State.
- Timber will be available to the public; permits obtained by the public will be issued by the State.
- Other

**D. Objectives and Summary**

1. To encourage the development of the State’s forest resources, making them available for maximum use under the sustained yield model.
2. To assist the State’s economy by providing local jobs, purchases, and value-added wood products.
3. To improve forest health by harvesting and replacing mature and decadent stands with young and vigorous regenerating ones.
4. Create a mosaic of wildlife habitat conditions for game and non-game wildlife species while maintaining riparian habitat, water quality standards, and prompt reforestation.

**II. Affected Land Owners/Jurisdictions**

**A. State**

Activity on ownership:	Access Easement	Harvest	Written Representative Approval
<input type="checkbox"/> Tanana Valley State Forest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other state land managed by DNR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> University of Alaska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Mental Health Trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> School Trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**B. Other Land Ownership**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Land Owner: Quitclaim Deed (QCD) No. 1227, A public access easement twenty-five feet in width along the existing road that runs from the Glenn Highway northwesterly along the east bank of the Clearwater Creek through U.S. Survey No. 10185, Alaska to the Old Glenn Highway.

Land Owner Representative: N/A

### III. Harvest Methods, Silvicultural Actions, and Management of Non-timber Resources

Forest operations will be designed to:

- Protect fish habitat and water quality in compliance with the best management practices in 11 AAC 95.260-.370,
- Manage for the other land uses and activities identified in AS 41.17.060 and the Best Interest Finding for this timber sale, and
- Ensure prompt reforestation and maintenance of site productivity in compliance with AS 41.17.060(c) and 11 AAC 95 .375-.390.

Harvest and Silvicultural Methods:

- The silvicultural actions are described in this document, and no prescription was written or is necessary.
- A silvicultural prescription has been written and is attached to this document in Appendix B.

#### A. Timber Stand Description and History

Stands within this sale area are approximately 1,950-2,150 feet above sea level within the valley bottom of the Clearwater Creek, a non-glacial tributary of the Tok River. Units are composed of primarily white spruce (*Picea glauca*) sawtimber with a minor component of spruce pole timber/fuelwood. Sawtimber on average was 140 years old with Unit 10 containing approximately 33 CCF/acre and Unit 9 18 CCF/acre. Balsam Poplar (*Populus balsamifera*) of varying size and condition can be found in clusters near riparian areas.

The stands most common defects are sweeps, crooks, broom rust, and butt rot. Numerous windthrown spruce sawtimber with unsound roots were noted with pockets of regenerating spruce and poplar of seedling and sapling size scattered throughout. Common vegetation found included willow (*Salix spp.*), alder (*Alnus spp.*), equisetum (*Equisetum spp.*), prickly rose (*Rosa acicularis*), and lingonberry (*Vaccinium vitis-idaea*). The soil overall appeared rubble in substrate, overlain in silt with a moss/lichen layer of several inches.

Residents and visitors alike have utilized the area historically for hunting, trapping, and recreating. There is an existing dirt road/trail that parallels Clearwater Creek from the Tok Cutoff Highway northwest up the creek drainage.

**B. Timber Harvest Activities**

Timber Harvest Activities are displayed in Table 1.

**Table 1. Timber Harvest Activities**

Unit ID	Acres	Topography	Silvicultural Action	Logging Method
9	9	Flat	Even-aged management utilizing the clearcut system	Ground-based logging
10	57	Flat	Even-aged management utilizing the clearcut system	Ground-based logging
<b>TOTAL</b>	<b>66</b>			

**C. Site Preparation**

- Site preparation will not be necessary. A shallow organic layer, soil disturbance by logging on the existing seedbed, and mature seed trees outside unitline boundaries are all expected to assist with regeneration post-harvest.
- Site preparation will be implemented and described in Table 2:

**D. Slash Abatement**

- Potential for insect infestations caused by slash accumulations exists. Slash abatement for controlling infestations will be implemented as required by 11 AAC 95.370.
- Lop and scatter slash; accumulations will be kept to less than 2 feet in height.
- Slash will be consolidated in piles or disposed of by operations  Slash will be disposed of by the State
- Other - method of slash disposal:  removal off site  crushing or grinding  burning
- Burn permits necessary from DOF and DEC to be acquired.
- The operator will contact the DOF local area office prior to ignition of debris.

**E. Soil Stability / Erosion / Mass Wasting**

- Maximum percent side slopes are  $\leq 50\%$
- Maximum percent side slopes are  $> 50\%$

Percentage of sale area with slopes  $> 50\%$ :   0%  

Maximum percent slopes:   5%  

- There are no indicators of unstable areas.
- Indicators of unstable areas were identified and will be mitigated by actions indicated below.

**F. Timber Harvest—Surface Water Protection**

- There are no streams or lakes abutting or within a harvest unit.
- Known surface waters and protection measures are described in Table 3 below. *Locations are included in the operational map in the Appendices.*

**Table 3. Protection for Known Surface Waters**

Unit	Waterbody Name	AS 41.17.950 Classification	ADF&G AWC #	Required Riparian Protection	Site-specific actions to minimize impacts on riparian area
9, 10	Clearwater Creek	Type III-A	None	Retain timber per AS 41.17.118(a)(3)(B) and AS 41.17.119(3)	FRPA Riparian Standards & Best Management Practices (BMPs)

Surface waters listed above were reviewed by the Department of Fish and Game:

- During the timber sale planning process
- During the agency review conducted for the Best Interest Finding for this sale
- During the drafting of this Forest Land Use Plan
- Stream Crossings (Title 16) Permits are needed per ADF&G Division of Habitat

Surface waters listed above were reviewed by the Department of Environmental Conservation:

- During the timber sale planning process
- During the agency review conducted for the Best Interest Finding for this sale
- During the drafting of this Forest Land Use Plan

Non-classified surface waters are subject to applicable BMPs in 11 AAC 95.

### **G. Wildlife Habitat**

- Wildlife species and allowances for their important habitats were addressed in writing by the Department of Fish & Game during the Best Interest Finding review.
- Wildlife species and allowances for their important habitats were addressed in writing by the Department of Fish & Game during the drafting of this Forest Land Use Plan.

Silvicultural practices to be applied to minimize impacts to wildlife habitat or wildlife management:

- Timber retention - concentrations of timber surrounding harvest units or interspersed within harvest units to provide cover.
- Retention of snags and hardwoods- spruce snags and some live poplar may be left on site for cavity nesting species and other wildlife.
- Fine Woody Debris (FWD) – logging debris interspersed within harvest units to provide cover left on site.
- Other actions: Slash piles (minor) – interspersed as habitat features for denning and cover.

- Spruce snags and live poplar may be left within units so long as they do not create hazardous situations. These trees may provide wildlife with nesting platforms, perches to hunt from, escape cover, and cavities for maternal dens.
- Some slash piles and fine woody debris may be retained within units to offer habitat for small mammals and other non-game species. Slash accumulation will to be kept to a minimum so as not to impede reforestation.

### **H. Cultural and Historical Resource Protection**

- This project was reviewed by the Office of History & Archaeology (OHA).
- No artifacts have been reported within the project area(s).
- Known or likely sites have been identified and a mitigation plan is in place. (Describe the mitigation actions.)

**I. Reforestation**

Reforestation will occur utilizing the clearcut system to create space and allow adequate light to reach the forest floor in support of the natural regeneration of white spruce and other commercial tree species. The proposed sale area is found within Region III where reforestation must be achieved within seven years after harvest, though the division may allow for a period of up to twelve years for natural regeneration where site conditions indicate a likelihood of success. In Region III the number of seedlings must average a minimum of 450 per acre and must have survived on site for a minimum of two years (11 AAC 95.375). If natural regeneration does not occur within the required timeframe or evidence suggests the unlikelihood, artificial regeneration will be prescribed in the form of planting (seedlings or cuttings), direct seeding or a combination.

Harvest type as it relates to reforestation requirement:

- Clearcut, Even-Aged Management
- Region I: Partial Harvest leaving more than 50% live basal area (11 AAC 95.375(b)(3))
- Region II or III: Partial Harvest relying on residual trees to result in a stocking level that meets standards of 11 AAC 95.375(b)(4).

Season of harvest:

- Winter harvest only
- Non-winter harvest only
- All-season harvest

Regeneration type:

- Natural regeneration

List species: White Spruce (*Picea glauca*), Balsam Poplar (*Populus balsamifera*)

- Coppice

List species: Balsam Poplar (*Populus balsamifera*)

- Artificial regeneration
- Seeding: Species and source of seed (general vicinity location of seed source)

---

Planting: Species: \_\_\_\_\_ Date of proposed planting: \_\_\_\_\_  
Source of seedlings (location of seed source): \_\_\_\_\_

## IV. Roads and Crossing Structures

### A. Road Design, Construction, and Maintenance

Roads will be designed, constructed, and maintained to prevent significant adverse impacts on water quality and fish habitat (AS 41.17.060(b)(5)), and site productivity (AS 41.17.060(c)(5)). Roads will comply with the best management practices in the Forest Resources and Practices Regulations (11 AAC 95.285 – 95.335). New and existing roads will be constructed and maintained to the road standards set out in the ADNR-DFFP Road and Bridge Standard Design. Roads or other means required for the access and removal of this timber from the harvest area(s) or unit(s) are listed in Table 5A and 5B.

**Table 5A. Road Reconstruction and Use**

Road ID	Harvest Unit	Mile **	Road Class	Maximum Grade %*	Constructed By	Maintained By
Eagle Trail Road	9, 10	0.9	All Season Secondary Road	10%	Purchaser	Purchaser

**Table 5B. New Road Reconstruction and Use**

Road ID	Harvest Unit	Mile **	Road Class	Maximum Grade %*	Constructed By	Maintained By
Spur 83-9	9	0.08	All Season Spur	12%	Purchaser	Purchaser
Clearwater Road	10	0.9	All Season Spur	12%	Purchaser	Purchaser

*Road Class is as defined in the DOF Road Standards.*

*\*Note: Roads must be less than 20% grade per 8 AAC 61.1060 Additional Logging Standards.*

*\*\* One mile equals 5,280 feet.*

**B. Soil Erosion / Mass Wasting**

Maximum percent side slopes: \_\_\_\_\_ 5% \_\_\_\_\_

- Maximum percent side slopes are  $\leq 50\%$
- Maximum percent side slopes are  $> 50\%$ 
  - There are no indicators of unstable areas where roads will be constructed
  - Indicators of unstable areas were identified and will be mitigated by actions indicated below:

**Table 6. Road Erosion Control Risk and Mitigation**

Road ID	Identified Erosion Risk	Risk Level	Mitigation
Eagle Trail Road	Existing Road Route	Low	Upgrade Road to ADNR-DFFP Road Standards & FRPA Best Management Practices (BMPs)
Spur 83-9	None	None	FRPA Best Management Practices (BMPs)
Clearwater Road	None	None	FRPA Best Management Practices (BMPs)

General Timber Sale Erosion Control:

- Grass seeding
- Erosion control mats
- Wattle
- Waterbars
- Other: \_\_\_\_\_
- Not applicable

**C. Crossing Structures**

- Are you removing or replacing drainage structures?  YES  NO  
 No crossing structures are needed within the project area.  
 Crossing structures will be placed in access roads as described in the table below:

**D. Road Closure**

Roads constructed for the timber sale that are left open will be subject to maintenance standards under 11 AAC 95. 315. Otherwise, roads constructed for the timber sale will be closed, subject to standards under 11 AAC 95.320.

**Table 8. Road Closures**

Road ID	Unit	Closure Type	Estimated Closure Date	Projected Road Use after Timber Harvest
Eagle Trail Road	9, 10	Inactive	End of harvest	Silvicultural activities, hunting, trapping, mining, recreating
Spur 83-9	9	Inactive	End of harvest	Silvicultural activities, hunting, trapping, recreating
Clearwater Road	10	Inactive	End of harvest	Silvicultural activities, hunting, trapping, recreating

**E. Material Extraction**

- There will be no material extraction sites in the project area.  
 Material extraction and associated overburden disposal will be located outside of riparian areas and muskegs. Material extraction and disposal will be located as shown on the operation map, in a manner that prevents runoff from entering surface waters.  
 Other:

**F. Other Resources Affected by Roads or Material Extraction**

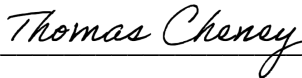
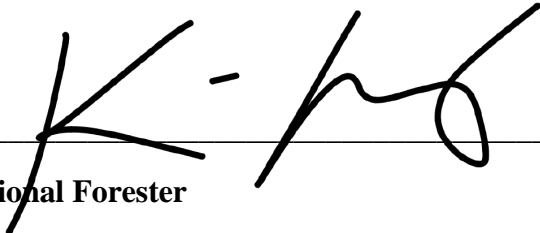
List resources other than water, habitat or cultural resources potentially impacted by road construction, and indicate how impacts will be mitigated. Other affected resources could be, but are not limited to mining claims, scenic areas, recreational trails, etc.

**Table 9. Other Affected Resources**

Impacted Resource	Reviewing Agency	Impact / Mitigation Actions
None	None	None

## Approvals and Appeals

**This Forest Land Use Plan has been reviewed by the Division of Forestry & Fire Protection and provides the information necessary to be adopted by the Department of Natural Resources as required by AS 38.05.112.**

 _____	_____ 06/05/2026 _____
<b>Resource Forester</b>	<b>Date</b>
 _____	_____ 6/5/26 _____
<b>Regional Forester</b>	<b>Date</b>

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision 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 State Courts establish 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](mailto:dnr.appeals@alaska.gov). Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b).

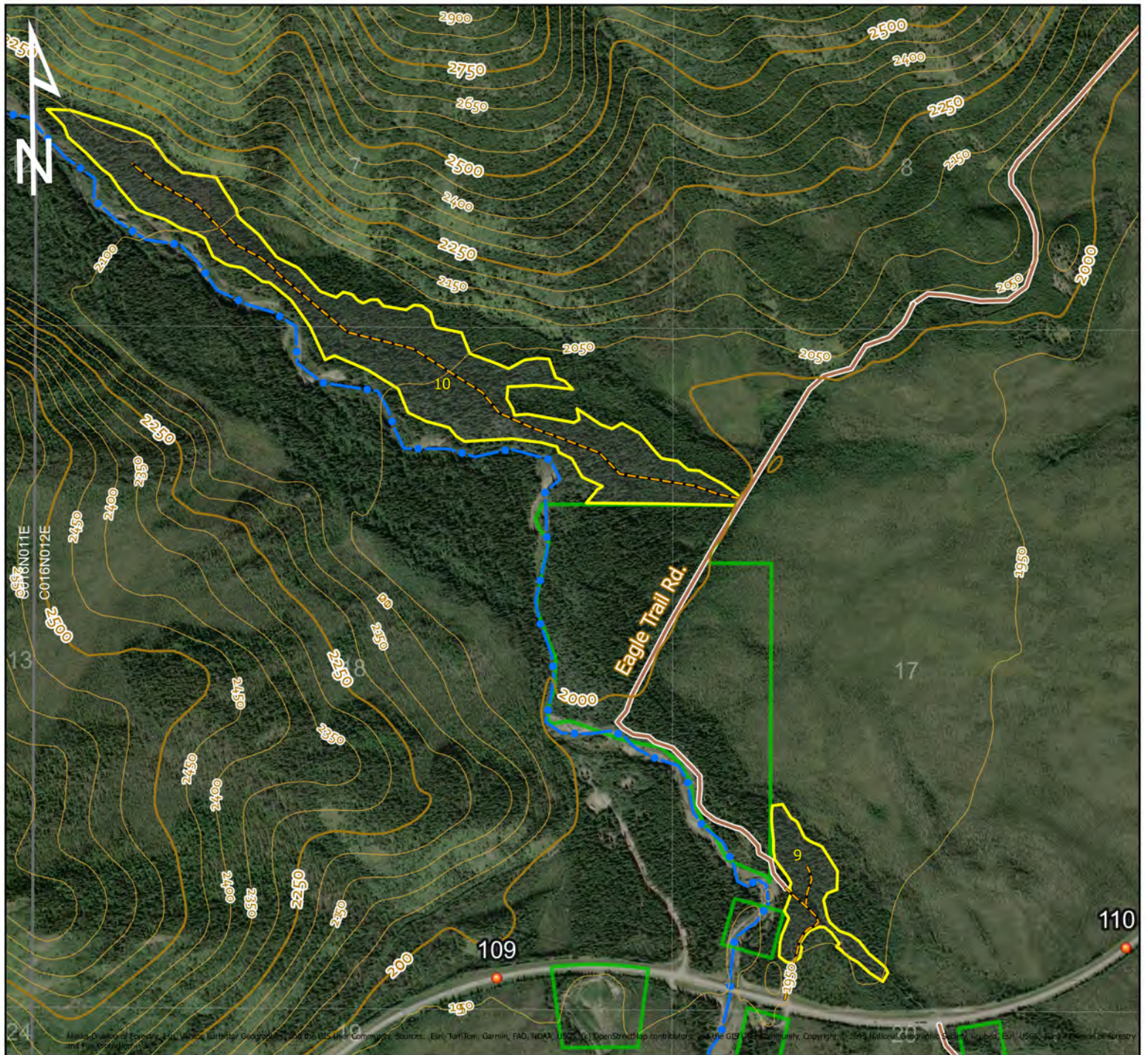
**V. Appendices**

Appendix A. Timber Sale Area Map

Appendix B. Timber Sale Unit Maps

Appendix C. Public and Agency Comments and Responses

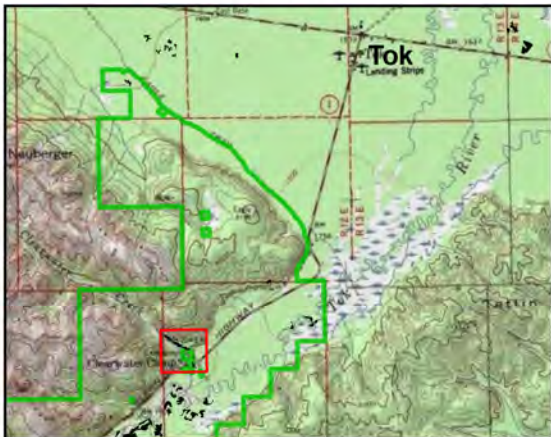
Appendix D. Appeal and Request for Reconsideration Regulations



0 550 1,100 2,200 Feet  
 1 IN = 1100 FT







T16N R12E, Section(s): 7, 8, 17, 18  
 Copper River Meridian

Contours: 50 FT  
 Source: IFSAR



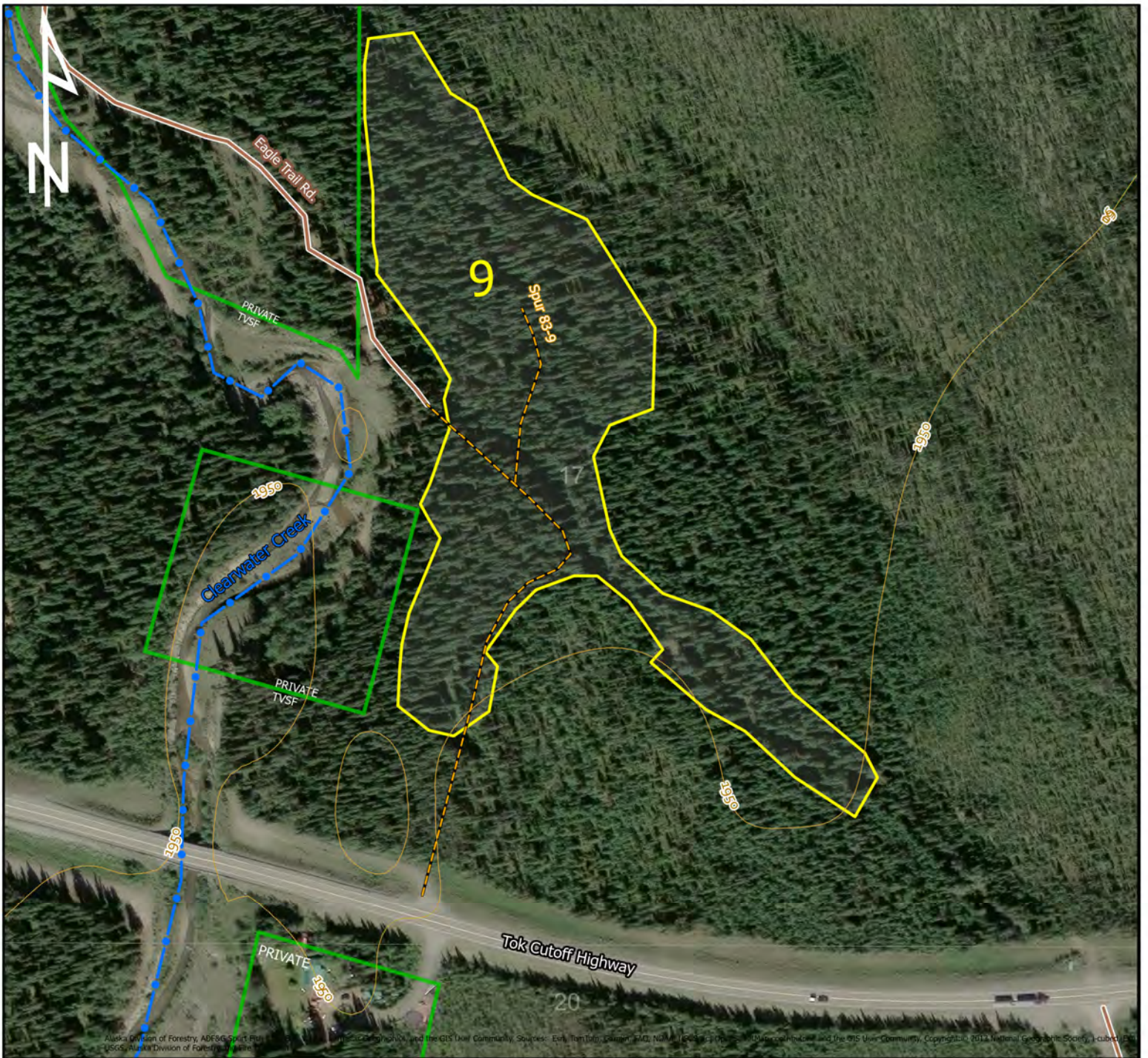
Vicinity Map 1 IN = 7 MILES

**Legend**

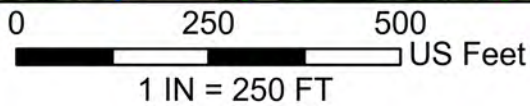
-  Proposed
-  TVSF Boundary
-  Inactive Road
-  Proposed Road
-  Type III-A Stream
-  Mile Marker

## Units 9-10 NC-1783-T Area Map



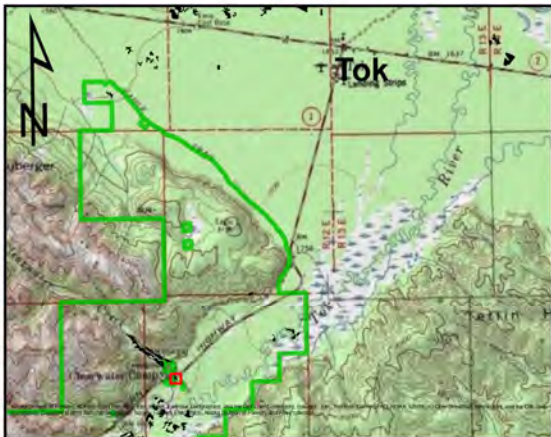


Alaska Division of Forestry, ADF&G Sport Fish and Wildlife Management, and the GIS User Community. Sources: Esri, TomTom, Garmin, FDO, NOAA, USGS, and the GIS User Community. Copyright © 2014 National Geographic Society. i-cubed, Esri, USGS, Alaska Division of Forestry, and the GIS User Community.



T16N R12E, Section(s): 7, 8, 17, 18  
Copper River Meridian

Contours: IFSAR  
Interval: 50 FT



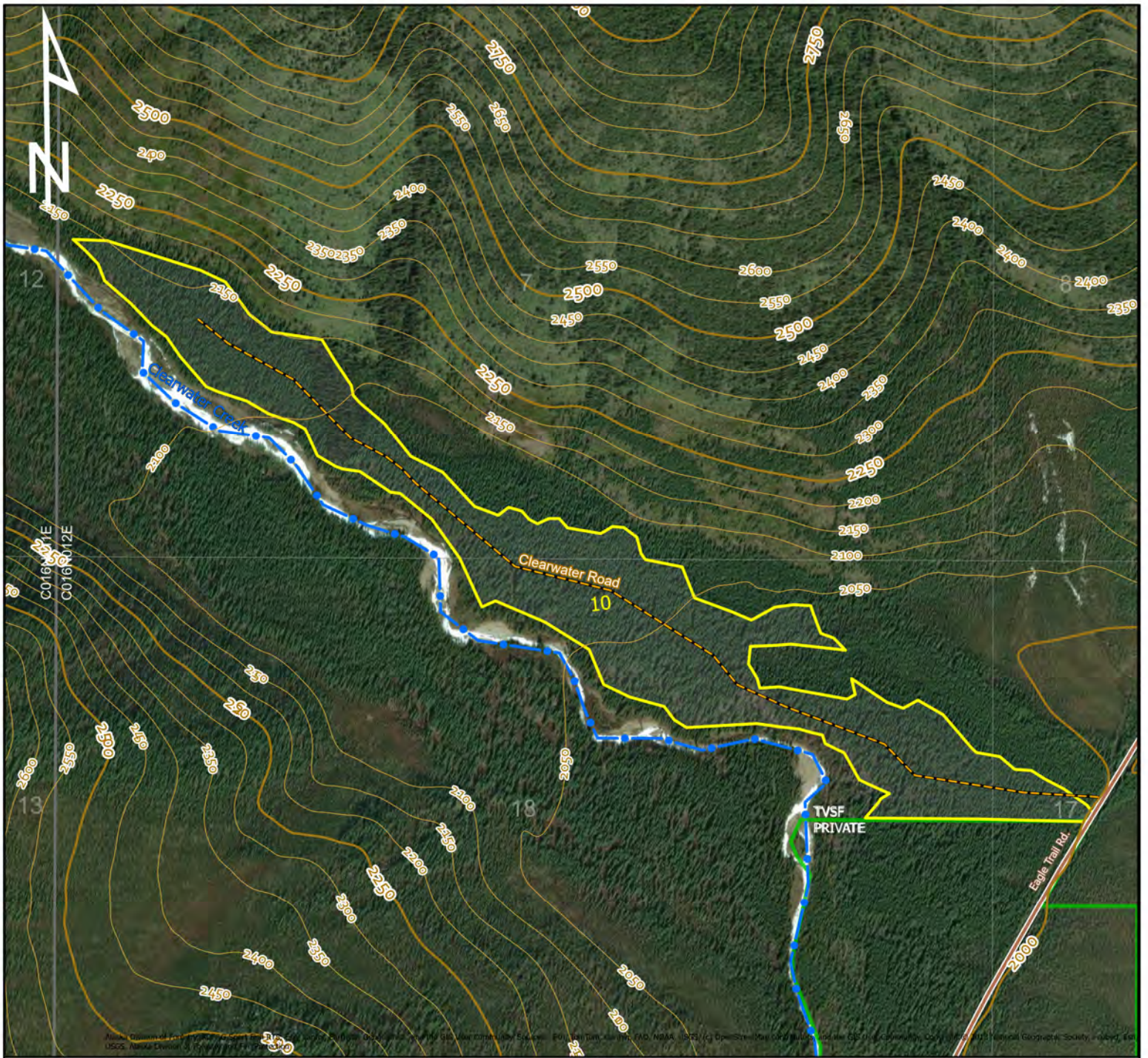
Vicinity Map 1 IN = 7 MILES

**Legend**

- TVSF Boundary
- Proposed Sale
- Type III-A Stream
- Inactive Road
- Proposed Road

**UNIT 9  
NC-1783-T  
Sale Map**

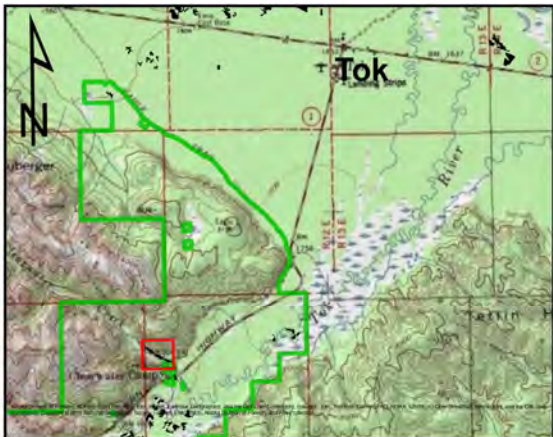




0 250 500 1,000 1,500  
 US Feet  
 1 IN = 750 FT

T16N R12E, Section(s): 7, 8, 17, 18  
 Copper River Meridian

Contours: IFSAR  
 Interval: 50 FT



Vicinity Map 1 IN = 7 MILES

**Legend**

- TVSF Boundary
- Proposed Sale
- Type III-A Stream
- Inactive Road
- Proposed Road

**UNIT 10  
 NC-1783-T  
 Sale Map**



**Appendix C: Public and Agency Comments and Responses**

<b>Young Negotiated Timber Sale, Harvest Units 9-10, NC-1783-T</b>			
<b>Public and Agency Comments and Responses</b>			
<b>Commenter</b>	<b>Date Received</b>	<b>Comment</b>	<b>Response</b>
Alaska Department of Fish and Game (ADF&G)  Todd “Nic” Nichols	04/17/2026	ADF&G has no issues of concern for this plan.	Comment received.
Department of Environmental Conservation (DEC)  Brock Tabor	04/16/2026	I have reviewed the Draft Forest Land Use Plan (DFLUP) associated with Young Negotiated Timber Sale, Harvest Units 9-10 (NC-1783-T) against the DEC Water Quality and Drinking Water Protection Area maps/policies and have no formal comments to provide at this time.	Comment received.
Young’s Timber Inc.	05/15/2026	Page 9, D. Slash Abatement, Lop and scatter slash; accumulations will be kept to less than 2 feet in height.  A. This method will create colder ground temperatures and slow down forest regeneration. B. Would suggest to leave slash in the piles for either the State to burn (training exercises) or leave as micro-habitat for denning, cover, nesting, and food sources.	Comments received.

<b>Young Negotiated Timber Sale, Harvest Units 9-10, NC-1783-T</b>			
<b>Public and Agency Comments and Responses</b>			
<b>Commenter</b>	<b>Date Received</b>	<b>Comment</b>	<b>Response</b>
Young's Timber Inc.	05/15/2026	Page 10, Slash accumulation will be kept to a minimum so not to impede reforestation. A. This seems to contradict Page 9, D Slash Abatement or at least confusing.	Comment Received.

## **Appendix D. Appeal and Request for Reconsideration Regulations**

Note: "Appeal" means a request to the commissioner to review a decision that the commissioner did not sign or cosign. "Request for reconsideration" means a petition or request to the commissioner to review an original decision that the commissioner signed or cosigned.

### **11 AAC 02 Regulations**

#### **11 AAC 02.010. Applicability and eligibility.**

(a) This chapter sets out the administrative review procedure available to a person affected by a decision of the department. If a statute or a provision of this title prescribes a different procedure with respect to a particular decision, that procedure must be followed when it conflicts with this chapter.

(b) Unless a statute does not permit an appeal, an applicant is eligible to appeal or request reconsideration of the department's decision on the application. An applicant is eligible to participate in any appeal or request for reconsideration filed by any other eligible party.

(c) If a statute restricts eligibility to appeal or request reconsideration of a decision to those who have provided timely written comment or public hearing testimony on the decision, the department will give notice of that eligibility restriction as part of its public notice announcing the opportunity to comment.

(d) If the department gives public notice and allows a public comment period of at least 30 days on a proposed action, and if no statute requires opportunity for public comment, the department may restrict eligibility to appeal or request reconsideration to those who have provided timely written comment or public hearing testimony on the proposed action by including notice of the restriction as part of its public notice announcing the opportunity to comment.

(e) An eligible person affected by a decision of the department that the commissioner did not sign or cosign may appeal the decision to the commissioner within the period set by 11 AAC 02.040.

(f) An eligible person affected by a decision of the department that the commissioner signed or cosigned may request the commissioner's reconsideration within the period set by 11 AAC 02.040.

(g) A person may not both appeal and request reconsideration of a decision.

#### **11 AAC 02.015. Combined decisions.**

(a) When the department issues a combined decision that is both a final disposal decision under AS 38.05.035(e) and any other decision, including a disposal decision combined with a land use plan decision, or a disposal decision to grant certain applications combined with a decision to deny others, the appeal process set out for a disposal decision in AS 38.05.035(i) - (m) and this chapter applies to the combined decision.

(b) Repealed 12/27/2012.

#### **11 AAC 02.020. Finality of a decision for purposes of appeal to court.**

(a) Unless otherwise provided in a statute or a provision of this title, an eligible person must first either appeal or request reconsideration of a decision in accordance with this chapter before

appealing a decision to superior court.

(b) The commissioner's decision on appeal is the final administrative order and decision of the department for purposes of appeal to the superior court.

(c) The commissioner may order or deny a request for reconsideration within 30 calendar days after issuance of the decision, as determined under 11 AAC 02.040(c) - (e). If the commissioner takes no action during the 30-day period, the request for reconsideration is considered denied. Denial of a request for reconsideration is the final administrative order and decision of the department for purposes of appeal to the superior court.

(d) If the commissioner timely orders reconsideration of the decision, the commissioner may affirm the decision, issue a new or modified decision, or remand the matter to the director for further proceedings. The commissioner's decision, other than a remand decision, is the final administrative order and decision of the department for purposes of appeal to the superior court.

**11 AAC 02.030. Filing an appeal or request for reconsideration.**

(a) An appeal or request for reconsideration under this chapter must

- (1) be in writing;
- (2) be filed by personal service, mail, facsimile transmission, or electronic mail;
- (3) be signed by the appellant or the appellant's attorney, unless filed by electronic mail; an appeal or request for reconsideration filed by electronic mail must state the name of the person appealing or requesting reconsideration and a single point of contact to which any notice or decision concerning the appeal or request for reconsideration is to be sent;
- (4) be correctly addressed;
- (5) be timely filed in accordance with 11 AAC 02.040;
- (6) specify the case reference number used by the department, if any;
- (7) specify the decision being appealed or for which reconsideration is being requested;
- (8) specify the basis upon which the decision is challenged;
- (9) specify any material facts disputed by the appellant;
- (10) specify the remedy requested by the appellant;
- (11) state the address to which any notice or decision concerning the appeal or request for reconsideration is to be mailed; an appellant may also provide a telephone number where the appellant can be reached during the day or an electronic mail address; an appeal or request for reconsideration filed electronically must state a single address to which any notice or decision concerning the appeal or request for reconsideration is to be mailed;
- (12) identify any other affected agreement, contract, lease, permit, or application by case reference number, if any;
- (13) include a request for an oral hearing, if desired; in the appeal or request for reconsideration, the appellant may include a request for any special procedures to be used at the hearing; the appeal or request for reconsideration must describe the factual issues to be considered at the hearing; and
- (14) be accompanied by the applicable fee set out in 11 AAC 05.160.

(b) At the time an appeal is filed, and up until the deadline set out in 11 AAC 02.040(a) to file the appeal, an appellant may submit additional written material in support of the appeal, including evidence or legal argument.

(c) If public notice announcing a comment period of at least 30 days was given before the decision, an appellant may not submit additional written material after the deadline for filing the appeal, unless the appeal meets the requirements of (a) of this section and includes a request for an extension of time, and the department determines that the appellant has shown good cause for an extension. In considering whether the appellant has shown good cause, the department will consider factors including one or more of the following:

- (1) comments already received from the appellant and others;
- (2) whether the additional material is likely to affect the outcome of the appeal;
- (3) whether the additional material could reasonably have been submitted without an extension;
- (4) the length of the extension requested;
- (5) the potential effect of delay if an extension is granted.

(d) If public notice announcing a comment period of at least 30 days was not given before the decision, an appellant may submit additional written material after the deadline for filing the appeal, if the appeal meets the requirements of (a) of this section and includes a notice of intent to file the additional written material. The department must receive the additional written material within 20 days after the deadline for filing the appeal, unless the appeal also includes a request for an extension of time, and the department determines that the appellant has shown good cause for an extension. In considering whether the appellant has shown good cause, the department will consider factors including one or more of the following:

- (1) comments already received from the appellant and others;
- (2) whether the additional material is likely to affect the outcome of the appeal;
- (3) whether the additional material could reasonably have been submitted without an extension;
- (4) the length of the extension requested;
- (5) the potential effect of delay if an extension is granted.

(e) At the time a request for reconsideration is filed, and up until the deadline to file a request for reconsideration, an appellant may submit additional written material in support of the request for reconsideration, including evidence or legal argument. No additional written material may be submitted after the deadline for filing the request for reconsideration.

(f) If the decision is one described in 11 AAC 02.060(c), an appellant may ask for a stay as part of the appeal or request for reconsideration. The appellant must include an argument as to why the public interest requires a stay.

**11 AAC 02.040. Timely filing; issuance of decision.**

(a) To be timely filed, an appeal or request for reconsideration must be received by the commissioner's office within 20 calendar days after issuance of the decision, as determined under (c) or (d) of this section, unless another period is set by statute, regulation, or existing contract. If the 20th day falls on a day when the department is officially closed, the appeal or request for reconsideration must be filed by the next working day.

(b) An appeal or request for reconsideration will not be accepted if it is not timely filed.

(c) If the appellant is a person to whom the department delivers a decision by personal service or by certified mail, return receipt requested, issuance occurs when the addressee or the addressee's agent signs for the decision. If the addressee or the addressee's agent neglects or refuses to sign for the certified mail, or if the address that the addressee provided to the department is not correct, issuance by certified mail occurs when the decision is deposited in a

United States general or branch post office, enclosed in a postage-paid wrapper or envelope, addressed to the person's current address of record with the department, or to the address specified by the appellant under 11 AAC 02.030(a)(11).

(d) If the appellant is a person to whom the department did not deliver a decision by personal service or certified mail, issuance occurs

(1) when the department gives public notice of the decision; or

(2) if no public notice is given, when the decision is signed; however, the department may state in the decision a later date of issuance and the corresponding due date for any appeal or request for reconsideration.

(e) The date of issuance constitutes delivery or mailing for purposes of a reconsideration request under AS 44.37.011(d) or AS 44.62.540(a).

**11 AAC 02.050. Hearings.**

(a) The department will, in its discretion, hold a hearing when questions of fact must be resolved.

(b) The hearing procedure will be determined by the department on a case-by-case basis. As provided in 11 AAC 02.030(a)(13), any request for special procedures must be included with the request for a hearing.

(c) In a hearing held under this section

(1) formal rules of evidence need not apply; and

(2) the hearing will be recorded, and may be transcribed at the request and expense of the party requesting the transcript.

**11 AAC 02.060. Stays; exceptions.**

(a) Except as provided in (c) and (d) of this section, timely appealing or requesting reconsideration of a decision in accordance with this chapter stays the decision during the commissioner's consideration of the appeal or request for reconsideration. If the commissioner determines that the public interest requires removal of the stay, the commissioner will remove the stay and allow all or part of the decision to take effect on the date set in the decision or a date set by the commissioner.

(b) Repealed 9/19/2001.

(c) Unless otherwise provided in a statute or a provision of this title, a decision takes effect immediately if it is a decision to

(1) issue a permit that is revocable at will;

(2) approve surface operations for a disposal that has already occurred or a property right that has already vested; or

(3) administer an issued oil and gas lease or license, or an oil and gas unit agreement.

(d) Timely appealing or requesting reconsideration of a decision described in (c) of this section does not automatically stay the decision. However, the commissioner will impose a stay, on the commissioner's own motion or at the request of an appellant, if the commissioner determines that the public interest requires it.

(e) A decision takes effect immediately if no party is eligible to appeal or request reconsideration and the commissioner waives the commissioner's right to review or reconsider the decision.

**11 AAC 02.070. Waiver of procedural violations.**

The commissioner may, to the extent allowed by applicable law, waive a requirement of this chapter if the public interest or the interests of justice so require.

**11 AAC 02.900. Definitions.**

In this chapter,

- (1) “appeal” means a request to the commissioner to review a decision that the commissioner did not sign or cosign;
- (2) “appellant” means a person who files an appeal or a request for reconsideration;
- (3) “commissioner” means the commissioner of natural resources;
- (4) “decision” means a written discretionary or factual determination by the department specifying the details of the action to be allowed or taken;
- (5) “department” means, depending of the particular context in which the term is used, the Department of Natural Resources, the commissioner, the director of a division within the Department of Natural Resources, or an authorized employee of the Department of Natural Resources;
- (6) “request for reconsideration” means a petition or request to the commissioner to review an original decision that the commissioner signed or cosigned.