

S B

759

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FOREST LAND AND WATER MANAGEMENT
POLICY AND PROCEDURE MANUAL

CHAPTER ⁵¹²²~~2182~~ Permits

SECTION 5 Trapping Cabin Construction Permits

5/1/81

- 1.1 This section applies to permits authorizing the construction and occupancy of trapping cabins on state lands pursuant to AS 38.95.080 and 11 AAC 94.

- 2.1 In this section, "occupancy" means the use of a cabin for purposes normally associated with trapping furbearers. It does not mean residency or the use of the cabin for non-trapping-related activities.
- 2.2 "Vacant, unappropriated, unreserved general grant land" is defined in 11 AAC 94.410(3)(A) and (B).

POLICY AND PROCEDURE MANUAL

CHAPTER 2182 5122

SECTION 5

PAGE 3 of 4

5/1/81

- 3.1 A trapping cabin construction permit does not authorize the use of the cabin site for a residence or for other purposes not directly associated with trapping furbearers.
- 3.2. A trapping cabin construction permit does not constitute a preference for land or for a remote cabin permit. It does not convey ownership rights to the land. It does not constitute waiver of any other state laws regarding trespass, waste or pollution.
- 3.3 A trapping cabin construction permit is issued for a period not to exceed one year. It can be renewed for succeeding one-year terms if continued use and occupancy is established and the applicant continues to meet the qualifications of AS 38.95.080, and if it is determined to be in the best interest of the state.
- 3.4 The non-reimbursable filing fee for this type of permit is defined in 11 AAC 94.010 (b). The user fee is \$10 for a term of the permit.
- 3.5 A trapping cabin construction permit is revokable immediately for violation of applicable statutes, regulations or stipulations of the permit, or if the director determines that continuance of the construction or occupancy of the cabin poses a threat to public safety or welfare. The permit is revocable without cause upon a thirty day notice.

POLICY AND PROCEDURE MANUAL

CHAPTER

~~2182~~ 5122

SECTION

5

PAGE

4 of 4

5/1/81

4.1 The procedure for issuing trapping cabin construction permits is the same as that for land use permits (Chapter 2182, Section 1, part 4.1) with the following exceptions:

- A. Before an application is accepted, it must be determined that the application includes those items required by 11 AAC 94.010, that the land under application is vacant, unappropriated, unreserved general grant land, and that the cabin site is not located within two miles of an existing trapping cabin or site or within ten miles of a road.
- B. A receipt for the filing fee and permit fee is given or sent to the applicant and the application is numbered. The fees are sent to accounting.
- C. The permit fee is refunded if the permit is not issued.

4.2 The procedures for renewing a trapping cabin construction permit are as follows:

- A. Prior to the expiration of the permit, the applicant sends a letter to the issuing office stating his interest in renewing the permit and submits a \$10 user fee. This letter must be accompanied by a copy of the permittee's current trapping license and evidence of past use of the trapline (i.e., fur sale receipts).
- B. The district or area office gives or sends the applicant a receipt for the user fee. The fee is then sent to accounting.
- C. Land status is checked as in 4.1 A. above and, if appropriate, other agencies are afforded an opportunity to review the renewal request.
- D. The decision to deny or approve the renewal request is made by the director or his delegate.
- E. If approved, a copy of the renewal permit and stipulations is sent to the applicant for signature as stated in Chapter 2182, Section 1, part 4.1. The tickler file cards are updated.
- F. If denied, the director or his delegate sends the applicant a certified letter (return receipt requested) explaining the reason for the decision, and reimburses the applicant for the permit fee.

4.1 Following is the procedure for issuance of land use permits (other than for generally permitted activities):

- A. The application is received at the district or the area office and reviewed for accuracy and completeness.
- B. Land status is checked for state ownership and for any reservations or prohibited uses and to determine if the area is subject to coastal zone regulations. The application will be rejected if the existing classification is inconsistent with the proposed use. The land need not be classified if it is unclassified at the time of application.
- C. If the application is for use of lands under the jurisdiction of another agency (i.e. parks, sanctuaries, or IIMA's) it is forwarded to the appropriate agency for action and the applicant is notified.
- D. The application if proper is then given a number such as NC-81-004 which would be the fourth permit granted by the Northcentral District in fiscal year 1981. A third letter may be added in the prefix to denote area offices, i.e., SCC would denote the Copper River Area of the Southcentral District. It is then filed in a permit file which is kept by township, range, and section with a cross index to the name of the applicant.
- E. Any proposed use which may be potentially damaging to the environment or hazardous to the health, safety or welfare of the public must be carefully reviewed. Discretion should be used when coordinating with other agencies which, by law or other authority, share jurisdiction over the use. Examples of these types of activities include storage of flammable or explosive materials, activities in zones of suspected geologic hazards, use of a material site for target practice, and activities which may significantly affect anadromous fish habitat.

Review and approval by the appropriate agency is mandatory when the activity applied for is within a game refuge, critical habitat area, coastal district, or other area designated "special use."

In cases where the application is sent to other agencies, the applicant is notified that additional review time will be required. The application is forwarded to the appropriate agency for review with a request for response within 15 working days. If agency review is mandatory, no permit will be issued without concurrence and failure of the agency to respond must be deemed non-concurrence. Where a review is

POLICY AND PROCEDURE MANUAL

CHAPTER 2182 5122

SECTION 1

PAGE 10 of 11 5/1/81

elective, the notice will give the agency fifteen calendar days to respond, and nonresponse will be deemed a nonobjection. If the permit area requested is tideland or the bed of a waterbody declared navigable by federal courts, notice must be given to the upland owner. Comments are reviewed and appropriate special conditions added to the permit.

- F. Where applicable, a finding of consistency with the coastal management program must be made for each permit issued. The consistency determination will be made by the authorized officer.
- G. The permit is either issued, denied or the review period extended within a thirty day period. The permit or application denial is signed by the director or his delegee with any necessary stipulations or conditions.
- H. If the application is denied, the applicant must be informed of the reason for denial. He then has the right first to appeal such denial to the director and subsequently appeal to the commissioner.
- I. If approved, the permit is accepted by the applicant in writing if present or mailed to him by certified mail. The user fee is collected or the bill is mailed with the permit. It is not effective until signed by the applicant and returned to the office issuing the permit, with the user fee and bond or other security if required, and signed by the authorized officer. The applicant's failure to sign and return the permit by the applicant within 30 days of receipt constitutes his rejection of the conditions of the permit.
- J. A copy of the issued and signed permit will be filed in the township permit file kept in the field office and a name and address card filed in the cross-indexed permittee name file.
- K. A tickler file will also be established by the issuing office to give advance warning of scheduled monitoring and the expiration date of all permits. In the future, it may be possible to accomplish steps J and K by automated data processing.
- L. A permit may be revoked or altered by serving notice directly upon the permittee. If the revocation is pursuant to a special use designation per paragraph 2.2 above, the revocation is not effective until 30 days after notice of the designation has been published.
- M. A notice revoking a permit under paragraph 3.3 of this section shall be signed by the director or his delegee. The notice shall be sent by certified mail, return receipt, and

shall be considered delivered when postmarked or when receipted by permittee if delivered by hand.

- N. Normally, a field inspection must be conducted as a condition of releasing a bond or security. If the inspection indicates that the activity violated the stipulations of the permit, the permittee shall be given an appropriate length of time to take corrective action. If subsequent inspections indicate that the permittee remains in violation, the bond shall be revoked and the monies used to minimize adverse effects.
- O. A permittee may be given up to 30 days to remove any improvements and do site restoration work. At his discretion, the district manager may extend this time period due to adverse weather conditions or other extenuating circumstances. Failure to remove any improvements or to restore the site may result in filing a civil or criminal complaint or both by the Attorney General.

SAMPLE

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FOREST, LAND & WATER MANAGEMENT

LAND USE APPLICATION AND PERMIT

2. APPLICANT

1. PERMIT - For Office Use Only			
<u>Doe, Jane</u>	<u>Smith</u>	<u>NC</u>	<u>81 001</u>
Name (Last)	(First)	(MI)	Received by District Year Number
<u>100 Main St. Anchorage, AK 99501</u>		<u>279</u>	<u>5577</u>
Street/P.O. Box	City	State	Zip Phone

3. LAND LOCATION:

Township 18 N, Range 9 E, Copper R. Meridian, Section 4 Portion NW4
 Other Description 640 LOT 4

4. PROPOSED ACTIVITY: Store dynamite for use in highway construction - stored in a trailer; no additional required; area will be fenced with 8' chain link fence; and signs indicating dangers; no (see below)
 Use extra sheets if necessary

5. SPECIAL STIPULATIONS: (In addition to conditions on reverse side)
Fence must be kept in good repair.

6. DATE OF APPLICATION: May 1 19 81
 7. DATE OF INTENDED USE (not to exceed one year) From 5/30 to 9/1/1981
 8. CONTACT PERSON, if other than applicant: Mike Johnson
 Name
Box 291, TOK AK 99780 685-0001 Foreman
 Address Telephone No. Position/Title

9. Jane A. Doe 5/1/81
 SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE Title Date

10. APPLICATION IS Granted Denied Granted as modified
 By William H. Tapeland Active DM 5/15/81
 Division of Forest, Land and Water Management / Title Date

11. BOND IS REQUIRED (See attached bond)

12. SUPPLEMENTAL INFORMATION
smoking, and explosives:

ALASKA
STATE LEGISLATURE

MEMORANDUM

JOHN HANLEY
HOUSE RESOURCES COMMITTEE

4/14/82

RF: REQUEST OF 1:10 P.M.

PER YOUR REQUEST ATTACHED IS BACK GROUND INFORMATION ON:

SB 275

✓ SB 759

SB 525

SB 772

SB 87 - WAS WAIVED BY THE SENATE RESOURCES COMMITTEE



LEGISLATIVE SUMMARY

CSSB 759 (res) "An Act relating to the size of trapping cabins."

Page 1, line 18, deletes "768" and inserts "400" in its place.

Sec. 1: Amends existing law to allow a trapping cabin permittee to construct one cabin of up to 400 square feet in size. Any other cabins constructed under the same permit may not exceed 192 square feet in size.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

March 8, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

Hearing:

SB 730 An Act establishing the Aleksandr Laranof State Game Refuge.
SB 745 An Act extending the lapse date for the FY 82 appropriation for land disposal surveys.
SB 759 An Act relating to the size of trapping cabins.
SB 832 An Act extending the lapse date for the FY 82 appropriation for the Citizen Advisory Commission.

SB 745

Jeff Havnes, Deputy Commissioner, Department of Natural Resources, explained that this capital appropriation is necessary to continue survey work (\$11 million) and municipal grants (\$2 million).

Senator Fischer asked that SB 832 be heard before any action was taken on SB 745.

SB 832

Senator Fischer stated he would like SB 745 and SB 832 combined since they both amend the same line of the same statute.

Senator Fahrenkamp expressed opposition in consideration of the sponsors.

Senator Mulcahy moved SB 745 and SB 832 with individual recommendations.

Senate Resources Committee
March 8, 1982
Page 2

SB 759

Jeff Haynes stated that the existing statute limits the size of trapping cabins to 192 square feet. DNR feels the increase to 768 square feet that SB 759 would provide is too great. A smaller size would discourage the establishment of a permanent residence on a \$10/year trapping permit.

Senator Fahrenkamp said a Committee Substitute had been prepared that limits the size to 400 square feet.

Senator Eliason disagreed with the size limit, stating that criteria for obtaining a permit limit the cabin's use to trapping.

Senator Gilman moved the adoption of the Committee Substitute for SB 759. He then moved CSSB 759 with individual recommendations.

SB 730

Senator Sturgulewski moved to rescind the Committee's action on SB 730.

Senator Fahrenkamp explained that after action was taken last Friday, the land manager in Kodiak called about a technical error in the bill.

Senator Mulcahy stated that on page 1 line 29, and page 2 line 1, "21" should read "23". He moved the adoption of the Committee Substitute for SB 730. He then moved CSSB 730 with individual recommendations.

The meeting was adjourned at 2:00 p.m.

LEGISLATION SUMMARY

SB 759: " An Act relating to the size of trapping cabins."

Sec. 1: Amends existing law to allow a trapping cabin permittee to construct one cabin of up to 768 square feet in size. Any other cabins constructed under the same permit may not exceed 192 square feet in size.

NOTE: Existing law allows a trapping cabin permittee to construct a specified number of cabins for established traplines, none to exceed 192 square feet in size.

PRIME SPONSOR: Kerttula (by request)

CO-SPONSOR(S): None