

# **STATE ENVIRONMENTAL LAWS AFFECTING ALASKA AGRICULTURE**

*(See NASDA's website for  
Federal Environmental Laws Affecting U.S. Agriculture)*

**A Project of the**

**National Association of State Departments  
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## **The Project Participants**

### **National Association of State Departments of Agriculture Research Foundation**

The National Association of State Departments of Agriculture (NASDA) is a nonprofit, nonpartisan association of public officials comprised of the Commissioners, Secretaries, and Directors of the fifty State Departments of Agriculture in the fifty states and the territories of Puerto Rico, Guam, American Samoa, and the Virgin Islands. NASDA's mission is to represent the State Departments of Agriculture in the development, implementation, and communication of sound public policy and programs which support and promote the American agricultural industry while protecting consumers and the environment. The NASDA Research Foundation is a 501(c)(3) nonprofit, tax-exempt corporation for educational and scientific purposes.

### **National Center for Agricultural Law Research and Information**

The National Center for Agricultural Law Research and Information (Center) was created in 1987 under Public Law 100-202, 101 Stat. 1329-30 to address the complex legal issues that affect American agriculture. The Center focuses its efforts on research, writing, publishing, development of library services, and the dissemination of information to the public. The Center is located at the University of Arkansas School of Law in Fayetteville, Arkansas.

### **Natural Resources Conservation Service**

The Natural Resources Conservation Service (NRCS), formerly known as the Soil Conservation Service (SCS), is a federal agency within the U.S. Department of Agriculture (USDA). NRCS conservationists work with private landowners and operators to help them protect their natural resources.

### **U.S. Environmental Protection Agency**

The U.S. Environmental Protection Agency (EPA) is a federal agency with primary responsibility for implementation of most federal laws designed to protect, enhance, and conserve the nation's natural resources.

## Disclaimer

This guide is designed for use by farmers, ranchers, landowners, and their consultants in understanding the effect environmental laws have on agricultural operations. It is not a substitute for individual legal advice. Producers should always confer with their own attorneys, consultants, or advisors as well as federal, state, and local authorities responsible for the applicable environmental laws.

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The contents and views expressed in this guide are those of the authors and do not necessarily reflect the policies or positions of the United States Department of Agriculture (USDA) NRCS or EPA.

Although every effort has been made to ensure the accuracy of the information contained in this book, environmental statutes, regulations, and ordinances are constantly changing. In addition, the overwhelming complexity and extent of environmental law make it impossible for a single book to describe in complete detail and depth all of the environmental laws and regulations impacting agricultural operations. The following material is simply a basic primer on environmental law for agricultural producers. For these reasons, the utilization of these materials by any person constitutes an agreement to hold harmless the authors, the National Center for Agricultural Law Research and Information, the University of Arkansas, the United States Department of Agriculture, the National Association of State Departments of Agriculture Research Foundation, the Natural Resources Conservation Service, and the United States Environmental Protection Agency for any liability, claims, damages, or expenses that may be incurred by any person or organization as a result of reference to, or reliance on, the information contained in this book.

The background research and final documents were completed in February 2003. Updates of the information contained in the guide will occur on an as needed basis and be available on the internet.

Anyone with comments concerning the guide should contact the NASDA Research Foundation at 1156 15th Street, N.W., Suite 1020, Washington, D.C. 20005, or phone (202) 296-9680.

## Quick Reference Guide

**Producer Note:** The following chart is intended as a quick reference guide to permits which may be necessary for a particular operation. If a permit is necessary, refer to the page numbers listed referencing this document for further information and contact the agencies listed in the final column for information on applications and procedures for securing a permit for an operation. A list of agencies and contact information is also provided in Appendix A.

Regulatory Area	Type of Activity	Permit Required	Agency
Water Quality <i>pp. 1-7</i>	Livestock and aquaculture operations.	Various state agency permits and certifications, and NPDES. Possible multiple federal agency involvement.	Alaska Department of Environmental Conservation (ADEC), Alaska Department of Natural Resources (ADNR), Alaska Department of Fish & Game (ADF&G), Alaska Division of Governmental Coordination (ADGC), and Environmental Protection Agency (EPA). Other possible agency involvement includes U.S. Army Corps of Engineers (USACOE), U.S. Fish & Wildlife Service (USFWS), U.S. Forest Service, State and local land use and management divisions and districts.
	Wetlands dredge and fill activity or dam, dike, or bridge building activities	Section 404 permit, State agency certification, State agency permits or approvals	USACOE with EPA and ADEC, ADNR and ADF&G
	Water usage	Permit required before withdrawal of any water.	ADNR

<b>Regulatory Area</b>	<b>Type of Activity</b>	<b>Permit Required</b>	<b>Agency</b>
Groundwater <i>pp. 8-10</i>	Groundwater protection	Permit required depending on type of activity and area affected, BMPs may be required  Permit required for injection wells	ADEC and ADNR
Air Quality <i>pp. 10-13</i>	Grain terminals and grain elevators	Permit required	ADEC and EPA
	General agricultural operations including odor, dust, or flies	No permit, but may be subject to nuisance suits	ADEC
	Burning	Permit, approval, or notice required	ADEC and ADNR
Solid Waste and Hazardous Waste <i>pp. 13-17</i>	Storage, treatment, or disposal of solid waste	No permit required for most agricultural solid waste, some special requirements may apply	ADEC
	Storage, treatment or disposal of hazardous waste	Permit required	ADEC and EPA
Pesticides and Chemigation <i>pp. 17-19</i>	Sale, distribution & transport of pesticides	Registration, license	ADEC and EPA
	Application of pesticides	License restrictions, special requirements, record keeping	ADEC, ADNR, and EPA
	Disposal of pesticide containers	Special requirements	ADEC and EPA
Wildlife Protection <i>pp. 19-21</i>	Taking of wildlife	Permit or license required, some absolute prohibitions	ADF&G and USFWS

# STATE ENVIRONMENTAL LAWS AFFECTING ALASKA AGRICULTURE

**Producer Note:** Agricultural producers are faced with many challenges in today's rapidly changing world. Changes in industrialization, use of computer-based technology, governmental involvement in market dynamics, and environmental regulation are affecting producers in a number of ways. Environmental regulation is a complex area with both federal and state government involvement. Staying informed is the producer's most useful instrument for meeting the challenges of today's agriculture. This information on environmental regulation is provided to educate producers on the breadth and scope of environmental laws which may impact daily production activities.

## I. WATER QUALITY

### A. Alaska Water Quality Laws and Regulations

Most states have enacted clean water legislation. While these statutes usually contain provisions similar to those found in the parallel federal legislation, there may be significant differences. In fact, state statutes may impose requirements that are even more restrictive than the federal law. In all cases, Clean Water Act (CWA) requirements must be followed since they are enforced along with the state enacted statutes and regulations implemented by the state administrative agencies. Under the CWA, the Environmental Protection Agency (EPA) has delegated the National Pollution Discharge Elimination System (NPDES) permit program to many states, but this is not the case in Alaska. The EPA approves NPDES permits in Alaska. The Alaska Department of Environmental Conservation (ADEC), however, has certification requirements that must be met before NPDES permits are issued. The ADEC should be contacted before beginning any discharge activities.

**Caution:** Because environmental laws and regulations change frequently, all producers must stay in contact with both state and federal officials in order to remain in compliance and aware of changes in the law.

**Producer Note:** Often the specifics of environmental laws are found in agency regulations. In addition, regulations are likely to be amended frequently. As a result, a producer must stay in contact with offices administering specific programs in order to keep up with all changes which may occur.

#### 1. *Alaska Overview*

The ADEC administers the majority of Alaska environmental laws including those addressing water quality, air quality, underground storage tanks, pesticides, waste management, and disposal. Game fish and wildlife and non-game fish and wildlife management are

administered by the Alaska Department of Fish and Game (ADF&G). Permit and other regulations affecting aquatic farming are administered by the Alaska Department of Natural Resources (ADNR), ADF&G, ADEC, and Division of Governmental Coordination (ADGC) within the Office of Management and Budget (OMB) in the Office of the Governor.

**Producer Note:** The substantive state law in Alaska is often contained in agency regulations printed as the Alaska Administrative Code. Regulations tend to be updated regularly. Agencies often provide copies of regulations, application materials, notices of proposed changes, and guidance materials upon request. Producers should stay in contact with the agencies in order to keep up with specific changes in the regulations.

Due to the burdens of multiple agency permit requirements, the Alaska Legislature has simplified the process.<sup>1</sup> Persons with projects requiring multiple permits may submit a master application to the Alaska Department of Environmental Conservation (ADEC). ADEC coordinates with federal, state, and local agencies to facilitate permitting and the dissemination of information to the public.

Alaska law prohibits polluting or adding to the pollution of air, land, subsurface land, or water of the state.<sup>2</sup> Under the Alaska Water Pollution Control law, the ADEC has broad authority to adopt pollution standards and to “determine what qualities and properties of water indicate a polluted condition . . . .”<sup>3</sup>

## 2. *Alaska Water Quality Standards*

The principal water quality law in the state is the Alaska Water Pollution Control and Waste Disposal Statute.<sup>4</sup> The ADEC is authorized by statute to control pollution, adopt water standards, conduct investigations, and issue compliance or emergency abatement orders.

The Division of Forestry, within the Alaska Department of Natural Resources (ADNR), may require forest landowners, timber owners, or forest managers to conduct routine or comprehensive water quality monitoring in order to assess the impact of operations on water quality and protected water uses and to gage the effectiveness of best management practices (BMPs) in meeting water quality standards.<sup>5</sup> ADEC is the lead agency for water quality, point source pollution, and nonpoint source water pollution.

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<sup>1</sup> AS Title 46, Chapter 35 (AS refers to the Alaska Statutes).

<sup>2</sup> AS Tit. 46, Ch. 03.

<sup>3</sup> AS § 46.03.070.

<sup>4</sup> AS Tit. 46, Ch. 03.

<sup>5</sup> AS Tit. 41, Ch. 17; Tit.11, Ch. 95, AAC (AAC refers to the Alaska Administrative Code).

The administrative code sets out water quality standards for various water use classes.<sup>6</sup> These use classes include: agriculture, aquaculture, industrial, domestic, aquatic life, wildlife, and recreation. The antidegradation policy protects and maintains the level of water quality for existing uses.<sup>7</sup> The water quality standards set out the maximum allowable degradation according to each water use class. Operations must not cause or contribute to violations of water quality standards. Additionally, an effluent discharge may not impart chronic toxicity to aquatic organisms. ADEC requires “whole effluent toxicity testing” as a condition for a permit approval or certification if it determines an effluent may exceed established water quality limits. A permit from ADEC is required before any solid or liquid waste may be deposited into any water or onto any land.

The ADEC may, in its discretion, authorize a short term variance from the antidegradation requirement providing certain requirements are met. For example, water quality standards may be exceeded within a mixing zone authorized by ADEC. Applications for a mixing zone are made to ADEC. A permit may be issued allowing deposits of substances on the bottom of marine waters (zone of deposit). Water quality standards and the antidegradation requirements may be exceeded in “zones of deposit.” However, standards must not be violated outside the zone by leaching or any other action. The ADEC may also grant “short term variances” from water quality standards for a one time, temporary, nonpoint source water pollution activity or temporary activity connected with fill or dredge material. The ADEC may set site-specific criteria which are different from the criteria set out in the water quality standards criteria and tables. Persons may request, by application, for the ADEC to set site-specific water quality criterion. Persons may also petition the ADEC for the adoption or repeal of a classification of water. ADEC considers permit compliance and best management practices (BMPs) when determining whether to initiate an enforcement action against violators.

There are regulations and prohibitions regarding the construction of dams, dikes, obstructions, or changes to streams or beds (see discussion below on “Changes Affecting Water, Dams, Obstructions, Pollution”). Also any use of waters affecting fish, particularly salmon is highly regulated. These regulations and restrictions are discussed below in the section on state wildlife protection.

The Alaska nuisance law<sup>8</sup> prohibits anyone from placing a dead animal or parts of such, excrement, garbage, offal, or a “putrid, nauseous, decaying, deleterious, or offensive substance” into any water or onto any land, lot, or premise. It is a misdemeanor to neglect or refuse to abate such a nuisance.

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<sup>6</sup> Tit. 18, Ch. 70, AAC.

<sup>7</sup> 18 AAC § 70.015.

<sup>8</sup> AS Tit. 46, Ch. 03

### 3. *Alaska Pollutant Discharge Elimination System Permits*

The EPA issues national pollutant discharge elimination permits (NPDES) for Alaska. Although the EPA issues the NPDES permits, the ADEC also has requirements which must be met before any such permitting activities are undertaken.<sup>9</sup> A copy of federal application materials must be contemporaneously filed with the ADEC and the federal permitting agency. The ADEC must certify the activities allowed under the NPDES permit will not violate state water quality. The ADEC also certifies the activities allowed under dredge and fill permits in wetlands and navigable waters will not violate state water quality. Dredge and fill permits are issued by the U.S. Army Corps of Engineers.

**Producer Note:** Producers should consult with the Alaska Department of Environmental Conservation (ADEC) to determine if any discharge activities conducted within their operations require permits.

#### *a. Concentrated Animal Feeding Operations*

Neither the Alaska statutes nor the Alaska Administrative Code mentions concentrated animal feeding operations (CAFOs) or livestock waste facilities. However, a permit is required for a lagoon or stabilization pond.<sup>10</sup> ADEC handles permitting of such lagoons. Permits may be issued for both nonpercolating and percolating stabilization ponds provided certain requirements are met. ADEC may require periodic groundwater monitoring as a condition of the wastewater discharge permit.

#### *b. Concentrated Aquatic Feeding Operations*

The ADNR, ADF&G, ADEC, and ADGC all have regulations affecting concentrated aquatic feeding operations (CAqFOs) or aquatic farming.<sup>11</sup> Applications are submitted on a multi-agency form to aid the simplification of this process. A producer must apply for a permit from the ADF&G before constructing or operating an aquatic farm or hatchery along with other requirements. Requirements include:

- A permit from the ADF&G;
- An aquatic farmsite lease from the ADNR;
- A Coastal Zone Consistency Certification from ADGC; and

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<sup>9</sup> Tit. 18, Ch. 15, AAC.

<sup>10</sup> 18 AAC § 72.260.

<sup>11</sup> AS. §§ 16.40.100 - 16.40.210; Tit. 11, Ch. 63 AAC.

- A water quality certification from ADEC.

The ADEC also has requirements for the operation and siting of CAqFOs and hatcheries that include:

- Restrictions on the use of chemicals;
- Monitoring of operations and products; and
- Protections for the public against contaminated aquatic farm products.

Additionally, various federal permits may be required. For example, water involved in aquatic farming must meet certain federal as well as state water quality standards.<sup>12</sup> Producers should check with the U.S. Army Corps of Engineers, U.S. Forest Service, and U.S. Fish and Wildlife Service as to their requirements. Likewise, there may also be requirements, prohibitions, or restrictions imposed by conservation (?) district management plans, state land use plans, municipal or borough land use plans, and zoning or other local ordinances depending on the particular location and site of the proposed aquatic farm.

An approved Aquatic Farm Development Plan for each aquatic species is required before a permit is issued. Aquatic shellfish farming must be consistent with the Alaska Coastal Management Program (ACMP). Aquatic farm permits require the posting of a bond or other forms of security to cover possible site cleanup or restoration costs. The holder of an aquatic farm permit is under a statutory duty to report disease within 48 hours of discovery to the ADF&G.

Separate permits from the ADF&G are required for the selling, transportation, growing, and acquisition of aquatic stock and plants including wild plants and wild stock. Finfish farming is prohibited by statute.

*c. Changes Affecting Water, Dams, Other Obstructions*

The ADF&G has permit authority over activities affecting streams frequented by anadromous fish.<sup>13</sup> In particular, the ADF&G has authority to regulate nonpoint source pollution affecting anadromous fish and anadromous streams and their tributaries. The ADF&G publishes an Atlas and a catalog of “Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes.” These materials identify which waters require ADF&G notification, approval, or a permit before beginning certain activities in or near these waters. These materials include maps, requirements, definitions, permit application procedures, and a user’s guide.

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<sup>12</sup> 18 AAC § 34.200

<sup>13</sup> AS Tit. 16, Ch. 05 & 20.

The ADF&G must be notified before anyone may “use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream” or begin a hydraulic project.<sup>14</sup> The ADF&G may require plans and other information. It is a crime for anyone to proceed in the above activities without ADF&G approval. In addition to fines, a violator may be required to pay costs of stream restoration and damages for fish, wildlife, and their habitat.

The ADNR regulates dams.<sup>15</sup> A dam is any artificial barrier with certain impounding capacities, height, or having the possibility of impacting property or human safety (see the statute and regulations for details). A Certificate of Approval from the ADNR is required before anyone may construct, operate, modify, abandon, use, or remove a dam.

#### **4. *Alaska Nonpoint Source Pollution***

The ADEC is the lead agency for programs addressing nonpoint source pollution.<sup>16</sup> The Forest Resources and Practices Statute<sup>17</sup> authorizes the both the ADNR and ADEC, however, to develop regulations for control of nonpoint source pollution.<sup>18</sup>

The ADNR may require forest landowners, timber owners, or forest managers to conduct routine or comprehensive water quality monitoring in order to assess the impact of operations on water quality and protected water uses and to gage the effectiveness of best management practices (BMPs) in meeting water quality standards.<sup>19</sup> The ADNR has authority to investigate and inspect forest land and activities on such land.

Operators on forest lands must file a detailed “plan of operations,” before beginning any activities. There are comprehensive regulations covering bridge construction, culvert construction, other water crossings, channel changes, landings, slope stability standards, bank integrity, timber harvesting, slash activities, land clearing, land use conversion, timber felling and

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<sup>14</sup> AS § 16.05.870.

<sup>15</sup> AS Tit 46, Ch. 17; Tit. 11, Ch. 93, AAC.

<sup>16</sup> AS Tit. 41, Ch. 17.

<sup>17</sup> AS Tit. 41, Ch. 17.

<sup>18</sup> The ADF&G, however, has authority to regulate nonpoint source pollution activities affecting anadromous streams and their tributaries or anadromous fish. An approval or a permit may be required by the ADF&G for activities affecting these fish or water courses. See AS Tit. 16, Ch. 05.

<sup>19</sup> Tit.11, Ch. 95, AAC.

bucking, reforestation, natural timber regeneration, insect infestation, pesticide use, and road location, maintenance, construction, and drainage.<sup>20</sup>

Operations of little significance or small scale, timber harvesting for personal use, and operations for noncommercial purposes may, however, be exempt from the requirements listed above.

## **5. *Alaska Enforcement of State Water Quality Laws and Regulations***

ADEC has enforcement authority and takes into consideration the following criteria when determining whether to initiate enforcement proceedings:

- Permit conditions;
- Agency approved plans; and
- Best management practices as determined by ADEC.<sup>21</sup>

A state forester has authority, with due deference to ADEC, to issue a stop work order if degradation of water quality resulted or is likely to result from a forest operation or activity. A state forester may also issue a directive to take corrective action. Failure to obey such orders or directives will subject the violator to a penalty.<sup>22</sup>

The ADF&G has enforcement authority as to activities affecting anadromous fish, their spawning beds, and anadromous streams and their tributaries.<sup>23</sup> In addition to fines, a violator may be required to pay stream restoration costs and damages for fish, wildlife, and their habitat.

## **II. GROUNDWATER**

### **A. Alaska Groundwater Laws and Regulations**

There is no “Alaska Groundwater Protection Act,” however, the ADEC is the agency that producers should contact for groundwater questions. Several ADEC programs currently have regulations dealing with groundwater (e.g. water, waste, storage tanks, and pesticides). The primary agency programs and regulations addressing ground water are: Alaska Water Quality

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<sup>20</sup> Private land and timber owners may be required to maintain, enhance, or protect wildlife habitat. With landowner agreement, provisions for protecting wildlife and their habitats may include land exchanges, purchase of conservation easements, or purchase of fee title.

<sup>21</sup> 18 AAC § 70.900.

<sup>22</sup> 11 AAC § 95.255.

<sup>23</sup> AS Tit. 16, Ch. 05 & 20; Tit. 5, Ch. 95, AAC.

Standards,<sup>24</sup> Drinking Water Program,<sup>25</sup> ADNR Water Rights,<sup>26</sup> Wastewater Disposal,<sup>27</sup> Oil and Hazardous Substances Pollution Control,<sup>28</sup> Solid Waste Program,<sup>29</sup> Hazardous Waste,<sup>30</sup> Underground Storage Tanks,<sup>31</sup> Pesticide Control.<sup>32</sup>

### *1. Alaska Wells*

No person may appropriate (take or use) water without a permit.<sup>33</sup> The Alaska Water Use Act<sup>34</sup> charges the ADNR with regulating water rights. A person must complete agency forms to apply for a water use right. i.e., an appropriation of water.

A permit from the ADNR is required before drilling or digging a well, and the ADNA requires a report to be filed giving specific information on a completed well. The ADNA requires the same information to be filed when a “well has been deepened, modified, or abandoned,<sup>35</sup> and for any water supply well or water well that is used for monitoring, observation, or aquifer testing, including a dry or low-yield well that is not being used.”<sup>36</sup>

It is illegal to dispose of “septage, sewage solids, fish waste, animal manure, or animal byproducts on the ground within 100 feet of a well that produces water suitable for drinking.”

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<sup>24</sup> Tit. 18, Ch. 70, AAC.

<sup>25</sup> Tit. 18, Ch. 80, AAC.

<sup>26</sup> Tit. 11, Ch. 93, AAC.

<sup>27</sup> Tit. 18, Ch. 72, AAC.

<sup>28</sup> Tit. 18, Ch. 75, AAC.

<sup>29</sup> Tit. 18, Ch. 60, AAC.

<sup>30</sup> Tit. 18, Ch. 62, AAC.

<sup>31</sup> Tit. 18, Ch. 78, AAC.

<sup>32</sup> Tit. 18, Ch. 90, AAC.

<sup>33</sup> Tit. 11, Ch. 93, AAC.

<sup>34</sup> AS Tit. 46, Ch. 15.

<sup>35</sup> Certain other requirements must also be met before abandoning a well.

<sup>36</sup> 11 AAC § 93.140.

## 2. *Alaska Underground Injection Wells*

ADEC requires a permit for the construction or operation of any hazardous underground injection well which is classified as a Class I injection well under the Code of Federal Regulations, Underground Injection Control Program, Classification of Wells (40 C.F.R. §144.6(a)(1)).<sup>37</sup> Such underground injection wells are heavily regulated.

Beginning March 31, 1989, ADEC approval is not required for a facility that meets any of the following conditions:

- Complies with the Resource Conservation and Recovery Act<sup>38</sup> interim standards set out at 40 C.F.R. §265;
- Has a Part B permit under 40 C.F.R. §265; or
- Disposes of hazardous wastes in a permitted underground injection well classified as Class I under 40 C.F.R. §144.6(a)(1).<sup>39</sup>

Producer Note: Producers should consult with ADEC representatives to determine what regulations and requirements may apply to their underground injection wells.
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### **B. Alaska Coastal Management Program**

The ADGC is the lead agency for the Alaska Coastal Management Program (ACMP)<sup>40</sup> which implements the federal Coastal Zone Management Act of 1972. Although single agencies may implement the ACMP when a single agency permit is required and no federal permit is involved, ADGC coordinates, reviews, and makes final determinations for projects when multiple state agency permits and/or a federal permit is required. This process insures procedural consistency.

A project applicant must submit a packet including all necessary applications and a Coastal Project Questionnaire to the ADGC. Upon request, the agency will assist permit applicants in order to accelerate the pre-application process. Review of a proposed project will be expedited provided certain requirements are met, e.g. if a state or federal permit has been categorically approved by ADGC, if the permitted activity will have no significant impact in the

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<sup>37</sup> Tit. 18, Ch. 63, AAC.

<sup>38</sup> 42 U.S.C. § 6901 *et seq.* (1994).

<sup>39</sup> 18 AAC § 63.010.

<sup>40</sup> AS Tit. 46, Ch. 40; Tit. 6, Ch. 50, AAC.

coastal zone, if a state or federal permit has a general concurrence determination of consistency and a categorical approval of consistency with the ACMP. Emergency expedited review may be implemented to preserve public peace, health, safety, or general welfare.

The ACMP accepts public participation requests and comments regarding proposed projects when received within the comment deadline, and copies of the packet for a proposed project are provided upon request. Comment deadlines must be followed and are found in the regulations.

The objectives of the ACMP include:

- The restoration, management, and enhancement of the overall quality of the coastal environment;
- The development of industrial or commercial enterprises consistent with the social, cultural, historic, economic, and environmental interests of the people of Alaska;
- Orderly, balanced utilization and protection of the resources of the coastal area consistent with sound conservation and sustained yield principles;
- The protection and management of significant historic, cultural, natural, and aesthetic values and natural systems or processes within the coastal area;
- The prevention of damage and degradation of land and water reserved for natural values as a result of inconsistent land or water usages adjacent to that land;
- The recognition of the need for a continuing supply of energy to meet Alaska requirements and a contribution to the supply to meet national energy needs; and
- The full and fair evaluation of all demands on the land and water in the coastal area.

Alaska coastal resource districts develop, adopt, and implement coastal management programs. Municipalities and state agencies administer land and water use regulations in conformity with district coastal management programs.

### **III. AIR QUALITY**

#### **A. Alaska Air Quality Laws and Regulations**

Alaska law prohibits polluting or adding to the pollution of air, land, subsurface land, or water of the state.<sup>41</sup> “A person may not cause or permit any emission that is injurious to human health or welfare, animal or plant life, or property, or that would unreasonably interfere with the

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<sup>41</sup> AS Tit. 46, Ch. 03.

enjoyment of life or property.”<sup>42</sup> The Alaska Air Quality Control Act,<sup>43</sup> charges the ADEC with regulating air quality in the state. ADEC adopts and enforces air quality standards, emission control requirements, and other regulations. The Alaska clean air program follows the requirements of the federal Clear Air Act.

In general, stationary sources of air pollution require a permit from ADEC before any equipment or processes that may cause air pollution are constructed, operated, replaced, or relocated. There are special requirements for air emission that are hazardous and toxic.

Agricultural activities have few special air quality requirements, and most agricultural operations will not require air permits. However, open burning, discussed below, is an exception. On-farm incinerators and grain elevators may also be exceptions. Nuisance laws also apply in air pollution situations (see “other discharge prohibitions” above).

### **1. Open Burning**

Open burning concerns are: wildfires, health hazards, and public nuisance. The ADNR is responsible for regulations and permits relating to fire safety. ADEC will not issue approvals without concurrent permit or inspection from ADNR’s Division of Forestry during fire season, the months of April to October. The ADNR requires a permit during fire season,<sup>44</sup> and it may be necessary that an inspector inspect the area to be burned. Any permit issued by the ADNR is subject to local laws and regulations which may be more restrictive than state laws and regulations.

The ADEC is responsible for regulations and permits to address health and nuisance concerns.<sup>45</sup> ADEC policy is “to eliminate, minimize, or control open burning and to encourage other methods of disposal where possible.”<sup>46</sup> A person requesting approval from ADEC must demonstrate that open burning is the only feasible alternative for disposal. All open burning, whether requiring ADEC approval or not, “must be done in a way that maintains maximum combustion efficiency throughout the burning period.”<sup>47</sup>

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<sup>42</sup> 18 AAC § 50.110

<sup>43</sup> AS Tit. 46, Ch. 14; *see also* Tit. 18, Ch. 50, AAC.

<sup>44</sup> Tit. 11, Ch. 45, AAC.

<sup>45</sup> Tit. 18, Ch. 50, AAC.

<sup>46</sup> STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, OPEN BURNING POLICY & GUIDELINES, (1998).

<sup>47</sup> STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, OPEN BURNING POLICY & GUIDELINES, (1998).

All burning must be conducted in accordance with ADEC Open Burning Regulations.<sup>48</sup> These regulations contain a long list of materials that cannot be incinerated or burned. Prohibited materials include: pesticides and other toxic materials, tires, electrical batteries, lead-based painted wood, and treated wood. Open burning in a Wood Smoke Control Area is prohibited between November 1 and March 31. Also prohibited is burning of animal carcasses and putrescent garbage if odors or smoke would affect other persons or property and any material giving off black smoke. Regulations contain a list of materials which produce black smoke and require written ADEC approval for an exception to the open burning ban. Written approval from ADEC is required for the following:

- Burning of collected materials from land clearing operations for agriculture, development, and forest or habitat management;
- Burning of slash material by farmers or developers; or
- Prescribed burning.<sup>49</sup>

Written approval is required for the above activities if the slash or collected material is from at least 40 acres per year. The same requirements apply to prescribed burns if the intent is to clear at least 40 acres per year. A complete burn plan is required. Producers should work directly with the National Weather Service Fire Weather Forecasters or local fire officials for spot weather forecasts and smoke conditions at the burn site. Pre-burn notice requirements include: ADEC notification at least one day prior to burning; telephone notice to ADEC prior to ignition; notice to authorities that may be impacted, such as fire department, FAA, and State Troopers; and notice to adjacent land managers. The public should also be informed.

**Producer Note:** An Alaska Smoke Management Plan to control open burning is under development. Producers should contact ADEC for further information. Producers should check with local authorities as local laws and regulations may be more restrictive.

#### IV. SOLID WASTE AND HAZARDOUS WASTE

**Producer Note:** There are several laws which control the use and disposal as well as the cleanup of hazardous wastes. Producers who use petroleum, hazardous chemicals, or other products stored in storage tanks must stay informed about requirements governing these activities.

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<sup>48</sup> Tit. 18, Ch. 50, AAC.

<sup>49</sup> Prescribed burning is intentional fire setting to burn off ground or forest cover.

## A. Alaska Solid Waste and Hazardous Waste Laws and Regulations

Alaska's Water Pollution Control and Waste Disposal Statute<sup>50</sup> imposes requirements on liquid, solid, and hazardous wastes. Operations resulting in disposal of any wastes into the waters or onto the land of Alaska require a permit from ADEC. Applications must be on ADEC or EPA proscribed forms. Disposal is defined as any "deposit of a solid or liquid waste into or onto the water or land of the state, whether the waste is contained or uncontained, by discharging, injecting, dumping, spilling, leaking, placing, discarding, or abandoning the waste so that the waste or any part or byproduct of the waste might enter the environment."<sup>51</sup>

### 1. Alaska Solid Waste

Generally, a permit from ADEC is required for the treatment or disposal of solid waste.<sup>52</sup> However, regulations exempt single family or duplex residences and farms from permit requirements where the solid waste is generated and disposed on the premises. Other exemptions of interest to agriculture are:

- Landclearing waste including excavated dirt, rock, soil, butt ends, stumps, and other similar waste;
- Tree limbs and other foliage or woody debris, sometimes referred to as "slash" in a timber harvest area;
- Domestic wastewater, nondomestic wastewater, and other wastes that are subject to a permit under Wastewater Disposal Regulations (18 AAC 72) or under the federal Water Pollution Control Act (33 U.S.C. 1342); and
- Septage or septic tank pumping that contain less than five percent solids by weight that are regulated under Wastewater Disposal Regulations (18 AAC 72).<sup>53</sup>

The exemptions listed above only apply if the wastes and materials are not mixed with nonexempt waste and do not present a health, safety, welfare danger, environmental, or nuisance problem.

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<sup>50</sup> AS Tit. 46, Ch. 03.

<sup>51</sup> 18 AAC § 60.990.

<sup>52</sup> Tit. 18, Ch. 60, AAC.

<sup>53</sup> 18 AAC § 60.005.

Solid waste includes all unwanted, abandoned, or discarded solid or semi-solid material originating from any source whether or not it is subject to decomposition.<sup>54</sup> Alaska solid waste management laws focus primarily on the regulation of public and private landfills, but they contain some provisions that may apply to agriculture. Nuisance laws may also apply to solid waste disposal situations (see “other discharge prohibitions” above).

A person may not store accumulated solid waste in a manner that causes:

- A violation under litter regulations (see 18 AAC § 64.015);
- The attraction or access of domestic animals, wildlife, or disease vectors;
- A health hazard; or
- Polluted run-off water.<sup>55</sup>

Contracting or arranging for another to collect, store, transport, or treat solid waste does not relieve a person from the responsibility arising from that waste should the person not manage it in compliance with regulations.

Disposal of animal or poultry carcasses not including those from diseased livestock, diseased poultry, or open range deaths must be:

- At a permitted landfill;
- By cremation or incineration in compliance with Air Quality Control Regulations (18 AAC 50); or
- By land burial with the landowner’s permission.

A state veterinarian must authorize the disposal of carcasses of livestock or poultry infected with a communicable disease, and disposal must be in accordance with 9 C.F.R. § 53.4 (Code of Federal Regulations - Destruction of Animals).

Agricultural land application of organic waste from slaughterhouses and fish processors must follow ADEC regulations.<sup>56</sup> These regulations include maximum particle size, waste treatment prior to application, agronomic rates, run-off, odor, vector control, and incorporation when applied topically to land.

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<sup>54</sup> AS Tit. 46, Ch. 03.

<sup>55</sup> 18 AAC § 60.010.

<sup>56</sup> 18 AAC § 60.010.

“A person may not dispose of septage, sewage solids, fish waste, animal manure, or animal byproducts or waste on the ground within 100 feet of a well that produces water suitable for drinking.”<sup>57</sup>

Agricultural activities, including animal grazing, are prohibited on an active monofill<sup>58</sup> unless management practices adequately protect the public health and environment.

## **2. *Alaska Biosolids***

ADEC Solid Waste Management Regulations For The Land Application of Biosolids<sup>59</sup> adopts by reference federal government regulations for land applications of biosolids. Biosolids is defined as a material derived from biosolids or a solid or liquid residue from the treatment of domestic sewage including domestic septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes.

Anyone who prepares biosolids for land application or that applies biosolids to land must apply for a permit from ADEC. In addition, a Coastal Project Questionnaire is required for any operations in a coastal zone (see Alaska Coastal Management Program above). A permit is not required for some types of biosolids provided certain ADEC regulatory conditions are met.

## **3. *Alaska Hazardous Waste***

Hazardous wastes and wastes deemed to be hazardous are regulated to a greater extent than other wastes under both Alaska and federal law. The Alaska Radiation and Hazardous Waste Protection Statute<sup>60</sup> has provisions similar to the federal Resource Conservation and Recovery Act (RCRA) for regulating hazardous wastes.

ADEC regulations define hazardous waste as any solid waste identified or listed as hazardous waste by the EPA, or any waste identified as a toxic pollutant by the EPA (see 40 C.F.R. 129.4).<sup>61</sup> Hazardous waste also includes wastes which pose significant threats to health or the environment. The EPA regulations contain lists of hazardous wastes and standards for determining whether substances not on the lists should nevertheless be considered as hazardous.<sup>62</sup>

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<sup>57</sup> 18 AAC § 60.040.

<sup>58</sup> Monofills are landfills intended for one type of waste only.

<sup>59</sup> 18 AAC §§ 60.500 - 60.510.

<sup>60</sup> AS Tit. 46, Ch. 03.

<sup>61</sup> Tit. 18, Ch. 62, AAC.

<sup>62</sup> 40 C.F.R. pts 260, 261.

Persons who generate, store, or transport hazardous wastes are subject to extensive regulatory requirements. These regulations include requirements for record keeping, storage, and permitting; equipment, container, and building standards; disposal restrictions; emergency planning; and personnel training. A generator of a hazardous waste must notify the ADEC and obtain a State EPA identification number. A generator may not treat, store, dispose, or offer for transport any hazardous waste without an identification number.<sup>63</sup> For any document required to be submitted to the EPA, a copy must be simultaneously submitted to the ADEC.

#### **4. *Alaska Discharge or Spill Reporting***

Oil spills or discharges must be promptly reported to the ADEC.<sup>64</sup> Likewise any release of a hazardous substance must be promptly reported to the ADEC.<sup>65</sup> Efforts to cleanup a spill or release must be prompt. The ADEC has discretion to determine when conditions exist that justify why a cleanup should not be attempted including situations of increased public health threat or environmental threat. ADEC should be contacted for regulations regarding spills.

#### **5. *Alaska Underground Storage Tanks***

The ADEC is charged with administering the Alaska Underground Storage Tanks Systems Act.<sup>66</sup> An Underground Storage Tank (UST) is defined as any tank, pipe, device, or combination of such used to contain petroleum where at least 10% of the volume is located below the ground.

Some tanks are statutorily exempted from the definition of UST.<sup>67</sup> Farm and residential storage tanks with a capacity up to and including 1100 gallons used for storing motor fuel for noncommercial purposes are exempt. Also exempted are home heating oil tanks where storage and consumption is on the premises, tanks up to 110 gallons capacity, septic tanks, and emergency overfill tanks that are emptied within 24 hours.

Anyone who owns, installs, intends to install an UST or return it to operation is required to register with the ADEC and pay registration fees. ADEC must also be notified before any significant changes are made to an UST. Likewise, ADEC must be notified before the UST is taken out of operation. Additionally, the owner or operator must supply evidence of compliance with all state and federal regulations governing temporary or permanent UST closures. The ADEC requires use of departmental forms for UST registration and notification.

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<sup>63</sup> 18 AAC § 62.200.

<sup>64</sup> AS Tit. 46, Ch. 03.

<sup>65</sup> AS Tit. 46, Ch. 09.

<sup>66</sup> AS Tit. 46, Ch. 03.

<sup>67</sup> AS § 46.03.450; for ADEC regulations regarding USTs see Tit. 18, Ch. 78, AAC.

Owners or operators should conduct regular checks for leakage and report discharges immediately. USTs are heavily regulated. Requirements include leak detection systems, spill and overflow prevention, corrosion protection, financial responsibility, integrity or risk assessments, reporting and record keeping. There are extensive regulations for suspected or confirmed spills or releases.

Owners or operators may apply for assistance from the Storage Tank Assistance Fund to help with integrity or site assessments. Grants and loans are also available for certain cleanup, upgrading, or closure costs.

**Producer Note:** USTs are subject to extensive regulation in Alaska. Producers should check with the ADEC periodically to ensure their underground storage tank system is in compliance.

## V. PESTICIDES AND CHEMIGATION

**Producer Note:** Use of pesticides and other farm chemicals is regulated by federal and state statutes. Most states have some form of licensing or certification requirements controlling pesticide users. Additionally, there are regulations which address safety concerns for pesticide use by workers and around those workers.

### A. Alaska Pesticide and Chemigation Laws and Regulations

**Producer Note:** Alaska, like most states, has laws designed to control the use of pesticides. The laws are designed to closely monitor the distribution and ultimate use of these substances within the state.

#### 1. Pesticides

The Alaska Pesticide Control Act<sup>68</sup> authorizes the ADEC to regulate pesticides and broadcast chemicals. The purpose of the pesticide control law is “to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, and disposal of pesticides.”<sup>69</sup> Regulations regarding pesticides are extensive. Pesticides are defined as “a chemical or biological agent intended to prevent, destroy, repel, or mitigate plant or animal

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<sup>68</sup> AS Tit. 46, Ch. 03.

<sup>69</sup> Tit. 18, Ch. 90, AAC.

life and any substance intended for use as a plant regulator, defoliant, or desiccant, including insecticides, fungicides, rodenticides, herbicides, nematocides, and biocides.”<sup>70</sup>

The Alaska pesticide laws and regulations apply to anyone who uses, advises regarding use, manufactures, sells, distributes, transports, formulates, stores, or disposes of pesticides. All pesticides must be registered with the ADEC. It is illegal to sell, distribute, or transport unlicensed pesticides. The law requires all pesticides be used, applied, or disposed of in a manner consistent with their labeling.

Restricted-use pesticides must only be bought, used, or applied by a certified applicator. A certified user may only use pesticides in a category of use for which the user is certified. The ADEC may inspect equipment, storage areas, disposal areas, and records. The ADEC has authority to gather evidence, take sworn statements, investigate complaints, and apply for search warrants. The ADEC requires a permit for water or aerial application of pesticides. The ADEC must be notified promptly whenever there is a discharge or release of a pesticide not in compliance with the regulations.

Pesticide rules include:

- Standards, prohibitions, and restrictions on the use of certain pesticides;
- Minimum requirements and license requirements for pesticide applicators;
- Record keeping requirements;
- Pesticide container disposal requirements;
- Drift control requirements;
- Storage requirements;
- Insurance requirements for custom, commercial, or contract use of a pesticide; and
- Specific warning requirements.

There may be additional requirements for pesticide and broadcast chemical use in coastal management districts and forest lands. Producers in these areas should consult with the ADEC to determine additional requirements, if any in these areas. The ADNR has regulations regarding BMPs for forest land.

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<sup>70</sup> 18 AAC § 90.990.

**Producer Note:** Producers should refer to ADEC regulations and consult with ADEC representatives to determine the specific use and disposal requirements applicable to the pesticides they use. There may be additional requirements for pesticide use in coastal management districts and forest lands.

## VI. PROTECTION OF WILDLIFE

**Producer Note:** Agricultural producers also have responsibilities concerning wildlife and migratory birds which may have habitat located on the producer's property. Federal and state laws contain measures designed to protect or enhance wildlife or wildlife habitat.

### A. Alaska Wildlife and Aquatic Protection Laws

Alaska has enacted a variety of laws to protect wildlife, aquatic life, their habitats, and their harvesting. The ADF&G administers the majority of these laws. The ADNR also has some regulations, primarily dealing with forest land use, pertaining to protection of fish and wildlife (see water quality and pollution section and discussion of nonpoint source above). The ACMP (see discussion above) is also involved in the protection of wildlife and aquatic life in coastal, river, or wetland areas. These laws may affect agricultural activities.

#### 1. *Alaska Game Laws*

The Alaska Fish and Game Code,<sup>71</sup> charges the ADF&G with administering state hunting, trapping, and fishing laws. These include laws regarding hunting, fishing, and trapping licenses and seasons, lotteries, subsistence hunting, and other requirements for the taking of game species. The ADF&G also regulates watershed and habitat improvement, management, conservation, protection, use, disposal, propagation, and stocking of game.

There are special requirements for taking animals that are causing damage to crops, livestock, property, or resources.<sup>72</sup> The taking of some animals in defense of property may require a permit, such as with beaver. A person must not have contributed to the wildlife problem. Other means of protecting life or property must have been exhausted. In all cases, the ADF&G must be notified immediately if wildlife is taken in defense of life or property. Wildlife is the property of the state. The meat or hide of the animal must immediately be surrendered to the ADF&G.

The ADF&G regulates game farming and fur farming, including farming of game birds, and reptiles. The ADF&G requires a biannual aviculture permit before anyone may hold certain

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<sup>71</sup> AS Tit. 16, Ch. 05.

<sup>72</sup> Tit. 5, Ch. 92, AAC.

birds in captivity. The ADF&G may inspect bird keeping facilities for compliance with regulations.

It is deemed a public nuisance to illegally use a net, seine, lantern, snare, device, contrivance, or other material for the purpose of catching, taking, killing, attracting, or decoying fish or game (see above for other public nuisance laws).<sup>73</sup>

## **2. *Activities Affecting Alaska Fish or Streams***

The ADF&G has permit authority over activities affecting anadromous streams and streams frequented by fish.<sup>74</sup> The ADF&G has authority to regulate nonpoint source pollution causing activities affecting anadromous streams and their tributaries.

The ADF&G must be notified before anyone may begin a hydraulic project, “or use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream”<sup>75</sup> (see discussion above under “Changes Affecting Water, Dams, Other Obstructions, Pollution”).

## **3. *Alaska Salmon Spawning***

It is illegal, without a permit, to obstruct, divert, pollute any waters, either fresh or salt, utilized by salmon in the propagation of the species, by “casting, passing, throwing, or dumping tree limbs or foliage, underbrush, stumps, rubbish, earth, stones, rock, or other debris, or passing or dumping sawdust, planer shavings, or other waste or refuse of any kind in those waters.”<sup>76</sup> A permit is required for activities that may render waters “inaccessible or uninhabitable for salmon for spawning or propagation or propagation.”<sup>77</sup> A permit is required before erecting a dam, barrier, or any type obstruction or diversion which may interfere with salmon and their ingress or egress into waters for natural spawning or propagation. Violation of these laws is a crime.

## **4. *Alaska Endangered Species***

The ADF&G maintains a list of endangered species indigenous to Alaska.<sup>78</sup> The list may be updated at least every two years. It is a crime for anyone to take or propagate any species appearing on the state list without a permit.

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<sup>73</sup> AS § 16.05.800.

<sup>74</sup> AS Tit. 16, Ch. 05 & 20.

<sup>75</sup> AS §16.05.870.

<sup>76</sup> AS Tit. 16, Ch. 10.

<sup>77</sup> AS Tit. 16, Ch. 10.

<sup>78</sup> AS Tit. 16, Ch. 20; Tit. 5, Ch. 93, AAC.

The ADF&G and ADNR are charged with preserving the habitat of species threatened with extinction. There are extensive regulations governing wildlife and fish habitats.

The Conservation and Protection of Alaskan Wildlife Statute<sup>79</sup> classifies certain areas as being essential to the protection of fish and wildlife. The ADF&G manages these “special areas.”<sup>80</sup> Special areas are state refuges, sanctuaries, and critical habitat areas. Landowners must notify the ADF&G before leasing or disposing of lands in “special areas.” “Special area permits” are required for certain activities in “special areas.” These activities include, grazing or animal husbandry, vegetation destruction, water diversion or withdrawal, dredging, filling, flooding or draining, construction, improvements and other uses.

Private landowners or timber owners may be required to maintain, enhance, or protect wildlife habitat.<sup>81</sup> Provisions for protecting wildlife and their habitats may include, with landowner agreement, land exchanges, purchase of conservation easements, or purchase of fee title.

## **VII. ENFORCEMENT OF STATE ENVIRONMENTAL LAWS**

As with federal environmental laws, persons who violate the regulatory requirements of state environmental laws face substantial penalties. The specific penalties vary to some degree with each statute. However, they generally include both civil and criminal fines. Additional fines can be assessed for each day that an operation remains in violation. For severe or repeated violations, jail sentences can be imposed. State agencies can also bring proceedings, either in court or before an administrative tribunal, to enjoin a producer’s activities and force compliance with the statute. In some cases, citizens may also file suits to enforce the requirements of the environmental laws. As with the federal statutes, state laws afford producers the right to administrative and/or judicial review of agency decisions.

## **VIII. OTHER ALASKA STATUTES AFFECTING AGRICULTURE**

### **A. Alaska Land Management**

The Alaska Public Land law<sup>82</sup> and the Alaska Land Act<sup>83</sup> charges the ADNR with managing state owned lands. The Division of Land (DOL), within the ADNR, has the primary responsibility for land use planning. Plans are required by statute before any sale or lease of state

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<sup>79</sup> AS Tit. 16, Ch. 20.

<sup>80</sup> AS Tit. 16, Ch. 05 & 20; Tit. 5, Ch. 95, AAC.

<sup>81</sup> AS Tit. 41, Ch. 17.

<sup>82</sup> AS Tit. 38, Ch. 04.

<sup>83</sup> AS Tit. 38, Ch. 05.

land. DOL issues leases for aquatic farming sites on state land. Agricultural land use permits and leases are issued by the Division of Agriculture (DOA), within the ADNR. DOA also issues grazing permits.

There may be restrictions on the use, sale, lease, or disposal of state land classified as agricultural.<sup>84</sup> All lands leased for agricultural purposes must be managed and used in accordance with approved soil conservation practices. DOA monitors state agricultural land, sold or leased, for compliance with farm conservation plans. The Alaska Soil and Water Conservation statute<sup>85</sup> charges the ADNR with soil conservation and erosion control. The ADNR may create soil and water conservation districts upon a petition signed by at least 25 land users. Anyone who has received a conveyance of state agricultural land, whether by lease or sale, may be required to cooperate with the appropriate soil and water conservation district.

All state lands leased for grazing purposes must be used, managed, and stocked in accordance with approved range management practices. There must be no interference with the public right to enter leased land for lawful hunting, fishing, trapping, camping, and other appropriate uses. Range improvement requires written approval.

#### **B. Alaska Defense to an Action for Private Nuisance**

Alaska has a statute sometimes referred to as a “Right-to-Farm Statute.” This statute sets forth that an agricultural operation will not be deemed a private nuisance when conditions existing on neighboring land have changed provided the agricultural operation was not a nuisance at the time the operation began and the agricultural operation has been in operation for more than three years.<sup>86</sup>

The provisions of this statute do not apply to:

- Liability resulting from improper or negligent conduct of the agricultural operation or
- Flooding caused by the agricultural operation.

The provisions of this statute supercedes any municipal ordinance, resolution or regulations contrary to these provisions.

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<sup>84</sup> For regulations affecting state agricultural land or grazing land, see Tit. 11, Ch. 58, 60, and 67, AAC.

<sup>85</sup> AS Tit. 41, Ch. 10.

<sup>86</sup> AS § 09.45.235.

## Appendix A - Agencies

**Producer Note:** State and federal agencies are available to answer questions regarding environmental matters and a producer's compliance with environmental laws and regulations. The following is a list of agencies which should be able to answer questions or provide materials for a producer.

### State Agencies:

#### Department of Environmental Conservation

Spill Hot Line (Hazardous Substances & Oil)

(907) 269-3063 Anchorage

(907) 451-2121 Fairbanks

(907) 465-5340 Juneau or

(800) 478-9300 toll free, after hours for all locations

<http://www.state.ak.us/dec>

Toll Free Numbers:

(800) 770-8818 Air Quality

(800) 770-2137 Drinking Water Information

(800) 510-2332 Permitting Information

(800) 478-2577 Pesticide Use and Disposal

(800) 550-7272 RCRA Permitting, Hazardous Waste

(800) 478-4974 Underground Storage Tanks

(800) 731-1312 Seawatch

3 DEC Divisions (affecting Agriculture):

#### Division of Air & Water Quality

*Southcentral Office*

555 Cordova St.

Anchorage, AK 99501-2617

(907) 269-7500

(907) 269-7600 fax

*Southeast Office*

410 Willoughby Ave, Ste. 105

Juneau, AK 99801-1795

(907) 465-5010

(907) 465-5097 fax

*Northern Office*

610 University Avenue

Fairbanks, AK 99709

(907) 451-2360

(907) 451-2188 fax

#### Division of Environmental Health

500 South Alaska Street

Palmer, AK 99645

(907) 745-3236

(907) 745-8125 fax

5 EH Programs (affecting Agriculture)

#### Animal Industries Program

500 South Alaska Street

Palmer, AK 99645

(907) 745-3236

(907) 745-8125 fax

#### Drinking Water and Wastewater Program

555 Cordova Street

Anchorage, AK 99501-2617

(907) 269-7647

(907) 269-7655 fax

#### Food Safety, Sanitation, and Shellfish Program

555 Cordova Street

Anchorage, AK 995012617

(907) 269-7640

(907) 269-7510 fax

#### Pesticide Services Program

500 South Alaska Street

Palmer, AK 99645

(907) 745-3236

(907) 745-8125 fax

#### Solid Waste Management Program

410 Willoughby Avenue, Suite 105

Juneau, AK 99801-1795

(907) 465-5162

(907) 465-5164 fax

#### Division of Spill Prevention and Response

*Southcentral Office*

555 Cordova Street

Anchorage, AK 99501-2617

(907) 269-7500

(907) 269-7600 fax

*Southeast Office*

410 Willoughby Avenue, Suite 303

Juneau, AK 99801-1795

(907) 465-5010  
(907) 465-5097 fax  
*Northern Office*  
610 University Avenue  
Fairbanks, AK 99709  
(907) 451-2360  
(907) 451-2188 fax

**Department of Fish and Game**

1255 West 8<sup>th</sup> Street  
P.O. Box 25526  
Juneau, AK 99802-5526  
(907) 465-4100  
(907) 465-2332 fax  
<http://www.state.ak.us/adfg>

2 **ADF&G** Divisions (affecting  
Agriculture):

**Division of Habitat & Restoration**

*Headquarters*  
1255 West 8<sup>th</sup> Street  
P.O. Box 25526  
Juneau, AK 99802-5526  
(907) 465-4105  
(907) 465-4759 fax  
*Southeast Office*  
802 3<sup>rd</sup> Street  
Douglas, AK 99824-0020  
(907) 465-4290  
(907) 465-4272 fax  
*Southcentral & Western Office*  
333 Raspberry Road  
Anchorage, AK 99518  
(907) 344-0541  
(907) 267-2464 fax  
*Northern & Interior Office*  
1300 College Road  
Fairbanks, AK 99701-1599  
(907) 459-7289  
(907) 459-3091 fax

**Division of Wildlife Conservation**

*Headquarters*  
1255 West 8<sup>th</sup> Street  
P.O. Box 25526  
Juneau, AK 99802-5526  
(907) 465-4265  
(907) 465-6142 fax  
*Southeast Office*  
802 3<sup>rd</sup> Street  
Douglas, AK 99824-0020  
(907) 465-4265  
(907) 465-4272 fax

*Southcentral & Western Office*  
333 Raspberry Road  
Anchorage, AK 99518  
(907) 267-2182  
(907) 267-2433 fax  
*Northern & Interior Office*  
1300 College Road  
Fairbanks, AK 99701-1599  
(907) 459-7213  
(907) 459-6410 fax  
*Northwest Office*  
Pouch 1148  
Nome, AK 99762  
(907) 443-2271  
(907) 443-5893

**Department of Natural Resources**

*Southcentral Office*  
Robert B. Atwood Building  
550 West 7<sup>th</sup> Avenue, Suite 1260  
Anchorage, AK 99501-3357  
(907) 269-8400  
(907) 269-8901 fax  
*Northern Office*  
3700 Airport Way  
Fairbanks, AK 99709-4699  
(907) 451-2705  
(907) 451-2706 fax  
*Southeast Office*  
400 Willoughby Avenue, 4<sup>th</sup> Floor  
Juneau, AK 99801  
(907) 405-3400  
(907) 586-2954 fax  
<http://www.dnr.state.ak.us/>

5 **DNR** Divisions (affecting Agriculture)

**Division of Agriculture**

1800 Glenn Highway, Suite 12  
Palmer, AK 99645-6736  
(907) 745-7200  
(907) 745-7112 fax

**Division of Forestry**

Robert B. Atwood Building  
550 West 7<sup>th</sup> Avenue, Suite 1450  
Anchorage, AK 99501-3566  
(907) 269-8463  
(907) 269-8931 fax

**Division of Geological & Geophysical  
Surveys**

794 University Avenue, Suite 200  
Fairbanks, AK 99709

(907) 451-5000  
(907) 451-5050 fax

**Division of Mining, Land, & Water  
Management**

Robert B. Atwood Building  
550 West 7<sup>th</sup> Avenue, Suite 1450  
Anchorage, AK 99501-3566  
(907) 269-8600  
(907) 269-8904 fax

*Southcentral Office - Land Only*

Robert B. Atwood Building  
550 West 7<sup>th</sup> Avenue, Suite 900  
Anchorage, AK 99501-3577  
(907) 269-8542  
(907) 269-8913 fax

*Southeast Office - Land Only*

400 Willoughby Avenue, Suite 400  
Juneau, AK 99801  
(907) 465-3400  
(907) 586-2954 fax

*Northern Office - Land, Mining, and Water*

3700 Airport Way  
Fairbanks, AK 99709-2690  
(907) 451-2740 - *Land*  
(907) 451-2751 fax - *Land*  
(907) 451-2790 - *Mining and Water*  
(907) 451-2706 fax - *Mining and Water*

**Division of Oil & Gas**

Robert B. Atwood Building  
550 West 7<sup>th</sup> Avenue, Suite 800  
Anchorage, AK 99501  
(907) 269-8800  
(907) 269-8939 fax

*Southeastern Office)*

240 Main Street, Suite 500  
Juneau, AK 99811-0030  
(907) 465-3562 for Coastal Zone Certifications  
(907) 465-3075 fax

*Southcentral Office*

Robert B. Atwood Building  
550 West 7<sup>th</sup> Avenue, Suite 1660  
Anchorage, AK 99501  
(907) 269-7470 for Coastal Zone Certifications  
(907) 269- 3981 fax

**U.S. Army Corps of Engineers, Alaska District**

(907) 753-2520 for General Permits

**Contacts for Aquafarming:**

**Department of Environmental Conservation**

(address above)  
(907) 269-7638 for Area Certif. & Shipper's Permits

**Department of Natural Resources**

(address above)  
(907) 269-8546 for Aquatic Farm Site Program

**Department of Fish and Game**

(address above)  
(907) 465-6150 for Stocking and Operating Permits

**Division of Government Coordination  
(Office of the Governor, Office of Management  
and Budget)**