ANNEX C: OPERATIONAL ADMINISTRATION

APPENDIX I – FEDERAL SPILL FUNDING PROCEDURES

TAB A: FEDERAL DOCUMENTATION AND COST RECOVERY PROCEDURES

Administration of the Oil Spill Liability Trust Fund (OSLTF) is carried out by the National Pollution Funds Center (NPFC), established under the Oil Pollution Act of 1990 (OPA). Central to effective fund administration is proper documentation of response activities and cost. For details see NPFC Instruction 16451.2.

TAB B: FOSC ACCESS TO THE OPA FUND

The Seventeenth Coast Guard District approves FOSC project requests for response to an actual or substantial threat of an oil pollution incident. Procedurally the FOSC staff contacts the National Pollution Fund Center to request a federal pollution number and initial project ceiling. The pollution number is referenced in all further message traffic and correspondence. The obligation of funds is tracked to ensure the ceiling is not exceeded. For details regarding documentation and cost recovery see NPFC Instruction 16451.2.

TAB C: STATE ACCESS TO THE OPA FUND

State governments may request OSLTF funds up to $250,000.00 via the appropriate FOSC. Procedures for state governments to access the OSLTF are outlined in NPFC Instruction 16451.1.

TAB D: GENERAL PROCEDURES TO ACCESS THE OPA FUND

The OSLTF is available to pay for response or removal actions carried out under the direction of the FOSC. The NPFC assigns a ceiling (the total amount of money available) and a Federal Pollution Number (FPN) for the action to the FOSC. Federal agencies working for the FOSC may request funding from the ceiling to pay for their activities.

1. When an agency is notified of an incident, joint discussions between the FOSC and that agency representative shall occur to determine if it is appropriate for the agency to participate in the response in support of the FOSC.

2. If participation in the response to support the FOSC is appropriate, a request shall be made to the FOSC for funding. Initially, the request can be made orally but must be quickly followed by a written request.

3. The funding request shall include anticipated tasks and the estimated cost, as well as the total amount of funding the agency estimates will be needed for the duration of the response.

4. Authorization comes from the FOSC in the form of a signed and dated Pollution Removal Funding Authorization (PRFA). The PRFA includes the activities to be funded, the amount of money available, and an FPN. The FPN must be used on all documents concerning the incident. The signed PRFA is used as agency authorization to invoice the NPFC for reimbursement of response costs.

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5. It is necessary to fully document all costs associated with the authorized response expenditures. Records must include salaries and benefits, daily transportation costs, individual per diem, authorized overtime costs, material costs, equipment (owned or rented) costs, and authorized contractor costs.

6. If at any time during the response, it appears that the agency will exceed the PRFA ceiling from the OSLTF, there must be an IMMEDIATE written request to the FOSC for an increase in the ceiling, detailing the activities and the costs. If an increase is approved, the FOSC will issue an amendment to the PRFA.
APPENDIX II – FEDERAL REQUIRED LETTERS AND REPORTS

TAB A: LETTERS

Sample letters are provided for:

- Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549),
- Notice of Federal Assumption of Response Activities, and
- Notice of Designation Source.

1. Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549)
The FOSC is required to inform the responsible party (RP) of the U.S. Government's legal requirements when a pollution incident occurs. The U.S. Government's role in an incident is primarily oversight unless the RP fails to take adequate removal action. (See Sample Notice 1)

The FOSC is required to notify the RP if their action to abate the threat and to remove a hazardous substance is unsatisfactory. The FOSC then assumes the response activity and the RP is liable for cost incurred by the federal government. (See Sample Notice 2)

3. Notice of Designation Source
The FOSC is responsible for notifying the NPFC of the source of a discharge, actual or potential. The NPFC must also be notified if the source is not identified. Notification may be made by letter, rapidraft, or message. The NPFC should be contacted for guidance on procedures, or with any questions relating to this. (See Sample Notice 3)

4. Administrative/Directive Order
To be distributed under separate cover by the U.S. Coast Guard.
Sample Notice 1: Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549)

(Name/Address)

Gentlemen:

On or about (date/time), a pollution incident occurred or threatens to occur at (vessel/facility) at (location and body of water), for which you may be financially responsible. Under federal statutes, the United States Government may take appropriate action to minimize or mitigate damages that are threatened or that may be caused by this incident.

The [Federal Water Pollution Control Act (FWPCA), as amended] [Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)] authorizes the federal government to respond to this pollution incident. Under this Act, if the owner or operator of the source fails to take adequate removal actions, the owner or operator may be held financially responsible for any removal actions taken by the federal government. Removal is adequate and being done properly if it is done in accordance with federal and state statutes and regulations and the criteria of the National Oil and Hazardous Substance Pollution Contingency Plan. If you undertake removal actions, the adequacy of such action shall be determined by the U.S. Coast Guard Federal On-Scene Coordinator (FOSC). The FOSC for this area is (name).

As long as you are taking adequate actions in this matter, federal action will be limited to monitoring the progress of your actions and providing guidance as necessary. [Under the FWPCA, Section 311, your response actions will be considered in determining the amount of any penalty assessed as a result of the discharge.]

If you do not take prompt and appropriate removal actions, federal response may be initiated. You may be held responsible for all actual costs incurred by the federal government for which you are liable as set forth in [Section 311(f) of the FWPCA, as amended] [Section 107(a) of CERCLA]. Should you require further information concerning this matter, please contact: (name, address, and telephone number of the FOSC).

Sincerely,

(FOSC or Representative)

Received and acknowledged:

(Name of Addressee), (Date/Time)                         Witness: (Name), (Date/Time)
Sample Notice 2: Notice of Federal Assumption of Response Activities

(Name / Address):

Gentlemen:

My letter of (date) notified you of federal interest in an actual or potential pollution incident at (vessel/facility) at (location and body of water), for which you are presently considered financially responsible.

You are hereby given notice that your actions to abate this threat and to remove the substance(s), and to mitigate (its/their) effects have been evaluated as unsatisfactory by the U.S. Coast Guard Federal On-Scene Coordinator (FOSC), (name). Effective (date/time), the Coast Guard will conduct all response activities under the authority of [Section 311(c)(1) of the Federal Water Pollution Control Act (FWPCA), as amended] [Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)]. Removal will be effected in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan and federal regulations. You may then be liable for all removal costs incurred by the federal government as set forth in [Section 311(f) of the FWPCA] [Section 107(a) of CERCLA].

Should you require further information concerning this matter, you should contact: (name, address, and telephone number of FOSC).

Sincerely,

(FOSC or Representative)

Received and acknowledged:

(Name of Addressee), (Date/Time)    Witness: (Name), (Date/Time).
Sample Notice 3: Notice of Designation Source

[The Owner/Operator]
1st line of Address
2nd line of Address
3rd line of Address
Subject: Notice of Designation

Re: Federal Project Number XXXX Oil Spill [Threat of discharge of oil] into the [name of navigable water] on [and after] [date of incident] at [location of incident]

Gentlemen:

As provided in the Oil Pollution Act of 1990, 33 U.S.C. 2714, I hereby designate the [name of source] as the [threat of] source of [type and quantity] oil discharged on [and after] [date of incident] into the [name of navigable water] at [location of incident] [as a result of {collision, grounding, sinking, etc.}]. [This Notice of Designation confirms the notification made by fax/telephone] on [date].

You may deny this designation within 5 days of the date of this Notice of Designation. Such denial must be in writing, must identify this Notice of Designation, must give the reasons for the denial and provide a copy of all supporting documents, and must be submitted to [name], [title], at the above address. The denial is deemed received on the date it is actually received by the [Name].

If you do not deny this designation, you must advertise this designation and the procedures by which claims may be presented. The advertisement must begin within 15 days of the date of this Notice of Designation and must continue for no less than 30 days.

Enclosure (1) outlines the required content of this advertisement. I request that you provide copies of the text of your advertisements and advise us of the method, geographical scope, and frequency of their publication. This information and any other correspondence relating to this designation should be sent to [name].

Please contact [Name] at (XXX) XXX-XXXX if any questions arise in this matter.
TAB B: FOSC REPORT

FOSC reports will be submitted as determined necessary by the RRT for a particular incident.

TAB C: POLLUTION REPORTS - POLREPs

POLREPs are prepared for pollution events of significance/potential significance and whenever the Oil Spill Liability Trust Fund has been opened. Reports are sent from the FOSC to the USCG Seventeenth District, EPA, and ADEC to provide an overview on spill response efforts. The EPA submits POLREPs via EPA OSC website.

The following is the format for Coast Guard POLREPS sent by the FOSC to CCGDSEVENTEEN SOP 1-(YR):

P
FM
TO CCGDSEVENTEEN JUNEAU AK //R//
INFO OTHER UNITS/AGENCIES DEPENDING ON SIZE/LOCATION OF INCIDENT
ACCT CG-W2GNRC
BT
UNCLAS //N16465//
POLREP NUMBER, MINOR/MEDIUM/MAJOR, SUBSTANCE, SOURCE, NAME OF WATER BODY, UNIT CASE NUMBER, FEDERAL PROJECT NUMBER

1. SITUATION

A. (DATE/TIME) DESCRIBE SITUATION AS IT CURRENTLY EXISTS. GIVE NOTIFICATION INFORMATION; DESCRIBE SPILL, AND INITIAL CLEANUP.

2. ACTION

   CHRONOLOGICALLY LIST EVERY ACTION TAKEN. GIVE STATUS OF FUNDS EXPENDED IF CLEANUP IS FEDERALLY FUNDED.

3. FUTURE PLANS AND RECOMMENDATIONS

4. CASE STATUS- CLOSED/PENDS
APPENDIX III – STATE ADMINISTRATIVE GUIDELINES

TAB A: FUND EXPENDITURES

Activation of a multi-agency State response organization will occur when there is a major or extended incident. Each response will be unique depending on the circumstances and factors present. However, most responses will contain emergency elements which must be addressed immediately, and ongoing operations for which use of the Oil and Hazardous Substance Release Prevention and Response Fund (OHSRPRF) may be planned. Therefore, each participating agency should be aware of and comply with its policies and procedures for financial and accounting issues, and, in addition must be aware of emergency exceptions to standard policy and procedure and constraints associated with reimbursement from the OHSRPRF. Failure to comply with requirements for expenditures from the OHSRPRF shall result in the inability to obtain reimbursement for expenditures.

Expenditures made directly or reimbursed from the OHSRPRF will have unique tracking requirements both for legislative reporting and cost recovery documentation. Due to the multi-agency involvement in the ICS it is important that all agencies understand the documentation and reporting requirements prior to obligating funds.

1. ADEC

ADEC shall expend and obligate monies directly from the OHSRPRF. ADEC shall be responsible for a consolidated report on expenditures reimbursed from the OHSRPRF for initial response and cleanup and recovery operations at the conclusion of the incident. The report shall address those items required in agency reporting requirements below.

Under AS 46.08.045, the Commissioner can access the response fund for an oil or hazardous substance discharge emergency when it is a declared disaster or, if there is no declared disaster, by providing proper notice to the governor and legislature.

2. Other Agencies

Other Alaska State agencies should only incur obligations and expenditures after receiving a request for involvement and approval of a work plan by the State On-Scene Coordinator (SOSC). Obligations and expenditures not requested by the SOSC will not be reimbursed from the OHSRPRF.

Other agencies may seek reimbursement from the OHSRPRF by one of two methods: Inter-Departmental Accounting Journal Entries (AJE's) or Reimbursable Services Agreements (RSA's). In both cases, supporting documentation requirements may be in excess of standard State requirements. Thus, agencies should carefully review supporting documentation requirements. Requests for reimbursement shall be reviewed against OHSRPRF requirements and shall not be approved unless the documentation requirements have been met.

This reimbursement process may be amended if a cost recovery agreement is negotiated with a responsible party that adds or changes reporting requirements. ADEC shall provide written notification to all participating State agencies in such a case.

3. University of Alaska

Documentation requirements and access to the OHSRPRF for the University of Alaska has the same standard documentation and reporting requirements as other agency involvement, but reimbursements shall be through a general warrant.

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TAB B: FUND EXPENDITURE METHODS

1. Inter-Departmental Accounting Journal Entries
   The document shall include:
   - Transaction Screen Print
   - Audit Trail Showing Expenditure
   - Copies of Invoices, Procurement Documentation, Travel Documentation, Time Sheet, Warrant Register
   - Narrative justification for the expenditure that addresses the specific reason for each expenditure as it relates to the approved work plan for that agency
   - Other information to aid ADEC in the approval process
   - Other information to aid ADEC in the cost recovery process
   - Name and telephone of agency contact for additional information

   All inter-agency accounting journal entries shall be approved by the SOSC or his/her designee prior to authorization and certification by ADEC.

2. Reimbursable Services Agreements (RSA's)
   The execute document shall include:
   - Transaction Screen Print
   - Audit Trail Showing Expenditure
   - Copies of Invoices, Procurement Documentation, Travel Documentation, Time Sheet, Warrant Register
   - Narrative justification for the expenditure that addresses the specific reason for each expenditure as it relates to the approved work plan for that agency
   - Other information to aid ADEC in the approval process
   - Other information to aid ADEC in the cost recovery process
   - Name and telephone of agency contact for additional information

   All RSA adds, executes and amendments shall be approved by the SOSC or his/her designee prior to authorization and certification by ADEC.

3. Required Reports
   All agencies shall be required to file reports on expenditures reimbursed from the OHSRPRF at the conclusion of their involvement in the response. The report shall address the following topics:
   - Work Plan and Accomplishments
   - Personal Services Expenditures by Name, PCN, Total Compensation and Services Performed
   - One Time Purchases >$10,000
   - Contractual Agreements >$20,000
   - Equipment Purchases

   ADEC shall review each agency's equipment purchases and make a determination of equipment which shall be required for the emergency response. The agency shall relinquish that equipment to ADEC for transport to a local response conex location. The balance of the equipment shall remain the
sole possession of the purchasing agency. The agency shall not be required to reimburse the OHSRPRF for equipment which ADEC does not require for emergency response.

**TAB C: COST RECOVERY**

Responsible Agency: ADEC/LAW

ADEC is responsible for cost recovery of OHSRPRF funds. ADEC will participate with the Department of Law in cost recovery agreement negotiation. Each participating agency will receive written notification of its responsibility under the cost recovery process. AS 46.08.020 requires that:

1. money recovered or otherwise received from parties responsible for the containment and cleanup of oil or a hazardous substance at a specific site, but, excluding funds for performance bonds and other forms of financial responsibility held in escrow pending satisfactory performances of a privately financed response action; and
2. fines, penalties, or damages recovered under this chapter or other law for costs incurred by the state as a result of the release or threatened release of oil or a hazardous substance shall be deposited in the General Fund and credited to the special account called the "oil and hazardous substance release mitigation account".

As such all monies shall be collected and deposited by Law/ADEC.

a. Cost Recovery Direct From Responsible Party

In cases of cost recovery direct from the responsible party, each participating agency may be required to provide documentation to the liable party and to ADEC for cost recovery. Written notification of procedures shall be provided by ADEC to each participating agency. Each agency shall be required to maintain records related to the cost recovery process. Specific record keeping requirements shall be outlined in writing by ADEC to each participating agency but shall include at a minimum:

- Expenditures Incurred
- Expenditures Submitted for Cost Recovery
- Expenditures Recovered

b. Cost Recovery through Litigation

In cases of cost recovery through litigation each participating agency may be required to provide documentation to the Department of Law and to ADEC for cost recovery. Written notification of procedures shall be provided by ADEC to each participating agency.

**TAB D: ACCOUNTING**

Responsible Agency: ALL

Accounting functions (AKSAS) will rarely be located on site. All agencies must use a unique accounting structure (such as ledger code, program code) or other tool to identify all expenditures by specific ICS project.

ADEC must receive written notification from each participating agency of the accounting structure being used to capture its' authorization, obligations and expenditures. AKSAS Transactions for Inter Departmental AJE's for reimbursement by ADEC should be sent to ADEC RD 18128. AKSAS transactions for Reimbursable Services Agreement (RSA) executes, adds and amendments for reimbursement by ADEC should be sent to ADEC RD 18128.
The State of Alaska maintains reimbursable petty cash accounts for small purchases (usually less than $100.00). The balance of these accounts is normally under $100.00. Field Warrants are used in situations that require immediate payment. They are limited to a maximum of $1,000.00. Any amount over $1,000.00 should be paid with an AKSAS generated general warrant.

**TAB E: PERSONNEL/PAYROLL**

Responsible Agency: DOA

Personnel and payroll actions are governed by the various collective bargaining agreements, Personnel Rules, and the State Administrative Manual, as well as individual departmental policies and procedures. In an initial activation of a multi-agency ICS, the Department of Administration shall take the lead role in establishing a core group, which will consist of one or more representatives from each of the following agencies:

- Department of Administration
  - Division of Personnel
  - Division of Labor Relations
  - Division of Finance
- Department of Environmental Conservation
- All other State agencies with employees assisting in the cleanup efforts

The core group will address the following issues and any other issues as they arise to ensure consistency between departments:

- Overtime eligibility for Fair Labor Standards Act (FLSA) exempt employees
- Modifications to collective bargaining agreements through Letters of Agreement
- Time reporting form modifications to address unique reporting requirements of the incident
- Establishment of record keeping policies and procedures for volunteer corps
- Assist in position classification and hiring for large numbers of emergency hires and non-permanent staff, agency guidance and assistance. This assistance will be available to all agencies, but agencies may choose to follow the existing procedures without this assistance.
- Assist the Finance/Administration Section Chief in the hire and training of personnel/payroll staff to remain on site.

**TAB F: PROCUREMENT**

Responsible Agency: DOA

Agencies are cautioned that procurement actions are governed by AS 36.30, the State of Alaska Administrative Manual, 2 AAC 12, Departmental Delegated Purchasing Authority Memoranda, as well as individual departmental policy and procedures.

In an initial activation of the multi-agency ICS, the Department of Administration shall take the lead role in the establishment of an on-scene Procurement Office, using the designated contract support team (DCST); reporting to the Finance/Administration Section Chief. The Logistics Section Chief will work with the
Procurement Office to ensure that accounting practices and procedures are followed for all transactions.

Primary activities shall be to:

1. Establish written term contracts for services.
2. Eliminate through public notice State liability from verbal contracts.
3. Assess and establish leases for office and other space.
4. Provide assistance, as needed, to all participating agencies in contracting, emergency procurement and reporting.
5. Establish systems to provide adequate internal controls and communication between the finance procurement unit and the logistics supply unit.
6. Coordinate with ADMVA/DHSEM and DOT/PF and Logistics to ensure that ground transportation vehicular requirements are met.
7. Assist in hiring and training of staff for procurement function.

TAB G: DOCUMENTATION

Responsible Agency: ALL/DEC/LAW

1. Minimum Requirements
   Each agency shall immediately implement documentation control and collection procedures. In all cases telephone logs, correspondence, reports, time records and field notes shall be considered a part of documentation. Numerical document control practices by all participating agencies and a mechanism for centralized document control and retention shall be instituted at the agency level. All staff shall be subject to a "Check In - Check Out" process through the Resource Unit of the Planning Section for debriefing and to ascertain that vital records are retained on site.

2. Additional Requirements
   Additional documentation and data management requirements shall vary by incident. ADEC in conjunction with the Department of Law shall establish the documentation and data management requirements for each incident. Attention shall be paid to cost recovery requirements. Each participating agency shall be provided written instructions by ADEC for documentation requirements in excess of minimums.

TAB H: EMERGENCY SPILL RESPONSE, CONTINGENCY PLANNING, AND THE ACMP REVIEW PROCESS

The Alaska Coastal Management Program (ACMP) provides a process for review and approval of coastal development projects. Spill responses and contingency planning are not considered a proposed development and do not meet the definition of a "project" (as defined in HB 191 or 6 AAC 50.990). Spill response is an unplanned event utilizing temporary measures to remove a hazard to public health or the environment as soon as possible. Spill response does not develop a resource or build an infrastructure to improve the state; rather spill response removes an injury to the state that prevents a proposed development from occurring. Similarly, spill response contingency planning is not a development project; instead, the plans provide the framework through the identification of response resources, the response organization, and resources at risk in the area of concern.
Responses to oil and hazardous substance releases are excluded from the consistency review and determination process. DEC (through pre-designated State On-Scene Coordinators, or SOSC) and the lead federal agencies (EPA and the Coast Guard through designated Federal On-Scene Coordinators, or FOSC) direct responsible parties to cleanup spills. The responsible parties develop either incident action plans for large spills or cleanup plans for smaller spills and submit those plans to the SOSC and FOSC for approval. The SOSC and FOSC are responsible for providing approval or authorization for the responsible party to proceed with cleanup. Other agencies may provide authorizations during a spill; however, those authorizations are included under the umbrella of the SOSC and FOSC approval of the incident action plan or cleanup plan. Under designated authority, the SOSC acts as the final arbiter if conflicts arise with regard to the State’s response effort. Similarly, the FOSC serves as the final decision-maker for federal response issues. As such, spill response is excluded from the consistency review and determination process per AS 46.40.096(g).
APPENDIX IV – OTHER STATE REPORTS

Specific procedures, format, and criteria for the following State reports are set forth in the ADEC/SPAR/PERP Policy Manual.

TAB A: ADEC AFTER-ACTION REPORT

In order to better evaluate the response methods used by ADEC and ensure that any problems encountered are adequately addressed, an “after action” summary report (i.e., a lessons learned report) is produced for each significant spill incident involving ADEC and other State response staff. After Action Reports are prepared through consolidating ADEC internal inputs as well as inputs from other responding State agencies.

TAB B: SITUATION REPORT (SITREP)

ADEC disseminates information on ongoing emergency spill response activities through the issuance of periodic Situation Reports (SITREPs). The number and frequency of these reports, which follow a standard format, depends upon the severity of the incident and the size and scope of ADEC response activities associated with the incident. ADEC SITREPs are routinely distributed to ADEC management, the Governor’s Office, and other State agencies, as well as to all appropriate stakeholders depending on the specific incident. Additional SITREPs are generated during the cleanup and recovery phase to keep interested parties informed on the progress of this aspect of the response.
APPENDIX V – PERMITS AND PERMITTING

This section contains a list of the various permits that could be required in an oil or hazardous substance response and recovery operation. The Alaska Oil Spill Permits Project (AOSPP) workgroup reviewed and updated the information in 2006 and continues to provide updates as changes occur. The workgroup convened in 2004 to update the list of permits required for oil spill response activities and to provide the most recent, accurate copies of all permit forms in an effort to facilitate the oil spill permitting process. The workgroup developed a Permit Tool, which contains electronic versions of each of the permits listed below and allows the user to create a file with incident-specific information and then export that information into each permit form using the Adobe Acrobat® forms function. The Permit Tool also provides an example of a completed version of each form for a hypothetical incident.

The Permit Tool contains those permits that may be required by State and federal agencies. If an incident occurs within the boundaries of a municipality, additional municipal permits may also be required. The appropriate local government official should be contacted to determine local permitting requirements. Some of the forms, authorizations, and instructions contained in the Permit Tool are not required by regulation, but are recommended formats for certain response activities.

The Permit Tool is available on the Internet at http://www.dec.state.ak.us/spar/perp/permits/index.htm

Permits can be accessed within the Permit Tool either by the agency that requires the permit or the response activity that may trigger its requirement. The following list identifies the categories of response activities that are used in the Permit Tool (note that some permits may be required for more than one type of response activity):

- Historic Properties Protection
- Waste Management
- Notification and Reporting
- Mechanical Response
- Land Access
- Wildlife Response
- Non-mechanical Response
- Places of Refuge
- Logistics

For the most current version of the following ADF&G permits, please refer to the website provided.

Scientific Permit application (for birds, mammals and reptiles): http://www.wildlife.alaska.gov/index.cfm?adfg=license.main (click on “Scientific Permit Application”).

Fish Resource Permit application: http://www.cf.adfg.state.ak.us/geninfo/permits/frp/frpapppr.pdf

Special Area Permit application: http://www.habitat.adfg.alaska.gov/generalpermits/specareapermit.pdf

Fish Habitat Permit application: http://www.habitat.adfg.alaska.gov/generalpermits/fhpermitapp.pdf

NOTE: None of the permit applications that appear on ADEC’s website will cover permission granted by ADF&G to haze wildlife. This activity requires that an applicant contact ADF&G directly to obtain a hazing permit.
The following table contains a master list of permits, authorizations, forms, and instructions in the Permit Tool.

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