

**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
SOUTHCENTRAL REGIONAL LAND OFFICE**

**Regional Manager's Decision**

ADL 233819

Department of Transportation & Public Facilities

Public Access Easement

Hatcher Pass Road Right-of-Way Expansion

**REQUESTED ACTION**

On May 4, 2021, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO), received an application for an easement from the Alaska Department of Transportation & Public Facilities (DOT&PF; the applicant) for a to grant additional right-of-way abutting the 100-foot-wide Hatcher Pass Road on State-owned, DMLW-managed uplands near Hatcher Pass, Alaska. The purpose of the proposed easement is to facilitate public access and future highway maintenance and construction. The applicant has requested a public access easement approximately 24.75 miles long, approximately 50 feet wide on either side of the existing road right-of-way, and 300 acres in size, more or less.

**RECOMMENDED ACTION**

The request shall be modified, and this easement be authorized as follows:

- Type of easement: Public access easement
- Length: Approximately 24.75 miles
- Width: Approximately 100 feet
- Acreage: Approximately 300 acres
- Term: Indefinite
- Grantee: DOT&PF
- Associated actions: Closure and combination of ADL 226415 and ADL 233514

**BACKGROUND**

This request is intended to expand the existing right-of-way for Hatcher Pass Road, which was transferred to the State of Alaska from the Department of Commerce at the time of statehood pursuant to Section 21(a) of the Alaska Omnibus Act. The right-of-way for Hatcher Pass Road was previously understood by both DNR and DOT&PF to carry a width of 200 feet. Over time, additional research indicated that Hatcher Pass Road was classified as a “local road” by the Alaska Road Commission, which would instead point to a width of only 100 feet. Due to this shift in understanding, roadway improvements previously thought to have been within the boundaries of the right-of-way managed by DOT&PF are now understood to be located outside of the 100-foot corridor. Accordingly, DOT&PF has submitted this application to authorize any existing infrastructure which may fall outside of the existing 100-foot right-of-way, and to standardize the width of Hatcher Pass Road to simplify future projects. There are not currently any proposed construction activities associated with this request.

Additionally, DOT&PF has requested the closure and combination of two associated casefiles (ADL 226415 and ADL 233514) which either occupy portions of the same location as the current request or are located nearby and could be housed under ADL 233819 to simplify management. These casefiles will be closed and combined upon signature of an entry authorization to consolidate management of the right-of-way associated with Hatcher Pass Road.

### **SCOPE OF DECISION**

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the interest of the State of Alaska. All other aspects of the applicant's project are outside the scope of this decision.

### **STATUTORY AUTHORITY**

This easement application is being adjudicated pursuant to AS 38.05.850 and the Alaska Land Act as amended.

### **ADMINISTRATIVE RECORD**

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced herein, the 2010 Hatcher Pass Management Plan, and other classification references described herein, and the casefile for the application serialized by DNR as ADL 233819.

### **LOCATION INFORMATION**

#### **Geographic Location**

The applicant has requested that DMLW authorize an easement abutting the existing right-of-way for Hatcher Pass Road, extending approximately from Milepost 6.8 to 39.

#### **Meridian Township Range Section**

The applicant has applied to use the following State-owned, DMLW-managed lands:

- Seward Meridian, Township 19 North, Range 1 East: Sections 1-6, 11, 14, 23, 26
- Seward Meridian, Township 19 North, Range 1 West: Sections 1-4, 6
- Seward Meridian, Township 19 North, Range 2 West: Sections 1-6
- Seward Meridian, Township 19 North, Range 3 West: Section 2
- Seward Meridian, Township 20 North, Range 1 West: Section 35
- Seward Meridian, Township 20 North, Range 1 East: Sections 33, 35-36

The applicant also included the following sections in their requested legal description. Analysis of the existing centerline of Hatcher Pass Road shows that the applicant does not propose to place infrastructure within these sections of land. These sections will be omitted from the authorized area, if approved:

- Seward Meridian, Township 19 North, Range 1 West: Section 5
- Seward Meridian, Township 20 North, 1 East: Sections 31-32, 34

Additionally, analysis of the existing centerline of Hatcher Pass Road shows that the proposed infrastructure may also be located within the following sections, which are to be included in the authorized area if approved:

- Seward Meridian, Township 20 North, Range 3 West: Sections 35

**TITLE**

The State of Alaska holds title to applicable portions of lands within the boundaries of the project area as detailed below:

<b>DNR Casefile</b>	<b>Patent/Tentative Approval</b>	<b>MTRS</b>
GS 330	Patent 50-69-0001	S019N003W: 2
GS 332	Patent 50-69-0002	S020N003W: 35
GS 829	Patent 1234161	S019N001E: 26
GS 1222	Patent 50-68-0076	S019N001E: 1-6, 11, 14, 23
GS 1224	TA 1984-0185	S020N001E: 33, 35-36
GS 1227	TA 1964-0134	S019N001W: 1-4, 6
GS 1228	Patent 50-86-0027	S020N001W: 35
GS 1233	Patent 50-85-0081	S019N002W: 1-6

Any State-owned, DMLW-managed lands, or State-selected lands that may be managed by DMLW in the future that are crossed by the authorization considered herein at the time of this decision, which are omitted from this list, and are subsequently identified, are included in this decision. Navigable and public water determinations are subject to change pursuant to future findings.

**THIRD PARTY INTERESTS**

The applicant has requested an easement that may impact the following interests. Public notice has been sent to all interest holders noted below:

- RST 95, R.S. 2477 Right-of-Way - Houston-Willow Creek Trail, Division of Mining, Land & Water (DMLW)
- RST 1620, R.S. 2477 Right-of-Way - Talkeetna River Trail, DMLW
- ADL 44316, Public Utility Easement, Matanuska Electric Association (MEA)
- ADL 44351, Non-Competitive Lease, New Cingular Wireless PCS, LLC
- ADL 46665, Public Access Easement, Alaska Department of Fish & Game (ADF&G)
- ADL 52715, Public Access Easement, ADF&G
- ADL 57723 – Public Access Easement, DMLW
- ADL 66657, Public Access Easement, Department of Transportation & Public Facilities
- ADL 217479, Public Access Easement, DMLW
- ADL 223571 – Interagency Land Management Assignment, Division of Parks & Outdoor Recreation (DPOR)
- ADL 227360, Public Utility Easement, MEA
- ADL 228199, Public Utility Easement, MEA
- ADL 228852 – Public Utility Easement, Matanuska Telephone Association
- ADL 231600 – Material Site, DMLW
- ADL 233120 – Public Access Easement, Matanuska-Susitna Borough

- ADL 233766, Special Land Use Permit, DPOR
- ADL 234032 – Public & Charitable Lease, Hatcher Pass Alpine Experience
- ADL 511087, Leasehold Location, Mrak Placer Mine
- ADL 524956, Mining Claim, Hillary R. Palmer
- ADL 545643, Mining Claim, Baumeister Family Trust
- ADL 554563, Mining Claim, Charles J. Strange
- ADL 623671, Mining Claim, Jason Lee Burns
- ADL 629733, Mining Claim, Contango Minerals Alaska, LLC
- ADL 629735, Mining Claim, Contango Minerals Alaska, LLC
- ADL 639188, Mining Claim, Jason Lee Burns
- ADL 645932, Mining Claim, Alaska Hardrock, Inc.
- ADL 645933, Mining Claim, Alaska Hardrock, Inc.
- ADL 650836, Mining Claim, Alaska Hardrock, Inc.
- ADL 651699, Mining Claim, Alaska Hardrock, Inc.
- ADL 651700, Mining Claim, Alaska Hardrock, Inc.
- ADL 651701, Mining Claim, Alaska Hardrock, Inc.
- ADL 656100, Mining Claim, Alaska Hardrock, Inc.
- ADL 716722, Mining Claim, Doyle E. Holmes
- ADL 716395, Mining Claim, Doyle E. Holmes
- ADL 716397, Mining Claim, Doyle E. Holmes
- ADL 721000, Mining Claim, Mountain Heather Investments, LLC
- ADL 721001, Mining Claim, Mountain Heather Investments, LLC
- ADL 728447, Mining Claim, Ben Rosemore
- ADL 728451, Mining Claim, Charles J. Strange
- ADL 728468, Mining Claim, Charles J. Strange
- ADL 730936, Mining Claim, Ernest B. Diamond
- ADL 731732, Mining Claim, Beth Poplawski
- ADL 731733, Mining Claim, Beth Poplawski
- ADL 731734, Mining Claim, Beth Poplawski
- ADL 736513, Mining Claim, Joseph Stanistreet
- ADL 739001, Mining Claim, Ron Hoel

#### **PLANNING & CLASSIFICATION**

The proposed easement falls within the boundaries of the 2010 Hatcher Pass Management Plan (HPMP) with the Government Peak Unit, Mile 16 Unit, Reed Lakes/Little Susitna Unit, Archangel Unit, Independence Unit, Cragie Creek Unit, and Bald Mountain/Hillside Unit. Unit designations and their associated classifications are noted below:

<b>Unit</b>	<b>Designation</b>	<b>Classification</b>
Government Peak	Public Recreation Dispersed, Public Recreation-Developed	Public Recreation Land
Mile 16	Public Recreation-Concentrated	Public Recreation Land
Reed Lakes/Little Susitna	Public Recreation Dispersed	Public Recreation Land
Archangel	Public Recreation-Dispersed, Mining	Public Recreation Land, Mineral Land
Independence	Public Recreation-Public Use Site (Developed), Public Recreation-Dispersed, Mineral	Public Recreation Land, Mineral Land
Cragie Creek	Public Recreation Dispersed, Minerals	Public Recreation Land, Mineral Land
Bald Mountain/Hillside	Public Recreation Dispersed, Habitat, Minerals	Public Recreation Land, Wildlife Habitat Land, Mineral Land

Additionally, a portion of the proposed easement falls within the boundaries of the 2008 Southeast Susitna Area Plan (SSAP) within the Kashwitna/Willow Uplands Region, including subunits U-10, U-15, U-16, U-17, U-20, and U-22. Unit designations and their associated classifications are noted below:

<b>Unit:</b>	<b>Designation:</b>	<b>Classification:</b>
U-10	Settlement	Settlement Land
U-15	Materials	Material Land
U-16	Public Recreation – Dispersed Use	Public Recreation Land
U-17	Materials	Material Land
U-20	General Use	Resource Management Land
U-22	Habitat, Water Resources	Wildlife Habitat Land, Water Resources Land

The construction and use of Hatcher Pass Road predates statehood and is therefore noted in all subunits of the HPMP and SSAP as a preexisting development. Additionally, upgrades to Hatcher Pass Road are explicitly discussed in Tab 4-4: Facility Recommendations on State Land in the HPMP, as the road is the only transportation corridor connecting the Fishhook and Willow areas through the pass. As such, the preexisting road does not conflict with the management guidelines of the various subunits which it crosses and is therefore compatible with the overall management intent and goals of the HPMP and the SSAP.

## **ACCESS**

Functional legal access to the state land discussed herein exists via Hatcher Pass Road.

The authorization proposed herein will not impair public access; therefore, an easement pursuant to AS 38.05.127 is not necessary to ensure free access to and along any public or navigable waters.

## **PUBLIC NOTICE & AGENCY REVIEW**

### **Public Notice Summary**

Public notice of the application was conducted from November 2, 2023, to December 2, 2023. Following requests for a depiction of the project area, the public notice was updated with maps provided by DOT&PF and the comment deadline was extended until December 18, 2023. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Willow, Wasilla, and Palmer post offices for display on their notice boards. The notice was also sent to the following recipients:

- Cook Inlet Region Inc.
- Fishhook Renewable Energy, LLC
- Contango Minerals Alaska, LLC
- Mountain Heather Investments, LLC
- Matanuska Telephone Association
- Matanuska Electric Association
- Hatcher Pass Alpine Experience
- Hatcher Pass Land Company
- 12 adjacent landowners and mining claim holders

One comment was received during the public notice period and is summarized below:

### **Public Notice Comment & Response**

Comment: On November 30, 2023, SCRO received a comment from landowners adjacent to Hatcher Pass Road who were concerned that the right-of-way expansion would not be surveyed to provide a fixed location for the public record. They also noted that the state may only authorize new right-of-way on state owned land and that they did not see any reference to the applicant's intent acquire right-of-way from private parties in the application.

Response: SCRO appreciates the response. DOT&PF surveys are typically conducted in conjunction with construction activities, which are not planned at this time. While SCRO does intend to have the new right-of-way surveyed or otherwise adequately located, the timeframe for doing so will be elongated due to the lack of planned construction. At this time SCRO is not aware of any intent by DOT&PF to acquire additional right-of-way from private parties. This application only pertains to DMLW-managed lands.

One additional comment was received after the expiration of the public notice period. While not included in this decision, it is part of the administrative record for ADL 233819 and is included in the casefile.

### **Agency Review Summary**

Agency review of the application was originally conducted from November 2, 2023, to December 2, 2023. Following requests for a depiction of the project area, the agency review was updated with maps provided by DOT&PF and the comment deadline was extended until December 18, 2023. The notice was sent to the following recipients:

### **Federal Agencies**

- U.S. Army Corps of Engineers
- Bureau of Land Management (BLM)

### **State Agencies**

- DNR Div. of Parks and Outdoor Recreation (DPOR); Permitting and Office of History and Archeology(OHA, Mat-Su/Copper River Office  
DNR Div. of Mining, Land & Water; Surveys, Land Conveyance Section (LCS), Contracts Initiation and Revenue Recovery, Realty Services, Mining, Water.
- Department of Administration; Division of Information Services
- DNR Div. of Forestry: Mat-Su Office
- DNR AK Mental Health Trust Land Office
- DNR Spatial Case Information Management System
- Department of Environmental Conservation (DEC) Div. of Water; Wastewater, Alaska Pollutant Discharge Elimination System Program
- DEC Div. of Environmental Health; Drinking Water Program, Solid Waste Program
- DEC Div. of Spill Prevention, Contaminated Sites
- Alaska Department of Fish & Game (ADF&G); Habitat; Wildlife Conservation, Access Defense
- DCCED Div. of Community & Regional Affairs
- DOT&PF Statewide ROW
- Wasilla Soil and Water Conservation District

### **Local Agencies**

- Matanuska-Susitna Borough; Planning Department; ROW Coordinator

### **Agency Review Comment & Response**

A total of seven comments were received during the agency review and are summarized below:

Comment: On November 6, 2023, DMLW LCS commented to note their non-objection to the application.

Response: SCRO appreciates the response.

Comment: On November 7, 2023, the DEC Contaminated Sites Program commented to note that while there is documented contamination within the vicinity of the proposed right-of-way expansion, it is unlikely to impact the proposed right-of-way expansion and offered a statement of non-objection.

Response: SCRO appreciates the response.

Comment: On November 29, 2023, the ADF&G Access Defense Program noted their non-objection to the application. However, ADF&G requested that future application packages include a graphical depiction of the proposed development.

Response: SCRO appreciates the response.

Comment: On December 6, 2023, DPOR OHA provided a comment detailing 19 known historic resources within 200-feet of the proposed right-of-way documented in the Alaska Heritage Resource Survey. OHA noted that “*no further action is need at this time given that this is an administrative action with no planned construction activities*” but stated that “*subsequent projects may require Alaska Historical Preservation Act consultation with OHA, trigger determinations of eligibility for identified sites, or discover remains of previously unidentified cultural resources*”.

Response: SCRO appreciates the response. The table of historic resources was subsequently provided to DOT&PF for review.

Comment: On December 7, 2023, the Division of Forestry and Fire Prevention noted that they had no comment regarding the application.

Response: SCRO appreciates the response.

Comment: On December 8, 2023, DNR DPOR submitted a comment noting the following:

1. DPOR would like to know how the easement extension would affect DPOR managed lands that are within the ROW. Would this change the current management authority?
2. As this is state land would the Alaska Heritage Resources Survey from the Office of History and Archaeology be conducted within the extended easement corridor at the time the easement is granted or as development occurs? Alaska State Parks would like a copy of the non-objection letter(s) prior to any construction taking place.
3. Alaska State Parks would like to review a copy of the jurisdictional determination from the US Army Corps of Engineers associated with the extended easement request.
4. As this area would open additional areas for development, how will DOT minimize the risk of spruce bark beetle infestation from timber or slash removed or stockpiled within the easement? How will these actions mitigate spruce bark beetle impacts within the adjacent state park lands?
5. How will the risk of invasive species introduction from development within the extended easement be mitigated from spreading into adjacent state park lands? Will certified weed free soils be used exclusively within the park boundaries?
6. Downstream of the easement, the Little Susitna River is listed as an impaired river system (Assessment Unit ID AK\_R\_2050512\_016\_003) for turbidity. Within the easement, the Little Susitna River is listed as “not enough information” to make a water quality assessment determination. What actions within the easement will be taken to reduce further water quality impacts and support salmon species in areas where the river is included in the easement?

Response: SCRO appreciates the response. In regard to the first question, sites in the project vicinity where management authority has been administratively assigned to DPOR are expected to remain under DPOR management. Questions two through six detail concerns related to construction activities and administrative procedures associated with various agencies which may have jurisdiction over development of additional roadway. DOT&PF’s application is intended to clarify longstanding confusion regarding the width of the right-of-way associated with Hatcher Pass Road, and no construction is currently proposed. If and when construction within the right-of-way expansion is proposed by



DOT&PF, documentation related to historic resources and environmental mitigation can be provided to DPOR.

Comment: On December 18, 2023, BLM commented to note that they had no rights-of-way, permits, or other interests in the project area.

Response: SCRO appreciates the response.

No other comments were received.

## **ENVIRONMENTAL CONSIDERATIONS**

It is recommended that fuel, lubricants, and other hazardous materials be restricted to those necessary and be contained within tools and vehicles when equipment is necessary for construction and maintenance activities. Additionally, no fuel or other hazardous materials should be authorized to be stored on site.

## **ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES**

DMLW assesses the economic benefits of the proposed authorization and whether it encourages the development of the State's resources. The proposed easement facilitates the expansion of the public highway system which will promote conditions for economic development, thus providing an indirect benefit to the state. Issuance of this easement provides for the greatest economic benefit to the State and is consistent with the legislative intent expressed in AS 38.05.850.

## **DISCUSSION**

### *Dimensions and Applicability*

To facilitate DOT&PF's request to expand the current 100-foot right-of-way associated with Hatcher Pass Road, two strips of new easement serialized as ADL 233819, will be granted along either side of the existing right-of-way where DMLW is the underlying landowner. The strips will be approximately 50 feet in width unless additional right-of-way is required to encompass existing DOT&PF roadway improvements. This action applies only to DMLW managed lands and has no effect on privately held parcels along the roadway.

### *Location, Depiction, and Entry Authorization*

Land underlying and abutting Hatcher Pass Road within the project area, while primarily state owned, is a patchwork quilt of surface and subsurface rights. As such, location of the right-of-way expansion is critical to ensure clear understanding of DOT&PF's property interest for the public at large, particularly as the new right-of-way granted herein will not be a uniform width in all locations. DOT&PF's application requests that no survey be required for issuance of the easement, or that an entry authorization be issued with an indefinite term, as there is no new construction which would trigger additional survey of the roadway. To balance the public interest of clearly defining the roadway with the uncertain and nebulous timeline in which survey work may be conducted, SCRO proposes to issue an entry authorization with a term of ten years. This term may be extended by written request from DOT&PF, and a final easement will be issued when the application has provided a location diagram of the right-of-way boundaries acceptable to the Authorized Officer.

### Subsurface claims

A multitude of existing mining claims are located along Hatcher Pass Road. As noted in the application, “DOT&PF understands that subsurface mining claims do not constitute a third-party interest for valuation purposes unless obviously in conflict with road construction activities, per Parker v. Alaska Power Authority (913 P.2d 1089, 1996). Per AS 38.05.255(a), “Surface uses of land or water included within a mining property by the owners, lessees, or operators shall be limited to those necessary for the prospecting for, extraction of, or basic processing of minerals and shall be subject to reasonable concurrent uses.” No construction is proposed within the right-of-way expansion or anticipated by DOT&PF therefore no conflict presently exists between surface and subsurface activities.

### Existing Utilities

As noted by DOT&PF, “any portion of a utility authorized by a pre-existing easement from DNR that is encompassed within the approved easement will be provided comparable utility permits through applicable AS 19 statutes”.

### Term

As the right-of-way expansion is intended to correct decades-long confusion as to the legal width of a public roadway which provides access to state resources and recreational opportunities, the term of the easement shall be indefinite.

### Closure and Combination of Related Casefiles

Two existing DOT&PF casefiles serialize projects which fall within the new proposed right-of-way. ADL 226415 serializes an application submitted by DOT&PF on August 1<sup>st</sup>, 1994, for an effort to realign a portion of Hatcher Pass Road located between Milepost 6.8 and 8.5. The most recent entry authorization associated with the casefile expired on October 27, 2023. While this request does not directly overlap with the footprint of the current easement requests, the casefiles will be combined to reduce administrative burden and reduce the number of DOT&PF casefiles associated with Hatcher Pass Road.

ADL 233514 serializes an application submitted by DOT&PF on November 25, 2019, to facilitate flood repairs to Hatcher Pass Road at Milepost 34. The casefile is in active entry authorization status until June 9, 2025; however, DOT&PF has already recorded a right-of-way plat acquiring the additional easement interest (Document No. 2023-017139-0, Palmer Recording District). The footprint of ADL 233415 both overlaps with and exceeds the width of the currently proposed easement. Therefore, this case will be closed and combined with ADL 233819 to simplify the administrative records for DOT&PF managed easements across DMLW owned lands associated with Hatcher Pass Road. The footprint of ADL 233819 will be expanded in this area to reflect the existing footprint of ADL 233415.

## **PERFORMANCE GUARANTY**

A performance guaranty is intended to incentivize compliance with the terms and conditions of the entry authorization and easement. It also provides a mechanism for the State to ensure that the applicant shares in the financial burden in the event of noncompliance (including fee payment, survey, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. In consideration of the low risk associated with the proposed

authorization and the applicant's known history of compliance, a performance guaranty will not be required at this time. DMLW reserves the right to require a performance guaranty during the term of the easement.

**INSURANCE**

In consideration of the low risk associated with the proposed authorization and the applicant's known history of compliance, insurance will not be required at this time. DMLW reserves the right to require insurance during the term of the easement.

The applicant may be required to provide proof of its contractor's insurance upon DMLW's request.

**SURVEY**

A DMLW-approved location diagram is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. A final easement will not be issued until the applicant has supplied a graphic depiction satisfactory to the Authorizing Officer.

**FEES**

Per 11 AAC 05.020(b), interim and one-time issuance fee(s) for this authorization are waived as the request is in the public interest. Additionally, the easement document will be sent to the Recorder "State Business - No Charge" as the applicant is a state agency.

**ENTRY AUTHORIZATION**

An entry authorization shall be issued for a term ending ten years from the effective date of this decision for the purpose of surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public access easement. The entry authorization may be revoked if the applicant has not submitted DMLW with a draft as-built survey one year prior to the expiration of the entry authorization. An extension of the entry authorization may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW, and may be subject to applicable fees. If an extension is required, the applicant should contact DMLW at least 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan.

**RECOMMENDATION**

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is my recommendation that an easement is issued as described above, on the condition that all stipulations are followed as described in the attached authorization.

*Evan Dodd*

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Evan Dodd, Natural Resource Specialist 3  
DMLW Southcentral Regional Land Office

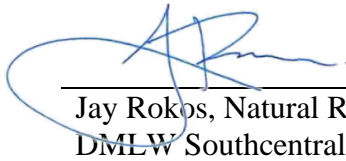
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Date

## REGIONAL MANAGER'S DECISION

When adjudicating an easement authorization pursuant to AS 38.05.850, DMLW seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with public interest. In consideration of all events and criteria listed above, I hereby determine that the authorizations to be granted by this decision are consistent with DMLW's mission, that this project is consistent with the overall classification and management intent for this land, and that issuance of an authorization as described above is in the interest of the State of Alaska. The Department assumes no responsibility for maintenance or liability for injury or damages attributable to this authorization.

This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the authorization. Additional time may be allotted to complete these requirements; however, this will not extend the total term of the authorizations issued under this decision. This decision goes into effect and becomes a final administrative order and decision of the department on the 31<sup>st</sup> calendar day after issuance.



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Jay Rokos, Natural Resource Manager 1  
DMLW Southcentral Regional Land Office

8/8/2024

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Date

## ATTACHMENTS

- Entry authorization, unsigned

## APPEAL

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200.00 under the provisions of 11 AAC 05.160 (a)-(b). A .pdf or print copy of 11 AAC 02 may be obtained by contacting DNR's Appeals Program via phone at (907) 269-3565, via email at [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov), and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.