STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER

Southeast Regional Land Office Regional Manager's Decision ADL 109286 Juneau Hydropower, Inc. Application for Easement AS 38.05.850

Executive Summary

On September 27, 2022, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) received an application from Juneau Hydropower, Inc. (JHI) requesting a 50-year, public easement for a proposed electric transmission line to supply electric power, fiber optic communication access, and internet cable to Coeur Alaska Kensington Mine, Goldbelt Inc. upland properties near Cascade Point, and future JHI customers in the Juneau community. The easement will be approximately 30 feet wide, traverse a total of 33,724 feet across Berners Bay, and occupy approximately 23.23 acres of state-owned tide and submerged land. The State of Alaska intends to authorize this easement.

Requested Action

The first segment will begin at the northern boundary of Point Bridget State Park in Echo Cove. It will connect to an existing JHI easement, ADL 109059, previously approved by DMLW on January 23, 2025. This segment will extend 30,624 feet north across Berners Bay and terminate at Slate Creek Cove. As stated in the applicant's development plan, this main cable segment will be made up of three, 69kV AC conductors sheathed together and deployed as a single armored cable bundle designed to reduce electromagnetic fields. This segment is intended to reach and provide electric utility services to Coeur Alaska Kensington Mine and other potential customers in north Berners Bay. The segment will include a high voltage, undersea electric transmission line with fiber optic cable combined. The cable will be buried at a depth of two to three feet and armored with 18- inch or smaller rock riprap where necessary. The armored sections will be two to five feet thick by approximately 10 feet wide.

The second segment, a lower voltage transmission line, will also begin at the northern boundary of Point Bridget State Park in Echo Cove and will run in parallel and in the same trench as the high voltage cable from the first segment. This lower voltage line will then branch from the first in Echo Cove and span approximately 3,100 feet northeast across Berners Bay and terminate on Goldbelt Inc. upland property in the Cascade Point area. According to the development plan submitted by the applicant, this cable segment will be made of three, 34.5kV (or less) AC conductors sheathed together and deployed as a single cable bundle designed to reduce electromagnetic fields. This segment is intended to reach future customers in the Cascade Point area and serve the future State of Alaska Cascade Point Ferry Terminal. The proposed development diagram is included as Attachment 1.

Proposed Action

DMLW intends to issue the applicant a public easement for use of state-owned tide and submerged land as described above for a 50-year term. DMLW will issue an entry authorization (EA) for a term of 3 years to allow for construction and completion of a DMLW-approved survey, which is a prerequisite for issuance of the final easement. The term of the EA shall be inclusive of the total easement term of 50 years. A draft EA is included as Attachment 2. A draft public easement is included as Attachment 3.

Statutory Authority

This easement application is being adjudicated pursuant to AS 38.05.850, the Alaska Land Act as amended, and AS 38.05.127.

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 Juneau State Land Plan, 1993 (JSLP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 109286.

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.

Location Information

Location Description: This public easement will include a submarine cable route from Echo Cove to Slate Creek Cove and a route branching from Echo Cove to Cascade Point. The easement will be generally located across state-owned, DMLW managed tide and submerged land in Berner's Bay, approximately 40 miles north of Juneau, Alaska. The easement will be approximately 30 feet wide, 33,724 feet long, and occupy approximately 23.23 acres within the following:

- Copper River Meridian, Township 36 South, Range 62 East, Sections 1, 12, and 13.
- Copper River Meridian, Township 36 South, Range 63 East, Sections 18,19, 30, 31 and 32.
- Copper River Meridian, Township 37 South, Range 63 East, Sections 1, 2, and 12.

A site diagram is included as Attachment 1; however, the required survey will establish exact location and acreage.

Other Land Information

Municipality: City and Borough of Juneau Regional Corporation: Sealaska Corporation Village Corporation: Goldbelt, Incorporated

Federally Recognized Tribes: Central Council of the Tlingit and Haida Indian Tribes of

Alaska, and Douglas Indian Association

Title

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying Berners Bay in the section(s) referenced above, on the basis of the Equal Footing Doctrine, the Alaska Statehood Act, and the Submerged Lands Act of 1953. DNR Title Reports RPT 22993, 22994, and 22995 issued on September 23, 2024, from DMLW's Realty Services Section attests to the state's ownership of the subject parcel.

Planning and Classification

The proposed site is subject to the Juneau State Land Plan (JSLP, December 1993) and is located within Management Units 1a – Echo Cove and 11b – Berners Bay.

A designation is a category of land allocation determined by a land use plan. Designations identify the primary and co-primary uses for state land. Land classification identifies the purposes for which state land will be managed. All classification categories are for multiple use, although a particular use may be considered primary.

Within Management Unit 1a – Echo Cove, the project will cross the following subunits: 1a1, 1a4, 1a5, 1a6, 1a8, and 1a15. The assigned designations and converted classifications of each are explained below.

<u>Subunit 1a1</u> is assigned the designation Hv (F&W Harvest). This designation converts to the Wildlife habitat land classification. Subunit 1a4 is assigned designation G (General uses). This designation converts to the Resource management land classification.

<u>Subunit 1a5</u> is assigned designation G (General uses). This designation converts to the Resource management land classification.

<u>Subunit 1a6</u> is assigned the following designations: Hv (F&W Harvest) and Rd (Recreation and tourism – dispersed use). These designations convert to the following classifications respectively: Wildlife habitat land and Public recreation land.

<u>Subunit 1a8</u> is assigned the following designations: Hv (F&W Harvest), Rd (Recreation and tourism – dispersed use), and Ha (F&W Habitat). These designations convert to the following classifications respectively: Wildlife habitat land, Public recreation land, and Wildlife habitat land.

<u>Subunit 1a15</u> is assigned the following designations: Rd (Recreation and tourism – dispersed use), Ha (F&W Habitat), and Wd (Waterfront development). These designations convert to the following classifications respectively: Public recreation land, Wildlife habitat land, and Waterfront development land.

The overall management intent for Unit 1a – Echo Cove states that for the near term, "state tidelands, submerged lands, and uplands in this unit will be managed to provide a semi-primitive

recreation experience, wildlife habitat, and harvest opportunities" (JSLP 3, 19). The management intent also states that "tideland support facilities for shoreline developments such as resource transfer facilities, a port, or a ferry dock are allowable uses within these subunits" (JSLP 3, 19).

Within Management Unit 11b – Berners Bay, the project will cross the following subunits and assigned designations and classifications:

<u>Subunit 11b4</u> – middle Berners Bay is assigned the following designations: Hv (F&W Harvest) and Rd (Recreation and tourism – dispersed use). These designations convert to the following classifications respectively: Wildlife habitat land and Public recreation land.

<u>Subunit 11b6</u> – Outer Slate Creek Cove is assigned the following designations: Rd (Recreation and tourism – dispersed use), Ha (F & W Habitat), and Wd (Waterfront development). These designations convert to the following classifications: Public recreation land, Wildlife habitat land, and Waterfront development land.

The overall management intent for Unit 11b – Berners Bay states that "with the exception of Slate Creek Cove (subunit 11b6) the state tidelands, submerged lands, and shorelands in this unit will be managed to provide a semi-primitive recreational experience and protect fish and wildlife habitat and harvest opportunities" (JSLP 3, 204). Additionally, it states that "over the long term, roads and utility corridors that provide improved access to mining or serve as part of a regional transportation and utility system may be considered. Part of the tidelands in Slate Creek cove within Subunit 11b6 will be managed to provide support facilities for mining related activities while minimizing significant impacts on habitat and recreation for which the subunit is codesigned" (JSLP 3, 204).

After reviewing the state's management and planning provisions for the subject area, DMLW finds that the JSLP allows state land to be used for the proposed activities. All relevant units and subunits are managed for multiple uses, and the proposed project is not prohibited in any of the proposed locations. Since the infrastructure proposed within this authorization is submerged, the semi-primitive recreational experience intended for both units will be preserved. In those locations specifically designated for habitat or harvest, standard DMLW stipulations will remain in place to mitigate disturbances. In the comment section of this decision, Alaska Department of Fish and Game has also provided suggested construction timing windows for additional mitigation opportunities. The proposed project will also help meet other allowable and anticipated uses in the area such as mining operations in Slate Creek Cove and potential transfer facilities, ferry dock, or other structures and properties that could benefit from the utility services in Echo Cove, Cascade Point and beyond.

Third Party Information

The applicant has requested an easement that partially intersects a tidelands lease for a ramp and dock facility that was previously issued to Coeur Alaska Inc. on October 15, 2011, under ADL 107154. Coeur Alaska Inc. provided a letter of non-objection for this request dated August 10, 2022, voicing their support for the issuance of the easement. The applicant has also proposed, for the Cascade Point segment, that the cable land on Goldbelt Inc.-owned uplands and will partially intersect a tidelands lease for a marine terminal that was previously issued to Goldbelt Inc. on

May 1, 2008. DMLW received a letter dated April 1, 2024, from Goldbelt Inc. supporting JHI's proposed activities and uses.

Agency Review and Public Notice

Agency Review Summary

An Agency Review of the original application was conducted from March 17, 2023 to April 17, 2023. An additional Agency Review was conducted from April 30, 2025, to June 2, 2025, referencing the amendment to application and project location. The following organizations were included in both reviews:

- o Alaska Department of Fish and Game (ADF&G)
- ADF&G Habitat Division
- Alaska Department of Environmental Conservation (DEC)
- Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA)
- Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation (DPOR)
- o Department of Natural Resources, Division of Forestry (DOF)
- o Department of Transportation & Public Facilities (DOT&PF).

Agency Review Comment and Response from March 17, 2023, to April 17, 2023 No comments from agencies were received.

Agency Review Comment and Response from April 30, 2025, to June 2, 2025

<u>ADF&G:</u> ADFG informed DMLW that the additional segment traverses both adult and juvenile Dungeness and king crab habitat. ADFG stated that "The Dungeness crab commercial fishery occurs annually June 15-August 15 and October 1-November 30, primarily in depths less than 150 ft." ADFG recommends that the applicant avoid conflicts with the Dungeness crab commercial fishery by scheduling work outside the commercial fishery openings if possible, and/or by alerting the fleet through the US Coast Guard's Notice to Mariners and the National Oceanic and Atmospheric Administration's (NOAA) Continuous Marine Broadcast service before and during deployment.

<u>DMLW Reply:</u> DMLW appreciates and notes the detailed information and recommendations. The timing windows and notification recommendations will be provided to the applicant for consideration and use prior to construction.

Public Notice Summary

A Public Notice of the original application was conducted from March 17, 2023, to April 17, 2023. An additional Public Notice was conducted from April 30, 2025, to June 2, 2025, referencing the amendment to application and project location. Both notices were posted on the Alaska Online Public Notice System website and sent to the following known interested parties:

- o The Juneau Post Office
- o The City and Borough of Juneau
- Central Council Tlingit and Haida Indian Tribes of Alaska, Native Lands and Resource Division

- Sealaska Corporation
- o Goldbelt, Incorporated
- o Douglas Indian Association
- o Southeast Alaska Conservation Council
- Alaska Association of Conservation Districts
- o Army Corps of Engineers
- National Marine Fisheries Service
- United States Forest Service

Public Notice Comment and Response from March 17, 2023, to April 17, 2023

Steve Winker: Mr. Winker commented that he believes the project area should avoid eelgrass habitat, specifically at Point Bridget and areas listed in a City and Borough of Juneau "Eelgrass Habitat and Faunal Assemblages" report that he provided. He also inquired of the relation of ADL 109286 to another DMLW casefile, ADL 109059.

<u>DMLW Response</u>: DMLW appreciates the additional information to consider and also coordinates with other agencies to determine specific habitat concerns in project locations. ADL 109059 is a portion of the same transmission line. The project sections were separated into ADL 109059 and ADL 109286 for reasons explained within the Discussion section below.

Public Notice Comment and Response from April 30, 2025, to June 2, 2025

<u>Riley Newman:</u> Mr. Newman inquired about the status of the project and whether a hydrographic or geophysical survey would be required.

<u>DMLW Response</u>: DMLW responded that ADL 109286 was still in active adjudication at the time of comment and that a survey meeting DMLW Survey Section standards is typically required.

Access

Physical and Legal Access: The applicant may access the site over state tide and submerged lands underlying Berner's Bay, a navigable water body.

Access to and along Public Waters: Berner's Bay is a navigable, public water body. Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Public access across this easement shall not be restricted in any manner.

Environmental Considerations

DMLW considers the environmental factors directly related to authorizing the use of State lands as part of its determination of whether approving the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether to approve the authorization. The applicant is responsible for determining site suitability.

Environmental contamination risk associated with the proposed easement is expected to be minimal. Fuel, lubricant, and other hazardous materials will be restricted to those necessary for construction and maintenance purposes. Exact use and requirements will depend on contractors and site conditions. As listed in their application material, JHI and contractors will follow all federal, state, and local laws and will file Storm Water Pollution Prevention Plans (SWPPP) when necessary. No fuel or other hazardous materials will be stored permanently on site; however, there may be a temporary fuel access point coordinated with existing fuel storage facilities located on Echo Ranch Bible Camp property during construction periods. There are no other known environmental constraints in this location.

JHI has agreed and stated in the development plan that appropriate arrangements will be made with the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA, NMFS) regarding marine mammals and the Marine Mammal Protection Act. JHI proposes and anticipates using the Federal Energy Regulatory Commission (FERC) and NMFS approved Article 418 Wildlife Mitigation and Management Plan (WMMP) that JHI is utilizing for the Berners Bay cable laying operations.

Economic Benefit and Development of State Resources

In accordance with AS 38.05.850, DMLW considers three criteria to determine if this project provides the greatest economic benefit to the State and the development of its natural resources: direct economic benefit to the State, indirect economic benefit to the State, and encouraging development of the State's resources.

The proposed project provides both direct and indirect economic benefits to the state through annual revenue made and potential jobs created. By allowing a minimally invasive transmission line that aims to provide power to residents of Alaska, the State is encouraging the development of resources in a way that will benefit not only the applicant, but the state as a whole.

Discussion

This easement will be one part of the Sweetheart Lake Hydroelectric Project proposed by JHI that is intended to supply utility services to the Juneau community. In addition to transmission lines that interconnect with the State of Alaska's Snettisham transmission line operated by Alaska Electric Light and Power (AELP), JHI plans to build a transmission line from AELP's Lena substation, located north of Juneau near Lena Cove, Alaska, to Slate Creek Cove on the north shore of Berners Bay to supply Coeur Alaska Kensington Mine and others in the surrounding area with electric power.

To reach the intended area of Slate Creek Cove, JHI has worked with DMLW to secure all necessary authorizations, one of which includes a land exchange between Echo Ranch Bible Camp (ERBC), JHI, and the State. The three parties proposed to exchange a private non-exclusive easement, of approximately 0.55 acres across State tide and submerged lands to JHI, in exchange for fee title of approximately 0.31 acres of land owned by ERBC adjacent to Point Bridget State Park. On April 4, 2021, DMLW issued a Final Decision authorizing the land exchange, which was serialized as ADL 109053. On January 23, 2025, DMLW issued a Regional Manager's Decision to issue the associated private nonexclusive easement, serialized as ADL 109059. Since ADL 109059 only authorized use up to the Point Bridget State Park

boundary, as stated in the exchange agreement, an additional authorization was needed for the remainder of the transmission line within Berner's Bay.

On September 27, 2022, JHI submitted an application for a public easement to complete the transmission line across Berners Bay, now serialized as ADL 109286. On April 3, 2025, JHI submitted a request to amend the application of ADL 109286 to include an additional segment of the transmission line that will branch from the original proposed line and extend northeast to Goldbelt, Inc. owned upland property within Cascade Point in Berner's Bay. This segment will supply potential customers in the Cascade Point area and could also serve the future State of Alaska Cascade Point Ferry Terminal. JHI has entered a Regulatory Commission of Alaska (RCA) docket to provide services to the intended areas.

Originally publicly noticed on March 17, 2023, as a 25-year authorization, DMLW has increased the proposed term length to 50 years. This is in keeping with the original request of the applicant as well as similar authorizations of this type. The 50-year term is also more consistent with other licensing terms the applicant holds and the long-term intended use of the project.

To meet other federal, state, and local requirements, JHI has acquired additional authorizations, permits, and licenses for the development and constructions of the proposed project. JHI holds a Federal Energy Regulatory Commission (FERC) license for development of the overall Sweetheart Lake Hydroelectric Project. JHI also holds a 404 Wetlands Permit with the U.S. Army Corps of Engineers for the proposed project. DMLW received a letter of support signed by the Commissioner of the Department of Transportation and Public Facilities dated April 8, 2024. DMLW also received a letter of support from Goldbelt, Inc. dated April 1, 2024. JHI has also provided DMLW with letters of support from Coeur Alaska and the City and Borough of Juneau.

Additionally, Administrative Order 310 directs DNR to take all necessary steps to streamline, consistent with Alaska Statutes, the authorization and environmental permitting and review processes required for the construction of broadband facilities that utilize state land¹. Broadband technologies play a foundational role in enhancing Alaska's economy through the delivery of advanced telecommunication services to residents and businesses. It is incumbent upon the State to foster and promote development of FOC systems so that the people of Alaska can reap the benefits and conveniences these technologies provide.

Performance Guaranty

Performance guarantees are a means to ensure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

History of Compliance: DNR Land Administration System records indicate that the applicant is in a state of compliance with the terms of other DMLW-issued authorizations.

¹ Administrative Order No. 310, May 29, 2019.

Performance Guaranty Narrative: The applicant is required to submit a performance guaranty in the amount of \$24,000 to ensure completion of EA requirements. This performance guaranty shall remain in place during the term of the EA and will be subject to release upon the acceptance of a DMLW-approved survey and the fulfillment of all conditions and stipulations of this decision and the EA. The guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to furnish an additional performance guaranty if DMLW determines there to be additional risk to the State. The guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the EA. An additional performance guaranty may be required for an extension of the EA beyond the initial term proposed under this decision.

Insurance

Consistent with AS 38.05.850, to protect the State from liability associated with the use of the site, the applicant shall provide and maintain a comprehensive general liability insurance policy with the State of Alaska named as an additional insured party per the stipulations of the easement agreement. The applicant shall secure or purchase at its own expense and maintain in force at all times during the term of this easement, liability coverage and limits consistent with what is professionally recommended as adequate to protect the applicant and the State, its officers, agents and employees from the liability exposures of all the insured's operations on state land. The insurance requirement may be adjusted periodically.

Survey

A DMLW-approved survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The area shown on Attachment 1 is the basis for the survey. The applicant must acquire survey instructions and coordinate with the DMLW Survey Section during the survey process. A survey instruction fee may be applicable. A draft must be submitted to the Survey Section prior to the expiration of the EA and a final survey must be approved by DMLW before the issuance of the final easement.

Fees

Entry Authorization: In accordance with 11 AAC 05.070(d)(2)(I), the fee for an Entry Authorization for an approved easement or right-of-way for site development is \$240 annually for up to two acres, and \$120 annually for each acre above two. With the proposed easement occupying an estimated 23.23 acres, the annual fee for this Entry Authorization will be \$2,787.60. After submission of the DMLW approved survey and any other required EA deliverables, the annual entry authorization fee will be terminated.

<u>Easement:</u> DMLW has policy guidance directing staff to treat companies installing fiber optic cables as public utilities, whether they are regulated by the RCA or not.² Therefore, in accordance with 11 AAC 05.070(d)(2)(C) and the Directors Fee Order (June 2018), a one-time fee of \$0.56 per centerline linear foot will apply for this easement. **The one-**

² DPF 2020-03, June 1, 2020

time easement fee is estimated to be \$18,885.44 (33,724 feet x \$0.56); however, the precise length of the easement and easement fee amount will be determined by the survey provided. The final, one-time easement fee will be due during the Entry Authorization period before the final easement is granted.

<u>Survey:</u> Fees for survey instruction, review, and recording will be required and administered through the Survey Section.

<u>Recording:</u> The applicant shall pay the appropriate recording fees as determined based on current regulation to have the easement document recorded by DMLW. Recording fees shall be paid prior to the execution of the easement document.

Entry Authorization

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an entry authorization be issued for a term ending 3 years from the effective date of this decision for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public easement. The entry authorization may be revoked if the applicant has not supplied DMLW with a draft survey within 3 years of receiving survey instructions. 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 must contact DMLW no later than 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan. Staff recommend that entry authorization not be granted until the following deliverables have been provided to DMLW, as described or recommended above:

- Payment of the Entry Authorization fee, in the amount of \$2,787.60.
- Performance Guaranty, in the amount of \$24,000.
- Certificate of Insurance as described above.
- Corporate Resolution or other form of proof that the signer of the Entry Authorization, Easement, and other documents related to this authorization is authorized to do so on behalf of Juneau Hydropower, Inc.

Easement Term

The authorization requested under ADL 109286 will be issued for a term of 50 years from the effective date of this decision. Easements issued under AS 38.05.850 may be revoked for cause if the area described is no longer used for the purpose intended or if a higher and better use of the land is established as determined by DMLW. Following termination an easement, whether by abandonment, revocation, or other means, a grantee shall restore the site to a condition that is acceptable to DMLW. A grantee's planned site restoration activities, including either removal or abandonment of installed improvements, must be described in writing and present to DMLW prior to termination of the easement. DMLW may require compliance with additional conditions specific to the site restoration effort that were not required for the construction, maintenance, or operation of described improvements. Should a grantee or refuse to perform approved site-restoration activities within the time allotted by DMLW, the improvements may become

property of DNR. However, a grantee shall not be relieved of the cost of restoring the area to a condition that is acceptable to DMLW.

Recommendation

In consideration of all events and criteria described above, it is my determination that this project is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. Therefore, I recommend the issuance of a public easement to Juneau Hydropower Inc. pursuant to AS 38.05.850, upon satisfactory completion of the project in conformance with all the terms and conditions of this decision and the EA. The easement will be issued for a term of 50 years from the effective date of this decision that may be terminated if a higher and better economic use for the project area is established as determined by DMLW Director, if the land is no longer used for the above stated purpose or is revoked for cause.

Laurel Smith	8/29/2025
Laurel Smith, Natural Resource Specialist	Date

Regional Manager's Decision

When adjudicating an easement authorization pursuant to AS 38.05.850, DNR seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all events and criteria listed above, DMLW has determined that the authorizations to be granted under ADL 109286 are consistent with DNR's mission. It is my decision that this project is consistent with the overall classification and management intent for this land. DMLW will issue a public easement, pursuant to AS 38.05.850, once the applicant has conformed to all terms and conditions of this decision and the EA.

Mason Auger	8/29/2025
Mason Auger, Natural Resource Manager 2	Date

Attachments:

Attachment 1. Development Diagram Attachment 2. Draft Entry Authorization

Attachment 3. Draft Easement

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska 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. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf.