

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
South Central Regional Office

Regional Manager's Decision

ADL 234607
Christopher Hickman
Public Access Easement

REQUESTED ACTION

On September 9, 2024, 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 Christopher Hickman (the applicant) for a proposed access road on State-owned, DMLW-managed land near Dillingham, Alaska. The purpose of the proposed easement is to provide access to applicants' parcel depicted on Alaska State Land Survey No. 83-179. The applicant has requested a public access easement 9,200 feet long¹, 30 feet wide, and approximately 6.33 acres. The proposed route will utilize two 25' lot line easements common to Tract's A and B and Tract A-1 (Figure 1.1 and 1.2).

RECOMMENDED ACTION

Approval of an easement with the following parameters:

- Width: 30 feet in width on state land outside of the two 25' lot line easements proposed for use
- Length: 9,200 feet in length
- Acreage: Approximately 6.33 acres in size
- Term: Indefinite
- Grantee: DMLW will grant the final public easement to itself on behalf of the public.
- Type of easement: Public Access Easement

Staff's research and recommendations concerning the creation of this easement and any changes from the applicant's request are discussed below.

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.

¹ While the applicant applied for a constructed route 9,850 long, approximately 650 feet will be located within two existing lot line easements and will not require issuance of a new easement.

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 2013 Bristol Bay Area Plan, other classification references described herein, and the casefile for the application serialized by DNR as ADL 234607.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement near Dillingham, Alaska.

Meridian Township Range Section

The applicant has applied to use State-owned, DMLW-managed uplands within Sections 14, 15, and 22, Township 12 South, Range 56 West, Seward Meridian, Alaska.

Other Land Information

Municipality: Dillingham, Alaska.

Regional Corporation: Bristol Bay Native Corporation.

FIGURE 1 – A map depicting the proposed access route.



	<p>Figure 1: General Location Map ADL 234607 Public Access Christopher Hickman Dillingham, AK</p>		
	<p>Note: This map provides a graphical representation of a proposed authorization. This is not an exact location of the proposed site and has only been provided as a general reference for noticing. Exact location of the authorization site may be adjusted prior to issuance. This map is not intended for navigational purposes.</p>		

TITLE

The State of Alaska holds title to applicable portions of lands within Sections 14, 15, 22 of Township 12 South, Range 56 West, Seward Meridian, Alaska, per U.S. Patent 50-2016-0081 Number recorded in Bristol Bay Recording District as 2016-000341-0. The associated DNR land acquisition casefile is GS 602.

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. Third party interest notification has been sent to all interest holders noted below.

- MCO 196: Mineral closing order

PLANNING & CLASSIFICATION

The requested easement is located within state-owned uplands within boundaries of the revised 2013 Bristol Bay Area Plan (BBAP), Management Unit 05-16: Warehouse Mountain. According to Map 3-5, the proposed easement is within unit 05-16, within the Dillingham, Snake Lake, and Nushagak Bay Region, and is designated as Settlement (Se) (3-81).

Due to the generally good topography and relatively good accessibility of lands in Region 5, large tracts have been designated as Settlement in order to promote the expansion of the Dillingham community (3-72). Management unit 05-16 is designated Settlement which converts to a classification of Settlement Land (4-7). The plan states that development within this unit is to conform to the requirements of Remote Settlement and guidelines for Caribou and Moose Rutting, Wintering, and Calving Areas (3-81)

Remote Settlement, as outlined in the plan, is considered 'generally more challenging to access and develop than other types of management units, and are most suitable for residential or recreational use'. The applicant's parcel is currently not connected to an established road system. Therefore, the granting of such easement will provide applicant and surrounding landowners access to their respective parcels and will fulfill the BBAP goal for public access of, 'Maintaining, enhancing, or providing adequate access to public and private lands and resources. Providing for future trail and access needs' (2-45).

Under management guideline K in the Caribou and Moose Rutting, Wintering, and Calving Areas section of Ch. 2 in the BBAP, activities capable of producing a sufficient acoustic or visual disturbance during the moose or caribou calving, rutting, or post-calving aggregations should not be authorized in this area, unless they are able to be seasonally restricted (2-14). Therefore, the development of this proposed easement will be prohibited between the months of May through June to avoid disturbance during these sensitive periods.

ACCESS

Functional legal access to the state land discussed herein exists via Warehouse Mountain Road.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from June 27, 2025, to July 27, 2025. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Dillingham post office and Dillingham public library for display on their notice board. Notice of the application was distributed to 21 local property owners as detailed in the casefile for ADL 234607. Additionally, the notice was also sent to the following recipients:

- Bristol Bay Native Corporation
- Bristol Bay Native Association
- Aleknagik Natives Limited
- Choggiung Limited

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency Review of the application was conducted from June 27, 2025, to July 27, 2025. The notice was sent to the following recipients.

State of Alaska:

- DNR Division of Parks & Outdoor Recreation (DPOR); Permitting and the Office of History and Archeology (OHA)
- DNR Division of Forestry
- DNR Division of Oil & Gas (DOG); State Pipeline Coordinators Section
- DNR Mental Health Land Trust Office
- Department of Environmental Conservation (DEC) Division of Water; Wastewater, Alaska Pollutant Discharge Elimination System Program
- DEC Division of Environmental Health; Drinking Water Program, Solid Waste Program, and Tsunami and Marine Debris Program
- DEC Division of Spill Prevention; Contaminated Sites
- DEC Division of Air Quality; Air Non-Point and Mobile Sources Program
- ADF&G; Habitat Section, Wildlife Conservation, Access Defense Program
- Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs
- Alaska Department of Transportation and Public Facilities; Statewide Right-of-Way

Federal:

- United States Army Corps of Engineers

Local:

- City of Dillingham; City Clerk and Planning Section

Agency Review Comment & Response

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

Comment: On July 22, 2025, DPOR OHA stated that it is unlikely that significant cultural resource sites would be affected by the proposed easement but noted that the applicant should notify OHA if any cultural resources are discovered during construction.

Response: SCRO acknowledges the response.

Comment: On July 24, 2025, ADF&G Access Defense Program provided a statement on non-objection in regards to the proposed public access easement. However, ADF&G made the following comments and recommendations:

1. The proposed road will cross a waterbody (near 59.132213°, -158.696175°) that, while not currently cataloged in the Anadromous Waters Catalog (AWC), has good connectivity to an anadromous waterbody and likely provides quality fish habitat. Any proposed culverts through this waterbody will likely require a Fish Habitat Permit from the ADF&G Habitat Section. Please direct any Fish Habitat Permit related questions to the ADF&G Habitat Office at (907) 237-2342 or dfg.hab.infoanc@alaska.gov.
2. Preserving habitat (such as trees, shrubs, or ground cover) while meeting project goals is crucial for safeguarding habitat and sustaining breeding bird populations. During construction planning, it's advisable to schedule vegetation clearing before or after the breeding season. For more details on nesting seasons, refer to <https://www.fws.gov/alaska-bird-nesting-season>.
3. Although development of the area would slightly reduce habitat for local species, it is unlikely to have a population-level impact on wildlife.
4. Project activities may affect species listed under the Endangered Species Act (ESA) and other sensitive resources, such as migratory birds, which are managed by the U.S. Fish and Wildlife Service (USFWS). We recommend using the Information for Planning and Consultation (IPaC) tool (<https://ipac.ecosphere.fws.gov/>) to identify USFWS trust resources that may be present within the project boundary, including the likelihood of presence during project activities. For further details, contact the Southern Alaska Fish & Wildlife Field Office at 907-271-2888 (phone) or 907-271-2786 (fax).

Response: SCRO acknowledges the comment.

No other comments were received.

ENVIRONMENTAL CONSIDERATIONS

Staff evaluate environmental factors directly related to the authorization of use of state lands, specifically whether the approval of 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 or not to approve the authorization.

Environmental contamination risk associated with this proposed easement is minimal. Staff recommend 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. Staff further recommend that no fuel or other hazardous materials are

authorized to be stored on site. There are no other known environmental considerations or constraints in this location.

ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES

In accordance with AS 38.05.850, DMLW considers if the requested authorization will provide the greatest economic benefit to the State and development of its natural resources. Specifically, staff assess both direct and indirect economic benefits and whether the proposed authorization encourages the development of the State's resources. The authorization considered herein will provide a direct economic benefit to the state in the form of land use fees. Additionally, 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. In consideration of these factors, and because there are no competing requests for authorization, staff advise that approval of this easement will provide the greatest economic benefit to the State.

DISCUSSION

Seasonal Construction:

To conform to the criteria laid out in the 2013 Bristol Bay Area Plan, construction and development of the proposed easement will be prohibited between the months of May and June so as to not disturb moose and caribou calving, rutting, or post-calving aggregations.

Monuments:

If monuments are located along the proposed route that could be destroyed during initial development of the easement, then the monuments should first be referenced by a Registered Professional Land Surveyor and replaced if destroyed.

Term:

Staff recommend that the easement considered herein be granted for an indefinite term from the effective date of this decision as the need for this easement can be expected to exist as long as the owner requires access.

Lot Line Easement:

The intended route will utilize the 25' lot line easement common to Tract A, ADL 202227, and Tract B, ADL 206384, as depicted on Alaska State Land Survey 83-162 (Figure 1.1) and a portion of the 25' lot line easement common to Tract A-1, ADL 214947, as depicted on Alaska State Land Survey 83-81 (Figure 1.2). The approximately 650 feet of the proposed route which utilizes the lot line easement is not factored into SCRO's calculation of the applicant's land use fees.

Figure 1.1: ASLS 83-162

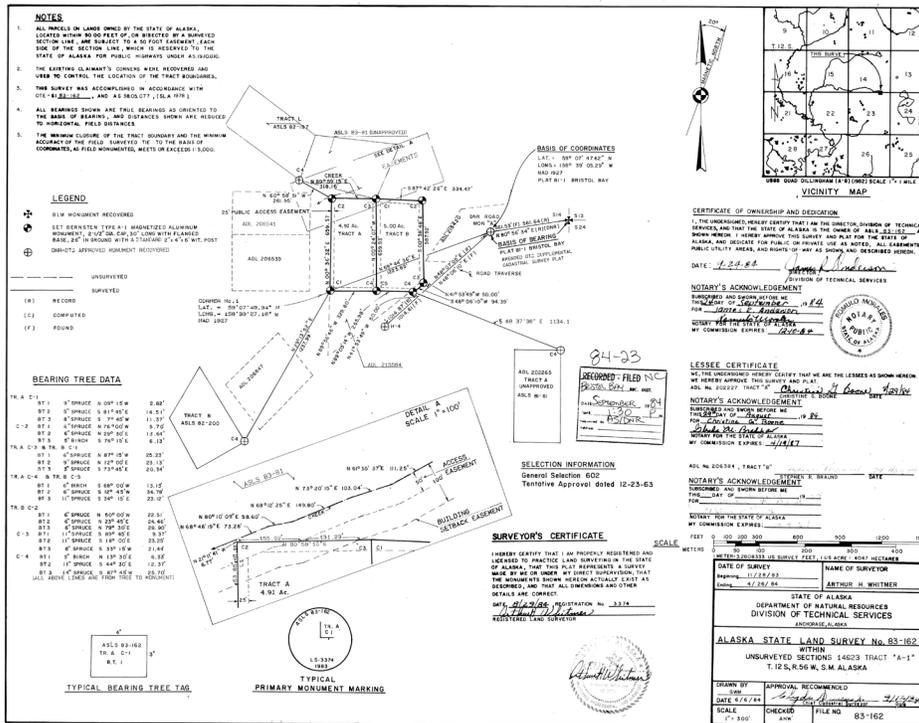
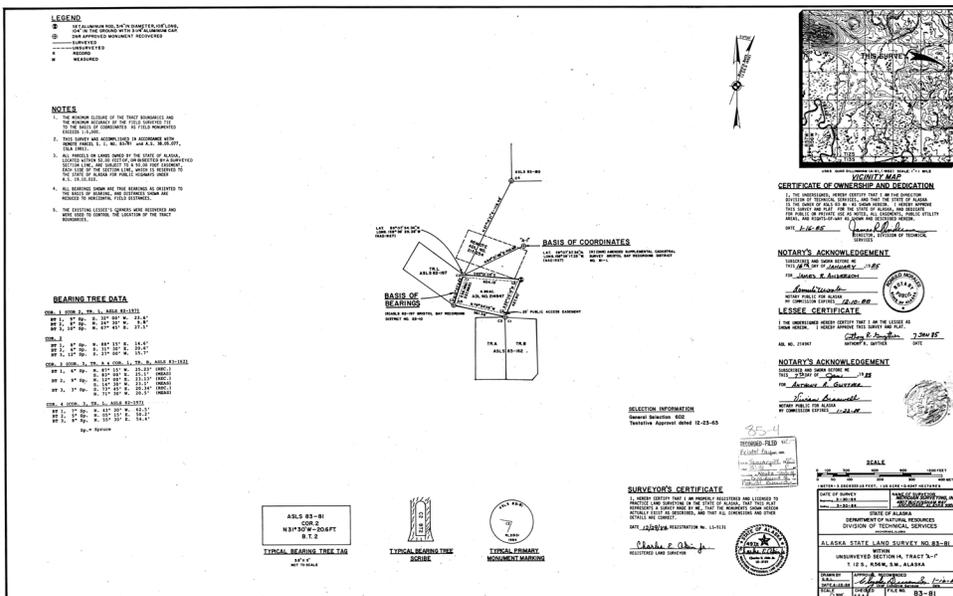


Figure 1.2: ASLS 83-81



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, appraisal, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. Staff recommend that the applicant be required to submit a performance guaranty in the amount of \$21,563 to ensure completion of entry authorization requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the entry authorization by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of an as-built survey in accordance with survey instructions issued by the DMLW Survey Section, as described herein. This performance guaranty shall remain in place during the term of the entry authorization and will be subject to release upon the acceptance of a DMLW-approved as-built survey and the fulfillment of all terms, conditions and stipulations of this decision and the entry authorization. The performance guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to provide an additional performance guaranty if DMLW determines there is additional risk to the State. The performance 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 entry authorization. An additional performance guaranty may be required for an extension of the entry authorization beyond the initial term proposed under this decision.

INSURANCE

Staff recommend that the applicant be required to submit proof of insurance in an amount the insurance company determines necessary to protect both the State and the applicant from risks associated with the planned activities under the Entry Authorization for ADL 234607. The applicant will be responsible for maintaining the necessary insurance during the term of the Entry Authorization. The insurance may be adjusted to reflect updates and changes in the associated project and the applicant may be required to furnish additional insurance if DMLW determines there is additional risk to the State. A certificate of insurance listing the State of Alaska, Department of Natural Resources as an additional insured on the policy, or other insurance acceptable to the State, must be submitted to DMLW prior to entry on state land and must be maintained throughout the term of the Entry Authorization.

SURVEY

Staff recommend that a DMLW-approved as-built survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The applicant will be required to request survey instructions prior to issuance of the entry authorization. The survey must be produced in accordance with survey instructions provided by the DMLW Survey Section and stamped by a Professional Land Surveyor registered in the State of Alaska. A final easement will not be issued until the as-built survey has been approved by DMLW.

FEES

Staff find that the following fees are applicable to this request. These fees may be adjusted if regulation(s) or department fee schedule pertaining to the fee(s) change during the term of the entry authorization and/or easement and will be subject to non-sufficient fund and late payment penalty fees. All fees shall accrue from the effective date of the decision.

- The applicant shall pay an annual interim land use fee of \$120 per acre rounded up to the nearest acre, with a \$240 minimum, totaling \$840, per 11 AAC 05.070 (d)(2)(I) for the term of this EA. This fee is charged concurrently with any other land use fees that may be described herein.
- The applicant shall pay an annual interim land use fee of \$120 per acre in accordance with 11 AAC 05.070 (d)(2)(B) and DMLW Director's Fee Order Number 3 prior to issuance of the final easement authorization. This fee is subject to adjustment based on approval of a DMLW-approved as-built survey.
- Additionally, the applicant shall pay applicable document recording fees prior to DMLW's execution and recordation of the easement document.

ENTRY AUTHORIZATION

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. SCRO recommends that an entry authorization be issued for a term ending 5 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 access easement. The entry authorization may be revoked if the applicant has not supplied DMLW with a draft as-built 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. SCRO recommends that entry authorization not be granted until the following deliverables have been provided to DMLW, as described or recommended above:

- Land use fees.
- Evidence of having made request for survey instructions to the DMLW Survey Section.
- Insurance
- Performance Guarantee

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 the recommendation of staff to issue an easement as described above, on the condition that all stipulations are followed as described in the attached authorization.

Annalee Cunningham

Annalee Cunningham, Natural Resources
Specialist
DMLW Southcentral Regional Land Office

09/18/2025

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 first business day after the twentieth calendar day after signature.

Brent Reynolds

Brent Reynolds, Natural Resource Manager 2
DMLW Southcentral Regional Land Office

9/18/2025

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. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200.00 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>.