

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
SOUTHCENTRAL REGIONAL LAND OFFICE**

Regional Manager's Decision

ADL 234613
Copper Valley Telecom Cooperative
Public Utility Easement

REQUESTED ACTION

On November 21, 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 Copper Valley Telecom Cooperative (CVTV; the applicant) for installation of below grade fiber optic cable, as part of Copper Valley Telecom Cooperative's Fiber to the Home project on State-owned, DMLW-managed uplands near Glennallen, Alaska. The applicant has requested a public utility easement approximately 405 feet long, 20 feet wide, and 0.186 acres in size.

RECOMMENDED ACTION

An easement be created with the following parameters:

- Width: Change from 20 feet to 30 feet
- Length: 405 feet
- Acreage: 0.186
- Term: Change from 30+ years to Indefinite
- Grantee: Copper Valley Telecom Cooperative
- Type of easement: Public Utility Easement

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 1986 Copper River Basin Area Plan other classification references described herein, and the casefile for the application serialized by DNR as ADL 234613.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement in Glennallen, Alaska, near Milepost 186 on the Glenn Highway.

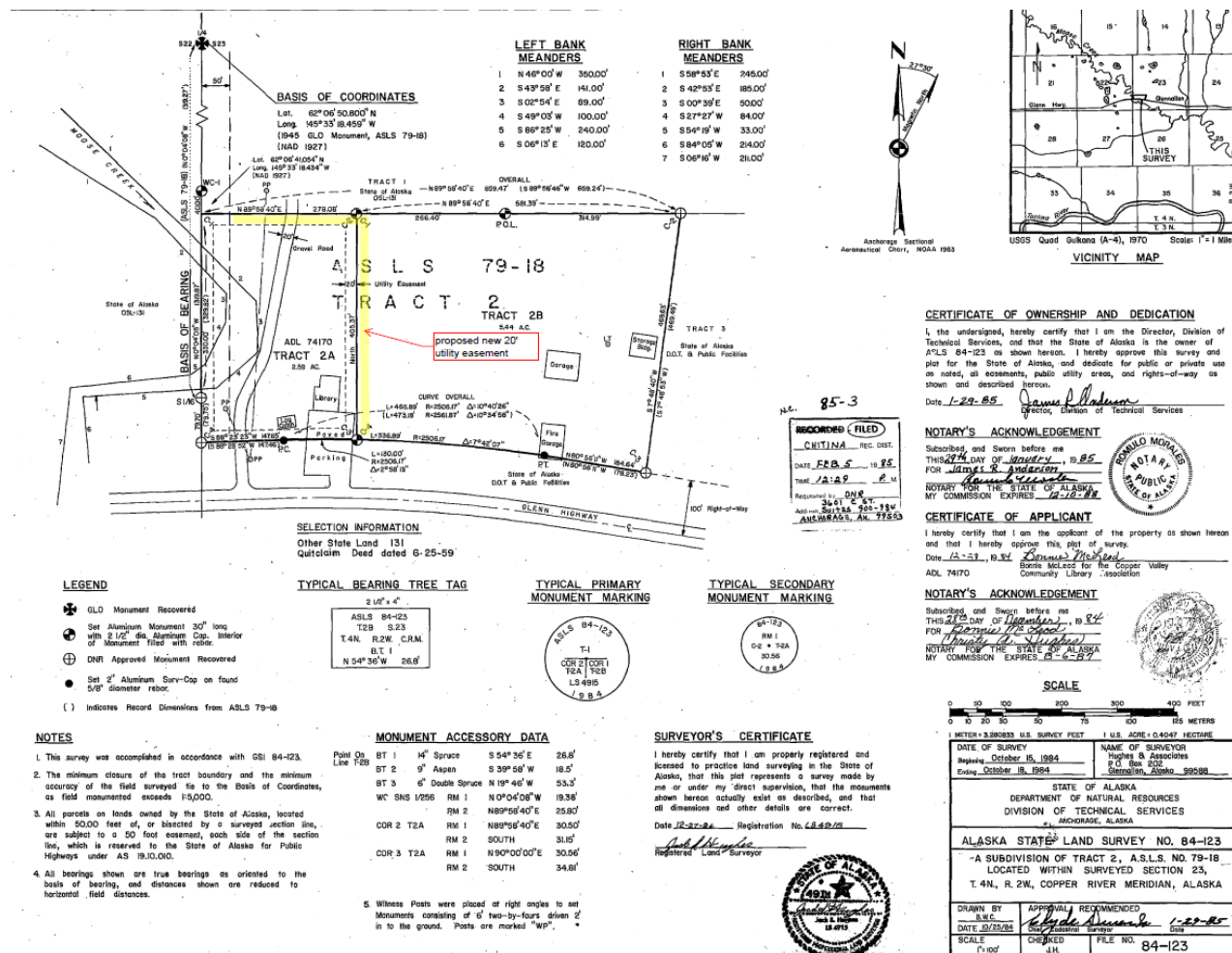
Meridian Township Range Section

The applicant has applied to use State-owned, DMLW-managed lands within Section 23 of Township 4 North, Range 2 West, Copper Meridian

Other Land Information

Municipality: Unorganized borough
Regional Corporation: AHTNA, Inc.

FIGURE 1 – A map supplied by the applicant that depicts the area and proposed improvements.



TITLE

The State of Alaska holds title to applicable portions of lands within Section 23 of Township 4 North, Range 2 West, Copper River Meridian, Alaska, per the Alaska Omnibus Act (Public Law 86-70). The lands were transferred to the State via quitclaim deed recorded in the Chitina Recording District as document number 1970-000019-0. The associated DNR land acquisition casefile is OSL 131.

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.

- ADL 231181 – Potential Hazardous Site – Department of Transportation & Public Facilities

PLANNING & CLASSIFICATION

The project area affected by this proposed project is within DNR's 1986 Copper River Basin Area Plan (CRBAP), Management Unit 23: Glennallen-Gulkana, Management Subunit 23D (pg. 3-153).

Parcel tracts 2A and 2B are state land acquired through OSL 131 under the Alaska Omnibus Act. Tract 2A is classified as Settlement Land (CL SC-84-019) while Tract 2B is unclassified state land. Disposals of unclassified state land are not allowed except for uses that constitute minor access under 11 AAC 55.040(i)(6); Utility lines of less than 1,500 feet may be considered minor access if it is determined that the use will have an insignificant effect on the land and resources.

In consideration of the above, the approval of an easement as proposed does not conflict with the management intent and goals of the CRBAP.

ACCESS

Functional legal access to the state land discussed herein exists via the Glenn Highway.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from September 8, 2025, to October 8, 2025. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Glennallen Post Office, Glennallen Community Center, and the Copper Valley Community Library for display on their notice boards. The notice was also sent to the following recipients:

- AHTNA, Inc.
- Copper River Basin Lion's Club
- Copper Valley Electric Association

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency review of the application was conducted from September 8, 2025, to October 8, 2025. The notice was sent to the following recipients:

State Agencies

- DNR Division of Oil and Gas, State Pipeline Coordinator Section
- DNR Division of Parks and Outdoor Recreation (DPOR); Permitting
- DNR DPOR Office of History and Archaeology
- DNR AK Mental Health Trust Land Office
- Department of Transportation & Public Facilities; Statewide ROW
- Alaska Department of Fish & Game, Wildlife Conservation (ADF&G), Access Defense Program
- Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs
- Department of Environment Conservation (DEC), Division of Environmental Health, Drinking Water Program
- DEC, Division of Water - Alaska Pollutant Discharge Elimination System Program
- DEC, Division of Environmental Health, Solid Waste Program
- DEC, Division of Spill Prevention and Response; Contaminated Sites Program
- DEC, Division of Air Quality; Permitting
- DEC, Division of Air Quality; Air Non-Point and Mobile Sources

Federal Agencies

- US Army Corps of Engineers

Agency Review Comment & Response

A total of 2 comments were received during the agency review and are summarized below:

Comment: On September 29, 2025, DEC, Division of Spill Prevention and Response; Contaminated Sites Program stated they do not have any concerns regarding this project and that it does not appear that known areas of contamination will be impacted.

Response: SCRO acknowledges the comment.

Comment: On October 2, 2025, DOT&PF stated no comment at this time.

Response: SCRO acknowledges the comment.

Comment: On October 7, 2025, DEC, Division of Environmental Health, Drinking Water Program, commented that “given the location(s) provided, this project is near an active registered PWS source (see attached “DEC_PWS_Map.jpg” and summary table below). For this reason, we ask that the applicant please adhere to the attached Recommendations for General Project Activities near a PWS source, where applicable”.

To access our interactive web map, which displays PWS source locations and Drinking Water Protection Areas, please visit:

<https://www.arcgis.com/home/item.html?id=13ed2116e4094f9994775af9a62a1e85>.

Response: SCRO acknowledges the comment and has forwarded the information to the applicant.

Comment: On October 8, 2025, ADF&G, Access Defense Program commented that they have no objection to the authorization of this easement, however, they did provide the following information:

1. 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).
2. Nesting: Conserving habitat features like trees, shrubs, and ground cover can help support breeding bird populations while meeting project goals. Information on typical nesting seasons in Alaska is available at <https://www.fws.gov/alaska-bird-nesting-season>, which may be useful when considering the timing of vegetation clearing.

Response: SCRO acknowledge the comment and has forwarded the information to the applicant.

ENVIRONMENTAL CONSIDERATIONS

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

DMLW assesses the economic benefits of the proposed authorization and whether it encourages the development of the State's resources. This authorization 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 utility system, which will promote conditions for economic development, thus providing an indirect benefit to the state. There are no known competing projects for use of these lands, therefore 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

SCRO recommends 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 adjoining land requires utility service.

While CVTC originally applied for a 20-foot public utility easement, 11 AAC 51.015(d)(1)(A) sets the minimum width of a public utility easement at 30 feet.

This proposed easement is in close proximity to the DEC Glenn Highway Maintenance Camp active contaminated site (serialized as ADL 231181 and DEC Hazard ID 3347). Based upon DNR records, the easement will be 200-300 ft from the nearest documented contamination in the latest site assessment (2014). Given the nearby contaminated site and past uses of the area, DNR DMLW Statewide Abatement of Impaired Land section recommends that the authorization holder develop an unanticipated contamination plan. An unanticipated contamination plan is a common best management practice for activities occurring near contaminated sites, especially for activities requiring soil movement. A copy of a site plan that documents the remaining contamination was sent to the applicant.

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 \$4,787.00 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 234613. 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

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

- 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 \$240.00, 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 a one-time fee of \$0.56 per linear foot for a public easement for a utility per 11 AAC 05.070(d)(2)(C) and Director's Fee Order No. 3. The total charge for this fee will be determined following DMLW's approval of an as-built survey document.

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. All fees shall accrue from the effective date of the decision.

Additionally, the applicant shall pay applicable document recording fees prior to DMLW's execution and recordation of the easement document.

ENTRY AUTHORIZATION

An entry authorization shall 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 utility 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.

No authorization shall be granted until the following deliverables have been provided to DMLW:

- Land use fees.
- Evidence of having made request for survey instructions to the DMLW Survey Section.
- Certificate of Insurance.
- A performance guaranty.

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.

Savannah Lilyhorn

Savannah Lilyhorn, Natural Resource Specialist
DMLW, Southcentral Regional Land Office

10/20/2025

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
DMLW, Southcentral Regional Land Office

10/20/2025

Date

ATTACHMENTS

- Entry authorization, unsigned
- Draft easement document

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>.